

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:

- Councilman Forte
- Councilwoman Slavick
- Councilman Pastore
- Councilman Maikels
- 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 August 21<sup>st</sup>, 2012 Town Board meeting.

**MOTION #130** Councilman Pastore moved to **APPROVE THE MINUTES OF THE AUGUST 21<sup>ST</sup>, 2012 TOWN BOARD MEETING.** Councilman Forte seconded the motion and it was carried by the following roll call vote:

- |                      |     |
|----------------------|-----|
| Councilman Forte     | Aye |
| Councilwoman Slavick | Aye |
| Councilman Pastore   | Aye |
| Councilman Maikels   | Aye |
| Supervisor Runion    | Aye |

**PUBLIC COMMENT PERIOD – NO PUBLIC COMMENT**

**AGENDA ITEMS:**

Item #1 on the agenda was a presentation by the McKownville Neighborhood Association, for a Storm Water Drainage District. Dr. Donald Reeb, presenting.

Dr. Reeb gave an account of the flooding and storm water problems in the McKownville neighborhood.

He stated that petitions regarding the establishment of a storm water district were circulated and 404 signatures were obtained, which reflected approximately 91% of the 607 households. The tax levy would be .26 per thousand of assessed value or about \$35.00 per household.

He also gave an historical perspective of the issue, stating that in the 1940's; this issue could have been resolved with legislative approval.

The petitions were presented to the Town Board with the request that a storm water drainage district be formed.

Supervisor Runion thanked Dr. Reeb and explained that the Town has to follow procedure with regard to this issue.

There are requirements under Town Law and the Town Board would have to research and identify the issues, then an analysis would be done as to the benefits of the district to the area as a whole, and the State Comptroller would have ultimate approval.

The Town would have a public hearing so that residents would be able to voice their opinions and concerns.

He again recognized and thanked Dr. Reeb and all of the other residents concerning their work on this issue.

The Town Attorney would begin to look into the matter.

Item #2 on the agenda concerned the settlement of a tax certiorari case for Star Plaza. (Note: Guilderland School Board approved settlement on August 21, 2012).

The three years at issue were 2010, 2011, and 2012. The new assessment reductions would result in a total estimated refund liability for the Town and related taxes of approximately \$4,000 as billed and collected on the original 2010, 2011 final assessment rolls.

**MOTION #131** Councilman Maikels moved the following resolution:

WHEREAS, there are presently pending before the New York Supreme Court, Albany County, tax certiorari proceedings commenced under the caption of Star Plaza, Inc. v. Town of Guilderland, et.al. and bearing index Nos. 4764-10, 4797-11 and 4518-12; and

WHEREAS, these proceedings contest the real property tax assessment of real property located at 2050 Western Avenue and as designated as tax map parcel number 51.02-2-5.1 on the Tax Map of the Town of Guilderland; and

WHEREAS, these proceedings challenge the assessment of the subject property in the assessment years 2010, 2011, and 2012; and

WHEREAS, proposed terms of settlement have been formulated providing for the disposition of these proceedings; and

WHEREAS, the Town board has obtained the advice and assistance of its attorneys with respect to the terms of the proposed settlement and have duly considered the same; and

NOW, THEREFORE, BE IT RESOLVED that, subject to the execution of a Stipulation of Settlement and Order in the form approved by counsel, the Town Board authorizes the settlement of these proceedings so as to adjust the assessment of the subject property for the 2010, 2011, and 2012 assessment years as follows:

<u>Assessment Year</u>	<u>Original Assessment</u>	<u>Revised Assessment</u>	<u>Reduction</u>
<b>2010</b>	<b>\$2,970.100.00</b>	<b>\$2,383.000.00</b>	<b>\$587,000.00</b>
<b>2011</b>	<b>\$2,970.100.00</b>	<b>\$2,416.700.00</b>	<b>\$553,400.00</b>
<b>2012</b>	<b>\$2,970.100.00</b>	<b>\$2,416.700.00</b>	<b>\$553,400.00</b>

BE IT FURTHER RESOLVED, that counsel for the Town, together with Town personnel, are hereby authorized to undertake such action as are necessary to effectuate this settlement, including the execution of any Stipulations of Settlement and the payment of any and all refunds required under the above authorized terms of settlement.

Councilman Forte seconded the motion and it was carried by the following roll call vote:

- Councilman Forte           Aye
- Councilwoman Slavick   Aye
- Councilman Pastore       Aye
- Councilman Maikels       Aye

Supervisor Runion            Aye

**MOTION #132** Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN A LETTER TO THE N.Y. STATE DEPARTMENT OF TRANSPORTATION STATING THAT THE TOWN WILL REQUIRE THE APPLICANT OF 1671 WESTERN AVENUE, GUILDERLAND, N.Y. TO CONSTRUCT A SIDEWALK IN FRONT OF THE PREMISES AND THAT THE TOWN OF GUILDERLAND WILL ASSUME RESPONSIBILITY FOR MAINTAINING THIS SIDEWALK UPON COMPLETION.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

The Town Board moved to the upstairs conference room for budget hearings for the Water, Sewer, Building and Zoning, Fire Prevention, Planning, Court, and Central Garage at 8:02 P.M.

**MOTION #133** Councilman Pastore moved to **ADJOURN THE SEPTEMBER 4<sup>TH</sup>, 2012 TOWN BOARD MEETING AT 9:53 P.M.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

**Respectfully submitted,**

**Rosemary Centi, RMC  
Town Clerk**