

RESOLUTION NO. 120-A FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Clerical Aide (PT) in the Justice Department and appointing Julia G. Cooney to same.

BE IT RESOLVED that one (1) position of Clerical Aide (PT) in the Justice Department be, and hereby is, established; and

BE IT RESOLVED that Julia G. Cooney be, and hereby is, appointed to the position of Clerical Aide (PT) in the Justice Department at an hourly rate of \$16.40, effective February 6, 2023.

RESOLUTION NO. 120-B FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution provisionally promoting Angel M. McMurphy to the position of Principal Account Clerk, Grade 9, in the DPW/Division of Highway/Fleet.

BE IT RESOLVED that Angel M. McMurphy be, and hereby is, provisionally promoted to the position of Principal Account Clerk, Grade 9, in the DPW/Division of Highway/Fleet at an annual salary of \$48,755, effective February 13, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 120-C FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Building Inspector, Grade 14, in the Building Department and provisionally appointing Ronald A. Brooke to same.

BE IT RESOLVED that one (1) position of Building Inspector, Grade 14, in the Building Department be, and hereby is, established; and

BE IT RESOLVED that Ronald A. Brooke be, and hereby is, provisionally appointed to the position of Building Inspector, Grade 14, in the Building Department at an annual salary of \$66,845, effective February 13, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 120-D FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

 Councilwomen Danielle Futia

 Melissa Jeffers

 Jill Penn

 Councilmen Rick Field, Sr.

 Alvin Gamble

 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Code Enforcement Officer, Grade 11, in the Building Department and provisionally appointing Dino M. Ferrarese to same.

BE IT RESOLVED that one (1) position of Code Enforcement Officer, Grade 11, in the Building Department be, and hereby is, established; and

BE IT RESOLVED that Dino M. Ferrarese be, and hereby is, provisionally appointed to the position of Code Enforcement Officer, Grade 11, in the Building Department at an annual salary of \$53,094, effective February 6, 2023, pending the establishment of an appropriate eligible list.

RESOLUTION NO. 120-E FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

 Councilwomen Danielle Futia

 Melissa Jeffers

 Jill Penn

 Councilmen Rick Field, Sr.

 Alvin Gamble

 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution temporarily appointing Charles A. Reckner to the
position of Laboratory Project Assistant (PT) in the DPW/Division of
Latham Water**

BE IT RESOLVED that Charles A. Reckner be, and hereby is, temporarily appointed to the position of Laboratory Project Assistant (PT) in the DPW/Division of Latham Water at an hourly rate of \$21.33, effective February 6, 2023 through April 28, 2023.

RESOLUTION NO. 120-F FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Caitlin R. Nolan to the position of Public Safety Dispatcher in the Police Department.

WHEREAS, the Personnel Officer has certified Caitlin R. Nolan as eligible for permanent appointment from Eligible List #22-963, established May 27, 2022;

BE IT RESOLVED that Caitlin R. Nolan be, and hereby is, permanently appointed to the position of Public Safety Dispatcher in the Police Department at an annual salary of \$46,633, effective February 6, 2023, pending the satisfactory completion of a pre-employment physical.

RESOLUTION NO. 121 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution adopting/not adopting a local law in connection with the Code of the Town of Colonie, thereof, amending Chapter 189A of the Town Code regarding small cell wireless facilities law.

WHEREAS, proof of notice having been furnished, the public hearing on a proposed local law was held at 7:00 PM on February 2, 2023 with all persons desiring to be heard, having been heard;

THEREFORE, BE IT RESOLVED that the local law amending Chapter 189A of the Code of the Town of Colonie regarding small cell wireless facilities law be, and hereby is, adopted/not adopted.

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**Town of Colonie
Local Law No ____ of the year 2023**

A local law amending Chapter 189A, to the Code of the Town of Colonie to clarify the permitting requirements applicable to small cell wireless facilities and conform the law with federal requirements applicable to same.

Be it enacted by the Town Board of the Town of Colonie as follows:

SECTION 1: § 189A-1: Title.

This chapter shall be known and may be cited as the “Town of Colonie Small Cell Wireless Facilities Law”. This law shall be applicable to all small cell facilities deployed within the Town’s right of way.

SECTION 2. § 189A-2: Purpose and Intent

It is the purpose of this chapter to facilitate the deployment of wireless telecommunications infrastructure in accordance with applicable federal law and conform the procedural and substantive requirements contained in the Code with controlling legal authorities, including, but not limited to, federal statutory authority, as well as regulatory authority and administrative guidance promulgated by the Federal Communications Commission.

SECTION 3. § 189A-3: Definitions

Chapter 189A shall adopt the definitions from Chapter 189, Wireless Telecommunications Facilities Siting as set forth in Code § 189-4 and include the following definitions for purposes of this Chapter only:

- **Abandoned facility** – any wireless telecommunication facility which has not been operational for six consecutive months.
- **Agreement** – a license, right-of-way or other contract with a telecommunications provider or wireless service provider for use of the Town’s rights-of-way
- **Applicable law** or “**law**” – any applicable State or Federal law, rule, regulation, tariff, administrative order, certificate, and all applicable laws, codes, rules, regulations and other requirements of the Town, including all applicable judicial decisions.

- **Collocation** – mounting or installing an antenna facility on a structure, pole or tower that already hosts an antenna facility and/or modifying a structure for the purpose of mounting or installing additional antenna facilities on that structure.
- **Deployment** – placement, construction or modification of a personal wireless service facility.
- **Eligible Support Structure** – shall have the same definition as provided in 47 C.F.R. § 1.6100.
- **Existing Pole** – any pole, utility pole, Town pole or structure in the Town’s ROW that is in existence prior at the time an applicant submits its application for small cell wireless facility permit.
- **Facility or Facilities** – any tangible component of the telecommunications system, including, but not limited to, an antenna, pole, wire, cable, electrical conductor, conduit, equipment enclosure, cabling, manhole, handhole, junction box and terminal block, fixture, appliance and apparatus or other device that is used to provide telecommunication service.
- **Noncompliant structure or noncompliant use** – a structure or use that does not conform to the regulations of the Town or area in which it is situated.
- **Pole** – a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the public right-of-way. For purposes of this Chapter, a pole does not include a tower or structure.
- **Provider** – a telecommunications service provider or a wireless services provider, including any person who owns and/or operates any communications facilities, wireless facilities, poles built for the sole or primary purpose of supporting communications facilities or towers within the public ROW.
- **Replacement Pole** – a pole designed as an in-kind replacement of an existing pole, support structure or tower that is substantially similar in design, size, height, scale and location to the existing structure and in conformance with this Chapter and any other Town regulations, including the aesthetic requirements contained in this Chapter.
- **Right-of-Way or “ROW”** – any right-of-way owned or maintained within the Town of Colonie, including Town-owned rights-of-way and those rights-of-way owned by New York State or Albany County
- **Small Cell Wireless Facility or Small Cell** – shall have the same definition as provided in 47 CFR § 1.6002
- **Small Cell Wireless Facility Permit** – a permit issued by the Department of Public Works allowing a provider to deploy a small cell wireless facility.
- **Structure or Tower** – any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antenna(s) and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services. Street light poles, public utility and traffic light poles without an attached approved wireless telecommunications facility or right-of-way structures shall not be considered a tower.

SECTION 4. §189A-4: Access to Public ROW

A. Any provider seeking to install small cell facilities within any Town-owned ROW shall enter into a right-of-way agreement with the Town expressly authorizing the provider's non-exclusive use of the public ROW for the sole purpose of deploying small cell communications facilities. Any ROW agreement required hereunder shall be approved by the Town of Colonie Town Board and such approval must be obtained prior to the provider filing any application hereunder.

1. If the pole, tower or structure is not owned by the Town, the provider shall provide the Town with proof that it has the license or authority from the pole, tower or structure owner to use an existing pole, tower or structure in the public ROW for a small cell wireless facility. The deployment of a facility on a third-party owned structure must comply with the Town's structural and aesthetic requirement as set forth in this Chapter.
2. A provider deploying facilities within the Town-owned ROW shall pay an annual occupancy fee to the Town, the amount of which shall be determined by the Town of Colonie Department of Public Works (DPW). Such occupancy fee shall be paid per facility and shall be due no later than January 31st of each year for all small cell wireless facilities deployed as of December 31st of the previous year.
3. The terms and conditions set forth in this Chapter are not exclusive and the Town reserves the right to require additional terms and conditions in the ROW agreement.

B. Any provider seeking to install small cell facilities within any ROW located within the Town, but not owned and/or maintained by the Town shall obtain any requisite permissions from the owner of the ROW and provide proof of same to DPW prior to the start of construction. If the owner of the ROW requires any sort of regulatory approval for use of the ROW, the provider shall furnish copies of any application made therefore or permit issued by the owner of the ROW to DPW prior to the start of construction.

SECTION 5. §189A-5: Small Cell Wireless Facility Permits.

A. Small Cell Wireless Facility Permit Applications.

1. Any application to deploy a small cell wireless facility or facilities within any ROW within the Town shall require review and approval by DPW.
2. No person, business, corporation or other entity may construct, maintain or perform any other work within any ROW within the Town related to the deployment of small wireless facilities without a small cell wireless facility permit duly issued by DPW in accordance with this Chapter.
3. No small cell wireless facility permit shall be issued for deployment of small cells unless the applicant has obtained necessary access permissions as required by this Chapter and paid all applicable fees.

B. To obtain a small cell wireless facility permit, an applicant must submit an application to DPW that includes the following:

1. The applicant's name, address, telephone number(s) and email address.

2. Emergency contact information for the provider where the provider may be reached in the event of an emergency after construction is completed.
 2. The names, addresses, telephone numbers and email addresses of all representatives acting on behalf of the applicant with respect to the filing of the application.
 3. A description of the proposed work, the purpose and intent of the proposed facility, and an analysis detailing the facility's compliance with this Chapter.
 4. Documentation demonstrating that the applicant and/or provider has permission to access the ROW as required by this Chapter.
 5. If applicable, a copy of the authorization for use of the property from the pole, tower or support structure owner on which the facility will be placed or attached.
 5. Stamped drawings completed by a professional engineer:
 - i. Containing a certification that the pole, tower or support structure upon which the proposed facility is to be located is, and shall remain, structurally sound after the deployment of the facility.
 - ii. A detailed summary of the radio frequency power transmitted from each proposed facility and the actual radiated power. These numbers shall comply with the guidelines adopted by the FCC and the National Council on Radiation Protection and Measurements (NCRP) for safe human exposure to radio frequency emissions.
 - iii. For any new facilities or structures, accurate visual depictions or representations of the facility or facilities at full build out.
 - iv. If new construction, a plan demonstrating the pole, tower or support structure would be possible for other providers who may wish to deploy small cell technology in the geographic area of the subject application.
 - v. A comprehensive plan of any and all maintenance that shall be performed by the provider on an annual basis to ensure that the small cell wireless facility is properly and safely functioning.
 6. Proposed location(s) for each small cell wireless facility to be deployed including the numbers of poles, towers or structures, or, if numbers are not available the metes and bounds of each location. Each proposed location of a facility must be reviewed and approved by DPW prior to the issuance of a small cell wireless facility permit.
 7. Insurance as required by this Chapter;
 8. Performance bond as required by this Chapter; and
 9. Applicable fees as required by the DPW fee schedule.
- C. DPW shall review applications to install all small cell wireless facilities within the time frames as established by federal law.
- D. A small cell wireless facility permit is valid for 180 days after issuance and may be extended for an additional 180 days upon written request of the applicant if the failure to timely complete

construction is a result of circumstances beyond the applicant's control. An applicant that fails to begin construction under a validly issued small cell wireless facility permit within 180 days of issuance and fails to qualify for extension thereof as provided herein shall forfeit such small cell wireless facility permit and must apply for a new small cell wireless facility permit.

E. DPW shall review applications and, if the application conforms with the provisions of this Chapter DPW shall issue the small cell wireless facility permit. In making such determination, DPW shall consider:

1. The compatibility of the proposed facility with the surrounding area;
2. The compatibility of the proposed facility with other uses in the ROW;
3. The impact of the proposed facility on traffic safety;
4. The aesthetic impact of the proposed facility, considering the compliance of the facility with the following criteria:
 - i. Every small cell facility shall be installed at the minimum height necessary for deployment of the small cell facility, but in no event shall the height of such facility exceed 50 feet inclusive of the facility.
 - ii. Any pole improved with a small cell facility shall be substantially similar in height and diameter to any surrounding poles and shall be consistent with the appearance of any surrounding poles.
 - iii. Any replacement pole installed in connection with the deployment of a small cell facility shall be substantially similar in height, diameter and design to the existing pole that it is designed to replace. In no event may the replacement pole exceed 110% the height of the existing pole that it is designed to replace.
 - iv. No antenna or any other transmitting or receiving device used in conjunction with a small cell wireless facility may extend more than four (4) feet above the top of the structure upon which it is placed. This height shall be measured from the bottom of the antenna assembly (including any masts, supports, etc., used to affix an antenna to a pole, tower or support structure) to the top of the antenna.
 - v. Every small cell facility shall be sited to as to minimize the visual impact to adjacent residential property owners and/or historic or scenic resources.
 - vi. Any additional electrical requirements, including, but not limited to, wires, lines, boxes, meters, generators, etc., shall be concealed and camouflaged.
 - vii. All small cell wireless facilities must be of a neutral color and similar material that is identical to, or closely compatible with, the color and material of the supporting structure so as to make the facility and antenna as visually unobtrusive as possible. Concealment of facilities and antennas within existing poles, towers or support structures should be used where possible to reduce visual impacts.
 - viii. Existing on-site vegetation shall be preserved or improved, and the disturbance of the existing topography shall be minimized.
 - ix. Small cell wireless facilities shall not obstruct sight lines to drivers, pedestrians or bicyclists.

- x. No signage or other identifying markings of a commercial nature shall be permitted upon any pole, tower or support structure, except those required by law.
- xi. All cables or wires associated with a facility shall be concealed within a sleeve.
- xii. DPW may, at its sole discretion, attach additional conditions and safeguards to any small cell wireless facility and site development plan as it feels necessary to ensure the initial and continued conformance to all applicable Town standards.

5. To the extent that DPW determines a proposed facility does not meet the criteria set forth herein, the Applicant may apply to the Zoning Board of Appeals for necessary variances.

SECTION 6. §189A-6: General ROW installation requirements

A. The permittee shall employ due care and safety during the installation, maintenance or any other work in the public ROW, and shall comply with all safety and public ROW protection requirements of applicable laws, Town Codes and commonly accepted safety and public ROW protection standards.

B. Unless otherwise specified in the small cell wireless facility permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public through the work zone.

C. The permittee shall not interfere with any existing facilities or structures in the public ROW and shall locate its lines and equipment in such a manner so as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any public ROW.

D. Before beginning any excavation, the permittee shall comply with Dig Safely New York, Inc.

E. Bond, indemnification and insurance

1. No small cell wireless facility permit shall be issued until an adequate performance bond is provided in an amount to be fixed by DPW in its sole discretion. To the extent that any bond is required pursuant to any ROW agreement between the Applicant and the Town, the bond provided shall meet the requirements as stated in that ROW agreement.

2. The telecommunications provider or wireless service provider shall keep and maintain liability insurance with limits of not less than One Million Dollars (\$1,000,000) for each incident and Two Million Dollars (\$2,000,000) annual aggregate for each communication facility in the public ROW. The Town shall be named as an additional insured on each policy on a primary, noncontributory basis. The provider shall provide the Town with proof of insurance together with the submission of its application.

3. The telecommunications provider or wireless service provider shall indemnify, defend and hold the Town, its employees, officers, elected officials, agents and contractors

("indemnified parties") harmless from and against all injury, loss, damage, liability, costs or expenses arising from any third-party claims resulting from the small cell wireless facility permit holder's use or breach of the license agreement. The provider's indemnity shall not apply to any liability resulting from the negligence or willful misconduct of the Town or other indemnified parties. The Town shall give prompt written notice to the provider of any claim for which the Town seeks indemnification. The provider shall have the right to investigate these claims and shall not settle any claim without the consent of the Town Attorney's office, unless the settlement (i) will be full funded by the provider without seeking reimbursement from the Town, and (ii) does not contain an admission of liability or wrongdoing by any indemnified parties. Neither party will be liable for consequential, special, punitive, or indirect damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

H. Annual reporting requirements.

1. Each small cell wireless facility in the public ROW shall be inspected by the provider on an annual basis to ensure that it is properly functioning and safely mounted.
2. A small cell wireless facility permit shall not be required for ordinary maintenance and repair.
3. The provider shall submit a report to the Town each year which shall include the following information:
 - i. Contact information for the person(s) primarily responsible for operating and maintaining the facility;
 - ii. The status of all pending projects involving the ROW, including estimated timetables and completion dates;
 - iii. Summary of all work that was completed in the previous 12-month period, including installation, maintenance, repair or replacements;
 - iv. Proof that all facilities are safely mounted and functioning properly;
 - v. List of the facilities in the Town's right of way and their compliance with Federal emissions regulations;
 - vi. Proposal for any work the provider intends, or deems necessary, to complete;
 - vii. Proof of compliance with insurance and bond requirements; and
 - viii. A list of all active and inactive facilities in the public ROW.
4. The provider shall submit an annual report to the Town no later than January 31st of each calendar year for the prior calendar year. If the provider fails to submit an annual report to the Town, it shall be considered in default and will have sixty (60) days to cure. In the event that the provider does not cure the default, the Town may terminate the provider's access to the Town's right-of-way and terminate any ROW agreement existing between the Town and provider.

I. Abandoned or unsafe facilities

1. If a small cell wireless facility has been abandoned as defined herein, the small cell wireless facility permit for said facility shall be immediately revoked and the

telecommunications provider shall remove the facility together with all of its components within 30 days of revocation of the small cell wireless facility permit.

2. If an installed wireless facility no longer supports advancements in wireless technology and is not operational or transmitting wireless signals for the benefit of Town residents, the installed facility shall be considered abandoned and must be removed.
3. If a small cell wireless facility has become unsafe, the Town shall notify the permit holder and the latter shall have 5 days to repair and reinforce the facility or remove the facility and all of its components.
4. In the event that a small cell wireless facility is not removed within the prescribed timeframe stated above, the Town may remove the facility and seek reimbursement from the former permit holder for reasonable costs and fees associated with said removal.

SECTION 7. § 189A-7: Penalties for offenses.

1. Any person, entity or corporation that attempts to erect, construct, deploy or substantially modify a wireless telecommunications facility without having first obtained the necessary work permits or permissions described in this Chapter shall be deemed in violation of this Chapter and the Code of the Town of Colonie. Any responsible party or other persons convicted by a court of competent jurisdiction of having violated any provision of this Chapter shall be punished by a fine not to exceed ten thousand dollars (\$10,000) for the first violation, fifteen thousand dollars (\$15,000) for the second violation and twenty thousand dollars (\$20,000) for each violation thereafter.

2. If any structure is erected, constructed, reconstructed, deployed, altered, repaired, converted or maintained in violation of this chapter, or without obtaining the required permits or permissions, or if any building, structure or land is used in violation of this chapter, the Town Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful violation or to correct or abate such violations. Each day that such violation continues may be deemed a separate offense.

3. Any other violations of this Chapter shall be punishable with a civil penalty of \$500 for each violation. Each day that a violation occurs or is permitted to exist by the applicant or provider shall constitute a separate offense.

SECTION 8. SEVERABILITY

If any clause, sentence or provision of this local law or the application thereof to any person or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of the provisions of this local law or the application thereof to other persons and circumstances.

SECTION 9. SEQR DETERMINATION.

The Town Board hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

SECTION 10. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2023 of the **Town of Colonie** was duly passed by the Town Board on _____ in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer'.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (Town) ____ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the _____ and was deemed duly adopted on _____ 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (____)(Town)(____ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on I 9 in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (____)(Town)(____ of _____ was duly passed by the (Name of Legislative Body) on _____ 20 and was (approved)(not disapproved)(repassed after (disapproval) by the _____ on _____ 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20 in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

Clerk of the Town or officer designated by local legislative body
Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Town of Colonie Town Attorney
Date:

RESOLUTION NO. 122 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Arthur J. Gallagher Risk Management Services, Inc. in connection with Professional Liability, including General Liability coverage for the Town's Emergency Medical Service providers through TDC Specialty Insurance Coverage (A XV).

WHEREAS, the Town of Colonie maintains certain insurance coverage, including a policy providing professional liability coverage, including general liability coverage for its emergency medical service providers; and

WHEREAS, Arthur J. Gallagher Risk Management Services, Inc. ("Gallagher"), on January 23, 2023, provided a proposal detailing the options for such policy, which included a quote from TDC Specialty Insurance Company (A XV) to provide the required coverage at a premium cost to the Town of \$82,294.50; and

WHEREAS, TDC Specialty Insurance Company (A XV) is the incumbent carrier for this policy, which has historically met the Town's needs for such coverage; and

WHEREAS such proposal was reviewed by the Town Attorney's Office and the Office of Comptroller and, following such review the Town Attorney's Office and Office of the Comptroller have recommended that such coverage be bound with TDC Specialty Insurance Company (A XV) based on the insurance product offered, the cost of same, and existing relationship with this carrier;

NOW THEREFORE BE IT RESOLVED that the proposal from Arthur J. Gallagher Risk Management Services, Inc. to obtain professional liability coverage, including general liability coverage for the Town's emergency medical service providers through TDC Specialty Insurance Company (A XV) is hereby accepted; and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to take any action required to bind coverage for this policy with TDC Specialty Insurance Company (A XV); and

BE IT FURTHER RESOLVED that any agreement required in connection with this resolution is subject to the review and approval of the Town Attorney's office.

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PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution referring a request for an extension of a PDD approval of Mohawk Riverfront Estates to the Planning Board for review and recommendation.

WHEREAS, Mohawk Riverfront Estates is located at 1360 New Loudon Road and Phase I of this project was completed in 2018; and

WHEREAS, due to financial constraints, this project has been placed on hold; and

WHEREAS, pursuant to Town Code Section 190-72(A)(1)(b) the PDD approval has expired by the failure of the applicant to make substantial and continuing progress in the development of the project for more than three (3) years from the date of the final approval; and

THEREFORE, BE IT RESOLVED that the Mohawk Riverfront Estates be, and hereby is, referred to the Planning Board for their review and recommendation in connection with the extension of the PDD approval.

RESOLUTION NO. 124 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with the Albany County District Attorney's Office in connection with the use of the Emergency Vehicle Operations Course.

WHEREAS, the Albany County District Attorney's Office would like to use the Emergency Vehicle Operations Course on Onderdonk Road for a maintenance fee of \$200.00 per usage day;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with the Albany County District Attorney's Office in connection with the use of the Emergency Vehicle Operations Course; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 125 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Metro Cell in connection with radio maintenance at the Police Department.

WHEREAS, Metro Cell will provide radio maintenance to the Police Department for the year 2023; and

WHEREAS, the expense for this service is divided equally among the Albany County Sheriff's Office, City of Albany and Town of Colonie; and

WHEREAS, the Town's share of this expense is \$138,103.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Metro Cell in connection with radio maintenance at the Police Department; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 126 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Med-Project in connection with the self-service kiosks in the Police Department lobby for disposal of un-wanted medications.

WHEREAS, Med-Project will provide a self-service kiosk in the Police Department lobby for disposal of un-wanted medications; and

WHEREAS, the agreement will be for a two (2) year period and there is no cost to the Town for this service;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Med-Project in connection with the self-service kiosks in the Police Department lobby for disposal of un-wanted medications; and

BE IT FURTHER RESOLVED that such agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 127 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an agreement with Stanley Convergent Security Solutions, Inc. in connection with maintenance of the door entry systems at the Public Safety Building.

WHEREAS, Stanley Convergent Security Solutions, Inc. will maintain the door entry systems at the Public Safety Building at a one-time annual charge of \$1,742.16 plus a \$21.41 monthly charge; and

WHEREAS, the agreement will be for the period of February 1, 2023 through January 31, 2024;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement with Stanley Convergent Security Solutions, Inc. in connection with the maintenance of the door entry systems at the Public Safety Building; and

BE IT FURTHER RESOLVED that the above agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 128 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Guardian Alliance Technologies, Inc. in connection performing employment related background investigations for the Police Department.

WHEREAS, Guardian Alliance Technologies, Inc. has a cloud-based software platform to be used by law enforcement agencies to perform employment related background investigations and background checks on an as needed basis;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Guardian Alliance Technologies, Inc. in connection performing employment related background investigations for the Police Department; and

BE IT FURTHER RESOLVED that the above agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 129 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to reimburse for
overestimated water usage at 10C Airline Drive.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to reimburse the following for overestimated water usage:

CIDC Colonie LLC	10C Airline Drive	\$4,401.71
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RESOLUTION NO. 130 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey
Councilwomen Danielle Futia
Melissa Jeffers
Jill Penn
Councilmen Rick Field, Sr.
Alvin Gamble
Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to K.J. Electric in connection with the High Lift Pump Station #4 Variable Frequency Drive and Matrix Filter Replacement for the DPW/Division of Latham Water.

WHEREAS, pursuant to advertisement on December 14, 2022, the following proposals were received in connection with the Variable Frequency Drive #4 and Matrix Filter Replacement for the DPW/Division of Latham Water:

	VENDOR	BASE	OUT OF SCOPE	PERCENT MARKUP
1	***KJDE Corp. · dba K.J. Electric	\$81,980.00	\$440.00	N/A%
2	Stilsing Electric, Inc.	\$104,500.00	\$269.00	20%
3	O'Connell Electric Co., Inc. ·	\$121,350.00	\$120.00	10%

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and Superintendent of the DPW/Division of Latham Water;

BE IT RESOLVED that the award go to the low bidder, K.J. Electric, for a total of \$81,980.00.

RESOLUTION NO. 131 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Shaker Road-Loudonville Fire Department submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2022.

BE IT RESOLVED, pursuant to §219-a of the General Municipal Law, that the list of all volunteer members of the Shaker Road-Loudonville Fire Department submitted and certified under oath by said Fire Department, and identifying those volunteer members who have qualified for credit under the Service Award Program for 2022 be, and hereby is, approved; and

BE IT FURTHER RESOLVED that such approved list be returned to said Fire Department and posted for at least thirty (30) days for review by its members.

RESOLUTION NO. 132 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution pursuant to §219-a of the General Municipal Law, approving the list of all volunteer members of the Fuller Road Fire Department submitted and certified under oath by said Fire Department and identifying those volunteer members who have qualified for credit under the Service Award Program for 2022.

BE IT RESOLVED, pursuant to §219-a of the General Municipal Law, that the list of all volunteer members of the Fuller Road Fire Department submitted and certified under oath by said Fire Department, and identifying those volunteer members who have qualified for credit under the Service Award Program for 2022 be, and hereby is, approved; and

BE IT FURTHER RESOLVED that such approved list be returned to said Fire Department and posted for at least thirty (30) days for review by its members.

RESOLUTION NO. 133 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution rescinding all prior resolutions pertaining to adopting a Fee Schedule for the Building Department/Fire Services and adopting a new Building Department/Fire Services Fee Schedule for 2023.

BE IT RESOLVED that all prior resolutions pertaining to the adoption of a fee schedule for the Building Department/Fire Services be, and hereby is, rescinded; and

BE IT FURTHER RESOLVED that a new Building Department/Fire Services fee schedule be, and hereby is, adopted as set forth in the attached Exhibit "A", effective February 3, 2023.



Peter G. Crumme
Town Supervisor

TOWN OF COLONIE

Building & Fire Services Department

Public Operations Center
347 Old Niskayuna Road
Latham, New York 12110

Phone (518) 783-2706 Fax (518) 783-2772
www.colonie.org/departments/building

MUNICIPAL TRAINING CENTER

2023 FEE SCHEDULE

<u>Training Classroom:</u>	\$150.00 per day
<u>Training Grounds:</u>	\$ 80.00 per hour
	\$ 300.00 per day, 1 to 5 days (Consecutive)
	\$ 200.00 per day, 6 days or more (Consecutive)

(Includes use of tower, grounds, mask maze, and onsite training props)

Pump Test	\$ 75.00 per test
Roof Panel	\$ 100.00
Propane	market price
Cars	\$200.00
Fee for Returned Check	\$100.00
Water usage ¹	\$100.00 day (1 to 5 days) \$75.00 day (6 or more days) Within the same training period

¹ The fee for water will be implemented for all water training drills. It will not be implemented for a brief use of water such as putting out a car fire.

EXHIBIT "A"

RESOLUTION NO. 134 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Rental Agreement with Promac Group in connection with the rental of an asphalt materials screener plant for the DPW/Division of Highway.

WHEREAS, the DPW/Division of Highway will rent a asphalt materials screener plant from Promac Group at a cost not to exceed \$28,650.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Rental Agreement with Promac Group in connection with the rental of an asphalt materials screener plant for the DPW/Division of Highway; and

BE IT FURTHER RESOLVED that the above agreement is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 135 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution accepting the dedication of Ridgeview Court, extension of Wetherby Court, 21 Wetherby Court and 22 Wetherby Court in the Ridgeview Meadows at North Colonie Subdivision.

WHEREAS, Marini Land I, Inc., has offered for dedication as a public streets or highways the lands described in properly executed deed dated January 25, 2023, running to the Town of Colonie; and

WHEREAS, Ridgeview Court and extension of Wetherby Court are improved as streets or highways, in compliance with standards and specifications for Town highways within the Town of Colonie, and in conformance with applicable regulations and requirements and provisions of State statutes pertinent thereto; and

WHEREAS, it is found that acceptance of this offer of dedication is in the interest of the Town of Colonie; and

BE IT RESOLVED that Ridgeview Court and extension of Wetherby Court be Town streets or highways contingent upon receipt of the required certifications and fulfillment of all other Department of Public Works requirements for dedication; and

BE IT FURTHER RESOLVED that consent is hereby given to the Commissioner of Public Works to lay out Ridgeview Court and extension of Wetherby Court, as Town highways and record his order in the Town Clerk's Office; and

BE IT FURTHER RESOLVED that the dedication of 21 Wetherby Court and 22 Wetherby Court be, and hereby are, accepted; and

BE IT FURTHER RESOLVED that the above referenced offer of dedication by Marini Land I, Inc., be accepted by the Town of Colonie, subject to approval of all documents by the Town Attorney's Office; and

BE IT FURTHER RESOLVED that the Supervisor is authorized to execute any and all documents necessary to complete the transfer of title.

RESOLUTION NO. 136 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution declaring items as surplus and authorizing the General Services Director to advertise the surplus auction and dispose of these items through Auctions International and authorizing the General Services Director to dispose of items that do not sell in the most appropriate manner including donations and disposal.

WHEREAS, attached hereto as Exhibit “A” are items to be declared surplus from various Town departments;

BE IT RESOLVED that the items attached hereto as Exhibit “A” be, and hereby are, declared surplus; and

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise the surplus auction and dispose of these items through Auctions International and authorizing the General Services Director to dispose of items that do not sell in the most appropriate manner including donations and disposal.

SPRING 2023 SURPLUS AUCTION

ITEM #	FLEET #	DESCRIPTION	DEPT
1	1014	2010 FORD EXPLORER VIN# 1FMEU7DE5AUA78031 (R&D)	PD
2	0631	2006 CHEVROLET SILVERADO VIN# 1GCEC14X06Z115924 (R&D)	LWD
3	1104	2011 FORD TRANSIT CONNECT VAN VIN# NM0LS6BN9BT056830 (R&D)	PD
4	0820	2008 FORD RANGER EXTENDED CAB VIN# 1FTYR15E68PA35468 (TOW) FUEL PUMP)	GOLF
5	1405	2014 CHEVROLET CAPRICE VIN# 6G3NS5U20EL983974 (R&D)	PD
6	0155	2001 GMC SIERRA 1500 REG CAB VIN# 1GTEK14V51Z143874 (R&D)	HWY
7	0603	2006 CHEVROLET IMPALA VIN# 2G1WB58K769406159 (R&D)	BLDG
8	1005	2010 FORD EXPEDITION VIN# 1FMJU1G5XAEA81105 (R&D)	FIRE
9	1616	2016 CHEVROLET SILVERADO 3500 AMBULANCE VIN# 1GB3CZCG4GF100860 (R&D)	EMS
10	0900	2009 FORD CROWN VIC VIN# 2FAHP71V59X143791 (R&D)	FIRE
11	1032	2010 FORD TRANSIT CONNECT VAN VIN# NM0LS6AN8AT003195	LWD
12	1340	2013 FREIGHTLINER VACCUM TRUCK VIN# 1FVHG3BS2DHFF2334 (R&D)	PWD
13	08141	2008 FORD CROWN VIC VIN# 2FAHP71V98X179496 (R&D)	PD
14	0282	2002 DODGE RAM 2500 SINGLE CAB VIN# 3B7KF26Z82M309420 (No reverse, but R&d's)	PARKS
15	1034	2010 FORD TRANSIT CONNECT VAN VIN# NM0LS7CN3AT019825	LWD
16	9924	1999 ELGIN PELICAN SWEEPER SERIAL# P3125D (PARTS (R&D) HAVE TRANSFERABLE REG.)	HWY
17	0323	2003 INTERNATIONAL 4200 CREW DUMP TRUCK VIN# 1HTMPAFLX3H565983	HWY
18	0421	2004 STERLING LT9500 HEAVY TANDEM DUMP VIN# 2FZHAZCV34AM45101 (TOW)	HWY
19	0840	2008 FORD F250 PICKUP W/ UTILITY BODY VIN# 1FDNF20598EC88154 (R&D)	PWD
20	8365	1983 INTERNATIONAL CONVERTED SCHOOL BUS VIN# 1HVBA1852DHA18256	FIRE
21	9555	1995 SULLAIR AIR COMPRESSOR TRAILER SERIAL# 13760LJ84911	PWD
22	N/A	PALLET WITH SPEED-AIR COMPRESSOR AND TORO SNOWBLOWER 3650	PWD
23	N/A	LABCONCO FLASKSCRUBBER WASHER	PWD PLANT
24	N/A	PALLET OF MISC. ELECTRICAL BOXES AND EYE WASH STATION	PWD
25	N/A	LOADER PLOW ATTACHMENT FOR JOHN DEERE	PWD
26	N/A	LOADER FORKS ATTACHMENT 4K CAPACITY FOR JOHN DEERE	PWD

SPRING 2023 SURPLUS AUCTION

ITEM #	FLEET #	DESCRIPTION	DEPT
27	N/A	CRAIG WING, PLOW AND FRAME SET-UP FOR VOLVO LOADER	HWY
28	N/A	LOT OF LIFEPAK 500 DEFIBRILLATORS	EMS
29	N/A	PALLET OF EMERGENCY LIGHT BARS AND CONTROLLERS	PD
30	N/A	AIR OPERATED MOTORCYCLE LIFT	N/A
31	N/A	DAYTON UNIT HANGABLE HEATER 480V	PWD
32	N/A	QTY-2 FRIGIDAIR AIR CONDITIONERS	PWD PLANT
33	N/A	DEWALT RADIAL SAW #65050051	PWD PLANT
34	N/A	MAP CABINET DRAWERS	PWD PLANT
35	N/A	ROLLING CART	PWD PLANT
36	N/A	QTY-2 METAL CABINETS	PWD PLANT
37	NA	QUINCY COMPRESSOR MODEL# 325-113 S# KA30A0700105	PWD PLANT
38	N/A	SCHUTZ LIQUID TOTES QTY-10	PWD PLANT
39	N/A	CALGON STAINLESS ROUND TANK 500 GAL	PWD PLANT
40	0741	2007 TORO WORKEMAN CART W/ CHARGER S# 270000150 (R&D)	PWD PLANT
41	0800	2008 CHEVROLET IMPALA 4DR VIN# 2G1WB58N289192453 (R&D) D. DOOR DAMAGED	BLDG
42	1331	2013 FORD F150 REG. CAB P/U VIN# 1FTMF1EF8DKE57586 (R&D)	LWD
43	9945	TORO GR3000-D MOWER S#30302-90164	GOLF
44	00452	TORO GR3000-D MOWER S#30302-210000112	GOLF
45	9245	TORO RM 223-D S# 03500-20438	GOLF
46	0336	2003 KUBOTA ZD21 DIESEL MOWER S# 43485	LWD
47	N/A	2017 HUSQVARNA FS400 LV SAW S# 3400131	LWD
48	9623	1996 FORD L8000 DUMP TRUCK VIN# 1FDYK82E2TVA03019	HWY
49	1619	2016 CHEVROLET SILVERADO 3500 AMBULANCE VIN# 1GB3CZCG6GF279645 (R&D)	EMS
50	N/A	ALLEGRO INDUSTRIES AXIAL 8" BLOWER MODEL #9514 S# 24751	EMS
51	9920	1999 FREIGHTLINER FL60 DUMP TRUCK VIN# 1FV6GJFCXXHA87664 (R&D)	HWY
52	0021	2000 CHEVROLET C6500 CHIPPER DUMP TRUCK VIN# 1GBK7H1C7YJ520301 (R&D)	HWY

SPRING 2023 SURPLUS AUCTION

53	0901	2009 INFINITI M35 SEDAN VIN# JNKCY01F29M852587 (MONEY GOES TO PD) SEE DAN BELLES	PD
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RESOLUTION NO. 137 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey
 Councilwomen Danielle Futia
 Melissa Jeffers
 Jill Penn
 Councilmen Rick Field, Sr.
 Alvin Gamble
 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the General Services Director to reject all bids received for the Mohawk River Park Courts and Parking Lot Replacement and authorizing the General Services Director to re-advertise for same.

WHEREAS, pursuant to advertisement on December 7, 2022, the following proposals were received in connection with the Mohawk River Park Courts and Parking Lot Replacement:

Vendor	Total BID Price
DelSignore Blacktop Paving, Inc.	\$847,342.00
Evolution Construction Services	\$855,450.00
James H. Maloy	\$888,400.00
New Castle Paving	\$899,116.00
Peter Luizzi & Brothers Contracting, Inc.	\$979,000.00

WHEREAS, all bids will be rejected due to the fact that no bidders met the specifications; and

WHEREAS, the General Services Director will re-advertise bids for this project with revised specifications;

BE IT RESOLVED that the General Services Director is authorized to reject all bids received for the Mohawk River Park Courts and Parking Lot Replacement; and

BE IT FURTHER RESOLVED that the General Services Director be, and hereby is, authorized to re-advertise for bids for this project.

RESOLUTION NO. 138 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution approving a negative declaration under SEQRA for the Unlisted Action of removing water chestnuts from the Mohawk River at the Colonie Mohawk River Park.

WHEREAS, the Town has received a grant to help fund the mechanical and hand pulling of water chestnuts from the shoreline into the Mohawk River at the Colonie Mohawk River Park located at 71 Schermerhorn Road; and

WHEREAS, a Short Environmental Assessment Form is required to be done for this project in order to receive the grant;

BE IT RESOLVED that a negative declaration under SEQRA for the Unlisted Action of removing water chestnuts from the Mohawk River at the Colonie Mohawk River Park be, and hereby is, authorized.

RESOLUTION NO. 139 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the proposed rezoning of land located at 4232 Albany Street from Industrial (IND) to Single Family Residential (SFR).

WHEREAS, at its regular meeting on February 3, 2022, the Town Board of the Town of Colonie required the Planning Board to review and consider the proposed rezoning of land located at 4232 Albany Street from Industrial (IND) to Single Family Residential (SFR); and

WHEREAS, at its regular meeting on January 10, 2023, the Planning Board of the Town of Colonie adopted findings with regard to the rezoning of 4232 Albany Street from Industrial (IND) to Single Family Residential (SFR); and

WHEREAS, it is now desired to call a public hearing pursuant to the proposed rezoning of land located at 4232 Albany Street from Industrial (IND) to Single Family Residential (SFR);

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for February 16, 2023 at 7:00 PM in Memorial Town Hall, 534 New Loudon Road, Latham, NY in connection with the proposed rezoning of 4232 Albany Street from Industrial (IND) to Single Family Residential (SFR).

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Colonie
Local Law No ____ of the year 2023

A local law rezoning an approximately 11.89 +/- acre area of land located at 4232 Albany Street from Industrial District to Single Family Residential District.

Be it enacted by the Town Board of the Town of Colonie of as follows:

SECTION 1. REZONING

The following described area consisting of approximately 11.89 +/- acres of land located at 4232 Albany Street, Albany NY 12205 (SBL: 29.03-1-1) in the Town of Colonie, shown on the attached survey map prepared by Hershberg & Hershberg and dated July 11, 2022, is hereby rezoned from Industrial District (IND) to Single Family Residential District (SFR):

ALL THAT TRACT OR PARCEL OF LAND situated in the Town of Colonie, County of Albany, and State of New York more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Albany Street where the same intersects the southerly line of lands now or formerly of the People of New York State as described in a Deed filed as instrument No. 2019-2266; running thence, along the westerly line of Albany Street South 06°47'05" East, 342.94 feet to a point in the northerly line of the lands now or formerly of Ereh I LLC as described in a Deed filed as Instrument No. 2015-2254; Thence along the same South 79°07'30" West, 1124.17 feet to a point in the easterly line of lands now or formerly of New York Central & Hudson R.R. Company; Thence along the same North 29°30'00" West, 544.06 feet to a point in the southwest corner of lands now or formerly of the People of New York State as described in a Deed filed as instrument No. 2019-2266; thence along the southerly line of the lands now or formerly of the People of New York State North 86°36'00" East, 1333.72 feet to the point or place of beginning.

Containing 518,086 Square Feet or 11.89 Acres of land more or less.

SECTION 2. ZONING MAP

Section 190-17 (A) of the Code of the Town of Colonie is hereby amended modifying the map entitled “Town of Colonie Zoning Map” as described therein to reclassify those lands described in Section 1 above from IND to SFR. Said map shall be modified and a copy of the revised map shall be filed with the Town Clerk of the Town of Colonie.

SECTION 3. CONDITIONS

This rezoning shall be subject to any conditions of approval as articulated by the Town Board of the Town of Colonie and filed with the office of the Town Clerk.

SECTION 4. SEVERABILITY

If any clause, sentence or provision of this local law or the application thereof to any person or circumstance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity thereof shall not affect, impair or invalidate the remainder of the provisions of this local law or the application thereof to other persons and circumstances.

SECTION 5. SEQR DETERMINATION

The Town Board of the Town of Colonie hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act is required.

SECTION 6. EFFECTIVE DATE

This local law shall take effect upon its proper filing in the Office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2023 of the **Town of Colonie** was duly passed by the Town Board on _____ in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer'.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (Town) ____ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not disapproved)(repassed (Name of Legislative Body) after disapproval) by the _____ and was deemed duly adopted on _____ 20__ in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (____)(Town)(____ of _____ was duly passed by the _____ on _____ 20__, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by _____ on _____ 20__. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on I 9 in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20__ of the (____)(Town)(____ of _____ was duly passed by the (Name of Legislative Body) on _____ 20 and was (approved)(not disapproved)(repassed after (disapproval) by the _____ on _____ 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20 in accordance with the applicable provisions of law.

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.**

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20__, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20__ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20__, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

Clerk of the Town or officer designated by local legislative body
Date:

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature Town of Colonie Town Attorney
Date:

RESOLUTION NO. 140 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor	Peter G. Crummey
Councilwomen	Danielle Futia
	Melissa Jeffers
	Jill Penn
Councilmen	Rick Field, Sr.
	Alvin Gamble
	Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor and Town Attorney to effectuate settlement in the matter of Mauricia Walker v. Town of Colonie, et al.

WHEREAS, after lengthy negotiations the parties have come to a mediated settlement in the amount of \$100,000.00;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to effectuate settlement and accept a General Release from Mauricia Walker in exchange for payment in the amount of \$100,000.00 in regard to Walker v. Town of Colonie, et al; and

BE IT FURTHER RESOLVED that the above General Release is subject to the review and approval of the Town Attorney's Office.

RESOLUTION NO. 141 FOR 2023

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 2nd day of February, 2023 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

 Councilwomen Danielle Futia

 Melissa Jeffers

 Jill Penn

 Councilmen Rick Field, Sr.

 Alvin Gamble

 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution appointing Julie L. Gansle as Delegate to the Association
of Towns Meeting to be held February 19-22, 2023.**

BE IT RESOLVED that Julie L. Gansle be, and hereby is, appointed as the Town of Colonie Delegate to the Association of Towns Meeting to be held February 19-22, 2023.