

A regular Meeting of the Town Board of Guilderland was held at the Town Hall, Route 20 McCormick's Corners, Guilderland, NY, on the above date at 7:30 pm. The meeting was opened with the Pledge of Allegiance to the flag. Roll call by Rosemary Centi, Town Clerk, showed the following to be present:

- Councilwoman Slavick
- Councilman Pastore
- Councilman Grimm
- Supervisor Runion

**ALSO PRESENT:** Richard Sherwood, Town Attorney

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Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the September 20, 2011 Town Board meeting.

**MOTION #152** Councilwoman Slavick moved to **APPROVE THE MINUTES OF THE SEPTEMBER 20, 2011 TOWN BOARD MEETING.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

- |                      |     |
|----------------------|-----|
| Councilwoman Slavick | Aye |
| Councilman Pastore   | Aye |
| Councilman Grimm     | Aye |
| Supervisor Runion    | Aye |

**PUBLIC COMMENT PERIOD: No public comment**

**MOTION #153** Councilwoman Slavick moved to **SET A PUBLIC HEARING PURSUANT TO SECTION 202 OF THE TOWN LAW IN RELATION TO THE GUILDERLAND SEWER IMPROVEMENT DISTRICT BUDGET ON OCTOBER 18<sup>th</sup>, 2011 AT 8:00 PM.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

- |                      |     |
|----------------------|-----|
| Councilwoman Slavick | Aye |
| Councilman Pastore   | Aye |
| Councilman Grimm     | Aye |
| Supervisor Runion    | Aye |

**MOTION #154** Councilman Pastore moved to **SET A PUBLIC HEARING PURSUANT TO SECTION 202 (a) OF THE TOWN LAW IN RELATION TO THE GUILDERLAND SEWER IMPROVEMENT DISTRICT BUDGET ON OCTOBER 18<sup>th</sup>, 2011 AT 8:15 PM.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

- |                      |     |
|----------------------|-----|
| Councilwoman Slavick | Aye |
| Councilman Pastore   | Aye |
| Councilman Grimm     | Aye |
| Supervisor Runion    | Aye |

Item # 3 on the agenda concerned the request of Stuyvesant Plaza to amend the 1959 easement of ingress and egress to permit installation, repair and replacement of the current entrance sign.

Jim Shultz, Esquire, Counsel to Stuyvesant Plaza, Inc., explained that there is no express easement by the Town of Guilderland to Stuyvesant Plaza, Inc. for the placement of the front entrance sign along Route 20. (Western Avenue)

He stated that since the granting of this easement in 1959, there has been an entrance sign in that vicinity to some degree or another.

The signs that have existed have had a Special Use Permit.

He further stated that there is an application before the Zoning Board of Appeals for an amendment to the Special Use Permit to replace the sign in substantially the same location. In doing so, it was discovered that where the replacement would be placed, was on Town property, and verification was necessary for that right. The applicant was looking for an amendment to the easement agreement in order to allow for the grantee to install, maintain, repair and replace appropriate signage, landscaping and land beautification work and utilities

Questions were asked by members of the Town Board regarding the initial easement right, and placement of the new sign.

Dr. Donald Reeb, Norwood Street, expressed his concern with the question of the easement, placement of the sign, and what land has been granted to Stuyvesant Plaza. He contended that there has been discussion about the land of McKownville Park and the land used by Stuyvesant for vehicles. He further contended that the land from the liquor store in the Plaza to the Northway is McKownville Water District Land. He stated that he had been down to the County looking for easements and had been unsuccessful in finding any.

He further stated that he would like the Town Board to send it back to the Zoning Board of Appeals for further, cautious, review.

Supervisor Runion stated that this would end up going back to the Zoning Board of Appeals to look at the sign issue. However, without the easement, they would not look at the application.

Don Cropsey, Superintendent of Building and Zoning, stated that when he looked at the application for a variance submitted by the applicant, they were looking for the easement for the structure, and found none. He further stated that the best location of the sign, from a safety point of view, is in its present location. It identifies the entrance.

Further discussion was held regarding the issue.

Dr. Reeb stated that when the easement was granted in 1959 it came with a payment of \$5,500.00 and if the Town were to amend the easement, granting more rights to the Plaza, they should amend the amount paid to the Town as well.

**MOTION #155** Councilman Grimm moved to **AMEND THE EASEMENT DATED FEBRUARY 19, 1959 IN A FORM TO BE APPROVED BY THE TOWN ATTORNEY AND CONDITIONED UPON STUYVESANT PLAZA, INC. OBTAINING ANY AND ALL PERMITS REQUIRED BY THE TOWN ZONING LAW AND COMPLYING WITH ANY AND ALL CONDITIONS IMPOSED BY THE ZONING BOARD OF**

**APPEALS.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

**MOTION #156** Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR’S WARRANT FOR THE GUILDERLAND WATER DEPARTMENT IN THE AMOUNT OF \$149,728.87.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

Supervisor Runion stated that Town Board members would be meeting in the second floor conference room to continue with the budget work sessions. After which, the Town Board would be entering into Executive Session to discuss a personnel matter.

**MOTION #157** Councilwoman Slavick moved to **ENTER INTO EXECUTIVE SESSION AT 9:05 PM CONCERNING A PERSONNEL MATTER.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

**MOTION #158** Councilman Grimm moved to **EXIT EXECUTIVE SESSION AT 10:25 PM.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

**MOTION #159** Councilman Pastore moved to **ADJOURN THE OCTOBER 4, 2011 TOWN BOARD MEETING AT 10:26 PM.** Councilman Grimm seconded the motion and it was carried by the following roll call vote:

Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

**Respectfully submitted,**

**Rosemary Centi, RMC  
Town Clerk**