

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 7:35pm. 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: James Melita, Town Attorney

Supervisor Runion welcomed everyone to the evening's meeting and asked for a motion accepting the minutes of the January 20, 2015 Town Board meeting.

MOTION #32 Councilman Pastore moved to **APPROVE THE MINUTES OF THE JANUARY 20, 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: No Public Comment

Agenda Item #1: Presentation by CDTA of Crossgates Mall Transit Center

Supervisor Runion turned the microphone over to Christopher Desney, a Vice President at CDTA. Mr. Desney gave a quick overview of the proposed Crossgates Transit Center project. This is a regional project. The Crossgates station handles 20% of all CDTA service. At peak times, 27 buses per hour, and it is the second busiest station in the entire system amounting to 532,000 passengers boarding each year.

Mr. Desney continued that they already completed their conceptual design study and submitted it to Project Development with the Federal Transit Authority (FTA) for funding. The plan would call for a raised deck with approximately 4-5,000 square feet of additional conditioned space for customers. This would allow for direct access into the Mall by the Food Court and potentially another access to the Mall. A raised deck structure would be built over existing parking for buses to drop off their riders. This would be a bus only route.

To support the Transit Center, roadway improvements would be necessary. Signalized intersections would be replaced with roundabouts. A Park and Ride would be added on the premises.

CDTA will be back before this Board several times during the year for discussion and updates on this project.

Councilwoman Slavick questioned the level of the parking lot for the Transit Center. Mr. Desney advised it would be level with the upper grade parking lot by Burlington Coat Factory.

Town Attorney Melita inquired if the deck would be near the existing bus stop or moved near Burlington Coat Factory. It was confirmed that it would be near the Burlington Coat Factory.

Supervisor Runion asked for confirmation that the entrance to the Mall would be through the second floor Food Court. Mr. Desney confirmed it would be.

Councilwoman Slavick inquired about the timetable for this project. Mr. Desney shared it would be 9-to-12 months bringing the project to 100% design suitable to put the project out to RFP. Assuming approval from FTA, they would immediately put out the construction documents to start construction Spring, 2017.

Councilman Forte asked if there would be any negative impact on drainage as it looks pretty close to the pond. Negative impact is not anticipated but CDTA will be sensitive to it.

Councilman Pastore looked for confirmation that the number of parking spaces below the elevated desk would not be impacted. Mr. Desney figured about 20 spaces would be lost. Councilman Pastore questioned if the main entrance to the Mall would remain the same with respect to the light at the intersection. Mr. Desney confirmed that, however, the second light would be replaced with a round about.

Councilman Maikels stated he believes that the Department of Transportation has some say over the roundabouts. Mr. Desney replied that CDTA has met with them and discussed roundabouts, property lines and shared responsibilities such as for plowing.

Supervisor Runion thanked the CDTA representatives for the presentation.

Agenda Item 2: Supervisor Runion advised the next item on the agenda is to consider final approval of the 1700 Western Avenue Planned Unit Development project. He shared that it has been before this Board and the Planning Board. The Planning Board issued a recommendation with two conditions. The first is to demonstrate that the fire truck turning radii complies with minimum standards per the Westmere Fire Department. The second condition is that the Water & Waste Water Management Superintendent approves the project. Supervisor Runion asked for a representative to speak on the changes.

Joshua O'Connor who works for Ingalls & Associates and represents Wolanin Companies came forward to update the Town Board. The primary change to the site has been a reduction in the number of buildings. This was done to further accommodate conditions that the Board placed as far as working with a resident on Newman and the level of impact on his viewshed. They worked with the resident at the top of the road to satisfy his needs. Since the preliminary approval they've worked with Delaware Engineering and had working sessions with Town Planner, Jan Weston. Issues such as the timing and activation of gates, truck turning movements as far as dealing with fire trucks and other delivery vehicles were worked out to the satisfaction of the Planning Board.

Supervisor Runion asked about the buffers for Newman Road and Joseph Terrace. Mr. O'Connor shared that the buffers that were conditionally approved in the PUD were 200 feet

along side of Joseph Terrace. The terms of the buffer would be no construction of structures in that area. That criteria was met. Significant planned buffering and screening has been added. The requirement along Newman was a 100 foot buffer. In that area, the distance has been increased to over 200 feet. Until the site is fully developed it is difficult to assess the total impact to the viewshed. There will be specific plantings placed to fill in any spots where there might be excess clear sight of the project.

Supervisor Runion invited Ken Johnson to speak on a couple of items that the Planning Board had mentioned. He advised that the two concerns were the Department of Water and Waste Water on the Dillenbeck Pump Station which they are working on resolving and the fire truck turning radius has been resolved with the Westmere Fire Department. Supervisor Runion confirmed with Mr. Johnson that they have a letter from the Westmere Fire Department. Supervisor Runion also confirmed that there are no issues which Mr. Johnson could foresee with respect to the utilities that will be provided to this project.

Councilman Pastore asked for clarification about the removal of some buildings. Mr. O'Connor clarified the five ten-unit buildings were changed to four buildings; one will be ten units, one will be twelve units and two will be fourteen units. This decreases the impervious cover, decreases the amount of service road and the amount of water infrastructure that is required. It decreases the impact for storm water as well. The total number of units remains at 210.

Supervisor Runion asked if by eliminating one building it provided the additional buffer for Newman Road. Mr. O'Connor confirmed it did. He added that allowed them to move their storm water management facility further away from the property line and the end lots on Joseph Terrace allowing them to preserve the existing buffer. The view from Joseph Terrace will be unchanged.

MOTION #33 Councilman Forte moved to **GRANT FINAL APPROVAL OF 1700 WESTERN AVENUE PLANNED UNIT DEVELOPMENT PROJECT.** 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 3: Supervisor Runion explained that the next item on the agenda is to consider authorizing the Supervisor to sign a contract with the Capital District Transportation Committee for the completion of the Western Avenue Corridor Study. He further explained it was a study that was part of the Town's Comprehensive Plan. The Town has a grant for the linkage study, which the total project cost is \$68,000 and 75% of it would be funded through a grant and the remaining 25% would be paid by the Town in the amount of \$17,000. He is not sure at this point if the \$17,000 has to be paid for in the 2015 fiscal year or the 2016 fiscal year. CDTA fronts all of the money then bills the Town after the project is completed. This is a nice way to receive a grant because normally the Town has to upfront the money and get it back as we proceed with the project.

MOTION #34 Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH THE CAPITAL DISTRICT TRANSPORTATION COMMITTEE FOR COMPLETION OF THE WESTERN AVENUE CORRIDOR**

STUDY. 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 #35 Councilwoman Slavick moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR CHEMICALS FOR 2015 AND 2016.** 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 #36 Councilman Maikels moved to **APPOINT MERRITT GLENNON AS AN ALTERNATE TO THE BOARD OF ASSESSMENT AND REVIEW WITH A TERM TO EXPIRE ON SEPTEMBER 30, 2015.** 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 #6: The McKownville Improvement Association had requested that the Town work with them to install some community banners on some of the telephone poles to say welcome to McKnowville. This ties in with the new sidewalk project. We wrote to National Grid and Verizon to get permission to place the banners. We are placing 23 banners on Western Avenue and Fuller Road in McKownville. The project would be renewed on an annual basis. The Supervisor just needs the Board’s authorization for him to sign the contract.

MOTION #37 Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO SIGN A CONTRACT WITH NATIONAL GRID FOR THE PLACEMENT OF BANNERS ON CERTAIN ELECTRIC POLES IN MCKOWNVILLE.** 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 #38 Councilwoman Slavick moved to **RELEASE OF ESCROW FOR MADELAINE’S HAIR SALON (PROJECT COMPLETED).** 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 #39 Councilman Pastore moved to **RELEASE OF ESCROW FOR M. A. SCHAFFER CONSTRUCTION PROJECT ROUTE 158 (PROJECT COMPLETED).**

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 #40 Councilwoman Slavick moved to **RELEASE OF ESCROW FOR CAMELOT CONSTRUCTION PROJECT, EAST LYDIUS STREET (PROJECT COMPLETED).** 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 #41 Councilwoman Slavick moved to **RELEASE OF ESCROW FOR TRACTOR SUPPLY (PROJECT COMPLETED).** 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 #11: Supervisor Runion advised that the next item is to consider requesting the Town Attorney to draft a local law to require accountability of landowners through the posting of performance bonds for foreclosed and vacant buildings and to schedule a Public Hearing on such Local Laws. Some materials have been distributed to the Board members. Local Laws have been enacted in a number of states dealing with Performance Bonds for foreclosed and vacant buildings. This type of law was challenged through the federal courts and upheld as constitutional. We have a number of derelict buildings in Town that have not been very well maintained such as the Governors Motor Inn and others. This seems to be a method to at least move the landowner to some sort of compliance with zoning regulations and building regulations and maintenance standards for these buildings so that they do not become an eyesore. We now have case law that says they are enforceable. If we ask our Town Counsel to contact the City of Poughkeepsie and get a copy of their local law and draft that then we could hold a Public Hearing to enact similar legislation at our next Town Board meeting on March 3. Councilman Pastore asked if this is for both residential and commercial properties. Supervisor Runion replied that it was mainly for commercial properties. He doesn't think we've had any real difficulties with residential foreclosed properties. We would be safe to limit it to the commercial properties. Town Attorney Melita asked the Supervisor if it is limited to bank-owned properties or if it also includes vacant buildings owned by private

owners. Supervisor Runion thinks it should be any commercial property. The Town Attorney will contact the City of Poughkeepsie to see how their law was drawn up and see how we can enforce it and collect the money. Councilman Pastore asked if it is restricted to foreclosed or any properties. Supervisor Runion believes it is foreclosed and vacant properties. Town Attorney Melita indicated it seems mainly vacant properties. He'll research it. Councilman Pastore suggested the Town Attorney should determine if it's bank owned or individually owned. The Town Attorney agreed to research it.

MOTION #42 Councilman Maikels moved to **AUTHORIZE THE TOWN ATTORNEY TO DRAFT A LOCAL LAW TO REQUIRE ACCOUNTABILITY OF LANDOWNERS THROUGH THE POSTING OF PERFORMANCE BONDS FOR FORECLOSED AND VACANT BUILDINGS AND TO SCHEDULE A PUBLIC HEARING ON SUCH LOCAL LAW.** Councilman Forte seconded the motion and it was carried by the following roll call vote:

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

Supervisor Runion advised a work session in regard to proposed amendments to zoning law that have been recommended by the Zoning Law Review Committee will be held in the upstairs Supervisor's Conference Room. It is open to the public and the media. At the conclusion the Supervisor would like to add an Executive Session concerning contractual negotiations.

Supervisor Runion added that since the Public Hearing held last month, a number of emails have been received concerning the keeping of chickens/hens on residential properties. They will be added to the record.

Lastly, the next Town Board meeting is March 3. There is no second meeting in February.

MOTION #43 Councilwoman Slavick moved to **ENTER INTO EXECUTIVE SESSION.** 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 #44 Councilwoman Slavick moved to **EXIT OUT OF EXECUTIVE SESSION.** 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

Discussion: The Town Board reviewed closing documentation with the Town Attorney in regard to 700 Arthur’s Place. The Town Attorney indicated the life estate of Catherine Szatowski is valued at \$87,978.30. The property is currently assessed for \$329,100.

The contract provides for a purchase price of \$20,000 to Catherine Szatowski. In addition, the Town will pay the back taxes due to the County of Albany and the current tax bill.

The Town took possession of the property in November, 2014.

All expenses of the purchase and closing on the property shall be paid from the unexpended fund balance.

MOTION #45 Councilman Forte moved to **APPROVE THE SUPERVISOR TO SIGN THE CONTRACT FOR THE PURCHASE OF 700 ARTHUR’S PLACE**. 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 #46 Councilman Maikels moved to **APPROVE PURCHASE AND SALE CLOSING DOCUMENTS AND EXPENSES IN REGARD TO 700 ARTHUR’S PLACE AND TO AUTHORIZE THAT ALL EXPENSES OF THE CLOSING BE PAID FROM THE UNEXPENDED FUND BALANCE**.

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 #47 Councilwoman Slavick moved to **ADJOURN THE FEBRUARY 3, 2015 TOWN BOARD MEETING AT 9:45 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