

VILLAGE OF ALTAMONT
REGULAR BOARD MEETING
July 17, 2012

Mayor James M. Gaughan
Trustee William F. Aylward
Trustee Kerry Dineen
Trustee Christine Marshall, Absent
Trustee Dean Whalen

Michael Moore, Legal Council
Patty Blackwood, Clerk
Timothy McIntyre, Supt. of Public Works
Robert White, Altamont Fire Chief
Todd Pucci, Altamont Police Chief

General Public: 14

7:00 p.m.

Mayor Gaughan called the meeting to order with the Pledge of Allegiance.

Mayor Gaughan, on behalf of the Board of Trustees, extended sympathies to Phyllis Schilling's family on her recent passing last week. Mrs. Schilling was a former Board member and did a lot of work for the Village particularly with the Village parks. Mayor Gaughan reported NYS Dept. of Transportation will begin culvert repair on Route 156 and detours will be in place during that time. NYS Dept. of Transportation has also made a commitment to begin work in the spring on Route 156 to create a better road surface.

Robert White, Chief Altamont Fire Dept, reported Altamont Fire Department had 16 calls for the month of June with the majority of them being alarm drops. Chief White reported there is a burn ban in effect due to the severe dry conditions.

Timothy McIntyre, Supt. of Public Works, reported Wastewater Treatment Plant Improvements will begin in the next two weeks. FEMA projects are 90% complete with the exception of small projects on Park Street and creek on Schoharie Plank Road West. Dept. of Public Works has been putting in sidewalks under Multi-Model Project and will be submitting for first payment under the grant. Drainage work for the sidewalks has been done by Dept. of Public Works to save the Village money. Mr. McIntyre reported water supply is faring okay in the current dry conditions and asked residents to abide by the water restrictions.

Trustee Aylward made a motion seconded by Trustee Dineen to approve the Treasurer's report; #26, #2 and transfer of funds as submitted. **Roll Call: All in favor**

Public Comment:

Kate Provencher, Thatcher Drive, inquired on the process of the agenda item regarding report to Village Board on Proposed Zoning Code Amendment, "Medical/Dental Optical Laboratory". Ms. Provencher asked to have the water restrictions placed on the Village website.

Trustee Aylward made a motion seconded by Trustee Dineen to approve resolution for the Village of Altamont to go on record with The State Insurance Fund as becoming a participant in NYS Public Entities Workers' Compensation State Fund Safety Group #497 comprised of municipalities, public authorities/entities, volunteer fire districts, and public libraries in New York State, and Village will abide by its rules and regulations.

Roll Call: All in favor

Trustee Aylward made a motion seconded by Trustee Whalen to approve authorizing Mayor Gaughan to sign American Red Cross Shelter Agreement allowing American Red Cross to use Village Community Room as an emergency public shelter site during a disaster. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Dineen to approve authorizing Mayor Gaughan to sign Barton & Loguidice Change Order No. 1, for contracts 1A thru 1D, regarding Wastewater Treatment Plant Improvements. Change order No. 1 revises contract documents to include Davis Bacon Federal Prevailing Wage Rates, issued on 4/6/12. The revised wage rates are required to comply with the "10 Day" rule as Davis Bacon Wage Rates were updated more than ten days prior to the 4/20/12 bid opening. There is no additional cost associated with Change Order No. 1. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Dineen to approve appointment of Jill Kaufman to part-time police officer position, not to exceed 20 hours per week, effective July 17, 2012 at a salary of \$15.00 per hour per recommendation of Chief Todd Pucci. Position is probationary for a period of up to one year. **Roll Call: All in favor**

Todd Pucci, Chief Altamont Police Dept., reported Altamont Police Department will be participating in National Night Out with Guilderland Police at Tawasentha Park on August 7, 2012.

Michael Moore, Village Counsel, reported at June Board meeting a proposal was made by Mr. & Mrs. Cyr requesting an amendment of Village Zoning Code to add light industrial category to the allowable uses of the central business district. The determination of the Board at June's meeting was Mayor Gaughan, Trustee Whalen and Counsel Moore would give the request additional thought and come back to the Board with further recommendation. The recommendation presented creates a new definition type of land use called medical/dental optical laboratory. The recommendation proposes to amend Village Code to allow use as defined as an appropriate land use in central business district, general business district and light industrial district. This proposed new use, if the Code is amended to adopt this recommendation, would be to allow this particular land use by special permit at the determination of the Altamont Planning Board. There are defined and particular standards to guide the Planning Board in this type of use. Also outlined in the recommendation was the feeling of the committee that this use complements other existing uses that are allowed already in the central business district. Particularly allowed are professional medical or dental offices because of devices or products that are covered by this new land use are those that are used in turn by medical or dental professionals. This approach, if adopted, would indeed be made to be an appropriate compliment to the existing uses in the Village Zoning Code consistent with its Comprehensive Plan and be done in a manner that benefits, in the judgment of the committee, the entire community of Altamont. Should the Board elect tonight to proceed further, the next step would be to direct Counsel Moore to take the recommendation and turn it into a proposed local law amendment to the Village Zoning

Code with the appropriate factual and legal justifications and SEQRA review and present to Board for a public hearing at the next Board meeting in September.

Trustee Aylward inquired if medical equipment would be allowed because it wasn't going to be mass produced. Counsel Moore stated the products, encompassed by the definition, included in the recommendation would not be for the general public, mass assembly or mass quantities.

Trustee Dineen inquired why Village Board was discussing this. Trustee Dineen stated she feels many steps have been skipped and precedent is being set. Generally the zoning process is followed first and she would feel more comfortable with the Zoning Board of Appeals handling this request. Trustee Dineen stated the applicant's request is not a direct benefit to the residents of the Village.

Trustee Whalen stated there is nothing to preclude anyone that doesn't want to go the route of the Zoning Board of Appeals and Planning Board from coming before the Village Board.

Michael Moore, Village Counsel, stated the proposal that was made by the Cyr's last month was indeed specifically tailored to accommodate their business in a location they are interested in opening up. Mayor Gaughan and Trustee Whalen can confirm that Counsel Moore was duly diligent in cautioning them against the use of the Board's Legislative Zoning Authority solely to benefit one property owner or a small group of owners. That's an illegal practice called spot zoning. Counsel Moore stated this recommended proposal shifts the focus of this effort away from the proposal the Cyr's had initially made into a more generalized one. The proposal the Cyr's made was simply to allow any light industrial use within the central business district. This proposal creates a new category of land use and allows the use in not only central business district but also in general business district and light industrial district. Counsel Moore stated he feels this proposal represents a more appropriate and considered approach to the Board's Legislative Zoning Authority. A section in the Village Code related to zoning amendments requires the Village Board to refer to Planning Board for comments on any proposed zoning amendments.

Mayor Gaughan, Trustee Dineen, Trustee Whalen and Counsel Moore discussed the process that was taken in responding to the applicant's request.

Norman Baumann, Maple Avenue, stated he was happy to hear the Planning Board will be commenting on the proposed amendment.

Darcy Cyr, Mountainview Prosthetics, discussed the benefits her business could bring to the Village.

Kate Provencher, Zoning Board of Appeals member, stated proposal looks very different from what was presented last month. The proposal is adding a use rather than making light industrial a part of the central business district. Ms. Provencher asked that there be consideration for public comment.

Trustee Aylward made a motion seconded by Trustee Whalen to approve holding a public hearing on September 6, 2012 at 7:00 p.m. to discuss Proposed Zoning Code Amendment, "Medical/Dental Optical Laboratory".

Roll Call:

Trustee Whalen	In favor
Trustee Aylward	In favor
Trustee Dineen	Opposed
Mayor Gaughan	In favor

Motion Carried 3/1

Trustee Dineen made a motion seconded by Trustee Whalen to approve request of Phil Carducci, 35 Whipple Way, to hold annual Altamont 5K Run/Walk along the streets of Altamont on August 25, 2012 from 7:00 a.m. to 12:00 p.m. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve bid submitted by Carbone Auto Group, in the amount of \$51,847 for 2012 Ford F-450 Light duty plow/dump truck, per recommendation of Timothy McIntyre, Supt. of Public Works. Carbone Auto Group was the only bid received that met the specifications listed in the Legal Notice. This unit will replace 1999 Ford F-550 truck as part of scheduled equipment replacement program. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Dineen to table request from Altamont Free Library to hold skateboarding event on Prospect Terrace on a Sunday in the fall of 2012. This effort includes hosting an artist who would work with kids at the Library to decorate their boards and purchasing new skateboarding books, magazines and DVDs for the Library. Event is contingent upon grant approval that would fund these activities and Library will notify residents of Prospect Terrace about the event and will seek input as to how to schedule the event in order to minimize its impact.

Roll Call: All in favor

Trustee Aylward made a motion seconded by Trustee Dineen to approve application for Thomas Person and Seth Michael Fuoco, Leesome Lane, for membership in the Altamont Fire Dept. per request of Robert White, Chief. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Dineen to approve authorizing Mayor Gaughan to sign letter to Golub Corp. seeking reimbursement for leasing of bus for shopping service for Altamont seniors, and, if Golub Corp. agrees with the reimbursement procedures, authorize Mayor Gaughan to enter into a lease agreement, after review from Village Counsel, to provide services to Altamont seniors with the Guilderland School District.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Aylward to approve changing date of September Board meeting from Tuesday, September 4 to Thursday, September 6, 2012.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Aylward to approve of Board Minutes for June 5, 2012. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Whalen to adjourn at 8:00 p.m.
All in favor

Respectfully Submitted,

Patty Blackwood
Clerk