

**VILLAGE OF ALTAMONT
REGULAR BOARD MEETING**

November 7, 2012

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

Michael Moore, Legal Counsel
Patty Blackwood, Clerk
Catherine Hasbrouck, Treasurer
Timothy McIntyre, Supt. of Public Works
Robert White, Altamont Vol. Fire Chief
Todd Pucci, Altamont Police Chief

Attending: Richard Straut, Barton & Loguidice

General Public: 20

7:00 p.m.

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

Mayor Gaughan reported New York State Dept. of Transportation has committed to do culver repair on Route 146 near Stewarts and major repaving of Altamont Voorheesville Road in the spring. New York State Dept. of Transportation will rebid on Altamont Voorheesville Road in the spring to include repaving on Route 146 from Route 20 to the Village border. Mayor Gaughan stated he hopes New York State Dept. of Transportation will also address issue with Gun Club Road and Main Street juncture when repaving Route 20. Mayor Gaughan and Trustee Aylward acknowledged Dept. of Public Works, Altamont Police Dept. and Altamont Vol. Fire Dept. in their preparedness for Hurricane Sandy.

Robert White, Chief Altamont Vol. Fire Dept, reported 8 calls for the month of October with 4 of the calls being pump outs due to Hurricane Sandy. Chief White reminded Village residents to make sure their sump pumps are plugged in and to not walk into their basements when it's flooded. Altamont Fire Department has a device to detect the electrical current in the water. Chief White encouraged Village residents to have their chimney and furnaces cleaned and to use caution when driving on wet leaves. Fit testing for new 45-minute air packs are almost complete and air packs will be in use in the next three weeks.

Trustee Dineen made a motion seconded by Trustee Aylward to approve the Treasurer's report; #7, #8 and transfer of funds as submitted. **Roll Call: All in favor**

Public Comment:

Marijo Dougherty, Altamont Archivist, reported Altamont Archives and Museum is hosting "Vintage Portraits: Revealing Altamont Through Its Citizens" exhibit at Village Hall on Sunday, November 18th from 2-4 p.m.

Norman Bauman, Altamont Community Tradition, reported 11th annual Victorian Holiday Celebration will be held on December 8th and 9th.

David Bourque, Sanford Place, expressed concern of Village water policy being updated and water being allowed to Town of Guilderland residents on a case-by case basis. Mr.

Bourque stated he has concern of the Village losing its rural feel due to developments being built just outside the Village.

Kate Provencher, Thatcher Drive and Zoning Board of Appeals member, stated she is ecstatic Village Board is considering an update to their water policy. Ms. Provencher inquired on the proposed recommended production increase to the water of 25,000 gallons on a daily basis. Trustee Dineen stated the recommended increase of 25,000 gallons of water per day is an ultra-conservative increase per recommendation of Timothy McIntyre, Supt. of Public Works and Richard Straut, Barton & Loguidice. Mayor Gaughan stated the 25,000 gallons of water per day equates to 8% above peak daily demand. Ms. Provencher asked if there was a way to track the 25,000 gallons of water that is given to residents and non-residents and asked if water would be reserved for the undeveloped properties in the Village. Ms. Provencher stated she is not against some development being done outside the Village.

Public Hearing at 7:25 p.m. continued from October 2, 2012

Mayor Gaughan continued public hearing from October 2, 2012 regarding proposed Local Law No. 2 of 2012, A Local Law Amending the Village of Altamont Zoning Law in Relation to Prohibition of Gas, Oil or Solution Drilling or Mining within the Village of Altamont.

Mayor Gaughan stated the response from Albany County Planning Board has come back and they asked the Village to notify the Towns of Knox and Guilderland regarding proposed Local Law No. 2 of 2012. Village notified both Towns regarding proposed Local Law. Materials related to Local Law were given to Board of Trustees ten days prior to Board meeting.

Counsel Moore stated following the close of the October Board meeting Chief Pucci spoke with Counsel Moore regarding sub-section viii of proposed local law, prohibition of transport of water, waste products, chemicals or other supplies for use in oil or gas drilling or production operations over roads administered by the Village of Altamont. Chief Pucci pointed out correctly that particular prohibition being contained in the Village Zoning Code would not be self-enforcing. Provisions of the Village Zoning Code are normally enforced by the Code Enforcement Officer. This is not as written the type of thing that the Code Enforcement Officer would normally enforce but rather members of the police department. Counsel Moore stated he concluded Chief Pucci is correct. There is a way the proposed law could be further amended to provide that it's enforced by making a further code amendment to vehicles and traffic and to include a reference to this particular local law within that section. That would require a further amendment of this draft and would have to go back to Albany County Planning Board and public hearing would have to be continued until December or an alternate would be to delete section on transporting in Village and vote on law tonight or pass law in its present form with a recommendation of amending the Code yet further to tie up the loose end at a later date.

Mayor Gaughan stated three options tonight are to drop the section entirely regarding transporting through the Village, pass law tonight as is with the intention of coming back separately with appropriate enforcement law change in Village Code or insert change in proposed law which would require Village Board to continue public hearing to December.

Trustee Aylward inquired how the proposed local law would affect an existing lease for gas. Counsel Moore stated Village Board doesn't have any power it interfere with private transactions between parties concerning the lease. It doesn't affect the lease at all but it would certainly affect the ability to consummate that lease. The activity that's covered by the lease, upon passage of the local law, would be a prohibited land use but the lease itself the Board can't do anything about.

Trustee Whalen inquired why sub-section viii of proposed local law, transport over roads administered by the Village of Altamont of water, waste products, chemicals, or other supplies for use in oil or gas drilling or production operations, should be removed from proposed local law. Counsel Moore stated the concern is how Village would enforce the prohibiting of transporting over Village roads.

Mayor Gaughan stated an option would be to leave in sub-section viii of proposed local law but recognizing Board has to do another Code amendment to give enforcement ability to Altamont Police Department.

Trustee Whalen stated sub-section viii should be left into the proposed local law because it helps zoning in clarifying what's not allowed and Code would have to be amended to give enforcement to police department.

Trustee Aylward made a motion seconded by Trustee Marshall to close public hearing at 7:36 p.m. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to pass as it's currently stated and move forward with Local Law No. 2 of 2012, A Local Law amending the Village of Altamont Zoning Law in Relation to Prohibition of Gas, Oil, or Solution Drilling or Mining within the Village of Altamont. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve authorizing Mayor Gaughan to complete Short Environmental Assessment Form (EAF) as related to Proposed Local Law No. 2 of 2012, Amending the Village of Altamont Zoning Law in Relation to Prohibition of Gas, Oil or Solution Drilling or Mining within the Village of Altamont. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Whalen to approve adoption of Negative Declaration related to Proposed Local Law No. 2 of 2012, Amending the Village of Altamont Zoning Law in Relation to Prohibition of Gas, Oil or Solution Drilling or Mining within the Village of Altamont. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Dineen to approve adopting Local Law No. 2 of 2012, A Local Law Amending the Village of Altamont Zoning Law in Relation to Prohibition of Gas, Oil or Solution Drilling or Mining within the Village of Altamont. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Dineen to approve setting a public hearing for December 4, 2012 at 7:15 p.m. on Local Law No. 3 of 2012, A Local Law adopting amendments to Specified Provisions of the Code of the Village of Altamont. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve resolution to adopt Amendment of Village Fee Schedule to the Code of the Village of Altamont.

Roll Call: All in favor

Richard Straut, Engineer of Barton and Loguidice; Altamont Village Board; and Timothy McIntyre, Supt. of Public Works; discussed at great length the proposed Phase II Water Policy. Trustee Marshall and Trustee Whalen asked that additional information be provided by the Committee before consideration of approval.

Trustee Dineen made a motion seconded by Trustee Whalen to table resolution to adopt Phase II Water Policy until December 4, 2012 Board meeting. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Dineen to approve recommendations of Altamont Guilderland Referral Committee regarding application from Troy Miller, Bozenkill Road, 10 lot subdivision, single family, clustered subdivision with approximately 40 acres conserved as open space, Tax Map #37-00-01-12.1, Town of Guilderland. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Dineen to approve recommendations of Altamont Guilderland Referral Committee regarding application from Frederick Crouse, 181 Brandle Road, 2 lot subdivision, cutting 21.68 acres (the lands on the west side of Route 156) from the original 117 acre parcel that spans Brandle Road and the railroad tracks, Tax Map #48-00-02-25.1, Town of Guilderland.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Aylward approve termination of bus lease agreement with Guilderland School District to provide shopping services to Altamont Seniors. **Roll Call: All in favor**

No motion was made on proposal from Town of Berne.

Trustee Aylward made a motion seconded by Trustee Marshall to approve authorizing Mayor Gaughan to sign Deferred Compensation Plan Administrative Agreement. Updated Administrative Services Agreement has been updated to make the language in the Administrative Agreement consistent throughout the Deferred Compensation Program. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Whalen to approve resolution to consolidate Village into a single election district for purposes of Village elections.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Aylward to approve resolution to grant permission to Albany County Board of Elections to tabulate election results including absentee ballots. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Marshall to approve of Library Lights holiday fundraiser to support Altamont Free Library to be held on Sunday, November 25, 2012 at the Gazebo in Orsini Park per request of Judith Wines, Librarian of Altamont Free Library. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Aylward to approve request of Phil Carducci, 35 Whipple Way, to hold annual Turkey Trot 5K Run/Walk along the streets of Altamont on Saturday, November 24, 2012 from 10:00 a.m. to 12:00 p.m.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Whalen to approve of Board Minutes for October 2, 2012. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Marshall to adjourn at 8:35 p.m.

All in favor

Respectfully Submitted,

Patty Blackwood
Clerk