



## Minutes of the Regular Meeting of the Town Board

Thursday, June 4, 2020

7:00 PM

Town Hall

1. **REGULAR TOWN BOARD MEETING – June 4, 2020 - 7:00 PM**
2. **Call to Order**

| Attendee Name       | Title           | Status  | Arrived |
|---------------------|-----------------|---------|---------|
| Danielle Futia      | Councilwoman    | Present |         |
| Jill Penn           | Councilwoman    | Present |         |
| Rick J Field        | Councilman      | Present |         |
| Paula Mahan         | Town Supervisor | Present |         |
| Melissa Von Dollen  | Councilwoman    | Present |         |
| Linda J. Murphy     | Councilwoman    | Present |         |
| David R. Green      | Councilman      | Present |         |
| Julie Gansle        | Town Clerk      | Present |         |
| Michael C Magguilli | Town Attorney   | Present |         |

3. **Pledge of Allegiance**
4. **Personnel: Resolution No. 210**

A. Richard J. Langford

|                  |                                                      |
|------------------|------------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

B. Edward P. Snyder, Jr.

|                  |                                                      |
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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

5. **Public Hearings**

**Public Hearing in connection with the Town of Colonie's 2020 Five-Year Consolidated Plan and Annual Entitlement Action Plan and authorizing the Supervisor to submit said plans to the U.S. Department of Housing and Urban Development and to execute all related documents pertaining to the Community Development Block Grant, HOME and Section 8 Programs.**

\* Remarks from Director of Community Development, Nancy Andriano, outlining the details and time frame of funding.

\*No additional comments received

Resolution No. 211 of 2020

Resolution adopting/not adopting the Town of Colonie's 2020 Five-Year Consolidated Plan and Annual Entitlement Action Plan and authorizing the Supervisor to submit said plans to the U.S. Department of Housing and Urban Development and to execute all related documents pertaining to the Community Development Block Grant, HOME and Section 8 Programs.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Jill Penn, Councilwoman                              |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

**Public Hearing in connection with a local law rezoning 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) Classification (Loudon Road Planned Development District) and approving the application to create an Open Development Area located at 606 & 608 Loudon Road.**

Motion made to adjourn the Public Hearing to a date to be determined when we are able to, in some shape or form, have the interested parties in person at a meeting to be a participant.

Resolution No. 212 of 2020

Resolution adopting/not adopting a local law rezoning 606 & 608 Loudon Road from Neighborhood Commercial Office Residential (NCOR) to a Planned Development District (PDD) Classification (Loudon Road Planned Development District) and approving the application to create an Open Development Area located at 606 & 608 Loudon Road.

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| <b>RESULT:</b>   | <b>ADJOURNED [UNANIMOUS]</b>                         |
| <b>MOVER:</b>    | Paula Mahan, Town Supervisor                         |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Adjourned without date to an early available date when the public can participate in the public hearing in person at Town Hall.

**6. Public Comment**

- \*Public comment received in connection with request for PDD approval and Open Development Area Permit for 606/608 Loudon Rd.;
- \*Questions received from resident in connection with Colonie police training and the efforts taken of the Board or Colonie government;
- \*Input received from resident in connection with the water table and rainwater runoff relating to the amount of development on the periphery of the wetlands regarding the proposed Galleria at Loudonville area;
- \* Comments received regarding the 606 & 608 Loudon Road Planned Development District process to schedule and conduct the public hearing along with additional comments specific to the Summit at Forts Ferry and Hoffman's Proposed Project;

- \* Comments and letter received from members of the Homestead Neighborhood Association in connection with the proposed public hearing and adoption of Resolution 212;
- \* Comments from resident on the Homestead Drive traffic patterns;
- \* Comment from resident on the heavy traffic pattern on Homestead Drive and request for action;
- \* Comment from resident requesting consideration of restrictions on the increased traffic flow and rate of speed on Homestead Drive.

## 7. **Resolutions**

Resolution No. 213 authorizing the Supervisor to reimburse for overestimated water usage at 1103 Loudon Road and 7 Fernwood Drive.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 214 authorizing the Supervisor to execute a Professional Service Agreement with C.T. Male Associates in connection with performing Safety Inspections at Stony Creek Reservoir Dam.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Jill Penn, Councilwoman                              |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 215 awarding the bid to Pad Business Forms in connection with the Printing and Mailing of Water Meter Cards for the DPW/Division of Latham Water.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 216 awarding the bid to Calgon Carbon Corporation in connection with the granular activated carbon filter media removal and replacement at the Mohawk View Water Treatment Plant for the DPW/Division of Latham Water and authorizing the Supervisor to enter into an agreement for same.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 217 authorizing the Supervisor to execute Change Order No. 2 to Contract 1 with National Water Main Cleaning Co. in connection with the 2019 Sanitary Sewer Rehabilitation Project.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 218 authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 23 Lake Shore Drive by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 219 authorizing the Supervisor to execute a Contractor Service Agreement with Syna-Flow Technologies to increase the expenditure limit for the DPW/Division of Pure Waters.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 220 authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with litigation.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 221 rescinding all previously adopted Citizen Participation Plans and adopting a new Citizen Participation Plan for the Town of Colonie Community Development Block Grant Program.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 222 authorizing the General Services Director to approve contract renewals and authorizing the Supervisor to enter into service agreements with diverse vendors in connection with various goods and services for 2020.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Jill Penn, Councilwoman                              |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 223 rejecting all bids in connection with the MTB Concrete Stairs and Railing Project for 2020.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 224 approving a change order to the contract with Stonewell Bodies in connection with the re-chassis of EMS Vehicle TSU-1.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Jill Penn, Councilwoman                              |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 225 authorizing the Supervisor to enter into an Agreement with B&L Control Services, Inc. in connection with the chemical treatment services of two (2) cooling towers at the Public Operations and Public Safety Facilities.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | David R. Green, Councilman                           |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 226 authorizing acceptance of a proposal from Arthur J. Gallagher & Co. to provide Property Insurance through Travelers Property Casualty Company of America.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 227 authorizing acceptance of a proposal from Arthur J. Gallagher Risk Management Services to provide Boiler & Machinery Insurance coverage through Travelers Property Casualty Company of America.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 228 authorizing acceptance of a proposal from Arthur J. Gallagher Risk Management Services to provide Crime Insurance Coverage through Travelers Insurance.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 229 authorizing the Supervisor to execute Change Order No. 005 to the contract with Gallo Construction Corp. for general construction services at the William K. Sanford Library.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Linda J. Murphy, Councilwoman                        |
| <b>SECONDER:</b> | David R. Green, Councilman                           |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 230 authorizing the Supervisor to enter into an Agreement with Idemia Identity & Security USA, LLC in connection with the purchase of a New York RICI LiveScan system for the Police Department.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | David R. Green, Councilman                           |
| <b>SECONDER:</b> | Melissa Von Dollen, Councilwoman                     |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 231 authorizing the Supervisor to enter into an Agreement with Stone Industries, LLC in connection with renting portable handwashing stations for the Town of Colonie Farmers Market.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | David R. Green, Councilman                           |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 232 authorizing settlement or discontinuance, subject to judicial approval of the same, pursuant to §68 of the Town Law, of various tax certiorari proceedings.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Linda J. Murphy, Councilwoman                        |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

Resolution No. 233 authorizing the Supervisor to enter into an Agreement with Westlaw in connection with legal research software.

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Melissa Von Dollen, Councilwoman                     |
| <b>SECONDER:</b> | Jill Penn, Councilwoman                              |
| <b>AYES:</b>     | Futia, Penn, Field, Mahan, Von Dollen, Murphy, Green |

## **8. Communications**

### **A. Reports**

#### **1. Stenographic Minutes**

TOWN BOARD

COUNTY OF ALBANY

TOWN OF COLONIE

\*\*\*\*\*  
THE PUBLIC HEARING AND SUBSEQUENT VOTE IN RELATION TO  
TOWN OF COLONIE COMMUNITY DEVELOPMENT BLOCK GRANT  
FIVE-YEAR CONSOLIDATION PLAN ENTITLEMENT ACTION PLAN  
AND CITIZEN PARTICIPATION PLAN  
\*\*\*\*\*

THE STENOGRAPHIC MINUTES of the above entitled matter  
by NANCY L. STRANG, a Shorthand Reporter commencing on  
June 4, 2020 at 7:15 p.m. at Memorial Town Hall, 534  
New Loudon Road, Latham, New York

BOARD MEMBERS:

PAULA MAHAN, SUPERVISOR  
LINDA MURPHY, DEPUTY SUPERVISOR  
MELISSA JEFFERS-VONDOLLEN  
RICK FIELD  
JILL PENN  
DAVID GREEN  
DANIELLE FUTIA

ALSO PRESENT:

Michael C. Magguilli, Esq, Town Attorney  
Julie Gansle, Town Clerk  
Nancy Adriano, Program Manager, Community Development

Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)

1 SUPERVISOR MAHAN: This public hearing has a  
2 deadline on it for the federal agency, Nancy?

3 MS. ANDRIANO: Yes.

4 SUPERVISOR MAHAN: So, we have to abide by  
5 that.

6 MS. GANSLE: This public hearing is be held by  
7 order of the Town Board in conjunction with the Villages  
8 of Colonie and Menands for the purpose of obtaining the  
9 views and comments of citizens on the proposed Town of  
10 Colonie Community Development Block Grant five-year  
11 consolidation plan Entitlement Action Plan Citizen  
12 Participation Plan and analysis of impediments to fair  
13 housing choice.

14 Notice of such hearing has been published in  
15 the official Town newspaper which is the Spotlight and  
16 has been posted on the Town Clerk's bulletin board. I  
17 have an affidavit for each. The Town Board will now  
18 hear all persons interested in this proposal.

19 SUPERVISOR MAHAN: Nancy?

20 MS. ADRIANO: A few procedural notes. I have a  
21 very brief presentation. At the conclusion of my  
22 presentation, I will entertain questions from the Town  
23 Board after which, the Supervisor will take comments  
24 from the public. Therefore, I suggest anyone who wishes  
25 to comment on this hearing should call the number that

1 appeared in the public notice now and remain on the line  
2 until everybody's called.

3 That's my public service announcement.

4 For consideration before the Board this  
5 evening is the Town's five-year consolidation plan and  
6 Annual Entitlement Action Plan. To receive this annual  
7 allocation, the Town must develop and submit its plans  
8 to HUD. We are prepared to get to these plans to serve  
9 these functions; First, a planning document for the  
10 Town; second, is the Town's application for federal  
11 funds; third, as a strategy for how the Town will  
12 follow and carry out the HUD programs and finally an  
13 action plan detailing how we intend to use these funds  
14 each year.

15 Additionally, every five years, the Town is  
16 to prepare an analysis to the impediments to fair  
17 housing choices and update its citizen participation  
18 clinic.

19 You can see what I did during the pause time.

20 Resolution 221 tonight on the agenda is cause  
21 for the adoption of the citizens participation clinic,  
22 so you will see that later on in the agenda.

23 For 2020 the Town received \$356,388 in Block  
24 grant funds \$111,770 for Home funds.

25 At the March 4 public hearing, which seems

1       like it was ages ago, the Community development  
2       Citizen Advisory Committee voted a unanimous agreement  
3       to recommend the following projects in this year's  
4       action plan. This was \$20,000 in child care  
5       scholarship program; \$3,000 for adult daycare  
6       scholarship program; \$262,000 for the Town's  
7       residential rehabilitation program and \$71,000 for the  
8       program administration. So, the breakdown of the Block  
9       grant funding for 2020 is 74% for housing and rehab,  
10      6% for public services and 20% for program admin.

11               The Homee funds will again be used for the  
12      Towns first-time homebuyer program.

13               In addition to the Block grant home funds,  
14      the Town Also received \$2.9 million for its housing  
15      choice voucher program which provides rental  
16      assistance to Town residents.

17               Do any members of the Town Board have any  
18      questions or comments?

19               MR. MAGGUILLI: Nancy, I just have one  
20      question.

21               The Town was under a time constraint, were we  
22      not, on adopting this Resolution?

23               MS. ADRIANO: Right because we are in a - -  
24      actually the original plan was due May 15, but because  
25      of all the Covid impact - - we are in a consortium with

1 the Home funds with Troy and Schenectady so we have to  
2 submit with them. So, they got a waiver from HUD to  
3 submit on June 15. So, we had to have everything ready  
4 to go by June 15. So, that's why we had to do it tonight  
5 and we had to do the public comment and it's all  
6 prescribed by HUD in the new Covid guidelines. Also in  
7 the Citizen Participation Plan, when I updated it, I  
8 also included now - which who would ever have thought  
9 it's been 26 years - that I would have to have a plan  
10 for such things as Covid of how we do our public  
11 hearings and that's included in the Citizen  
12 Participation Plan.

13 MR. MAGGUILLI: Thank you, Nancy.

14 MS. ADRIANO: No problem.

15 SUPERVISOR MAHAN: I don't have any questions,  
16 but I want to thank you under the current circumstances  
17 - what we are dealing with. Thank you for all the work  
18 you've put into this to modify everything that you've  
19 had to do to present this and the work that you did for  
20 the consortium because I know that deadline was critical  
21 and thank you for meeting it.

22 MS. ADRIANO: I also appreciate the support I  
23 have from the Town Clerk's office, the Attorney's  
24 office, your office and MIS in pulling this all together  
25 because when I approached everybody and said this is how

1 we have to do it, everybody was like - we will do  
2 anything you need to do to get it done. I really  
3 appreciate the corroborating that the Town has had in  
4 getting this all done.

5 Also, I will be back before you not too long  
6 from now because the Town is going to get an  
7 additional \$209,000 in Covid money. After I finish  
8 this, the next step - - they told us what we are  
9 getting. They're not telling us the guidelines yet.  
10 They have not issued the guidelines. So, I have a few  
11 ideas and I have talked to Paula numerous times in the  
12 last couple of weeks with the things we might do with  
13 the money, but we have to wait till HUD passes the  
14 issues of guidance before I can actually proceed and  
15 say all right, these are actual viable things that we  
16 can do. So, I will be back here before you know it.

17 SUPERVISOR MAHAN: Does the Board have any  
18 questions?

19 (There was no response.)

20 I don't have any questions on the phone,  
21 Nancy.

22 MS. ADRIANO: Perfect.

23 SUPERVISOR MAHAN: I think that it's been out  
24 there long enough. I think you've done a great job.

25 So, we will close a public hearing.

1 MS. GANSLE: We have a Resolution adopting the  
2 Town of Colonie's 2020 Five-Year Consolidated Plan and  
3 Annual Entitlement Action Plan and authorizing the  
4 Supervisor to submit said plans to the U.S. Department  
5 of Housing and Urban Development and to execute all  
6 related documents pertaining to the Community  
7 Development Block Grant, HOME and Section 8 Programs.

8 MS. PENN: So moved.

9 MS. JEFFERS-VONDOLLEN: Second.

10 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
11 call the roll.

12 (The roll was called.)

13 MS. GANSLE: The ayes have it, Madam  
14 Supervisor.

15 SUPERVISOR MAHAN: The Resolution is adopted.  
16 Thank you, Nancy.

17 (Whereas the above entitled proceeding was  
18 concluded at 8:22 p.m.)  
19  
20  
21  
22  
23  
24  
25

## CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and  
Notary Public in and for the State of New York, hereby  
CERTIFY that the record taken by me at the time and  
place noted in the heading hereof is a true and  
accurate transcript of same, to the best of my ability  
and belief.

Dated: \_\_\_\_\_

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)

1 TOWN BOARD

COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

4 A PUBLIC HEARING REGARDING AN APPLICATION FOR A  
5 PLANNED DEVELOPMENT DISTRICT AND AN OPEN DEVELOPMENT  
6 AREA AT 606 AND 608 LOUDON ROAD

7 \*\*\*\*\*

8 THE STENOGRAPHIC MINUTES of the above entitled matter  
9 by NANCY L. STRANG, a Shorthand Reporter commencing on  
10 June 4, 2020 at 7:23 p.m. at Memorial Town Hall, 534  
11 New Loudon Road, Latham, New York

12 BOARD MEMBERS:

13 PAULA MAHAN, SUPERVISOR  
14 LINDA MURPHY, DEPUTY SUPERVISOR  
15 MELISSA JEFFERS-VONDOLLEN  
16 RICK FIELD  
17 JILL PENN  
18 DAVID GREEN  
19 DANIELLE FUTIA

20 ALSO PRESENT:

21 Michael C. Magguilli, Esq, Town Attorney  
22 Julie Gansle, Town Clerk  
23  
24  
25

Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)

1 MR. MAGGUILLI: If you like, I can start with  
2 this.

3 SUPERVISOR MAHAN: Okay, Mike.

4 MR. MAGGUILLI: This is a Resolution that was  
5 scheduled tonight regarding the application for a  
6 planned development district and an open development  
7 area at 606 and 608 Loudon Road. It was contemplated  
8 that what we were going to do tonight is open the  
9 proceeding and read the comments that we received from  
10 the developers and for many interested citizens into the  
11 record. We had no intention, as you know, of voting this  
12 tonight. We were going to adjourn it until the next Town  
13 Board meeting on June 25 - - I'm sorry, June 18 to allow  
14 members of the public that are listening tonight or may  
15 listen later to provide additional questions or comments  
16 based upon the comments in the questions that were posed  
17 tonight. Then, this matter would have come up for vote  
18 at the June 18 meeting.

19 Since then, a number of things have changed  
20 which I think you are prepared to address. I just  
21 wanted to have it on the record that there was no  
22 intention for a vote tonight on this public matter.

23 SUPERVISOR MAHAN: Thank you, Mike. I'm going  
24 to make a motion to adjourn this public hearing to a  
25 date to be determined when we are able in some shape or

1 form to have the interested parties in person at a  
2 meeting to be able to participate. We can't do that  
3 right now. Actually, this particular project started  
4 back in 2018 and there have been a lot of discussions  
5 and changes back and forth. I think to keep it clear for  
6 everyone so everyone understands exactly what step we  
7 are at, we are going to - we would like to hold off  
8 until we have that opportunity to open it up to the  
9 public. I don't know when that's going to be. I am  
10 hoping that it will be sooner rather than later. We  
11 probably have to make some adjustments as to how we do  
12 it. I'm sure we will. As soon as we are able to, we will  
13 make sure the public knows when that will happen. I would  
14 like to make a motion to adjourn. Do I have a second?

15 MR. GREEN: Second.

16 MR. MAGGULLI: For clarification, that is a  
17 motion to adjourn without date to an early available  
18 date when the public can participate in a public hearing  
19 in person at Town Hall.

20 SUPERVISOR MAHAN: That's correct.

21 Supervisor votes aye. Clerk, call the roll.

22 (The roll was called.)

23 MS. GANSLE: The ayes have it, Madam  
24 Supervisor.

25 SUPERVISOR MAHAN: The Resolution is adopted.

1 (Whereas the above entitled proceeding was  
2 concluded at 7:25 p.m.)  
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Legal Transcription  
Ph 518-542-7699

## CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and  
Notary Public in and for the State of New York, hereby  
CERTIFY that the record taken by me at the time and  
place noted in the heading hereof is a true and  
accurate transcript of same, to the best of my ability  
and belief.

Dated: \_\_\_\_\_

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

Legal Transcription  
Ph 518-542-7699



1 TOWN BOARD

COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

PUBLIC COMMENT

4 \*\*\*\*\*

5 THE STENOGRAPHIC MINUTES of the above entitled matter  
6 by NANCY L. STRANG, a Shorthand Reporter commencing on  
7 June 4, 2020 at 7:26 p.m. at Memorial Town Hall, 534  
8 New Loudon Road, Latham, New York

9 BOARD MEMBERS:

10 PAULA MAHAN, SUPERVISOR  
11 LINDA MURPHY, DEPUTY SUPERVISOR  
12 MELISSA JEFFERS-VONDOLLEN  
13 RICK FIELD  
14 JILL PENN  
15 DAVID GREEN  
16 DANIELLE FUTIA

17 ALSO PRESENT:

18 Michael C. Magguilli, Esq, Town Attorney  
19 Julie Gansle, Town Clerk  
20  
21  
22  
23  
24  
25

Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)

MARKED EXHIBIT INDEX

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|----------|-------------------------------------|-------------|
| 1        | LETTER FROM HOFFMANS, BURKE & BURKE |             |
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Legal Transcription  
Ph 518-542-7699

1 SUPERVISOR MAHAN: As we do each and every  
2 meeting, the public cannot be here at this time so we  
3 will be reading comments that we received into the  
4 record. So, we will do that, as we always do. Julie has  
5 them numbered to read, so please be patient and she will  
6 go through the comments.

7 MS. GANSLE: Thank you.

8 Request for PDD Approval and open development  
9 area permit for 606/608 Loudon Road, the former  
10 Hoffman's Playland.

11 Dear Supervisor Mahan and Town Board Members:  
12 This letter is submitted in support of the proposed PDD  
13 application for 606 - 608 Loudon Road, the former  
14 Hoffman's Playland. It is jointly submitted by the  
15 property owners Ruth and Dave Hoffman, the principals  
16 of the applicant New Loudon Rd Realty Co, LLC, and the  
17 project developer Tom Burke of the Burke Companies.

18 As many know, the Hoffman family operated  
19 Hoffman's Playland for over 60 years at the site  
20 creating many happy memories for local families. Tom  
21 Burke is one of the area's most respected commercial  
22 developers with many successful projects within Colonie  
23 and throughout the Capital Region.

24 The proposed PDD allows for a  
25 Retail/Restaurant building at the front of the parcel

1 with an independent senior apartment building and  
2 assisted living residence upon the rear of the parcel.  
3 Since the original request for a PDD was made in  
4 November 2018, this project has been extensively  
5 reviewed by the Planning Board and Planning Department  
6 staff at five separate Planning Board meetings and 11  
7 additional meetings with Town staff and TDE. Based upon  
8 their review, the Planning Board issued positive  
9 recommendations to the Town Board for approval of the  
10 PDD, a SEQRA negative declaration and an open  
11 development area permit.

12 As a result of the Planning Board's in-depth  
13 review over the course of many meetings, the size and  
14 scope of the proposed project has been drastically  
15 reduced from its original form.

16 From the time this Board first saw the initial  
17 application dated November 16, 2018, the square footage  
18 of the proposed retail/restaurant building in front has  
19 been reduced by 13%. The size of the landscaped buffer  
20 to be placed along Route 9 has been increased by 100%.  
21 The Planning Board, in its findings statement, includes  
22 limitations upon the number of restaurants allowed in  
23 the retail/restaurant building and also limits their  
24 size and seating capacities.

25 The square footage for the senior apartments

1 and assisted living facility has been reduced by 11%.  
2 The number of apartment units was reduced from 101 to  
3 85. The number of assisted living beds reduced from 99  
4 to 92. The overall building footprint was reduced by  
5 12%.

6 As part of their review, the Planning Board  
7 determined that the proposed parking for both buildings  
8 is properly sized to accommodate the uses. A  
9 significant portion of the parking will be underground  
10 below the rear building.

11 Following review by Town Fire Services,  
12 hydrants will be installed in three locations upon the  
13 property and the ring road around the buildings is now  
14 designed to allow for movement, staging and operation  
15 of the Fire Department's largest trucks. Water is to be  
16 provided through a looped system and sewer line will be  
17 connected to the existing main directly along the  
18 property line.

19 The proposed project's potential impact to  
20 traffic along Route 9 has been extensively reviewed. As  
21 shown to the Planning Board, the traffic generated by  
22 this PDD will be significantly less than the amount of  
23 traffic that could be generated if the property was  
24 developed under the current NCOR zoning. According to  
25 the Town's Designated Engineer, quote, if the project

1 site was developed in accordance with existing zoning  
2 at the maximum allowable commercial density of 140,022  
3 sf, the amount of site generated traffic would be  
4 approximately four times greater than what would be  
5 generated by the proposed development, endquote.

6 The project provides cross easement access to  
7 the Village at Loudon Square property to the north. The  
8 Applicant requested a cross easement from the owner of  
9 Newton Plaza which was not granted. The project will  
10 still build a stub road to the south property line to  
11 allow for a future cross connection which the Planning  
12 Board could require for any future proposals submitted  
13 by the southerly property owner. The Applicant has also  
14 coordinated with CDTA regarding the proper location of  
15 a bus stop.

16 The visual impact of the project's buildings  
17 was modeled. The modeling reveals that the rear  
18 building will not be visible from Route 9 at pedestrian  
19 height. The front building has been architecturally and  
20 aesthetically designed to contain distinct decorative  
21 and visually appealing features.

22 The PDD as proposed achieves many of the  
23 important goals of the Town's Comprehensive Plan. It  
24 involves redevelopment of an existing commercial site  
25 that was active for over 60 years. It creates

1 opportunities for increasing value of underutilized  
2 commercial areas since the property has been vacant for  
3 5 years. It includes high density mixed-use development  
4 containing apartments, assisted living, retail and  
5 restaurants. And it emphasizes pedestrian friendly,  
6 high quality design that will allow for residents to  
7 walk to the various existing commercial establishments  
8 in the Route 9 vicinity.

9 In support of the project's pedestrian  
10 friendly design, the proposed public benefit to be  
11 provided by the project applicant to the Town of  
12 Colonie is \$500,000 for construction of public  
13 sidewalks along Route 9 and in other areas of the Town  
14 where sidewalks are lacking. The applicant's original  
15 offer of \$200,000 was for sidewalks along Aviation  
16 Road. The benefit contribution was increased to  
17 \$500,000 after Town staff and Planning Board determined  
18 that dollar amount to be a more appropriate level of  
19 public benefit to be contributed by the applicant.  
20 Based upon public input from project neighbors and  
21 local residents, the Planning Board changed the  
22 location of sidewalks to be constructed and prioritized  
23 sidewalks in the vicinity of the project to be  
24 constructed. These sidewalks include construction of a  
25 new sidewalk from Homestead Avenue, north to the

1        Stewart's Shop; a new sidewalk along Route 9 from  
2        Glennon Road to Route 155; and, if there are any  
3        remaining contributed funds, completing an existing  
4        sidewalk where a gap exists along Spring Street Road.

5                We hope that this information helps your  
6        deliberations upon our request for PDD classification,  
7        a negative SEQRA determination, and an open development  
8        area permit. Along with this submittal, we have  
9        included for your reference boards showing an aerial of  
10       the site operating as the Playland, our proposed site  
11       plan, and a building elevation viewed from Route 9. Our  
12       project team will be available during the public  
13       hearing via telephone or internet to answer any  
14       questions that may arise.

15               On behalf of our entire project team, we thank  
16       you and the Town Board for your consideration of this  
17       request. Sincerely, Dave and Ruth Hoffman, Tom Burke,  
18       The Burke Companies.

19               MR. MAGGUILLI: Julie, If I may, I'd like to  
20       have that document - have it marked Exhibit 1 to  
21       Resolution number 212, Exhibit 1 being a five page  
22       document dated June 2, 2020 and signed initially by  
23       Thomas Burke on page 3.

24               (Exhibit 1 was marked for identification.)

25               Thank you.

1 MS. GANSLE: Our second public comment:

2 Good afternoon, I have two questions for  
3 tonight's Board meeting. Thank you for your time.

4 Question for Linda Murphy, Liaison to Colonie  
5 Police: Given the important goals and message of  
6 peaceful protests around this nation, can you speak to  
7 past actions or proposed actions to address how Colonie  
8 Police Officers are trained and monitored for proper  
9 use of force? Transparency and communication help build  
10 a safe community for all. Thank you.

11 Question for the Board: Although Colonie is a  
12 predominantly white municipality, its diversity is  
13 improving. What efforts has the Board itself or Colonie  
14 government taken to empower minorities to play a more  
15 active role in our community? Best, Andrew Scott.

16 SUPERVISOR MAHAN: Julie, those two questions  
17 -I think personally we can answer those.

18 Linda is not the liaison to the Police  
19 Department. David and I have the Police Department. I  
20 can make a few comments regarding the first question as  
21 far as the goals and message of of the peaceful  
22 protests around the nation and how our Colonie Police  
23 Officers are trained and monitored for proper use of  
24 force. Transparency and communication does help build a  
25 safe community for all. We also pride ourselves on

1       that. I can tell you that our Police Department is one  
2       of the top in the nation and they have extensive  
3       ongoing training that is a major part of our public  
4       safety program to make sure that our officers have all  
5       the opportunities on the latest training in whatever  
6       area it may be, including working with the community,  
7       transparency, problem-solving, bringing the community  
8       together with not only our officers, but all of our  
9       administration as well as the work that they do with  
10      our schools. We work very closely with our school  
11      districts in Town. We have built up programs with the  
12      districts for Resource Officers to assist them with  
13      teaching our children how to understand diversity and  
14      individual differences and how to get along in the  
15      community and how to become productive citizens in  
16      their communities. They also work with a lot of our  
17      volunteer programs. They are well-trained in community  
18      policing in our neighborhoods. That's an important part  
19      of their job. They have a very positive approach. They  
20      are very respectful. They understand and they have the  
21      respect for treating everyone the same.

22               Also, one of the things that they have  
23      developed on their own to bring the community together  
24      and to foster communication and help to build a safe  
25      community and help to build awareness and foster

1 relationships with people in the community - they have  
2 developed on their own time with their own efforts a  
3 great community night that we can all enjoy. They pride  
4 themselves on safety.

5 The question talks about what's going on  
6 around us at this time - they certainly are doing their  
7 best to keep it peaceful and safe for everybody and  
8 they certainly have an understanding of how to approach  
9 these types of situations to keep a safe department.

10 David, did you have something to add?

11 MR. GREEN: Yes, in addition to having a very  
12 well-trained staff, they also have top-notch equipment.  
13 I have been in contact with Chief Jon Teale a number of  
14 times this week, as I know Paula has. He has just really  
15 relayed the message how impressed he is with his staff  
16 and their response times and how they cope with it. They  
17 are worn out. They are tired. They're doing a great job.  
18 They are keeping us safe.

19 I live on one of the borders and I see their  
20 presence. We have fortunately been able to put them in  
21 the position of having adequate staffing and great  
22 equipment to do their job when it's necessary. They are  
23 doing that exact job. You're doing a wonderful job. I  
24 thank them for that.

25 MR. MAGGUILLI: If I may? As their attorney, I

1 can state that recently there was a poll conducted where  
2 the residents of Colonie provided a 91% favorability  
3 rating on their impression of the Colonie Police  
4 Department. As far as this question goes to training,  
5 our Officers meet all the requirements of the New York  
6 State Municipal Training Program, plus our department  
7 conducts its own in-house training on matters of  
8 diversity, use of force and the like.

9 I can state in the 12 years that I have been  
10 representing our Town Police Department, we have not  
11 had one successful case brought against them for any  
12 type of negligence, let alone any type of intentional  
13 claim. They have been a true joy to represent. We are  
14 blessed with having one the best Police Departments in  
15 the state, if not the country.

16 SUPERVISOR MAHAN: We are very proud of the  
17 work that they do. They work extremely hard for  
18 everybody.

19 The second question has to do with the  
20 demographics of our community and the growing  
21 diversity, which is something that adds to our  
22 community in a positive way. What have we done as a  
23 government to empower minorities to a play more active  
24 role in the community? I will tell you that all of us  
25 here in the administration - we all come from different

1 backgrounds, from different socioeconomic backgrounds  
2 as well - different training - - many of us come from  
3 different careers. So, we bring a lot of diversity to  
4 the Board.

5 I, myself, personally, have always tried to  
6 foster an administration that treats everyone with  
7 respect and that's everyone - and do what's in the  
8 betterment of the community as a whole.

9 We heard this evening from our Community  
10 Development Director who does a lot of work, working  
11 with community members in need or assistance in some  
12 way.

13 As far as what we do here and what's open for  
14 everyone, we are open to everyone. We are an equal  
15 opportunity employer. We have the same policies that a  
16 lot of places follows in terms of service. We welcome  
17 everyone to participate. Again, we also do an awful lot  
18 with our young people to again have them work together  
19 to understand diversity and individual differences and  
20 to be respectful and those types of character traits  
21 that I know are taught in schools, which are very  
22 important and to bring the family members into it as  
23 well. There's an awful lot of that goes on and for  
24 every population in Town. This question is specific to  
25 minorities - - I would like to say that the Town is

1 always open to everyone and treat everyone the same.

2 I don't know if anyone has anything to add.

3 MS. JEFFERS-VONDOLLEN: Yes, I will just add,  
4 Paula, that coming from a background of working in  
5 immigration specifically - just a few weeks ago actually  
6 Paula and I were invited to speak on an Asian American  
7 Herald broadcast of the local news and we have been  
8 invited multiple times to speak at different and various  
9 events around Town with different communities. We are  
10 actively working to bridge the gap and make sure that  
11 everyone feels included and that their voices are heard.

12 MS. MURPHY: I, too, have been on several  
13 occasions invited to grand openings of mosques and  
14 temples and the people there couldn't be any kinder or  
15 more genuine or interested in the Town and meeting the  
16 people who are running the Town. It was a very  
17 delightful experience at both places. I went with  
18 another Board Member and it was just wonderful.

19 MS. JEFFERS-VONDOLLEN: They are very  
20 interested in getting to know how our government works  
21 and wanting to be involved and wanting to have a voice  
22 since they are choosing Colonie as their home. I think  
23 that's very important. I think everyone has done a great  
24 job in being welcoming and opening their doors to  
25 listening and helping them achieve their goals.

1 MS. PENN: I know the school Board in South  
2 Colonie - last evening -- because we do have a number of  
3 families that are coming in as English as their second  
4 language - and we are seeing a huge influx. We have  
5 opened another elementary building just so we could meet  
6 the needs of our students. We will have two middle  
7 school sites and obviously the high school just make  
8 sure we could provide and supply the support and  
9 education that our students need. Again, I think it  
10 speaks volumes about the choices that everyone is making  
11 about coming to our community.

12 SUPERVISOR MAHAN: Okay, I think that answers  
13 those two questions.

14 We will go on to the next letter, Julie?

15 MS. GANSLE: Our next public comment: Town of  
16 Colonie Board Members and Planning Board Members, I  
17 attended the February 25, 2020 Planning Board meeting  
18 regarding the proposed Galleria at Loudonville,  
19 Hoffman's, development project. At that meeting, I  
20 raised concerns about what appears to be an increasingly  
21 higher watertable in my neighborhood.

22 I live at 67 Maxwell Road and share what used  
23 to be a seasonal wetlands pond with a neighbor. Over  
24 the last few years, there have been several building  
25 projects on the periphery of the wetlands, the expanded

1 Newton Plaza, the Village of New Loudon stores, the  
2 apartments and townhouses behind the Village of New  
3 Loudon, the Elderwood adult complex on Watervliet  
4 Shaker Road, etcetera, and there have been changes in  
5 the wetlands. For the last few years, my vernal,  
6 seasonal pond that disappeared after the spring, is now  
7 a year round pond. Of most concern to me is that my  
8 sump pump now operates year round, too - - instead of  
9 mostly in the spring.

10 Of note, all rainwater runoff for the building  
11 projects listed above drain their rainwater runoff to  
12 the wetlands - - the bulk of which is located near my  
13 home.

14 Per the Project Narrative Proposal, Galleria  
15 at Loudonville prepared by Advanced Engineering and  
16 Surveying PLLC, February 2020, page 3 submitted at the  
17 last Planning Board Meeting, rainwater runoff from the  
18 proposed project will also drain into the existing  
19 wetlands.

20 Since that meeting, my neighbor, who lives on  
21 the boundary of the wetlands, and I have walked through  
22 the wetlands and encountered a large number of  
23 rainwater runoff basins built to retain rainwater  
24 runoff from all the previous building projects  
25 mentioned above. There are a lot of them and they are

1 all full. There are so many, I have to wonder where  
2 additional runoff basins could be built to handle the  
3 additional rainwater run off generated by the Hoffman's  
4 Galleria project.

5 At the last meeting we attended, someone on  
6 the Board said: quote, we need to keep the wetlands  
7 wet, end quote. Yes, but the wetlands are being  
8 inundated by dramatically increased rainwater runoff  
9 caused by all the building projects mentioned above.  
10 The solution to rain water runoff for all of these  
11 places is to send it to the constructed retention pools  
12 in and around the wetlands.

13 In support of this perspective, per quote,  
14 Reviewing Stormwater Management In Site Design: A Guide  
15 For Planning Board Members, end quote, prepared by the  
16 Lower Hudson Coalition Of Conservation Districts, page  
17 3, natural ground cover allows for 40% evaporation of  
18 rainwater and saturation absorbs 50% of rain water.  
19 Rainwater runoff is only 10%.

20 In contrast, with development, in the form of  
21 buildings, parking lots, sidewalks, etcetera,  
22 impervious cover, rain water evaporation is reduced to  
23 30%, ground saturation falls to 15% and rainwater  
24 runoff increases to 55% - - more than 5 times greater  
25 rainwater runoff.

Put another way: Where does rainwater go?

Natural Land Evaporation 40% Saturation 50%,  
Runoff 10%, Developed land 30% evaporation, 15%  
saturation, 55% runoff.

The amount of development on the periphery of  
the wetlands – the original Newton Plaza, the expanded  
Newton Plaza, the Village of New Loudon stores, the  
apartments and townhouses behind the Village of New  
Loudon, the Elderwood adult complex on Watervliet  
Shaker Road, etcetera – all direct their subsequent  
runoff, 55% of rainfall, to constructed retention pools  
in the wetlands. Per the above data, before development  
of the area surrounding wetlands, the amount of  
rainwater runoff into the wetlands was a fraction of  
what it currently is.

Similarly, Siena College prepared a technical  
report about improving water quality and reducing  
flooding in areas adjacent to the college. The college  
and other nearby development has resulted in  
significantly increased rainwater runoff with related  
problems.

Per the above data, the collective runoff from  
all building projects on the periphery of the wetlands  
has dramatically increased the rainwater runoff into  
the wetlands.

1 Pre-development, all of the previously  
2 undeveloped land on the periphery of the wetlands made  
3 its contribution to regulating the amount of water  
4 finding its way into the wetlands. The wetlands were  
5 alternately seasonally wet, drenched and somewhat dry -  
6 like letting a sponge dry out before expecting it to  
7 absorb water when you need it to. Unfortunately, with  
8 over development, the wetlands have been inundated with  
9 far more water than nature had ever intended. What were  
10 once seasonal ponds are now year round and all that  
11 water now funneled in to the wetlands and its now  
12 supersaturated ground keeps sump pumps running in the  
13 surrounding homes all year round instead of mostly in  
14 spring.

15 I believe this issue needs further examination  
16 and consideration. Given the wetland circumstances  
17 outlined above, I do not believe the rainwater runoff  
18 from this new project will be effectively dealt with  
19 via more rainwater runoff retention basins. With regard  
20 to this new project, on page 3 of project narrative  
21 proposal submitted by the developers, they note that  
22 the current natural, undeveloped green space is 220,998  
23 square feet. Once the proposed building project is  
24 completed, there will be a loss of 91,393 square feet  
25 of natural green space. This will only worsen an

1 already bad situation.

2 In this vein, within the past few years, I had  
3 gone to the Latham Post Office on Watervliet Shaker  
4 Road. As I headed east to Fresh Market, traffic was  
5 stopped and emergency vehicles were alternating traffic  
6 one lane at a time. Water was pouring over the road  
7 with a great deal of force and the traffic was limited  
8 to prevent cars from potentially being swept across the  
9 road. I had never seen anything like this before in  
10 this area. In the intervening time, I now know what  
11 happened. We had several days of rain and the wetlands  
12 flooded, the culvert running under the road was  
13 overwhelmed and water subsequently came up over the  
14 road. At that time, all of the aforementioned building  
15 projects were sending their rainwater runoff - 55%  
16 runoff instead of 10% with undeveloped land - to the  
17 wetlands.

18 I appreciate you taking the time to read these  
19 concerns. In my opinion, it would be far better to  
20 solidly address these concerns before the project goes  
21 any further.

22 Thank you, Bill Wytrwal.

23 MR. MAGGUILLI: If we could, I would like to  
24 have Mr. Wytrwal's letter - - I believe it may be an  
25 email - marked as Exhibit 2 to Resolution number 212

1 this consists of a two-page document dated May 15, 2020  
2 and signed by Mr. Wytrwal.

3 (Exhibit 2 was marked for identification.)

4 MS. GANSLE: Our next public comment is  
5 regarding 606 to 608 Loudon Road Planned Development  
6 District.

7 Resolution 165 of 2020 was unanimously adopted  
8 at the April 9th, 2020 Town Board Meeting and stated  
9 the quote, public hearing adjourned to a date to be  
10 established after the first Town Board meeting in June,  
11 2020, end quote. Accordingly, the public hearing on  
12 this issue should not be held tonight as it is the  
13 first Town Board meeting in June. Furthermore, a local  
14 law change of this significance warrants a full and  
15 thorough public hearing which is not possible when held  
16 virtually.

17 Summit at Forts Ferry:

18 The 13-acre site was zoned Office/Residential  
19 and allowed for a mix of office and residential uses or  
20 strictly office. The max build scenario allowed for  
21 235,000 square feet of office along with a parking  
22 structure. We attempted to get the property rezoned as  
23 a planned development district, PDD, for a 110 unit  
24 senior housing project at 8.5 units per acres. Our  
25 request was denied due to density concerns. After

1 several redesigns of the project and no favorable  
2 progress before the Board we came back with a zoning  
3 compliant proposal of 62 units of senior housing and  
4 47,500 square feet of office, both in three stories.  
5 This zoning compliant plan still had considerable  
6 objection from the Planning Board primarily related to  
7 density and traffic. Ultimately, we reduced the office  
8 component to 30,000 square feet in two stories and  
9 years after first presenting the project it was  
10 approved. If we conceptually split the site with ten  
11 acres for the senior housing and three for the office  
12 we were allowed 6.2 units per acre for the residential.

13 Hoffman's Proposed Project: The Hoffman's site  
14 is eight acres and is zoned Neighborhood Commercial  
15 Office Residential, NCOR. The developer is proposing 85  
16 independent living units and 92 assisted living units  
17 along with 22,000 square feet of retail. If we grant  
18 three acres for the retail along Route 9 that leaves  
19 five acres for the residential at 35 units per acre or  
20 5.5 times more than we were allowed. Due to the small  
21 size of the site the developer is proposing a mix of  
22 three and four stories to achieve the number of units.  
23 The 22,000 square foot of retail includes two, 4,000  
24 sqft restaurants that will seat between 240 – 340  
25 combined.

1           The primary concerns with the Forts Ferry  
2           project were density, traffic and building height. The  
3           Hoffman's project is proposed on a parcel with more  
4           restrictive NCOR zoning however the same concerns do  
5           not seem to apply. The scale of the Hoffman's project  
6           warrants a full and public review that is not feasible  
7           in a virtual setting.

8           Please see the attached letter from Town of  
9           Colonie residents and business owners which should be  
10          read into the record, along with this email, at the  
11          Town Board meeting this evening. Regards, Adam J.  
12          DeSantis, Summit Senior living.

13          Dear Supervisor Mahan and Members of the Town  
14          Board: We understand that the Town is working to  
15          process matters as they come before the Town in the  
16          reasonable manner possible given the current  
17          circumstances and environment. We applaud the efforts  
18          of the Town Board to work to continue the business of  
19          the Town of Colonie notwithstanding the many challenges  
20          confronting everyone.

21          Nonetheless, we do have significant concerns  
22          about the process undertaking by the Town to schedule  
23          and conduct the public hearing in connection with a  
24          local law rezoning 606 & 608 Loudon Road from  
25          Neighborhood Commercial Office Residential, NCOR, to a

1           Planned Development District, PDD, Classification,  
2           Loudon Road Planned Development District. This is a  
3           significant project, which is likely to have a lasting  
4           impact on the Town. It would seem unwise and  
5           inappropriate to move forward with the truncated  
6           version of a public hearing that is possible through a  
7           virtual meeting at the current time. As investors in  
8           the future of Colonie through ownership in other Town  
9           projects, we know how thorough and deliberate the Town  
10          review processes are. Proceeding with the public  
11          hearing for this project, at this time, in this  
12          abbreviated manner is simply not in the public interest  
13          not in the interest of the Town.

14                 For these reasons, it is respectfully  
15          requested that the public hearing for this project  
16          either be delayed, or, at a minimum, held open until  
17          such time as full and adequate public participation in  
18          the review will be possible.

19                 Thank you for your attention to and  
20          consideration of these matters. Adam DeSantis.

21                 Dear Supervisor Mahan and Members of the Town  
22          Board: We understand that the Town - -

23                 So, this is exactly the same copy it's just  
24          signed by Dave Cerniglia, Paul Harding, Alex Tronco and  
25          John Luke Hodorowski.

1 MR. MAGGILLI: If we could, I would like to  
2 have this marked as Exhibits 3 consisting of an email  
3 dated June 4, 2020 from Adam DeSantis with the attached  
4 letter he referred to dated June 4 and April 9, 2020 in  
5 total it is five pages. (Exhibit 3 marked for  
6 identification.)

7 MS. GANSLE: Town Board in relation to  
8 Resolution 212. Dear Supervisor Mahan and Town Board:  
9 please find attached a letter signed by several members  
10 of the Homestead Neighborhood Association concerning the  
11 proposed public hearing and adoption of Resolution 212  
12 at tonight's Town Board meeting. We just learned of this  
13 meeting as it was not publicized.

14 We object to the inclusion of the Resolution  
15 tonight simply for the reasons stated in the attached  
16 letter. Under State Law, we are entitled to an  
17 opportunity to be informed and to participate in the  
18 public hearing. The opportunity to submit comments  
19 based on information posted on the Town's website is  
20 not equivalent to participation. Sincerely, Amy Duncan.

21 Dear Supervisor Mahan and Town Board: First,  
22 we are writing to object to the inclusion of Resolution  
23 No. 212 in the Town Board agenda for the June 4, 2020  
24 meeting, which is as follows:

25 Quote, Resolution adopting/not adopting a

1 Local Law rezoning 606 & 608 Loudon Road from  
2 Neighborhood Commercial Office Residential, NCOR, to a  
3 Planned Development District, PDD, Classification,  
4 Loudon Road Planned Development District, and approving  
5 the application to create an open development area  
6 located at 606 & 608 Loudon Road.

7 Whereas, New Loudon Road Realty Company, LLC  
8 has requested a rezoning of 8.39 plus or minus acres of  
9 land known as 606 & 608 Loudon Road; and

10 Whereas, due to the Corona Virus the public  
11 hearing that was scheduled for March 26, 2020 was  
12 rescheduled to April 9, 2020 and adjourned to June 4,  
13 2020; and

14 Whereas, proof of notice having been  
15 furnished, a public hearing on a proposed Local Law was  
16 held on June 4, 2020 at 7:00 p.m. with all persons  
17 desiring to be heard, having been heard; end quote.

18 Please note that this differs from the agreed  
19 course of action when the public hearing in connection  
20 with the Local Law rezoning was postponed, as set forth  
21 in Resolution No. 165 dated April 9th, 2020. Resolution  
22 No. 165 states that: quote be it resolved that a Local  
23 Law rezoning 606 & 608 Loudon Road from Neighborhood  
24 Commercial Office Residential, NCOR, to a Planned  
25 Development District, PDD, classification, Loudon Road

1       Planned Development District, be, and hereby is  
2       adjourned; and be it futher resolved that the  
3       Recommendation of the Planning Board annexed hereto as  
4       Exhibit A be, and hereby is, incorporated and adopted  
5       as if fully set forth in the Local Law herein.

6               Be it further resolved that the public hearing  
7       was called for March 26, 2020 which was not held do to  
8       the Corona virus crisis and, therefore, the public  
9       hearing will be adjourned to a date to be established  
10      after the first Town Board Meeting in June, 2020, end  
11      quote.

12              Resolution 165 clearly states that a date will  
13      be established for the public hearing after the first  
14      Town Board meeting in June, which is the June 4, 2020  
15      meeting. Therefore, Resolution No 212 is in violation  
16      of Resolution 165, since it assumes that the public  
17      hearing for this rezoning is occurring concurrently  
18      with the first Town Board meeting in June 2020. Since  
19      Resolution 212 directly contradicts the public hearing  
20      process previously set forth in published Resolution  
21      165, as residents of the Town of Colonie and neighbors  
22      to the proposed rezoning location, we are requesting  
23      that Resolution 212 be removed from the June 4, 2020  
24      Town Board agenda effective immediately, to be replaced  
25      by a Resolution to schedule the required public hearing

1 as set forth in Town Board Resolution 165.

2 Second, in accordance with NYS Town Law 261-c  
3 and Town of Colonie Code 190-71 B, any Town Board  
4 action to approve a PDD requires a public hearing.  
5 Under New York State Town Law, this is not the same as  
6 a public comment period. According to Governor Cuomo's  
7 Executive Order 202.1 in response to COVID-19, a public  
8 hearing can be held remotely via videoconferencing or  
9 conference call; however, the public must be able to  
10 listen or view the meeting and participate in the  
11 public hearing.

12 Upon inquiry to the Town Clerk today  
13 concerning participating in the public hearing, we were  
14 advised that the only mechanism for resident  
15 contribution to tonight's public hearing is to submit  
16 comments in advance via email at infoclerk@colonie.org,  
17 to be read into the meeting record. We were further  
18 advised that there is no provision for actual  
19 participation in tonight's public hearing. This  
20 approach does not meet the requirements for a public  
21 hearing, even under COVID-19 restrictions. Further,  
22 there is no evidence of a public notice concerning this  
23 meeting. Therefore, the public hearing must be  
24 rescheduled.

25 Third, New York State Open Meetings Law 103(e)

1 requires that the Town post and make available to the  
2 public the records that will be the subject of  
3 discussion tonight.

4 Aimee McKane reached out to Sean Maguire on  
5 March 9, 2020 behalf of the Homestead Neighborhood  
6 Association with a request to obtain a copy of the Town  
7 Designated Engineer's, TDE, letter concerning  
8 recommendations for \$500K in public benefit funding  
9 associated with the Galleria project on the former  
10 Hoffman's Playland property at 606 & 608 New Loudon  
11 Road. This letter was referenced by TDE Joe Grasso  
12 during the Feb 25th Planning Board meeting as support  
13 for the original decision to include sidewalks on  
14 Spring Street as part of this public benefit, endquote.  
15 Mr. Maguire was advised by the Town Attorney that the  
16 Town had to take this as a formal FOIL request so that  
17 we are consistent with anyone who requests records. If  
18 we need anything more, one of us will let you know,  
19 endquote. The requested information was never  
20 received. Sidewalks on Spring Street are still included  
21 as part of the written findings from the Planning Board  
22 attached to this Resolution, even though they provide  
23 no benefit to the surrounding neighborhood and no  
24 rationale has been provided for this use, which is  
25 inconsistent with the Town's own recently updated

1 Comprehensive Plan. Finally, given the multiple  
2 ownership of the property under consideration, how will  
3 the obligation to pay the stated PDD public benefit of  
4 \$500,000 be assessed and when is payment due?

5 Respectfully submitted, Homestead Neighborhood  
6 Association, as represented by: Steve & Elaine  
7 Blanchard, Ed & MaryAnn Duncan Paula Fitzpatrick,  
8 Justin & Elise Gregory, Laura and Marc Mattiske, Gordon  
9 and Aimee McKane and Steve and Etta Fink.

10 SUPERVISOR MAHAN: Is that all you have, Julie?

11 MS. GANSLE: I have three more.

12 SUPERVISOR MAHAN: I have two on my phone, as  
13 well. I'll wait until you're done.

14 MR. MAGGUILLI: If I may Just briefly on this,  
15 to answer a couple of his questions - - first, he is  
16 right. They are entitled to a copy of the Town  
17 Designated Engineer's letter regarding the  
18 recommendations for the \$500,000 in public funds.

19 While that letter was being considered by the  
20 Planning Board, it was considered under the FOIL  
21 statutes to be an internal document, not subject to  
22 FOIL disclosure. However, now that the Planning Board  
23 is done and has made its recommendation, that no longer  
24 applies and they should have received a copy of the  
25 Town Designated Engineer's letter. Why they have not, I

1 don't know but I will make sure that they get a copy  
2 tomorrow.

3 I disagree with one statement they have made  
4 and that's according to Governor Cuomo's Executive Order  
5 202.1. A public hearing can be held remotely via  
6 videoconferencing or conference call. However, the  
7 public must be able to listen or view the meeting and  
8 participate in the public hearing. They marked that  
9 with a footnote number one, Legal Alert, Keane & Bean,  
10 P.C., 3/30/30 - - that might be 20. It is supposed to  
11 be. Conducting public meetings during Governor Cuomo's  
12 stay-at-home order.

13 The actual language in Section 202.1 of  
14 Governor Cuomo's Executive Order with respect to  
15 conducting public hearings - - I would just like to  
16 read this into the record for future reference.

17 Suspension of law allowing the attendance of  
18 meetings telephonically or other similar service.  
19 Article 7 of the Public Officers Law to the extent  
20 necessary to permit any public body to meet and take  
21 such actions authorized by the law without permitting  
22 any public in person access to meetings and authorizing  
23 such meetings to be held remotely by conference call or  
24 similar service provided that the public has the  
25 ability to view or listen to such proceeding and that

1 such meetings are recorded and later transcribed.

2 That is the exact language of the Executive  
3 Order. There's nothing in there about direct  
4 participation at a Town Board - for the public rather  
5 although this Town Board has always provided for that.

6 Then, with respect to - they are actually  
7 correct. Resolution 165 did say that a date for the  
8 public hearing would be established after the first  
9 meeting in June which is tonight. Again, we never  
10 intended to vote tonight and we are going to extend the  
11 public hearing to June 18. So, I thought that complied.  
12 However, the better practice in a project such as this,  
13 as you pointed out, would be to wait until such time as  
14 the public can participate in person in Town Hall. So,  
15 I think we have addressed all the concerns in their  
16 correspondence - the Homestead Neighborhood  
17 Association.

18 If we could, I would like to mark as Exhibit 4  
19 consisting of a two page letter dated June 4th And it  
20 is signed by the neighborhood Association - homestead  
21 neighborhood Association.

22 (Exhibit 4 was marked for identification.)

23 MS. GANSLE: Our next public comment: I have  
24 lived on Homestead Drive for 23 years and have seen the  
25 traffic picked up tremendously with the growth of the

1 surrounding community. We walk our dogs on a daily basis  
2 and have to constantly dodge traffic and have actually  
3 had altercations with drivers. I don't feel safe on or  
4 near the road as the traffic is constant and faster than  
5 the speed limit.

6 I strongly stand behind Aimee McKane's  
7 proposals to help alleviate the increase in traffic and  
8 would appreciate the Board's understanding to implement  
9 them. Thank you, Laura Mattiske.

10 SUPERVISOR MAHAN: Julie, there was a traffic  
11 study done on Homestead. I'm not sure that the results  
12 are the same.

13 MS. GANSLE: Next comment: as a concerned  
14 resident who has lived on Homestead Drive for nearly 5  
15 decades, and deeply troubled by the heavy traffic on our  
16 street which has increased significantly over the last  
17 45 years. My greatest priority is having Homestead Drive  
18 become a one-way street. I have personally been hit  
19 while trying to back out of my driveway in my husband's  
20 car was totaled while parked in front of our house. We  
21 have seen multiple pets killed including oral, and our  
22 family dog that was hit and badly injured in maimed for  
23 life. We now have several new residents with young  
24 children on Homestead Drive and have witnessed close  
25 calls with children.

1           Having Homestead Drive designated a one-way  
2           street would greatly increase our safety and quality of  
3           life and allow our children to play safely in front of  
4           their homes. If the pattern of traffic continues as it  
5           is, is only a matter of time before there is a human  
6           tragedy. The time to act is now. Mary Ann and Ed  
7           Duncan.

8           Finally: To the Colonie Town Board: as a  
9           lifelong resident of the Town of Colonie and a  
10          homeowner on Homestead Drive I would like to reach out  
11          to the Board and ask you to consider some type of  
12          restrictions on the increased traffic flow and rate of  
13          speed on our street.

14          For 23 years I have lived at 15 Homestead  
15          Drive and I have witnessed a constant increase in  
16          traffic. I understand our residential street was  
17          initially designed as a cut-through, but the increased  
18          development in the area has brought traffic levels to a  
19          dangerous level.

20          I understand progress and growth is important  
21          to every town and municipality, but our street where  
22          families with children live in play has become  
23          dangerous due to the increased speed and volume of  
24          traffic. I respectfully ask you to consider some type  
25          of traffic restriction to keep myself and my neighbor

1 safe. Thank you, Marc Mattiske.

2 SUPERVISOR MAHAN: I received a few this  
3 morning which I will forward to you for your record. I  
4 have seen several questions from Mary Stapleton who  
5 lives in the area of 11 Elks Lane, which is close enough  
6 to it, but not right there. I received this this morning  
7 from her. She asked these two things be read tonight.

8 I'll read Mary's first. This is Mary  
9 Stapleton's comments. The facility proposed for the  
10 Elks Club property on Albany Shaker Road - - I think  
11 she means Watervliet Shaker Road - - has been  
12 justifiably opposed in the past. The Elk's Club has  
13 already received extended zoning changes to support the  
14 current housing project. Those zoning changes were  
15 feared by the neighboring residents to lay the  
16 groundwork for additional commercial development. Those  
17 fears have materialized. The cell tower facility poses  
18 further encroachment and negative impact to the  
19 residential neighborhood. The facility poses an eyesore  
20 to the residential neighborhood as it is perched on a  
21 land rise in projects over 75 feet in the air. A  
22 natural topper adds to the height and the views.

23 First, the proposal to relocate the facility  
24 from the southern portion of the Elk's Club property to  
25 the northern portion does nothing to mitigate the

1 adverse effects to the residential neighborhood. It  
2 brings it closer to neighboring private homes.

3 Second, the facility will emit light and noise  
4 to negatively impact the surrounding neighborhoods. The  
5 proposed tower will directly add to the bright lights  
6 and noise. The current housing and garages are  
7 literally in the backyards of the private homes.

8 Third, the facility will generate an increase  
9 in heavy equipment traffic for maintenance and repair,  
10 adding to the amount of traffic already generated by  
11 the Elk's Club facilities. The residential  
12 neighborhoods have already suffered enough with the  
13 addition of the housing at this site. Please come and  
14 view the bright lights visible for miles away in  
15 increased traffic generated, often hazardous, by the  
16 housing. Please do not approve this request. Please  
17 protect our neighborhoods from further commercial  
18 encroachment.

19 For those of you who are newer to the Board,  
20 the housing on the Elk's property is the King Theil  
21 housing, which was something that was requested for  
22 years to have that type of housing with rents which was  
23 meeting the needs of the population that were falling  
24 through the cracks. King Thiel is run by Colonie Senior  
25 Services Centers, Inc., which is where the Beltrone

1 Center is. It seems to be very quiet neighborhood and  
2 building whenever of gone through several different  
3 times - - I checked traffic and things like that. I  
4 personally haven't seen any traffic generated by this.  
5 I'm sure that people that live there may see something  
6 different.

7 The next one is from Karen Smith. I'm not  
8 quite sure why this is attached from 2015, but she sent  
9 it to me, so I will read it.

10 Mike, I'm not sure - should I read this one  
11 and also?

12 MR. MAGGUILLI: Let me take a look at it.

13 SUPERVISOR MAHAN: It pertains to that  
14 particular property, so I think she meant to send it.

15 MR. MAGGUILLI: I don't think it's necessary to  
16 read this in. It was not sent to infoclerk, for one  
17 thing, which is one of the requirements. We can print  
18 this out and make a copy of it and put it in the file,  
19 but we probably have it in the file already.

20 SUPERVISOR MAHAN: I would say that it was  
21 addressed at one time. It's five years old. I think what  
22 we will do - as I said earlier, we will print out copies  
23 of this or forward this to the Zoning Board.

24 Okay, that's all I have.

25 MS. GANSLE: That concludes anything submitted

1 to info clerk as well.

2 SUPERVISOR MAHAN: Okay, I guess we can go on  
3 to our Resolutions.

4 (Where's the above entitled proceeding is  
5 concluded at 7:56 p.m.)  
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Legal Transcription  
Ph 518-542-7699

## CERTIFICATION

I, NANCY L. STRANG, Shorthand Reporter and  
Notary Public in and for the State of New York, hereby  
CERTIFY that the record taken by me at the time and  
place noted in the heading hereof is a true and  
accurate transcript of same, to the best of my ability  
and belief.

Dated: \_\_\_\_\_

NANCY L. STRANG

LEGAL TRANSCRIPTION

2420 TROY SCHENECTADY RD.

NISKAYUNA, NY 12309

Legal Transcription  
Ph 518-542-7699



1 TOWN BOARD

COUNTY OF ALBANY

2 TOWN OF COLONIE

3 \*\*\*\*\*

TOWN BOARD MEETING

4 \*\*\*\*\*

5 THE STENOGRAPHIC MINUTES of the above entitled matter  
6 by NANCY L. STRANG, a Shorthand Reporter commencing on  
7 June 4, 2020 at 7:10 p.m. at Memorial Town Hall, 534  
8 New Loudon Road, Latham, New York

9 BOARD MEMBERS:

10 PAULA MAHAN, SUPERVISOR  
11 LINDA MURPHY, DEPUTY SUPERVISOR  
12 MELISSA JEFFERS-VONDOLLEN  
13 RICK FIELD  
14 JILL PENN  
15 DAVID GREEN  
16 DANIELLE FUTIA

17 ALSO PRESENT:

18 Michael C. Magguilli, Esq, Town Attorney  
19 Julie Gansle, Town Clerk  
20  
21  
22  
23  
24  
25

Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)

1 SUPERVISOR MAHAN: We'll start with personnel.

2 MS. GANSLE: We have a Resolution appointing  
3 Richard J. Langford to the position of paramedic  
4 part-time in the Emergency Medical Services Department.

5 MS. MURPHY: So moved.

6 MR. GREEN: Second.

7 SUPERVISOR MAHAN: Just to give you some  
8 general background on that, this is actually a  
9 cost-saving measure for us. Rich Langford is actually  
10 being rehired as a part-time paramedic. So, he has been  
11 an excellent provider and he will be able to return at a  
12 very limited training expense. It is cost-saving because  
13 we are utilizing part-time employees and that will save  
14 us some funds versus filling it with full-time and  
15 overtime shifts. It's part-time versus overtime shifts  
16 in part-time is saving us money. So, that's the reason  
17 for this hire.

18 Supervisor votes aye. Clerk, call the roll.

19 (The roll was called.)

20 MS. GANSLE: The ayes have it, Madam  
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MS. GANSLE: We have a Resolution appointing  
24 Edward P. Snyder, Jr. to the position of Water Treatment  
25 Plant Operator, Grade 22, in the DPW/Division of Latham

1 Water.

2 MS. MURPHY: So moved.

3 MR. GREEN: Second.

4 SUPERVISOR MAHAN: The current title for Edward  
5 Snyder, Jr. states that trainee has one year to  
6 satisfactorily complete the training. This is an  
7 experience requirement of the New York State Sanitary  
8 Code Certificate. The employment is limited to one year  
9 in the training position.

10 Mr. Snyder has submitted information showing  
11 he has successfully completed his 2ASWGVI filtration  
12 plant water system operator. This results in the  
13 promotion from trainee to Water Treatment Plant  
14 Operator. We have a department head and a title. A  
15 copy of the title of this particular requirement,  
16 which is the Water Treatment Plant Operating Trainee  
17 statement: term of appointment is limited to one year  
18 during which time employees can be required to  
19 satisfactorily complete the training and experience  
20 requirements of the New York State Sanitary Code or  
21 certificate appropriate to the plan. Upon completion  
22 of training and experience requirements, the incumbent  
23 is promoted to Water Treatment Plant Operator. This is  
24 a policy that we must follow.

25 Supervisor votes aye. Clerk, call the roll.

1 (The roll was called.)

2 MS. GANSLE: The ayes have it, Madam  
3 Supervisor.

4 SUPERVISOR MAHAN: The Resolution is adopted.  
5 Okay, we have a public hearing.

6 (Whereas the above until proceeding was  
7 adjourned to address the public hearing and public  
8 comment sessions of the evening and immediately  
9 recommenced after.)

10 MS. GANSLE: We have a Resolution authorizing  
11 the Supervisor to reimburse for overestimated water  
12 usage at 1103 Loudon Road and 7 Fernwood Drive.

13 MS. JEFFERS-VONDOLLEN: So moved.

14 MR. GREEN: Second.

15 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
16 call the roll.

17 (The roll was called.)

18 MS. GANSLE: The ayes have it, Madam  
19 Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 MS. GANSLE: We have a Resolution authorizing  
22 the Supervisor to execute a professional service  
23 agreement with C.T. Male Associates in connection with  
24 performing Safety Inspections at Stony Creek Reservoir  
25 Dam.

1 MS. PENN: So moved.

2 MS. JEFFERS-VONDOLLEN: Second.

3 SUPERVISOR MAHAN: This is at a cost of  
4 \$18,500.

5 Supervisor votes aye. Clerk, call the roll.

6 MS. GANSLE: Councilwoman Penn?

7 MS. PENN: Aye.

8 MS. GANSLE: Futia?

9 MS. FUTIA: Aye.

10 MS. GANSLE: VonDollen?

11 MS. JEFFERS-VONDOLLEN: Aye

12 MS. GANSLE: Murphy?

13 MS. MURPHY: Aye.

14 MS. GANSLE: Green?

15 MR. GREEN: Mike, I have a quick question for  
16 you on this before I vote aye. Is this scheduled  
17 maintenance that happens on an annual basis happen at a  
18 specific time each year as adjust as needed?

19 MR. MAGGUILLI: Yes, it is an annual  
20 inspection. We have to do it. We are still under an  
21 obligation even though we are contemplating the RFP and  
22 the like. So, as long as we are the owners, we have to  
23 comply with all the DEC and EPA regulations. This is one  
24 of the requirements.

25 MR. GREEN: What time period do the inspections

1 have to be done in any given year? Is there a time limit  
2 on when the inspections have to be done in a given year?

3 MR. MAGGUILLI: Yes, they have to be done  
4 annually and I believe the time is up. I can read you  
5 the 214.

6 MR. GREEN: I'm just asking because -

7 MR. MAGGUILLI: Are you asking is there a way  
8 that we can put it off until such time it is sold?

9 MR. GREEN: Well, if we get a successful bid  
10 next year and we can put it off, that's great. I would  
11 just point out to anyone out there that's interested in  
12 this -

13 MR. MAGGUILLI: The safety inspection is  
14 required in accordance with 6NYCRR Part 673.12 safety  
15 inspections. It's required to be done annually and in  
16 this case, we have to have it ready by September 1,  
17 2020. So, they're doing it now to have it in time.

18 MR. GREEN: Thank you.

19 Aye.

20 MS. GANSLE: Field?

21 MR. FIELD: Aye.

22 MS. GANSLE: The ayes have it, Madam  
23 Supervisor.

24 SUPERVISOR MAHAN: The Resolution is adopted.

25 MS. GANSLE: We have a Resolution awarding the

1 bid to Pad Business Forms in connection with the  
2 printing and mailing of water meter cards for the  
3 DPW/Division of Latham Water

4 MS. MURPHY: This is being awarded to the low  
5 bidder for \$4,662. So moved.

6 MR. GREEN: Second.

7 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
8 call the roll.

9 (The roll was called.)

10 MS. GANSLE: The ayes have it, Madam  
11 Supervisor.

12 SUPERVISOR MAHAN: The Resolution is adopted.

13 MS. GANSLE: We have a Resolution awarding the  
14 bid to Calgon Carbon Corporation in connection with the  
15 granular activated carbon filter media removal and  
16 replacement at the Mohawk View Water Treatment Plant for  
17 the DPW/Division of Latham Water and authorizing the  
18 Supervisor to enter into an agreement for same.

19 MS. MURPHY: Each bid - each item was awarded  
20 to the low bidder. So moved.

21 MR. GREEN: Second.

22 SUPERVISOR MAHAN: The total cost is \$184,407.  
23 Supervisor votes aye. Clerk, call the roll.

24 (The roll was called.)

25 MS. GANSLE: The ayes have it, Madam

1 Supervisor.

2 SUPERVISOR MAHAN: The Resolution is adopted.

3 MS. GANSLE: We have a Resolution authorizing  
4 the Supervisor to execute Change Order No. 2 to Contract  
5 1 with National Water Main Cleaning Company in  
6 connection with the 2019 Sanitary Sewer Rehabilitation  
7 Project.

8 MS. MURPHY: So moved.

9 MR. GREEN: Second.

10 SUPERVISOR MAHAN: The two problems were two  
11 separate holes occurred after the bid was awarded.

12 Supervisor votes aye. Clerk, call the roll.

13 (The roll was called.)

14 MS. GANSLE: The ayes have it, Madam  
15 Supervisor.

16 SUPERVISOR MAHAN: The Resolution is adopted.

17 MS. GANSLE: We have a Resolution authorizing  
18 the Supervisor to declare an emergency in connection  
19 with repair of the sanitary sewer system at 23 Lake  
20 Shore Drive by ANJO Construction, Limited and  
21 authorizing the Comptroller to expend Emergency Repair  
22 Reserve funds for the same.

23 MS. MURPHY: This emergency repair was at a  
24 cost of \$18,380. So moved.

25 MR. GREEN: Second.

1 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
2 call the roll.

3 (The roll was called.)

4 MS. GANSLE: The ayes have it, Madam  
5 Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.

7 MS. GANSLE: We have a Resolution authorizing  
8 the Supervisor to execute a Contractor Service Agreement  
9 with Syna-Flow Technologies to increase the expenditure  
10 limit for the DPW/Division of Pure Waters.

11 MS. MURPHY: So moved.

12 MR. GREEN: Second.

13 SUPERVISOR MAHAN: This is increased to a total  
14 of \$10,000.

15 Supervisor votes aye. Clerk, call the roll.

16 (The roll was called.)

17 MS. GANSLE: The ayes have it, Madam  
18 Supervisor.

19 SUPERVISOR MAHAN: The Resolution is adopted.

20 MS. GANSLE: We have a Resolution authorizing  
21 expenditure of funds from the Insurance Reserve Fund for  
22 payment of legal fees, expenses and/or settlement in  
23 connection with litigation.

24 MS. JEFFERS-VONDOLLEN: So moved.

25 MS. PENN: Second.

1 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
2 call the roll.

3 (The roll was called.)

4 MS. GANSLE: The ayes have it, Madam  
5 Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.

7 MS. GANSLE: We have a Resolution rescinding  
8 all previously adopted Citizen Participation Plans and  
9 adopting a new Citizen Participation Plan for the Town  
10 of Colonie Community Development Block Grant Program.

11 MS. FUTIA: So moved.

12 MS. PENN: Second.

13 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
14 call the roll.

15 (The roll was called.)

16 MS. GANSLE: The ayes have it, Madam  
17 Supervisor.

18 SUPERVISOR MAHAN: The Resolution is adopted.

19 MS. GANSLE: We have a Resolution authorizing  
20 the General Services Director to approve contract  
21 renewals and authorizing the Supervisor to enter into  
22 service agreements with diverse vendors in connection  
23 with various goods and services for 2020.

24 MS. PENN: So moved.

25 MS. JEFFER-VONDOLLEN: Second.

1 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
2 call the roll.

3 (The roll was called.)

4 MS. GANSLE: The ayes have it, Madam  
5 Supervisor.

6 SUPERVISOR MAHAN: The Resolution is adopted.

7 MS. GANSLE: We have a Resolution rejecting all  
8 bids in connection with the MTB Concrete Stairs and  
9 Railing Project for 2020.

10 MS. MURPHY: So moved.

11 MS. PENN: Second.

12 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
13 call the roll.

14 (The roll was called.)

15 MS. GANSLE: The ayes have it, Madam  
16 Supervisor.

17 SUPERVISOR MAHAN: The Resolution is adopted.

18 MS. GANSLE: We have a Resolution approving a  
19 change order to the contract with Stonewell Bodies in  
20 connection with the re-chassis of EMS Vehicle TSU-1.

21 MS. PENN: So moved.

22 MS. JEFFERS-VONDOLLEN: Second.

23 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
24 call the roll.

25 (The roll was called.)

1 MS. GANSLE: The ayes have it, Madam  
2 Supervisor.

3 SUPERVISOR MAHAN: The Resolution is adopted.

4 MS. GANSLE: We have a Resolution authorizing  
5 the Supervisor to enter into an agreement with B&L  
6 Control Services, Incorporated in connection with the  
7 chemical treatment services of two cooling towers at the  
8 Public Operations and Public Safety Facilities.

9 MR. GREEN: This is not to exceed \$5,310.00. So  
10 moved.

11 MS. JEFFERS-VONDOLLEN: Second.

12 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
13 call the roll.

14 (The roll was called.)

15 MS. GANSLE: The ayes have it, Madam  
16 Supervisor.

17 SUPERVISOR MAHAN: The Resolution is adopted.

18 MS. GANSLE: We have a Resolution authorizing  
19 acceptance of a proposal from Arthur J. Gallagher &  
20 Company to provide property insurance through Travelers  
21 Property Casualty Company of America.

22 MS. JEFFERS-VONDOLLEN: So moved.

23 MS. PENN: Second.

24 SUPERVISOR MAHAN: This goes from June 1, 2020  
25 to June 1, 2021 at a premium of \$159,234.

1 Supervisor votes aye. Clerk, call the roll.

2 (The roll was called.)

3 MS. GANSLE: The ayes have it, Madam  
4 Supervisor.

5 SUPERVISOR MAHAN: The Resolution is adopted.

6 MS. GANSLE: We have a Resolution authorizing  
7 acceptance of a proposal from Arthur J. Gallagher Risk  
8 Management Services to provide boiler and machinery  
9 insurance coverage through Travelers Property Casualty  
10 Company of America.

11 MS. JEFFERS-VONDOLEN: So moved.

12 MS. PENN: Second.

13 SUPERVISOR MAHAN: Again this is from the  
14 period of June 1, 2020 to June 1, 2021 At a cost of  
15 \$11,338.

16 Supervisor votes aye. Clerk, call the roll.

17 (The roll was called.)

18 MS. GANSLE: The ayes have it, Madam  
19 Supervisor.

20 SUPERVISOR MAHAN: The Resolution is adopted.

21 MS. GANSLE: We have a Resolution authorizing  
22 acceptance of a proposal from Arthur J. Gallagher Risk  
23 Management Services to provide Crime Insurance Coverage  
24 through Travelers Insurance.

25 MS. JEFFERS-VONDOLLEN: So moved.

1 MS. PENN: Second.

2 SUPERVISOR MAHAN: This is from the period of  
3 June 1, 2020 to June 1, 2021 At a premium of \$7,879.

4 Supervisor votes aye. Clerk, call the roll.

5 (The roll was called.)

6 MS. GANSLE: The ayes have it, Madam  
7 Supervisor.

8 SUPERVISOR MAHAN: The Resolution is adopted.

9 MS. GANSLE: We have a Resolution authorizing  
10 the Supervisor to execute Change Order No. 005 to the  
11 contract with Gallo Construction Corp. for general  
12 construction services at the William K. Sanford Library.

13 MS. MUPRHY: Gallo Construction will do  
14 additional electric improvements scheduled at the  
15 library for \$3,751.30. So moved.

16 MR. GREEN: Second.

17 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
18 call the roll.

19 (The roll was called.)

20 MS. GANSLE: The ayes have it, Madam  
21 Supervisor.

22 SUPERVISOR MAHAN: The Resolution is adopted.

23 MS. GANSLE: We have a Resolution authorizing  
24 the Supervisor to enter into an agreement with Idemia  
25 Identity & Security USA, LLC in connection with the

1 purchase of a New York RICI LiveScan system for the  
2 Police Department.

3 MR. GREEN: So moved.

4 MS. JEFFERS-VONDOLLEN: Second.

5 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
6 call the roll.

7 (The roll was called.)

8 MS. GANSLE: The ayes have it, Madam  
9 Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.

11 MS. GANSLE: We have a Resolution authorizing  
12 the Supervisor to enter into an agreement with Stone  
13 Industries, LLC in connection with renting portable  
14 handwashing stations for the Town of Colonie Farmers  
15 Market.

16 MR. GREEN: So moved.

17 MS. PENN: Second.

18 SUPERVISOR MAHAN: This is a cost of \$1,000.  
19 Supervisor votes aye. Clerk, call the roll.

20 (The roll was called.)

21 MS. GANSLE: The ayes have it, Madam  
22 Supervisor.

23 SUPERVISOR MAHAN: The Resolution is adopted.

24 MS. GANSLE: We have a Resolution authorizing  
25 settlement or discontinuance, subject to judicial

1 approval of the same, pursuant to Section 68 of the Town  
2 Law, of various tax certiorari proceedings.

3 MS. JEFFERS-VONDOLLEN: So moved.

4 MS. PENN: Second.

5 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
6 call the roll.

7 (The roll was called.)

8 MS. GANSLE: The ayes have it, Madam  
9 Supervisor.

10 SUPERVISOR MAHAN: The Resolution is adopted.

11 MS. GANSLE: We have a Resolution authorizing  
12 the Supervisor to enter into an agreement with Westlaw  
13 in connection with legal research software.

14 MS. JEFFERS-VONDOLLEN: So moved.

15 MS. PENN: Second.

16 SUPERVISOR MAHAN: Supervisor votes aye. Clerk,  
17 call the roll.

18 (The roll was called.)

19 MS. GANSLE: The ayes have it, Madam  
20 Supervisor.

21 SUPERVISOR MAHAN: The Resolution is adopted.

22 That concludes the meeting. Thank you very  
23 much. Have a good night.

24 (Whereas the above entitled proceeding was  
25 concluded at 8:10 p.m.)

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CERTIFICATION

Legal Transcription  
Ph 518-542-7699

1  
2 I, NANCY L. STRANG, Shorthand Reporter and  
3 Notary Public in and for the State of New York, hereby  
4 CERTIFY that the record taken by me at the time and  
5 place noted in the heading hereof is a true and  
6 accurate transcript of same, to the best of my ability  
7 and belief.

8  
9 Dated: \_\_\_\_\_

10 NANCY L. STRANG

11 LEGAL TRANSCRIPTION

12 2420 TROY SCHENECTADY RD.

13 NISKAYUNA, NY 12309  
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Legal Transcription  
Ph 518-542-7699

Communication: Stenographic Minutes (Reports)