

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 7:33pm. 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

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

**MOTION #48** Councilman Pastore moved to **APPROVE THE MINUTES OF THE FEBRUARY 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**

**PUBLIC HEARING:** Supervisor Runion stated that the first thing on the agenda this evening is a Public Hearing for a Local Law to require accountability of landowners through the posting of performance bonds for foreclosed and vacant buildings. As he explained to the Town Board in February, there is similar legislation in the city of Poughkeepsie and also some legislation of a similar nature in Massachusetts. Both were tested by the courts and found to be constitutional. The legislation is used to prevent derelict buildings from plaguing communities. We have had only a few days to look at the proposed law and it does have to go to the Albany County Planning Board for their opinion, so unless there is anyone in the audience to comment on it, the Supervisor would like to continue the Public Hearing to the April 7 Town Board Meeting at 7:30pm. This will give Town residents and others the opportunity to review the law in greater detail and allow the Albany County Planning Board to issue their recommendations as they meet on March 19. Supervisor Runion requested that the Town Clerk post another Legal Notice.

**MOTION #49** Councilwoman Slavick moved to **CONTINUE THE PUBLIC HEARING FOR A LOCAL LAW TO REQUIRE ACCOUNTABILITY OF LANDOWNERS THROUGH THE POSTING OF PERFORMANCE BONDS FOR FORECLOSED AND VACANT BUILDINGS TO APRIL 7, 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

Agenda Item #1: Supervisor Runion explained that the Town of Guilderland received a \$500,000 Department of Transportation Multi-Modal grant as a member item from Senator Breslin’s Office. John Brust of Delaware Engineering is with us tonight to present.

Mr. Brust, a principal of Delaware Engineering, reported they were retained in 2009 to issue a report on the drainage problem in McKownville. Their report was issued in June of 2010 after chronicling the situation and meeting with the Neighborhood Association, physically inspecting the storm water conveyance systems and developing a mitigation plan and cost estimate for implementing the plan.

In 2013, Delaware Engineering drafted a map plan and report looking at a drainage district in that area. That plan was discussed with the Town Board.

Between 2010 and 2013, grant funds were researched. The report from June of 2010 was instrumental in securing the DOT Intermodal grant of \$500,000. The grant has an expiration date with the monies needing to be spent by January, 2017. Project close-out would need to be done in the summer/fall of 2016.

Mr. Brust explained there has been an increase in the groundwater table over the past 20 years. We are probably four feet higher than 20 years ago. This is a serious problem in the McKownville area with no acceptable conveyance of water outside of that neighborhood. We have put together a plan that describes a method of getting the drainage out of the neighborhood and getting it to the Krumkill. To use the \$500,000 most effectively, we need to construct a series of stormwater basins on the Krumkill.

Mr. Brust’s plan is outlined in his January 21, 2015 letter to Supervisor Runion.

Councilwoman Slavick inquired if the proposed project would be a base for expanding forward. Mr. Brust confirmed that is the case and once this part of the project is completed, they can look for additional funds for a drainage district and move forward to the north and west. Mr. Brust wants to make sure that the lines are deep enough to then accept additional lines from the north and the west.

Councilman Pastore asked Mr. Brust what he attributes the flooding in the Stuyvesant Plaza area to. Mr. Brust said flooding depends on a number of factors. He added that it depends on the amount of the rain, the intensity and duration as well as how many times it has rained in prior days or weeks. Mr. Brust said there is an undersized pipe near Stuyvesant Plaza under Route 20. The water is really backed up north of Route 20.

Councilwoman Slavick inquired about acquiring easements. Mr. Brust shared that there are wetlands in the area and a wetland survey needs to be done. If a basin is just on Town property that is preferable. They would like to take the natural floodways out there to accommodate more water. The survey work they do will let them know where a basin can go in and where they cannot, then they would have to come back to the Board to talk about easements.

Councilman Forte inquired if any problems are foreseen with acquiring necessary permits. Mr. Brust said they are going to enhance the habitats that are there and make sure there is adequate stream bank protection. They will insure the regulators that this is a prudent plan and addresses any concerns.

Supervisor Runion confirmed that to move forward they would have to execute an engineering contract. That would be the first step.

**MOTION #50 Councilman Pastore moved to AUTHORIZE THE SUPERVISOR TO SIGN AN ENGINEERING AGREEMENT WITH DELAWARE ENGINEERING.**

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 #2: Supervisor Runion explained they have been working for some time to increase the security in the Administration Office of the Police Department. This proposal would cost \$3,175.00. It would change the existing entry way door into the Administrative Office. There would also be some construction within the office area to create a vestibule for Security.

Councilwoman Slavick inquired if they anticipated card keying. Supervisor Runion answered that a person would monitor the security for the office. A number of visitors come in for various reports and information on a daily basis.

**MOTION #51 Councilman Forte moved to AUTHORIZE THE SUPERVISOR TO ACCEPT A PROPOSAL IN THE AMOUNT OF \$3,175.00 SUBMITTED FOR CONSTRUCTION WORK IN THE POLICE DEPARTMENT ADMINISTRATION OFFICE.** 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 advised the next item is to consider a correction of errors on the Salary schedule from the January Organizational meeting. It was discovered that there were five salary errors on the list.

**MOTION #52 Councilman Pastore moved to AUTHORIZE THE CORRECTION OF ERRORS ON THE SALARY SCHEDULE FROM THE JANUARY ORGANIZATIONAL 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

Agenda Item #4: Supervisor Runion advised the Stewart's project was completed and the remaining amount in escrow was \$1,003.24 to be returned to Stewart Shops.

**MOTION #53** Councilwoman Slavick moved to **AUTHORIZE THE RELEASE OF \$1,003.24 ESCROW FOR STEWART'S SHOPS CORP, 2446-2448 WESTERN AVENUE (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

Agenda Item #5: Supervisor Runion advised this is the annual renewal of the current plan as required under our contracts as well as the negotiations with the employees.

**MOTION #54** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO APPROVE CDPHP CONTRACTS FOR THE PLAN YEAR JANUARY 1, 2015 – DECEMBER 31, 2015**. 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 #55** Councilman Pastore moved to **WAIVE BUILDING PERMIT FEES FOR 3488 CARMAN ROAD DUE TO DAMAGES CAUSED BY FIRE ON DECEMBER 22, 2014**. 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 #56** Councilwoman Slavick moved to **AUTHORIZE THE DEPARTMENT OF WATER AND WASTEWATER MANAGEMENT TO GO OUT TO BID FOR WATER FILTRATION GRANULATE ACTIVATED CARBON FOR THE YEARS 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

**MOTION #57** Councilman Forte moved to **AUTHORIZE THE HIGHWAY DEPARTMENT TO GO OUT TO BID FOR ASPHALT CONCRETE IN PLACE AND ASPHALT CONCRETE F.O.B.** 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 #58** Councilman Pastore moved to **AUTHORIZE THE TRANSFER STATION TO SPONSOR TWO HOUSEHOLD HAZARDOUS WASTE DAYS TO BE HELD AT THE GUILDERLAND HIGHWAY DEPT ON SATURDAY, MAY 9<sup>TH</sup> AND SATURDAY, SEPTEMBER 19<sup>TH</sup>.** 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 #10: Supervisor Runion stated that we are normally reimbursed 50% of the cost of the two Hazardous Waste Days. We would be applying for about \$45,000 in grant funding.

**MOTION #59** Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SUBMIT AN APPLICATION TO NYS – DEC FOR GRANT FUNDING TO ASSIST WITH THE COSTS OF THE HOUSEHOLD HAZARDOUS WASTE DAY PROGRAM.** 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 #11: Supervisor Runion advised this is the Utility Corp. that services Presidential Estates and Heritage Village.

**MOTION #60** Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO ACCEPT A REQUEST FOR RELEASE OF \$51,778.00 FROM THE STATE FARM SEWER DISTRICT ESCROW FOR THE 2015 OPERATING EXPENSES OF STATE FARM UTILITY CORP.** 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 #61** Councilman Pastore moved to **AUTHORIZE THE SUPERVISOR TO ACCEPT A REQUEST FOR RELEASE OF \$92,799.84 FROM THE ESCROW FOR THE 2015 DEBT SERVICE OBLIGATIONS OF STATE FARM UTILITY CORP.**

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 #13: Supervisor Runion explained the schedule shows the history of the pay rates that get paid in the Recreation Department for summer employees since 2012. With the increase in minimum wage, we raised some of the current salaries.

**MOTION #62** Councilman Forte moved to **ADOPT RECREATION SEASONAL PAY RATES.** 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 #14: Supervisor Runion explained some pay rates have not been uniform. This is an attempt to unify the rates among Parks, Highway, Water/Sewer departments. We have graded each job title and promotion title so it makes it easier to come up with rates in the future.

**MOTION #63** Councilman Pastore moved to **ADOPT HOURLY RATE SCHEDULE FOR NEW HIRES IN THE HIGHWAY, WATER/SEWER, AND PARKS DEPARTMENTS AS WELL AS PROMOTIONAL ACKNOWLEDGEMENTS WITHIN THESE DEPARTMENTS.** 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 #15: Supervisor Runion explained the Board will recall there was a previous proposal for a re-zoning request on a portion of this property by Cumberland Farms. It was indicated at the last Board meeting that the request was withdrawn.

Tony Stellato from CHA advised that Tom Burke from Tri-Way Services is with him in the audience tonight. The site plan shows the proposed Fastrac convenience store and fuel station is similar in concept to the Cumberland Farms plans, but superior because it would use both lots. Fastrac prefers to have the entire site and demolish the bank building. The other

significant change from Cumberland Farms to Fastrac is the move of the Western Avenue driveway an additional seventy feet to the east of where it was proposed in the Cumberland Farms proposal. By moving the driveway seventy feet to the east makes the situation much better. The fuel island would be off to the left and back in the corner. The fuel delivery will not conflict with customer traffic and will be tucked out of the way. They are asking for the change in zone from Local Business to General Business. Referring to the Zoning Map, Mr. Stellato explained there is a strip of light blue that parallels Route 20 and that is the Local Business District. Stewart’s on the opposite corner is dark blue for General Business. They are looking to extend the existing General Business zone to the opposite side of the intersection. It would be consistent with the intent of that zone. There are other instances in the Town where there are smaller pockets of General Business in the middle of larger areas of Local Business. There is a fueling station at Western Avenue and Route 146. The Sunoco Station on the corner is zoned Local Business (they just got a variance for that) and they are surrounded by a pocket of General Business. This is very consistent with past practices in the Town so it does not represent spot zoning because of the existing cluster of GB zoning. They are asking tonight for a Public Hearing to move their project forward and to answer any questions.

Supervisor Runion advised our Town Planner had asked him to find out what the use is going to be to utilize the drive-through window. Mr. Burke advised Fastrac has their own food program and he does not know the specifics of it, however, it is not anything other than Fastrac using it and there is no sub-letting to a third party. They requested the drive-thru and find it necessary.

Councilwoman Slavick asked if they are a chain. Mr. Burke advised they have 40 some shops in the Syracuse area and Florida. They have multiple locations.

Councilman Pastore asked if the fueling stations would be located on the lot of the current bank location. Supervisor Runion responded that during site plan review, a merger of the two lots would be required as part of the final approval, the sub-division of the two lots would go away. Mr. Stelleto advised that the zone change application was submitted for both lots. Councilman Pastore also asked for confirmation of ten fueling stations and was advised they would be two-sided pumps.

Councilman Maikels shared that 20 pumps would fit on a half acre and, therefore, it is a good use.

Supervisor Runion requested that the Public Hearing be scheduled for 8:00pm.

**MOTION #64** Councilman Forte moved to **SET A PUBLIC HEARING FOR APRIL 7 AT 8:00PM ON THE RE-ZONE APPLICATION OF TRI-WAY SERVICES FOR PROPERTY LOCATED AT 2430 & 2444 WESTERN AVENUE FROM LOCAL BUSINESS TO GENERAL BUSINESS** . 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 added this will be going back to the Albany County Planning Board for their March 19 meeting agenda. In the interim the Town Planning Board will be reviewing it again for their recommendation to the Town Board. Mr. Burke asked if he needs to make a formal request to the Town Planning Board or will the Supervisor automatically refer it. Supervisor Runion replied that he will indicate to the Town Planner that the Board has scheduled it for a Public Hearing and they will schedule it and call you. Mr. Burke asked if they will appear before the Albany County Planning Board and the Town Planning Board. Supervisor Runion clarified that the paperwork is submitted to the Albany County Planning Board and he will probably get a notification for March 19. Mr. Burke asked the Supervisor if he knows when it will be scheduled for the Town Planning Board and the Supervisor will have the Town Planner get in touch with him.

**MOTION #65** Councilman Forte moved to **CANCEL THE MARCH 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 advised the last thing on the agenda tonight is to consider entering into Executive Session in regard to some contract negotiations. He first wanted to remind everyone the next Town Board meeting is April 7<sup>th</sup>, the first Tuesday in April. We will have two Public Hearings that night. One for a Local Law that would require owners of abandoned properties to post performance bonds with the Town and the second would be the re-zoning request that we just reviewed several minutes ago.

The Supervisor asked if any of the Board members have anything else, otherwise they will go into Executive Session.

**MOTION #66** Councilman Forte moved to **ENTER INTO EXECUTIVE SESSION IN REGARD TO CONTRACT NEGOTIATIONS.** 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 #67** 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



**MOTION #68** Councilwoman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH SUMMER PERFORMERS AT THE GUILDERLAND PERFORMING ARTS CENTER.** 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 #69** Councilman Forte moved to **AUTHORIZE THE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH HERB MORELAND.** 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 #70** Councilwoman Slavick moved to **ADJOURN THE MARCH 3, 2015 TOWN BOARD MEETING AT 8:55 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**