

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 October 2, 2012 Town Board meeting.

**MOTION #157** Councilman Pastore moved to **APPROVE THE MINUTES OF THE OCTOBER 2, 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 – John Haluska, 3135 Lone Pine Road,** thanked the Town for the leaf pickup and wanted them to know what an outstanding job the highway department had done.

He also stated that he had met with Building Superintendent, Donald Cropsey regarding a number of derelict buildings in the Town.

He asked that the Board consider addressing this issue in the coming years.

**Mike Murphy, Rte. 146 Altamont,** came with a signed petition regarding the noise level of some concert events at the Altamont Fairgrounds. He asked that the Town take control of the noise issue.

Supervisor Runion stated that he had had a conversation with Mayor Gaughn and explained that the portions of the fairgrounds where the concerts are held are within the boundaries of the Village of Altamont. Our noise ordinance did not apply to the Village. The Village of Altamont had its own zoning and enforcement.

He reiterated that a process had been started by a dialog with Mayor Gaughn. He asked if Mr Murphy would like to be included in the conversations.

**PUBLIC HEARING: 7:30 PM - 2013 BUDGET**

Town Clerk, Rosemary Centi, read the legal notice.

Supervisor Runion stated that over the past several months the Town Board has been reviewing the Tentative Budget that he had submitted. Supervisor Runion stated that the Town Board has been working diligently on the 2013 budget with meetings with the various department heads.

He explained that the Town Budget is broken up into two areas; the “A” fund, which includes the entire Town of Guilderland plus the Village of Altamont. This fund is supported principally through a property tax, which, under the current budget is .26 per thousand dollars of assessed valuation. The average home in the Town is assessed at \$200,000.00 which would amount to \$52.00 per year in town taxes for general Town services. This is the same rate as last year. That rate has been the same for a number of years.

The Highway Fund will see a 2% increase over last year amounting to \$1.00.00 per \$1,000.00 of assessed valuation. This fund is used for maintaining town roads, signage, leaf pickup and things of that nature.

The State Legislature adopted a 2% rate cap which means that we cannot raise the levy higher than 2%.

However, increases in retirement contributions are exempt from that.

Supervisor Runion reviewed the increased amounts of retirement benefits and health insurance that the Town would be contributing to. There will be approximately a 10% increase in premiums. The Town is subject to whatever regulations that the Federal Government has in place. He stated that the Town has tried to manage these by increasing employee’s co-pay amounts. There is an added line in the budget for a portion of the retirement contribution equalling .6%.

Water rates will be increasing approximately 1%.

He further stated that the Town has received a great credit rating from Moody which allowed us to refinance some bonds with the same terms but at a lower rate.

Examples would be the Golf course which will realize a savings of \$40,000.00 per year.

There were some water bonds, also. This will keep us under the 2% cap. Sales tax revenue is seeing a steady increase. Sales tax revenue is distributed based on population and based on that, the Town would be receiving approximately 10 million dollars in sales tax revenue.

The second part of the Town Budget is the “B” fund, which encompasses those areas of the Town outside the Village of Altamont.

**MOTION #158** Councilwoman Slavick moved to **CLOSE THE PUBLIC HEARING ON THE 2013 TOWN BUDGET**. Councilman Maikels 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 #159** Councilwoman Slavick moved to **ADOPT THE FINAL 2013 TOWN OF GUILDERLAND BUDGET AS SUBMITTED**. Councilman Maikels 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

**AGENDA ITEMS:**

Item #1 on the agenda concerned a discussion in regard to the petition filed by the McKownville Improvement Association for the creation of a Storm Water Drainage District. Supervisor Runion gave a brief background history of the storm water infrastructure issue and the problems.

He asked that the Town Attorney look at the issue and inform the Town Board what the process would be to create a district.

He read for the record how a storm water district is created. **(P 174A)**

He further stated that Delaware Engineering would do a study regarding the issue detailing benefit areas, tax amounts, etc. The cost of the study would be \$5,000.

The following residents spoke on the issue:

**Dr. Donald Reeb:**

**Save Our Homes**

**Testimony to the Guilderland Town Board**

**Don Reeb, on behalf of the Petitioners  
November 8, 2012**

McKownville homeowners organized a petition drive to create a drainage district, defined the district boundaries, collected signatures from over 400 homes, asked the Town to impose a tax on district homes, asked the Town to take ownership of the privately owned storm sewers in McKownville and asked the Town to assign the Town highway department the responsibility of using the new tax money to repair and maintain the storm sewers in the McKownville district. This will give us significant relief from storm water problems while the Town searches for \$6 million in grants to pay for a rebuilding of the entire system.

We are calling upon the Town to make the privately owned portion of the McKownville storm sewers Guilderland Town owned so that maintenance and repairs can be performed regularly—and we are volunteering to contribute tax dollars to this effort so that the Town will not have to spend from its present revenues the money to maintain and repair the storm sewer system in McKownville.

We gathered signatures from 406 households on a petition that was presented to the Town Board asking that a Drainage District be formed. Nearly 91% of all households in the outlined district agreed that this was a good way to get better protection for our homes.

Everyone in Guilderland knows that McKownville has a storm water problem--we ask the Guilderland Town Board to join us in our effort of improving the protection of our homes from storm waters by approving the creation of the McKownville Drainage District.

**Martin Gnacik, Elmwood St.,** stated that he has seen the water table rising with each succeeding year. He took the steps of putting in an emergency sump pit. He further stated that there was no place to throw the water once collected. He further stated that the Town should take the lead in getting areas that are in need, fixed.

**Henry Tedeschi, Westlyn Place,** stated that though he would not benefit, it was essential that everyone push for this. Everyone would benefit directly or indirectly.

**Elyssa Sanborn, Fuller Road**, discussed the problems arising from the water flooding properties.

She stated that maintenance has been an issue and that as a temporary measure the Town should do proper maintaining of catch basins.

**Mark Weis, 6 Williams Court**, stated it was important for the Town Board to take a look at the problem area before they make a judgement call. He also expressed his concern with the cost to the homeowner for the drainage district.

**Jack Bailey, 7 Parkwood Street**, stated that for the first 15 years that he lived in McKownville he did not have a problem. For the last ten years he has had water in his basement. He stated that the Town had a governmental responsibility to take care of the issue. The system was collapsing. This issue was affecting property values. He questioned whether the Town could take over the alleys within the drainage areas.

**Bertil Schou, 9 Norwood Street**, stated that he was a proponent of the storm water district. There was no place for the water to go. Property values were declining and so he encouraged the Town Board to approve this measure.

**Debra Trees, 8 Ayre Drive**, asked for some intervention with this issue. She asked how we could provide for the immediate needs of this neighborhood. She stated that when the petitioners went around the neighborhood, none mentioned that it was a Stuyvesant Plaza issue. She also expressed her concern with the decline in property values because of this issue. She asked for a clarification of the legal process for establishing a Storm Water District and that the Town Board to help the residents of the area.

**Drew Hartzell, Glenwood Street**, stated that on a number of occasions the McKownville Fire Department had to pump him out. He asked that the Town Board take the necessary actions for this issue.

**Maureen Wren, Waverly Place**, thanked her neighbors for taking the initiative to address this issue. She thanked the Town Board for looking into this issue. They have not had an issue with water flooding their basements. She had not signed the petition. She read the Delaware report and thanked the Town for taking the initiative. She questioned why only one segment of the Town would be paying for this issue, rate increases, accountability, and asked how the funds would be allocated. She stated that she was leery about the proposal and felt that the Town could be seeking to absolve themselves of the responsibility of the replacing or repair of an aging infrastructure.

**Frank Fazio**  
**27 Norwood St.**  
**Albany, NY 12203**

**RE: McKownville Storm water Drainage District**

Dear Supervisor Runion and members of the Town Board,  
I reside at 27 Norwood Street and have several questions that need to be considered for the formation of the proposed McKownville storm water drainage district that is up for discussion at the November 8, 2012 Town Board meeting.

While I am not against some form of improvements, and understand the need for the residents of McKownville with drainage problems, I feel there are some questions and considerations that require attention.

1. Is this district subject to the approval of the New York State Department of Audit and Control?

2. How was the tax rate of \$0.26 per thousand assessed value per year determined? It was discussed that the properties within the district would generate \$40,000 to \$60,000 per year. According to the McKownville Drainage Analysis performed by Delaware Engineering, there are approximately 500 homes in the study area. If each home was assessed at \$200,000, that would generate \$26,000 per year. Therefore, instead of the yearly tax being \$52.00/year as suggested, it would be \$80.00 per year to raise \$40,000 and \$120.00 per year to raise \$60,000.

3. How long will that rate be in effect? I was informed that it would be for 5 years, but what happens after that and how will a new tax rate be calculated? If enough money is not generated, can the rate be increased without a vote?

4. A recent engineering study determined that the overall work required for storm water improvements in the proposed McKownville district is around 6.7 million dollars. Grants will not fund the entire amount, so what possible estimated costs would the district have to incur for debt service, which would be in addition to an annual operation and maintenance cost.

5. It has been stated that once the district is formed that the Town will be able to start to go on property of residences in McKownville to make repairs. My understanding is that in any district where access to private property is required, and that easements must first be obtained. Has it been determined how many easements will be required and what the total map preparation and legal costs will be?

6. Is there a prioritized list of projects for the repair or replacement of storm sewers that are known to be required and the cost for each so that a schedule could be prepared and all residents in the district will know where their money is being spent, and when they could be expected to see work performed in their location.

It should be recognized by the residents that even with all of the proposed improvements contained in the engineers report; groundwater will still be an issue with some homes, and still require frequent use of sump pumps.

Based on my experience, I do not know of any Federal or State grant program that would fund storm drainage improvements, especially if not being caused by catastrophic events that have occurred in the past several years. This district should therefore be considered a maintenance district and established with clear goals, projects, improvements and costs before being presented to the residents for a vote.

I realize that some of these questions cannot be answered at this time and this is the early stage for a possible district formation, but feel they should be considered for this and future discussions.

Thank you.  
Frank Fazio

Supervisor Runion stated that the Town had invested approximately \$7,500.00 so far, but felt that they should look for more engineering information. It would be an additional \$5,000.00 to further look into the problem with an eye on the future.

**MOTION #160** Councilman Maikels moved to **AUTHORIZE THE TOWN BOARD TO RETAIN DELAWARE ENGINEERING TO PREPARE A MAP, PLAN AND REPORT IN THE AMOUNT OF \$5,000.00 FOR AN ENGINEERING STUDY FOR THE CREATION OF A STORM WATER DRAINAGE DISTRICT IN MCKOWNVILLE.**

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 #161** Councilman Pastore moved to **SET A PUBLIC HEARING ON DECEMBER 4, 2012 IN REGARD TO A REQUEST FOR A REZONE OF 5803 OSTRANDER ROAD FROM INDUSTRIAL (I) TO RURAL AGRICULTURAL 3 (RA3).** 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

**MOTION #162** Councilman Forte moved to **ACCEPT AN EASEMENT FOR WATER AND SEWER LINE INSTALLATION AND MAINTENANCE FROM JAMES BESHA, JOYCE BESHA, AND SUSAN THOMAS FOR PREMISES LOCATED ON WESTERN TURNPIKE.** Councilman Maikels 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 #163** Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO SIGN A LEASE RENEWAL WITH SATCH SALES FOR GOLF CARTS.** Councilman Maikels 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 #164** Councilman Forte moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR THE REPLACEMENT OF SEWER DISTRICT'S EXISTING ENTRAC SCADA ALARM UNITS WITH NEW GENERATION ACER UNITS.** Councilman Maikels 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 #165** Councilwoman Slavick moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO RETAIN DELAWARE ENGINEERING TO PREPARE SPECIFICATIONS FOR THE REPLACEMENT OF FILTER MEDIA AT THE GUILDERLAND WATER TREATMENT PLANT.**

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 #166** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT IN THE AMOUNT OF \$612,969.92** Councilman Maikels 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 #167** Councilman Pastore moved to **ACCEPT THE UTILITY EASEMENTS ALONG DEPOT/SCHOOL ROADS IN REGARD TO MAT FARMS SUBDIVISION.**

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

**MOTION #168** Councilwoman Slavick moved to **APPROVE TRANSFERS AS RECOMMENDED BY TOWN COMPTROLLER, JEAN STERLING.** Councilman Maikels 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 #169** Councilwoman Slavick moved to **CANCEL THE NOVEMBER 20<sup>TH</sup>, 2012 TOWN BOARD MEETING.** Councilman Maikels 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 #170** Councilwoman Slavick moved to **ADJOURN THE NOVEMBER 8<sup>TH</sup>, 2012 TOWN BOARD MEETING AT 9:23 PM.** 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

**Respectfully submitted,**

**Rosemary Centi, RMC  
Town Clerk**