

November 5, 2009

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 5th day of November 2009 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	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
Town Comptroller	Craig Blair
Assessor	Ronald Monfils
Chief of Police	Steven H. Heider
Management Information Services Director	Lisa Travis
Latham Water District Superintendent	John Frazer, Jr.
Sanitary Engineer	Chreitien R. Voerg
Public Works Commissioner and Superintendent of Highways	Robert S. Mitchell

RESOLUTION NO. 558 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution determining, for purposes of compliance with SEQR regulations, a proposed local law establishing Chapter 189 of the Code of the Town of Colonie entitled “Wireless Telecommunications Facilities Siting Law” and repealing existing wireless telecommunications facilities regulations will not have a significant effect on the environment.

The resolution was duly seconded by Councilwoman Hernandez and, upon roll, the following vote resulted:

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

RESOLUTION NO. 559 FOR 2009

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

Resolution to extend for thirty (30) days the vote for the “Wireless Telecommunications Facilities Siting Law”.

The resolution was duly seconded by Councilman Hogan and, upon roll, the following vote resulted:

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

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RESOLUTION NO. 559 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution adopting a local law establishing Chapter 189 of the Code of the Town of Colonie - “Wireless Telecommunications Facilities Siting Law” and repealing existing wireless telecommunications facilities regulations.

The resolution was duly seconded by Councilwoman Hernandez and, upon roll, the following vote resulted:

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

RESOLUTION NO. 560 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution determining, for purposes of compliance with SEQR regulations, that amending Chapter 190 of the Code of the Town of Colonie, entitled “Colonie Land Use Law,” by adding Subsection 190-119(D) entitled “Wireless Telecommunications Special Use Permits” will not have a significant effect on the environment.

The resolution was duly seconded by Councilwoman Hernandez and, upon roll, the following vote resulted:

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

RESOLUTION NO. 561 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution adopting a local law amending Chapter 190 of the Code of the Town of Colonie - “Colonie Land Use Law” for the purpose of adding Subsection 190-119(D) entitled “Wireless Telecommunications Special Use Permits”.

The resolution was duly seconded by Councilwoman Hernandez and, upon roll, the following vote resulted:

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

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RESOLUTION NO. 562 FOR 2009

Supervisor Mahan offered the following resolution and moved its adoption:

Resolution pertaining to adoption of the 2010 annual budget.

The resolution was duly seconded by Councilman Carl and, upon roll, the following vote resulted:

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

RESOLUTION NO. 563 FOR 2009

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

In the matter of the Assessment Roll of the Colonie Sewer Improvement Area of the Town of Colonie, County of New York.

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

RESOLUTION NO. 564 FOR 2009

Councilwoman Hernandez offered the following resolution and moved its adoption:

In the matter of the Assessment Roll of the Colonie Sewer Improvement Area of the Town of Colonie, County of New York.

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

RESOLUTION NO. 565 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 schedule thereof: Schedule V – "Stop Intersections".

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

RESOLUTION NO. 566 FOR 2009

Supervisor Mahan offered the following resolution and moved its adoption:

Resolution adopting a proposed local law amending Chapter 171 of the Code of the Town of Colonie - "Taxation" for the purpose of deleting and repealing Article V, Homestead and Nonhomestead Base Proportions.

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

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RESOLUTION NO. 567 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution establishing a position of Laborer, Grade 7, in the DPW/Division of Latham Water and appointing Cody E. Hughes to that position.

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

RESOLUTION NO. 568 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Town Board to approve and allow for an Open Development Area at 17 Alix Road.

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

RESOLUTION NO. 569 FOR 2009

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

Resolution authorizing the Supervisor to execute Engineering Agreement #483-09 with CHA in connection with the Reconstruction of Watervliet Shaker Road from Sand Creek Road to Vly Road.

The resolution was duly seconded by Councilman With and, upon roll, the following vote resulted:

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

RESOLUTION NO. 570 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Engineering Agreement #484-09 with Foit Albert Associates in connection with the Maxwell Road Relocation Project.

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

RESOLUTION NO. 571 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution awarding bid to Clemente Latham Concrete in connection with In Place Concrete.

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

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RESOLUTION NO. 572 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Change Orders No. 1, 2, 3 and 4 to the Construction Contract with Kubricky Construction Corp. in connection with the Landfill Area 6 Phase II Project.

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

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RESOLUTION NO. 573 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution awarding bid to Terra Solutions, LLC in connection with Powder Odor Control for the DPW/Environmental Services Division.

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

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RESOLUTION NO. 574 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse water usage charges and penalty fees to various Town residents.

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

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RESOLUTION NO. 575 FOR 2009

Resolution awarding bid to Monroe Tractor in connection with the purchase of a new transmission for the 2004 Backhoe for the DPW/Division of Latham Water.

The resolution was tabled.

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RESOLUTION NO. 576 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Professional Services Agreement #482-09 with Phoenix Environmental Laboratories, Inc. in connection with the DPW/Division of Latham Water Sampling and Analysis of Glycol 2010.

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

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RESOLUTION NO. 577 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Certification of Agency Appointment by a New York Government Entity for W.M. Schultz Construction, Inc. in connection with the Latham Tank Project.

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

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RESOLUTION NO. 578 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution declaring an emergency in connection with repair to the Town of Colonie sanitary sewer located at 542 Albany Shaker Road.

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

RESOLUTION NO. 579 FOR 2009

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

Resolution authorizing the Supervisor to execute an Agreement with Auctions International in connection with on-line auction services.

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

RESOLUTION NO. 580 FOR 2009

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

Resolution rescinding Town Board Resolution #364 of 2009 and authorizing an extension of the lease with American Matchmaker Leasing in connection with the van in Fire Services and authorizing the General Services Director to advertise for bids to purchase a used 2005 Chevrolet Express Vehicle.

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

RESOLUTION NO. 581 FOR 2009

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

Resolution awarding bids to Talco Printing, Inc. and Greenbush Tape & Label in connection with the Town Wide Printing for 2010 and rejecting bids for Group #1 and authorizing the General Services Director to readvertise for bids for Group #1.

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

RESOLUTION NO. 582 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the grandfathering provisions.

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

RESOLUTION NO. 583 FOR 2009

Supervisor Mahan offered the following resolution and moved its adoption:

Resolution authorizing the Town Board to support and concur with the Albany County Empire Zone revisions recommended by Albany County Planning.

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

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RESOLUTION NO. 584 FOR 2009

Supervisor Mahan offered the following resolution and moved its adoption:

Resolution approving 2009 Training for Zoning Board of Appeals.

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

RESOLUTION NO. 585 FOR 2009

Councilwoman Hernandez offered the following resolution and moved its adoption:

Resolution authorizing settlement or discontinuance, subject to judicial approval of the same, pursuant to §68 of the Town Law, of various tax certiorari proceedings.

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

RESOLUTION NO. 586 FOR 2009

Councilwoman Hernandez offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Service Agreement with Altamont Chimney in connection with cleaning the chimney at the Town Golf Course and other Town Facilities.

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

RESOLUTION NO. 587 FOR 2009

Councilwoman Hernandez offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a 36 month Lease Agreement and Maintenance Agreement with National Business Equipment & Supply for one (1) Kyocera Mita KM-2560 photocopier for the Parks & Recreation Department.

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

RESOLUTION NO. 588 FOR 2009

Councilman Hogan offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Rental Agreement with SM Gallivan LLC in connection with the rental of a Trakpactor Crusher for the DPW/Division of Highway.

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

RESOLUTION NO. 589 FOR 2009

Councilman Becker offered the following resolution and moved its adoption:

Resolution suspending Dennis Keane for thirty (30) days without pay

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

Respectfully submitted,
Elizabeth A. DelTorto
Colonie Town Clerk