

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

Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the December 18th, 2012 Town Board meeting and the Organizational Meeting minutes of January 1, 2013.

MOTION #21 Councilman Maikels moved to **APPROVE THE MINUTES OF THE DECEMBER 18TH, 2012 TOWN BOARD MEETING WITH A CHANGE TO MOTION #191, REMOVAL OF THE TAX MAP NUMBER.** 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 #22 Councilman Maikels moved to **APPROVE THE MINUTES OF THE JANUARY 1, 2013 ORGANIZATIONAL 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

PUBLIC HEARINGS:

7:30 PM – Request to grant an easement over a paper street known as Sheffield Avenue

Town Clerk, Rosemary Centi, read the legal notice.

Notice is hereby given that a Public Hearing has been scheduled for January 15th, 2013 at 7:30 PM at the Guilderland Town Hall, Rte. 20 Guilderland, N.Y.

on a request for the Town to grant an easement over a paper street known as Sheffield Avenue.

All those wishing to be heard will be heard.

DATED: December 4th, 2012

BY ORDER TOWN BOARD OF THE TOWN OF GUILDERLAND.

**ROSEMARY CENTI, RMC
TOWN CLERK**

Supervisor Runion asked the attorney for the applicant, Timothy Kelleher, to give an explanation of the request.

Mr. Kelleher stated that the applicant had applied for an easement so that they could install a driveway and utilities in order to build a one family home.

He stated that issues put forth by some neighbors at a prior meeting had been addressed. It would no longer be an application for a subdivision and the issue of whether it was a Town road was also clarified and Sheffield Road was found to be in fact a dedicated road.

Joseph DiGrado, Empire Avenue, expressed his concern with aesthetics. He also stated that he would like to see Sheffield Road a real road as he was concerned with emergency vehicles having access, as it was gravel.

He stated that he had a serious sinkhole on his property and was concerned with anything that would shift the earth and cause the sinkhole to get larger.

He further stated that he would like to see the easement granted for only one house.

He asked about the wetland delineation request.

Supervisor Runion stated that the wetland request was made because at the time it was a subdivision request. However, as it was no longer a subdivision, the request was no longer necessary.

He read comments made by the Conservation Advisory Council.

Timothy Coppinger, Empire Avenue, requested that Sheffield Avenue be made a true Town road in keeping with the other roads.

Scott Olsen, Empire Avenue, thanked the Board for postponing the hearing until tonight.

He stated his concern that the easement comply with Town law and that it was a buildable lot.

He also asked that the Town put a limit on the easement for one residence. He appreciated that the applicant was willing to speak with the neighbors.

Mr. Kelleher stated that some of the issues that were made could be dealt with an application for a building permit.

He stated that the application for a subdivision had been withdrawn and there was no request to subdivide.

Supervisor Runion stated that he would not be comfortable having the Town grant an easement if there was a possibility of further subdivision of this lot in the future.

Mr. Kelleher stated his concern with this Board, tonight, establishing construction criteria.

Supervisor Runion stated that it was not unreasonable to request that the driveway be asphalt and not gravel and that the lot not be subdivided further. He further stated that he would like to have an area of no disturbance behind the houses on Empire Avenue.

The applicant, Mark Seus, showed an image of the proposed house and where it would be placed.

Mr. Seus stated that he had shared this image with the neighbors who had attended the meeting. He stated that he understood the concerns regarding aesthetics and with emergency vehicles having turnaround room, which he had discussed with the Town Planner and the Superintendent of Highways and they were ok with the plan of a gravel driveway. He asked that the driveway length to be paved be considered as it was costly, making it as short as it could be on Sheffield.

Supervisor Runion suggested that there be a no disturbance line of 50' from the rear lot lines on Empire Avenue and Mr. Seus stated that would not be a problem.

Councilman Pastore stated that the 50' behind the homes on Empire Avenue and a 50' no disturbance line should be sufficient.

Supervisor Runion asked if the driveway could be paved to the rear of the homes on Empire Avenue, approximately 75'.

Henry Obwald, Empire Avenue, asked where the road would be and if there would be any liability regarding the easement.

Mr. Seus stated that he had discussed the driveway issue with the Town Planner and the Superintendent of Highway regarding placement and it would not be near Mr. Oswald's property line.

Supervisor Runion stated that Mr. Seus would be responsible for plowing the easement and his insurance would bear responsibility for any issues regarding the easement.

Mr. Obwald also expressed his concern with the detention pond and the mosquitoes that it drew.

Mr. Kelleher asked if the non-disturbance line would be sufficient to deal with the aesthetics issue.

Mr. Coppinger stated that most houses in the area paved about 75' of driveway.

Councilman Pastore recognized the neighbors' concerns but suggested that requiring the applicant to pave such a great length could discourage the applicant from building.

Councilman Forte suggested that the Ft. Hunter Fire Chief look at the length of the driveway for the purpose of seeing if the fire trucks could turn around.

Gerry Houser stated that there would be more of a runoff issue with a paved driveway than with a gravel driveway. He further stated that there would be less noise with a gravel driveway, which could be oiled to lessen the dust.

Further discussion was held by the Board members, neighbors, and Mr. Seus regarding length of driveway, area of no disturbance, and the planting of trees.

MOTION #23 Councilman Forte moved to **GRANT AN EASEMENT FOR INGRESS AND EGRESS OVER SHEFFIELD AVENUE FOR A SINGLE FAMILY HOME TO BE CONSTRUCTED WITH THE APPLICANT AGREEING TO A RESTRICTION THAT THERE WILL BE NO FURTHER SUBDIVISION OF THE LOT, THAT THERE WILL BE A PAVED ROAD SURFACE 60' IN LENGTH FROM EMPIRE AVENUE, THAT THERE WILL BE A 50' NO DISTURBANCE AREA FROM THE REAR LOT LINES OF THE LOTS ON EMPIRE AVENUE, AND THAT THE APPLICANT, PRIOR TO OBTAINING A BUILDING PERMIT, WILL OBTAIN THE PERMISSION OF THE HIGHWAY SUPERINTENDENT AS TO THE LOCATION OF THE PAVED SURFACE, AND FROM THE FT. HUNTER FIRE DEPARTMENT AS TO THE ADEQUACY OF THE DRIVEWAY FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES.** 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 authorizing the Supervisor to sign an agreement with the Guilderland School District for transportation in regards to the Town summer recreational program that would be limited to the three month summer period.

The school district asked that the Town hold them harmless and indemnify them from our negligence, if there was any, and this was the change to the prior agreements.

MOTION #24 Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH THE GUILDERLAND CENTRAL SCHOOL DISTRICT FOR TRANSPORTATION IN REGARD TO THE TOWN SUMMER RECREATIONAL PROGRAM.** 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 #25 Councilman Pastore moved to **APPROVE THE SETTLEMENT OF TWO CERTIORARI CLAIMS:**

a. Cumberland Farms (1870 Western Avenue) for years 2009 through 2012

Total Town refund would be \$1,643.25

b. Albert Fisher (168 Wormer Road) for 2011

Total Town refund would be \$121.37

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 #26 Councilman Pastore moved to **AUTHORIZE THE RELEASE OF ESCROW IN THE AMOUNT OF \$2,085.00 FROM WATER/SEWER INTERIM PROJECTS FOR GROVE SUBDIVISION. PROJECT HAS BEEN COMPLETED.**

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

Councilman Forte	Aye
Councilwoman Slavick	Recused herself as the project was for a family member.
Councilman Pastore	Aye
Councilman Maikels	Aye
Supervisor Runion	Aye

MOTION #27 Councilwoman Slavick moved to **APPROVE THE PARKS AND RECREATION FEE SCHEDULE.** 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 #28 Councilwoman Slavick moved to **ENTER INTO EXECUTIVE SESSION AT 8:48 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

MOTION #29 Councilman Forte moved to **EXIT EXECUTIVE SESSION AT 10:34 PM.** 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 #30 Councilwoman Slavick moved to **HIRE TIMOTHY MCINTYRE AS SUPERINTENDENT OF WATER AND WASTEWATER MANAGEMENT AT A SALARY OF \$70,000.00.** 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

MOTION #31 Councilman Forte moved to **RE-ORGANIZE THE BUILDING, ZONING AND FIRE PREVENTION DEPARTMENTS INTO ONE UNIT, AND TO APPOINT DONALD ALBRIGHT AS THE BUILDING AND FIRE PREVENTION SUPERVISOR AND AS A RESULT OF THESE ADDITIONAL DUTIES, HIS SALARY WILL BE \$57,290.00.** 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 #32 Councilwoman Slavick moved to **APPROVE AN AMENDED AND RESTATED RENEWAL LEASE AGREEMENT BETWEEN THE TOWN OF GUILDERLAND AND FAIRWAY VIEW, LLC, TO ADD FIVE (5) YEARS TO THE EXISTING LEASE AGREEMENT, WHICH WILL NOW EXPIRE ON OCTOBER 31, 2019.** 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 #33 Councilwoman Slavick moved to **ADJOURN THE JANUARY 15TH, 2013 TOWN BOARD MEETING AT 11:00 PM.** 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

Respectfully submitted,

**Rosemary Centi, RMC
Town Clerk**