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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 commencing on September 26, 2019 at 6:05 p.m. at Memorial Town Hall, 534 New Loudon Road, Latham, New York

BOARD MEMBERS:

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

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk
- Christopher Kelsey, Acting Comptroller
- John Cunningham, Commissioner, DPW

1 MR. MAGGUILLI: We will start with personnel.  
2 First on our list is creating a new position of Senior  
3 Public Works Operation Technician and Ryan Buff is being  
4 provisionally promoted to the slot; \$79,984 a year  
5 starting September 30. Even though it's a new position,  
6 it is budget neutral because Ryan is essentially doing  
7 the job and working out of title, as it were.

8 Resolution 405B is appointing Mary Ellen  
9 Ives as a Clerk to the Town Justices. It's a Grade 8  
10 position; \$36,490. She is replacing Paige Trance. This  
11 is an exempt position.

12 Resolution 405C is permanently promoting Don  
13 Lelude, Jr. to Senior Building Inspector, Grade 17.  
14 This is really a civil service Resolution. He has  
15 obtained his permanent status.

16 Finally, Drew Clow got his class B license  
17 and so now he qualifies to be promoted to the Building  
18 and Grounds Maintenance Worker position, Grade 8;  
19 \$19.38 an hour.

20 What we have next is our first public hearing  
21 of the evening and that's for the vehicle and traffic  
22 code change reducing the speed limit to the minimum  
23 allowable 30 miles per hour on Boght Road in both  
24 directions from Elm Street to St. Agnes Highway.

25 MR. GREEN: We are adjourning that one, right?

1 MS. GANSLE: Yes.

2 MR. GREEN: Why are we adjourning it?

3 MR. MAGGUILLI: We had to adjourn it because at  
4 the last meeting Jan was out from a car accident on  
5 Friday and so it didn't make the Spotlight in time for  
6 the notice.

7 MR. GREEN: When we notice these things, I know  
8 in the past we have had a Vehicle and Traffic Committee,  
9 right?

10 SUPERVISOR MAHAN: Highway Safety Committee.

11 MR. GREEN: Then, sometimes it gets even  
12 referred to an engineer. So, do this particular one have  
13 those items attached to it? Do we have any analysis or  
14 reports that came back from anyone?

15 SUPERVISOR MAHAN: They did have an engineer.  
16 I'm not sure if they just referred it to the Highway  
17 Safety Committee. I can't remember because we just got  
18 over the other one with the crosswalk. They were looking  
19 at that portion of the road - the engineers - they said  
20 it could go higher.

21 Then, we talked to some members of the Police  
22 Department and some of them live there and others that  
23 kind of talked about it all together. The rationale  
24 for lowering it is that section used to be just farms  
25 and now it's all residential. There are a lot more

1 kids biking, walking and people crossing.

2 MR. GREEN: It's 40 now. Was it the engineers  
3 that recommended it?

4 SUPERVISOR MAHAN: It was the engineers who  
5 said well, it could be 45 and nobody wants it to be 45.

6 Dunsbach Ferry and some of those streets are  
7 all 30.

8 Looking at it from the recommendation from  
9 the Police Officers who were there all the time - we  
10 do radar there. We try to do traffic and things so  
11 that people will slow down. All of that came to the  
12 consensus that we talked to that said they agreed it  
13 should be lowered. There are homes everywhere there.

14 MR. GREEN: I heard you say crosswalk. There  
15 was something published about a crosswalk.

16 SUPERVISOR MAHAN: That's another thing.  
17 Highway Safety looked at that and it was one of those  
18 things where a crosswalk was at Latham Ridge and da  
19 Vinci and this is a different location. Latham Ridge  
20 School is over there. The actual entrance to Latham  
21 Ridge goes from - it crosses Michelangelo down below and  
22 goes into Mercer and the school is there. Up the hill,  
23 where da Vinci is and behind da Vinci - again, there's  
24 lots of homes. There are new homes back there on Balboa.  
25 There was a crosswalk there for probably at least 40

1 years. It's been there a long time. The crosswalk went  
2 into where their access is for a second access or  
3 emergency access because they paved it in a goes in  
4 there and that's where there is a big field.

5 MR. MAGGUILLI: The other end of it is right in  
6 the middle of the road.

7 SUPERVISOR MAHAN: The way they had it from 40  
8 years ago was in the middle-of-the-road.

9 MR. GREEN: Based upon an argument, it's gone  
10 now, right?

11 SUPERVISOR MAHAN: They paved over it. So, we  
12 went up there and talked to several neighbors and talked  
13 to Rob Donnelly, the Lieutenant for Traffic Safety. What  
14 happens is there is an actual path that goes down in the  
15 front of the school. So, they cross and they walked down  
16 there or they cross over and they go down to the  
17 playground or Shaker football practice is there and  
18 lacrosse practice is there. They also play soccer there.  
19 It is used all the time.

20 MR. GREEN: Are we putting back exactly what  
21 was there before?

22 MR. MAGGUILLI: We are making it better.

23 SUPERVISOR MAHAN: We're going to take it away  
24 from where it was in the middle of the road and put it  
25 so that it's from the end of the road and it is safer.

1 Like Rob had said, you should put more signs. It's not  
2 like you stop. It's not that kind of thing.

3 Jack and I talked about it because we thought  
4 it was like a firm thing to put it there. Rob said the  
5 Board can do whatever we want.

6 Like we say, it has been there for 40 years.  
7 They are really missing it and I thought it was going  
8 to be back there.

9 So, Ryan Buff and Jack were there today  
10 looking at some of the site and a better way to put  
11 it. So, they came up with that. They are ready to go.  
12 We just didn't want to move forward until you guys had  
13 a chance to see it.

14 MS. WHALEN: That's not on here, though.

15 SUPERVISOR MAHAN: No, we don't need a  
16 Resolution.

17 MR. MAGGUILLI: This is essentially  
18 informational.

19 SUPERVISOR MAHAN: But this one was already  
20 there.

21 MS. WHALEN: Are we putting it back, or is this  
22 one different?

23 SUPERVISOR MAHAN: It's only a few feet.

24 MR. MAGGUILLI: We can put in a crosswalk that  
25 ends in the middle of the road.

1 SUPERVISOR MAHAN: I don't know. If we need a  
2 Resolution, then we need a Resolution. They are ready to  
3 go.

4 The plan was after it was paved, when they  
5 did the striping in the middle, the crosswalk would be  
6 painted. It has just moved over here. It's basically -  
7 when they paved the road, they had to stripe it and  
8 they're just putting it back in a better location.

9 MS. JEFFERS-VONDOLLEN: If I could, have a  
10 question and a comment.

11 The question is: This is my neighborhood and  
12 I live there. A lot of people have come up to me, as  
13 well.

14 I am in a neighborhood group on Facebook and  
15 they're all asking about it. So, a lot of them are  
16 still asking me about the crosswalk that used to be at  
17 the base of Michelangelo Street going into Mercer near  
18 the school. When you take the same Google satellite  
19 look when there was one there - and a lot of people  
20 use that and want to cross over with their dogs when  
21 they're walking and going to the streets and  
22 everything over there. I don't know if I can bring  
23 that up. The reason I bring it up is because when the  
24 kids are walking across the street to school, they  
25 would also cross down there too.

1 MR. ROSANO: Can we put the onus on the parents  
2 to make them walk up to da Vinci and cross?

3 SUPERVISOR MAHAN: That's a pretty big hill.  
4 It's a long walk.

5 MR. MAGGUILLI: My legal recommendation is  
6 let's keep this simple.

7 MS. JEFFERS-VONDOLLEN: The crosswalk was there  
8 and I'm being asked about it, so I would like to know  
9 what I should say.

10 MR. CUNNINGHAM: We will take a look at it  
11 tomorrow and unless there's a problem, we will install  
12 that crosswalk at the same time that we do the other  
13 one.

14 SUPERVISOR MAHAN: We're talking again about  
15 signage. It's not a sign that says you must stop. It  
16 signage to caution that there is a school there. There  
17 were some signs before, but when they paved they took  
18 them out. It's more of something that they are used to  
19 and is a convenience.

20 MS. MURPHY: It's a safety feature.

21 MS. JEFFERS-VONDOLLEN: Yes, because it's right  
22 by the elementary school.

23 SUPERVISOR MAHAN: They can just walk across.  
24 They've got to look both ways.

25 MS. JEFFERS-VONDOLLEN: That was just my



1 question.

2 My comment was back to the actual Resolution  
3 that my parents live off of Boght Road and they were  
4 one of the first houses in those new developments and  
5 there are a lot of new developments there now. All of  
6 those families pretty much have children and they are  
7 not empty-nesters and they are all out on their bikes.  
8 They are walking down the road on the shoulders that  
9 are not very big. So, 40, in my opinion, was too high.

10 SUPERVISOR MAHAN: The other thing is that it  
11 is an enforcement issue because from 40, they're doing  
12 49 and 50. The enforcement is difficult. If it's 30 and  
13 they're doing 45, it's easier to enforce the law.

14 Talking to Lieutenants and Sergeants that  
15 know the area well -

16 MS. JEFFERS-VONDOLLEN: I mean, I didn't feel  
17 comfortable running on the side of the road when I lived  
18 there and with my dog, especially. The shoulders are  
19 tight and people would just go 55 easily because it was  
20 a 40.

21 SUPERVISOR MAHAN: Any other questions or  
22 comments on this Resolution about Boght?

23 (There was no response.)

24 MR. GREEN: Crosswalks are just paint. So, it's  
25 not going to be a great cost to the Town.

1 MR. MAGGUILLI: Resolution 407 is the public  
2 hearing for Nantucket Street - to have an inground pool  
3 and deck placed at 15 Nantucket Street in the Shelter  
4 Cove planned development district. This was heard and  
5 reviewed by the Planning Board made a favorable  
6 recommendation on June 27, 2019.

7 MR. GREEN: Last time when we tabled the public  
8 hearing for doing that new PDD Resolution, you were not  
9 sure at the time whether or not -

10 MR. MAGGUILLI: Right, we did not have it and  
11 so we are not going to be able to put that in until the  
12 Planning Board meets on the Albany County Planning  
13 Board's schedule. The next hearing is October 17. So,  
14 the earliest we can get that Resolution back on is on  
15 our October 24 meeting.

16 MR. GREEN: What would happen if we acted on it  
17 and that wasn't done?

18 MR. MAGGUILLI: The way 203-9M of the General  
19 Municipal Law reads is that you cannot vote on the  
20 matter until -

21 MS. WHALEN: It would have been Joe LaCivita's  
22 fault.

23 MR. MAGGUILLI: We could have conducted the  
24 public hearing and just adjourned the vote.

25 MR. GREEN: If we didn't catch that and we

1 voted, it would've just been annulled.

2 MR. MAGGUILLI: It would have been subject to a  
3 successful challenge in court.

4 MR. GREEN: Is there a time. In which you can  
5 challenge that Resolution?

6 MR. MAGGUILLI: That's an Article 78. So, it is  
7 four months.

8 Resolution 408 is authorizing payments out of  
9 our insurance reserve fund on two cases. The first is  
10 Jacqueline Harnett. This is a \$1,548.65 claim.

11 One of our Pure Waters employees was in Miss  
12 Harnett's basement checking on some work they had done  
13 to the sewer lines. They had left - whoever the  
14 employee was left water running in the sink  
15 unattended. Nobody went down in the basement for quite  
16 a while and there was extensive flooding.

17 We had Jack. Paradise go in and investigate.  
18 He recommended that we settle the case, as well. He  
19 negotiated the amount to a \$1,548.65 figure.

20 MR. GREEN: That's lower than some of the water  
21 reimbursements that we do.

22 MR. MAGGUILLI: Next is Michael Cram. His truck  
23 was damaged. There was a defective broken manhole in the  
24 road that was on our list to repair. Apparently, it had  
25 been on the list for some time and we just didn't get to

1 it in time before Mr. Cram drove over it. It snapped in  
2 half, flipped up and damaged his truck to the tune of  
3 \$687.00.

4 Next we have Resolution 409. This is our  
5 excess automobile insurance coverage -

6 MS. WHALEN: Ask a question about that? Was  
7 that guy speeding? Like, do you have any mitigating  
8 defenses or something like that?

9 MR. MAGGUILLI: Nothing that we could probably  
10 prove in court.

11 MS. WHALEN: Was it like a big pothole?

12 MR. MAGGUILLI: No, it was a manhole cover.

13 MS. WHALEN: Was it sticking up in the air?

14 MR. MAGGUILLI: No, it came off.

15 MS. WHALEN: I typically try to go around those  
16 when I see them.

17 MR. MAGGUILLI: Me too.

18 Next we have a proposal from Arthur J.  
19 Gallagher. This is for our excess automobile coverage.  
20 The premium for the period of August 15, 2019 to  
21 August 15, 2020 is \$82,302 which is down from last  
22 year which was \$92,447.

23 I have even better news.

24 Resolution 410 is our primary coverage. This  
25 is for the same time period. This is the base

1 automobile policy. The premium is \$263,780.00. This  
2 is down from last year of \$276,857.00. Based on our  
3 annual audit, due to the reduction in fleet size, we  
4 are also getting a \$30,000 refund. Not an experienced  
5 refund because the number of accidents actually went  
6 up. We don't have as many vehicles as we once had. We  
7 lost four Caprices in the Police Department. They were  
8 totaled.

9 MS. WHALEN: Did we replace them?

10 MR. MAGGUILLI: We are trying. Were having  
11 difficulty. The insurance company has been great. When  
12 they total out a car, naturally you have to give them  
13 your title. We don't get the title for the vehicles  
14 until - the dealer usually holds it. We don't get title  
15 immediately or until we request it, once they are fully  
16 paid. In this case, the dealership is out of Syracuse  
17 and they have not helped us at all. They claim they  
18 don't have the certificates of title and can't find  
19 them.

20 MR. GREEN: They are \$10. Order a new one.

21 MR. MAGGUILLI: The insurance company has been  
22 great because they've paid the claims. Normally, they  
23 won't do that until you hand them your title. Because we  
24 are usually pretty good about it, they waived that.

25 Tim McPherson in my office has been having a

1 hell of a time with this dealership because I finally  
2 told him look, tell these guys to come up with it in  
3 two weeks or we're not going to do business with them  
4 in the future.

5 MR. GREEN: Wouldn't it be easier for us to  
6 just go online and get it from DMV? Our titles are all  
7 through DMV, just like any other vehicle.

8 MR. MAGGUILLI: I don't think so.

9 MR. WHALEN: Do we actually get title from  
10 them?

11 MR. MAGGUILLI: Tim has tried everything.

12 MS. WHALEN: Did we actually get the title  
13 signed over to us when we bought the car?

14 MR. MAGGUILLI: No.

15 MR. GREEN: Wouldn't the title be the same?

16 MR. MAGGUILLI: We get a letter. What we get in  
17 our situation is a letter. Anyway, that's just an aside  
18 anyway. It's taken care of.

19 Resolution 411 is reimbursement of estimated  
20 water usage. George Martin and sons at 6 Douglas Lane;  
21 \$3,150.00.

22 Christian Canavalli at 28 Hawthorne Court;  
23 \$3,875.

24 Next we have public hearings for our annual  
25 Fire Protection District contracts. This public

1 hearing is scheduled for October 24 at 7:00. It is for  
2 SW Pitts, Fuller and Shaker Road and Maplewood. These  
3 contracts are very important because they set the  
4 basis for the fire districts' 2020 tax levy. There  
5 really is not a lot that we do with these because the  
6 way the law is written, the fire districts pretty much  
7 have sole discretion in these matters.

8 MR. KELSEY: Just so the Board knows: All the  
9 districts did come in at 2% or less. That's what we  
10 asked them to do. So, the three large districts were  
11 right at 2% percent in Maplewood was one and change.

12 MR. MAGGUILLI: There are some budget  
13 modifications listed on Schedule A.

14 These are all budget neutral, isn't that  
15 right Mr. Kelsey?

16 MR. KELSEY: Yes, that is correct.

17 MR. MAGGUILLI: Did we change the exhibits?

18 MR. KELSEY: I did change the exhibit.

19 MR. MAGGUILLI: It did not make it in mine.

20 As long as there will be a change in Exhibit  
21 A - because right now it looks like it shows for  
22 Police Detectives and the administration at \$200 net  
23 increase, but that should be budget neutral like all  
24 the others.

25 Resolution 411 is our annual salt contract

1 with North Colonie Central School District. They don't  
2 have a place to store their salt so we order extra and  
3 the school district pays us at cost. This year it is  
4 \$54.89 per ton.

5 Resolution 415 is authorizing a contract  
6 amendment with Weston Sampson and this is for the  
7 splash pad at the Town Park. There was additional  
8 construction inspections required as well as  
9 additional equipment that was installed. The net  
10 effect was \$3,140 to the Town. The total expense was  
11 \$19,258.50. Again, we only owe \$3,140.00.

12 MS. MURPHY: What was all that about? That just  
13 got put in last year. How can it be all that much?

14 MR. KELSEY: That's for when we were building.  
15 It took us year to negotiate it.

16 MR. CUNNINGHAM: The engineer came back which  
17 was Neil. Matt and I worked on it and we discovered the  
18 most of these charges can be related back to either the  
19 vendor because he didn't provide the right materials or  
20 the contractor that missed it. So, the contractor  
21 stepped in to pay their portion. Matt agrees that that  
22 is a fair amount.

23 MS. MURPHY: That make sense. Thank you.

24 MR. MAGGUILLI: Next we have a problem with  
25 zombie property at 165 Exchange Street. We have been



1 dealing with a gentleman that claims to be the owner,  
2 but he is not. He was recently released from state  
3 prison and claims that he has an ownership interest, but  
4 does not show up in any title search anywhere. The woman  
5 that does own it is gone. She can't be found. After our  
6 Police Department expended quite a bit of effort trying  
7 to find her. So, what were doing is exercising our  
8 rights under our Building Code Section 62.29. This is  
9 essentially the first step in getting the property  
10 demolished, which is our goal. We have given this guy,  
11 even though he is not the owner, an order that's if he  
12 really wants to improve this place and fix it up, he has  
13 to clean it up first before will even accept a building  
14 permit application. I don't think he's aware that you  
15 have to have the owner's signature on the building  
16 permit application. Be that as it may -

17 SUPERVISOR MAHAN: We went in and cleaned all  
18 the shrubbery. The problem is it was a fire hazard. It  
19 was sandwiched in between two homes and it was very  
20 close. We asked him to clean out the inside of the  
21 garage and he did a little bit, but then he boarded it  
22 up so we couldn't see what was in it. We don't know if  
23 there is still stuff in it or out or whatever.

24 MS. WHALEN: Is he a squatter, or a tenant of  
25 the owner?

1 SUPERVISOR MAHAN: No, his girlfriend owns the  
2 property.

3 MR. MAGGUILLI: It's just a garage out there.

4 MS. WHALEN: So, the girlfriend owns the  
5 property?

6 MR. MAGGUILLI: He claims that it is his  
7 girlfriend's. We can't find her.

8 We have already gone in and cleaned it up  
9 once. The cost was \$12,000. It is fully reimbursed by  
10 the County. We expect to be fully reimbursed by the  
11 County, again.

12 MS. WHALEN: So, you're going to evict him?

13 SUPERVISOR MAHAN: He doesn't live in it.

14 MR. MAGGUILLI: We have to give the owner due  
15 process. Even though we can't find her, we will send  
16 notice to her last known address. It gives her the right  
17 to request a public hearing before the Planning Board as  
18 to why this property should not be demolished. Once the  
19 Planning Board makes its findings, they report to the  
20 Town Board and then we do an order to get it demolished  
21 or not demolish it. We have used this a number of times  
22 and it works very well.

23 SUPERVISOR MAHAN: We have never seen her.

24 MS. WHALEN: Does it go to the land bank? Are  
25 they paying the taxes?

1 MR. MAGGUILLI: The County will own it.

2 MS. WHALEN: Isn't there an abandoned property  
3 bank?

4 MR. MAGGUILLI: This is a zombie property.

5 MS. WHALEN: Are the taxes paid?

6 MR. MAGGUILLI: Three out of the last four  
7 years have not been paid. I think the County is giving  
8 this woman for years because they are not sure whether  
9 it is residential or commercial.

10 MS. WHALEN: Can we look at the checks to see  
11 who wrote the check and where she lives?

12 MR. MAGGUILLI: I don't know, Jennifer. I don't  
13 know what the County does.

14 MS. WHALEN: What about school taxes, no?

15 MR. GREEN: If it's in Colonie, it's all going  
16 to the same place.

17 MR. MAGGUILLI: It's probably going to be  
18 foreclosed for back taxes anyway.

19 SUPERVISOR MAHAN: There is no house on the  
20 lot.

21 MR. MAGGUILLI: It's just a garage, but it is a  
22 fire hazard. When we could see inside, it was just full  
23 of junk.

24 SUPERVISOR MAHAN: We've been working on this  
25 for a long time; back and forth.

1 MR. MAGGUILLI: This is the kind of guy that  
2 sees this place as his pot of gold. He gets out of  
3 prison and he has this property and is gonna fix it up  
4 and is going to be set for life. Then, he never does  
5 anything.

6 Next, we have a Resolution at the request of  
7 all the owners on North Schermerhorn Road, to rename  
8 their property to Waterfront Road.

9 It turns out what was happening - it is a 911  
10 problem, as well. It is a safety issue. This is a  
11 practical one because for some reason someone who  
12 lives at 5 North Schermerhorn Road - the post office  
13 turns that to 5 N. Schermerhorn Road. So, delivery  
14 people are going around looking for 5 N. Schermerhorn  
15 Road, etcetera. That's how it shows up on our EMS  
16 records. So, all the neighbors got together and made  
17 this request. They picked Waterford Road because they  
18 told us the nearest road with such a name is 166 miles  
19 away in some county in Connecticut.

20 MS. WHALEN: Is this on the waterfront?

21 MR. MAGGUILLI: I'm not sure. It is by the  
22 river.

23 In your packets we have a leave of absence  
24 for Carolyn Jones, due to family illness. Because of  
25 the nature of the family illness, I guess her husband,

1 I believe it is, is in hospice and so they don't know  
2 how long it will be exactly - but whatever time she  
3 needs.

4 MS. WHALEN: Should we put like, her title in  
5 here?

6 MR. MAGGUILLI: We don't have to. She works at  
7 the library. If you want to put it in, we could.

8 Then, in your packets, there is the  
9 Resolution calling for the public hearing on the  
10 preliminary budget for November 7. The preliminary  
11 budget will be distributed tonight, pursuant to state  
12 law. I jumped the gun a little bit on the public  
13 hearing. So, we're going to put the notice for the  
14 public hearing for November 7, which it is in your  
15 current packet. We're just not going to put it on the  
16 agenda formally until the October 10 meeting.

17 SUPERVISOR MAHAN: You guys haven't even had a  
18 chance to see it.

19 MS. WHALEN: So, we are adjourning the  
20 Resolution?

21 MR. MAGGUILLI: Not adjourning it, we are  
22 holding it.

23 SUPERVISOR MAHAN: After you've had it for at  
24 least a couple weeks -

25 MR. MAGGUILLI: If we could, I need to go into

1 Executive Session to discuss two lawsuits that were  
2 recently filed against the Town. One is by Steve Herrick  
3 in the County of Albany against our Department of  
4 Justice and Mary.

5 The second is a small claim for \$750.69 filed  
6 by a retired New York state Trooper, John Neely.

7 For the Executive Session, I would request  
8 that Mary be allowed to stay, as well. She is the  
9 object of affection of the lawsuit.

10 MS. WHALEN: Can I ask a question? It's just  
11 related kind of to the zombie property garage that is  
12 full of junk.

13 How did we follow up with that resident, Mr.  
14 Daigel's complaint about the barn and the foundation?

15 MR. MAGGUILLI: I went to see him the following  
16 Friday - the next day. I met with him and took pictures  
17 and I told him that it would really be better if we had  
18 the Building Department come. They are more familiar  
19 with foundation and code issues that I am.

20 Joe Mahan, III and Wayne Spenziero and I met  
21 with him again the following Tuesday which was the  
22 next day that he was available and I am waiting on a  
23 report from Wayne and Joe. We are first waiting to see  
24 what's in the report so we have something concrete to  
25 talk to him about.

1 MR. GREEN: I will make a motion to go into  
2 Executive Session to discuss those two potential  
3 lawsuits.

4 MS. MURPHY: Second.

5 SUPERVISOR MAHAN: We need Julie and we need  
6 Nancy.

7 MS. GANSLE: All in favor?

8 (Ayes were recited.)

9 Any opposed?

10 (There were none opposed.)

11 MS. WHALEN: Can we also talk about the Fort's  
12 Ferry - that water issue that I keep getting emails  
13 about.

14 MR. MAGGUILLI: I don't think that's proper. We  
15 could, but I think we would be safer talking about that  
16 in an open meeting. After the Executive Session, we can  
17 discuss it.

18 MS. WHALEN: Can we talk about it later to see  
19 what the follow-up is?

20 MR. MAGGUILLI: We have to be careful when we  
21 go into Executive Session, that's all.

22 (Whereas the above entitled proceeding was  
23 concluded at 6:23 p.m.)

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CERTIFICATION

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.

Dated: \_\_\_\_\_

NANCY L. STRANG  
LEGAL TRANSCRIPTION  
2420 TROY SCHENECTADY RD.  
NISKAYUNA, NY 12309