

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 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 October 6, 2015 Town Board meeting.

MOTION #193 Councilman Pastore moved to **APPROVE THE MINUTES OF THE OCTOBER 6, 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

Re: Public Hearing on the 2016 Town Budget

Supervisor Runion requested the Town Clerk read the Legal Notice. She did. Supervisor Runion summarized some of the highlights of the budget. He advised that the budget holds the line on the taxes, the Town tax rate is twenty-five cents (\$.25) per thousand; the Highway tax is \$1.05 per thousand and the budget is well below the 2% state tax cap legislation. We have already approved the sewer budgets at the October meeting. If anyone has any comments they are welcome to come up to the microphone. There were no comments.

MOTION #194 Councilman Forte moved to **CLOSE THE PUBLIC HEARING ON THE 2016 TOWN 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

Supervisor Runion added the proposed budget has a 2 ½% salary increase for non-union Town employees, union employee salary increases are based on their collective bargaining agreement. They all have been within the 2 ½% range as well for 2016.

There was one change on the Election Mandate which was slightly reduced as we just received the bill from the County. It has been reduced from \$95,400 to \$77,000.

MOTION #195 Councilman Maikels moved to **ADOPT THE 2016 TOWN BUDGET.**

Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Forte

Aye

Councilwoman Slavick

Aye – thanked the Supervisor,

Department Heads and Comptroller’s Office for again putting together another good budget for 2016

Councilman Pastore

Aye

Councilman Maikels

Aye

Supervisor Runion

Aye

Supervisor Runion advised the next Public Hearing is in regard to the rezone of six parcels of land on Frenchs Mill Road from Local Business to R-20. It is a continuation from the October 6, 2015 Town Board meeting. He asked for a reading of the Legal Notice. The Town Clerk read the notice. He further explained the six parcels in question were formerly part of the Bavarian Chalet property. The parcels were subdivided and he believes homes were built on five of the six parcels. He continued that a request from the Planning Board, which was based on a petition from a number of the owners of the parcels in question is to rezone from Local Business to R-20. He read a memo from the Town Planner into the record. He additionally read the Advisory Opinion of the Town Planning Board. Supervisor Runion advised that the Albany County Planning Board deferred to local consideration.

Supervisor Runion opened the Public Hearing.

Judy Zulick of 9 Frenchs Mill Road asked for an explanation of R-20 zoning. Supervisor Runion explained it is a residential, single-family building lot required to be at least 20,000 square feet in size similar to a half acre. Mrs. Zulick wanted confirmation that it does not allow business use. Supervisor Runion confirmed that no business use is allowed in an R-20 zone except for a home occupation. Supervisor Runion also confirmed for her that her side of the street is zoned R-20 or RO 40 which are residential lots.

Tom Spoor, 10 Frenchs Mill Road. He advised that he was the precipator of this request. Mr. Spoor continued that he and his wife purchased the Zwicklbauer home in 2005. His property abuts the Mill Hollow/Bavarian Chalet parcel. At the time he was considering the purchase he was advised the property was subdividable. He purchased two acres which were zoned Local Business. Within the last ten years other homes were built. Several months ago, he applied to subdivide his lot and it was approved. He now has a half-acre lot (26,000 sq ft) adjacent to the Mill Hollow driveway.

He has no objection to his neighbors changing their zoning, but he does for his lot. He intends to sell his newly subdivided lot. He wants to be exempted from the R-20 designation or he would be willing to accept a business/non-retail professional designation for this lot. By changing the lot to R-20, he is afraid either of two things may occur. First, the set-backs might be changed from what was already approved, for the local business. He currently has 15 foot side set back for this lot as opposed to a 20 foot set back for the lot. If it was sold for the purpose of a home it would reduce the size of the home that could be built. Secondly, potentially there could be 160 cars going by this property daily and a number of people would not want to purchase such a lot for a home.

Councilman Forte asked the number of his subdivided lot and Mr. Spoor advised it is number 4 Frenchs Mill Road.

Councilman Pastore asked if the petition evolved over his application for the subdivision. Mr. Spoor replied it evolved when the notice was mailed out to his neighbors regarding his subdivision request. At that time, his neighbors became aware their lots were zoned Local Business. He was the only one with an undeveloped lot and perhaps his neighbors feared a Walmart would go there. Councilman Pastore also asked Mr. Spoor again the purpose of his seeking a subdivision of his lot. Mr. Spoor advised he is looking to maximize the value of his property, and sell that lot for profit. He figured it would be an opportunity for a potential buyer when he decides to sell his home someday, that a buyer may want to put their office on the lot. He is not looking to do anything that would have an adverse or detrimental effect on his neighborhood.

Councilman Pastore further asked Mr. Spoor if any conditions were attached to his subdivision approval and Mr. Spoor advised no.

Supervisor Runion asked if anyone else has any comments. Mr. Spoor commented that his wife has a question. In the event the Board decides to change the entire area to R-20 what would that do to the setbacks that were approved for his subdivided lot. Supervisor Runion advised the Planning Board just approved the size of the lot and the division line, not the setbacks. The Supervisor further explained there are increased setbacks when a parcel abuts residential properties, so there would be residential properties on both sides. When a business parcel abuts a residential property there are requirements that fences have to be constructed and other types of buffering placed on the property to shield it from the residential parcels. This would be much more expensive and restrictive than in the residential zone.

Supervisor Runion offered a last call if anyone would like to make comments on this zoning. No one came forward. The Board will close the Public Hearing and discuss the matter.

MOTION #196 Councilman Forte moved to **CLOSE THE PUBLIC HEARING ON THE REZONE OF SIX PARCELS ON FRENCHS MILL ROAD FROM LOCAL BUSINESS TO R-20**. 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 Town Planner, Jan Weston, to come up to the microphone. He asked her what is the worse that could happen if the rezone does not effect Mr. Spoor's property, would the Town be getting into spot zoning. Jan responded yes, because the basic thought when looking at zoning should be is this being done in conformance with the Master Plan. She continued it is not zoning's job to get the highest return on a piece of property. From a planning point of view, it is very rare that we allow commercial to start encroaching down a residential road. She agrees that it would be great to have services when it is developed, but down a residential road is not the place for it. We have Route 20 and other areas zoned commercial just for that purpose. Once you start that domino effect, there is where you run into a problem.

Discussion continued with Councilman Pastore asking several follow-up questions of our Town Planner. Councilwoman Slavick asked Jan Weston if her recommendation then was to rezone the parcels to R-20 and Jan confirmed that is the recommendation of the Planning Board from a planning perspective. Councilman Pastore inquired if the rezone is approved by the Town Board, what comes of the subdivision, is it automatically rescinded? Jan Weston responded they have an approved building lot for anything permitted in R-20. Councilman Pastore confirmed with Jan that the owners would not have to go through the subdivision approval process, it would just be a subdivided lot under a new zone. She concurred.

As there were no further questions from the Board, Supervisor Runion said they need to adopt a resolution concerning SEQRA.

MOTION #197 Councilwoman Slavick moved to ADOPT THE NEGATIVE SEQRA RESOLUTION REGARDING THE REZONE OF SIX PARCELS ON FRENCHS MILL ROAD WOULD NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

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 asked if any of the Board members have any issues or discussion on the rezoning request. Councilman Forte asked if there was a way to rezone just that one parcel to BNRP. Supervisor Runion advised to do that we would have to renotify and republish. Councilman Forte further asked if the owner could apply to the Town Board to do that. Supervisor Runion said the owner could do that or you could just table the rezoning at this time and then re-do the local law and except that parcel out and then re-advertise, republish and re-notify the neighbors. It would be the subdivision portion of parcel 10 which is lot number 4

now. Otherwise it would be a two-acre commercial property sitting there which would be rather large for that neighborhood. Councilman Pastore asked Supervisor Runion what he thought about carving out that parcel and the Supervisor advised it would be up to the Board. Town Councilman Pastore asked if there is any consensus to carve the parcel out. Councilman Forte thinks it should have been rezoned when these initial parcels were subdivided and they started putting houses there. After the Zwicklebauer's sold all of his property off and started subdividing, this should have been done then. We would not be here now discussing this because it would have been done then. It is not fair to a property owner who buys a property knowing it is Local Business then all of a sudden we change it because neighbors do not like it. Supervisor Runion said these things happen quite often. Supervisor Runion would venture to say if you have a two-acre parcel that is zoned Local Business sitting in a sea of residential parcels and the two-acre parcel can be used for Local Business purposes that could be a pretty substantial commercial property.

Supervisor Runion continued if it is the Board's desire, they should at least take the current one and half acres that is the old residential house and rezone that to R-20 and just leave the smaller 26,000 square foot parcel, and I would think BNRP would be a much better use. That has always been a buffer between residential and commercial. This would be up to the Board. This would require us to either vote this down and start all over or table this and ask the Town Attorney to draw a new Local Law.

Councilman Pastore's concern is that it was already approved for subdivision with the existing zoning. Supervisor Runion's understanding from what Jan Weston said the Planning Board subdivided it with the understanding that it was going to come here and be rezoned to residential because otherwise it would have caused a delay in front of the Planning Board.

After further discussion between the Board and Jan Weston, the idea of the Spoor parcel being zoned BNRP was agreeable to Mr. Spoor. Jan Weston pointed out the down grade from Local Business to BNRP would be a less intense use and be more palatable. Supervisor Runion questioned Jan if the BNRP would allow a two-family and she replied it would allow a business and an apartment upstairs.

Supervisor Runion explained the change to BNRP would require a redraft of the Local Law, another opinion from the Albany County Planning Board, a new Public Hearing and notification to the neighbors. It should also go back to the Planning Board for another recommendation.

Councilman Pastore made the motion that it be tabled for consideration of a rezone from R-20 to BNRP for this one lot with the other lots remaining R-20.

MOTION #198 Councilman Pastore moved to **TABLE THE CURRENT APPLICATION FOR CONSIDERATION OF A REZONE FROM LB TO BNRP FOR ONE LOT (SPOOR - 39.00-2-3.2) WITH THE OTHER LOTS REMAINING R-20.** 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	No – he thinks the action the Board

is taking would be spot zoning and would be inconsistent with the surrounding properties in the neighborhood.

Supervisor Runion instructed the Town Attorney to prepare a new Local Law and submit it to the Board and for renote. It was decided not to reschedule a Public Hearing this evening.

Jan Weston thanked the Supervisor for wonderful years working together, it has been a real pleasure. As a Town resident she appreciated everything he did for the Town.

Supervisor Runion announced the next Public Hearing to remedy building code violations at 315 Fuller Road. Supervisor Runion requested the Legal Notice be read. The Town Clerk read the notice. This issue came up at the request of the Building and Zoning Administrator indicating the landowners of 315 Fuller Road have a number of building code violations including complaints about vegetation at the location which created sight distance hazards to motorists exiting Mercer Street onto Fuller Road. Under Town Law Section 64-41, the Town would be authorized to remove the weeds from the private property when failure of the property owner to do so and then would be charged to the homeowner at the cost of removal. The Supervisor opened up the Public Hearing for comments either in favor or against the issuance of the order. No one came forward.

Supervisor Runion continued, we have copies of some pictures showing the present condition of the property. It appears that the Highway Department has, on occasion, removed some of the vegetation because of the sight distance hazards that have occurred on this corner. The problem with them doing it without an order from the Board, it could present some liability issues due to taking that action on private property. This order would protect the Highway Department from any type of liability issue. It is being done at the expense of the taxpayers but should be done at the expense of the property owners. This action would allow us to charge the expenses occurred against the property.

Councilwoman Slavick added that the property owner was contacted. Supervisor Runion confirmed 13 various contacts with no action. Appearance tickets have been issued. They have not shown up in Court. Telephone calls and personal visits have been tried. The Supervisor offered a last call for public comments. No one came forward. Supervisor Runion called for a motion to close the Public Hearing.

MOTION #199 Councilman Forte moved to CLOSE THE PUBLIC HEARING NYS BUILDING CODE VIOLATIONS AT PREMISES LOCATED AT 315 FULLER ROAD.

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 #200 Councilman Forte moved to **ISSUE AN ORDER PURSUANT TO TOWN LAW SECTION 64-41 TO THE PROPERTY OWNERS OF 315 FULLER ROAD TO REMEDY NYS BUILDING CODE VIOLATIONS WITH RESPECT TO SAID PREMISES AND UPON THEIR FAILURE OR DEFAULT TO DO SO, TO AUTHORIZE THE APPROPRIATE TOWN DEPARTMENTS TO TAKE ACTION TO REMEDY THE VIOLATIONS AT THE EXPENSE OF THE PROPERTY OWNERS.** 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 announced the next Public Hearing we have this evening is a rezone request made by the Pinebush Senior Living LLC for property located at 145 New Karner Road. They are requesting the property be rezoned from BNRP to Planned Unit Development. Supervisor Runion requested a reading of the hearing notice. The Town Clerk did so. Before the Supervisor turns it over to the landowner to make the request, we do have an Advisory Opinion from the Planning Board indicating they concur with Town Planning staff opinion to condition the Planned Unit Development rezoning on adequate review of environmental issues, site plan approval and off-site sidewalk improvements to ensure adequate pedestrian/transit access to the facility.

Attorney Thomas Puchner, Phillips Lytle Law Firm, 30 South Pearl Street, Albany, NY. is appearing tonight on behalf of Pinebush Senior Living LLC. He believes they have a great project that will benefit the seniors of the Town and the Town itself. This project would add necessary senior housing, good health care jobs, community resources for seniors and 40 acres to the Pinebush Preserve at no cost to the taxpayers. This project is proposed on 11 acres of a 50.9 acre site. There are two senior living structures planned on the 11 acre parcel. One is an independent living facility with 96 units and one is an assisted living facility in a separate building and Life Long Learning Center are located within the Senior Living structure with a separate entrance. It will provide health screenings for seniors living in the community not just for residents of this project and also courses and curriculum for the community.

Mr. Puchner continued: the project parcel is currently zoned BNRP which doesn't allow for this use. Therefore, we have petitioned the Board for a change to Planned Unit Development which would allow this project to go forward. The Town Planning Board gave a positive recommendation for this use at their October meeting.

Daniel Hershberg of the firm Hershberg & Hershberg pointed out the 39.9 acre for use by the Pinebush. They would like to rezone the 11 acres which fronts Karner Road.

Mr. Hershberg advised they propose to provide continuous sidewalks so people could take the bus on Route 20 then walk to the site. Many of the employees of assisted living facilities tend to use buses to get to the site. He would propose driveways across the shopping center which adjoins us up to the Walgreens site. In reference to traffic, there was a study prepared by Creighton & Manning showing the peak traffic volumes are in the P.M. hours when there would be about 51 cars; 27 coming in and 24 leaving, and that is significantly less than the D.O.T. level requiring a full traffic study of 100 vehicles per hour. In the morning, there would be 36 cars in the peak hour because people in the assisted living do not drive and a significant number of the residents in the independent living do not typically leave at the same time everyone else does in the morning. Storm water management was discussed so no water would fall off the site in any direction. In regard to screening, there is a lot of natural vegetation which they intend to leave on the site. The buildings would be attractive and nicely designed.

Tim Cassidy, CEO of the Pinebush Living, added the Life Long Learning Center would be opened to all seniors living in the community. There would be free lectures along with curriculum that would require a charge. The Albany Guardian Society participates in conducting the courses. The average age for independent living is about 78-80, less than half drive and would be out at peak hours during the day. They would be getting three meals a day. Mr. Cassidy continued that he and Mr. Hershberg met with the Pinebush representatives and they not only named the project after them but they would like to embrace being part of it. They are planning on a sustainable lead-type construction and they plan on having a museum-type small room to show visitors what they have done to be sustainable. Pinebush exhibits are also planned for the room.

Supervisor Runion asked Mr. Cassidy if Pinebush Senior Living LLC is a non-profit. Mr. Cassidy advised it is a for-profit company. The Supervisor also asked what the Pinebush Commission recommendations were. Mr. Hershberg explained this is a site that was designated for full preservation, therefore, he would not expect a letter of support from the Pinebush Preserve Commission. However, they realize the site could support a lot more development than we are proposing and dedicating almost 40 acres to the preserve and the arrangement that Tim (Cassidy) has made with them to educate people about the Pinebush within this facility. Essentially, I would expect the recommendation from them saying they would like to see it totally undeveloped but, if it gets developed, a development like this is what they would like to see. We did have a meeting with Chris Haver and others but Mr. Hershberg does not think they are ready to come out with a recommendation yet, but we would hope they would recognize the fact that this is a development that is considering the Pinebush and trying to do the right thing.

Supervisor Runion asked for Mr. Hershberg to review the number of units again. There are 96-units of independent living and a double-wing with memory-enhanced units for a total of 192 beds.

Councilwoman Slavick asked how many floors the buildings are and Mr. Hershberg replied they are each three-story buildings. She also asked if there was sufficient parking and was advised the Planning Board determined there was too much parking. They thought we should cut down on the parking.

Supervisor Runion stated this is a full protection area and the Pinebush Commission would prefer not to see you put anything there. Would you consider as part of the approval a fee that we collect per unit to be used by the Pinebush Commission to purchase other types of land which may or may not be in the Town of Guilderland. Supervisor Runion suggested \$250 per unit one-time only. Mr. Cassidy agreed to it. Mr. Cassidy continued they are in discussion with the Commission and trying to work with them.

Councilwoman Slavick asked if there are any walking paths within the facility? Mr. Cassidy replied there are paths. Mr. Hershberg shared they spoke with Chris Haver today about some paths, benches and signs.

Supervisor Runion agreed there is a definite need for this type of community as we have an aging population in the Town and surrounding communities. In his opinion, it appears to be a good location. The problem is the environmental issue with the Pinebush. You have done a decent job with setting aside enough land and agreed to a contribution as outlined. He feels that the applicant is still up against the environmental issues.

Supervisor Runion asked Town Planner, Jan Weston, what is the next step if the Town Board is prepared to approve the Project. Jan explained they would be looking for a conditional rezone to the PUD which would start the process. The Planning Board has not even begun to look at the details of this project. Tonight, we are really looking to see if it is a good idea to have a PUD there. The Planning Board said yes and I have said yes. So if you do a conditional rezone they can start the process with the Boards to really hammer out the details. Jan believes the Board really does not have enough information at this point to do the SEQRA. She continued, once the Planning Board finishes their site plan review they can come back to the Town Board with the final package for the Board to do their site plan review and do the rezone.

Supervisor Runion asked if the Board members had any questions. Councilman Maikels asked if the 40 acres were going to be given to the Pinebush or just be set aside? Mr. Hershberg replied they are going to be given to the Pinebush. On another project, land was given to a Town and they made a management agreement with the Pinebush Preserve. The other option is to dedicate it to the State of New York. The Albany Pinebush Commission does not own any property. It has to be through another entity. It has to be a municipality or to New York State. Councilman Maikels confirmed then the 40 acres go off the tax roll. Mr. Hershberg agreed and with putting the 11 acres on the tax roll it is a gain.

Councilwoman Slavick inquired if it has to be licensed by the Department of Health and if they have to come in to do periodic inspections. Mr. Cassidy confirmed it would be licensed by the Department of Health and it would be a series of licenses in New York which is commonly called Memory Care for dementia or Alzheimers and referred to as special needs licensing. They are planning on having enhanced care which is a higher level of care. They are looking at having three licenses overall through the Department of Health.

Supervisor Runion asked if there were any other questions, and as there were none he proposed a motion to conditionally rezone 145 New Karner Road from BNRP to Planned Unit Development conditioned on an adequate review of environmental issues, site plan approval, off-site sidewalk

improvements to insure adequate pedestrian transit access to the facility and a one-time fee of \$250 per unit to the Albany Pinebush Commission for the purchase of other lands. He asked if the Board had anything they would like to add to the motion. Nothing else was added.

Mr. Puchner reminded the Supervisor that he may not have opened up the hearing for Public Comment. Supervisor Runion opened the hearing for public comment.

Lucille Reppenhagen, 12 Gladwish Avenue: She moved into her home 50 years ago. She spoke against this project due to increased traffic and great difficulty getting out to Route 155. Currently, it is difficult to turn right and even more difficult to turn left onto Route 155. She feels this project would be detrimental to all those living in her neighborhood.

Pam MacDougall, 14 Gladwish Avenue: She feels the building itself is a wonderful idea, however, the people on Gladwish need to be able to access Route 155 safely. She is relatively new to the neighborhood and she is surprised at the speed of the traffic on Karner Road. There are several hours in the morning and afternoon that people do not even attempt to get onto Route 155 as it is too dangerous. Any amount of cars added to this road is going to make an impact. That is not to say it cannot be resolved, but it has to be looked at very seriously.

Supervisor Runion advised these are some of the environmental issues that we are going to require that the Planning Board look at. They do have some preliminary traffic data that the Planning Board will thoroughly review. Perhaps, additional traffic data will be required as well. They will address what type of improvements will need to be made for both vehicle and pedestrian safety.

Councilwoman Slavick asked Mr. Cassidy about the timing of the proposed classes. Would they be day or night? He commented they would be during the day, not during peak hours. They are classes for seniors mainly held during the day. Perhaps, once in a great while there could be an evening lecture after peak hours. He feels with this use they are much less intensive than a business.

There were no further comments from the audience. Supervisor Runion called for a motion to close the Public Hearing.

MOTION #201 Councilman Maikels moved to **CLOSE THE PUBLIC HEARING ON THE REZONE REQUEST MADE BY PINEBUSH SENIOR LIVING LLC.** 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

Attorney Tom Puchner came back up to the microphone. He explained from a legal standpoint, a rezoning, even a conditional rezoning is an action under SEQRA. It would be a problem for the validity of their approvals not to have a SEQRA determination. He understands the Board's need to appoint a Town Engineer to do the review, so it could be done one of two ways. One, do a more fulsome environmental review and make it conditioned on Planning Board approvals and have a more complete review there. Asking the question is the site really appropriate for this use is really the analysis that the Town Board is doing from a legislative standpoint. SEQRA is much broader than that. If you look at it that way and say neg dec subject as a conditional rezoning by the Planning Board or we would also be comfortable with enabling the rezoning for a period of time to allow an engineer to do a review. It would be difficult for the project to have an approval without SEQRA done beforehand.

Supervisor Runion advised that normally on rezoning they do a neg dec based on the fact that the action of a rezoning would not have a significant impact on the environment. The other environmental issues are left to the Planning Board. Mr. Puchner advised they technically call that a coordinated review and they are comfortable with that.

Supervisor Runion called for a motion that the act of granting a conditional rezoning from BNRP to Planned Unit Development would not have a significant effect on the environment and there would be further studies of the environmental issues by the planning board as part of their review of the project.

MOTION #202 Councilman Pastore moved **THE ACT OF GRANTING A CONDITIONAL REZONING FROM BNRP TO PLANNED UNIT DEVELOPMENT WOULD NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND THERE WOULD BE FURTHER STUDIES OF THE ENVIRONMENTAL ISSUES BY THE PLANNING BOARD AS PART OF THEIR REVIEW OF THE PROJECT.** 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

Supervisor Runion continued that we have a prior recommended motion that he had made before being corrected on the Public Hearing aspects, and if Board members are comfortable with that motion, may I have a first and a second.

MOTION #203 Councilman Forte moved **TO CONDITIONALLY REZONE 145 NEW KARNER ROAD FROM BNRP TO PLANNED UNIT DEVELOPMENT CONDITIONED ON AN ADEQUATE REVIEW OF ENVIRONMENTAL ISSUES, SITE PLAN APPROVAL, OFF-SITE SIDEWALK IMPROVEMENTS TO INSURE ADEQUATE PEDESTRIAN TRANSIT ACCESS TO THE FACILITY AND A ONE-TIME FEE OF \$250 PER UNIT TO THE ALBANY PINEBUSH COMMISSION FOR THE PURCHASE OF OTHER LANDS.** 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 concluded this project will now go back to the Planning Board.

Supervisor Runion announced we are now on the regularly printed agenda.

Agenda Item #1: Supervisor Runion explained this is the estimate of the funds needed for the connection of the waterline along Route 158, it would be a new water main, and the eventual interconnect between the Town of Rotterdam and the Town of Guilderland. The Phase 5 water reserve account has approximately \$2,000,000.00 in it so \$760,000.00 would be segregated into a separate reserve account so as expenses are incurred with this project there would be the funds necessary to pay the bills as they come in.

MOTION #204 Councilman Forte moved to **AUTHORIZE THE TRANSFER OF \$760,000.00 FROM PHASE V WATER RESERVE ACCOUNT TO CAPITAL PROJECT ACCOUNT FOR PHASE I OF TOWN OF GUILDERLAND / ROTTERDAM INTERCONNECT AS REQUESTED BY THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT.** 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 #2: Supervisor Runion explained that with Obama Care, and all of the other various health insurance concerns that we have had, the Department of Human Resources has requested that we upgrade our manual. Currently, there is no provision for the extension of health care insurance premium payments to an employee who goes on a leave of absence due to a work-related illness. This came up recently with an injured paramedic and his sustained leave of absence as a result of an illness. They recommend we pay the premiums for a period of six months and thereafter the employee would be charged.

MOTION #205 Councilman Pastore moved to **ADOPT AMENDMENT TO EMPLOYMENT MANUAL TO HAVE TOWN CONTINUE HEALTH INSURANCE PREMIUM PAYMENTS FOR PERIOD OF SIX MONTHS FOR EMPLOYEE ON LEAVE OF ABSENCE DUE TO WORK RELATED INJURY OR DISABILITY.** 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 the 2014/2015 water relevy amounts would be relevied on the January, 2016 Property Tax bills. This request is being made by the Albany County Department of Tax and Finance. The total dollar amount to be relevied is \$122,117.57 and this consists of hundreds of properties.

MOTION #206 Councilwoman Slavick moved to **APPROVE LIST OF 2014/2015 WATER RE-LEVY AMOUNTS FOR JANUARY, 2016 PROPERTY TAX BILLS AS REQUESTED BY ALBANY COUNTY TAX AND FINANCE.** 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 #207 Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN A COLLECTOR'S WARRANT FOR THE GUILDERLAND WATER DISTRICT IN THE AMOUNT OF \$635,866.68.** 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 #5: Supervisor Runion introduced Mike Hamor who has worked with the Town Board in the past to get the fixed price electricity supply agreement.

Mike Hamor explained to the Board that this is similar to what they did in the past. Last year, they did not find a favorable rate so nothing was signed. The year prior, the Town entered into an agreement with Direct Energy. The prices were so high, there was a savings of 1.3 cents per kilowatt hour used. This authorization is to allow him to search for prices again for the Town. If something is favorable for the Town, it would allow the Supervisor to sign an agreement. Due to a huge nuclear power plant near Syracuse announcing it is closing, that is going to cause rates to skyrocket as well as a prediction of a very cold winter. He would also like to look into a change to LED bulbs, which do not generate the same kind of heat but would save energy.

MOTION #208 Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN FIXED PRICE ELECTRICITY SUPPLY AGREEMENT.** 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 this item was before the Board in August. It was tabled for further discussion with one of the neighbors concerning the location of the storm water retention basin, fencing issues and a few other items. There were meetings held with the Engineer, Developer, homeowner and himself. He invited Ken Johnson of Delaware Engineering to explain the outcome.

Mr. Johnson advised the storm water basin was moved to the west about 60 feet, a black chain link fence was already on the plans, and a five foot high berm was added between the Lands of Moak's to the stormwater basin. Although it was not shown on the plans but it will be done, is the planting of twenty trees in numerous places around the berm.

Supervisor Runion confirmed that the Developer was pleased with the modifications to the drawings.

MOTION #209 Councilman Forte moved to **APPROVE OF COUNTRY HAMLET DESIGNATION FOR BLACK CREEK RUN IN GUILDERLAND CENTER.** 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 #7: Supervisor Runion advised we have a list for transfers as recommended by the Town Comptroller's Office. They basically are for supplies, equipment, the completion of the Guilderland Center sidewalks, the Court, computer maintenance, Comprehensive Master Plan and Parks equipment.

MOTION #210 Councilman Maikels moved to **APPROVE TRANSFERS AS RECOMMENDED BY THE 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

Supervisor Runion announced that he has a couple of things to add to the agenda this evening. The first one is a customary we usually cancel the meeting before Thanksgiving which would be for Tuesday, November 17.

MOTION #211 Councilman Forte moved to **CANCEL THE NOVEMBER 17, 2015 TOWN BOARD MEETING**. 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 shared that this will be his last Town Board meeting as Town Supervisor. He intends to retire over the next several weeks. He will be taking a short respite in the State of Florida for a portion of the winter. He wants to thank all of the residents of the Town. He has served sixteen years as the Town Supervisor and it has been a very long time. It has been a great experience for him to raise his children in a town like the Town of Guilderland where we have programs that are just phenomenal. We have Parks programs, we have good services whether it is Police, Paramedics, our water services they are just exceptional. He has enjoyed working with the Town residents and completing projects. We have had a number of great projects making enhancements to the Town with the support of the residents of Guilderland who have elected him and re-elected him for eight times, which is a long run. He thanked the residents of the Village of Altamont who elected him twice as Mayor of the Village. It's a great community. He also wanted to thank the 260 Town employees who he has worked with for 30 years, some of them. They have done an exceptional job meeting the needs of the Town and meeting the needs of the residents of the community. They have provided the best services in the Capital District and probably the State of New York. You can't ask for better employees, more dedicated employees. He recalled during the recession which started in 2009, how the employees chipped in by taking zero percent raises for a couple of years in a row. They chipped in so that we could keep taxes remaining the lowest in Albany County, which they still are. Everyone chipped in and they did it willingly and I don't believe there were any issues with morale or anything of that nature. The Town employees knew it was something that needed to be done to maintain the services that we were providing. I really want to thank the employees for all of their hard work and the support they have given to me over the last 16 years. A couple of my staff members are here, Linda Cure of the Parks Department, former employees are here that have retired. They've all been great people to work with. I will truly miss the people that I've had the opportunity to work with for the last 16 years. Lastly, I want to thank all of the elected officials, both Town elected officials who have sat with me here on the Town Board and have supported the programs and the services we have provided to the residents; I also want to thank our State representatives. Just today, we had a press conference and they announced the Town will be receiving \$2.75 million to address a problem that has plagued us since the 1950's down in the McKownville area with the flooding of

Western Avenue and the wet basements that the people have suffered through that affected not only the economic vitality of that area but also the quality of life of the residents that live in that community. So I want to thank all of our State representatives, County, Local representatives in other Towns and especially, and more importantly the people that have sat on this Board; presently, and in the past. They've all been great people to work with and very supportive. I will truly miss being the Town Supervisor, it was a job that I really enjoyed but it is time for me to move on and again thanks!

Supervisor Runion continued that he will be in and out of the Town the next couple of weeks. The next Board meeting will be December 1. There could come some point and time between now and December 1 where it may be necessary for either claim forms or other documents to be signed in my absence. I've never had a Deputy Supervisor but I am asking that for the short term until the December 1 Town Board meeting that the Town Board appoint Pat Slavick as the Deputy Supervisor who can act in my stead if I am unavailable between now and December 1, which will be the next Town Board meeting. Councilman Pastore asked the Supervisor if he is permitted to make that motion. He replied he is but he thinks it would be nice if another Town Board member made it.

MOTION #212 Councilman Pastore moved to **APPOINT PATRICIA SLAVICK, DEPUTY SUPERVISOR UNTIL DECEMBER 1, 2015**. Councilman Maikels seconded the motion and it was carried by the following roll call vote:

Councilman Forte Aye – I've been arguing with Ken for four years about having a Deputy Supervisor, so I am going to say yes!

Councilwoman Slavick Aye – I would like to thank Ken for his many years of service. He's been Supervisor for 16 years but he has also been Town Attorney, Zoning Board Attorney and Mayor of Altamont and I believe that's over 30 years. That is a big commitment to the residents of Guilderland and I think he has done an outstanding job as our Supervisor. He has a great track record of accomplishments. There are many accomplishments and the one that comes to mind for me is the Soccer fields on Lydius Street. As I go by there all the time, I see so many kids and cars going in and out and that was a real benefit for the Town. It was a pleasure working with you I learned a lot so thank you for all of your years of service here.

Councilman Pastore Aye – I am in favor of the motion and I would certainly reiterate Councilwoman Slavick's words of commendation about our Supervisor of the last 16 years. It's a testament to his good will toward the community. I believe he's leaving the Town in better condition, financially and otherwise, then when he took office 16 years ago. To his credit, it is not because of his efforts alone but rather those that have surrounded him, his trusted advisors, the many employees of the Town who have worked well with each other on behalf of the Town and certainly with him as Supervisor of the Town. Obviously, Ken, we don't want to see you go. We certainly understand your need for respite and enjoyment but we wish you all the very best and we thank you so very much for all of your hard work, dedication to the Town and, above all, your competence and your genuine interest in the betterment of the residents of Town. I don't think we could ask anything more from a public servant and you have fulfilled that duty in the most exemplary fashion. Thank you!

Councilman Maikels Aye – I also want to echo the sentiments of my fellow Town Board members. I'm in business, I see a lot of people when they

are getting their taxes done and it's quite common for people to complain about government. I pointed to Guilderland where we have one of the best governments I've ever seen. This is due to Ken Runion, we have open, honest government, we deliver great services at a low cost. We do it fairly and properly. It's been a privilege for me to serve with Ken and I wish him well in his retirement. I'd also like to thank the Town employees for all of their hard work who make Ken and I and the rest of the Board look good.

Supervisor Runion

Aye – Thank you everyone!

Supervisor Runion added he is sure Pat will be a great Deputy Supervisor even though it is less than 30 days. Councilwoman Slavick said she'll do her best, 110%. He added the next Supervisor may want to keep you there.

The next Town Board meeting is December 1.

MOTION #213 Councilwoman Slavick moved to **ADJOURN THE NOVEMBER 5, 2015 TOWN BOARD MEETING AT 9:30 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,

Jean J. Cataldo
Town Clerk