

VILLAGE OF ALTAMONT
REGULAR BOARD MEETING
September 6, 2012

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

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

Attending: Ted Kolankowski & Robert Murphy, Barton and Loguidice and Travis Stevens,
Albany County Legislator

General Public: 28

7:00 p.m.

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

Mayor Gaughan reported Trustee Aylward has been delayed and will report to the meeting shortly. Mayor Gaughan thanked Altamont Free Library and Altamont Community Tradition and all others involved for the active and great summer in the Village. The Village will be meeting with Altamont Free Library representatives regarding application for grant for next summer's concert series. Mayor Gaughan stated he hopes to carry on next summer with the same level of quality as this summer.

Robert White, Chief Altamont Vol. Fire Dept, reported Altamont Volunteer Fire Department had 9 calls for the month of June and 15 calls for the month of August with the majority of them being alarm drops. Tuesday, September 11th the Altamont Volunteer Fire Department will be commemorating the 11th anniversary of the attacks on this country with a memorial service at the Altamont Volunteer Fire Department at 8:30 a.m. Firefighters will be standing at attention at 8:46 a.m., the time the first plane hit the Twin Towers, and will follow-up with a brief service. Chief White reported Altamont Volunteer Fire Department received thirteen 45-minute air packs and training for the air packs will take place in September. Fire Commissioner's meeting will take place on September 20th at 7:00 p.m. at Fort Hunter Fire Department.

Timothy McIntyre, Supt. of Public Works, reported Wastewater Treatment Plant project has begun. Foundation work of primary building is on schedule, secondary treatment building is under construction along with the electrical work. Beginning of August there was a major well failure on Gun Club Road. Piece of well pump blew apart. Pump had been in place since 1966 and was last inspected in the 1980's. Pump had to be removed and replaced with a backup pump purchased by DPW over six years ago. During repair of well an inspection was conducted of the well and screen. It was decided to do a redevelopment of the well. All went well and Gun Club Road well is back online. A backup pump will be purchased in the near future. Mr. McIntyre reported 500 feet of sidewalk has been installed this season with another 100 feet to go bringing sidewalk up to Gun Club Road. Water meter reading have begun for October billing. Mayor Gaughan reported DPW will give tour to Board members, if desired, to view progress of Wastewater Treatment Plant project.

Trustee Dineen made a motion seconded by Trustee Marshall to approve the Treasurer's report; #3, #4 and bills waiting approval for the Sewer Treatment Plant Upgrade as submitted. **Roll Call: All in favor**

Public Hearing 7:10 p.m.

Michael Moore, Legal Council, opened public hearing with reading of the Legal Notice to consider proposed Local Law No. 1 of 2012. A Local Law amending the Village of Altamont Zoning Law in Relation to a New Land Use in Specified Zoning Districts of the Village.

Trustee Aylward arrived at Village Board meeting at 7:11 p.m.

Council Moore reported process began in June with proposal by citizen to amend the zoning law in regards to a particular project. A lot of discussion from the public and among Board members took place at that time. A small committee of Mayor Gaughan; Trustee Whalen; Nan Stolzenburg, Village planning consultant, and Council Moore were directed to put their heads together and evaluate the proposal. Committee did so and came up with an alternative approach involving not adding a new type of land use to the Central Business District but in fact creating a new defined land use which is called Medical Dental Optical Laboratory. New defined land use would be allowable in Central Business, Business and Light Industrial Districts. Defining the use and creating special standards and requirements by which the use would have to be evaluated by the Village Planning Board in a special use permit application and as well as drafting a legal justification for the law which appears in section one of the proposed local law. Village Board is here this evening to take public comment on the draft law as it has been proposed. As required by the Village Zoning Law, the draft local law was referred to the Village Planning Board for their review and comments. Council Moore met with Planning Board briefly on the subject. Council Moore communicated extensively with Chairman Greene and prepared a briefing memo for the Planning Board members. Planning Board members conferred amongst themselves and Chairman Greene submitted a letter to the Village Board of Trustees stating the Planning Board had no comments or objections to the proposed amendment.

Kate Provencher, Thatcher Drive and Zoning Board of Appeals member, stated she appreciates the work done to move from what was said two months ago about changing the actual zoning to making this a change of use that is allowable in the current zoning. Ms. Provencher stated she regrets that the request didn't first go before the Zoning Board of Appeals for a variance which has been the way the Village has dealt with requests for use. That's different from the Comprehensive Plan. The Comprehensive Plan was worked on extensively and sought comment in a number of ways. Ms. Provencher stated she doesn't think this process gives quite the amount of public comment that was received when they were working on the Plan. Ms. Provencher stated she also regrets this process feels like it has become about business owners rather than actual use. She feels badly about that and her comments are not at all about the business owners or the business that's in question but about the process.

Trustee Aylward stated this particular project can't be anticipated. He has looked in the building on Maple Avenue and it's vacant. There is a possibility of putting a vacant building to use. Trustee Aylward stated he feels the Village Board should think seriously about this use and should put the problem to another Board where the basic parameters of

the business can be set. The building is vacant now and there is a potential use for the building which should be explored by the Village.

Trustee Marshall made a motion seconded by Trustee Aylward to close public hearing at 7:16 p.m. **Roll Call: All in favor**

Trustee Marshall stated proposal would require a site plan and special use permit be put forward by applicant to the Planning Board and those two areas would give Planning Board authority to set parameters and restrictions. Trustee Marshall inquired if this would be done by public hearing. Council Moore stated public hearings are required before any special use permit can be granted.

Trustee Dineen stated this Board should be focusing on making a zoning change in a particular area. It's not to be focused on this particular applicant or business. Trustee Dineen stated she is still not comfortable with the Board, although it's an avenue in the zoning law, letting the applicant petition this Board instead of going to the Zoning Board of Appeals. Ms. Dineen stated it's an avenue she wasn't really clear on in the past because all zoning applicants, that she has been aware of, have not taken this path in the past. Maybe other applicants weren't aware of this option. Ms. Dineen stated she feels this path is opening a can of worms and is setting a precedent for future applicants. This is a legal avenue but its more comfortable saying to take this to the Zoning Board of Appeals and letting it go through the process. If this is something that goes through, the Village Board should consider looking at this process and recommend the process should go through Zoning Board of Appeals first then the Village Board. Village Board should be the last step when making a decision. Ms. Dineen stated she appreciates that the Village Board didn't go for the light industrial in the Central Business District.

Trustee Aylward stated he feels a hearing of this kind would bring response from the neighbors of the potential business. He hasn't heard any neighbors talk about this and is of the opinion there isn't any concern. Trustee Aylward stated the Village Board is enabling another Board to set the parameters of this project.

Council Moore stated whenever the Village Board exercises its legislative functions, a proposal comes before the Village Board to amend zoning code or any other portion of the Village Code, Village Board has the discretion to act by law unreviewable in this case or any other case where a member of the public or member of the Board may propose that legislative action be taken. The Board by law can act on the request or take no action on that request for no reason or any reason. The decision not to act is unreviewable by the court. Council Moore stated he thinks that lessens the concern about precedent. This is a little different than what Planning Board and Zoning Board of Appeals does with a particular permit application or variance application that is presented to them. Legislative function that is regarded by the law of the courts of this state is in a little different manner.

Trustee Whalen inquired if it was possible to clarify a sequence of events within the upcoming code amendments. Council Moore stated Village Board could amend the section of zoning law, that deals with amendments, to write a new sub-paragraph that requires applicants to go to Planning Board or Zoning Board of Appeals prior to approaching Village Board. Mayor Gaughan stated Village Board should consider changing the sequence of events at the time changes are being made to the code.

Trustee Whalen made a motion seconded by Trustee Aylward to authorize Mayor Gaughan to sign Negative Declaration and check the box that says there will be no significant impacts associated with this project. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Aylward to approve resolution to adopt Negative Declaration. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Whalen to approve Local Law No. 1 of 2012 amending the Village of Altamont Zoning Law in Relation to a New Land Use in Specified Zoning Districts of the Village.

Roll Call:

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

Motion Carried 4/1

Ted Kolankowski and Robert Murphy, Barton & Loguidice, presented Village of Altamont 2012 Safe Routes to School Program Overview and Action Plan. Village of Altamont is applying for a Safe Routes to School (SRTS) Program through NYS Department of Transportation. The project will involve the construction of a pedestrian bridge across Tributary 4 to Bozen Kill and connecting paths to the school and street. The goal of the project is to provide Sand Street and residences north of Main Street with a direct connection to the school campus. The program emphasis is to encourage and enable children, including those with disabilities, to walk and bicycle to school; make walking and bicycling safe and more appealing; and facilitate the planning, development and implementation of projects which will improve safety and reduce vehicular traffic, fuel consumption and air pollution within a two-mile vicinity of primary and middle schools (K-8). The Village intends to apply for \$136,726 in funding for the Sand Street Pedestrian Connection Project. Awarded SRTS projects receive 100% funding and do not require a local match.

Mayor Gaughan stated two years ago the Village Board sought to get a grant for this project primarily because it created the greatest opportunity to connect Sand Street in the Village of Altamont with Altamont Elementary School that would go over a creek that heretofore has been used consistently by kids and adults that go into the creek bed. It was targeted as the best project to improve passage from one place to another and it got a high priority.

Trustee Dineen stated Village is working with the Guilderland School District for this project. Trustee Dineen inquired if maintenance and liability are shared once the project has been completed. Robert Murphy, Barton & Loguidice, stated regular maintenance would be the Village's responsibility.

Trustee Aylward inquired if residents of Sand Street have been advised of project. Mayor Gaughan stated residents of Sand Street along with Peter Brabant, Principal of Altamont Elementary School, have been notified and given the one page summary of the project and some residents of Sand Street along with Mr. Brabant are at tonight's meeting.

Mayor Gaughan stated Village is soliciting from the Guilderland School District, Altamont Free Library, Altamont Community Tradition, the public, residents of Sand Street and residents of the Village to provide letters of support for the project to be included with the application that is to be submitted by October 4th.

Trustee Whalen stated this is not only an opportunity for students to use the bridge but also for residents at the apartment complex on Brandle Road who would be able to take a path from Brandle Road through the school and over the pedestrian bridge to lead to the center of the Village.

Lois Ginsburg, Euclid Avenue, inquired about snow removal on the bridge.

Former Mayor Caruso, Sand Street, inquired about crossing guards for Main Street and Sand Street. Mayor Gaughan stated there is a proposal in the grant that would include signage. Peter Brabant, Principal of Altamont Elementary School, stated grant has proposal for some language that the school district could look into getting crossing guards. Robert Murphy, Barton & Loguidice stated crossing guard could be paid for up to two years through the grant.

Mayor Gaughan stated there will be another public informational meeting if the grant is awarded to the Village.

Brad Grant, Sand Street resident and Barton & Loguidice engineer, is in favor of the pedestrian bridge project.

Peter Brabant, Principal of Altamont Elementary School, stated he has been in contact with Guilderland School District and the school district's plan is to build a connecting sidewalk from the school to the bridge.

James Greene, Main Street, stated his entire family is enthusiastic and very much in support of this project. They have seen children and residents walking down the street and using the creek bed. The pedestrian bridge could be used by bicyclists and by residents attending events held in the Village or at the Altamont Fair. There are good natured neighbors who have given permission to cross their private land to get to Grand Street. This is a band aid approach not a long term approach. Mr. Greene stated the creek bed is a dangerous situation and should be corrected. Mr. Greene submitted a letter of support to the Village Board.

Mayor Gaughan thanked Barton & Loguidice for their presentation, residents for coming out and giving their feedback and Guilderland Central School District for all their support. Mayor Gaughan stated he hoped the Village would hear next spring that they are awarded the grant.

Trustee Aylward made a motion seconded by Trustee Marshall to approve submission of a grant on Safe Routes to School Grant, administered by the New York State Dept. of Transportation, for a pedestrian bridge connecting Sand Street and Altamont Elementary School. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve resolution to adopt the Altamont Pedestrian & Bicycle Master Plan of January 2009 as a guiding document of the proposed Village of Altamont Complete Streets Policy.

Roll Call: All in favor

Trustee Aylward made a motion seconded by Trustee Marshall to approve holding public hearing for October 2, 2012 at 7:15 p.m. on 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.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Whalen to approve holding public hearing for October 2, 2012 at 7:15 p.m., subject to permissive referendum, to consider authorization to expend up to \$15,637.50 from Water Project Reserve Fund for emergency repair of well on Gun Club Road. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Marshall to approve Altamont Volunteer Fire Department Ladies Auxiliary to hold Brooks Barbeque fundraiser on Friday, September 7, 2012. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve Altamont Volunteer Fire Department to hold Comedy Night fundraiser on Saturday, November 3, 2012. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve Altamont Volunteer Fire Department to participate in Village of Schoharie Parade on Sunday, September 9, 2012, to commemorate Schoharie's 300th Anniversary, per request of Robert White, Chief. **Roll Call: All in favor**

Trustee Aylward made a motion seconded by Trustee Whalen to approve hiring James West, Guilderland NY, as full-time Public Works Laborer, at a salary of \$13.00 per hour, per recommendation of Timothy McIntyre, Supt. of Public Works. Position is probationary for a period of up to one year. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve amending AFLAC to allow Short-term Disability, Lump Sum Critical Illness and Term & Whole Life Insurance. Participation is voluntary and premiums are paid by employees.

Roll Call: All in favor

Trustee Dineen made a motion seconded by Trustee Whalen to approve authorizing Mayor Gaughan to sign Contract Amendment on Construction Services for Wastewater Treatment Plant Improvements with Barton & Loguidice. Contract amended for Bidding & Construction Phase Services for the Wastewater Treatment Plant Improvements project dated February 23, 2012, revised March 27, 2012, such that it includes NYS Revolving Fund (SRF) Bid Packet for Non-Construction Contracts and Service Providers which provides guidance and contract language specific to MWBE and EEO Programs. Contract amendment is a no-cost change to the original Task Order for Bidding and Construction Phase Services. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve, with regret, resignation of Ernest Cupernall, Zoning Board of Appeals alternate member, effective August 15, 2012 per letter of resignation. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Aylward to approve Proclamation to recognize October 2012 as Anti-Bullying Awareness Month. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Whalen to approve of Board Minutes for July 17, 2012. **Roll Call: All in favor**

Trustee Aylward expressed concern regarding the railroad crossing in the Village. Mayor Gaughan stated he has spoken to NYS DOT representative and the train representative this week to seek clarification on the status of the project. The project has a contract number and a project id number, however, it's been held up by details that need to be provided by the train representative to NYSDOT to be able to draft a letter of agreement for the attention to the construction at that site. Mayor Gaughan stated he was told the letter would go to the train representative this week and train representative stated they could start the project and complete it before the end of the construction year.

Trustee Dineen made a motion seconded by Trustee Marshall to adjourn at 8:10 p.m.
All in favor

Respectfully Submitted,

Patty Blackwood
Clerk