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TOWN BOARD COUNTY OF ALBANY

TOWN OF COLONIE

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TOWN BOARD MEETING

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THE STENOGRAPHIC MINUTES of the above entitled matter by NANCY L. STRANG, a Shorthand Reporter commencing on April 23, 2020 at 7:02 p.m. via telephonically.

BOARD MEMBERS:

- PAULA MAHAN, SUPERVISOR
- LINDA MURPHY, DEPUTY SUPERVISOR
- DAVID GREEN
- MELISSA JEFFERS-VONDOLLEN
- RICK FIELD
- JILL PENN
- DANIELLE FUTIA

ALSO PRESENT:

- Michael C. Magguilli, Esq, Town Attorney
- Julie Gansle, Town Clerk

1 (The pledge of Allegiance was recited.)

2 SUPERVISOR MAHAN: Okay, I have myself, the  
3 Town Clerk, Julie Gansle and Mike Magguilli, the Town  
4 Attorney and we are here for the meeting of April 23 and  
5 all of our Board Members are on a telephone conference  
6 with us. So, we will begin.

7 I have a comment that was submitted by  
8 Russell and Anne Sage that they would like it read  
9 into the record. I will begin that.

10 We are writing to inquire about the status  
11 regarding the application for commercial zoning of the  
12 proposed cell tower at the address of 396 Watervliet  
13 Shaker Road, ZBA Hearing Number 20 - 017. The  
14 following is a summary of current questions regarding  
15 this project.

16 Has Verizon and the Town of Colonie entered  
17 into an agreement to toll the running of the federal  
18 shot clock?

19 MR. MAGGUILLI: Paula, I can address that, if  
20 you like.

21 SUPERVISOR MAHAN: Go ahead, Mike.

22 MR. MAGGUILLI: I have received the email from  
23 Mr. Sage, as well. His primary question is basically  
24 when, if ever, the Zoning Board was going to take up the  
25 cell tower application. I advised him that pursuant to

1 Governor Cuomo's Executive Order, the public hearings  
2 were all adjourned to after the first week of June 2020  
3 and that in particular with respect to the cell tower  
4 application, no date has been set. The Zoning Board has  
5 not set dates for any application including this one and  
6 we would notify Mr. Sage by email if the circumstances  
7 change and we were advised of a hearing date for this  
8 matter.

9 SUPERVISOR MAHAN: Thank you, Mike.

10 The second question here is: How is the Town  
11 going to proceed with its review of the cell tower  
12 application?

13 MR. MAGGILLI: Again, I will actually follow  
14 all the terms and conditions of the Town Code in this  
15 matter, as well as all the terms and conditions of  
16 Governor Cuomo's Executive Orders.

17 There was, I believe, a new - Executive  
18 Order 202.15 and 202.22 that have provisions  
19 applicable to applications of this type. Of course, it  
20 is the Town's intention to follow those matters to the  
21 letter and there will be no action taken of any type  
22 before the first week of June 2020.

23 SUPERVISOR MAHAN: Next: Will the Verizon  
24 Wireless/Elks Club cell tower plan for commercial zoning  
25 go before the Planning Board for review?

1 MR. MAGGUILLI: It is my understanding that  
2 initially it will be only going before the Zoning Board  
3 of Appeals for certain waivers that are being required  
4 and if that changes due to the nature of the application  
5 they make - because this is essentially in their hands,  
6 it would go to Planning.

7 Again, the same Executive Order is applicable  
8 to the Zoning Board as is applicable to the Planning  
9 Board.

10 SUPERVISOR MAHAN: The next question I think  
11 Mike just answered: Will there be only one hearing of  
12 the cell tower plan for commercial zoning heard before  
13 the Zoning Board of Appeals?

14 It is our understanding that there is a  
15 federally mandated period shot clock during which a  
16 municipality must complete its review of a cell tower  
17 application. By what date must the Town of Colonie act  
18 to preserve its rights to review the cell tower  
19 application?

20 MR. MAGGUILLI: Again, from reading the  
21 Executive Orders, it appears that the operative date is  
22 the June provision. As far as the specific shot clock  
23 date, that has not been determined as of today. There  
24 have been provisions extending all shot clock provisions  
25 including those that arise under federal statutes.

1 Again, the Town will comply with each of his federal  
2 positions as well.

3 SUPERVISOR MAHAN: Next: With minimal knowledge  
4 of FCC guidelines, is the Town being forced to conduct  
5 this meeting during the current Covid19 pandemic because  
6 of the shot clock?

7 MR. MAGGUILLI: The simple answer to that is  
8 no.

9 SUPERVISOR MAHAN: Next: Has Verizon and the  
10 Town of Colonie entered into an agreement to toll the  
11 running of the federal shot clock?

12 MR. MAGGUILLI: Could you read that again?

13 SUPERVISOR MAHAN: Has Verizon and the Town of  
14 Colonie entered into an agreement to toll the running of  
15 the federal shot clock?

16 MR. MAGGUILLI: No, again because the timing is  
17 governed by the Executive Orders. There have been no  
18 negotiations whatsoever between the Town and Verizon on  
19 this issue.

20 SUPERVISOR MAHAN: Next: We have been informed  
21 that there is more than one application for a cell tower  
22 at the Colonie Elks property and the King Thiel property  
23 currently pending before the Town. Can you please let us  
24 know whether this information is correct?

25 MR. MAGGUILLI: I know of only the one. If

1 something has come in during the last week that I may  
2 not be aware of, it's something that I will look into  
3 and if another application has come in, I will be sure  
4 to let Mr. Sage know about it.

5 SUPERVISOR MAHAN: As many of you know, the  
6 Colonie Elks property and the King Thiel property are  
7 located in the same area. I believe the Elks have some  
8 property going down and bordering on 55, Watervliet  
9 Shaker Road. So, those areas - those two places are  
10 located right near each other.

11 Next: If the Town of Colonie Zoning Board of  
12 Appeals is forced to pursue this public meeting for  
13 the Elks Club property location, ZBA hearing number 20  
14 - 017, would you please provide detailed guidance on  
15 when, where and how the public may attend this  
16 meeting?

17 We always post it.

18 MR. MAGGILLI: We certainly will.

19 SUPERVISOR MAHAN: The meetings are always  
20 posted with the dates so that the public may attend. We  
21 don't have that at this time.

22 Is the Zoning Board of Appeals meeting at  
23 Town Board meeting?

24 At this time, the Zoning Board of Appeals  
25 meetings are still being held at the Public Ops

1 building on Wade Road.

2 Next: As abutters to this proposed  
3 Elks/Verizon cell tower, will we receive written  
4 notice for?

5 MR. MAGGUILLI: I'm not sure I understood that.

6 SUPERVISOR MAHAN: As abutters, as people that  
7 live next to Elks and Verizon cell tower where it is  
8 proposed, will they receive written notice? I think they  
9 mean for the meeting.

10 MR. MAGGUILLI: If they are within the distance  
11 requirements of the Town Law for wireless towers, then  
12 they must receive actual notice from the applicant.

13 SUPERVISOR MAHAN: Next: Please provide us with  
14 a copy of Verizon's application and submissions to date  
15 and the Town Designated Engineer's comments and review  
16 which were sent to the applicant as well as Verizon's  
17 responses to date.

18 Julie, can you mark that so we have that  
19 information and we can send it to the Sages?

20 I believe that's it.

21 MS. JEFFERS-VONDOLLEN: Paula, this is Melissa.

22 SUPERVISOR MAHAN: I can hear you now.

23 MS. JEFFERS-VONDOLLEN: I'm having trouble  
24 hearing everything.

25 MS. MURPHY: It sounds like there's a number of

1           conversations behind your conversation.

2                   MS. FUTIA: I'm having difficulty also. This is  
3           Danielle.

4                   MS. PENN: I'm having difficulty also. This is  
5           Jill.

6                   MS. GANSLE: I think what they are hearing -

7                   MR. MAGGUILLI: Feedback.

8                   MS. GANSLE: Because we are here doing the  
9           audio for the tele-broadcast and we are also on phones.  
10          So, when your phone is down they're hearing it muffled.  
11          The recording picks up the sound of the tele-broadcast.

12                   MR. MAGGUILLI: I'm having the same difficulty.

13                   SUPERVISOR MAHAN: Okay.

14                   MS. MURPHY: I can understand Mike better than  
15          I can understand Paula.

16                   MR. MAGGUILLI: I think we are just going to  
17          have to speak slowly and repeat and no one hesitate to  
18          speak up if they didn't hear something or didn't  
19          understand something.

20                   SUPERVISOR MAHAN: Linda, can you hear me  
21          clearly now?

22                   MS. MURPHY: Yes, better - much better. As soon  
23          as Mike started to speak, it sounded like someone was  
24          carrying on a different conversation in the background.  
25          When you are speaking, it was like there was a man's



1 voice in the background. It was difficult to understand.  
2 I can hear you much better right now.

3 SUPERVISOR MAHAN: Okay, I've got it right up  
4 to my ear and the mask is here as well.

5 MS. MURPHY: I can hear you much better.

6 SUPERVISOR MAHAN: Okay, we will begin with the  
7 Resolutions.

8 MS. GANSLE: We have a Resolution establishing  
9 one position of Civil Service Aide I part-time in the  
10 Civil Service Department and permanently appointing  
11 Autumn M. Furlong to same.

12 MS. JEFFERS-VONDOLLEN: This is Melissa. So  
13 moved.

14 MS. PENN: This is Jill. Second.

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

17 (The Roll was called.)

18 MS. GANSLE: The ayes have it, Madam  
19 Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.  
21 Congratulations, Autumn.

22 MS. GANSLE: We have a Resolution appointing  
23 Patrick D. Hoey to the position of Laborer, Grade 7, in  
24 the DPW/Division of Latham Water.

25 MS. MURPHY: So moved. This is Linda.

1 MR. GREEN: Second.This is David.

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

4 (The Roll was called.)

5 MS. GANSLE: The ayes have it, Madam  
6 Supervisor.

7 SUPERVISOR MAHAN: The Resolution is adopted.  
8 Congratulations, Patrick.

9 MS. GANSLE: We have a Resolution appointing  
10 Zachary Gallagher to the position of Laborer, Grade 7,  
11 in the DPW/Division of Latham Water.

12 MS. MURPHY: So moved. This is Linda.

13 MR. GREEN: Second. This is David.

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

16 (The Roll was called.)

17 MS. GANSLE: The ayes have it, Madam  
18 Supervisor.

19 SUPERVISOR MAHAN: The Resolution is adopted.  
20 Congratulations, Zachary.

21 MS. GANSLE: We have a Resolution provisionally  
22 appointing Rebecca A. Mann to the position of Senior  
23 Resources Case Worker, Grade 11, in the Senior Resources  
24 Department.

25 MS. MURPHY: So moved by Linda.

1 MS. FUTIA: Second - Danielle.

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

4 (The Roll was called.)

5 MS. GANSLE: The ayes have it, Madam  
6 Supervisor.

7 SUPERVISOR MAHAN: The Resolution is adopted.  
8 Congratulations, Rebecca.

9 MS. GANSLE: We have a Resolution awarding the  
10 bid to Gallo Construction in connection with the bid for  
11 the Mohawk View Water Pollution Control Plant Generator  
12 & Building Roof Access Ladder Project and authorizing  
13 the Supervisor to execute an agreement for same.

14 MS. MURPHY: This is a low bidder. So moved -  
15 Linda.

16 MR. GREEN: Second - David.

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

19 (The Roll was called.)

20 MS. GANSLE: The ayes have it, Madam  
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MS. GANSLE: We have a Resolution authorizing  
24 the Supervisor to execute an amendment to the  
25 engineering agreement with Barton & Loguidice in

1 connection with the Mohawk View Water Pollution Control  
2 Plant Roof Access Ladder Project for the DPW/Division of  
3 Pure Waters.

4 MS. MURPHY: So moved by Linda

5 MR. GREEN: Second - David.

6 SUPERVISOR MAHAN: This amendment reduces the  
7 maximum amount for Barton and Loguidice from  
8 \$15,000-\$9,975.

9 Supervisor votes aye. Clerk, call the roll.

10 (The Roll was called.)

11 MS. GANSLE: The ayes have it, Madam  
12 Supervisor.

13 SUPERVISOR MAHAN: The Resolution is adopted.

14 MS. GANSLE: We have a Resolution awarding the  
15 bid to North East Shoring Corp. in connection with the  
16 bid for the Trench Box for the DPW/Division of Pure  
17 Waters.

18 MS. MURPHY: So moved, by Linda.

19 MR. GREEN: Second - David.

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

22 (The Roll was called.)

23 MS. GANSLE: The ayes have it, Madam  
24 Supervisor.

25 SUPERVISOR MAHAN: The Resolution is adopted.

1 MS. GANSLE: We have a Resolution authorizing  
2 the Supervisor to execute a Contractor Agreement with  
3 Davis Ulmer to increase the expenditure limit for the  
4 DPW/Division of Pure Waters.

5 MS. MURPHY: So moved, Linda.

6 MR. GREEN: Second - David.

7 SUPERVISOR MAHAN: The expenditure limit is  
8 increased to a total of \$15,000.

9 Supervisor votes aye. Clerk, call the roll.

10 (The Roll was called.)

11 MS. GANSLE: The ayes have it, Madam  
12 Supervisor.

13 SUPERVISOR MAHAN: The Resolution is adopted.

14 MS. GANSLE: We have a Resolution awarding the  
15 bid to North Eastern Rescue Vehicles in connection with  
16 the bid for two ambulances for the Emergency Medical  
17 Services Department.

18 MS. MURPHY: So moved - Linda.

19 MR. GREEN: Second - David.

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

22 (The Roll was called.)

23 MS. GANSLE: The ayes have it, Madam  
24 Supervisor.

25 SUPERVISOR MAHAN: The Resolution is adopted.

1 MS. GANSLE: We have a Resolution authorizing  
2 settlement or discontinuance, subject to judicial  
3 approval of the same, pursuant to Section 68 of the Town  
4 Law, of various tax certiorari proceedings.

5 MS. JEFFERS-VONDOLLEN: So moved - Melissa.

6 MS. PENN: Second - Jill.

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

9 (The Roll was called.)

10 MS. GANSLE: The ayes have it, Madam  
11 Supervisor.

12 SUPERVISOR MAHAN: The Resolution is adopted.

13 MS. GANSLE: We have a Resolution awarding the  
14 bid for Culvert and Arch Pipe, Dimple Bands and Special  
15 Orders to Town & Country and Chemung Supply for the  
16 DPW/Division of Highway.

17 MS. MURPHY: So moved - Linda.

18 MR. GREEN: Second - David.

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

21 (The Roll was called.)

22 MS. GANSLE: The ayes have it, Madam  
23 Supervisor.

24 SUPERVISOR MAHAN: The Resolution is adopted.

25 MS. GANSLE: We have a Resolution authorizing

1 the Supervisor to execute the New York Mutual Aid and  
2 Assistance Agreement for Water/Wastewater Providers.

3 MS. PENN: So moved - Jill.

4 MS. MURPHY: Second - Linda.

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

7 (The Roll was called.)

8 MS. GANSLE: The ayes have it, Madam  
9 Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.

11 MS. GANSLE: We have a Resolution adjourning a  
12 public hearing in connection with the Town of Colonie's  
13 Community Development Block Grant and HOME Programs.

14 MS. JEFFERS-VONDOLLEN: The public hearing is  
15 adjourned to June 4 at 7 p.m. So moved - Melissa.

16 MS. PENN: Second - Jill.

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

19 (The Roll was called.)

20 MS. GANSLE: The ayes have it, Madam  
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MS. GANSLE: We have a Resolution authorizing  
24 the Supervisor to execute a request for change in plan  
25 operation with MassMutual.

1 MS. JEFFERS-VONDOLLEN: So moved - Melissa.

2 MS. PENN: Second - Jill.

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

5 (The Roll was called.)

6 MS. GANSLE: The ayes have it, Madam  
7 Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. GANSLE: We have a Resolution pursuant to  
10 Executive Order 202.22.

11 SUPERVISOR MAHAN: We need to read this.

12 MS. GANSLE: Whereas, Executive Order 202.22  
13 allows the Town of Colonie to adopt by local option a  
14 tentative assessment and final assessment roles that  
15 would otherwise have to be filed on or before June 1,  
16 2020, to be filed up to 30 days later than otherwise  
17 allowable, to allow in assessing unit to set a date for  
18 hearing assessment complaints that is at least 21 days  
19 after the filing of the tentative role, to allow notice  
20 of the filing of the tentative roll to be published  
21 solely online so long as the date for hearing complaints  
22 is prominently displayed, to suspend in person  
23 inspection of the tentative role, and to allow local  
24 Boards of Assessment review to hear complaints remotely  
25 by conference call or similar service, provided that



1 complainants can present their complaints through such  
2 service in the public the ability to view or listen to  
3 such proceeding.

4 Now therefore be it resolved that the Town of  
5 Colonie hereby adopts the local option set forth in  
6 Executive Order 202.22; and be it further resolved  
7 that the date for hearing assessment complaints that  
8 is at least 21 days after the filing of the tentative  
9 role be and hereby is set for June 23, 2020.

10 MS. JEFFERS-VONDOLLEN: So moved - Melilssa.

11 MS. MURPHY: Second - Linda.

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

14 (The Roll was called.)

15 MS. GANSLE: The ayes have it, Madam  
16 Supervisor.

17 SUPERVISOR MAHAN: The Resolution is adopted.

18 That is our last Resolution. Thank you, very  
19 much and please be safe and things are rolling along  
20 in Town government. We just began the leaf collection  
21 yesterday. We are working with a limited staff so we  
22 appreciate everyone's patience.

23 Paving will begin by the middle of May. I  
24 think those are the main announcements for tonight.  
25 Thank you, very much.

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MR. MAGGUILLI: Everybody stay safe.

(Whereas the above entitled proceeding was  
concluded at 7:25 p.m.)

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.

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

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