

STATE OF NEW YORK COUNTY OF ALBANY

TOWN OF COLONIE

AGENDA SESSION

THE STENOGRAPHIC MINUTES of the above
entitled matter by NANCY L. STRANG, a
Shorthand Reporter commencing at 6:00 PM on
September 24, 2020 at Memorial Town Hall,
534 New Loudon Road, Latham, New York

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- MELISSA JEFFERS VONDOLLEN
- DANIELLE FUTIA
- RICHARD FIELD
- JILL PENN
- DAVID GREEN

ALSO PRESENT:

- MICHAEL C. MAGGUILLI, ESQ., TOWN ATTORNEY
- JULIE GANSLE, TOWN CLERK
- P. CHRISTOPHER KELSEY, COMPTROLLER
- SEAN MAGUIRE, AICP, CEcD, DIRECTOR,
DEPARTMENT OF PLANNING AND ECONOMIC

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DEVELOPMENT
CHRISTOPHER CAREY
JOHN BAILEY, ESQ., BAILEY JOHNSON & PECK

1 MR. MAGGUILLI: We have a lot of ground
2 to cover. We have John Bailey here tonight.
3 John will be speaking to us in Executive
4 Session regarding the Needlebach case with
5 Crystal and then Chris Carey has asked
6 permission to speak to the Board about an
7 issue that he would like to address in front
8 of the Board. I would like Chris to speak to
9 that.

10 In the meantime, we have four personnel
11 matters.

12 The first personnel is filling a vacancy
13 created by Greg Hoyt's resignation with
14 Stephen Lawler. He's going to be a Maintenance
15 Worker, Grade 8; \$19.86 an hour starting
16 October 13th, subject to a pre-employment
17 physical.

18 Resolution 361B is creating a new
19 position in Civil Service for Timothy Trance.
20 He's been here, I believe, for a while. This
21 is essentially a Civil Service matter; \$24.83
22 an hour, October 13, 2020, subject to a
23 pre-employment physical.

24 Resolution 361C is filling a vacancy
25 created by Rebecca Mann leaving. We are

1 filling that vacancy with Kelly O'Sullivan.
2 She is provisionally appointed to a Senior
3 Resource Case Worker at \$49,788 a year
4 starting September 28th.

5 Finally, we have Christopher Mastroianni
6 and he's been certified as eligible and
7 permanently appointed to the Building
8 Inspector position, Grade 14; \$62,682,
9 starting February 28th.

10 Then we have the first of a number of
11 public hearings on tonight that I'd like to
12 talk to you about. This one from Martin
13 Harding and Mazzotti and then the other one
14 for Rich Rossetti looking for a single-family
15 to multi-family. These are all requesting zone
16 changes.

17 What I'm going to recommend to the Board
18 is this: That we go forward with the public
19 hearing and let these people have their say,
20 but not vote on these tonight because what we
21 are finding is we are getting more and more of
22 these requests for zone changes. They come in
23 situations where they may not necessarily be
24 able to get a use variance because of the
25 legal requirements with regard to use

1 variances. So, they are looking for us to
2 change the law and that could be problematic.

3 One of the things that the Town has
4 always intended to do, but we have been
5 delayed in doing because of the Covid 19 and
6 everything else that has been going on, is
7 after we adopt the Comprehensive Plan the next
8 step on that is always to review the Land Use
9 Law to make sure that the terms of the Land
10 Use Law comply or are in the accordance with
11 the new Comprehensive Plan that was adopted.
12 So, what I'm going to suggest is that we table
13 the vote on any of these things that come in -
14 - not only tonight, but in the future. Any
15 request that we get in the future for zone
16 changes - that they not be placed on the
17 agenda and that they be dealt with as part of
18 the review of the Land Use Law with respect to
19 making sure that it complies with the
20 Comprehensive Plan.

21 SUPERVISOR MAHAN: We have different
22 areas of land use in the zoning to look at
23 because there are some things that either pop
24 out, or there are issues with them to try to
25 figure it out or something that didn't come

1 out the way it was intended. The zoning was
2 rezoned in 2007, so we need to be able to
3 have time to do this process. It takes time.
4 It's a lot of work.

5 We are set with that and I agree with
6 Mike, I don't think we should be voting on
7 something because first of all we haven't had
8 a chance to do that review and until we do the
9 review, this rezoning is not a simple thing.

10 MS. FUTIA: Is 1222 Troy Schenectady
11 Road - it's already zoned single-family
12 residential even with Martin Harding and
13 Mazzotti in that -

14 MR. GREEN: It's single-family. Have you
15 driven by it?

16 MS. FUTIA: Yes.

17 MR. GREEN: You see the gray house
18 sitting there?

19 MS. FUTIA: Yes.

20 MR. GREEN: That plot is a single-family
21 residence and it extends all the way over
22 with all the trees. There's actually two
23 lots.

24 MS. FUTIA: Is 1222 where Martin Harding
25 and Mazzotti is so that would technically

1 be -

2 MR. GREEN: It's very deceiving.

3 MS. FUTIA: Is that something that
4 should be adjusted?

5 MR. GREEN: In my mind, yes. It's just
6 the way the tax rolls are. Numbers are only
7 for 911 purposes and they really don't have
8 any impact. If you look at the tax rolls,
9 it's more clearly depicted as 418 Vly Road.

10 MS. MURPHY: The main building is
11 actually commercial.

12 MS. FUTIA: 1222 is already commercial,
13 so how are we rezoning that if it is already
14 zoned?

15 SUPERVISOR MAHAN: Because that is
16 commercial and it's probably been commercial
17 since I was in high school. It was Dall's
18 Clothing Store back then.

19 The parcel that they want to rezone is
20 also commercial at one time, right Sean?

21 MR. MAGUIRE: It was Business E.

22 SUPERVISOR MAHAN: It was Business E
23 prior to 2007. When they rezoned that piece
24 of land, they rezoned single-family. There is
25 a house that somebody else lives in and abuts

1 that piece of property. That also was
2 commercial when they bought the house. For
3 some reason, that little piece - they rezoned
4 residential. So, you have a commercial
5 building in a commercial area and then you
6 have the other lot or whatever other houses
7 on there and they have a house that people
8 live in and they bought when it was
9 commercial.

10 MR. MAGUIRE: We have Vly Point Road
11 that bisects the residential house.

12 SUPERVISOR MAHAN: So, it's very
13 complicated. I don't think there are any
14 specific plans in Planning, are there?
15 There's nothing before you - no application
16 or anything.

17 MR. MAGUIRE: They have given us an
18 initial idea of the process, but we don't
19 have a concept or sketch to even review.

20 MR. MAGGUILLI: But nothing has been to
21 sketch plan or anything like that?

22 MR. MAGUIRE: No.

23 MR. MAGGUILLI: There have been no DCC
24 meetings?

25 MR. MAGUIRE: No.

1 SUPERVISOR MAHAN: Somebody has
2 something on a website that it was a
3 three-story office building.

4 MR. MAGGUILLI: We have no independent
5 knowledge of that.

6 SUPERVISOR MAHAN: I don't know what it
7 is and I don't know what they're looking at.

8 MR. MAGUIRE: We are advising applicants
9 to not go for reasons right now for this
10 reason. We also advise people that to get
11 through DCC and sketch at the Planning Board
12 before in order to make sure the plans that
13 they have in place are viable and something
14 that the Town wants to pursue. Otherwise, we
15 do get into a situation where we just don't
16 know what it'll be.

17 MS. FUTIA: It's hard to vote on
18 something when you have no idea what it is.

19 MR. MAGGUILLI: Okay, Resolution 363 is
20 a Resolution adopting or not adopting - this
21 is a little different. This is an application
22 for a planned development district. This is
23 pursuant to New York State Town Law as well
24 as the Town Code and this is for the
25 Crisafulli Senior Living planned development

1 district. What they are looking to do is go
2 from a neighborhood/commercial/office/
3 residential to a planned development
4 district.

5 On August 25, 2020 the Planning Board
6 after a public hearing where it was reviewed,
7 it was recommended that the Town Board grant
8 the PDD for the Crisafulli Senior Living. What
9 they are looking to build is one building,
10 three-stories of approximately 139,248 square
11 feet containing 113 independent senior
12 apartments. This is on approximately 10 acres
13 of land and the SEQRA has been determined to
14 be an unlisted action.

15 SUPERVISOR MAHAN: They did bring that
16 down. We had requested that they bring it
17 down from four-stories to three-stories,
18 which they did. they also have a lot of
19 drainage work to do in that area that will
20 help to hopefully improve some things.

21 Also, the public benefit - we requested
22 that they increase that and they also agreed
23 to that.

24 So, they agreed to everything we asked
25 them to do.

1 MR. MAGGUILLI: Resolution 364 is
2 similar to the Martin Harding and Mazzotti
3 Resolution. They are looking to rezone
4 single-family residential to a multi-family
5 residential zone. This is 2.35 acres of land.
6 Instead of building four single-families,
7 they want to be able to build four two-family
8 properties on this 2.35 acres. Again, my
9 recommendation, as you know, is that we let
10 the public hearing go forward and then we
11 table it and deal with it all as part of a
12 global review of the Zoning Law.

13 Resolution 365 is calling a special
14 meeting just for the purpose of Julie
15 distributing the tentative budget for fiscal
16 year 2021 to the Town Board. That meeting will
17 be on October 1, 2020 at 5:00 PM.

18 SUPERVISOR MAHAN: Can people make 5
19 o'clock?

20 (The Board Members agreed.)

21 MR. MAGGUILLI: Resolution 366 is in
22 agreement with Wheelabrator Technologies.
23 This is for the Police Department. It is a
24 three-year contract that would expire on
25 September 30, 2023; \$556 a year. This is for

1 the disposal and transport of special waste
2 also known as contraband. If we go over one
3 ton, it's \$150 per ton with a one-ton
4 minimum. And a \$400 load surcharge for
5 witness fees. In all the years we have been
6 doing this, we've never exceeded a ton. So,
7 it should only cost the Town \$556 a year.

8 Resolution 367 is \$6,238.65 in
9 overestimated water charges to Lisa Germaine.

10 Resolution 368 is reappointing F. Patrick
11 Jeffers as a member of the Town of Colonie
12 Assessment Review Board. These are all for
13 five-year terms and Patrick's term will expire
14 September 30, 2025.

15 SUPERVISOR MAHAN: He is on the Board
16 right now.

17 MR. MAGGUILLI: As a reappointment.

18 Resolution 369 is settling Starlite
19 Associates tax insert case at 90 Coliseum
20 Drive. If approved by the Board, it would be a
21 Town refund of \$2,500.50 and a school refund
22 of \$18,524.61.

23 MS. PENN: Why did we reassess that
24 property?

25 MR. GREEN: They challenged it. We

1 settled it.

2 MS. PENN: Thank you.

3 MR. MAGGUILLI: Resolution 370 is
4 approving the application of Patrick Walcesky
5 for a pre-entitlement and permanent
6 disability benefit. This has to do with the
7 Latham Fire Protection District. Because this
8 is a fire protection district, the Town is
9 considered part of the Governing Board of the
10 Latham Fire Protection District. Because of
11 that, we have to approve things of this
12 nature - an application for disability
13 benefits. The Latham Fire people are good
14 with it. This is through Penflex that we
15 administer for the Fire Departments. This
16 would result, if approved by the Town Board,
17 the payment to Patrick of \$9,545.05.

18 MR. GREEN: It's not a cost to us
19 though, right?

20 MR. MAGGUILLI: No. This comes out of
21 the service award.

22 Resolution 27 is an agreement with
23 Colonie Youth Center. This is for school age
24 child care programs for the coming year. CYC
25 Inc. will provide comprehensive services to

1 Colonie youth before and after school programs
2 and the 2020 summer camp. The charge is \$15
3 per month per student for before and after
4 school and \$20 a week for the summer camp.

5 Resolution 372 is awarding the bid to the
6 low bidder Brigar X-Press. This is for the
7 Town mailings for the upcoming year, plus
8 renewals for 2022 and 23. Each year would be
9 \$6,752.08.

10 Resolution 373 is - Clough Harbour will
11 be providing services with respect to the
12 repairs of the municipal training facility at
13 a cost not to exceed \$6,000. They're going to
14 help us with modifications to the fire tower.

15 Resolution 374 is declaring an emergency
16 at the diesel fuel manway at Public Ops. The
17 cost is \$5,270.98. We had to replace existing
18 road boxes and the concrete over the diesel
19 fuel manway. It was done on an emergency basis
20 by northeast petroleum technologies.

21 Resolution 375 is executing change order
22 number three with National Water Main Cleaning
23 Company. This is a deduct, so we are going to
24 be reimbursed. They've decreased contract
25 amount by \$18,373.65.

1 Resolution 376 has to do - this is the
2 late-starter that I put in on the table. This
3 came up this afternoon. The furloughs expire
4 October 2nd and in order to extend them, we
5 have to adopt a Resolution tonight, so it
6 would be extending initially the furloughs to
7 December 31, 2020. Plus, you would be
8 authorizing Paula in the event that the
9 budgetary constraints are still in existence
10 after that, to allow her at her discretion to
11 extend the furloughs for additional periods of
12 time. That way we don't have to come back and
13 do more of these Resolutions.

14 MR. GREEN: Just as a matter of clarity,
15 Mike, it's not as if this showed up today. As
16 part of the Budget Committee we backed our
17 way into this and we finalized this
18 yesterday.

19 MR. KELSEY: This is mostly part-time
20 employees.

21 MR. MAGGUILLI: It's the job titles and
22 people in Exhibit A.

23 MR. GREEN: This is not too bad. It's
24 not bad from where we were.

25 SUPERVISOR MAHAN: Our next meeting is

1 after October 2nd.

2 MR. MAGGUILLI: All right, we have Chris
3 Carey here and he would like to speak to the
4 Town Board about this matter that he has
5 presented.

6 MR. CAREY: Thank you, Mike.

7 Chris Carey, 6 Tremont Drive, Colonie,
8 New York.

9 Thank you guys for your time. I know how
10 important public safety is to the Town of
11 Colonie and to the Town Board and the Town
12 Supervisor. You guys know that I spent 32
13 years at the Police Department and I'm really
14 proud of my service to the Town in that area.
15 I think now with everything that's going on in
16 the world and in the country I don't think I
17 have to get into that with you guys - that
18 it's more important than ever that we support
19 our public safety people and tonight I would
20 ask for some special support to our Police
21 Department.

22 I gave you guys a packet and I'll explain
23 the pages in the packet. On August 31st the
24 Schenectady Gazette in their editorial section
25 printed a cartoon that is the top page of the

1 packet that I gave you. The cartoon shows a
2 white police officer and white black or
3 whatever color - I don't think it really
4 matters, but in this case it shows a white
5 police officer and he has his gun drawn and
6 the caption says you have the right and he has
7 his gun actually pointed at what appears to be
8 a black individual. The next caption says to
9 remain - and then it shows a caption of the
10 gun going off. The last segment of the caption
11 says silent. It shows what I perceive as being
12 a black individual laying on the ground with
13 gunshots in his back.

14 What I thought would be a great thing is
15 if the Town Board - the Town Attorney would
16 adopt a Resolution basically condemning this
17 cartoon that was in the Schenectady Gazette
18 and showing support -- and I know you guys a
19 very supportive of the Colonie Police -
20 showing support towards our Police Department.
21 Also included in the packet is a sample
22 Resolution.

23 The first Resolution is from the
24 Glenville Town Board and it kind of spells out
25 everything as part of the Resolution that I

1 have explained to you.

2 The second part of that packet is a
3 proclamation that was drawn up by the majority
4 leader of the Albany County Legislature and it
5 was passed throughout the entire legislative
6 body and unfortunately I don't know why - I
7 don't know if it's a Republican/Democrat thing
8 or what it is, but only two Democrats, all the
9 Republicans - and I'm not picking on
10 Republican or Democrat's but only two
11 Democrats signed onto support the
12 proclamation.

13 Like I said, I don't know what goes on
14 down there. I know from being on the Town
15 Board that we've always worked well together.
16 I never cared what your party was or what my
17 party was. It was just a matter of everybody
18 working together and trying to do whatever was
19 in the best interest of the Town.

20 So, I come before you guys and girls
21 asking for support in this matter. I think it
22 would be a great thing to drop a Resolution -
23 have the Town Attorney draw that up and
24 hopefully for the entire Town Board to support
25 that Resolution and to give some support to

1 our great Police Department. If anybody has
2 any questions, I would be glad to answer them.
3 it's pretty self-explanatory.

4 MR. MAGGUILLI: Thank you, Chris.

5 SUPERVISOR MAHAN: Thank you, Chris.

6 MR. MAGGUILLI: Okay, I need a motion to
7 go into Executive Session, if we could. John
8 Bailey and Crystal Peck are here. They're
9 representing the Town in the Needlebach case
10 which was coming up for trial I believe
11 October 19th, or something.

12 MR. BAILEY: This is the Global case.

13 MR. GREEN: I'll make the motion to go
14 into Executive Session to discuss pending
15 litigation.

16 As part of that motion we would like to
17 include Jack staying, John Fraser and Chris
18 Kelsey.

19 MS. MURPHY: Second.

20 MS. GANSLE: All in favor?

21 (Ayes were recited.)

22 Opposed?

23 (There were none opposed.)

24 The ayes have it, Madam Supervisor.

25 (Whereas the above entitled action was

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concluded at 6:35 PM)

CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter
 and Notary Public in and for the State of New
 York, hereby CERTIFIES that the record taken
 by me at the time and place noted in the
 heading hereof is a true and accurate
 transcript of same, to the best of my ability
 and belief.

Date: _____

 Nancy L. Strang
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