RESOLUTION NO. 216-A FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT:	Supervisor	Paula A. Mahan
	Councilwomen	Linda J. Murphy
		Melissa Jeffers VonDollen
		Jennifer Whalen
	Councilmen	Christopher Carey
		David Green
		Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution establishing one (1) position of Clerical Aide, Grade 1, in the Justice Department and appointing Kalynn M. Carl to same.

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

BE IT RESOLVED that Kalynn Carl be, and hereby is, appointed to the position of Clerical Aide, Grade 1, in the Justice Department at an annual salary of $26,635, effective April 30, 2018.

RESOLUTION NO. 216-B FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution appointing Joanne M. McGuirk to the position of Typist, Grade 6, in the Justice Department.

WHEREAS, the Personnel Officer has certified Joanne M. McGuirk as eligible for appointment from Eligible List #18-873, established February 15, 2018;

BE IT RESOLVED that Joanne M. McGuirk be, and hereby is, appointed to the position of Typist, Grade 6, in the Justice Department at an annual salary of $31,662, effective April 30, 2018.

RESOLUTION NO. 216-C FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution provisionally promoting Mark J. Yetto to the position of Sewer Maintenance Supervisor, Grade 16, in the DPW/Division of Pure Waters.

BE IT RESOLVED that Mark J. Yetto be, and hereby is, provisionally promoted to the position of Sewer Maintenance Supervisor, Grade 16, in the DPW/Division of Pure Waters at an annual salary of $80,375, effective April 30, 2018, pending establishment of an appropriate eligible list.

RESOLUTION NO. 217 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan

Councilwomen Linda J. Murphy

Melissa Jeffers VonDollen

Jennifer Whalen

Councilmen Christopher Carey

David Green

Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with tort litigation.

BE IT RESOLVED that expenditure from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with tort litigation be, and it hereby is, authorized as follows:

PAYEE	AMOUNT
Bailey Johnson (Wolleben)	$701.81
Friedman Hirschen (Montgomery)	$1,203.50
Total	$1,905.31

RESOLUTION NO. 218 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan

Councilwomen Linda J. Murphy

Melissa Jeffers VonDollen

Jennifer Whalen

Councilmen Christopher Carey

David Green

Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing an increase of the rate of pay to the Board of Assessment Review Committee.

WHEREAS, the five (5) Board of Assessment Review Committee members are currently seeking an increase from $20.00 an hour to $25.00 an hour; and

WHEREAS, the hourly increase is not expected to exceed the 2018 approved budget expense of $2,750.00;

BE IT RESOLVED that the increase of the rate of pay to the Board of Assessment Review Committee from $20.00 an hour to $25.00 be, and hereby is, approved.

RESOLUTION NO. 219 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing the General Services Director to advertise for bids in connection with fence repairs and/or replacements at various Town locations.

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids in connection with fence repairs and/or replacements at various Town locations.

RESOLUTION NO. 220 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution authorizing the General Services Director to advertise for bids in connection with office supplies.

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids in connection with office supplies.

RESOLUTION NO. 221 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT:	Supervisor	Paula A. Mahan
	Councilwomen	Linda J. Murphy
		Melissa Jeffers VonDollen
		Jennifer Whalen
	Councilmen	Christopher Carey
		David Green
		Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing the renewal of contracts in connection with Various Town Mailings to P.J. Green, Inc. and The Mail Works.

WHEREAS, Resolution No. 262 of 2017 dated May 25, 2017 awarded P.J. Green, Inc. and The Mail Works the bid in connection with Various Town Mailings; and

WHEREAS, the current contracts expire on May 31, 2018; and

WHEREAS, P.J. Green, Inc. and The Mail Works have expressed an interest in renewing their contracts for the period of June 1, 2018 through May 31, 2019 at the same bid pricing;

BE IT RESOLVED that the contracts with P.J. Green, Inc. and The Mail Works in connection with Various Town Mailings be, and hereby are, renewed.

RESOLUTION NO. 222 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT:	Supervisor	Paula A. Mahan
	Councilwomen	Linda J. Murphy
		Melissa Jeffers VonDollen
		Jennifer Whalen
	Councilmen	Christopher Carey
		David Green
		Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the recommendation for the Open Development Area located at 798 Albany Shaker Road.

WHEREAS, at its regular meeting on November 30, 2017, the Town Board of the Town of Colonie required the Planning Board to review and consider the Open Development Area of land located at 798 Albany Shaker Road; and

WHEREAS, at its regular meeting on March 6, 2018, the Planning Board of the Town of Colonie adopted findings with regard to the Open Development Area located at 798 Albany Shaker Road, which findings are annexed hereto as Exhibit "A"; and

WHEREAS, it is now desired to call a public hearing pursuant to the proposed Open Development Area of land located at 798 Albany Shaker Road;

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for May 10, 2018 at 7:00 PM in Memorial Town Hall, 534 Loudon Road, Newtonville, NY in connection with the proposed Open Development Area of 798 Albany Shaker Road.

SPECIAL RULE OF THE PLANNING BOARD SETTING FORTH FINDINGS, CONCLUSIONS AND RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA AT 798 ALBANY SHAKER ROAD, TOWN OF COLONIE, PURSUANT TO NEW YORK STATE TOWN LAW § 280-a(4)

WHEREAS, the applicant British American Development Corporation, LLC made a request for an Open Development Area to the Town of Colonie Town Board.

WHEREAS, the Town Board referred this matter to the Planning Board for advice recommendation via Town Board Resolution No. 471 of 2017; and

WHEREAS, 280-a(4) of the New York State Town Law provides that the Town Board may establish an Open Development Area within the Town, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by special rule of the Planning Board; and

WHEREAS, the applicant owns the subject parcel known as 798 Albany Shaker Road SBL #18-1-43.31 which encompasses 42 acres; and

WHEREAS, the Open Development Area requested by the applicant is intended to allow primary access to the subject property by ingress and egress a private road to which the subject property has rights of ingress and egress; and

WHEREAS, the parcel has been under review with a similar design receiving Concept Acceptance and a SEQRA Negative Declaration was adopted November 27th, 2007 and

WHEREAS, the Town of Colonie Planning and Economic Development Department, and Barton & Loguidice, P.C.., acting as Town Designated Engineer, have reviewed the subject property with proper access provisions; and

NOW THEREFORE, BE IT RESOLVED THAT

Upon consideration of the above statements and findings, the Planning Board recommends that the request for an Open Development Area, Pursuant to Town Law § 280-a (4) for 798 Albany Shaker Road be approved in all respects subject to following conditions:

BE IT RESOLVED THAT

1. That the rights of ingress and egress for the properties be set forth in perpetuity, in a legally binding reciprocal access easement which includes provisions of continued

maintenance of roadway so that automobiles, police and all emergency vehicles can safely access at all times.

2. That the easement must also include a provision making each address or tenant of the subject parcel, jointly and severally liable for maintenance of the roadway.

3. That the easement be made part of the legal description in the deed to be recorded for each parcel

4. That any future changes to the recommended Open Development Area including but not limited to additions, demolition, structural ir site changes, subdivision, and change un use must comply with all applicable Town of Colonie processes and approvals;

5. That a hold harmless and indemnity agreement must be entered into with the Town of Colonie, protecting the Town from Liability in connection with the access to the subject parcel.

This resolution shall take effect immediately and shall be transmitted to the Town Supervisor and Members of the Town Board.

Date: 3/6, 2018

Peter Stuto, Chairman

RESOLUTION NO. 223 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan

Councilwomen Linda J. Murphy

Melissa Jeffers VonDollen

Jennifer Whalen

Councilmen Christopher Carey

David Green

Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution awarding the bid for the Library Renovation Project to Condor Fire Sprinkler Co. in connection with the Fire Protection Construction and authorizing the Supervisor to execute an agreement for same.

WHEREAS, pursuant to advertisement placed on March 7, 2018, the following proposals were received in connection with the bid for Contract 5-Fire Protection Construction for the Library Renovation Project:

Contract 5 – Fire Protection Construction

Bidder	Base Bid	Alternative 2 – New Rest Room
Condor Fire Sprinkler Co.	$181,300.00	$0.00
SRI Fire Sprinkler, LLC	$229,330.00	$0.00

WHEREAS, after review of the bid by the General Services Director and the Library Director, and upon their recommendation; and

BE IT RESOLVED that the bid be awarded to the low bidder, Condor Fire Sprinkler Co., in connection with Contract 5-Fire Protection Construction for the base bid amount of $181,300.00; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an agreement for same; and

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

RESOLUTION NO. 224 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman _____________ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Renewal Agreement with North Colonie Central School District in regards to 211 Old Niskayuna Road.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Renewal Agreement with the North Colonie Central School District to use the “Henkes site” located at 211 Old Niskayuna Road for parking for the Pruyn House and drainage through May 24, 2019; and

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

RESOLUTION NO. 225 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Melissa Jeffers VonDollen
	Jennifer Whalen
Councilmen	Christopher Carey
	David Green
	Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse for overestimated water usage at 5 Fox Avenue, 12 Lawrence Avenue and 17 Elks Lane.

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

Mona Bradley	5 Fox Avenue	$3,883.70
Timothy & Audrey McHugh	14 Elaine Court	$3,107.44
Colonie Senior Service Centers	17 Elks Lane	$4,625.16

RESOLUTION NO. 226 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT:	Supervisor	Paula A. Mahan
	Councilwomen	Linda J. Murphy
		Melissa Jeffers VonDollen
		Jennifer Whalen
	Councilmen	Christopher Carey
		David Green
		Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution requiring the Planning Board to review and consider the proposed amendment of the Colonie Senior Service Center King Thiel PDD.

WHEREAS, the Town Board recommends that the Planning Board review the amendment of the Colonie Senior Service Center King Thiel Planned Development District; and

WHEREAS, the applicant seeks to modify the PDD maps to add a free standing 12’ x 20’ storage shed;

BE IT RESOLVED that the Planning Board shall review and consider the proposed amendment in the Colonie Senior Service Center King Thiel PDD and provide the Town Board with its findings, conclusions and recommendations thereon, in accordance with Article XIII of the Colonie Land Use Law.

RESOLUTION NO. 227 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan

Councilwomen Linda J. Murphy

Melissa Jeffers VonDollen

Jennifer Whalen

Councilmen Christopher Carey

David Green

Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Clover Leaf Nurseries, Inc. in connection with the installation of plants at various Town locations.

WHEREAS, Clover Leaf Nurseries, Inc. will install plants at various Town locations at a cost not to exceed $5,000.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Clover Leaf Nurseries, Inc. in connection with the installation of plants at various Town locations; and

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

RESOLUTION NO. 228 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan

Councilwomen Linda J. Murphy

Melissa Jeffers VonDollen

Jennifer Whalen

Councilmen Christopher Carey

David Green

Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution Accepting Donation from Lemery Greisler, LLC to the Colonie Youth Court in Memory of Hon. Nicholas J. Greisler.

WHEREAS, the Town of Colonie Youth Court received a number of generous donations in memory of Hon. Nicholas J. Greisler; and

WHEREAS, the Supervisor accepted these donations on behalf of the Town of Colonie pursuant to Resolution No. 47 of 2018, which authorized the Supervisor to accept gifts or donations to the Town of Colonie with a value of $1,000.00 or less; and

WHEREAS, Lemery Greisler, LLC, generously donated $1,500 to the Colonie Youth Court; and

WHEREAS, the Youth Court Advisory Board suggested creating an annual Hon. Nicholas J. Greisler College Scholarship for Youth Court members, which is expected to continue for at least 10 years; and

WHEREAS, the Colonie Youth Court currently provides the annual $500 Robert M. Auld scholarship, which is donated by Hon. Robert M. Auld's family each year;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby gratefully accepts the $1,500 donation from Lemery Greisler, LLC to the Colonie Youth Court.

RESOLUTION NO. 229 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 26th day of April, 2018 at 7:00 PM.

PRESENT:	Supervisor	Paula A. Mahan
	Councilwomen	Linda J. Murphy
		Melissa Jeffers VonDollen
		Jennifer Whalen
	Councilmen	Christopher Carey
		David Green
		Paul L. Rosano

ABSENT: None

Councilman ____________ offered the following resolution and moved its adoption:

Resolution authorizing TEFRA approval for Shaker Pointe at Carondelet, Inc.

WHEREAS, Shaker Pointe at Carondelet, Inc. (the "Company") has requested that the Town of Colonie Local Development Corporation (the "Issuer") issue its Tax-Exempt Revenue Bond (Shaker Pointe at Carondelet, Inc. Project), Series 2018 in an aggregate principal amount not to exceed $13,498,300 (the "Bonds") to (a) (1) finance a 3-story building containing approximately 35 independent living units for senior citizens located on approximately 30 acres of land located at One Bell Tower Drive in the Town of Colonie, Albany County, New York, and the acquisition and installation therein and thereon of various machinery and equipment; and (2) refinance the outstanding principal balance of the Issuer's $15,000,000 Tax-Exempt Revenue Bonds (Shaker Pointe at Carondelet, Inc. Project), Series 2014; and (b) pay costs incidental to the issuance of the Bonds (collectively, the "Project); and

WHEREAS, the Company has requested that the interest on the Bonds be excluded from the gross income of the owners thereof for federal income tax purposes pursuant to Sections 103 and 145 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Town Board has been advised by the Issuer that the Issuer proposes to issue, subsequent to the adoption of this resolution, the Bonds in the principal amount not to exceed $13,498,3000 to finance costs of the Project; and

WHEREAS, the Bonds shall specifically provide that neither the Bonds nor any other obligation of the Issuer shall be a debt of the Town of Colonie, New York, the municipality for whose benefit the Issuer was established, nor shall the Town of Colonie, New York be liable thereon; and

WHEREAS, pursuant to Section 147(f) of the Code, interest on the Bonds will not be excluded from gross income unless the issuance of the Bonds shall be approved by the Town Board of the Town after the Issuer has conducted a public hearing thereon following reasonable public notice; and

WHEREAS, the Issuer has provided the Town Board with: (1) a copy of the Notice of Public Hearing with respect to the Project; (2) a Transcript of the Public Hearing held by the Issuer on April 23, 2018 at the Town of Colonie Public Operations Center, 347 Old Niskayuna Road, Latham, New York; and (3) a copy of the bond resolution adopted by the Issuer on April 23, 2018 with respect to the Bonds and the Project; and

WHEREAS, pursuant to Section 147(f) of the Code, the Town Board desires to allow the interest on the Bonds to be excluded from gross income for federal income tax purposes;

NOW THEREFORE, in our capacity as the "applicable elected representative", within the meaning of Section 147(f) of the Code, of the Town of Colonie, New York, the Town Board of the Town of Colonie hereby resolves as follows:

1. That, for the purpose of satisfying the requirements of Section 147(f) of the Code, the Town Board hereby approves the issuance of the Bonds by the Issuer in the principal amount not to exceed $13,498,300 to finance costs of the Project.
2. This approval is given for the sole purposes of qualifying any interest payable on the Bonds for exclusion from gross income for Federal income tax purposes pursuant to the provisions of Sections 103 and 141-150 of the Code.