

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 1<sup>ST</sup>, 2013 Town Board meeting.

**MOTION #185** Councilman Pastore moved to **ACCEPT THE MINUTES OF THE OCTOBER 1<sup>ST</sup>, 2013 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**

**PUBLIC HEARINGS:**

**7:30 PM – Public Hearing pursuant to Section 202 of the Town Law in relation to the Guilderland Sewer District Assessment Roll for 2013. Town Clerk, Rosemary Centi, read the legal notice.**

Supervisor Runion explained that Section 202 pertained to the principal and interest portion of the roll.

Supervisor Runion also stated that sewer areas are divided into two zones. Zone A consists of areas with sewers already installed and ready for use and Zone B is where the sewer is proposed to be in use within the next five (5) years.

In Zone A, a typical single-family home would pay \$61.39 towards principal and interest owed by the sewer district, a decrease of \$.81 from last year.

In Zone B, a typical single-family home would pay \$18.38 towards principal and interest, a decrease of \$.92 from last year.

Supervisor Runion asked for comments from the public. No public comment.

**MOTION #186** Councilwoman Slavick moved to **CLOSE THE PUBLIC HEARING ON THE SEWER ASSESSMENT ROLL PURSUANT TO SECTION 202 OF TOWN LAW.** 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 # 187** Councilwoman Slavick moved to **ADOPT THE RESOLUTION AS SUBMITTED, ESTABLISHING THE PRINCIPAL AND INTEREST PORTION OF THE SEWER ASSESSMENT ROLL FOR ZONE A AND ZONE B PURSUANT TO SECTION 202 OF THE TOWN LAW.** 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

**7:45 PM – Approval of Sewer District Assessment Roll pursuant to Section 202(a) of the Town Law.**

**Town Clerk, Rosemary Centi, read the legal notice.**

Supervisor Runion explained that this second hearing, pursuant to Town Law 202(a), pertains to the operation and maintenance portion of the Sewer District Assessment Roll. The typical single - family home would pay in 2014 \$241.26 towards operation and maintenance of the sewer system, an increase of \$.17 from the previous year.

Therefore, a typical one family home would pay a total of \$303.15 towards operation and maintenance and principal and interest in 2014 an overall increase of \$.76

Supervisor Runion asked for public comment. No public comment.

**MOTION #188** Councilman Forte moved to **CLOSE THE PUBLIC HEARING ON SEWER DISTRICT ASSESSMENT ROLL PURSUANT TO SECTION 202 (a) OF TOWN LAW.** 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 #189** Councilwoman Slavick moved to **ADOPT THE PREPARED RESOLUTION SETTING THE OPERATION AND MAINTENANCE PORTION OF THE SEWER DISTRICT ASSESSMENT ROLL PURSUANT TO SECTION 202 (a) OF TOWN LAW.** 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

**AGENDA ITEMS:**

**MOTION #190 Councilman Forte moved to AWARD THE BID FOR MEDIA REPLACEMENT AT THE WATER TREATMENT PLANT (Budgeted item).**

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 #191 Councilwoman Slavick moved to AUTHORIZE THE WATER DEPARTMENT TO GO OUT TO BID FOR A PUMP CONTROL PANEL (budgeted item).** 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

Item #3 on the agenda concerned authorizing the Supervisor to sign lease agreements with AT&T for tower space on town water towers subject to review and approval of the Zoning Board of Appeals.

A discussion was held among board members regarding corrections and changes to be made to the agreement.

**MOTION #192 Councilwoman Slavick moved to AUTHORIZE THE SUPERVISOR TO SIGN LEASE AGREEMENTS WITH AT&T FOR TOWER SPACE ON TOWN WATER TOWERS WITH CORRECTIONS TO THE WESTMERE LEASE PARAGRAPH #3 CHANGING “4 ADDITIONAL YEARS” TO “1 ADDITIONAL YEAR”, REMOVING THE WORD “WITHOUT” ON PAGE 16 AND REPLACING IT WITH THE WORD “WITH”,AND THE LEASE FOR FORT HUNTER WILL REMAIN THE SAME, WITH THE AMOUNTS OF THE RENTAL FEES TO BE THE SAME AS THE WESTMERE LEASE. THIS AGREEMENT WOULD BE SUBJECT TO REVIEW AND APPROVAL OF THE ZONING BOARD OF APPEALS.**

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 #193 Councilman Forte moved to ADOPT A RESOLUTION ESTABLISHING THE FOLLOWING STANDARD WORK DAY FOR THE NEWLY CREATED JOB TITLES WITHIN THE TOWN OF GUILDERLAND FOR THE PURPOSE OF DETERMINING DAYS WORKED TO BE REPORTED TO THE NEW YORK STATE AND LOCAL EMPLOYEES’ RETIREMENT SYSTEM:**

**ASSISTANT COORDINATOR OF SENIOR CITIZEN SERVICES: SEVEN HOUR DAY.  
BUILDING & FIRE PREVENTION SUPERVISOR: SEVEN HOUR DAY**

**DIRECTOR OF HUMAN RESOURCES: SEVEN HOUR DAY  
 PARKS AND RECREATION MAINTENANCE SUPERVISOR: EIGHT  
 HOUR DAY.** 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 #5 on the agenda concerned the provisional appointment of Mary Ann Kelley to the position of Coordinator of Senior Citizen Services. Supervisor Runion stated that Cynthia Wadach, current Director of Senior Services, would be retiring at the end of the month. Mary Ann, who has been working as an assistant to Cindy for a number of years, had expressed an interest in the position of Coordinator of Senior Services. She would be a good person to fill that position. She would have to take the Civil Service Test and it would be effective November 4<sup>th</sup>, 2013.

**MOTION #194** Councilman Forte moved to **APPOINT MARY ANN KELLEY TO THE POSITION OF COORDINATOR OF SENOR CITIZEN SERVICES. (Provisional)** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye- thanked Cindy for all the good work that she did over the years with and for the Seniors.
Councilman Pastore	Aye – Acknowledged all the efforts and enthusiasm that Cindy brought to the position. He further stated that she was very well liked by the Seniors and we will miss her efforts,
Councilman Maikels	Aye
Supervisor Runion	Aye – stated that he would also like to thank Cindy. She has been a great Senior Services Coordinator, and everyone enjoys her company. Many times she had told me that she enjoyed the job and would do it for free. She did a terrific job and she will be missed by all. I am sure that we will see her in the future volunteering with Seniors. I want to wish her well on her retirement.

Item #6 on the agenda concerned the provisional appointment of Suzanne Coburn to the position of Assistant Coordinator of Senior Citizen Services. Suzanne has a degree in Social Services and has worked with Seniors for a number of years. The position would be filled on October 21<sup>st</sup>, 2013 so that she could work with Cindy before she leaves. It is also a Civil Service position.

**MOTION #195** Councilwoman Slavick moved to **APPROVE THE PROVISIONAL APPOINTMENT OF SUZANNE COBURN TO THE POSITION OF ASSISTANT COORDINATOR OF SENIOR CITIZEN SERVICES.** 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 #196** Councilman Pastore moved to **AWARD THE BID, AS RECOMMENDED BY THE SUPERINTENDENT OF HIGHWAYS, FOR SALE OF SURPLUS TREE WOOD TO BE USED FOR FIREWOOD TO DALE HOUCK IN THE AMOUNT OF \$2,452.00.** 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

Item #8 on the agenda concerned the consideration of eminent domain proceedings in regard to Stitt Road.

Supervisor Runion asked if there was anything more from Mr. Larned or the neighbors.

Don Larned stated that after the last meeting he sat down and discussed the situation with the neighbors. He asked that the neighbors show a unified position to what they wanted.

He read the following letter from the residents of Stitt Road:

September 23, 2013

Timothy Larned, President, and  
Donald Larned, Vice President  
William M. Larned & Sons, Inc.  
544 Burdeck Street  
Schenectady, N.Y. 12306

Dear Tim & Don,

We, the undersigned neighbors and landowners who hold easements on Stitt Road, through your property, wish to express our appreciation for your conveying those of your lands, which will become Stitt Road, as a town road in Guilderland.

Further, we will be grateful for your completion of the needed construction, to Town Highway Standards, of the new alignment and the up-grading of those sections of the original road, which will be connected to this new alignment, as specified in you Renewed Special Use Permit, (SUP 13-87).

We ask that you reject the request from Fred Wagner and George Audi for their proposed new easement from their properties to the "new Stitt Road". In spite of their claims that only light vehicles traffic would be using that proposed new easement, we fell that it is inevitable that large gravel haulers and heavy excavation equipment would be using that route, in view of the presence of unexploited valuable gravel deposits in the immediate vicinity.

We remember that the major purpose of your protracted application process for the above Special Use Permit was to remove the heavy-load traffic associated with your mining operations and to provide a safe route for us over your lands.

We also appreciate your compliance with those restrictions and for having safe passage over Stitt Road for many years.

Sincerely,

Paul and Dee Batista  
Dana Gillenwalters  
Stephen and Carolyn Wilson  
Jeffrey and Melissa Dover  
David and Mary Hubbard

(Signatures on copy of original document attached to minutes)

Supervisor Runion stated that at the last meeting a discussion was held regarding the eminent domain proceedings with respect to two of the smaller parcels that form the realigned portion of Stitt Road. One parcel was about .6 of an acre, Mr. Wagner's parcel, and the other was Mr. Empie's parcel, which was slightly larger.

A substantial portion of the roadbed is already subject to the burden of a right of way agreement with the landowners on Stitt Road for ingress and egress.

He further stated that it was his understanding that Mr. Larned would bring the realigned portion of Stitt Road up to Town specifications and the new road, which was constructed approximately twenty years ago, would be rehabilitated so that it meets all of Town specifications and then would be later turned over to the Town in a single conveyance.

This was all subject to a Special Use Permit and a Mining Permit that was granted to Mr. Larned over twenty five years ago.

Supervisor Runion stated that the School District continued to bring the buses down the road knowing that the Town was moving forward to having Stitt Road upgraded and turned over as a Town Road.

Supervisor Runion stated that the significance of the letter is that the neighbors feel that a 60' right of way to Mr. Wagner would not be in their best interests because of concerns with additional truck traffic on Stitt Road that might damage the road.

The purpose of the plan that was put into place thirty years ago was to eliminate the truck traffic onto Stitt road.

The letter is telling us that the neighbors would prefer that we go ahead with the eminent domain proceeding and stop further negotiations.

Councilman Pastore asked how eminent domain proceedings could be avoided, if at all.

Supervisor Runion stated that that the only way it could have been avoided if the parties conveyed their properties over to the Town and there has been a reluctance to do so.

Not necessarily by these property owners but by owners from twenty to thirty years ago.

Councilman Forte stated that Mr. Wagner was supposed to be working on this with the neighbors. Since he has not, the Town Board should proceed.

Supervisor Runion stated that he agreed. He further stated that at the last meeting Mr. Wagner was given thirty days in which to get the neighbors to grant him a 60' right of way from his property onto Stitt Road, which he did not do.

Tom Quaglieri, Pheasant Walk, asked if it became a road or no road, they residents could still grant an easement?

Supervisor Runion responded yes, but that the neighbors were willing to take that chance.

He further stated that he had spoken with Mr. Wagner and he indicated that there had been further discussion with Mr. Larned. Mr. Wagner had asked for a 60’ right of way Mr. Larned stated that a project of that magnitude should go in front of the Zoning and Planning Boards.

Supervisor Runion stated that Mr. Wagner wanted to do something with the old haul road and then he would be able to access Osborne Road in that manner. Mr. Wagner understood the issues with the neighborhood.

Councilman Pastore stated that we cannot compel them to come to a meeting of the minds. Supervisor Runion stated that they had exhausted all avenues of communication to come to a meeting of the minds and tried everything possible for a resolution. Stitt Road is deteriorating rapidly and if something isn’t done soon, school buses will no longer travel down Stitt Road.

**MOTION #197 Councilman Maikels moved to AUTHORIZE THE SUPERVISOR TO HIRE APPROPRIATE AND NECESSARY PERSONNEL, TO COMMENCE EMINENT DOMAIN PROCEEDINGS AGAINST THE TWO PROPERTIES.**

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- Thirty four years is a

long time and I am glad to finally get it concluded.

Supervisor Runion stated that it was **Breast Cancer Awareness Month**. There will be some fundraising activities at Crossgates Mall.

The next meeting will be on Thursday, November 7<sup>th</sup>. There will be a public hearing on the 2014 Town Budget.

There will be another Shredding Day on November 3d, 2013 from 12:00 to 3:00 PM.

Information will be on the Town Crier and the Town website.

Passes will be necessary. Vehicle registration required.

The Town has invited some of the Veterans Groups; Guildershaven and the Northeast Food Bank which will have booths set up to accept contributions.

**MOTION #198 Councilwoman Slavick moved to ADJOURN THE OCTOBER 15<sup>TH</sup>, 2013 TOWN BOARD MEETING AT 8:32 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**

