

VILLAGE OF ALTAMONT
REGULAR BOARD MEETING
April 07, 2015

Mayor James M. Gaughan
Trustee Kerry Dineen
Trustee Cathy Glass
Trustee Christine Marshall
Trustee Dean Whalen

Patty Blackwood, Clerk
Catherine Hasbrouck, Treasurer
Jeffrey Moller, Supt. of Public Works
Robert White, Altamont Fire Chief
Marijo Dougherty, Archives & Museum
Glenn Hebert, Building Inspector
Jason Shaw, Legal Counsel

General Public: 34

Attending: Daniel McCoy, Albany County Executive and Travis Stevens, Albany County Legislator

7:00 p.m.

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

Installation of Village Officials Sworn in by Daniel McCoy, Albany County Executive

Honorable Rebecca Morse Hout
Honorable Christine Marshall
Honorable Cathy Glass

Trustee Whalen made a motion seconded by Trustee Dineen to approve resolution to adopt the proposed appointments, designations, schedules, personnel and financial procedures contained within Organizational Agenda. **Roll Call: All in favor**

PART I

One Year Term

Patty Blackwood, Deputy Court Clerk
Kelly Best, Secretary, Planning Board & Zoning Board of Appeals

PART II

Official Newspaper

Altamont Enterprise - Primary
Spotlight - Alternative

Official Banks

Key Bank – Altamont Branch, First National Bank of Scotia, First Niagara Bank, Citizens Bank, J.P. Morgan Chase Bank, Kinderhook Bank, Pioneer Commercial Bank, NBT Bank and M&T Bank as official depositories of the Village of Altamont.

Authorize Mayor and Treasurer to invest Certificates of Deposit in any of the designated official depositories with a third party holding the securities.

Authorize Mayor and Treasurer to sign checks on behalf of the Village.

Time & Place of Meetings

Village Board – 7:00 p.m. First Tuesday of each month and third Tuesday as needed
-July 7, 2015 meeting rescheduled to Tuesday, July 21, 2015 at 7:00 p.m. due to Independence Day holiday
-August 4, 2015 meeting, if needed
-November 3, 2015 meeting rescheduled to Wednesday, November 4, 2015 at 7:00 p.m. due to Election Day
Planning Board – 7:00 p.m. Fourth Monday of each month as needed
-May 25, 2015 meeting rescheduled to Monday, May 18, 2015 at 7:00 p.m. due to Memorial Day
Zoning Board of Appeals – 7:00 p.m. Second Tuesday of each month as needed

Mileage

Mileage rate coincides with Federal IRS approved rate per mile for reimbursement to Village employees when authorized to use their private vehicles on village business.

Bonds

For Officials and Employees to continue as last year
(\$50,000 Clerk/Treasurer; \$10,000 Employees)

Personnel Policy

To continue as written

Holiday Schedule

Approve holiday schedule for Village employees for FY 2015-16 per Schedule A.

Procurement Policy

To continue without change

2016 Organizational Meeting

First Tuesday in April 2016

Village Engineers

Designate Barton and Loguidice to serve as Village Designated Engineers for FY 2015-16.

Village Counsel

Designate Whiteman Osterman & Hanna LLP to serve as Village Designated Attorneys for FY 2015-16.

PART III

Training

Authorizing Mayor Gaughan to approve meetings, conferences, and training seminars for employees that would benefit the Village and could include the following schools, conferences and seminars sponsored by New York State Conference of Mayors such as: Annual Training School; Fall Training School; Public Works Training School; Legislative Meeting; Winter Legislative Meeting; Office of the New York State Comptroller; Office of Court Administration; Public Works Training and Licensing, and the Albany County Division of Management and Budget technology classes.

Advance Payment of Claims

Authorize Village Treasurer to pay, in advance of audit, claims for public utility services, postage, hospitalization, freight and express charges, and fees for officials and staff to attend meetings and schools approved by Mayor Gaughan prior to the next scheduled regular board meeting.

Reports:

Robert White, Chief Altamont Fire Dept., reported 9 calls for the month of March. For the entire department responding to the nine calls accounted for approximately 1,087.5 volunteer man hours. Most notable was a structure fire on 240 Settles Hill Road. Chief White also noted burn ban is in effect.

Jeffrey Moller, Supt. of Public Works, reported water main flushing and yard waste collection have begun. There was a water main break on Grand Street on Easter. Sewer plant had high flow of about 900,000 gallons a day with the snow removal and handled it fine. The position of part-time laborer has been filled, with Board approval, with a former summer employee. Trustee Dineen thanked Dept. of Public Works for changing the Village banners.

Glenn Hebert, Building Inspector, reported the building department has issued 6 permits year to date. He has started closing out old permits that were issued to residents when the shared service was with the Town of Guilderland.

Mayor Gaughan reported Village is recognizing the upcoming Earth Day. The Earth Day sign for the Village was given by Betty Head, who is on the agenda as a nominee to the Hudson River Valley Greenway Council. The Earth Day sign will be posted at dawn on Earth Day. Village also recognizes Earth Day each year by holding Green and Clean Day close to the date of Earth Day.

Trustee Dineen made a motion seconded by Trustee Marshall to approve the Treasurer's report; #20, #21 and transfer of funds as submitted. **Roll Call: All in favor**

Public Comment:

Lois Ginsburg, Long Grass Lane, reported the annual Green and Clean Day will be on April 25th and volunteers are needed.

Public hearing at 7:22 p.m.

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider 2015-2016 Village Budget before final adoption.

Catherine Hasbrouck, Treasurer, reported two changes within the preliminary Village Budget. Farmer's Market line, A7110.413, is reduced from \$1,000 to \$0. Shared Building Contractual Expenses, A1620.400, is reduced by \$1,200 to reflect one less Village newsletter publication a year. Name changes on salary schedule include Bill Aylward changed to Cathy Glass, Leslie Stefan changed to James Greene, and Bill Courtright changed to the new hire. The tax rate does not change for 2015-16.

Mayor Gaughan reported this is the sixth year that the Village hasn't raised the tax rate. The only thing that would affect the property taxes is if the property value increased. Staff has made an incredible effort to continue to streamline and look for efficiencies to keep the expenditures down. The Village does everything it can to keep taxes low. Few notable items are staff have identified a different insurance provider that reduced the cost of worker's compensation insurance by \$20,000 and a cut of a few part-time workers to the summer program have occurred. The summer program will continue as in the past with the exception of a few booth attendants. The economy is improving but there are still incredible expenses such as sludge removal. Mayor Gaughan reported the Governor has put in place a refund mechanism. As long as the municipality's tax rate increase is less than 1%, the residents will see a refund check from New York State. The Village's tax rate increase is 0%. The refund from the Village portion is approximately \$2.25. The Governor will combine all refunds to include Village, Town, County, and School District and mail one check to residents.

No comments from the public.

Trustee Dineen made a motion seconded by Trustee Marshall to close public hearing at 7:27 p.m. **Roll Call: All in favor**

Mayor Gaughan made a motion seconded by Trustee Whalen to approve 2015-2016 Village Budget. **Roll Call: All in favor**

Public hearing at 7:28 p.m.

Jason Shaw, Legal Counsel, opened public hearing with reading of the Legal Notice to consider authorization, subject to permissive referendum, to expend funds from the Water Reserve Fund for an Engineering Assessment of the Village's Main Reservoir as required by NYS DEC.

Mayor Gaughan reported this item was discussed and approved at the October 7, 2014 meeting, but the Board didn't approve expending the money at that time. The engineering assessment of the Village's Main Reservoir is complete and Village needs to pay the engineers for their work.

No comments from the public.

Trustee Whalen made a motion seconded by Trustee Marshall to close public hearing at 7:29 p.m. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to approve, subject to permissive referendum, expending \$14,000 from the Water Reserve Fund for an Engineering Assessment of the Village's Main Reservoir as required by NYS DEC. The Board approved the agreement at their October 7, 2014 meeting, but didn't approve expending the money from the reserve. **Roll Call: All in favor**

The Village Board; Legal Counsel; Mr. Baumann, 107-109 Helderberg Avenue; and a representative from Stewart's Shop Corporation discussed at length Mr. Baumann's rezoning request of property located at 107-109 Helderberg Avenue from a residential zoning district to a commercial zoning district.

Trustee Whalen reported there are three ways that a zoning change can come before the Village Board. They are: 1) The Village Board can take it up if they feel there is a need for a change in the zoning map or a portion of the zoning ordinances; 2) resolution from the Planning Board recommending this to be taken up; and 3) an application by a property owner within the Village to consider changing a property's zone. Tonight's request from the property owner is just outside the current central business district which is currently zoned residential. Property owner is requesting Village Board to consider changing the parcel to be included within the central business district. The process the Board has to go through after receiving the application or recommendation from the Planning Board is to resolve whether they wish to consider the request. If the Board wishes to consider the request, they have a number of options going forward. If they feel they have enough information between the application and any other previously received information, they can move forward. The next part of the process is to propose a resolution to consider zoning modification and schedule a public hearing. The Board can request additional information from the Planning Board, Zoning Board of Appeals, or the applicant prior to the public hearing. Last step would be for the Board to hold the public hearing and, either that same meeting or subsequent meeting, vote on the change, all within the timeline outlined in the Village Code §355-42. The Village Board must render a decision on the application within 60 days after the public hearing.

Jason Shaw, Legal Counsel, stated the decision on whether to change the zoning map is completely discretionary on the part of the Board. The Board can deny the request for no reason or they can give a reason. This is a legislative act and under the law, when the Board is asked to adopt a law or change a law, the Board can determine if they wish to choose so. If the Board chooses not to change the law, that's the end of it. There's not going to be any legal challenge. That's essentially what this is. It would take a property in the residential district and change it to central business district. This came in front of the Planning Board. The adjacent property, which is owned by Stewart's, came in front of the Planning Board several months ago to make some modifications to their property and the Stewart's building. It was obvious from the application that they had some real problems in terms of physical site and doing what they wanted to do. It was too limiting to them. Due to the limitations, the Planning Board and Mr. Baumann requested Village Board to consider changing the zoning for 107-109 Helderberg Avenue from residential to central business district. Mr. Shaw stated that if the Village Board decides to hold a public hearing on the request, the material would also have to be sent to Albany County Planning Board for their review because the property is located within 500 feet of a state or county road.

Mr. Baumann, 107-109 Helderberg Avenue, stated it was always his intent to eventually sell his property to Stewart's. He was unaware that in 2009 the zoning on his property had changed from central business district to residential.

Mayor Gaughan stated in 2007-2009 the Village Board went through comprehensive plan change and zoning change for the Village. There were many public hearings throughout the year and a half. One of the decisions made, as a result of all the meetings, was to encase the central business district. It was at that time that Mr. Baumann's property was changed from central business district to a residential zone.

Carol Rothenberg, Helderberg Avenue; Stewart Linendoll, Park Street; Kate Provencher, Thatcher Drive; Michael McNeany, Severson Avenue; and Fred Ziemann, Helderberg Avenue, stated they are not in favor of 107-109 Helderberg Avenue being rezoned from residential to central business district.

Marijo Dougherty, Archives & Museum, stated the property that Stewart's rest on is a very important property in the history of the Village. If the project moves forward, she asks that Stewart's look into the Village's archives to the history of things that happened on that property. There is a historical marker on the property and she would like the marker to remain on the property.

Trustee Dineen stated she would be most comfortable with moving forward with a process. The Village Board would move forward with SEQRA, Local Law, and holding the public hearing. With this process come the notifications to the residents in the area.

Trustee Dineen made a motion seconded by Trustee Whalen to approve authorizing the Village attorney to draft a proposed local law and to outline the steps for the SEQRA review to be considered by the Board at its next regular meeting in connection with the proposed zoning change.

Roll Call:

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Glass	Abstain
Trustee Dineen	In favor
Mayor Gaughan	In favor

Motion Carried: 4 In favor/1 Abstain

Trustee Whalen made a motion seconded by Trustee Marshall to approve appointment of Maurice McCormick, Zoning Board of Appeals Chairman, for a five year term which expires on March 31, 2020. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Dineen to approve appointment of Kevin Clancy, Planning Board member, for a five year term which expires on March 31, 2020. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Dineen to approve appointment of John Scally to the position of Planning Board member for the remainder of a five year term which expires on March 31, 2019. Position was previously filled by Cathy Glass who was appointed in 2014. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Marshall to approve appointment of Timothy Wilford to the position of Planning Board Chairman for the remainder of a five year term which expires on March 31, 2018. Position was previously filled by James Greene who was appointed in 2013. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Whalen to approve appointment of Deborah Hext to the position of Planning Board alternate member for the remainder of a five year term which expires on March 31, 2018. Position was previously filled by Timothy Wilford who was appointed in 2013.

Roll Call:

Trustee Whalen	In favor
Trustee Marshall	Abstain
Trustee Glass	In favor
Trustee Dineen	In favor
Mayor Gaughan	In favor

Motion Carried: 4 In favor/1 Abstain

Trustee Marshall made a motion seconded by Trustee Dineen to approve hiring Justin Lee, Altamont, as part-time Public Works Laborer, at a salary of \$13.00 per hour, per recommendation of Jeffrey Moller, 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 Dineen to approve authorizing Jeffrey Moller, Supt. of Public Works, to move forward with termination of water service on April 14, 2015, if payment is not received from the following delinquent non-residents: Michelle Griffin, 6 Danvers Road; and Laura Provo Parker, 1129 Berne Altamont Road. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Marshall to approve resolution to nominate Ms. Betty Head to the Hudson River Valley Greenway Council, per request for nomination from Albany County Executive Daniel McCoy. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Whalen to approve resolution to recognize the importance of Earth Day, April 22, 2015. We, the people of Altamont, are proud to recognize this day of planetary health and to raise awareness of our ecological footprint and how our personal activities contribute or mitigate climate change. Renewable energy sources not only save greenhouse gasses from the atmosphere but are a distributed system that gives us more control over our lives, our lifestyles, and our economic well being. **Roll Call: All in favor**

Trustee Dineen made a motion seconded by Trustee Whalen to approve request of Altamont PTA to hold annual garage sale along the streets of Altamont and Orsini Park on Saturday, May 2, 2015 from 9:00 a.m. to 4:00 p.m. **Roll Call: All in favor**

Trustee Marshall made a motion seconded by Trustee Whalen to approve request of Altamont Fire Department's participation in Altamont PTA garage sale on Saturday, May 2, 2015. **Roll Call: All in favor**

Trustee Whalen made a motion seconded by Trustee Dineen to approve of Board Minutes for March 3, 11 & 24, 2015.

Roll Call:

Trustee Whalen	In favor
Trustee Marshall	In favor
Trustee Glass	Abstain
Trustee Dineen	In favor
Mayor Gaughan	In favor

Motion Carried: 4 In Favor/ 1 Abstain

Trustee Marshall made a motion seconded by Trustee Glass to adjourn at 8:26 p.m.
All in favor

Respectfully Submitted,

Patty Blackwood
Clerk