

October 20, 2016

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 20th day of October, 2016 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano
	David C. Rowley

ABSENT: Councilwoman	Linda J. Murphy
----------------------	-----------------

ALSO PRESENT:	
Town Clerk	Elizabeth A. DeITorto
Town Attorney	Michael C. Magguilli
Public Works Commissioner	John Cunningham
Accounting Supervisor	P. Christopher Kelsey
Personnel Officer	Michael Burick
Human Resources Director	Rosemary Newton
Chief of Police	Jonathan M. Teale
Emergency Medical Services Chief	Peter Berry

RESOLUTION NO. 450 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution Pursuant to §202 of the Town Law Approving the Annual Estimate of Expense of Improvements and Benefit Assessment Roll for the Town of Colonie Sewer Improvement Area.

WHEREAS, a benefit assessment roll assessing the expense of improvements pursuant to Section 202 of the Town Law has been prepared by the Town of Colonie for and in consideration of certain district improvements consisting of general sanitary sewers in the Colonie Sewer Improvement Area of the Town of Colonie; and

WHEREAS, said roll has been heretofore completed and has been made available for public inspection in the Town Assessor’s office; and

WHEREAS, due notice of the completion of said benefit assessment roll and the time and place that this Board would meet to hear and consider any objections that might be made to said roll and for adopting same has been published in accordance with Town Law; and

WHEREAS, a Resolution was duly adopted by said Board on the 22nd day of September, 2016, pursuant to the Town Law of the State of New York calling for a public hearing on said assessment rolls to be held at the Town Hall, Newtonville, New York on the 20th day of October, 2016, at 7:00 p.m. Local Time; and

WHEREAS, notice of such public hearing was duly published and posted in the manner and within the time provided by Chapter 950 of the Laws of 1972; and

WHEREAS, said public hearing was duly held at the time and place aforesaid at which time all persons interested in the subject matter thereof were duly heard; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby determined that the properties as described in aforementioned assessment rolls are benefited by the Colonie Sewer Improvement Area and that said benefited property and property owners are included within the limits of said improvement area.

Section 2. That said benefit assessment roll of the Colonie Sewer Improvement Area for the payment of the expense of construction and improvements for the Colonie Sewer Improvement Area pursuant to Section 202 of the Town Law of the State of New York be and is hereby approved and it is further

Section 3. That the Town Clerk is instructed to annex to said benefit assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk commanding the Town Tax Collector to collect from the several persons named

October 20, 2016

in said assessment roll the sum or sums opposite their respective names and to pay the same to the Supervisor of the Town.

Section 4. This Resolution shall take effect immediately.

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

October 20, 2016

RESOLUTION NO. 451 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution Pursuant to §202-A of the Town Law Approving the Annual Estimate of Expense of Maintenance and Benefit Assessment Roll for the Town of Colonie Sewer Improvement Area.

WHEREAS, a benefit assessment roll assessing the expense of maintenance pursuant to Section 202-a of the Town Law has been prepared by the Town of Colonie for and in consideration of costs associated with maintenance of general sanitary sewers in the Colonie Sewer Improvement Area of the Town of Colonie; and

WHEREAS, said roll has been heretofore completed and has been made available for public inspection in the Town Assessor’s Office; and

WHEREAS, due notice of the completion of said benefit assessment roll and the time and place that this Board would meet to hear and consider any objections that might be made to said roll and for adopting same has been published in accordance with Town Law; and

WHEREAS, a Resolution was duly adopted by said Board on the 22nd day of September, 2016, pursuant to the Town Law of the State of New York calling for a public hearing on said assessment rolls to be held at the Town Hall, Newtonville, New York on the 20th day of October, 2016, at 7:00 p.m. Local Time; and

WHEREAS, notice of such public hearing was duly published and posted in the manner and within the time provided by Chapter 950 of the Laws of 1972; and

WHEREAS, said public hearing was duly held at the time and place aforesaid at which time all persons interested in the subject matter thereof were duly heard; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby determined that the properties as described in aforementioned assessment rolls are benefited by the Colonie Sewer Improvement Area and that said benefited property and property owners are included within the limits of said improvement area.

Section 2. That said benefit assessment roll of the Colonie Sewer Improvement Area for the payment of the expense of maintenance of the Colonie Sewer Improvement Area pursuant to Section 202-a of the Town Law of the State of New York be and is hereby approved and it is further

Section 3. That the Town Clerk is instructed to annex to said benefit assessment roll a warrant which shall be signed by the Supervisor and countersigned by the Town Clerk commanding the Town Tax Collector to collect from the several persons named in said assessment roll the sum or sums opposite their respective names and to pay the same to the Supervisor of the Town.

Section 4. This Resolution shall take effect immediately.

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

October 20, 2016

RESOLUTION NO. 452 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution adopting a proposed local law amending Chapter 97 of the Code of the Town of Colonie, thereof, entitled “Fire Lanes”, for the purpose of amending fire lanes at 800 Loudon Road, presently known as The Shoppes at Latham Circle.

WHEREAS, the public hearing on a proposed local law was held at 7:00 PM on October 20, 2016 with all persons desiring to be heard, having been heard;

THEREFORE, BE IT RESOLVED that a local law amending Chapter 97 of the Code of the Town of Colonie - “Fire Lanes”, for the purpose of amending fire lanes at 800 Loudon Road, presently known as The Shoppes at Latham Circle, be, and hereby is, adopted.

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

Town of Colonie

Local Law No. 11 of the year 2016

A local law amending Chapter 97 of the Code of the Town of Colonie, entitled “Fire Lanes”

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

SECTION 1.

Chapter 97 of the Code of the Town of Colonie, Section 97-10, Subsection XX is hereby amended as follows:

§97-10 (XX) -Fire lanes amended.

XX. 800 Loudon Road:

1. Starting at a point sixty six feet plus or minus (66’±), east, of the southeast corner of the building now or formerly known as Wal Mart, an area twelve feet plus or minus (12’±), wide, and extending for a distance of one thousand two hundred twenty four feet plus or minus (1224’±), in a northerly direction, and from that point extending one hundred four feet plus or minus (104’±), in a westerly direction.

SECTION 2. EFFECTIVE DATE.

This local law shall take effect upon its proper filing with the Office of the Secretary of State.

October 20, 2016

RESOLUTION NO. 453 FOR 2016

Councilman Carey offered the following resolution and moved its adoption:

Resolution authorizing a contract with the Fuller Road Fire Department, Inc. for fire protection within the Fuller Road Fire Protection District.

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 20th day of October 2016 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED that this Town Board does authorize a contract with the Fuller Road Fire Department, Inc. for the furnishing of fire protection to the Fuller Road Fire Protection District; and

BE IT FURTHER RESOLVED that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

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

RESOLUTION NO. 454 FOR 2016

Councilman Carey offered the following resolution and moved its adoption:

Resolution authorizing a contract with the Shaker Road-Loudonville Fire Department, Inc. for fire protection within the Shaker Road-Loudonville Fire Protection District.

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 20th day of October 2016 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED that this Town Board does authorize a contract with the Shaker Road-Loudonville Fire Department, Inc. for the furnishing of fire protection to the Shaker Road-Loudonville Fire Protection District; and

BE IT FURTHER RESOLVED that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

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

October 20, 2016

RESOLUTION NO. 455 FOR 2016

Councilman Carey offered the following resolution and moved its adoption:

Resolution authorizing a contract with the Maplewood Fire Department, Inc. for fire protection within the Maplewood Fire Protection District.

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 20th day of October 2016 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED that this Town Board does authorize a contract with the Maplewood Fire Department, Inc. for the furnishing of fire protection to the Maplewood Fire Protection District; and

BE IT FURTHER RESOLVED that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

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

RESOLUTION NO. 456 FOR 2016

Councilman Carey offered the following resolution and moved its adoption:

Resolution authorizing a contract with the S. W. Pitts Hose Company of Latham, N.Y., Inc. for fire protection within the Latham Fire Protection District.

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 20th day of October 2016 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED that this Town Board does authorize a contract with the S. W. Pitts Hose Co. of Latham, N.Y., Inc. for furnishing fire protection within the Latham Fire Protection District; and

BE IT FURTHER RESOLVED that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

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

October 20, 2016

RESOLUTION NO. 457-A FOR 2016

Supervisor Mahan offered the following resolution and moved its adoption:

Resolution permanently appointing Richard E. Bell to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Richard E. Bell as eligible for permanent appointment from Eligible List #16-841, established February 17, 2016;

BE IT RESOLVED that Richard E. Bell be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$54,914, effective November 7, 2016, pending satisfactory completion of a pre-employment physical.

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

RESOLUTION NO. 458 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution calling a public hearing pursuant to Section 202b of the Town Law of the State of New York in relation to the proposed Dorwood Drive Pump Station Replacement Project.

WHEREAS, the Town of Colonie owns and maintains the Dorwood Drive Pump Station and conducted an engineering assessment and safety inspection of the Dorwood Drive Pump Station; and

WHEREAS, it has been determined that the pump station has exceeded its useful life and that replacement is necessary and is recommended that the Town proceed with certain upgrades; and

WHEREAS, the following improvements have been recommended:

- Bypass the Dorwood Drive Pump Station and connection to the existing sewer system on Shalimar Court; and
- Installation of approximately 794 feet of 8-inch gravity sewer and 5 new manholes.

WHEREAS, a report, map, plan and estimate of cost relating to the aforementioned improvements have been prepared by Barton & Loguidice, D.P.C., engineers duly licensed by the State of New York, and has been filed with the Town Clerk of the Town of Colonie in accordance with the requirements of Town Law and is available for public inspection; and

WHEREAS, the location and particulars of the repairs and its associated costs are described in detail in the aforementioned engineers report on file with the Town Clerk's office of the Town of Colonie; and

WHEREAS, the maximum amount to be expended for the aforementioned improvements is Two Hundred Eighty-Five Thousand Dollars and 00/100 (\$285,000.00); and

WHEREAS, it is now desired, to call a Public Hearing pursuant to the provisions of Article 12 of the Town Law of the State of New York; and

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Colonie, Albany County, New York shall be held at the Town Hall, Newtonville, New York on the 17th day of November, 2016 at 7:00 o'clock p.m., local time, for the purpose of conducting a public hearing on the aforesaid report, map, plan and estimate of cost, at which time and place said Town Board will hear all persons interested in the subject matter thereof.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be given by publishing and posting a copy of this resolution in the manner provided by the Town Law of the State of New York.

Section 3. This resolution shall take effect immediately.

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

October 20, 2016

RESOLUTION NO. 459 FOR 2016

Councilman Green offered the following resolution and moved its adoption:

Resolution directing a public hearing upon the Preliminary Budget for the fiscal year 2017.

WHEREAS, pursuant to §106 of the Town Law, the Town Board has received the tentative budget and has made such changes, alterations and revisions as it considers advisable and consistent with law; and having completed its review, the tentative budget and any modifications thereof shall now become the preliminary budget; and

WHEREAS, the preliminary budget must be filed in the Office of the Town Clerk;

NOW, THEREFORE, BE IT RESOLVED, that the tentative budget and any modification thereof which are filed in the Town Clerk’s Office shall become the preliminary budget of this Town for the fiscal year beginning January 1, 2017; and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing on the preliminary budget showing such changes and revisions as shall have been made; and

BE IT FURTHER RESOLVED that the Town Board shall meet on the 3rd day of November, 2016 at 7:00 PM at the Town Hall, Newtonville, New York 12128 and then and there hold said public hearing upon such preliminary budget, and that the Town Clerk shall give notice of such public hearing in accordance with §108 of the Town Law by publishing a notice thereof at least five (5) days prior to said hearing date, in the *Colonie Spotlight*, and the *Times Union*, newspapers having general circulation in said Town; and the Town Clerk is authorized and directed to cause a notice of the same to be posted conspicuously on the Town's signboard not less than five days before the date designated for such hearing. The notice to be published and posted shall be in the form annexed hereto.

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

NOTICE OF PUBLIC HEARING
TOWN OF COLONIE, ALBANY COUNTY, NEW YORK
PRELIMINARY BUDGET FOR THE FISCAL YEAR COMMENCING
JANUARY 1, 2017
AND
FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

NOTICE IS HEREBY GIVEN that the Preliminary Budget of the Town of Colonie, County of Albany, State of New York for the fiscal year beginning January 1, 2017 has been completed and filed in the Office of the Town Clerk of said Town at the Town Hall, Newtonville, New York, where it is available for inspection by any interested person at all reasonable hours.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of said Town of Colonie will meet and review said Preliminary Budget and hold a public hearing thereon at 7:00 PM on November 3, 2016, at Memorial Town Hall, Newtonville, NY, and at such hearing any person may be heard in favor of, or against the Preliminary Budget as compiled; or, for or against any item or items contained therein.

FURTHER NOTICE IS HEREBY GIVEN, pursuant to Section 108 of the Town Law, that the following are proposed yearly salaries of the elected members of the Town Board, Supervisor and Town Clerk of said Town, to wit:

Supervisor	\$123,006
Councilmen (each)	\$ 21,479
Town Clerk	\$ 90,775

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF COLONIE, NEW YORK

Elizabeth A. DelTorto
Town Clerk

Dated: October 26, 2016

October 20, 2016

RESOLUTION NO. 460 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution requiring the Planning Board to review and consider an open development area at 4253 and 4259 Albany Street.

WHEREAS, pursuant to Town Law §280-a(4) the Town Board is required to refer matters in connection with open development areas to the Planning Board for its review; and

WHEREAS, the Town Board would like to recommend that the Planning Board review the proposed project located at 4253 and 4259 Albany Street as a possible open development area;

BE IT RESOLVED that the Planning Board shall review and consider the proposed project located at 4253 and 4259 Albany Street as a possible open development area and provide the Town Board with its findings, conclusions and recommendation thereon.

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

RESOLUTION NO. 461 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse water usage charges to Ashley Peacock of 32 Pheasant Ridge Drive.

WHEREAS, the DPW/Latham Water Division has agreed to reimburse Ashley Peacock of 32 Pheasant Ridge Drive water usage charges in the amount of \$5,425.86;

BE IT RESOLVED that the Supervisor is authorized to reimburse Ashley Peacock water usage charges for her residence located at 32 Pheasant Ridge Drive in the amount of \$5,425.86.

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

RESOLUTION NO. 462 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Engineering Service Agreement with C.T. Male Associates in connection with the Risk Management Plan Five Year Update for the Mohawk View Water Treatment Plant.

WHEREAS, it is required by the United States Environmental Protection Agency under the Clean Air Act to provide them with a five year update of the Risk Management Plan for the Mohawk View Water Treatment Plant due to the continued use and storage of chlorine; and

WHEREAS, C.T. Male Associates will perform the update at a cost of \$4,620.00;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Engineering Service Agreement with C.T. Male Associates in connection with the Risk Management Plan Five Year Update for the Mohawk View Water Treatment Plant; and

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

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

October 20, 2016

RESOLUTION NO. 463 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to declare an emergency in connection with repair of the Raw Water Pump Failure at the Low Lift Pump Station in the Mohawk View Water Treatment Plant by Xylem, O’Connell Electric Company, Inc. and Emerick Associates and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to declare an emergency in connection with repair of the Raw Water Pump Failure at the Low Lift Pump Station in the Mohawk View Water Treatment Plant by Xylem, O’Connell Electric Company, Inc. and Emerick Associates; and

BE IT FURTHER RESOLVED that the Comptroller be, and hereby is, authorized to expend \$69,815.36 from the Emergency Repair Reserve funds for the same.

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

RESOLUTION NO. 464 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Engineering Service Agreement with C.T. Male Associates in connection with the preparation of the 165th Extension Engineer’s Report.

WHEREAS, C.T. Male Associates will prepare the 165th Extension Engineer’s Report at a cost of \$2,175.00;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Engineering Service Agreement with C.T. Male Associates in connection with the preparation of the 165th Extension Engineer’s Report; and

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

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

RESOLUTION NO. 465 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Application for Dispensation for Hours on behalf of Jett Industries, Inc. in connection with the River Road High Lift Pump Station VFD/Pump Replacement Project located at 4071 River Road.

WHEREAS, the DPW/Division of Latham Water will submit to the Department of Labor an Application for Dispensation for Hours on behalf of Jett Industries, Inc. in connection with the River Road High Lift Pump Station VFD/Pump Replacement Project located at 4071 River Road;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an Application for Dispensation for Hours on behalf of Jett Industries, Inc. in connection with the River Road High Lift Pump Station VFD/Pump Replacement Project located at 4071 River Road.

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

October 20, 2016

RESOLUTION NO. 466 FOR 2016

Councilman Carey offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Concepts in Fitness Equipment, Inc. in connection with preventative maintenance service for equipment in the workout room at the Public Safety Building.

WHEREAS, Concepts in Fitness Equipment, Inc. will provide preventative maintenance service for equipment in the workout room at the Public Safety Building at an annual cost not to exceed \$2,000.00 and agreement shall expire on October 31, 2017;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Maintenance Agreement with Concepts in Fitness Equipment, Inc. in connection with preventative maintenance service for equipment in the workout room at the Public Safety Building; and

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

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

RESOLUTION NO. 467 FOR 2016

Councilman Green offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Service Agreement with EWaste+ Regional Computer Recycling and Recovery in connection with the disposal and recycling of surplus equipment.

WHEREAS, two (2) quotes were received on October 11, 2016 in connection with the disposal and recycling of surplus equipment as follows:

Vendor	Grand Total
EWaste+ Regional Computer Recycling and Recovery	No Charges
eLot	Disposal and Data Charges for various items

WHEREAS, the award of this quote shall go to EWasate+ Regional Computer Recycling and Recovery for the services offered at no charge to the Town of Colonie;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Service Agreement with EWaste+ Regional Computer Recycling and Recovery in connection with the disposal and recycling of surplus equipment; and

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

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

October 20, 2016

RESOLUTION NO. 468 FOR 2016

Councilwoman Whalen offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a 24 month Agreement with Direct Energy Business to provide natural gas supply for various Town facilities with National Grid accounts as part of the MEGA, Municipal Electric & Gas Alliance.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a 24 month Agreement with Direct Energy Business to provide natural gas supply for various Town facilities with National Grid accounts as part of the MEGA, Municipal Electric & Gas Alliance; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a 24 month Agreement with Direct Energy Business to provide natural gas supply for various Town facilities with National Grid accounts as part of the MEGA, Municipal Electric & Gas Alliance; and

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

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

RESOLUTION NO. 469 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution awarding a bid to Key Government Finance, Inc. for a Lease Line of Credit for 2017 and authorizing the Supervisor to enter into a Master Agreement and Individual Equipment Agreements.

WHEREAS, pursuant to advertisement on September 21, 2016, the following bids were received:

Vendor	3 Yr Payment	4 Yr Payment	5 Yr Payment	Total
Key Government Finance, Inc.	\$85,775.30	\$65,202.24	\$52,893.78	\$782,603.80
M & T Bank – No Bid				

WHEREAS, the bid has been reviewed by the General Services Director and Accounting Supervisor, and upon their recommendation;

BE IT RESOLVED that the Key Government Finance, Inc., sole bidder, be, and hereby is, accepted; and

BE IT FURTHER RESOLVED that the Supervisor be, and hereby is, authorized to enter into a master agreement and individual equipment agreements with Key Government Finance, Inc.; and

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

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

October 20, 2016

RESOLUTION NO. 470 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution accepting the dedication of Isabel Court and accepting land known as 1 Isabel Court, 22 Isabel Court and a 20' Pedestrian Access in the Isabel Court Subdivision.

WHEREAS, Cillis Builders, Inc. has offered for dedication as a public street or highway the land described in a properly executed deed dated June 20, 2016, running to the Town of Colonie; and

WHEREAS, Isabel Court in the Isabel Court Subdivision is improved as a street or highway, in compliance with standards and specifications for a Town highway within the Town of Colonie, and in conformance with applicable regulations and requirements and provisions of State statutes pertinent thereto; and

WHEREAS, it is found that acceptance of this offer of dedication is in the interest of the Town of Colonie; and

WHEREAS, Cillis Builders, Inc. has offered to transfer parcels of land known as 1 Isabel Court, 22 Isabel Court and a 20' pedestrian access in the Isabel Court Subdivision which are described in deeds dated July 20, 2016, to the Town of Colonie; and

BE IT RESOLVED Isabel Court in the Isabel Court Subdivision be a Town street or highway contingent upon receipt of the required certification and fulfillment of all other Department of Public Works requirements for dedication; and

BE IT FURTHER RESOLVED, that consent is hereby given to the Commissioner of Public Works to lay out a portion of Isabel Court in the Isabel Court Subdivision, as a Town highway and record his order in the Town Clerk's Office upon receipt of the required certification and fulfillment of all other Department of Public Works requirements for dedication; and

BE IT FURTHER RESOLVED that the transfer of land known as 1 Isabel Court, 22 Isabel Court and a 20' pedestrian access be, and hereby is, accepted; and

BE IT FURTHER RESOLVED that the above referenced offer of dedication by Cillis Builders, Inc., be accepted by the Town of Colonie, subject to approval of all documents by the Town Attorney's Office; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute any and all documents necessary to complete the transfer of title.

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

RESOLUTION NO. 471 FOR 2016

Councilman Rowley offered the following resolution and moved its adoption:

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

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

<u>PAYEE</u>	<u>AMOUNT</u>
O'Connell & Aronowitz (Duchowny, Little Sisters)	\$206.32
Total	\$206.32

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

October 20, 2016

RESOLUTION NO. 472 FOR 2016

Councilman Rowley offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Butler Rowland Mays Architects, LLP in connection with the planning and design services at the William K. Sanford Library.

WHEREAS, Butler Rowland Mays Architects, LLP will provide improvement ideas and architectural design services for the William K. Sanford Library; and

WHEREAS, Phase I of the planning and design services will cost \$13,900.00 plus reimbursables, such as mileage, copies, printing, faxes, not to exceed \$800.00;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Butler Rowland Mays Architects, LLP in connection with the planning and design services at the William K. Sanford Library; and

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

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

RESOLUTION NO. 473 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to declare an emergency in connection with the repair of the sanitary sewer system at 1 Herman Street by Jake Burnett Excavating Co., Inc. and authorizing the expenditure of Emergency Repair Reserve funds for the same.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to declare an emergency in connection with the repair of the sanitary sewer system at 1 Herman Street by Jake Burnett Excavating Co., Inc. for the DPW/Division of Pure Waters; and

BE IT FURTHER RESOLVED that the Supervisor be, and hereby is, authorized to expend \$5,000.00 from the Emergency Repair Reserve funds for the same.

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

October 20, 2016

RESOLUTION NO. 474 FOR 2016

Councilwoman Whalen offered the following resolution and moved its adoption:

Resolution rescinding Resolution No. 448 for 2016 and adopting the Point System for the Shaker Road - Loudonville Fire Protection District Service Award Program pursuant to Article 11-A of the General Municipal Law of the State of New York.

WHEREAS, Town of Colonie adopted a volunteer firefighter “Service Award Program” for active volunteer firefighter members of the Shaker Road - Loudonville Fire Department, Inc. (the “Fire Department”), effective January 1, 1991; and

WHEREAS, to earn service credit for a calendar year, an Active Member of the Fire Department must earn at least 50 points pursuant to a Point System that contains categories of activities for which Active Members can earn points; and

WHEREAS, on October 6, 2016, the Town Board adopted Resolution No. 448 for 2016, adopting a Point System document to reflect amendments to Article 11-A of the General Municipal Law, as the prior point system document had been in existence since the Town of Colonie adopted the Service Award Program and had not been formally updated to reflect such amendments; and

WHEREAS, the Point System document adopted by Resolution No. 448 for 2016 accidentally omitted the board of directors positions under the list of officers as a category for which points can be awarded; and

WHEREAS, the Town Board desires to adopt a Point System document that will allow all officers of the Fire Department to receive credit for their service; and

WHEREAS, to provide time to update the record keeping system and to avoid changing the number of points that may be awarded for an activity in the middle of the calendar year, the Town Board proposes that the Point System document be effective on January 1, 2017; and

THEREFORE, BE IT RESOLVED that Resolution No. 448 for 2016 be, and hereby is, rescinded; and

BE IT FURTHER RESOLVED that the Shaker Road – Loudonville Fire Protection District Service Award Program Point System, attached hereto as Exhibit A, be, and hereby is, adopted; and

BE IT FURTHER RESOLVED that the Shaker Road – Loudonville Fire Protection District Service Award Program Point System, attached hereto as Exhibit A, shall take effect on January 1, 2017.

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

RESOLUTION NO. 475 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the acceptance of a 23.75± acre parcel of land located at 1238 Loudon Road in connection with the Northern Pass PDD.

WHEREAS, as the public benefit associated with the granting of Planned Development District (PDD) zoning, the developer of Northern Pass PDD offered the Town a 23.75± acre parcel; and

WHEREAS, the parcel contains a pump station that is connected to the sewer main; and

WHEREAS, the Town will accept from the developer a 23.75± acre parcel of land located at 1238 Loudon Road in connection with the Northern Pass PDD; and

WHEREAS, the developer has paid the 2016-17 school taxes on the property; and

WHEREAS, in connection with the settlement of a tax certiorari proceeding of which this property is the subject, the Town will accept the property and pay the 2017 general property taxes, which are estimated to be approximately \$1,200;

October 20, 2016

NOW, THEREFORE, BE IT RESOLVED that the Town hereby determines that this 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; and

BE IT FURTHER RESOLVED that a 23.75± acre parcel of property located at 1238 Loudon Road be and hereby is accepted by the Town of Colonie; and

BE IT RESOLVED that the Supervisor be and hereby is authorized to accept a 23.75± acre parcel of land from the developer to the Town, subject to approval of all documents by the Town Attorney and payment of the recording fees and title insurance premium by the developer, and effective upon the filing by the Town of Colonie of the deeds in the Albany County Clerk's Office; and

BE IT FURTHER RESOLVED that the Supervisor be, and she hereby is, authorized to sign all documents necessary for the transfer of this property; and

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

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

RESOLUTION NO. 476 FOR 2016

Councilman Rowley offered the following resolution and moved its adoption:

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

WHEREAS, it has been tentatively agreed by the parties to reduce the assessment on the properties, in the amounts set forth below, or the Petitioner(s) has agreed to discontinue the proceeding(s) without cost to either party, as indicated below:

Schermerhorn Development Corp. v. Assessor of the Town of Colonie *et al.*
Index No. 904412-16
1238 Loudon Road, Tax Map No. 5.3-1-2.4

Assessment Roll Year	Present Assessment	Revised Assessment	Reduction
2016	\$185,000	\$92,500	\$92,500

Tentative School District Refund: \$2,331.24

Tentative Town Refund: N/A, provided consent order is timely filed.

THEREFORE, BE IT RESOLVED that settlement or discontinuance, pursuant to §68 of Town Law, of the above listed tax certiorari proceedings be, and it hereby is, authorized, subject to judicial approval.

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

RESOLUTION NO. 477 FOR 2016

Councilman Rowley offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Contract with Capital District Physicians Health Plan in connection with providing health insurance for 2017.

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Contract with Capital District Physicians Health Plan in connection with providing health insurance for 2017; and

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

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

October 20, 2016

RESOLUTION NO. 478 FOR 2016

Councilman Green offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Contract with Capital District Physicians Health Plan in connection with a Medicare Advantage Health Insurance Plan for 2017.

WHEREAS, the monthly premium for the Medicare Advantage Health Insurance Plan will be \$329.40;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Contract with Capital District Physicians Health Plan in connection with a Medicare Advantage Health Insurance Plan for eligible retirees for 2017; and

BE IT FURTHER RESOLVED that the above contract is subject to the review and approval of the Town Attorney’s Office.

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

RESOLUTION NO. 479 FOR 2016

Councilman Rosano offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an amendment with Delaware Engineering in connection to the Lisha Kill Pump Station Rehabilitation Project Engineering Agreement.

WHEREAS, during construction of the Lisha Kill Pumping Station Rehabilitation Project, extensive areas of asbestos containing material were discovered in the wall cavities; and

WHEREAS, the contract with Delaware Engineering had allowed for safe handling and removal of asbestos, but the quantity found exceeded the original estimates; and

WHEREAS, the contract with Delaware Engineering shall be increased from \$344,000.00 to \$351,305.00;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an amendment with Delaware Engineering in connection to the Lisha Kill Pump Station Rehabilitation Project Engineering Agreement; and

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

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

Respectfully submitted,
Elizabeth A. DeTorto
Colonie Town Clerk