

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 7:33 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 July 7, 2015 Town Board meeting.

MOTION #165 Councilwoman Slavick moved to **APPROVE THE MINUTES OF THE JULY 7, 2015 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: None

PRESENTATIONS:

Linda Cure of the Parks and Recreation Department introduced Karen Southwich of Crossfit Aevitas. Karen shared that her business has been in the Town for two and half years. Recently they held a health and wellness fair complete with a silent auction and raised funds for the Town of Guilderland Tawasentha Park. Karen presented a check in the amount of \$1,000 to be put toward the new Poolhouse.

Linda Cure added that a representative of the Albany Running Exchange Event Productions could not attend the meeting this evening. The Exchange holds a number of runs in the Park. They’ve taken the entry fees for Mud Mania and donated them to the Town. A check in the amount of \$693.00 was presented to the Town for a fast rebuild of the Poolhouse.

Supervisor Runion shared that the Board will be discussing the rebuilding of the Poolhouse this evening and expressed his appreciation for the donations.

PUBLIC HEARING: Continuation of the hearing on the Order to Remedy New York State Building Code Violations in regard to 1 Gertrude Street.

Supervisor Runion shared with the Board that it had made a temporary order and given the owners a chance to come forward. We have not heard from anyone in respect to the property. Unless anyone would like to speak on 1 Gertrude Street, he would entertain a motion to make the order final.

Councilman Pastore asked the Supervisor what the order provides. Supervisor Runion advised all of the cited defects must be corrected and failure to do so would allow the Town to take appropriate action; our action would be to take the building down. Councilman Pastore recalled reading the heirs of the estate acknowledged there are issues and they could not afford to remediate the issues. He wonders if they could resolve the issues without demolition of the building or if it would cause a continued public safety concern. Supervisor Runion advised the building is in very bad condition and the Town does not fix up properties in derelict condition. The owner must take care of it or the hazardous condition is removed. We would have to go out and get some cost estimates and it would come back to the Board to authorize the expenditure of the funds. Councilman Pastore asked for confirmation that the notices did not come back to the Town. Supervisor Runion confirmed that the notices did not come back to the Town. Councilman Pastore wants the Board to have an opportunity to review the cost of the demolition and the Supervisor agreed.

MOTION #148 Councilman Forte moved to **MAKE THE MOTION FINAL TO REMEDY NEW YORK STATE BUILDING CODE VIOLATIONS IN REGARD TO ONE GERTRUDE STREET.** Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye – however, I would want the
Board to have an opportunity to review the cost of the demolition	
Councilman Maikels	Aye
Supervisor Runion	Aye

Agenda Item #1: Consider approval of Country Hamlet Designation for Black Creek Run in Guilderland Center. Chris Meyer, the Land Surveyor, who is partly responsible for creating the subdivision along with the Engineer approached the microphone. He recapped that he presented close to a decade ago for consideration for the Country Hamlet Designation and followed the process with the Planning Board over the years. Last month he received preliminary approval from the Planning Board allowing him to come back before the Town Board for final approval. He hung up maps of the project and shared it calls for 14 senior apartments, 8 twin homes and 24 single-family homes. They are complete with the final design and would like the Town Board to officially designate it as a Country Hamlet zone so he can proceed back to the Planning Board for final approval.

Supervisor Runion advised that he received a phone call from the property owners near the proposed retention pond site. He spoke with Town Planner Jan Weston, about a concern that the location of the retention pond is too close to the neighbor's border. Additionally, there is no buffering for their property. He wants to open the discussion with the Town-Designated Engineer Ken Johnson, of Delaware Engineering. Mr. Johnson advised there is an intention to move the pond approximately 200 feet west with a berm along the basin and the 200 feet would be a no clearing zone/no building on it. There is a concern with mosquitos as well.

Mr. Meyer shared weighing the down side of all of the things that need to change with a move of 200 feet, and the upside would seem slight, he feels that it would be very burdensome.

Supervisor Runion added the property owner next door understands there will be a six-foot high fence sitting along their property line. This would take away from the esthetics of their property as well as the country-feel of the area. They saw no reason why it had to be located on their property line when there is all this other property and wetland area that was adjoining the country hamlet. It was pushed as far away from the subdivision and on their border.

Mr. Meyer responded this was done for elevation and in order to get the maximum benefit of the elevation of the drainage, that is where the pond landed.

Councilwoman Slavick questioned why the fence has to be six feet tall? Ken Johnson replied it is a spec and because of the water in the basin and it is so close to the property line.

Mr. Meyer added that in past years a subdivision would have four sheets and now the subdivisions with all of the requirements are 34 sheets long. It would have far reaching effects throughout the subdivision. This is spec'd as a black clad chain link fence and they are not all that visible. They are designed that way to blend in as much as they can.

Councilman Pastore commented isn't a chain link fence easy to climb. Mr. Meyer said it could be, however, it is meant to protect the neighbors and all of the members of the community since it holds three-to-four feet of water.

Councilman Forte asked if this pond is right on the property line and Mr. Meyer said the basin is and the pond is inside the basin and it's not right on the property line.

Supervisor Runion added that between the basin and the property line is an access road and a chain link fence. Mr. Meyer replied the Town requires an access road surrounding the basin and chain link fence to prevent anyone from getting in.

Councilman Pastore inquired if the Town Board conditioned its approval upon the moving of the pond and it went before the Planning Board and the Planning Board conditioned their approval as well, is that possible. You approximated about a year delay. If this is a sticking point for the Town Board and the Planning Board as well, what if approval was conditioned on moving that, and the plans are resubmitted, would it still cause a long delay. Mr. Meyer replied if the pond had to be moved, the archaeological people would have to come out and now they would be

disturbing another area, they would have to do another dig in that whole new basin. They don't dig after a certain time.

A redesign that was 34 sheets, would take hundreds of man hours to do all the redesign work at a price tag of another \$20,000 on it.

Supervisor Runion feels the basin should be moved and he would be willing to entertain another conversation with the Moaks to see if there are any other accommodations that can be made to them. It just seems when a six-foot high chain link fence and an access road is right along someone's property line, it seems to defeat the purpose of doing some sort of country hamlet. Looking at the size of this site and for how long it was under consideration, to place it right on someone's property line doesn't make sense to him. Supervisor Runion added there were some discussions about the Moaks getting title to some of this property but that doesn't fit in the country hamlet designation as well. It doesn't seem to fit what we are trying to do with this zoning designation when building right up to an adjoining neighbor's lot with an access road and a pond. If it was an open pond he might think differently, but the access road and a chain link fence within twenty-five feet of someone's property line in a basically agricultural area, doesn't fit in a country hamlet.

Mr. Meyer inquired about the Conservation land and the Supervisor advised the title would go to the Town and we would maintain it and it would be forever wild. Mr. Meyer added this configuration has been before the Planning Board at least four times. The neighbors were aware of it, but the neighbors were going to get part of the parcel. There was no mention of fences, mosquitos or a driveway until the neighbors realized the Town was going to take the property. I don't know how genuine or sincere those issues actually were. The Supervisor felt they were sincere when they spoke with him and were very concerned about the location of the pond, the fence and the access road. Supervisor Runion offered to adjourn to September 1 and he will have another conversation with the Moaks and they could come back on September 1, if that would meet with the Board's approval.

Councilman Forte asked if he could get a copy of the site map. Councilwoman Slavick said she doesn't have the map as well. Supervisor Runion asked if we could get additional copies of the map.

Councilman Pastore inquired of the Supervisor if he would leave it to the discretion of the Town Board to conditionally approve it and let the Planning Board make the final determination. Based on your meeting, there probably isn't going to be a different conclusion by the neighbors then what they've already stated. He feels it is worth the time and effort but if we come back on September 1 and nothing changes with respect to the concerns of the neighbors, then obviously we can decide as a Board. Are you comfortable sending this back to the Planning Board and let them decide the issue? Supervisor Runion would like to speak with the Moaks as he has had a conversation with them and indicated that he felt the retention pond should be moved and not on their border. He would like to have at least one more discussion with them as to what the impacts to the developer have been as he did not have those facts. Mr. Meyer was invited to join the meeting and he agreed to participate. A date could be scheduled for later in the week. Mr. Meyer will have a conversation with the Engineer to see if it is even possible to move it 200 feet.

He is not sure if he can make the numbers work by pushing it another 200 feet. He'll get some more detail. Supervisor Runion offered to set something up for later in week to meet with the Moaks. Mr. Meyer requested the next meeting after September 1 as he will be on vacation. Supervisor Runion offered the second meeting date of September 15 and that was agreed upon with Mr. Meyer.

Agenda Item #2: Supervisor Runion advised the next item is to consider plans for the new pool building at Tawasentha Park and possibly moving forward to going out to bid. Ken Johnson of Delaware Engineering will review some plans with the Board. Supervisor Runion advised that he believes all of the plans have been reviewed by the Parks Department and Parks personnel. Some modifications were made to the plans based on Parks personnel concerns or considerations.

Ken Johnson, Delaware Engineering, reviewed the 11x17 drawings which were updated with the Parks Department's input. He noted that the Concession area was changed around. Since June 21, 2015, there hasn't been a Concession area. The concrete floor slab is still there, without the building. The slab will have to be removed as well as putting in a new foundation. It is roughly a 3,000 square foot building with a similar type dry sprinkler system as before. There are some issues with the Health Department on the kiddie pool portion of it with some chlorine in the building, but we will work with them on that. We'll see if we can get the kiddie pool with the chlorine in the building, but if we can't we'll just move that whole small piece outside the building.

With the Concession stand we do have some very minor equipment with some sinks and we will progress with the plans as we go. As of right now, the plans that you see, satisfy the Health Department.

We're looking at this as a \$700,000 construction project. We have not had a fully defined budget yet. It will vary as we go. We have design costs on top of that of \$50,000 and another \$50,000 in contingencies for a total of \$800,000.

Supervisor Runion advised he had a few conversations with our insurance agent and we have some preliminary figures from the insurance company as to the extent of the loss. There's a rather significant variation between the insurance company's estimate and what this proposed project is. He thinks they did not take into account prevailing wages, the engineering fees and some of those other aspects. Some concerns that they raised are replacement cost coverage and they will replace the facility that was there with a new facility based on its cost. The new proposal has five bathrooms as the old had three. The other building was a concrete slab and this is mostly tiled with some of the other finish work is different than what they think are replacement costs. Supervisor Runion would like for Ken Johnson to talk to the insurance carrier and find out what the differences are, what they consider not to be replacement items. Then we should do some alternate bidding of them and this would give the Board members an opportunity through the alternate bidding to determine whether this is something that we feel should be added to the pool building and the Town will have to pay the additional amount, if necessary. But we should try to at least get building-to-building first and then do alternate bidding as the Town Board may say maybe we shouldn't tile the whole building, maybe we should just do the

concrete slab like we originally had in the original building or maybe they want to say for health or safety purposes maybe tiling the entire building is worth the additional \$25,000, \$35,000, \$40,000 whatever the difference is going to be. I think we ought to have the option to compare apples-to-apples. The Board members agreed this sounded reasonable.

The Supervisor continued that Ken Johnson's proposal is about \$800,000, the insurance company came up with \$330,000 but prevailing wages probably throw another 30-40% on top of that, the engineering fee was \$50,000, there's a contingency of \$50,000. They did not account for the sprinkler system. They did acknowledge that they would have to provide us with the cost of the sprinkler system because that is a code item. We'll get closer to the \$800,000 within a couple hundred thousand dollars. Then we'll be able to compare what these upgrades are and whether we should pay for those or if we may want to trim things down.

Councilwoman Slavick asked if we would use Town employees to help out and Supervisor Runion replied this is a project that would have to be done by an outside firm. We do not have the forces to do it.

Councilman Forte asked for confirmation that the existing slab would have to come out. Ken Johnson confirmed that. He added there would be a new slab with actual footings.

Supervisor Runion said the existing report that was submitted indicates the entire cost of the new electrical service and wiring would be \$33,000. We paid \$20,000 for just the temporary electrical service to be put in place. We had to pay prevailing wages and they are not taking this into account. There are some upgrades in the new plan and the Board members need to be aware what they are and the costs in order to make a final decision. He would like to get this wrapped up and have the bids by the first meeting in October if that is all right with the Board members. He would like Ken Johnson to prepare the specs with the alternate bidding and then we could move forward with that.

Councilwoman Slavick asked if this project would start this year. Supervisor Runion believes we could get better prices if we get going this fall into the winter. It would be a more expensive project in the Spring.

Supervisor Runion would like the bids to be in by the first of October. Ken Johnson agreed to get information back to the Supervisor.

Supervisor Runion asked if the Parks Department staff have anything to say. Greg Wier, Supervisor of Parks, Recreation and Golf Course added they worked with Ken Johnson and compared the set of prints from eight years ago and the new design is five feet smaller than the original building. We are not trying to build something that is grander or a big elaborate building. We are trying to stay within the confines and just make it newer, modern and up to code. He elaborated that in the old building the concession area could only be accessed from inside the pool area. In the new design, a second window outside the pool zone would allow park visitors and workers to be able to be served. This design is clean, neat and not very elaborate but will be a nice looking building when it is done.

The Board members agreed with Supervisor Runion that they would like to get it wrapped up for October. Supervisor Runion confirmed with Ken Johnson that he'll talk to the insurance carrier.

Supervisor Runion wanted to thank the Parks personnel for working 110% to make the pool as well maintained as possible and they got it all operational and new bathrooms in less than ten days. This hard work and dedication to Town residents and the community is all to their credit and he wanted to thank them for that.

Agenda Item #3: The next item is to consider scheduling a public hearing on re-zoning of six properties on French's Mill Road from Local Business (LB) to R-20. This request came in from the Planning Board. At one point in time all properties were part of the Bavarian Chalet property. Then a number of lots were sold off, but they continued to maintain their local business zoning. It has become an issue because residential properties have been constructed on most of those sites. People that own the properties have some concerns that their adjoining neighbor could operate a local business activity right next door. The Planning Board has asked us to change that zoning.

MOTION #149 Councilman Maikels moved to **SCHEDULE A PUBLIC HEARING ON RE-ZONING OF SIX PROPERTIES ON FRENCH'S MILL ROAD FROM LOCAL BUSINESS (LB) TO R-20 ON OCTOBER 6, 2015 AT 7:30PM.** 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 #150 Councilman Forte moved to **APPOINT BONNIE-JEAN JOHNSON AS PARAMEDIC SUPERVISOR AND THE PERMANENT APPOINTMENT OF MATTHEW PHELPS TO THE POSITION OF PARAMEDIC FROM THE ALBANY COUNTY CIVIL SERVICE LIST.** 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

AMENDED MOTION #150 Councilman Forte moved to **APPOINT BONNIE-JEAN JOHNSON AS PARAMEDIC SUPERVISOR AND THE PERMANENT APPOINTMENT OF MATTHEW PHELPS TO THE POSITION OF PARAMEDIC SUPERVISOR AS WELL FROM THE ALBANY COUNTY CIVIL SERVICE LIST.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

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

MOTION #151 Councilman Forte moved to **APPOINT CASEY CHILDS AS GOLF PROFESSIONAL FROM ALBANY COUNTY CIVIL SERVICE LIST.** 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 Item #6: Supervisor Runion explained Jordan Hagadorn worked as a Telecommunicator from April, 2012 to April, 2014. She then took a job with the Town of Colonie. We now have a vacancy and she has asked to come back. The training of Telecommunicators is very expensive so this would be a cost savings to the Town.

MOTION #152 Councilwoman Slavick moved to **REINSTATE JORDYN HAGADORN TO POSITION OF TELECOMMUNICATOR AT STEP 3 OF CSEA UNIT A CONTRACT.** 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 #153 Councilman Forte moved to **APPOINT ROBERT DUELL TO POSITION OF LABORER/ PUMP & CONTROLS OPERATOR AT RATE OF \$25 PER HOUR.** 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 #154 Councilman Forte moved to **APPOINT CRAIG BERSCHWINGER TO POSITION OF LABORER PARKS/GOLF.** 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 Item #9: Supervisor Runion explained that both the Highway Department and the Water Department looked at this bulldozer and it would meet their needs and result in a significant savings to the Town instead of buying a new piece of equipment.

MOTION #155 Councilman Forte moved to **APPROVE THE PURCHASE OF AUSED 1996 CATERPILLAR D5 LGP DOZER FOR A PURCHASE PRICE OF \$24,500 TO BE SHARED BY HIGHWAY DEPARTMENT AND DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT WITH \$12, 250 BEING PAID THROUGH INCREASE TO HIGHWAY DEPARTMENT CAPITAL OUTLAY FUND (DB5130.2000) AND \$12,250 BEING PAID BY DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT THROUGH CURRENT OPERATING BUDGET.** 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 #156 Councilwoman Slavick moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR PURCHASE OF A JET AND VACUUM TRUCK TO BE PAID FOR THROUGH SEWER EQUIPMENT RESERVE FUND.** 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 #157 Councilman Pastore moved to **AUTHORIZE EMERGENCY REPAIR OF PRESS BUILDING ROOF AT NOTT ROAD AND ACCEPTING PROPOSAL OF SUBURBAN CONSTRUCTION AT COST OF \$19,350.** 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 #158 Councilman Forte moved to **AUTHORIZE THE RETURN OF ESCROW IN THE AMOUNT OF \$1,240 TO T-MOBILE, STUYVESANT PLAZA SITE. (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

MOTION #159 Councilwoman Slavick moved to **APPROVE TRANSFERS REQUESTED BY TOWN COMPTROLLER'S OFFICE**. 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

Added Agenda Item: Supervisor Runion advised Karen VanWagenen, our Town Assessor, dropped off a memo regarding a tax certiorari claim. An agreement has been reached between KPA Properties and the Town Attorney for assessments between 2008 and 2015. It was agreed that the assessed value of 2280 Western Avenue would be reduced to \$408,000, for all years involved. The parcel had previously been assessed at \$531,500 for those same years. The total Town refund for the seven years would be \$3,702.88. She is recommending this settlement. Our Town Attorney, James Melita, has also negotiated this settlement. Attorney Melita advised the case is scheduled for trial on September 30. It is felt that this is an accurate assessment given the other parcels in the area. The figure is the assessed value not the full market value.

Councilman Maikels feels it would cost us more than \$3,000 to go to trial and this is a fair settlement.

MOTION #160 Councilman Forte moved to **APPROVE A TAX CERTIORARI SETTLEMENT BETWEEN KPA PROPERTIES AND THE TOWN OF GUILDERLAND FOR A PARCEL LOCATED AT 2280 WESTERN AVENUE. THE CURRENT ASSESSMENT OF \$531,500 WILL BE REDUCED TO \$408,000. A SETTLEMENT OF \$3,702.88 WILL BE REFUNDED TO KPA PROPERTIES.** 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 #161 Councilman Forte moved to **ADJOURN THE AUGUST 18, 2015 TOWN BOARD MEETING AT 8:39 PM.** 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

Respectfully submitted,

Jean J. Cataldo
Town Clerk