

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

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AGENDA SESSION

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, on May 23, 2019 6:10 p.m. at Memorial Town Hall 534 Loudon Road, Newtonville, New York 12128

BOARD MEMBERS:

- PAULA A. MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- PAUL ROSANO
- DAVID GREEN
- CHRISTOPHER CAREY
- MELISSA JEFFERS-VONDOLLEN
- JENNIFER WHALEN

ALSO PRESENT:

- Timothy MacPhearson, Esq. Town Attorney's Office
- Michelle Turcotte, Deputy Town Clerk
- John Cunningham, Commissioner, DPW
- Peter Berry, Chief, EMS
- Christopher Kelsey, Acting Comptroller
- John Frazer, Latham Water

1 MR. MACPHEARSON: I'm going to start. I'm just  
2 going to go through these Resolutions very quickly and  
3 if you have any questions, comments, concerns you can  
4 jump in.

5 So, our first Resolution is pertains to some  
6 hirings. There are six people.

7 Does anyone have any questions about their  
8 salaries, who they are, why they are being hired, why  
9 their positions are changing?

10 (There was no response.)

11 Everyone is good with that?

12 (All Board Members agreed.)

13 This is one that we may want to talk about at the  
14 end. Have we talked enough about this - the people that  
15 want to?

16 This is the Resolution approving or not approving  
17 the open development area at 14 Colonial Green.

18 MS. WHALEN: I would like to have this adjourned.

19 MR. MACPHEARSON: I think that is the consensus.  
20 We can talk about it when we get through this, if you  
21 guys want.

22 MR. ROSANO: Yes, at the end.

23 MR. MACPHEARSON: Good.

24 The next is the Resolution approving or not  
25 approving the proposed Local Law amending Local Law 18

1 of 2011 with the Hoffman Senior Housing PDD. This is  
2 very simple. They are going from 170 units to 140.

3 Is everybody comfortable with that Resolution?

4 (All Board Members agreed.)

5 Next we have a Resolution awarding the bid to  
6 Calgon to change some filter media at the Mohawk View  
7 Water Treatment Plant. That's going to be \$169,770.

8 Resolution 255 is authorizing Paula to reimburse  
9 for overestimated water amounts. There are locations  
10 there for you guys to read. The amounts are \$4,668.76;  
11 \$3,336.14; \$2,733.54.

12 Any questions on that?

13 MR. ROSANO: Thank you to them all.

14 MR. MACPHEARSON: Yes, we appreciate the interest  
15 free loan.

16 Next we have a Resolution awarding the bid to Pad  
17 Business Forms in connection with the Printing and  
18 Mailing of Water Meter Cards. That went to the low  
19 bidder, Pad Business Forms for \$4,185.

20 MS. WHALEN: Are those the little cards that  
21 everyone ignores?

22 MR. GREEN: Not everybody.

23 MR. MACPHEARSON: Resolution 257 is authorizing  
24 acceptance of a proposal from Gallagher to provide  
25 boiler and machinery coverage. Not a whole lot changed

1 here. In fact, nothing changed. The amounts went up. We  
2 pay about just under \$3,000 every two years.

3 Unfortunately, that's due this year. That's a state tax  
4 of some sort and then we went from \$10,799 to a premium  
5 of \$11,112.

6 MR. GREEN: Boiler and machinery.

7 MR. MACPHEARSON: Correct. If our boilers break  
8 down or anything mechanical, that's what covers it. I  
9 have never once tapped into this policy.

10 MR. GREEN: That's what I am wondering. Why is it  
11 necessary?

12 MS. WHALEN: Is it like for all the boilers that  
13 we have?

14 MR. BERRY: This building has the largest one.

15 MR. GREEN: You don't need insurance, until you  
16 need it.

17 MR. MACPHEARSON: You do bring up a valid point.  
18 We should look at all of them. There may be certain  
19 insurance that we don't have.

20 MR. GREEN: How much is it to replace the boiler?

21 MR. MACPHEARSON: A lot.

22 Resolution 258 is to renew our camp accident  
23 insurance. It's the same premium that it was last year.

24 I've used this one once.

25 Next we have the South Colonie School District

1 Senior School Resource Officer.

2 MS. WHALEN: Wait, can I just have clarification  
3 on this? I know that we have a North Colonie one. We  
4 pay a portion for both and then the school district  
5 pays a portion for both, right?

6 MR. MACPHEARSON: To the extent that we have an  
7 officer salary there, yes. They reimburse us \$40,000  
8 for the time spent. Their hours are in the agreement.

9 MR. KELSEY: Each school has to reimburse us  
10 \$40,000.

11 MR. MACPHEARSON: Chief says it's a really good  
12 deal.

13 MS. WHALEN: I know but residents ask me and I  
14 keep forgetting the answer. So, \$40,000 reimbursed to  
15 us for each one and it's both South and North. Thank  
16 you.

17 MR. MACPHEARSON: Next we have a renewal for the  
18 North Colonie Central School District regarding the  
19 Pruyne House. Essentially, we have parking and drainage  
20 there.

21 MS. WHALEN: Is that the part where the red barn  
22 is.

23 MR. KELSEY: No, it's the field next to it.

24 MS. MURPHY: It's the empty lot next to the Pruyne  
25 House.

1 MS. WHALEN: The school district owns that?

2 KELSEY: Yes.

3 MR. MACPHEARSON: It's just an agreement. We're  
4 not paying much money.

5 Next we have a Resolution authorizing the General  
6 Services Director to advertise for bids in connection  
7 with the library capital improvement project.

8 MS. MURPHY: If you haven't been to the library,  
9 it looks fabulous.

10 MR. MACPHEARSON: Resolution 262 - this is  
11 awarding the bid to ANJO Construction in connection  
12 with the sanitary sewer repair program. They were the  
13 low bid coming in at \$232,591.00.

14 The next Resolution is authorizing ANJO to do  
15 repair to the sanitary sewer system at Shaker El. That's  
16 for \$19,878.89.

17 The Resolution immediately after that is again to  
18 ANJO for sewer repair. This is a sink hole. The amount  
19 is \$2,732.68.

20 Resolution 265 is a Resolution awarding a bid to  
21 PCMG, Incorporated in connection with replacing the  
22 uninterrupted power source units at the Police  
23 Department. The low bidder there was PCMG at a total of  
24 \$54,857.01.

25 This is a Resolution allowing Paula to enter into

1 an agreement with Verdoy Fire Department in connection  
2 with continuing medical education recertification  
3 program.

4 SUPERVISOR MAHAN: Yes, we don't pay for any of  
5 this, Peter.

6 MR. BERRY: No. It's just an agreement that the  
7 State Health Department requires.

8 MR. MACPHEARSON: A Resolution authorizing the  
9 Supervisor to enter into an agreement with Infinity Med  
10 Solutions, LLC in connection with the EMS Department  
11 being a training center for advanced cardiac life  
12 support training.

13 Finally, we have a Resolution awarding Ambrose  
14 Electric the bid in connection with the Pruyn House  
15 lighting project Phase I. They were the low bidder at  
16 \$30,440.00.

17 MS. WHALEN: What number was that?

18 MR. MACPHEARSON: This was 268.

19 That brings us back to Colonial Green. It sounds  
20 like everyone wants to get more information and sort of  
21 let people speak their piece tonight. I understand that  
22 some people will be here. I'm not sure how many will be.

23 SUPERVISOR MAHAN: We have received information  
24 that we would have to have an easement for the water  
25 line but we don't know where it is.

1 MR. GREEN: It doesn't have to be a straight line.  
2 It could come in and bend and curve.

3 SUPERVISOR MAHAN: Is that true, John?

4 MR. FRAZER: Yes. If we can get an easement to the  
5 existing right-of-way there, that's what we need.

6 SUPERVISOR MAHAN: That's what we need.

7 MS. WHALEN: I have a question. So, there are two  
8 separate issues, or maybe not. I'm just trying to frame  
9 it in my own mind. I'm sure you can clarify it for me.  
10 The ODA - right - that's what the developer wants to  
11 put in a driveway off the cul-de-sac. This paper street  
12 is related to this? He absolutely needs something.

13 MR. GREEN: Based upon what they proposed.

14 MS. WHALEN: So, we don't want to part with that  
15 right now because we don't know where the water -

16 SUPERVISOR MAHAN: We need to know where we can  
17 have that easement.

18 MR. MACPHEARSON: We can also figure it out with  
19 all the residents, too.

20 SUPERVISOR MAHAN: It's not on that map.

21 MS. WHALEN: The other ancillary issue is that  
22 this has kind of opened up a Pandora's box because if  
23 we start giving a piece of the paper street or selling  
24 it or granting an easement over it, other people want  
25 to just buy parts of it straight out. That's what's

1 kind of triggered this involvement of other neighbors -  
2 not that they are against what the developer is going  
3 to propose to build.

4 MR. GREEN: No one is against it.

5 MR. MACPHEARSON: They have some concerns about  
6 water drainage.

7 MS. WHALEN: I didn't get the transcript to the  
8 Planning Board meeting until five minutes ago. Was  
9 there a lot of opposition to the -

10 MR. MACPHEARSON: No, the gentleman was concerned  
11 about stormwater drainage and was assured by the person  
12 doing the development that they had done enough work  
13 already. There was concern about ruining the trees,  
14 which absorb the water.

15 MS. WHALEN: Then I read in the Resolution that  
16 there is some kind of special rule. I read this special  
17 rule of the Planning Board with contingencies. So, this  
18 is relevant to the paper street or to the ODA proposal?

19 MR. MACPHEARSON: I think that it is relevant to  
20 the entire proposal as approved by the Planning  
21 Department.

22 MS. MURPHY: Do you how many residents are  
23 interested in purchasing it?

24 MR. MACPHEARSON: It's something like three to  
25 five.

1 MR. GREEN: Everyone has some kind of interest  
2 whether it's a concern about stormwater drainage - -  
3 one guy wants to put in a pool and stuff like that.

4 MS. WHALEN: With respect to this Keystone  
5 developer's request, does he want to buy - - what does  
6 he want, and easement over the paper street or he wants  
7 to buy the the paper street?

8 MR. MACPHEARSON: He owns the property. He wants  
9 to subdivide it and build on it.

10 MR. GREEN: To answer your question: That is  
11 undecided. I think the proposal shows that we can put  
12 an easement over the paper street, but I think it is  
13 our intent to sell the entire paper street and reserve  
14 an easement. So, we need to know the easement is going  
15 to be so we can split off the rest amongst the various  
16 players. He needs us either way to prove this because  
17 it's coming across our 60 foot paper street.

18 MR. CAREY: So, how are we going to figure out  
19 what neighbor is going to be entitled?

20 MR. GREEN: Once we place that 30-foot easement,  
21 it's going to become very clear because it's going to  
22 be like okay, this is on this side and this is on the  
23 side (Indicating).

24 MS. WHALEN: My question is: Why would we give  
25 him an easement instead of just selling it? Ever going

1 to be possibly selling off the other stuff, why would  
2 we sell it to him? We would need an easement over all  
3 of it.

4 SUPERVISOR MAHAN: We have to have that easement.

5 MS. WHALEN: We can't run the whole length of the  
6 paper street or we don't know where our easement is -  
7 that is what you are saying.

8 SUPERVISOR MAHAN: How long is the easement going  
9 to go?

10 MR. GREEN: It's going to go all the way through.  
11 It will connect on the other Colonial Green side.

12 SUPERVISOR MAHAN: So, we need to know where we  
13 are going to put it. There's plenty of room to do what  
14 they want to do.

15 MR. GREEN: It is tight.

16 MS. WHALEN: So, they just want to extend 15 feet.

17 MR. GREEN: It does wonders for someone who wants  
18 to put in a pool. They have a real tiny backyard. My  
19 idea would be to sell it. We don't want to retain any  
20 liability. We just need the easement.

21 SUPERVISOR MAHAN: It gives people an opportunity  
22 to make their property a little bit bigger.

23 MS. WHALEN: And gives us the opportunity to make  
24 money.

25 MR. GREEN: When not going to make any money off

1 of this. We will make \$5,000 or \$6,000 tops.

2 MS. WHALEN: Each family?

3 MR. GREEN: No.

4 MS. WHALEN: What do you mean no?

5 MR. GREEN: It's not worth anything.

6 MR. ROSANO: They are all going to be re-assessed.

7 SUPERVISOR MAHAN: What happens is when we get  
8 these requests, Jennifer, Susan Pellegrini sends out a  
9 notice to all the departments to see if for any reason  
10 they need the property. Then, if everyone signs off and  
11 says we don't need it, it is easier to do. In this  
12 case, it came back that we do need that easement.

13 MR. GREEN: And then we can at least post where it  
14 is and we can see it and it makes a big difference.  
15 This corner in this area is tight. Once you put that 30  
16 foot easement in there, you're almost on top of their  
17 property.

18 MS. WHALEN: So, right now the easement would be  
19 for the water lines that are already there.

20 MR. GREEN: Yes, maintenance. Actually the  
21 waterline is not in rate here.

22 MS. WHALEN: So, we need an easement for something  
23 that's not existing or that is already existing?

24 MR. FRAZER: We want to preserve our right to put  
25 a waterline in.

1 MR. GREEN: And it will. When they bring the  
2 waterline in.

3 SUPERVISOR MAHAN: That will be new.

4 MR. WHALEN: So, that's what we need easement for.

5 SUPERVISOR MAHAN: Yes, that will satisfy our  
6 need.

7 MR. MACPHEARSON: So, guys, it sounds like we will  
8 end up adjourning this but let's give the people an  
9 opportunity to speak.

10 SUPERVISOR MAHAN: We want to hear what they have  
11 to say. I don't think they can have a map of the  
12 easement or anything different with the easement on it  
13 but we just need to know that.

14 That's all we need, right, John?

15 MR. FRAZER: For the ODA, Susan sent an email out  
16 and we said that we were going to require him to  
17 develop the ODA to looped out water main in front of  
18 the property. To do that, if we want to give up the  
19 rest of the property, we just needed easement for that  
20 water main.

21 SUPERVISOR MAHAN: And that will be okay then.

22 MR. FRAZER: Then, we will be fine.

23 MR. MACPHEARSON: So, when one of you thinks that  
24 they are done, one of you just propose that we table  
25 it.

1 MR. CAREY: Do we have a copy of the comments from  
2 fire safety?

3 MR. MACPHEARSON: I didn't see one.

4 SUPERVISOR MAHAN: Paul, we may want to table to  
5 vote but we want to hear what they have to say.

6 MR. ROSANO: Yes, absolutely.

7 MR. MACPHEARSON: What I read is that we should  
8 follow the recommendation but I didn't see the  
9 recommendation.

10 SUPERVISOR MAHAN: We have to close the public  
11 hearing before we take a vote or whatever we do. Unless  
12 they can answer our questions and have something to  
13 show us - I don't know that they will.

14 MR. MACPHEARSON: I think the organized enough  
15 yet.

16 SUPERVISOR MAHAN: They may not even know that we  
17 need it.

18 MR. GREEN: It will clear everything up once we  
19 see where it is and then the discussion will be: Where  
20 do you initially position it? We want to end up in the  
21 middle, but it can't start in the middle because his  
22 road is there to get in. That's where the discussion  
23 comes. It will work out.

24 MS. EDELMAN: Excuse me, we have crystal here  
25 tonight and I'm going to recommend that somebody makes

1 a motion to conduct an executive session regarding  
2 potential litigation.

3 MR. GREEN: I will make the motion to go into  
4 executive session to discuss potential litigation  
5 against the Town.

6 MS. EDELMAN: And in that motion is subject to  
7 Crystal Peck, John Frazier, Jack Cunningham, Nancy  
8 Strang and Michelle Turcotte and Tim MacPhearson and  
9 me.

10 MR. ROSANO: Second.

11 SUPERVISOR MAHAN: All in favor?

12 (Ayes were recited.)

13 (Whereas the above entitled proceeding was  
14 adjourned to address the Executive Session and  
15 recommenced immediately after.)

16 MS. EDELMAN: I want to note that the Town Board  
17 an Executive Session at which a vote was taken.

18 (Whereas the above entitled proceeding was  
19 concluded at 7:02 p.m.)  
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CERTIFICATION

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

\_\_\_\_\_

NANCY L. STRANG

Dated \_\_\_\_\_