

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 7:35 pm. The meeting was opened with the pledge of Allegiance to the flag. Roll call by Jean Cataldo, Town Clerk, showed the following to be present:

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

ALSO PRESENT: Attorney Melita



Supervisor Runion welcomed everyone to the evening’s meeting and asked for a motion accepting the minutes of the March 3, 2015 Town Board meeting.

**MOTION #71** Councilman Pastore moved to **APPROVE THE MINUTES OF THE MARCH 3, 2015 TOWN BOARD MEETING**. 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 |

**PUBLIC COMMENT PERIOD:** No Public Comment

Supervisor Runion announced that we have two Public Hearings this evening which he would like to defer as there are two presentations tonight. The Hudson Mohawk Road Runners Club is providing a grant to the Town of Guilderland Parks and Recreation Department for trail and improvements to our chalet in the amount of \$5,000. Supervisor Runion invited Linda Cure and Colin Gallup from our Parks Department up to the podium as well as the representatives from the Hudson Mohawk Road Runners Club. Megan Mortensen, President, and Ray Newkirk, Grants Community Coordinator. Ms. Mortensen thanked the Town for allowing them to utilize the park throughout the year. They have three summer runs in the month of August as well as a Turkey Raffle run in November and their Albany Youth Program held in the fall. A five-thousand dollar check was presented for renovations being made in the Tawasentha Park for the Chalet building and the trails. They appreciate the Town allowing them to use the facilities throughout the year and the long-standing commitment to the Hudson Mohawk Road Runners Club. Pictures were taken.

On behalf of the Board Supervisor Runion thanked the Club for their generosity. He also shared that another grant this evening will be used for some Park improvements as well as for the trails and the Chalet.

Supervisor Runion also praised Linda Cure and Colin Gallup and their staff who have done a terrific job keeping all of the Town Parks and Recreation facilities in great shape. Their hard work is much appreciated.

Public Hearing: Supervisor Runion announced the 7:30pm Public Hearing for a Local Law that would require the accountability of landowners through the posting of performance bonds for foreclosed and vacant buildings. He asked for a reading of the Legal Notice. The Town Clerk read the notice. Supervisor Runion continued that this is a Local Law that is intended to address some of the vacant buildings that we have in town both commercial and residential that have fallen into a state of disrepair. The Law would require owners or landowners or bank to register the buildings with the Town providing us with contact information. The posting of a \$5,000 performance bond would provide for maintenance of the property if the landowner or the bank fails to provide maintenance for the property in question. It also requires that there is at least a minimum of \$150,000 in liability insurance with respect to the property in the case of any injuries.

Town Attorney Melita shared when a property is vacant typically before being foreclosed, the record owner perhaps leaves the State and the house is abandoned and the bank can take up to six years to foreclose the property. This allows accountability of not only the landowner but the bank as well. It defines the bank as the owner. Typically in other municipalities when there are code violations the bank goes to court and the bank denies liability because they are not the record owner. Councilwoman Slavick asked if other municipalities have such a law. Attorney Melita replied that the law has been upheld in Poughkeepsie and some municipalities in Massachusetts. Supervisor Runion shared that Canton, Ohio has a similar law. He feels that this would be a good law and enforceable in the Town. Attorney Melita modelled it after the Poughkeepsie law but made relevant changes that better fit the Guilderland community.

Supervisor Runion invited anyone who would like to speak in favor or in opposition to the Local Law is invited to speak. He requested that their name and address is given for the record.

John Haluska, 3135 Lone Pine Road – Mr. Haluska feels this was a very well presented Local Law. It is needed. He shared that he just saw another Guilderland home, 31 Terry Avenue, is in foreclosure. Don Reeb of McKownville provided him with four other home addresses in McKownville. Mr. Haluska is very pleased that this law has come about and commended the Board for addressing it and he encourages full passage of this law. He suggested in the case of multiple houses, perhaps \$5,000 per structure should be considered. Town Attorney Melita explained there would be some difficulties with defining each structure as a separate dwelling. They would run into some gray area. The benefit of this performance bond is they have to replenish it when it gets low. Mr. Haluska is all in favor and he thanked the Board and Attorney for doing this and wants it to work as best it can.

Martin Hildebrand, 83 Velina Drive – He has a few areas of concern. He shared that a number of years ago the property next door to him went vacant for about a year. He has concerns about a house having a sign posted indicating that it is vacant. He's also concerned that the law may be too broad. A house may be vacant for a short period of time when it takes a new owner to move in. Town Attorney Melita advised the Local Law defines evidence of vacancy as over grown

and dead vegetation, unkempt walkways and driveways. He feels that if a property is vacant for a period of time it will show evidence of vacancy as he described. Hopefully that will trigger the Town that the property needs to be registered. The law isn't geared toward short-term vacancy. It's in the interest of the property owners to keep up the property to show it. Supervisor Runion advised that if someone is marketing their property, they would be a responsible homeowner and keep the property up and maintained. We can't just say if the property is vacant it has to be registered. It has to show the outside effects of non-maintenance.

Steve Campbell, 8 Parkwood Street – He advised the Board there has been an abandoned house next door to him for about a year and half. Over that period he has mowed the grass, plowed the driveway and sidewalk over the winter time. He's also been providing electricity for the sump pump as the power has been turned off and the basement would fill up with water. There has been three different management companies managing the house as well. He feels lucky that he found out the name of a company that took over. He acquired contact information and advised them that he'll contact the Town Building Department if they didn't keep up the maintenance such as mowing the grass. He feels this resolution could work well because it is disparately needed. We need the Town to get involved with this sort of thing. There was another incident down the street that just by luck he was able to provide the name of the current company taking care of the house. He is very supportive of this law and hopes that it would be retroactive to any existing houses. Town Attorney Melita added the law would apply to existing abandoned properties. Mr. Campbell suggested a hotline for residents to report a possible abandoned property. Supervisor Runion added the town Building Department would accept calls and the Building Code Officer would go out and make a determination whether compliance needs to be determined under this law. Mr. Campbell thinks this is a fantastic law and hopes it goes through.

Don Reeb, 5 Norwood Street – Dr. Reeb identified abandoned parcels in McKownville. He indicated they've been abandoned and deteriorating. It would be nice for the neighbors if the sign indicated who is to be contacted. The houses are a detriment for the neighborhood. Some of the houses have the windows covered over so you can't tell if squatters are inside. These houses can be dangerous. If the Town can take action as being outlined here by the Attorney, this would be wonderful. He feels the people in the neighborhood would applaud it, they'll feel much safer and all of Guilderland will benefit. Congratulations on proposing the law.

**MOTION #72** Councilman Forte moved to **CLOSE THE PUBLIC HEARING**. 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

Supervisor Runion believed it would be in order for the Town Board to pass a negative declaration that they've reviewed the law and that this law would not be detrimental to the environment if it passed.

**MOTION #73** Councilwoman Slavick moved to **PASS A NEGATIVE DECLARATION THAT THE BOARD HAS REVIEWED THE LAW AND THAT THIS LAW WOULD NOT BE DETRIMENTAL TO THE ENVIRONMENT IF IT PASSED.** 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 #74** Councilman Forte moved to **PASSAGE OF LOCAL LAW #2 OF 2015 THAT WOULD REQUIRE OWNERS OF VACANT AND ABANDONED PROPERTIES WITHIN THE TOWN OF GUILDERLAND TO REGISTER SUCH PROPERTIES AND POST PERFORMANCE BONDS FOR THE CONTINUED MAINTENANCE OF SUCH PROPERTIES.** 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

Councilman Pastore asked in regard to Section 12, the penalty proposed, he understands the penalty imposed for failure to register on the 11<sup>th</sup> day after the owner is provided with written notice, but what about the 11<sup>th</sup> day after the initiation of foreclosure proceedings. The way it is proposed it is the later of those two conditions. Would the owner still receive notice or is there a possibility that the notice can be dispensed with. It says the 11<sup>th</sup> day after the notice is provided, but under "B" is it possible that the owner would not have received notice after the initiation of foreclosure proceedings. If the property is in the process of being foreclosed for quite sometime, doesn't that automatically trigger the penalty even though notice isn't necessarily sent to the owner by the Town? Supervisor Runion replied that practically as this would be enforced, the Building Department would only have a record of the owner of the property. So they would probably provide the owner of the property with notice of the Local Law and a request to comply. It would be sometime after that the Town would become aware of the foreclosure proceeding in some fashion and as a standard practice we would then send notification to the bank to request they comply within the 11 day time frame. Councilman Pastore's concern is if the notice is sent by the Town, the house is abandoned, the owner doesn't receive the notice, the house has already been foreclosed upon and more than 11 days have elapsed since the initiation of the foreclosure proceedings, does that mean the penalties have already started to be imposed? Supervisor Runion explained the penalties would have to be enforced by the Court. The person, firm or corporation would have to be brought to court for enforcement of the penalties. His feeling is if there is a good faith effort to comply with the law and as they have been administered in the past through our Court system, penalties are not imposed as long as they can get some sort of compliance. They are there to provide for someone who says they are not going to comply with the law. The Supervisor feels that most banks are going to be responsible. If they are aware of the law or notified of the law they are going to do the registration and post the

bond and take care of maintenance. Councilman Pastore feels there is a difference between wilful disobedience or a choice of not bringing the vacant property out of disrepair and not being aware of the issue. The way it is written the 211<sup>th</sup> day after the initiation of foreclosure proceedings, he thinks there should be enough due process notice to the original owner or foreclosing bank that there is an issue here. The way I'm interpreting the way it is written, the penalties can automatically be imposed or levied on the 11<sup>th</sup> day after the commencement of the foreclosure proceedings. Supervisor Runion suggested if we just add the words "with notice" after the word "proceedings" that would alleviate Councilman Pastore's concern. Councilman Pastore requested the words "with notice" be added to the following paragraph regarding the 21<sup>st</sup> day after the initiation of foreclosure proceedings. Supervisor Runion suggested "with written notice" and Attorney Melita suggested "with notice pursuant to Section 13 of this local law. The Supervisor and councilman Pastore agreed that would be even better notice because it's a nail in mail or personal delivery of a notice. Councilman Pastore explained that it doesn't impose the burden on the Town that the intended recipient actually received the written notice. The Town should bear some responsibility to notify and that our best efforts are made by written notification. They are given an opportunity to cure their failure to comply. Supervisor Runion added then penalties may be imposed.

Town Attorney Melita confirmed that he'll add "written notice pursuant to Section 13". Councilwoman Slavick noted in two places on page 8 and page 9. Supervisor Runion added it should be included in Paragraph 12-1, 2 and 4. Councilman Pastore and Supervisor Runion agreed it would be pursuant to the written notification which is either by personal delivery to the owner (which could also be the bank) and or left at the last and usual place of abode of any owner and sent by certified or registered mail return receipt requested.

Supervisor Runion asked for a roll call:

Councilman Forte Aye – I'd like to thank Mr. Haluska for his diligence bringing our attention to all the properties in the town and being able to come up with something to address our issues. Thank you!

Councilwoman Slavick Aye – I, too, would like to thank Mr. Haluska and our Town Attorney for drafting this law. She added the Town Attorney did a great job!

Councilman Pastore Aye  
Councilman Maikels Aye – he hopes this helps us with not only the commercial properties but the residential properties that crop up every so often with the banks not taking responsibility before foreclosing.

Supervisor Runion Aye – Thank you Mr. Haluska. You've made a number of calls to my office to point out the various abandoned buildings in town mainly commercial buildings. He was also very helpful in providing us with information about the existing laws in other communities which was helpful to the Town Attorney in drafting the latest Local Law so we owe him our thanks!

Supervisor Runion added Local Law #2 of 2015 has been adopted unanimously.

Supervisor Runion announced as it is 8:00pm the next item on the agenda is a Public Hearing and it is a rezone request by Tri-Way Services for property located at 2430 & 2440 Western Avenue from Local Business to General Business. He asked for a reading of the Legal Notice. The Town Clerk read the Legal Notice.

Charles Carrow, 5878 Ostrander Road is representing Tom Burke who is away on a family emergency. Mr. Carrow thanked everyone as this project has been before them before. They've taken the feedback from the Boards and have created a project from all the comments made to incorporate all of the requests. He is here tonight with Dave Kahlbaugh of Clough Harbor.

Supervisor Runion asked if this new proposal has been resubmitted to the New York State Department of Transportation. They did not.

Councilwoman Slavick asked if we heard back from the Albany County Planning Board. Supervisor Runion responded we did. He read their recommendation. The Albany County Planning Board's recommendation was to defer to local consideration. This Board has found that the proposed action will have no significant countywide or intermunicipal impact. Their Advisory: the site plan design for the current proposal is better than the previous submission in regards to access to State Route 20.

Our Town Planning Board Advisory Opinion says Recommended for the following reasons:

- 1) One partial full movement driveway (no left-turn exiting movement) is allowed to Western Avenue at this time per NYSDOT correspondence (November 4, 2014). The driveway location on Western Avenue shall be optimally located from the perspective of traffic operations and safety utilizing the available frontage while still taking advantage of the existing left-turn lane. An after-evaluation be completed two years after opening (as recommended by and to be further defined by NYSDOT) to determine whether the applicant is required to implement any mitigation measures, including the potential for restricting the Western Avenue driveway to right-in/right-out only, as determined necessary by NYSDOT.
- 2) Provide elevation drawings of the structures that are consistent with the Guilderland Hamlet Neighborhood Plan and to ensure that the proposed structures will not conflict with the character of adjacent structures (e.g. have dead flat roofs).
- 3) Final rezoning conditioned upon issuance of a Special Use Permit from the Town Zoning Board of Appeals.
- 4) Two adjacent parcels be merged into one parcel.

Mr. Carrow advised that we're O.K. with that, we understand. We also know they will be back to the Planning Board and will not put a flat roof structure on the sight. Tri-Way understands that this will be a very visual site within the town and they need to make it look spectacular.

Supervisor Runion wanted to talk about the changes made in design. There was a concern about the previous proposal only took up a portion of the sight and that it had been subdivided into two parcels. That has been changed and so we know that the entire site will be the convenient food store with gas pumps. Secondly, there was the abandoned bank building, formerly a Marine Midland Bank branch on the property. There were a number of discussions as to whether that

was going to be removed or the timing of the removal. This site proposal shows that it is going to be removed with the establishment of the property. There was an issue with NYSDOT as to the location of the driveway exit onto Route 20 because it was placed in relatively close proximity to Route 146 and that has been moved further east to allow greater sight distance. Another issue was the location of underground storage tanks which were located in the corner of Route 20 and 146. We have a Guilderland hamlet study and that indicated there was a possibility in the future of a roundabout and there was concern that those underground storage tanks might interfere with the potential for the roundabout. Those storage tanks have now been located to the rear of the property as I understand it. Mr. Kahlbaugh advised that pursuant to the recommendation the tanks will go back toward where the gas pumps are in the back. Supervisor Runion continued another improvement to this plan is the original proposal had the gas pumps located toward the front of the building on Western Avenue, the gas pumps have now been located to the east of the site. There will be more sight distance from Western Avenue and Route 146 as well for that corner because of the relocation of the pumps.

Supervisor Runion invited anyone who would like to make comments in respect to this rezoning application to come up to the microphone at this time.

John Haluska, 3135 Lone Pine Road – He thanked the Board for their nice comments made from the prior hearing. He appreciates their concern about passing the ordinance. This is a positive thing. The traffic patterns have certainly been improved. Obviously the setbacks and location of the gas pumps are much better and he encouraged the Board to strongly consider positively supporting this particular project.

Supervisor Runion asked for any Board comments. Councilman Pastore inquired if the Board should see any of the proposed elevation drawings or is that more on the Planning side if the requested rezone goes through. Supervisor Runion replied it is up to the Board. Councilman Pastore asked the timeline for the resubmission to the Department of Transportation. Mr. Carrow shared that depending on the result tonight, they would immediately apply to the Department of Transportation for a Project review. Steve Feeney has asked them to come back once they have the elevation, building design and everything just mentioned so he would have a very clear review of the project to be sure that it meets the criteria that he set forth in his approval. Councilman Pastore asked for Mr. Carrow's understanding on any remaining issues with the Department of Transportation. Mr. Kahlbaugh replied the genesis of that requirement from D.O.T. was based on the original proposal that had the driveway closer to the intersection. Their concern at that time was related to the sight distance as well as the interaction of traffic turning left into the site interacting with left turn traffic at the intersection. D.O.T. wanted them to look for opportunities to move the driveway further away from the intersection so it wasn't interacting with those cues as much. This current proposal moves the driveway so it's behind the cues that occur during the peak hours extend most of the time. We believe that we will have addressed their concern by moving it further to the east. We will still have this conversation as to if they will require an after study. It is his understanding that if D.O.T. still requires it they will agree to do it.

Councilwomen inquired about a possible drive-thru window mentioned at the last meeting. It is not identified on the plan that they have. There are sidewalks along the front and along the back.

Councilman Forte advised that Mr. Burke did mention a drive-thru last time he was there. Mr. Carrow doesn't see it but he is sure Steve Feeney will address that. The challenge the last time was the rear setback. By moving the building forward as requested it was a major concern before. You can now see there is plenty of room behind the building. We have tried to meet all of the requirements that Steve Feeney set forth and this Board as well. Councilwoman Slavick sees that there is room if they decide to do that. Mr. Kahlbaugh said they would look at that as part of the project going forward. Councilwoman Slavick brought up the location of the gas tanks and Mr. Carrow said they are east and to the rear of the parcel. All of the gas pumps have been moved to the rear east of the property, off the front of the road, and this will be much more aesthetically pleasing. Councilman Pastore noted the pumps are located more where the existing bank building is. Councilwoman Slavick inquired about the hours of operation. Mr. Carrow said they would mirror the other businesses going up and down Route 20.

Supervisor Runion asked if there were any more questions. He offered one final opportunity to anyone to speak in favor or against. There being no further comments he asked for a motion to close the public hearing.

**MOTION #75** Councilman Maikels moved to **CLOSE THE PUBLIC HEARING.**

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

Supervisor Runion advised that the Board could put conditions on the rezoning to meet any concerns the Board had or they could also request they be submitted to the Zoning Board. The design phase is left to the Zoning Board of Appeals. They look at the aesthetics and architectural features. But the Board could add a condition that the building has to comply with the Guilderland Hamlet study, not have flat roof structure. Supervisor Runion advised they could give some directions to the Zoning Board of Appeals. Councilwoman Slavick and Councilman Forte supported giving conditions.

Supervisor Runion said they must first do the SEQRA form. It has been presented to the Town Board and all of the questions have been answered that the only impact disclosed was the traffic and that the new plan would improve the traffic analysis including the gap study. Attorney Melita suggested they put a moderate impact due to the traffic for the issues the D.O.T. raised. Supervisor Runion suggested we have the Engineer come up to the mike one more time. Supervisor Runion said it is his understanding that the new proposal with the existing traffic study and the existing gap study and some language with respect to sight distances and that the safe gaps for making the ingress and egress out of the site that there are the improvements made to this design by having a single parcel instead of multiple parcels would improve the traffic study or at least not make it worst. Engineer Kahlbaugh agreed.

Supervisor Runion continued based on the Environmental Impact Statement that was submitted to the Board, the review of the Traffic Study and the analysis of the new site plan, the opinions



we received from the Albany County Planning Board as well as our own Town Planning Board that a rezone of this property from Local Business to General Business would not have any significant adverse environmental impacts. He asked for a motion to that effect.

**MOTION #76** Councilman Forte moved **THE ENVIRONMENTAL IMPACT STATEMENT THAT WAS SUBMITTED TO THE BOARD, THE REVIEW OF THE TRAFFIC STUDY AND THE ANALYSIS OF THE NEW SITE PLAN, THE OPINIONS WE RECEIVED FROM THE ALBANY COUNTY PLANNING BOARD AS WELL AS OUR OWN TOWN PLANNING BOARD THAT A REZONE OF THIS PROPERTY FROM LOCAL BUSINESS TO GENERAL BUSINESS WOULD NOT HAVE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS.** 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

Supervisor Runion said this would be a conditional rezoning of the property from Local Business to General Business for both parcels. The first requirement would be that the two parcels be merged into a single parcel and rezoned from Local Business to General Business. The next requirement would be that the applicant comply with New York State Department of Transportation correspondence of November 2014 or a subsequent review by the Department of Transportation with respect to traffic analysis and ingress and egress to the site including the implementation of a possible study/evaluation which would be completed two years after the opening if recommended and defined by the New York State Department of Transportation to determine whether the Applicant will be required to implement any mitigation measures, including the potential for restricting the Western Avenue driveway to right-in/right-out only, as determined necessary by NYSDOT. Further condition would be that any proposed buildings or structures on the site be consistent with the Guilderland Hamlet Neighborhood Plan to ensure that the proposed structures will not conflict with the character of adjacent structures and no flat or dead roof structures will be permitted or allowed on the site. Finally that the Applicant will comply with all conditions imposed by the Town Zoning Board of Appeals with respect to their issuances of a special use permit.

Councilman Pastore added these conditions are in the Advisory Opinion of the Planning Board with which you probably are familiar.

**MOTION #77** Councilman Pastore made the motion to include the four conditions that the Supervisor stated above and Councilman Forte seconded it.

Supervisor Runion stated that he is going to add one further condition that the derelict building already located on the site be removed within a certain period of time within the issuance of the building permit. The final condition will be that the derelict building, which is the former

Marine Midland Bank branch building located on the site will be removed within thirty (30) days after the issuance of a Building Permit.

**AMENDED MOTION #77** Councilman Pastore moved **A CONDITIONAL REZONING OF THE PROPERTY FROM LOCAL BUSINESS TO GENERAL BUSINESS FOR BOTH PARCELS WITH THE FOLLOWING CONDITIONS:**

**1) FIRST REQUIREMENT WOULD BE THAT THE TWO PARCELS BE MERGED INTO A SINGLE PARCEL AND REZONED FROM LOCAL BUSINESS TO GENERAL BUSINESS.**

**2)THE NEXT REQUIREMENT WOULD BE THAT THE APPLICANT COMPLY WITH NEW YORK STATE DEPARTMENT OF TRANSPORTATION CORRESPONDENCE OF NOVEMBER 2014 OR A SUBSEQUENT REVIEW BY THE DEPARTMENT OF TRANSPORTATION WITH RESPECT TO TRAFFIC ANALYSIS AND INGRESS AND EGRESS TO THE SITE INCLUDING THE IMPLEMENTATION OF A POSSIBLE STUDY/EVALUATION WHICH WOULD BE COMPLETED TWO YEARS AFTER THE OPENING IF RECOMMENDED AND DEFINED BY THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO DETERMINE WHETHER THE APPLICANT WILL BE REQUIRED TO IMPLEMENT ANY MITIGATION MEASURES, INCLUDING THE POTENTIAL FOR RESTRICTING THE WESTERN AVENUE DRIVEWAY TO RIGHT-IN/RIGHT-OUT ONLY, AS DETERMINED NECESSARY BY NYS DOT.**

**3) FURTHER CONDITION WOULD BE THAT ANY PROPOSED BUILDINGS OR STRUCTURES ON THE SITE BE CONSISTENT WITH THE GUILDERLAND HAMLET NEIGHBORHOOD PLAN TO ENSURE THAT THE PROPOSED STRUCTURES WILL NOT CONFLICT WITH THE CHARACTER OF ADJACENT STRUCTURES AND NO FLAT OR DEAD ROOF STRUCTURES WILL BE PERMITTED OR ALLOWED ON THE SITE.**

**4) FURTHER THAT THE APPLICANT WILL COMPLY WITH ALL CONDITIONS IMPOSED BY THE TOWN ZONING BOARD OF APPEALS WITH RESPECT TO THEIR ISSUANCES OF A SPECIAL USE PERMIT.**

**5) THE FINAL CONDITION WILL BE THAT THE DERELICT BUILDING, WHICH IS THE FORMER MARINE MIDLAND BANK BRANCH BUILDING LOCATED ON THE SITE WILL BE REMOVED WITHIN THIRTY (30) DAYS AFTER THE ISSUANCE OF A BUILDING PERMIT.**

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

Councilman Forte                      Aye

Councilwoman Slavick                Aye – It’s a great opportunity to do something with that corner that has been sitting there vacant and that building for many years.

Councilman Pastore                    Aye – I appreciate the patience and diligence of the applicant and the applicant’s representatives heeding the concerns that were raised at prior meetings. You certainly went through the process with the Planning Board as well. I appreciate all of that and the efforts as well to make this an even better site.

Councilman Maikels                    Aye – I was the Accountant for Tommy Polito when he had his bar there. I’m sure he’s smiling down seeing that that corner is going to get utilized. I know that the applicant has done a lot of work listening to our feedback and I am in favor.

Supervisor Runion Aye – I was probably the most not in favor of the previous plan because of the issues with the timing of the removal of the derelict building, the site distances, the location of the pumps, the location of the gas tanks, the potential variances that were required and the fact that the project did not utilize the entire site and we were not sure what would be constructed on the second property. The applicant has moved forward and listened to the concerns which the Board had with respect to the site and has made some very good improvements and so with that I am in favor of the rezone. I want to thank the applicant for taking our concerns into consideration.

Charles Carrow thanked the Board and as a resident well done by the Board!

#### Agenda Item #2 – Presentation of Solar Report by SolomonEnergy

Jeff Conrad of SolomonEnergy presented a slide show to update the Board on the solar RFP that was authorized at the December 2014 meeting. The RFP was released for the Town to thirty local, regional and national solar providers and five of the top providers responded. They did a detailed report to submit to the Board. The PFC in December made an order that is impacting the solar market in a negative way. They changed the calculation for the remote metering credits and with this change the financial viability of a lot of projects in the State are up in question at this point. The PFC created some different ways that projects and municipalities could be grandfathered in under the old rules that were stronger and better rules. In February, due to an outcry from the solar market the PFC reversed their December ruling and created a transition plan to move from the old way to a new way. This transition plan will be effective May 1. They've set up a number of ways for which a project can be grandfathered in under the old rules. This provides the Town for a short window to secure the project with more viable and favorable rules.

NYSERDA is gearing up to open a program with a May 4<sup>th</sup> deadline. There is a lot of pent up demand for the NYSERDA project.

Tonight we are going to recommend a group that fits the needs for the Town and provides a good savings opportunity and sustainability opportunity for the Town. The SunEdison plan is detailed in our Town of Guilderland Solar Report. The estimated savings in year one would be somewhere between \$55,000 to \$125,000 with a long term 25 year savings between \$4.7 million to \$7 million dollar range. This plan allows you to pay the same amount for the life of the project. This construction site would be an off-site location in Amsterdam, NY allowing a larger size system with more production for the Town. Having an off-site location if you wanted to terminate the agreement, they would be able to find a new user for the power.

Supervisor Runion concluded that SolomonEnergy is asking the Board to look at negotiating with Sun Edison for a PPA (Power Purchase Agreement) Solar Energy Agreement. If the negotiations do not proceed well then the Board is still not under any obligation or cost.

Mr. Conrad advised if negotiations did break down and the Board did not want to execute with Sun Edison we could come back and move to another group.

**MOTION #78** Councilman Forte moved to **AUTHORIZE NEGOTIATIONS BETWEEN SOLOMON ENERGY AND THE TOWN ATTORNEY FOR A POTENTIAL POWER PURCHASE AGREEMENT**. 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

Agenda Item #3: Supervisor Runion explained there is a correction to the original hours recorded for the New York State Retirement System/Standard Work Day and Reporting Resolution for some of the Electeds because of rounding. He believes it was the position of the Comptroller's Office that had allowed rounding, however, now they have to be exact.

**MOTION #79** Councilman Forte moved to **ADOPT NYS RETIREMENT SYSTEM STANDARD WORK DAY RESOLUTION IN REGARD TO CERTAIN ELECTED OFFICIALS**. 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

Agenda Item #4: Supervisor Runion advised they have a memo from Tim McIntyre, Superintendent of the Water & Waste Water Management recommending that the recent chlorine bid to the second low bidder, Jones Chemical, because the lowest bidder did not have the ability to safely off load 1 ton chlorine cylinders at the Town's water facility. The other bid for poly-aluminum chloride is also recommended to go with the second lowest bidder because the low bidder could not meet the specification set forth in the bid documents.

**MOTION #80** Councilman Forte moved to **AWARD THE BID FOR CHLORINE TO JONES CHEMICAL AND THE BID FOR POLY-ALUMINUM CHLORIDE TO HOLLAND CHEMICAL**. 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 #81** Councilwoman Slavick moved to **AWARD THE BID FOR GRANULATED ACTIVATED CARBON (GAC) TO CALGON CARBON CORPORATION.** 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 #82** Councilman Pastore moved to **AWARD THE BID FOR VARIOUS HIGHWAY MATERIALS FOR THE YEAR 2015 TO THE LOW BIDDER FOR ALL PRODUCTS AND ALL BIDDERS FOR F.O.B. ASPHALT.** 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 Item 7: Supervisor Runion explained there has been a tax certiorarie filed by Stuyvesant Plaza. Our Town Attorney has been working on it. At this point it does not look like a settlement can be reached so it is going to litigation. When we get to that phase the School District wants to join in the litigation. We allow them to select the attorney and they pay 70% of the cost and the Town pays 30%. Town Attorney Melita added we have been negotiating and working with the opposing Counsel and we are not quite there on the numbers. Their attorney is Girvin & Ferlazzo. Town Attorney Melita would like to co-chair on behalf for the Town. Supervisor Runion said we've done this on a number of tax certioraries with the school district because the impact of the taxes to the Town is minimal, but there would be substantial impact to the School District.

**MOTION #83** Councilman Pastore moved to **AUTHORIZE THE TOWN SUPERVISOR TO SIGN LETTER AGREEMENT WITH THE GUILDERLAND SCHOOL DISTRICT FOR COST SHARING IN DEFENSE OF TAX CERTIORARI FILED BY STUYVESANT PLAZA, INC.** 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

Agenda Item 8: Supervisor Runion explained this is a three-year lease for a large capacity mower and then at the end of the lease the Town would own it.

**MOTION #84** Councilwoman Slavick moved to **AUTHORIZE A THREE-YEAR LEASE AGREEMENT WITH FIRST NIAGAR BANK FOR THE PURCHASE OF A LARGE**

**CAPACITY MOWER UNDER NYS CONTRACT IN THE AMOUNT OF \$61,729.98.**

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 Item 9: The Parks Department is requesting permission to seek bids to resurface four existing tennis courts at Tawasentha Park and to add lines for two pickleball courts. Estimated cost is approximately \$28,000 based on previous estimates received. Supervisor Runion mentioned upcoming Agenda Item 12 reflects we received a grant toward the resurfacing of the Tennis Courts in the amount of \$25,000.

**MOTION #85** Councilman Pastore moved to **ALLOW THE PARKS DEPARTMENT TO SEEK BIDS TO RESURFACE FOUR EXISTING TENNIS COURTS AT TAWASENTHA PARK.** 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 #86** Councilman Forte moved to **AUTHORIZE RELEASE OF ESCROW IN THE AMOUNT OF \$2,018.80 FOR A T & T WIRELESS FACILITY AT 4 TOWER PLACE (PROJECT COMPLETED).** 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

Agenda Item #11: Supervisor Runion explained we have been working on the final touches of the Senior Building at the former Bavarian Chalet site. The Internet has been installed and we are going to have a phone system that works off the Internet with Time Warner. We have quotes from four various vendors for the phone system. The quotes from four vendors run from \$6,020.31 the highest to \$2,100.00 the lowest. The New York State contract price is \$3,788 so we got a quote which was below the NYS contract price.

**MOTION #87** Councilwoman Slavick moved to **APPROVE AND AUTHORIZE PURCHASE OF A NEW PHONE SYSTEM FOR THE SENIOR CITIZENS FACILITY.**

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 Item #12: Supervisor Runion itemized the improvements that would be made with a grant award from the New York State Dormitory Authority at the Tawasentha Park/Guilderland Performing Arts Center, McKownville Reservoir Park, Schoolcraft House Cultural Center, Crouse House and Guilderland Bicycle Routes.

**MOTION #88** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN APPLICATION TO THE NY DORMITORY AUTHORITY FOR A GRANT AWARD IN THE AMOUNT OF \$175,000 UNDER THE STATE AND MUNICIPAL FACILITIES 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 #89** Councilwoman Slavick moved to **ADOPT A REVISED AND UPDATED TECHNOLOGY POLICY AND PROCEDURE.** 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 #90** Councilman Forte moved to **AUTHORIZE ENTERING INTO A CONSULTING CONTRACT WITH UNITED COMPUTER SYSTEMS FOR SUPPORT AND CONSULTATION FOR TOWN TECHNOLOGY SYSTEMS.** 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 #91** Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT.**

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 #92** Councilman Pastore moved to **APPOINT TRACEY SLUPSKI AS AN ALTERNATE MEMBER TO THE BOARD OF ASSESSMENT AND REVIEW.**

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 #93** Councilwoman Slavick moved to **AUTHORIZE CREATION OF TWO PART- TIME CLERK 1 POSITIONS (15 HOURS PER WEEK AND 20 HOURS PER WEEK) TO FILL ONE VACANT CLERK 1 POSITION (35 HOURS PER WEEK) AT STARTING RATE OF \$15.32 PER HOUR.** 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 #94** Councilwoman Slavick moved to **ADJOURN THE APRIL 7, 2015 TOWN BOARD MEETING AT 9:38 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,**

**Jean J. Cataldo**  
**Town Clerk**