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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

TOWN BOARD MEETING

THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter, commencing on May 25, 2017 at 7:37 p.m. at Memorial Town Hall 534 Loudon Road, Latham, New York.

BOARD MEMBERS:
PAULA A. MAHAN, SUPERVISOR
PAUL ROSANO
CHRISTOPHER CAREY
DAVID GREEN
LINDA MURPHY

ALSO PRESENT:

Michael C. Magguilli, Esq. Town Attorney
Elizabeth DelTorto, Town Clerk
John Cunningham, Comissioner, DPW
Dee Awling
Sally Burchardt

1 MS. DELTORTO: A Resolution permanently appointing
2 Michelle Minissale to the position of Typist, Grade 6 in
3 the Justice Department.

4 MS. MURPHY: So moved.

5 MR. GREEN: Second.

6 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
7 call the roll.

8 (The roll was called.)

9 MS. DELTORTO: The ayes have it, Madam Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.
11 Congratulations, Michelle.

12 MS. DELTORTO: A Resolution establishing one
13 position of Code Safety Inspector part-time in the
14 Building and Fire Services Department and appointing
15 Keith W. Cook to same.

16 MR. GREEN: So moved.

17 MR. ROSANO: Second

18 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
19 call the roll.

20 (The roll was called.)

21 MS. DELTORTO: The ayes have it, Madam Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MR. ROSANO: Pete couldn't be with us tonight.

24 SUPERVISOR MAHAN: I'll congratulate him anyway.

25 MS. DELTORTO: A Resolution establishing one

1 position of Code Safety Inspector part-time in the
2 Building and Fire Services Department and appointing
3 Edward F. Landry to same.

4 MR. GREEN: So moved.

5 MR. ROSANO: Second.

6 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
7 call the roll.

8 (The roll was called.)

9 MS. DELTORTO: The ayes have it, Madam Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.

11 Congratulations, Ed.

12 MS. DELTORTO: A Resolution permanently appointing
13 Nicholas J. Appel to the position of Emergency Medical
14 Technician part-time in the Emergency Medical Services
15 Department.

16 MS. MURPHY: So moved.

17 MR. CAREY: Second.

18 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
19 call the roll.

20 (The roll was called.)

21 MS. DELTORTO: The ayes have it, Madam Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 Nicholas couldn't be here tonight.

24 MS. DELTORTO: A Resolution permanently promoting
25 Bryce P. Foggo to the position of Emergency Medial

1 Technician in the Emergency Medical Services Department.

2 MS. MURPHY: Bryce was serving part-time and will
3 now become a full-time employee. So moved.

4 MR. CAREY: Second.

5 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
6 call the roll.

7 (The roll was called.)

8 MS. DELTORTO: The ayes have it, Madam Supervisor.

9 SUPERVISOR MAHAN: The Resolution is adopted.

10 Bryce also couldn't be here this evening.

11 MS. DELTORTO: A Resolution appointing Tara A.

12 Booker to the position of Senior Typist, Grade 8 in the
13 Parks and Recreation Department.

14 MS. MURPHY: So moved.

15 MR. GREEN: Second.

16 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
17 call the roll.

18 (The roll was called.)

19 MS. DELTORTO: The ayes have it, Madam Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 Congratulations, Tara.

22 MS. DELTORTO: A Resolution permanently promoting
23 Steven Strohmeier to the position of Highway Signage
24 Technician, Grade 10, in the DPW/Division of Highway.

25 MR. ROSANO: So moved.

1 MR. GREEN: Second.

2 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
3 call the roll.

4 (The roll was called.)

5 MS. DELTORTO: The ayes have it, Madam Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.
7 Congratulations, Steve.

8 That's it for personnel. We have one public
9 hearing and we'll go to that now.

10 (Whereas the meeting was adjourned to address
11 the public hearing and public comment session and
12 recommenced immediately after.)

13 MS. DELTORTO: A Resolution authorizing expenditure
14 of funds from the Insurance Reserve Fund for payment of
15 legal fees, expenses and/or settlement in connection
16 with tort litigation.

17 MR. GREEN: So moved.

18 MR. CAREY: Second.

19 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
20 call the roll.

21 (The roll was called.)

22 MS. DELTORTO: The ayes have it, Madam Supervisor.

23 SUPERVISOR MAHAN: The Resolution is adopted.

24 MS. DELTORTO: A Resolution authorizing the
25 Supervisor to enter into a Renewal Agreement with North

1 Colonie Central School District in regards to 211 Old
2 Niskayuna Road.

3 MS. MURPHY: This is at no cost to the Town. So
4 moved.

5 MR. CAREY: Second.

6 SUPERVISOR MAHAN: And this is for the area by the
7 Pryune House.

8 Supervisor votes aye. Clerk, call the roll.

9 (The roll was called.)

10 MS. DELTORTO: The ayes have it, Madam Supervisor.

11 SUPERVISOR MAHAN: The Resolution is adopted.

12 MS. DELTORTO: A Resolution authorizing the
13 Supervisor to execute an Agreement with the South
14 Colonie Central School District for providing a Town
15 Police Officer to act as a School Resource Officer.

16 MS. MURPHY: So moved.

17 MR. GREEN: Second.

18 SUPERVISOR MAHAN: South Colonie Central School
19 District will reimburse the Town \$40,000 for providing
20 these services.

21 Supervisor votes aye. Clerk, call the roll.

22 (The roll was called.)

23 MS. DELTORTO: The ayes have it, Madam Supervisor.

24 SUPERVISOR MAHAN: The Resolution is adopted.

25 MS. DELTORTO: A Resolution authorizing

1 acceptance of a proposal from Arthur J. Gallagher Risk
2 Management Services, Incorporated to provide Boiler &
3 Machinery Insurance coverage through Travelers
4 Insurance.

5 MR. GREEN: So moved.

6 MS. MURPHY: Second.

7 MS. DELTORTO: A Resolution authorizing settlement
8 or discontinuance, subject to judicial approval of the
9 same, pursuant to Section 68 of the Town Law, of various
10 tax certiorari proceedings.

11 MR. GREEN: This is some of the tax proceedings
12 that we have within the Town. One is a tentative Town
13 refund of \$684.00 for the property at 630 Columbia
14 Street Extension. The other is tentative Town refund of
15 \$1,888 for 688 Loudon Road. So moved.

16 MR. CAREY: Second.

17 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
18 call the roll.

19 (The roll was called.)

20 MS. DELTORTO: The ayes have it, Madam Supervisor.

21 SUPERVISOR MAHAN: The Resolution is adopted.

22 MS. DELTORTO: A Resolution rescinding a portion
23 of Resolution 182 for 2017 and authorizing a
24 reimbursement in connection with the overpayment of
25 estimated water usage charges for 29 Grapevine Place.

1 MR. ROSANO: So moved.

2 MR. GREEN: Second.

3 SUPERVISOR MAHAN: This is really a correction on
4 an address.

5 Supervisor votes aye. Clerk, call the roll.

6 (The roll was called.)

7 MS. DELTORTO: The ayes have it, Madam Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. DELTORTO: A Resolution authorizing the
10 Supervisor to reimburse overpayment of estimated water
11 usage charges to various Town residents.

12 MR. ROSANO: So moved.

13 MR. GREEN: Second.

14 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
15 call the roll.

16 (The roll was called.)

17 MS. DELTORTO: The ayes have it, Madam Supervisor.

18 SUPERVISOR MAHAN: The Resolution is adopted.

19 MS. DELTORTO: A Resolution awarding the bids to
20 PJ Green, Incorporated and The Mailworks in connection
21 with various Town mailings.

22 MR. CAREY: So moved.

23 MR. GREEN: Second.

24 SUPERVISOR MAHAN: They were all low bidders.

25 Supervisor votes aye. Clerk, call the roll.

1 (The roll was called.)

2 MS. DELTORTO: The ayes have it, Madam Supervisor.

3 SUPERVISOR MAHAN: The Resolution is adopted.

4 MS. DELTORTO: A Resolution scheduling a public
5 hearing in connection with a proposed Local Law amending
6 Chapter 181 of the Code of the Town of Colonie -"Vehicle
7 & Traffic Codification: by amending Schedule V -"Stop
8 Intersections" and Schedule VI - "Yield Intersections."

9 MR. ROSANO: The public hearing will be held on
10 June 8th. So moved.

11 MR. GREEN: Second.

12 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
13 call the roll.

14 (The roll was called.)

15 MS. DELTORTO: The ayes have it, Madam Supervisor.

16 SUPERVISOR MAHAN: The Resolution is adopted.

17 MS. DELTORTO: A Resolution requiring the Planning
18 Board to review and consider the proposed amendment of
19 The Residences at the Crossings PDD.

20 MR. ROSANO: So moved.

21 MR. GREEN: Second.

22 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
23 call the roll.

24 (The roll was called.)

25 MS. DELTORTO: The ayes have it, Madam Supervisor.

1 SUPERVISOR MAHAN: The Resolution is adopted.

2 MS. DELTORTO: A Resolution authorizing the Parks
3 and Recreation Department to accept the Lifetime Liberty
4 Access Pass issued by New York State to qualifying
5 veterans when accompanied by a Town of Colonie Resident
6 Card for use of certain Town recreational facilities by
7 pass holders at no charge.

8 MS. MURPHY: So moved.

9 MR. GREEN: Second.

10 SUPERVISOR MAHAN: Our Parks and Rec will be
11 authorized to accept what is called the Lifetime Liberty
12 Access Pass which is issued by New York State to
13 qualifying veterans. For those who qualify, there is no
14 charge to access the Town pool and no green fee at the
15 Town golf course. For veterans, there needs to be a 40%
16 disability.

17 Supervisor votes aye. Clerk, call the roll.

18 (The roll was called.)

19 MS. DELTORTO: The ayes have it, Madam Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 MS. DELTORTO: A Resolution declaring one 2009
22 Bomag Asphalt Roller as surplus and authorizing the
23 purchase of a 2017 Weller Asphalt Paver for the
24 DPW/Division of Highway.

25 MR. ROSANO: So moved.

1 MR. GREEN: Second.

2 SUPERVISOR MAHAN: This, over a reasonable period
3 of time will end up being a cost savings for the Town in
4 allowing our workers to do more of the paving.

5 MS. AWLING: Can I ask a question? Is this one of
6 the machines that picks up the old pavement and then
7 it's reused?

8 MR. CUNNINGHAM: That would be a milling machine
9 and we're not buying a milling machine. This is just for
10 paving.

11 SUPERVISOR MAHAN: In our paving budget, which we
12 start just about this time every year when the actual
13 companies -

14 MS. AWLING: I realize that.

15 SUPERVISOR MAHAN: This is the eighth year. For
16 that portion of it, we put a little over six million
17 dollars into that. This is a paver for our people to use
18 so that they can do additional paving in smaller areas
19 and some of the parking lots, as well. This will be
20 able to advance the whole process.

21 MS. DELTORTO: We have a motion and a second. We
22 need a vote.

23 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,
24 call the roll.

25 (The roll was called.)

1 MS. DELTORTO: The ayes have it, Madam Supervisor.

2 SUPERVISOR MAHAN: The Resolution is adopted.

3 Thank you very much for coming.

4 MS. BURCHARDT: I would like to talk to Michael
5 about a Resolution. I just have one question. Is that
6 okay?

7 SUPERVISOR MAHAN: Yes.

8 MS. BURCHARDT: I can't say that the Highway
9 Department does a good job when we call for potholes on
10 our road.

11 This is going back to 2015 - the Resolution 549
12 dealing with a portion of Nutwood, my street, being
13 declared surplus and Billy Fuccillo was basically
14 going to buy the surplus property for his new
15 expansion. Has anything been done with that, first
16 of all?

17 MR. MAGGUILLI: I believe that has been withdrawn.
18 I believe that Fuccillo withdrew his request primarily
19 because of the opposition from the neighborhood.

20 MS. BURCHARDT: As you recall, the neighbors on one
21 side were all for this with attorneys and we basically
22 didn't know anything about it until the light bulb went
23 off and -

24 MR. MAGGUILLI: Ma'am, if you could, I would like
25 to double check that to make sure -

1 MS. BURCHARDT: Excuse me for interrupting but
2 Donna Gates in the -- she was very good. She really took
3 time with me over the phone. She told me to get a hold
4 of you to find out about it.

5 Another thing regarding this is basically what
6 happens to these Resolutions like 549? I know that
7 it's an Albany County Resolution now. It's a Town
8 Resolution now. Does that stay on the books forever
9 or is that dissolved? Does that mean that the road
10 is surplused forever or only with the contingency
11 that it be bought by Fuccillos?

12 MR. MAGGUILLI: No. The legal status of the road
13 would be kept and any condition that it was in prior to
14 the proposal of the Resolution, There is no change
15 whatsoever because you need a Town Board Resolution to
16 change the legal status of any Town property. Whatever
17 it was before the Resolution was proposed, that is what
18 it will remain.

19 MS. BURCHARDT: What if the Resolution was passed,
20 though? I'm presuming that it was passed according to
21 the way that it is worded on here. That's what confuses
22 me. In other words, is this thing on the books?

23 MR. MAGGUILLI: Can I take a look at what you are
24 looking at?

25 MS. BURCHARDT: Yes.

1 SUPERVISOR MAHAN: Mike, we'd have to go back to
2 the minutes to see what the vote was or if they withdrew
3 it. I think that is what she is asking.

4 MR. MAGGUILLI: She has the minutes here.

5 MS. BURCHARDT: It was just that we were curious
6 because in two years and nothing has occurred and I just
7 don't want a bombshell next week and all of the sudden
8 the road -

9 MR. MAGGUILLI: If I could take your name, I will
10 give you a call.

11 MS. BURCHARDT: Yes. Your department is very good
12 when I ask a question.

13 MR. MAGGUILLI: I will double check this item. I'm
14 almost positive that this was never adopted. So, it is
15 still Town property and it would remain Town property
16 until, say, you wanted to buy it.

17 MS. BURCHARDT: Then I would be responsible for
18 plowing and the maintenance of the road.

19 MR. MAGGUILLI: Correct. I'm going to give you my
20 card and I'll give you a call tomorrow.

21 MS. BURCHARDT: If not tomorrow, I'll get you next
22 week.

23 MR. MAGGUILLI: In the meantime, I'll have my real
24 estate paralegal check this.

25 MS. BURCHARDT: She was checking on it today for

1 me. She couldn't find anything on it. She was very good.

2 MR. MAGGUILLI: Sue Pellegrini?

3 MS. BURCHARDT: No, Donna Gates. She was very good
4 and she told me to get a hold of the person -

5 MR. MAGGUILLI: Okay, I'll give you a call.

6 MS. BURCHARDT: I appreciate it.

7

8 (Whereas the above entitled proceeding was
9 concluded at 7:55 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 _____