

**VILLAGE OF ALTAMONT**  
**REGULAR BOARD MEETING**  
September 2, 2014

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

Patty Blackwood, Clerk  
Jeffrey Moller, Supt. of Public Works, Absent  
Robert White, Altamont Fire Chief  
Todd Pucci, Altamont Police Chief  
Catherine Hasbrouck, Treasurer  
Marijo Dougherty, Archives & Museum  
Larry Adams, Asst. Supt. of Public Works

General Public: 33

7:00 p.m.

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

Keith Lee, Co-Chairman of the Parks Committee, reported the late Phyllis Schilling was a former Trustee of the Village for fifteen years in the 1980's – 1990's. Ms. Schilling was also involved in creating parks and maintaining the green space around the Village. The Village has received a \$5,000 donation for the support and maintenance of Schilling Park from the Schilling family in memory of Phyllis.

Mayor Gaughan thanked Keith Lee, Marijo Dougherty, Ronald Ginsburg and all volunteers who participated and supported one of the area's most successful book signing events. Altamont's first book "Images of America: Altamont" is on sale at the Village Hall.

Robert White, Chief Altamont Fire Dept., reported 8 calls for the month of August, nothing notable with any of the calls. Chief White reported Thursday, September 11<sup>th</sup> the Altamont Fire Department will be commemorating the 13<sup>th</sup> anniversary of the attacks on this country with a memorial service at the Altamont Fire Department at 8:30 a.m. Chief White reported Altamont Fire Dept. Ladies Auxiliary will be holding Brooks Barbeque fundraiser on Friday, September 12<sup>th</sup>.

Trustee Aylward made a motion seconded by Trustee Whalen to approve the Treasurer's report; #4, #5, #6 and #7 and transfer of funds as submitted.

**Roll Call: All in favor**

**Public Comment:**

Trustee Aylward made a motion seconded by Trustee Dineen to approve resolution that the Altamont Village Board expresses thanks and appreciation to the Becker Family and the Conservancies for the creation of the Bozenkill Preserve. **Roll Call: All in favor**  
Copy of the Resolution included with Official Minutes.

Gary Faulkner, Park Street, stated he and his neighbors have a concern with overflow of a stream on Park Street. Larry Adams, Asst. Supt. of Public Works, stated Jeff Moller, Supt. of Public Works, has identified a solution to this issue and they will address this when Mr. Moller returns from vacation.

Kate Provencher, Thatcher Drive, stated she has concern with the zoning implication of the proposed annexation on Bozenkill Road. Trustee Dineen stated if the annexation is approved tonight, the zoning designation from the Town of Guilderland does not come with the annexation. One option, which is indicated in the Comprehensive Plan, is if Village annexes a property, the Village can automatically zone it R20 but in this case it would be a non-conforming use. Second option is Village's Planner has suggested for Village to consider rezoning using some of the conservation easement language that is in the Town of Guilderland and the Village creating their own zoning of that parcel and making it fit in with the Village's plan. Village Counsel would work with Planner on the proposed zoning changes and would then introduce to the public through public hearing. Michael Moore, Village Counsel, stated if annexation occurs, the property would legally be un-zoned. If the property is approved for annexation, the Village would have to work on creating a new zoning classification for the property. Ms. Provencher inquired about the road repairs for Bozenkill Road. Trustee Dineen stated the Board will be discussing the road repairs shortly.

Mayor Gaughan recused himself from the discussion and vote regarding the proposed annexation of Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc.

Michael Moore, Village Counsel, reported there are three items in the Board's material relating to the annexation. The first two are SEQRA Review and Compliance related to the proposed annexation. First document is a Short Environmental Assessment Form which his office has taken the liberty of filling out. Those answers are not binding and any Board member may change the answers to the questions related to the anticipated environmental impact of the annexation. If Board does not wish to change any of the answers, the Board would vote to adopt SEQRA resolution and authorize the signature of Trustee Dineen. That would constitute a portion of Village's environmental impact review of the proposed annexation. Second SEQRA related document is a proposed resolution of the Board in which several other steps relating to SEQRA are laid out. The Board first classifies the action as an Unlisted Action under SEQRA, which is the correct classification. Under SEQRA, any proposed annexation of territory consisting of less than 100 acres is an unlisted action. The Board also proposes to designate itself as the Lead Agency for purposes of its consideration of the proposed annexation. There aren't any other agencies involved in the determination other than Village Board. Board then resolves to adopt a SEQRA Negative Declaration and dispense with the need for an Environmental Impact Statement. Counsel Moore stated on page three of the resolution are good and sound factual reasons why he believes there will be no adverse environmental impacts associated with the proposed annexation. The property is already being served by Village's water and sewer, the treasure's findings regarding fiscal impacts anticipate an increase in revenues if the annexation were approved, Bozenkill Road is a Town of Guilderland highway. The physical area of the road adjoining the proposed annexation territory is not included within the proposed annexation. There have been discussions between Village Counsel and Town Counsel over the process to arrange for a transfer from the Town to the Village the section of road, if annexation is approved. In the Board material is a letter from Troy Miller, Miller Construction, whose corporation owns the property proposed for annexation, outlining his proposal for undertaking, at his expense, certain needed road repairs. Counsel Moore stated he anticipates if the annexation goes forward, Village would continue discussions with the Town of Guilderland to transfer the road and also continue and formalize these discussions that Mr. Miller has initiated, to turn them into a formal agreement under which the needed road repairs would be made. The Town has approved this area as

conservation sub-division. In the Village Zoning Code there is a similar section of the Code related to conservation sub-divisions. If the annexation goes forward, Village would anticipate borrowing the appropriate portions of that language in order to consider the new Zoning classification. As part of the approved conservation sub-division on the land, a conservation easement was transferred from the owner, Pangburn Farm, to the Town of Guilderland in 2013. That conservation easement would, most preferably, need to be transferred to the Village or at least name the Village as a third party, an enforcing party, of that easement so there would be some assurance to the Village going forward that the open space areas, primarily wetlands, on that property would continue to receive the appropriate protection from further development. Those are the listed factual reasons which in counsel's judgment seem an appropriate basis for a negative declaration.

Trustee Marshall inquired if Village Counsel has spoken to Town Counsel regarding the conservation easement. Michael Moore, Village Counsel, stated a draft of a resolution, that the Town Board is reviewing this evening, has language mirroring the language that is inserted into the resolution that the Village Board would adopt which says, as with Bozenkill Road, if the annexation is approved this evening by both Boards, the Village would commit through their counsel to work with Town for the transfer of the conservation easement from the Town to the Village, post annexation. Counsel Moore stated it's an interest in the real property that is proposed for annexation and it makes practical sense for the Village to be in control of that portion of the open space.

Trustee Aylward inquired about the plan to negotiate the road. Counsel Moore discussed the Village's and Town's plan regarding Bozenkill Road.

Trustee Aylward made a motion seconded by Trustee Marshall to approve the Short Environmental Assessment Form related to Petition by Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc. for the annexation of approximately 52 acres of land on Bozenkill Road from the Town of Guilderland to the Village of Altamont. Copy of Short Environmental Assessment Form included with Official Minutes.

**Roll Call:**

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Aylward	In favor
Trustee Dineen	In favor

Trustee Marshall made a motion seconded by Trustee Aylward to approve Classification of Action and Declaration of Lead Agency related to Petition by Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc. for the annexation of approximately 52 acres of land on Bozenkill Road from the Town of Guilderland to the Village of Altamont. Copy of Resolution included with Official Minutes.

**Roll Call:**

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Aylward	In favor
Trustee Dineen	In favor

Trustee Marshall made a motion seconded by Trustee Aylward to approve resolution to adopt Negative Declaration related to Petition by Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc. for the annexation of approximately 52 acres of land on Bozenkill Road from the Town of Guilderland to the Village of Altamont. Copy of Resolution included with Official Minutes.

**Roll Call:**

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Aylward	In favor
Trustee Dineen	In favor

Trustee Dineen reported on May 20<sup>th</sup> the Village of Altamont received a petition for annexation of the territory. There is a timeline involved with annexation in New York State. Within 20 days, the Village had to post a joint notice for a public hearing with the Town of Guilderland. Public hearing was held on July 1<sup>st</sup>. Public comment period was held at the July 1<sup>st</sup> meeting with one person from the public speaking. At the joint meeting, the two Boards discussed their responsibilities when considering an annexation, the transfer of Bozenkill Road, proposed revenues, and proposed expenses. The Village and Town Boards are required to answer whether the application complied with the statutory requirements and whether the annexation is in the overall public interest. Both Boards have ninety days to render a determination. Village Board received a letter from Alfred and Ronnie D'Alauro supporting the annexation and from Troy Miller, Miller Construction, outlining his proposal for undertaking, at his expense, certain needed road repairs. Annexation Information Sheet has not changed from the July Board meeting. Village Board's responsibility tonight is to make a determination on the annexation.

Counsel Moore reported proposed resolution has a list of proposed reasons why the Village Board finds the proposed annexation to be in the overall public interest. Resolution also includes the two post annexation issues regarding conservation easement and Bozenkill Road.

Trustee Whalen reported developer has a responsibility with the Town, through permits that have been pulled, to repair Bozenkill Road. Trustee Whalen stated he is uncomfortable with where the Village needs to be with the road. He doesn't have adversity towards the annexation, there is a long-term benefit to the Village, but is uncomfortable with where in the process the Village should take on the road and how much Village is on the hook for by taking on the road.

Counsel Moore stated his judgment is that the Town's perception is if the property is annexed from the Town to the Village, it is clearly not in the Town's interest to retain control of the road. Counsel Moore stated he believes the Town wants to relieve themselves of the responsibility of the road. If annexation is approved by both Boards, there will be discussions for a formal legal transfer of the road.

Trustee Marshall stated annexation of the land would financially benefit the Village in the long-term. The Board is concerned about the road because it's in bad repair but the developer has indicated he will make some repairs. Trustee Marshall stated she has confidence in Village Counsel, with working with the Town, will obtain an appropriate agreement on the road. Trustee Marshall stated she was pleased to hear Village is not necessarily bound to take over the road. Given the particulars, Trustee Marshall stated she would be in favor of the annexation.

Trustee Dineen stated annexation is good for the Village in the long-term and she has confidence in Village Counsel to work on the upcoming agreements.

Trustee Aylward made a motion seconded by Trustee Marshall to approve a Petition by Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc., for the annexation of approximately 52 acres of land on Bozenkill Road from the Town of Guilderland to the Village of Altamont. Copy of Resolution, Annexation Information Sheet, Miller Construction letter and D'Alauro letter included with Official Minutes.

**Roll Call:**

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Aylward	In favor
Trustee Dineen	In favor

Trustee Dineen excused herself from the Village Board meeting to attend Town of Guilderland's Board meeting regarding the annexation of Pangburn Farm, LLC and the Preserve at Bozenkill Creek Homeowner's Association, Inc.

Trustee Aylward made a motion seconded by Trustee Marshall to approve resolution of the Village Board of the Village of Altamont to request Guilderland School Board to remove the recommendation of the School District's Study to close the Altamont Elementary School from further consideration, and continue to work in a collaborative process to identify alternative solutions to save money.

**Roll Call:**

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

Trustee Marshall made a motion seconded by Trustee Aylward to approve authorizing Mayor Gaughan to sign inter-municipal agreement to continue membership with existing coalition for cooperation on issues related to storm water management with Stormwater Coalition of Albany County for an annual fee of \$4,762 per recommendation of Jeffrey Moller, Supt. of Public Works.

**Roll Call:**

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

Trustee Whalen made a motion seconded by Trustee Aylward to approve for applications from Mark Beliveau, Altamont, Junior Firefighter; Gabrielle Norfleet, Schenectady, Firefighter; and Susan Olivares, Altamont, Firefighter; memberships in the Altamont Fire Department per request of Robert White, Chief.

**Roll Call:**

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

Trustee Marshall made a motion seconded by Trustee Aylward to approve resolution to terminate the Village's grant with the Albany County Dept. for Aging's Congregate Food Program.

**Roll Call:**

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

Trustee Aylward made a motion seconded by Trustee Whalen to approve an allocation of \$4,500 to Altamont Senior Program to support the weekly food program, program's facility use, and associated expenses, effective September 3, 2014.

**Roll Call:**

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

Trustee Aylward made a motion seconded by Trustee Whalen to approve resolution to terminate the \$2,700 shared services agreement with the Town of Guilderland to support entertainment and selected support services for the Altamont Senior Program and Farmer's Market, effective October 1, 2014.

**Roll Call:**

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

Trustee Marshall made a motion seconded by Trustee Aylward to approve of Board Minutes for July 01, 2014.

**Roll Call:**

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

Trustee Dineen made a motion seconded by Trustee Aylward to adjourn at 7.58 p.m.

**Roll Call:**

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

Respectfully Submitted,

Patty Blackwood  
Clerk