

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 June 18<sup>th</sup>, 2013 Town Board meeting.

**MOTION #140** Councilman Forte moved to **ACCEPT THE MINUTES OF THE JUNE 18<sup>TH</sup>, 2013 TOWN BOARD MEETING.** 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 |

**PUBLIC COMMENT PERIOD- No public comment**

Item #1 on the agenda is to consider the adoption of a resolution granting a waiver from the Town of Guilderland Highway Resolution for Briarwoods Commons located off of Church Road (12203) per the recommendation of the Town's Designated Engineer. **(P 48A)**

The above referenced subdivision will have the following items that do not conform:

1. Centerline radius of 100 feet rather than the 250' regulation
2. Tangent length of 87 feet rather that the 100' regulation

**MOTION #141** Councilman Maikels moved to **ADOPT A RESOLUTION GRANTING A WAIVER FROM THE TOWN OF GUILDERLAND HIGHWAY RESOLUTION FOR BRIARWOODS COMMONS PER THE RECOMMENDATION OF THE TOWN'S DESIGNATED ENGINEER.** 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 #142** Councilman Pastore moved to **APPROVE A WARRANT ADJUSTMENT FOR 980 N. PINE HILL DRIVE IN THE AMOUNT OF \$38.00 DUE TO A BILLING ERROR.** 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 #143** Councilman Forte moved to **APROVE TRANSFERS AS RECOMMENDED BY THE COMPTROLLER'S OFFICE.** 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

Item #4 on the agenda concerned adopting a resolution to join in the filing of an amicus brief to be submitted to the New York Court of Appeals confirming the rights of cities, towns and villages to determine land uses within their borders under the Municipal Home Rule Law. The case involves a municipality's right to prohibit hydrofracking.

Supervisor Runion stated that this was an important issue because the Town of Guilderland had adopted a local law prohibiting hydrofracking. (See **Local Law #4 of 2012**) Also, because this could impact other types of zoning contained in Municipal Codes and could have a much broader impact on Municipal Home Rule.

**MOTION #144** Councilman Pastore moved the following resolution

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF GUILDERLAND TO APPROVE BECOMING AN AMICUS CURIAE IN ACTIONS INVOLVING MUNICIPAL HOME RULE IN THE COURT OF APPEALS OF THE STATE OF NEW YORK**

**Date: July 2, 2013**

**WHEREAS**, the Towns of Middlefield and Dryden have recently revised their zoning laws to prohibit heavy industrial uses (including natural gas drilling) in their communities and such laws were challenged in court by opponents claims that the Towns did not have the power to regulate natural gas drilling as a land use through zoning; and

**WHEREAS**, the Town of Ulysses filed an amicus curiae or "friend of the court" brief in both lawsuits in support of its sister Towns in order to reassert the right of each municipality throughout New York State to determine what land uses are appropriate in its community through municipal home rule law powers granted by the NYS Constitution and the NYS Municipal Home Rule Law; and

**WHEREAS**, the Town of Guilderland joined with the Town of Ulysses and a coalition of over 50 other municipalities from across the State to file these amicus curiae briefs in the Appellate Division, Third Department in 2012; and

WHEREAS, the Appellate Division, Third Department, ruled in favor of the Towns of Dryden and Middlefield in the matters of Norse Energy Corporation USA v. Town of Dryden et al., and Cooperstown Holstein Association v. Town of Middlefield; and

WHEREAS, the Norse Energy Corporation and the Cooperstown Holstein Association (“Appellants”) recently filed motions for leave to appeal each decision to the Court of Appeals – the State’s highest court; and

WHEREAS, if the Appellants are granted leave to appeal to the Court of Appeals, the Town of Ulysses will seek leave to file amicus curiae brief(s) with the Court and will file such brief(s) if leave is granted; and

WHEREAS, the Town of Ulysses has requested that other municipalities in the State consider joining the municipal coalition supporting the Ulysses’ amicus brief(s) to send a powerful statement to the Court of Appeals, the NYS Department of Environmental Conservation and the NYS Legislature about the importance of protecting municipal home rule in New York State and a municipality’s right to decide, for itself, whether natural gas drilling - or any other land use - is appropriate for its citizens.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of Guilderland hereby determines that it is in the public interest of the citizens of the Town to support municipal home rule by joining in the amicus brief(s) being filed in the Court of Appeals by the Town of Ulysses and a coalition of municipalities from across the State.
2. The Town of Guilderland hereby authorizes and directs the Supervisor to complete or cause to be completed any and all further documents and papers in the name and on behalf of the Town of Guilderland as the Supervisor deems necessary or appropriate to carry into effect the foregoing resolution.
3. The Town of Guilderland Clerk will promptly send a certified copy of this adopted resolution to the Town of Ulysses, 10 Elm Street, Trumansburg, NY 14886.

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

STATE OF NEW YORK  
ALBANY COUNTY

I, Rosemary Centi, Town Clerk of the Town of Guilderland, do hereby verify that the foregoing is a true copy of a resolution unanimously adopted by the Town of Guilderland, on the 2<sup>nd</sup> day of July, 2013.

\_\_\_\_\_  
Clerk

Supervisor Runion explained that the Town policy states that a developer can obtain up to two model building permits before dedicating roads, water and sewer lines, and other required infrastructure to the Town. The Town Board will not meet for six weeks, (August 20<sup>th</sup>, 2013) and several developments may have completed all required infrastructure in the interim.

**MOTION #145** Councilman Forte moved that **UPON RECEIPT AND REVIEW BY THE TOWN SUPERVISOR OF ALL REQUIRED DOCUMENTATION AND ESCROW DEPOSITS FOR INFRASTRUCTURE TO BE DEDICATED TO THE TOWN, THE BUILDING DEPARTMENT IS AUTHORIZED TO ISSUE BUILDING PERMITS WITHIN A DEVELOPMENT IN ADDITION TO THE TWO MODEL BUILDING PERMITS. THIS AUTHORIZATION SHALL EXPIRE ON AUGUST 20<sup>TH</sup>, 2013.**

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 # 146** Councilman Forte moved to **ADJOURN THE JULY 2, 2013 TOWN BOARD MEETING AT 7:52 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  
Town Clerk**