

June 11, 2009

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 11<sup>th</sup> day of June 2009 at 7:00 PM.

|                     |                          |
|---------------------|--------------------------|
| PRESENT: Supervisor | Paula A. Mahan           |
| Councilwomen        | Nancy R. Hernandez       |
|                     | Nicole Criscione-Szesnat |
| Councilmen          | Robert D. Becker         |
|                     | William E. Carl          |
|                     | J. Brian Hogan           |
|                     | Thomas F. With           |

ABSENT: None

|                               |                       |
|-------------------------------|-----------------------|
| ALSO PRESENT:                 |                       |
| Town Clerk                    | Elizabeth A. DelTorto |
| Town Attorney                 | Michael C. Magguilli  |
| Chief of Police               | Steven H. Heider      |
| Community Development Manager | Nancy J. Andriano     |
| Building Department Director  | Michael M. Rosch      |
| Town Comptroller              | Craig Blair           |

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**RESOLUTION NO. 277 FOR 2009**

Councilman Carl offered the following resolution and moved its adoption:

**Resolution regarding a local law amending Chapter, 135 of the Code of the Town of Colonie to entitled “Town of Colonie Noise Control Local Law”.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 278 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution dated June 11, 2009 pursuant to Chapter 950 of the Laws of 1972 in relation to Parkside Estates proposed Colonie Sewer District Improvement Area – Project 2006-009.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 279 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution adopting a proposed local law amending Chapter 181 of the Code of the Town of Colonie - “Vehicle & Traffic Codification” by amending the following schedules thereof: Schedule IX – “No Parking Anytime”, Schedule V – “Stop Intersections” and Schedule VI – “Yield Intersections”.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Supervisor Mahan offered the following resolution and moved its adoption:

**Resolution permanently appointing Angelina J. Searles to the position of Sr. Resources Case Worker, Grade 11, in the Senior Resources Department.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Councilman Becker offered the following resolution and moved its adoption:

**Resolution provisionally promoting Lynn D. Gallant to the position of Administrative Aide, Grade 11, in the Building Department.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Councilman Becker offered the following resolution and moved its adoption:

**Resolution permanently promoting Donna F. Babie to the position of Sr. Typist, Grade 8, in the Building Department.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Councilman Becker offered the following resolution and moved its adoption:

**Resolution permanently appointing Diane L. Ryan to the position of Typist, Grade 6, in the Building Department.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Supervisor Mahan offered the following resolution and moved its adoption:

**Resolution changing the rate of pay from part time to full time for Maria C. Zandri as a Clerical Aide, Grade 1, in the Town Clerks Office.**

The resolution was duly seconded by Councilman Becker and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 280 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution provisionally promoting Fred J. Roberts to the position of Environmental Services Foreman in the DPW/Division of Environmental Services.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 281 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with Colonie Senior Service Center, Inc. in connection with providing scholarships for the adult day care program.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 282 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with Colonie Youth Center, Inc. in connection with providing scholarships for child care programs.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 283 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with Big Brothers Big Sisters of the Capital Region, Inc., in connection with providing a youth mentoring program.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 284 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a Renewal Agreement with Joseph E. Mastrianni, Inc. for Consulting Services in connection with administration of the Community Development Block Grant Program.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 285 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a cooperation agreement with the City of Troy and the City of Schenectady for the purpose of continuing a consortium for the HOME Investment Partnership Program**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 286 FOR 2009**

Councilman With offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with Guardian Health Insurance Company to provide dental and vision insurance coverage for employees in Unit E.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 287 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to extend the Sale & Purchase Agreement for one (1) year with Verdoy Fire District in connection with the supply of salt for use during the winter.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 288 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute an amendment to the agreement with the NYS Office of Parks, Recreation & Historic Preservation Contract.**

The resolution was duly seconded by Councilwoman Hernandez and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 289 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution authorizing acceptance of a proposal from Ten Eyck Group Insurance Agents to provide camper accident insurance for the Youth Bureau Summer Camp and Summer Enrichment programs.**

The resolution was duly seconded by Councilman Becker and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 290 FOR 2009**

Councilwoman Hernandez offered the following resolution and moved its adoption:

**Resolution authorizing an expenditure from the Insurance Reserve Fund for payment of legal fees, stenographic fees, expenses and/or settlement amounts, in connection with tort litigation.**

The resolution was duly seconded by Councilman Becker and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 291 FOR 2009**

Councilman Hogan motioned the following resolution be removed from the agenda:

**Resolution in support of the Newspaper Guild's efforts to save local jobs and negotiate in good faith with the Times Union.**

The motion to remove was duly seconded by Councilman With and, upon roll, the following vote during the agenda review session resulted:

|              |                          |     |
|--------------|--------------------------|-----|
| Supervisor   | Paula A. Mahan           | Aye |
| Councilwoman | Nancy R. Hernandez       | Aye |
|              | Nicole Criscione-Szesnat | Aye |
| Councilmen   | Robert D. Becker         | Nay |
|              | William E. Carl          | Aye |
|              | J. Brian Hogan           | Aye |
|              | Thomas F. With           | Aye |

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**RESOLUTION NO. 292 FOR 2009**

Councilman With offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an Agreement with B & L Control Service, Inc.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 293 FOR 2009**

Councilman With offered the following resolution and moved its adoption:

**Resolution rescinding a portion of the December 18, 2008 Town Board Resolution awarding bid to Tronex International, Inc. and awarding same to Midwest Medical Supply Co., LLC in connection with EMS Supplies for the year 2009.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 294 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute a letter of intent and enter into an Agreement with Johnson Controls, Inc.**

The resolution was duly seconded by Councilman Hogan and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 295 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a service agreement with Stanley Access Technology in connection with repair and maintenance of Town door closers.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 296 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding the bid to County Waste in connection with the Leaf and Brush Collection for the DPW/Environmental Services Division and authorizing the Supervisor to execute a service agreement for same.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 297 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution awarding the bid to Mailworks, Brigar Xpress Solutions and The Bradford Mailing House in connection with the various mailings for 2009.**

The resolution was duly seconded by Councilman Hogan and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 298 FOR 2009**

Councilman Becker offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with New York State Division of Criminal Justice Services (DCJS) in connection with the receipt of a License Plate Reader.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 299 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution establishing positions and rates of pay for the Youth Bureau 2009 Seasonal Manning Chart.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 300 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution accepting the dedication of a portion of Becker Street and accepting 3952 Becker Street in the Cedar Hills subdivision.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 301 FOR 2009**

Supervisor Mahan offered the following resolution and moved its adoption:

**Resolution authorizing the implementation and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.**

The resolution was duly seconded by Councilwoman Hernandez and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 302 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding bid in connection with In Place Recycled Base Course for the year 2009 to Gorman Bros., Inc. and authorizing the Supervisor to enter into a contract for same.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 303 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution requesting the New York State Department of Transportation to perform a highway or bridge betterment project pursuant to Highway Law §10(27), appropriating funds therefore and authorizing the Supervisor to execute a Betterment Agreement with NYS DOT in connection with Route 155 and Old Niskayuna Road (PIN # 1807.06.302).**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 304 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute Amendment No. 1 to Engineering Agreement #468-09 with Creighton Manning Engineers, LLP in connection with the Boght Road-Columbia Street Area GEIS Transportation Consulting Services 2009.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 305 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution approving the order dedicating a portion of Boght Road as a Town of Colonie highway.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 306 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to reimburse water usage charges and overpayment charges to various Town residents.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 307 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding the bid to Highlander Construction Co. in connection with the Latham Tank Relocation/Transmission Main Improvements – Phases 4 and 4.1 and authorizing the Supervisor to enter into agreements for same for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 308 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute and submit the Pesticide Business and Agency Registration Application to the New York State Department of Environmental Conservation for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

June 11, 2009

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**RESOLUTION NO. 309 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding the bids to W.M. Schultz Construction, Inc. and Brunswick Electric Inc. in connection with the Latham Tank Relocation/Transmission Main Improvements – Phases 5 and 6 and authorizing the Supervisor to enter into agreements for same for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 310 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding the bid to Highlander Construction Co. in connection with the Latham Tank Relocation/Transmission Main Improvements – Phase 2 and authorizing the Supervisor to enter into an agreement for same for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 311 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an Agreement with N.E. Harris for Emerson Network Power in connection with the UPS Battery Replacement for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 312 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution awarding the bid to Calgon Carbon Corp. in connection with the Mohawk View Water Treatment Plant Granular Activated Carbon Filter Media Removal and Replacement for 2009 for the DPW/Division of Latham Water.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 313 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute and submit a Waste Transporter Permit Application – Modification for the DPW/Division of Pure Waters.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 314 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute and submit the 2008 Annual Certification Report for the Division Stormwater Program to the New York State Department of Environmental Conservation under the Stormwater Pollution Discharge Elimination System Permit (SPDES).**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 315 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the General Services Director to advertise for bids for the purchase of a used fuel truck for the DPW/Division of Environmental Services.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 316 FOR 2009**

Councilman With offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute Amendment #3 to Engineering Agreement #408-07 with Malcolm Pirnie, Inc. in connection with the Landfill Area #6 Phase II – Lateral Landfill Liner.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously tabled until June 25, 2009.

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**RESOLUTION NO. 317 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute and submit an “Application for Dispensation for Hours” with the State of New York Department of Labor in connection with the Landfill Area 6 Phase II Liner Construction Project for Kubricky Construction Corp.**

The resolution was duly seconded by Councilwoman Criscione-Szesnat and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 318 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution designating the General Services Director as the representative of the Town of Colonie for Energy Efficiency and Conservation Block Grants.**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 319 FOR 2009**

Councilman Hogan offered the following resolution and moved its adoption:

**Resolution calling a public hearing in regard to a proposed rezoning of land located at 1360 Loudon Road (Mohawk Riverfront Estates).**

The resolution was duly seconded by Councilman With and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 320 FOR 2009**

Councilwoman Criscione-Szesnat offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an Amended Agreement with the Town and Country Garden Club to install and maintain an ornamental garden at The Crossings.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 321 FOR 2009**

Councilman Becker offered the following resolution and moved its adoption:

**Resolution authorizing certain Capital Improvements providing for miscellaneous Energy Conservation Projects in the Town, authorizing the issuance of Serial Bonds in an aggregate Principal amount not to exceed \$1,000,000 of the Town of Colonie, Albany County, New York, pursuant to the local finance law to finance said purpose and delegating the power to issue Bond Anticipation Notes in anticipation of the sale of such bonds to the Town Supervisor of the Town Board.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

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**RESOLUTION NO. 322 FOR 2009**

Councilman With offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute a Municipal Home Rule Request relative to introduction of Assembly Bill No. A8247 and Senate Bill No. S5686 in connection with Negotiated Retirement Benefits for Emergency Medical Services Department.**

The resolution was duly seconded by Councilman Carl and, upon roll call, it was unanimously adopted.

Respectfully submitted,  
*Elizabeth A. DellTorto*  
Colonie Town Clerk