

REGULAR TOWN BOARD MEETING – February 2, 2012 - 7:00 PM

6:00 Agenda Review Session

134. Resolution authorizing the acquisition of various equipment for Pure Waters, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$350,000.
135. Resolution authorizing the acquisition of various equipment for Latham Water District, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$252,000.
136. Resolution authorizing the acquisition of various Town maintenance and operations equipment, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$765,000.
137. Resolution authorizing the acquisition of various Town equipment for emergency services, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$271,000.
138. Resolution authorizing the improvement of facilities of the Latham Water District, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$1,415,000.
139. Resolution authorizing the acquisition of various Town equipment, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$344,000.
140. Resolution authorizing the construction, reconstruction, renovation and installation of improvements to storm sewer systems in the Russell Road area in the Town of Colonie, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$600,000.
141. Resolution authorizing the undertaking of paving projects for various Town facilities in the Town of Colonie, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$196,000.
142. Resolution authorizing the undertaking of various building improvements to the Town Hall, Public Safety Building, Golf Course and various other buildings in the Town, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$195,000.
143. Resolution authorizing all Town Departments to apply and collect a \$30.00 returned check fee for any check that is returned for any reason.
144. Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees and expenses in connection with tort litigation.

145. Resolution authorizing acceptance of a proposal from Capital Bauer Insurance Agency, Inc. to provide Medical Care Errors and Omissions Liability Coverage for the EMS Department.
146. Resolution authorizing acceptance of a proposal from Capital Bauer Insurance Agency, Inc. to provide Computer Equipment property coverage.
147. Resolution authorizing the Supervisor to reimburse Marini Builders, Inc. for an overpayment of a permit fee in connection with 39 Sutherland Drive.
148. Resolution authorizing the Supervisor to execute an Engineering Agreement with O'Brien & Gere, Inc. in connection with the Mohawk View Water Treatment Plant SCADA Upgrade for the DPW/Division of Latham Water.
149. Resolution awarding the Request for Proposals to Latham Animal Hospital and Mohawk & Hudson Humane Society in connection with animal shelter services for the Police Department and authorizing the Supervisor to execute agreements for same.
150. Resolution authorizing the Supervisor to enter into a Renewal Agreement with Anjo Construction, Ltd. in connection with Storm Water Repair for 2012.
151. Resolution authorizing the Supervisor to enter into an Agreement with Pittsfield Communication Systems, Inc. in connection with technician service for the Public Safety radio system.
152. Resolution authorizing the Supervisor to enter into an agreement with the County of Albany in connection with the Albany County STOP DWI Program.
153. Resolution authorizing the Supervisor to approve the expenses associated with the temporary raising and lowering of cables by Tech Valley Communications and Syracuse Utilities, Inc. for relocating two houses to the Municipal Training Center.
154. Resolution authorizing the Supervisor to rent the office in the Crossings Meeting House.
155. Resolution awarding the bid to Midwest Medical in connection with the purchase of Masimo Disposable SpO2 Pediatric Probes for the Emergency Medical Services Department.
156. Resolution authorizing the Supervisor to enter into a Clinical Agreement with Hudson Valley Community College for the Emergency Medical Services Department.
157. Resolution authorizing the Supervisor to enter into a Technical Service Support Agreement with Physio Control, Inc. in connection with the maintenance for AEDs and Lifepaks in the Emergency Medical Services Department.

158. Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Fuller Road Fire Department, Inc. submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011.
159. Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Shaker Road/Loudonville Fire Department submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011.
160. Resolution calling a public hearing in connection with a proposed local law amending Chapter 190 of the Town Code.
161. Resolution declaring 17 Woods Cross Road to be surplus property and authorizing the sale of same, subject to Section 90 of the New York State Town Law.

RESOLUTION NO. 134 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the acquisition of various equipment for Pure Waters, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$350,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire various equipment (hereinafter referred to as "purpose"), including, but not limited to the following: One (1) High Pressure Vac Truck, and any other directly or indirectly related equipment. The aggregate estimated maximum cost of said purpose will not exceed \$350,000. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$350,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 4. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 5. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 6. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town has determined that the acquisition of the various equipment is a Type II action that will not have a significant effect on the environment and, therefore, no other

determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 13. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 135 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the acquisition of various equipment for Latham Water District, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$252,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire various equipment (hereinafter referred to as "purpose"), including, but not limited to the following: a 10 Ton Dump Truck and Crew Truck, and any other directly or indirectly related equipment. The aggregate estimated maximum cost of said purpose will not exceed \$252,000. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$252,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 4. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 5. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 6. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town has determined that the acquisition of the various equipment is a Type II action that will not have a significant effect on the environment and, therefore, no other

determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 13. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 136 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the acquisition of various Town maintenance and operations equipment, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$765,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire various equipment (hereinafter referred to as “purpose”), including, but not limited to the following: a Backhoe, Tractor with arm, Tandem Dump Truck and three (3) Packers, and any other directly or indirectly related equipment. The aggregate estimated maximum cost of said purpose will not exceed \$765,000. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$765,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 4. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 5. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 6. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 7. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 8. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The Town has determined that the acquisition of the various equipment is a Type II action that will not have a significant effect on the environment and, therefore, no other

determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 12. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 13. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 137 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the acquisition of various Town equipment for emergency services, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$271,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire various equipment (hereinafter referred to as “purpose”), for emergency services, which shall include the following: two (2) ambulances and one (1) 4x4 SUV. The aggregate estimated maximum cost of said purpose will not exceed \$271,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$271,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 27-a of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of a portion of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the acquisition of various Town equipment for emergency services is a Type II action that will not have a significant effect on the

environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 138 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the improvement of facilities of the Latham Water District, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$1,415,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the upgrade and improvement of facilities of the Latham Water District. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution includes but is not limited to the following, the acquisition, construction and installation of (i) MV High Lift Pump upgrade, (ii) MV High Lift Pump St. Pipe replacement and (iii) security upgrades, including necessary site work, the acquisition and installation of equipment, machinery, apparatus, and the acquisition of land and rights-of-way (hereinafter referred to as “purpose”) for the foregoing purpose. The maximum cost of said purpose will not exceed \$1,415,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$1,415,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law and the cost of such improvement is to be paid by assessments upon benefitted real property in an area less than the area of said Town.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Should the assessments upon benefitted real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town Supervisor is hereby authorized to execute and deliver in the name and on behalf of the Town a project financing agreement prepared by the New York State Environmental Facilities Corporation (“EFC”) (the “SRF Project Financing Agreement”), if applicable. The Town Supervisor and the Town Clerk and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including, but not limited to, the SRF Project Financing Agreement.

SECTION 12. The Town has determined that the upgrade and improvement of facilities of the Latham Water District is an unlisted action and that it will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 13. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 14. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 15. This resolution shall take effect immediately upon its adoption and is not subject to permissive referendum pursuant to Section 35.00b.(2) of the Local Finance Law.

RESOLUTION NO. 139 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the acquisition of various Town equipment, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$344,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to acquire various equipment described in the Town’s Capital Plan, including, but not limited to, various equipment for MIS, EMS record systems and police uses (hereinafter referred to as “purpose”). The maximum cost of said purpose will not exceed \$344,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$344,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 32 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is five (5) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the acquisition of various Town equipment is a Type II action that will not have a significant effect on the environment and,

therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

RESOLUTION NO. 140 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the construction, reconstruction, renovation and installation of improvements to storm sewer systems in the Russell Road area in the Town of Colonie, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$600,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to undertake the construction, reconstruction, renovation and installation of various improvements to the storm sewer systems located in the Russell Road area, including necessary site work and the acquisition and installation of equipment, machinery and apparatus for the foregoing purpose. The maximum cost of said purpose will not exceed \$600,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$600,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law and the cost of such improvement is to be paid by assessments upon benefitted real property in an area less than the area of said Town.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty (40) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. Should the assessments upon benefitted real property be insufficient to pay the principal of and interest on such bonds, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the

provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the construction, reconstruction, renovation and installation of various improvements to the storm sewer systems located in the Russell Road area, including necessary site work and the acquisition and installation of equipment, machinery and apparatus for the foregoing purpose is an unlisted action and that it will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 141 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the undertaking of paving projects for various Town facilities in the Town of Colonie, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$196,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The Town is hereby authorized to finance the undertaking of miscellaneous paving projects for various Town facilities, including necessary equipment, machinery and apparatus and any site acquisition and improvement costs related thereto (hereinafter referred to as “purpose”) for the foregoing purpose. The maximum cost of said purpose will not exceed \$196,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$196,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the undertaking of paving for various Town facilities, including necessary equipment, machinery and apparatus, is an object or purpose described in subdivision 20(b), (c), (d), (e), or (f) of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is at least ten (10) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the undertaking of miscellaneous paving projects for various Town facilities is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 142 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

BOND RESOLUTION DATED FEBRUARY 2, 2012

Resolution authorizing the undertaking of various building improvements to the Town Hall, Public Safety Building, Golf Course and various other buildings in the Town, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$195,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the “Town”) (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as “purpose”) to be financed pursuant to this resolution is the undertaking of various building improvements to the following town facilities: (i) Town Hall, (ii) Public Safety Building, (iii) Golf Course and (iv) various other buildings in the Town, including any necessary site work and the acquisition and installation of equipment, machinery and apparatus related thereto. The maximum cost of said purpose will not exceed \$195,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds in an amount not to exceed \$195,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 13 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is ten (10) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00 and Section 63.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the undertaking of various building improvements is a “Type II” action that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act (“SEQR”) is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is adopted subject to permissive referendum pursuant to Section 35.00 of the Local Finance Law.

RESOLUTION NO. 143 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing all Town Departments to apply and collect a \$30.00 returned check fee for any check that is returned for any reason.

BE IT RESOLVED that the Supervisor be, and hereby is, authorizing all Town Departments to apply and collect a \$30.00 returned check fee for any check that is returned for any reason.

RESOLUTION NO. 144 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Nancy R. Hernandez
 Linda J. Murphy
 Councilmen William E. Carl
 Daniel A. Hornick
 Paul L. Rosano
 David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees and expenses in connection with tort litigation.

BE IT RESOLVED that expenditure from the Insurance Reserve Fund for payment of legal fees and expenses in connection with tort litigation be, and it hereby is, authorized as follows:

<u>PAYEE</u>	<u>AMOUNT</u>
Maynard O'Connor	\$5,746.85
Friedman Hirschen & Miller	\$14,490.20
Maguire & Cardona	\$14,409.19
O'Connell & Aronowitz	\$232.00
Cooper, Erving & Savage	\$3,440.00
Larry Levine, PE (Ashline)	\$2,800.00
OK Copy Valet (Baird)	\$493.52
Constructive Copy, LLC (Cochran)	\$727.95
ASE Reporting Service (Firetree)	\$433.00
Total	\$42,772.71

RESOLUTION NO. 145 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Capital Bauer Insurance Agency, Inc. to provide Medical Care Errors and Omissions Liability Coverage for the EMS Department.

WHEREAS, a proposal has been received from Capital Bauer Insurance Agency, Inc. to provide the Town of Colonie with Medical Care Errors and Omissions Liability Coverage for the EMS Department for the period of February 7, 2012 to February 7, 2013;

BE IT RESOLVED that the proposal be and hereby is accepted and expenditure of funds in connection therewith be, and hereby is, authorized.

RESOLUTION NO. 146 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Capital Bauer Insurance Agency, Inc. to provide Computer Equipment property coverage.

WHEREAS, a proposal has been received from Capital Bauer Insurance Agency, Inc. to provide the Town of Colonie with Computer Equipment property coverage from February 15, 2012 until February 15, 2013;

BE IT RESOLVED that the proposal be and hereby is accepted and expenditure of funds in connection therewith be, and hereby is, authorized.

RESOLUTION NO. 147 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse Marini Builders, Inc. for an overpayment of a permit fee in connection with 39 Sutherland Drive.

WHEREAS, Marini Builders, Inc. was charged, in error, \$1,640.00 instead of \$300.00 for a permit fee for a water tap that was already completed by the contractor at 39 Sutherland Drive; and

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to reimburse Marini Builders, Inc. \$1,340.00 for an overpayment of a permit fee in connection with 39 Sutherland Drive.

RESOLUTION NO. 148 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Engineering Agreement with O'Brien & Gere, Inc. in connection with the Mohawk View Water Treatment Plant SCADA Upgrade for the DPW/Division of Latham Water.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an Engineering Agreement with O'Brien & Gere, Inc. in connection with the Mohawk View Water Treatment Plant SCADA Upgrade for the DPW/Division of Latham Water in the amount of \$27,500.00; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 149 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the Request for Proposals to Latham Animal Hospital and Mohawk & Hudson Humane Society in connection with animal shelter services for the Police Department and authorizing the Supervisor to execute agreements for same.

WHEREAS, the Request for Proposals was advertised on January 4, 2012 in connection with animal shelter services pursuant to the Agriculture and Markets Law for the Police Department; and

WHEREAS, the Request for Proposals provided for two (2) one (1) year renewals;

BE IT FURTHER RESOLVED that the Supervisor be, and hereby is, authorized to execute agreements for same; and

BE IT FURTHER RESOLVED that such agreements are subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 150 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Renewal Agreement with Anjo Construction, Ltd. in connection with Storm Water Repair for 2012.

WHEREAS, Anjo Construction, Ltd. was awarded the bid for the Storm Water Drainage System for the year 2011 with an option to renew with the Town for an additional year at the same pricing;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Renewal Agreement with Anjo Construction, Ltd. in connection with Storm Water Management for 2012; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 151 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Pittsfield Communication Systems, Inc. in connection with technician service for the Public Safety radio system.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Pittsfield Communication Systems, Inc. in connection with technician service for the Public Safety radio system for an annual amount of \$39,520.00; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 152 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an agreement with the County of Albany in connection with the Albany County STOP DWI Program.

WHEREAS, the Town of Colonie has previously joined with the County of Albany in an effort to remove intoxicated and drugged drivers from the roadways of the Town; and

WHEREAS, such past efforts have proved to be effective in decreasing the number of drunk/drugged drivers on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement with the County of Albany in connection with the Albany County STOP DWI Program; and

BE IT FURTHER RESOLVED that the terms of such agreement are subject to the review and approval by the Town Attorney's Office.

RESOLUTION NO. 153 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to approve the expenses associated with the temporary raising and lowering of cables by Tech Valley Communications and Syracuse Utilities, Inc. for relocating two houses to the Municipal Training Center.

WHEREAS, in connection with the transportation of two houses from Old Niskayuna Road to the Municipal Training Center, cables on poles at the intersection of Old Niskayuna Road and Wade Road must be temporarily raised and lowered; and

WHEREAS, Tech Valley Communications will charge \$6,267.00 for the first day that a house is moved and \$3,040.00 for the second day that a house is moved; and

WHEREAS, Syracuse Utilities, Inc. will charge a total of \$6,000.00 for the aerial crew to raise and lower fiber cable on two non consecutive days; and

WHEREAS, the Town has a special account of funds donated just for this project that will pay the above expenses incurred;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to approve the expenses associated with the temporary raising and lowering of cables by Tech Valley Communications and Syracuse Utilities, Inc. for relocating two houses to the Municipal Training Center.

RESOLUTION NO. 154 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to rent the office in the Crossings Meeting House.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to rent the office in the Crossings Meeting House at a fee of \$200.00 per day/event.

RESOLUTION NO. 155 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
 Councilwomen Nancy R. Hernandez
 Linda J. Murphy
 Councilmen William E. Carl
 Daniel A. Hornick
 Paul L. Rosano
 David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Midwest Medical in connection with the purchase of Masimo Disposable SpO2 Pediatric Probes for the Emergency Medical Services Department.

WHEREAS, pursuant to an advertisement placed on December 28, 2011, the following three (3) proposals were received in connection with Masimo Disposable SpO2 Pediatric Probes for the Emergency Medical Services Department:

Group	Item	ITEM DESCRIPTION	Midwest Medical	Moore Medical	Bound Tree Medical
9	Q	Masimo Disposable SpO2 Pediatric Probe	\$9.85	\$13.08	\$17.00

WHEREAS, after review of the bid by the General Services Director and the Emergency Medical Services Department, they recommended that the bid be awarded to the lowest bidder, Midwest Medical;

BE IT RESOLVED that the lowest bid of Midwest Medical in connection with Masimo Disposable SpO2 Pediatric Probes for the Emergency Medical Services Department in the amount shown above be, and hereby is, accepted.

RESOLUTION NO. 156 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Clinical Agreement with Hudson Valley Community College for the Emergency Medical Services Department.

WHEREAS, the Board of Trustees of Hudson Valley Community College has approved EMT-Paramedic programs for the college and such programs require the use of clinical facilities; and

WHEREAS, it is to the mutual benefit for Hudson Valley Community College and the Town of Colonie Emergency Medical Services Department to have students of the College EMT-Paramedic programs who are also Colonie EMS members or volunteers who use the clinical facilities for their learning experience;

WHEREAS, the agreement will be effective from January 1, 2012 through January 1, 2015;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Clinical Agreement with Hudson Valley Community College for the Emergency Medical Services Department; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's office.

RESOLUTION NO. 157 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Technical Service Support Agreement with Physio Control, Inc. in connection with the maintenance for AEDs and Lifepaks in the Emergency Medical Services Department.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Technical Service Support Agreement with Physio Control, Inc. in connection with AEDs Lifepaks in the Emergency Medical Services Department from January 1, 2012 to December 31, 2012; and

BE IT FURTHER RESOLVED that such agreement be subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 158 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Fuller Road Fire Department, Inc. submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011.

BE IT RESOLVED, pursuant to §219-a of the General Municipal Law, that the list of all volunteer members of the Fuller Road Fire Department, Inc. submitted and certified under oath by said Fire Department, and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011 be, and they hereby are, approved; and

BE IT FURTHER RESOLVED that such approved list be returned to said Fire Department and posted for at least thirty (30) days for review by its members.

RESOLUTION NO. 159 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Shaker Road/Loudonville Fire Department submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011.

BE IT RESOLVED, pursuant to §219-a of the General Municipal Law, that the list of all volunteer members of the Shaker Road/Loudonville Fire Department submitted and certified under oath by said Fire Department, and identifying those volunteer members who have qualified for credit under the Service Award Program for 2011 be, and they hereby are, approved; and

BE IT FURTHER RESOLVED that such approved list be returned to said Fire Department and posted for at least thirty (30) days for review by its members.

RESOLUTION NO. 160 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in connection with a proposed local law amending Chapter 190 of the Town Code.

BE IT RESOLVED that a public hearing be, and it hereby is, scheduled for February 16, 2012 at 7:00 PM in Memorial Town Hall in connection with a proposed local law amending section 190-30 of the Code of the Town of Colonie.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of Colonie
Local Law No ___ of the year 2012**

A local law amending Chapter 190 of the Code of the Town of Colonie.

Be it enacted by the Town Board of the Town of Colonie of as follows:

SECTION 1. AMENDMENT.

Schedule "B" of Local Law No. 1 of 2007, adopted pursuant to Section 4 of such Local Law, is commonly known as the "Land Use Law" of the Town of Colonie. Chapter 190, Article VII, section 190-30 of such Land Use Law is hereby amended as follows:

K. Preservation by permanent easement or deed restriction.

(1) Where acceptable to the Town, a perpetual easement restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources or similar conservation purposes shall be granted to the Town, with the approval of the Town Board, and/or to a qualified not-for-profit conservation organization acceptable to the Planning Board. Such easement shall be approved by the Planning Board and required as a condition of final approval. The Planning Board shall require that the easement be enforceable by the Town if the Town is not the holder of the easement. The easement shall be recorded in the County Clerk's Office.

(2) Where a perpetual easement is not acceptable to the Town, deed restrictions restricting development of the open space land and allowing use only for agriculture, forestry, passive recreation, protection of natural resources or similar conservation purposes will be required as a condition of final approval. All deeds containing such restrictions shall be recorded in the County Clerk's Office.

(3) The easement or restriction shall prohibit residential, industrial or commercial use of open space land (except in connection with agriculture, forestry, and passive recreation) and shall not be amendable to permit such use. Driveways, wells, underground sewage disposal facilities, local utility distribution lines, stormwater management facilities, trails and agricultural structures shall be permitted on preserved open space land with Planning Board approval, provided that they do not impair the conservation value of the land. Forestry shall be conducted in conformity with applicable best management practices as described by the New York State Department of Environmental Conservation's Division of Lands and Forests.

(4) A land management plan, approved by the Planning Board, may be required. The easement or restriction shall provide that, if the Town Board finds that the management plan has been violated in a manner that renders the condition of the land a public nuisance, the Town may, upon 30 days' written notice to the owner, enter the premises for necessary maintenance, and that the cost of such maintenance by the Town shall be assessed against the landowner or, in the case of a homeowners' association (HOA), the owners of properties within the development, and shall, if unpaid, become a tax lien on such property or properties.

(5) Preserved open space may be included as a portion of one or more large lots or may be contained in a separate open space lot. The easement or restriction may allow dwellings to be constructed on portions of lots that include preserved open space land, provided that the total number of dwellings permitted by the easement or restriction in the entire subdivision is consistent with applicable density limitations.

L. Ownership of open space land.

(1) Open space land ~~shall under all circumstances be protected by a perpetual easement~~ but may be owned by an HOA, offered for dedication to town, county or state governments, transferred to a not-for-profit organization acceptable to the Planning Board, held in private ownership or held in such other form of ownership as the Planning Board finds appropriate to properly manage the open space land and to protect its conservation value.

(2) If the land is owned by an HOA, such HOA shall be established in accordance with the following:

(a) The HOA application must be submitted to the New York State Attorney General's Office before the approved subdivision final plan is signed and must comply with all applicable provisions of New York State law. The HOA must be approved by the New York State Attorney General's Office prior to issuance of the first building permit.

(b) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for taxes, insurance, and maintenance of common open space, private roads, and other common facilities.

(c) The HOA must be responsible for liability insurance and property taxes for common lands, and the maintenance of recreational facilities, private roads, driveways and parking areas, and other common facilities.

(d) Property owners must be required to pay their prorated share of the costs, and the assessment levied by the HOA must be able to become a lien on the individual homeowners' properties.

(e) The HOA must be able to adjust the assessment to meet changed needs.

(f) The applicant shall make a conditional offer of dedication to the Town binding upon the HOA for all open space intended to be conveyed to the HOA. The filing in the County Clerk's office of a subdivision map depicting such open space shall be considered an offer of dedication. Such offer may be accepted by the Town, at the discretion of the Town Board, upon the failure of the HOA to take title to the open space from the applicant or other current owner, upon dissolution of the association at any future time or upon failure of the HOA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

(g) Ownership shall be structured in such a manner that real property taxing authorities can satisfy property tax claims against the open space lands by proceeding against individual owners in the HOA and the dwelling units each owns.

(h) The Town Attorney's office shall find that the HOA documents presented satisfy the conditions above and such other conditions as the Planning Board shall deem necessary.

SECTION 2. SEQR DETERMINATION.

The Town hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 3. EFFECTIVE DATE.

This local law shall become effective upon its filing in the Office of the Secretary of State.

RESOLUTION NO. 161 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Nancy R. Hernandez
Linda J. Murphy
Councilmen William E. Carl
Daniel A. Hornick
Paul L. Rosano
David C. Rowley

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution declaring 17 Woods Cross Road to be surplus property and authorizing the sale of same, subject to Section 90 of the New York State Town Law.

WHEREAS, the Department of Public Works and the Department of Parks and Recreation have determined that 17 Woods Cross Road is surplus property and of no value to the Town; and

WHEREAS, such property serves no public purpose, and could be of value to an adjoining landowner; and

NOW, THEREFORE, BE IT RESOLVED that 17 Woods Cross Road be and hereby is declared surplus property; and

WHEREAS, George and Amy Zanaros own the adjoining real property located at 15 Woods Cross Road and desire to purchase the said surplus property; and

WHEREAS, the Town of Colonie caused the said property to be appraised and the full market value of the said surplus property is \$17,000.00;

BE IT FURTHER RESOLVED that the Supervisor be and hereby is authorized to sell same George and Amy Zanarous for \$17,000.00 the full market value of the property; and

BE IT FURTHER RESOLVED that the Supervisor be, and she hereby is, authorized to sign all documents necessary to transfer this property to a new owner.

BE IT FURTHER RESOLVED that pursuant to Town Law §§90 and 91 that within ten (10) days from the date of this resolution, the Town Clerk, in the same manner as provided for notice of a special election, shall post and publish a notice which shall set forth the date of adoption of this resolution, shall contain an abstract of such resolution concisely setting for the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum; and shall publish such notice in the official newspaper of the Town, and in addition thereto that the Town Clerk shall post or cause to be posted on the bulletin board of the Town, a copy of such notice within ten (10) days after the date of the adoption of this resolution.

BE IT FURTHER RESOLVED that such documents be subject to the review and approval of the Town Attorney's Office.