

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 June 13, 2019 6:15 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
- CHRISTOPHER CAREY
- MELISSA JEFFERS-VONDOLLEN
- JENNIFER WHALEN
- DAVID GREEN

ALSO PRESENT:

- Michael C. Magguilli, Esq. Town Attorney
- Julie Gansle, Town Clerk
- Christopher Kelsey, Comptroller's Office
- Michael Burick, Director, Civil Service
- John Cunningham, Commissioner, Department of Public Works
- Nicholas Costa, PE, Advance Engineering and Surveying
- Peter Berry, Chief, EMS

1 MR. MAGGUILLI: Starting off at personnel and we  
2 are adopting a Resolution appointing Justin Carl to  
3 replace Robert Bleickert as a laborer in Latham Water;  
4 \$18.63 an hour. He will start June 14. Then, we have  
5 another Latham Water labor position and we are  
6 appointing Shane Zyglewicz to the position. He is  
7 replacing Tom Vergnini. He starts June 17.

8 Resolution 269C is appointing Matt Whitcomb in  
9 place of Bill Dibacco. Bill was a very busy guy, as you  
10 will see. He is going to be a labor in Latham Water;  
11 \$18.63.

12 MR. CUNNINGHAM: That's Bill Debacco, Jr.

13 SUPERVISOR MAHAN: I thought you meant Bill that  
14 retired.

15 MR. MAGGUILLI: Resolution 269D is permanently  
16 promoting Brian Franklin as Senior Public Safety  
17 Dispatcher. He is replacing David Ray; \$67,353.00  
18 starting June 17.

19 Resolution 269E is permanently appointing Sharon  
20 Montagne as a Personnel Clerk in Latham Water. She is  
21 replacing Julie Pfeiffer; \$36,490.00.

22 MS. WHALEN: She a new higher?

23 MR. BURICK: Yes.

24 MR. MAGGUILLI: Resolution 269F is another Bil  
25 Debacco replacement. We are appointing Michael E. Forst

1 as our Highway Maintenance Foreman.

2 SUPERVISOR MAHAN: Paul has the updated map there.

3 MR. ROSANO: Yes, I asked Nick Costa to come  
4 tonight for the last time to answer any questions on  
5 this ODA down on Colonial Green. Several of us have  
6 been on site.

7 Nick, do you want to come up and just explain.  
8 There was some confusion on the two easements.

9 MR. COSTA: This is a paper street right here  
10 (Indicating) in red - the right-of-way lines. Then,  
11 these are the proposed two lots (Indicating). So, there  
12 would be no easement here, but there would be a  
13 driveway here and it would be shared between Lot 1 and  
14 Lot 2. Then, Lot 2 is going to have their drive cross  
15 over Lot 1. So, they need an easement and that is shown  
16 in blue.

17 Then, lot number one is an easement for the storm  
18 water discharge because the storm water runs through  
19 here (Indicating). So, they will be discharging over  
20 here, so they needed easement for that. That's the  
21 purpose of those utilities.

22 MR. MAGGUILLI: These are big lots.

23 MR. COSTA: Yes.

24 MS. WHALEN: I have a question. So, you need this  
25 because you would have to otherwise put driveways on

1 the cul-de-sac and it wouldn't work - is that it?

2 MR. COSTA: The cul-de-sac is read here  
3 (Indicating). The only frontage that this lot has is  
4 right here.

5 MS. WHALEN: So, this big huge lot only has this  
6 little bit of frontage.

7 MR. ROSANO: They need a minimum of 80 feet of  
8 frontage.

9 MS. WHALEN: Yes, I know that. So, the frontage  
10 that you have is -

11 MR. MAGGUILLI: There really is no frontage.

12 MS. WHALEN: Yes, there really is no frontage on  
13 the cul-de-sac. It is like, minuscule.

14 MR. ROSANO: If the street was to be continued,  
15 then they would have frontage and then they wouldn't  
16 need to have an ODA.

17 MR. MAGGUILLI: Where's the paper street, again?

18 MS. WHALEN: It's right here (Indicating).

19 MR. MAGGUILLI: Who owns the paper street?

20 MS. WHALEN: We do.

21 MR. MAGGUILLI: The Town owns it, right?

22 MR. ROSANO: Yes.

23 MR. MAGGUILLI: Are there any other lots that are  
24 benefiting from that paper street?

25 MR. COSTA: This lot right here - there frontage

1 is over here (Indicating) so, they have no benefit from  
2 this lot. This lot has their driveway from here  
3 (Indicating) so, they have no benefit.

4 MR. MAGGUILLI: Well, they have a technical  
5 benefit because that's the purpose of the paper street.

6 MR. COSTA: That's right. The original was for  
7 these lots in these houses that use the frontage -  
8 that's correct. Those were corner lots.

9 MS. WHALEN: So, if you didn't have an ODA  
10 approval, would you even have enough frontage for one?

11 MR. COSTA: No.

12 MS. WHALEN: You would have no frontage?

13 MR. ROSANO: It ends here (Indicating).

14 MS. WHALEN: So, this is an easement over the  
15 paper street that you will have.

16 MR. ROSANO: No, you don't need an easement for  
17 it. Two easements belong to these folks. One is for a  
18 driveway and one is for storm water.

19 MS. WHALEN: So, you are not interested in any of  
20 the paper street.

21 MR. COSTA: That's right.

22 MS. WHALEN: It would just extend your front yards  
23 of these folks.

24 MR. MAGGUILLI: Why aren't they using the paper  
25 street for direct access?

1 MR. COSTA: Because nobody wants the road built.  
2 There's quite a forest of vegetation that has grown in  
3 over the years and the people here have talked to the  
4 departments and nobody wants that connection made.

5 MS. WHALEN: What if this guy wants all of this  
6 (Indicating)?

7 MR. COSTA: That's fine.

8 MS. WHALEN: You don't care?

9 MR. COSTA: No.

10 MR. MAGGUILLI: The paper street is going to  
11 continue to exist. Were not doing anything to the paper  
12 street.

13 SUPERVISOR MAHAN: Some people have expressed an  
14 interest in part of it.

15 MR. COSTA: These folks are interested because  
16 their lot is kind of on the small side. So, it would  
17 become their backyard.

18 SUPERVISOR MAHAN: There was somebody at the  
19 meeting that said that they were interested.

20 MR. COSTA: The couple that live there.

21 MS. WHALEN: They are the only ones that have  
22 frontage on the backside.

23 SUPERVISOR MAHAN: Mike, that would just be  
24 confirming that nobody needs the property.

25 MR. MAGGUILLI: My only concern is that as long as

1 we're leaving the paper street alone, it's going to  
2 continue to exist and we are fine.

3 SUPERVISOR MAHAN: Right, but what if somebody  
4 wants to purchase it?

5 MS. WHALEN: But it would only lop off the end of  
6 it. We could still sell the rest of it. The people that  
7 want to buy, they want to buy the right side of it.

8 SUPERVISOR MAHAN: They want to make their yard  
9 bigger.

10 MR. MAGGUILLI: I think your questions have all  
11 been answered. This is a two lot residential  
12 subdivision. They are large lots - about an acre each.  
13 The ODA is required because there is no public road  
14 access, other than by this proposed driveway. The  
15 access is from the cul-de-sac. This is a Town Road.  
16 They would need permission from the Town to cut into  
17 the cul-de-sac which is apparently no problem. The use  
18 of this private drive that is shown on the map will be  
19 their primary means of access. As long as were not  
20 doing anything with regard to the title to the paper  
21 Street itself, I have no legal concerns.

22 SUPERVISOR MAHAN: Mike, hold off for second. We  
23 had talked to Peter - you wanted to do a little bit of  
24 a discussion. Do you want to do it now, or do you want  
25 to wait to were done with this part?

1 MR. BERRY: We can wait.

2 MR. MAGGUILLI: If you look at Exhibit A that is  
3 attached to Resolution 270, when I took a look at this  
4 I had some concerns about the handwritten number five  
5 that says deferred to Town Fire Safety as to these  
6 documents - I believe it says. Anyway, I was not very  
7 happy with that at all. I have already told them that I  
8 wanted planning to come back with a final draft typed  
9 version that matches the minutes. I was hoping that  
10 they would have that done by tonight but they haven't.  
11 I would adopt this Resolution subject to the amendment  
12 to Exhibit A, paragraph five.

13 MR. CAREY: It says deferred to Town Fire Safety  
14 as to their comments. That's what it says.

15 MR. MAGGUILLI: That's not good. If Fire Safety  
16 have comments, those comments should be expressed.

17 MR. CAREY: We don't have that as part of this?

18 MR. MAGGUILLI: No, apparently not. I think they  
19 are in the record, but what I wanted was typed onto  
20 this exhibit and so if we adopt this subject to that  
21 revision, we are okay.

22 They didn't get it to me in time.

23 SUPERVISOR MAHAN: Well, they have to fix it,  
24 which they will. We asked Nick to come back and fix  
25 this thing up so we can clarify everything with the ODA

1 and easements for the water line and all of that.

2 MR. MAGGUILLI: Doing this is better for Nick and  
3 his clients and us.

4 SUPERVISOR MAHAN: Because anybody could write  
5 something in. You don't want that. You want it typed.

6 MR. MAGGUILLI: If nothing else, it should have  
7 been initialed.

8 MS. WHALEN: So, subject to the amendment of  
9 Exhibit A, number five being finally typed draft  
10 version that matches the minutes and that you concur  
11 with - and that you, the Attorney's Office, concurs  
12 with.

13 MR. MAGGUILLI: Correct. I just think that it  
14 should be spelled out. That way there is no confusion  
15 five years down the road.

16 MS. MURPHY: It should be clarified now.

17 MR. MAGGUILLI: We can vote on it tonight, but  
18 just subject to number five be amended to the  
19 satisfaction of the Town Attorney's office.

20 MS. WHALEN: That you actually checked with Fire  
21 Safety, too, and not defer to them for whatever.

22 MR. MAGGUILLI: Correct.

23 Resolution 271 is recognizing June as Pride Month -  
24 LGBT Pride Month.

25 SUPERVISOR MAHAN: Just Pride Month.

1 MR. MAGGUILLI: Okay. The gentleman that started a  
2 petition I believe is going to be here tonight.

3 Resolution 272 is amending certain budget  
4 modifications. We are amending the 2018 operating budget  
5 as shown in Exhibit A.

6 Resolution 273 is modifying the 2019 operating  
7 budget as shown in the attached Exhibit A.

8 MR. KELSEY: The 2018 is about formalizing a lot  
9 of the budget neutral transactions as well as cleanup.  
10 there are some increases there, but it is to match the  
11 revenue that came in higher with expenses that came in  
12 higher.

13 SUPERVISOR MAHAN: So, it catches everything up to  
14 where we are at this point.

15 MR. KELSEY: The 2019 are several budget neutral  
16 transactions - the last four - as well as grant  
17 fundings that are coming in for the police and Senior  
18 Resources. We are just doing that now to get them into  
19 the budget.

20 MS. WHALEN: So, for 2018 - I read through it and  
21 it all matches pretty much - it shakes out to what we  
22 approved last year.

23 MR. KELSEY: Pretty much. There are some minor  
24 increases, but there was sufficient money to cover it.  
25 For example, in the 2018 budget, the final snow removal

1 figures were higher than what we budgeted but we had  
2 sufficient sales tax revenue to offset that.

3 SUPERVISOR MAHAN: Perfect, thank you.

4 MR. MAGGUILLI: Resolution 274 is reimbursement of  
5 water charges. Rebecca Brown is this week's high  
6 lender; \$5,159.00.

7 SUPERVISOR MAHAN: You have to understand that she  
8 had an issue when she went into the Water Department -  
9 she videoed her conversation with the staff here. She  
10 had made claims that the woman - the staff woman was  
11 inappropriate and all this other stuff. We looked at  
12 the video. John Frazer looked at the video. The staff  
13 member was not inappropriate. She was very polite. She  
14 gave all of the information and John worked on getting  
15 the figures worked up so that we could get the  
16 reimbursement tonight. There was nothing that was an  
17 appropriate.

18 MS. MURPHY: She pays her water bill through her  
19 mortgage. She has until the 19th, I think she said, to  
20 pay back to whoever holds her mortgage. So, that's why  
21 John and you -

22 SUPERVISOR MAHAN: We asked him if he could get it  
23 for tonight so that we could resolve this. Why she  
24 didn't turn things in, I don't know. The fact is that  
25 was one of her big complaints - that the staff member

1 was inappropriate. You can all look at the video  
2 yourselves, she was very polite.

3 MS. MURPHY: I went to John Frazer, too, because  
4 she's the manager of the Stewart's near my house. I  
5 went in there one morning and she's raving about the  
6 Town and now they're costing my mortgage \$7,000 more  
7 because I have incurred all these debts because I  
8 haven't been paying the proper amount, with a store  
9 full of people being there.

10 MR. KELSEY: If she read her water meter in the  
11 last seven years, maybe she wouldn't have that problem.

12 MS. MURPHY: After I talked to John, I told her it  
13 was my understanding that the last time you send your  
14 card in was 2012. Oh no, last year was the first time I  
15 ever missed. I said oh, I think they pretty much have  
16 an accurate record.

17 SUPERVISOR MAHAN: Hopefully she'll get the one  
18 that they read while driving by.

19 MR. KELSEY: This will get her the check issued  
20 next Thursday.

21 MS. WHALEN: Don't they put these meters on the  
22 outside, now?

23 SUPERVISOR MAHAN: Yes.

24 MS. WHALEN: Because I haven't sent a card in a  
25 long time. Think minor on the outside.

1 SUPERVISOR MAHAN: If years are on the outside,  
2 you can just drive by. We have been in the process of  
3 years for doing so many per year.

4 Back in 2008, it was going to be about \$6.2 million  
5 dollars and we didn't have that.

6 MS. WHALEN: I don't like going in my basement.  
7 I'm afraid of basements. They scare me.

8 SUPERVISOR MAHAN: You probably have one on the  
9 outside.

10 MR. MAGGUILLI: Resolution 275 is authorizing  
11 Paula to sign a professional service agreement with  
12 O'Brien and Geer. This is for the River Road storage in  
13 Mohawk View Water Treatment Plant mixing study;  
14 \$59,900. This is in response to an RFP that we did back  
15 in April - April 23, to be specific.

16 Resolution 276 is awarding the bids to all low  
17 bidders. This is for pipes, fittings and hydrants for  
18 2019. Of the 11 categories, each category went to the  
19 low bidder.

20 Resolution 277 is authorizing Paula to sign  
21 agreements in connection with my office for operations  
22 of 2019.

23 Somehow at the organizational meeting we never got  
24 around to doing the attorney agreements with Bailey  
25 Johnson and Friedman Hirschen and Cooper Irving. So, we

1 are doing this now retroactive to January 1.

2 Resolution 278 is authorizing Doug to advertise for  
3 bids for boiler repair at the Mohawk View Water  
4 Pollution Control Plant.

5 Resolution 279 is authorizing Paula to sign an  
6 agreement with Stanford Heights. This is the continuing  
7 medical education recertification program. As you know,  
8 we have done this with some of the other volunteer  
9 departments to date.

10 I think we only have one or two more, right, Peter?

11 MR. BERRY: Hopefully we can get everybody to get  
12 their paperwork in.

13 MR. MAGGUILLI: Resolution 280 is amending  
14 Resolution 130c for 2019.

15 When we adopted the Resolution back in April for  
16 Nakia, we apparently put her at the top of the bracket  
17 for salary rather than at the starting line and so this  
18 is just readjusting that's from the \$40,554 down to  
19 \$39,666. She is fully aware of it. I guess the  
20 reimbursement has been made already.

21 Resolution 281 is an agreement with Stanley  
22 Convergent. This is our annual maintenance agreement for  
23 the Public Safety Building. We did the original  
24 agreement back in 2017. There is a one-time charge of  
25 \$1,550.52; \$19.06 monthly thereafter.

1 Resolution 282 is requiring the Planning Board to  
2 review and consider a proposed amendment to the Maxwell  
3 Road planned development District. Elaina Grimm at 7  
4 Justin Court wants to add a three-season porch to her  
5 home. In order to do that, you have to amend the  
6 legislation allowing for the planned development  
7 district. This gets that's started.

8 MS. WHALEN: Will this be in the backyard of all  
9 those -

10 MR. MAGGUILLI: I'm not certain where it is. It is  
11 attached to Justin Court and she was at a porch. It is  
12 one of the bad parts about the PDD in that change  
13 anything you have to go through the whole process.

14 SUPERVISOR MAHAN: If it's number seven, it must  
15 be where they started. It backs up to -

16 MS. WHALEN: That storm water pond.

17 SUPERVISOR MAHAN: No, the storm water pond is on  
18 the other side. So, seven has to be in the beginning.

19 MS. WHALEN: It's kind of like ironic, though.  
20 This is subjecting all those neighbors on all those  
21 other streets to like a more building.

22 MR. ROSANO: Seven is on the right side. There is  
23 nothing behind that. There are no houses.

24 MS. WHALEN: Like, we have been traumatized enough  
25 and now they've gone through it and now there's a

1 building and now they want to build on to the building.

2 MR. CAREY: Do we know if everything has been done  
3 in that project that we have asked the developer to do?

4 MR. MAGGUILLI: As far as we know, everything is  
5 done up to date. There is still more landscaping to be  
6 done.

7 MR. CAREY: When is that going to go on? Do we  
8 know? I get approached by somebody whose backyard abuts  
9 it who lives on Margaret Drive that is really really  
10 upset.

11 MR. MAGGUILLI: That's a really good question. It  
12 is something that we can look into, if you want.

13 MR. CAREY: Well, we have this in front of us.  
14 Should we make sure that they are sort of up to speed  
15 with all the old promises that we were given for that  
16 development?

17 SUPERVISOR MAHAN: This is in them. This is a  
18 resident.

19 MR. CAREY: But it is part of that project. Why  
20 are we going to approve something else when we don't  
21 even know if the previous things that we were promised  
22 and that the neighbors were promised have been done?

23 MR. MAGGUILLI: This woman is innocent on that.

24 MR. CUNNINGHAM: What was promised to us from the  
25 developer has nothing to do with this. They put the

1 trees and ended all the things they were supposed to  
2 do.

3 SUPERVISOR MAHAN: But they have more landscaping  
4 to do.

5 MS. WHALEN: They also promised fences to these  
6 people that were at the Planning Board meeting. I sat  
7 there and listened to him promise -

8 MR. MAGGUILLI: They can't do the landscaping  
9 until other parts of the project are completed. They  
10 have to do A before they can do B, is my understanding.

11 MS. WHALEN: I think we should wait on this. Even  
12 if it is punishing someone else, the developer is  
13 selling other townhouses -

14 MR. CAREY: I will tell you that when I drive by  
15 there what I see - if I lived on Margaret Drive, it  
16 doesn't mean anything to me. The small stuff doesn't do  
17 anything as far as a buffer for the residents on  
18 Margaret. Now we have something else in front of us and  
19 I say before we move forward on this, let's see where  
20 they are with the other issues that were brought before  
21 us.

22 MR. ROSANO: I totally disagree.

23 MS. WHALEN: These neighbors know have to look at  
24 someone -

25 MR. MAGGUILLI: This woman is innocent.

1 MS. WHALEN: It doesn't matter. She bought from a  
2 developer that should be finishing up the project.

3 MR. MAGGUILLI: This isn't the developer  
4 requesting this. This is a resident.

5 MS. WHALEN: I understand that, but the developer  
6 has not sold out in that area. So, if the word gets out  
7 that he hasn't fulfilled his original promises to the  
8 neighbors behind -

9 MR. MAGGUILLI: He has fulfilled his promises.

10 MS. WHALEN: No, he hasn't.

11 MR. MAGGUILLI: He's not done fulfilling his  
12 promises.

13 MR. ROSANO: Jack just told you that is up to date  
14 on his landscaping. There is more to do as they do more  
15 building.

16 MR. CAREY: Can we get an update?

17 MS. JEFFERS-VONDOLLEN: I think there's a way to  
18 get an update and still not punish the resident. I'll  
19 think this woman is expecting us to deny it -

20 MR. CAREY: Well, we don't know where the project  
21 is, either. Is it on the right-hand side when you come  
22 in the face is the west? I really don't know that.

23 MS. WHALEN: How can she be building when the  
24 landscaping isn't in yet?

25 MR. MAGGUILLI: The only thing that we are doing

1 here is referring it to Planning and seeing what their  
2 recommendation is. Why don't we refer it to Planning  
3 with the direct order to Planning that they obtain from  
4 the developer exactly what has been done with respect  
5 to the landscaping, what needs to be done to completed  
6 and why it hasn't been done to date.

7 SUPERVISOR MAHAN: I think they can do that, Mike,  
8 but I would feel more comfortable if your office got a  
9 hold of the developer or whoever's doing this project.  
10 I would be willing to go over there and have another  
11 visit like we did before.

12 MR. CAREY: I would love to go with you on that  
13 because I almost got attacked by somebody on Margaret  
14 Drive and it was ridiculous.

15 SUPERVISOR MAHAN: I think it would be a good idea  
16 because if the planting season is in the fall - if  
17 that's what is going to do - - I know some of the stuff  
18 that was planted because they were kind of force to do  
19 it before they were ready - - some of the stuff died.  
20 That is unfortunate but I think -

21 MS. WHALEN: Well, it is unfortunate that they  
22 took all the trees down.

23 SUPERVISOR MAHAN: It was also unfortunate - -  
24 that project you have to understand that project was  
25 reduced a lot. Prior to when we came here, that project

1 was in there with apartments and other stuff. We took  
2 all of that out of there. The fact that we have a  
3 builder who didn't follow through - no one would know  
4 that until this happened.

5 The woman who was talking to Chris - - it has been  
6 long enough. I think they need to tell us and give us an  
7 update face-to-face.

8 MR. MAGGUILLI: Do you want them to come in here?

9 SUPERVISOR MAHAN: No, we will go back there -  
10 right where we did before.

11 MR. CAREY: I want to be on the tour.

12 SUPERVISOR MAHAN: We went there before - a couple  
13 of times. We had gotten them to put the firm  
14 landscaping in. Then, Ken Raymond put those bigger  
15 trees - - he put them in himself. He had them put in.

16 MS. WHALEN: Then, there is that other street that  
17 the doctor lives on. I have been in her backyard 1  
18 million times because she was so upset about the lack  
19 of trees and seeing all the construction.

20 SUPERVISOR MAHAN: That project was approved a  
21 long time ago.

22 MS. WHALEN: I know all about it. I read the  
23 transcript. It was before this administration when they  
24 approved this PDD. I read the whole history of it. I  
25 understand it.

1 SUPERVISOR MAHAN: Back when Alisha Lane and  
2 everything went in there - the bottom line is the  
3 landscaping.

4 MR. CAREY: There is a lot of sand back there to  
5 that is not covered with any vegetation that's blowing  
6 all over the place.

7 SUPERVISOR MAHAN: This is going to the Planning  
8 Board. What we can do is we can refer this to the  
9 Planning Board and the Planning Board has an  
10 understanding which you are going to have to coordinate  
11 with them that they cannot give us their recommendation  
12 to have a confirmation on the landscaping. We get the  
13 landscaping by going over there and talking to them and  
14 making them put something in writing and give us dates  
15 and whatever. This can go to planning. They just can't  
16 act on it until we have confirmation.

17 MS. WHALEN: When I sat in the Planning Board  
18 meetings when this was going on after the trees were  
19 all raised - right in the beginning when I got on the  
20 board - - the developer said they would put up fencing  
21 across all of those backyards.

22 SUPERVISOR MAHAN: We can ask them about that,  
23 too.

24 MS. WHALEN: It's right on the record. I have the  
25 transcript.

1 MR. ROSANO: I was on the Planning Board in 2009  
2 when we took out the apartment houses.

3 MS. WHALEN: You weren't on the Planning Board.  
4 You are on the Town Board with me and it was when  
5 Finning stood up and said he would give them fencing.

6 MR. ROSANO: I'm saying in 2009 I was on the  
7 Planning Board and we took up the apartment houses. I  
8 have never once seen anywhere where he said they were  
9 going to put fencing in.

10 MS. WHALEN: Finning said it live to the planning  
11 board.

12 MR. ROSANO: Show me. Find a for me.

13 MS. WHALEN: I will. It was when I was already in  
14 the Town Board.

15 SUPERVISOR MAHAN: I think we can address this  
16 Resolution and referred to Planning and have them just  
17 hold onto it until we can get a confirmation. If the  
18 weather is nice next week, we can make an appointment  
19 for next week.

20 MR. MAGGILLI: Resolution 283 is authorizing  
21 Paula to sign an agreement with South Colonie School  
22 District. This is for our summer playground program.

23 Resolution 284 is agreements with the Loudonville  
24 Presbyterian Church and Latham Community Baptist Church  
25 for the summer playground program. We are no longer

1 under any agreements with North Colonie. They don't want  
2 to be a part of it so we are doing it directly with the  
3 Loudonville Presbyterian Church and Latham Community  
4 Baptist Church.

5 SUPERVISOR MAHAN: No, they are under  
6 construction. That's why we can't use their field. It's  
7 not that they didn't want to be a part of it. They are  
8 under construction.

9 MR. MAGGUILLI: I'm sorry.

10 MS. MURPHY: When they are done with all their  
11 construction -

12 SUPERVISOR MAHAN: We will have to address the  
13 next year. I don't know when they will be done with the  
14 construction, but we will have to address the next  
15 year.

16 I never got the word that they didn't want to be  
17 part of it.

18 MR. MAGGUILLI: I misspoke. It was a poor choice  
19 of words.

20 Resolution 285 is in agreement with Brown  
21 Transportation; \$3,702 to drive the kids to the summer  
22 playground program.

23 Resolution 286 is the agreement with the  
24 Loudonville Presbyterian - to be a location for the  
25 parks program. There is no cost to us except that we

1 told them that we would send them a custodian and  
2 provide them with toiletries - toilet paper and paper  
3 towels and things like that.

4 MR. KELSEY: Is Doug aware that he has to provide  
5 custodial?

6 MR. MAGGUILLI: Yes.

7 SUPERVISOR MAHAN: Part of it is that they have to  
8 going to do that. They don't have the staff to do that.  
9 We are using the church's ground and the kids are going  
10 to be using the bathrooms.

11 MR. MAGGUILLI: Resoltuion 288 - back in May you  
12 authorized a Doug to put out an RFP for various town  
13 mailings for this year. During the course of the RFP,  
14 we learned that we can receive more favorable pricing  
15 from NYSUT a New York State preferred source. So, what  
16 we are doing here is just authorizing Doug to reject  
17 all bids. Were going to go along with the NYSUT that  
18 will save the Town money.

19 Resolution 289 - people have requested that we put  
20 a stop sign at the intersection of Ace place in Sherwood  
21 Drive. So call for a public hearing on June 27.

22 SUPERVISOR MAHAN: Who requested this, Mike?

23 MR. MAGGUILLI: I think it was a resident, Paula.

24 MR. CUNNINGHAM: Traffic Safety.

25 MR. MAGGUILLI: I don't know the name of the

1 person who initiated this.

2 SUPERVISOR MAHAN: I'm just asking how it came  
3 about.

4 MR. CUNNINGHAM: I don't know who sent it to  
5 traffic safety.

6 SUPERVISOR MAHAN: Was it Rick Notke?

7 MR. CUNNINGHAM: I think it was that family.

8 SUPERVISOR MAHAN: I don't know if it was all the  
9 residents. If Traffic Safety thinks that it needs to be  
10 there, that's fine.

11 MR. MAGGUILLI: It doesn't say how it was  
12 initiated Paula. I don't have any letters from the  
13 family here or anything.

14 MR. CUNNINGHAM: There is an application so we  
15 could pull that.

16 SUPERVISOR MAHAN: They feel it's necessary?

17 MR. MAGGUILLI: Traffic Safety is recommending it.

18 SUPERVISOR MAHAN: And all the places that people  
19 are asking for stop signs -

20 MR. MAGGUILLI: Resolution 290 is in agreement  
21 with Atlantic Testing Laboratories. This is to perform  
22 concrete slab analysis for the fire tower burn room  
23 number one. The cost that will be paid to Atlantic  
24 Testing Laboratories will be \$4,130.

25 Resolution 291 is accepting a proposal from Arthur

1 J. Gallagher for property insurance. This is retroactive  
2 to June 1. The premium is \$145,972. That's up  
3 approximately two percent. Last year we paid hundred  
4 \$42,999.

5 MR. CAREY: Mike, can you back up to 290 for a  
6 second? Is some part of the construction there - has  
7 been damaged? Is that what this is?

8 MR. BERRY: There is a burn room. When they set  
9 fire and the burn rooms, they have been setting them  
10 directly on the concrete and this is testing to  
11 determine the extent, if any, any damage.

12 MR. MAGGUILLI: This is just to make sure that it  
13 is still safe to walk on and the like.

14 Resolution 292 is Cingular wireless came to us and  
15 they want to upgrade their equipment at the tower behind  
16 Townhall. Through Dick Comy, we negotiated a new lease.  
17 They will pay us an additional \$550 per month to be  
18 allowed to place the upgraded equipment on our tower.  
19 Comy is recommending that we enter into this agreement.

20 Resolution 293 is from Ron Monfil's office. This is  
21 authorizing the use of Northeast appraisals in  
22 connection with any appraisal services that we may need  
23 for the balance of the year in our Assessors Office.

24 Finally, Resolution 294 is calling a public hearing  
25 with respect to the proposed updates and amendments to

1 the proposed update to our Comprehensive Plan.

2 MS. WHALEN: We didn't get anything, though,  
3 right? There is no proposed part three?

4 SUPERVISOR MAHAN: No, they have all the file  
5 pieces, the final plan in the four sections of the  
6 profile. There still are some corrections with redoing  
7 the page numbers and things. That has to be corrected  
8 before we can have them do a final draft. The final  
9 will be in color but as soon as we get back, I am  
10 hoping tomorrow or Monday - we can put it on the  
11 website and we will also leave you guys a hard copy in  
12 your mailbox if you want to pick it up. As soon as they  
13 get that corrected - - once we get those - - we don't  
14 want anything printed in color or bound or anything  
15 like that until it is exactly the way we want it. The  
16 profile itself is a lot of information. It's broken  
17 Siena survey, see as all the meeting minutes and all  
18 that kind of stuff and D is the summaries from all the  
19 2010 review.

20 MR. ROSANO: I got some updates from prism in the  
21 Siena College and I would like to just touch base with  
22 everybody. Next Wednesday night from 630 to 730 they  
23 will be doing another invasive species walk at the  
24 Crossings. This will be the Siena interns with Mary  
25 Beth. Then, following we are going to be going up to

1 the Town park to the boat launch. They're going to be  
2 doing some sampling - Siena College - the students are  
3 - of the water chestnuts and see where we are. Prism  
4 has already looked at it. It doesn't look like we are  
5 going to be able to do anything. The sandbar is too  
6 big. The Canal Corp. is not interested in removing it  
7 because it's grown in. Siena still wants to go up and  
8 review it and see because we have to see what the water  
9 temperatures are. Anybody up there pulling this stuff  
10 out of the water - all you are doing is replanting the  
11 seeds.

12 MS. WHALEN: I went to the meeting, too, that he  
13 is speaking about Mary Beth being at. They are going to  
14 throw weights and on ropes and just pull stuff in from  
15 the shore and then test it - the Siena kids. That's  
16 what she said they were going to do.

17 SUPERVISOR MAHAN: I can make a suggestion - when  
18 you get your findings you may want to communicate that  
19 with the County Legislator, Todd Drake the came and  
20 talked about that so that everybody's on the same page.  
21 He was pulling them out by hand.

22 MR. ROSANO: That's why said to him that night at  
23 the Town Board meeting - I told him not to do it  
24 because you could be making it worse instead of better.

25 SUPERVISOR MAHAN: You can maybe have a summary of

1 the letter, just to keep everybody on the same page.

2 MS. WHALEN: It's just a bunch of college  
3 students. It's not a state agency doing this.

4 MR. ROSANO: We reached out to legal and we also  
5 reached out to Arnie just to let him know.

6 SUPERVISOR MAHAN: Prism and the Canal Corp. - the  
7 Canal Corp. is a state agency.

8 MR. ROSANO: Like I said, I belong to prism. Prism  
9 says we can't do anything and we can't give away money  
10 because there is no end result that is going to be  
11 fair.

12 SUPERVISOR MAHAN: They were looking for a grant  
13 from there.

14 Okay, we are going to give Peter a little bit of  
15 time.

16 MR. BERRY: I printed out some information and put  
17 it in front of you. The EMS Department wants to pursue  
18 a couple of different proposals that will provide  
19 better care for our residents and also provide some  
20 increased revenue.

21 The first proposal is from CMS, the Center for  
22 Medicare and Medicaid services. This project is called  
23 ET3. It stands for Emergency Triage Treatment and  
24 Transportation. What this will do is allow us to go to  
25 the scene, evaluate a patient, do a telemedicine call

1 with a physician, treat the patient on scene or  
2 transport them temp potentially to urgent care instead  
3 of a hospital. It provides alternatives for care.  
4 Basically it's taking the patient to the right place,  
5 whether it's care at home or care at urgent care or care  
6 at the hospital. The reimbursement rates will be exactly  
7 the same so there will be no loss of revenue and  
8 potential increase in revenue once the public knows of  
9 the program. So, there is some information in there.  
10 Also if we meet certain quality measures, there will be  
11 enhanced payments in year three, four and five of the  
12 project. There will be a five percent bump in Medicare  
13 reimbursement for this project. So, again, it is a  
14 brand-new program. We have to submit an application to  
15 see if the Town will get approved to do it. Our proposal  
16 is to submit the application. You would probably have to  
17 authorize Paula to sign it probably in August sometime.  
18 We are currently in the process of putting everything  
19 together. This involves creating agreements with urgent  
20 care centers, creating agreements with physician groups  
21 to provide medical direction so there will be a lot of  
22 legwork in bringing this project to you hopefully for  
23 approval sometime in August. That's proposal number one.  
24 Proposal number two is another physicians group has  
25 approached us - very similar to the Landmark Health deal

1 that we have currently in place. It is United Concierge  
2 Medicine. They have partnerships with some of the  
3 biggest local partnerships is Stewart's. All Stewart's  
4 employees have access to this. They have now signed  
5 agreements with CDPHP in Rensselaer County Medicaid.  
6 They think they will eventually have to deal with Albany  
7 County Medicaid as well. Basically any of the  
8 subscribers on any of those insurance plans would  
9 contact them. They would do a video chat with a  
10 physician that could call in a prescription for them,  
11 make a determination that they need to go to urgent care  
12 or the emergency room and/or they would contract with us  
13 and we would go to the scene and do an evaluation, a  
14 video chat with the physician, provide any treatment  
15 necessary and/or transport. They would pay us a flat fee  
16 for that just like Landmark Health does. This would be a  
17 contractual arrangement that we would work with Mike's  
18 office on. We are also proposing that in the 2020 budget  
19 we actually implement a rate for treatment release so  
20 any patients that we would provide treatment on the  
21 scene or release on the scene would actually be a rate  
22 for it. That would also generate some more revenue.

23 Again these proposals will provide better care for  
24 our Town residents and provide them the right care and  
25 right location. I don't think it would hurt us at all

1 and we would probably generate some income.

2 SUPERVISOR MAHAN: Peter, how is Landmark?

3 MR. BERRY: We do about five calls per month. It  
4 has been going very well. We have had no issues  
5 whatsoever.

6 MR. KELSEY: The only issue is getting paid

7 MR. BERRY: We do have some issues in that they  
8 are a little slow at payment sometimes but we do get  
9 paid eventually.

10 MS. MURPHY: So, this would be similar program.

11 MR. BERRY: It would be a very similar program. ET  
12 3 is a little bit separate, but we would also have to  
13 look to probably partner with Albany Medical Center.  
14 They have the two largest urgent cares here in town and  
15 we would probably transport people to the two urgent  
16 cares. Possibly Ortho New York in the bone and joint  
17 Center as well.

18 MS. MURPHY: You presently don't transport people  
19 to urgent care.

20 MR. BERRY: Until just recently the State Health  
21 Department just changed its regulation to allow us to  
22 transport to alternate locations. The regulation used  
23 to say that we had to go to a hospital and now it says  
24 appropriate facility.

25 MS. MURPHY: But it would be the same charge to

1 the patient.

2 MR. BERRY: Correct.

3 MR. KELSEY: Do you predict any staffing impact as  
4 far as having to add staff?

5 MR. BERRY: If anything, it should hopefully  
6 improve things because instead of taking people out of  
7 Town to the hospitals, we can take them to urgent cares  
8 here in Town or treatment here in Town. So, our  
9 turnaround times would improve.

10 SUPERVISOR MAHAN: Is part of this to get more  
11 people into urgent care and things that they can handle  
12 an urgent care to lessen the load on the hospitals?

13 MR. BERRY: Correct. The pure intent of all of  
14 these models is to save money. It is to save money in  
15 the Medicare program. It is to save money in the  
16 Medicaid program. Also, to get the patients the right  
17 care as quickly as possible. I think the ultimate goal  
18 initially was to save money.

19 SUPERVISOR MAHAN: There had to be something  
20 behind it.

21 MR. BERRY: They want to reduce the cost of the  
22 yearly visits.

23 MS. WHALEN: How much are the Landmark visits?

24 MR. BERRY: Those are \$175.00. We're going to move  
25 forward with negotiations and applications and so

1           forth, providing nobody else has any concern.

2           MS. MURPHY: It sounds like a great benefit.

3           SUPERVISOR MAHAN: All right, Peter, thank you.

4           (Whereas the above entitled proceeding was  
5           concluded at 7:02 p.m.)

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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 \_\_\_\_\_