

RESOLUTION NO. 310-A FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Laura C. Hadsell to the position of Real Property Appraiser, Grade 13, in the Assessor's Office.

WHEREAS, the Personnel Officer has certified Laura C. Hadsell as eligible for permanent appointment from Eligible List #22-964, established June 22, 2022;

BE IT RESOLVED that Laura C. Hadsell be, and hereby is, permanently appointed to the position of Real Property Appraiser in the Assessor's Office at an annual salary of \$62,110, effective July 22, 2022.

RESOLUTION NO. 310-B FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

 Councilwomen Danielle Futia

 Melissa Jeffers

 Jill Penn

 Councilmen Rick Field, Sr.

 Alvin Gamble

 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently promoting Travis E. Winglosky to the position of Motor Equipment Operator, Grade 11, in the DPW/Division of Pure Waters.

BE IT RESOLVED that Travis E. Winglosky be, and hereby is, permanently promoted to the position of Motor Equipment Operator, Grade 11, in the DPW/Division of Pure Waters at an hourly rate of \$28.77, effective July 25, 2022.

RESOLUTION NO. 310-C FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution rescinding prior Resolution No. 292-M for 2022 and provisionally promoting Jesse A. Kean to the position of Water Meter Service Worker, Grade 9, in the DPW/Division of Latham Water.

BE IT RESOLVED that Resolution No. 292-M for 2022 be, and hereby is, rescinded and provisionally promoting Jesse A. Kean to the position of Water Meter Service Worker, Grade 9, in the DPW/Division of Latham Water at an hourly rate of \$26.73, effective June 20, 2022.

RESOLUTION NO. 310-D FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution appointing Trevor McDaniel to the position of Attorney,
Grade 17, in the Town Attorney's Office.**

BE IT RESOLVED that Trevor McDaniel be, and hereby is, appointed to the position of Attorney, Grade 17, in the Town Attorney's Office at an annual salary of \$71,262, effective July 25, 2022.

RESOLUTION NO. 310-E FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing John T. Fouracre to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified John T. Fouracre as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that John T. Fouracre be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-F FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Corey L. Friedman to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Corey L. Friedman as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Corey L. Friedman be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-G FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Joshua M. Spenziero to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Joshua M. Spenziero as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Joshua M. Spenziero be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-H FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Matthew A. Casey to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Matthew A. Casey as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Matthew A. Casey be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-I FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Alison Floyd to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Alison Floyd as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Alison Floyd be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-J FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Mark R. Egan to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Mark R. Egan as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Mark R. Egan be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 310-K FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution permanently appointing Stefanie L. Miller to the position of Police Officer in the Police Department.

WHEREAS, the Personnel Officer has certified Stefanie L. Miller as eligible for permanent appointment from Eligible List #21-955, established December 8, 2021;

BE IT RESOLVED that Stefanie L. Miller be, and hereby is, permanently appointed to the position of Police Officer in the Police Department at an annual salary of \$60,933, effective July 22, 2022.

RESOLUTION NO. 311 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution adopting/not adopting a local law in connection with the Code of the Town of Colonie, thereof, amending Chapter 46 of the Town Code regarding alarm systems in the Town of Colonie.

WHEREAS, proof of notice having been furnished, the public hearing on a proposed local law was held at 7:00 PM on July 21, 2022 with all persons desiring to be heard, having been heard;

THEREFORE, BE IT RESOLVED that the local law amending Chapter 46 of the Code of the Town of Colonie regarding alarm systems in the Town of Colonie be, and hereby is, adopted/not adopted.

NEW YORK STATE DEPARTMENT OF STATE
99 WASHINGTON AVENUE, ALBANY, NY 12231

Local Law Filing

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

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

Town of Colonie
Local Law No ____ of the year 2022

A local law amending Chapter 46 of the Code of the Town of Colonie, entitled “Alarm Systems.”

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

SECTION 1: AMENDMENT

Chapter 46 of the Code of the Town of Colonie, entitled “Alarm Systems,” is repealed in its entirety and replaced with the following local law, which regulates alarm systems in the Town of Colonie.

§ 46-1. Purpose.

The purpose of this Local Law is to promote the health, safety, and general welfare of the residents of the Town of Colonie by reducing the number of avoidable Nuisance Alarms. Nuisance Alarms result in unnecessary and ineffective use of police, ambulance, fire and rescue emergency personnel and equipment.

§ 46-2. Definitions.

Alarm System: A device or an assembly of equipment which, when activated, is intended to transmit a signal directly or indirectly to request fire, police, ambulance, or rescue services to respond on an emergency basis. An “Alarm System” shall also include a device or an assembly of equipment that emits an audible or visual signal, or both, at or near the exterior of the protected premises which is intended to alert persons outside of a premises to the existence of a hazard or emergency; or that transmits a request for police, ambulance, fire or rescue services to a central station or answering service for the purpose of reporting such alarms to an emergency agency or transmitting a request for emergency services to an emergency agency. This definition does not include any alarm device installed in any motor vehicle, nor any single station detector of smoke, heat, fire or carbon monoxide.

Nuisance Alarm: The activation of an alarm system which results in a response by fire, police, or ambulance personnel to any place within the Town of Colonie (outside of the Village of Colonie and the Village of Menands) where no fire, police, ambulance, or rescue

services are required, as determined by such personnel, including, but not limited to, activation of an alarm system arising from improper use or operation of the alarm system, defective installation of an alarm system, the failure to repair or maintain an alarm system, or the use of defective equipment in connection with an alarm system. Nuisance alarms shall also include alarms in dwelling units and on premises that are triggered as a result of cooking smoke, steam, dust or vapor. A nuisance alarm shall not include:

- A. The activation of an alarm system which results from hurricane, gale, tornado or other violent weather condition, or any major disruption of public utility transmission;
- B. The activation of an alarm system where the activator reasonably believes that an emergency situation exists; or
- C. An activation of a medical alert system.

Medical Alert System: means an alarm system, which, when activated, is specifically intended to result in a response from an emergency medical services agency.

§ 46-3. Alarm Permits.

- A. A person or entity that occupies premises upon which an Alarm System is installed or operated shall obtain a permit for each Alarm System by submitting an application for an alarm permit to the Town Clerk within 45 days of the initial installation of the Alarm System or, for an existing Alarm System, within 45 days of the effective date of this local law. The permit shall be valid for a period of two years from the date of its issuance and a renewal application shall be required on a biannual basis thereafter. It shall be the responsibility of the permit holder to submit a renewal application prior to the expiration date of the existing permit.
- B. Commercial establishments with fire alarm systems shall be required to submit an inspection report to the compliance engine utilized by the Town. The inspection report must be completed by a third-party firm alarm company approved by the Town of Colonie. A list of approved alarm companies may be obtained from the Department of Fire Services.
- C. Alarm permit fees shall be established by the Town Board. All fees are nonrefundable. No fee shall be required for a permit application for which a medical alert system is the only alarm installed in the dwelling unit or premises.
- D. Upon written request addressed to the Town Clerk, the permit fee shall be waived for any person over the age of 62, who occupies premises upon which an Alarm System is installed or operated, provided that the intended alarm system shall be residential and not used in connection with any commercial or business purpose.
- E. An alarm permit shall not be transferable to another person or location. All permits shall be deemed terminated upon the sale or transfer of possession of the affected premises to a new owner or occupant.

- F. The permit holder shall notify the Town Clerk of any change to the information provided in their application for an Alarm Permit within thirty (30) days of such change.
- G. The application for an alarm permit shall be made on the form prescribed by the Town Clerk and shall provide at least the following information:
 - (1) The name, address and home and cell phone number of the intended permit holder;
 - (2) The address of the premises upon which the Alarm System is located;
 - (3) The address to which notices required under this Chapter will be sent, if different from the alarm location;
 - (4) The name and home and cell phone number of three local persons who may be contacted, at any time of the day or night, who are authorized by the person who owns or leases the premises upon which an alarm system is installed or operated to enter the premises, ascertain the status thereof, and if the person determines such premises are safe and secure, deactivate or silence the alarm; and
 - (5) Such other information as may be required by the Town of Colonie.

§ 46-4. Notice of Nuisance Alarms.

The permit holder of the premises which received an emergency response by reason of a Nuisance Alarm shall be notified, in writing, by certified mail of all alarms which Fire Services or Police deemed to be a nuisance. The notification shall inform the owner or lessee of the times and types of emergency responses provided to the address location.

§ 46.5. Administrative Review.

- A. Request for administrative review. To challenge the classification of an alarm as a Nuisance Alarm, the permit holder shall, within 30 days of service of the notice of the nuisance alarm, submit a written request for a hearing, setting forth the basis for the appeal, to Town of Colonie Fire Services. As used in this section, “service” shall mean the mailing by first-class mail or personal delivery of any notice referenced herein. The failure to submit a timely request for a hearing shall be deemed a waiver of the right to have the determination reviewed.
- B. Administrative review. The Alarm Review Board shall be comprised of the Deputy Police Chief, the Senior Fire Protection Specialist and a Town Attorney. The Board shall meet on a quarterly basis to hear matters as requested by permit holders. A permit holder notified of a nuisance alarm on their premises shall have the opportunity to present evidence to the contrary to the Board. The Alarm Review Board shall hold a hearing and make a written determination concerning the classification of the alarm. A copy of the determination shall be mailed to the permit holder. If the Board determines that an alarm was not a nuisance, the permit holder shall not be required to pay a fee. If the alarm is deemed to have been a nuisance, the permit holder shall have 30 days to pay the fee from the date of the determination. The Alarm Review Board’s determination shall be reviewable only pursuant to Article 78 of the Civil Practice Law and Rules.

§ 46-6. Fees for Nuisance Alarms.

- A. The permit holder for the premises to which an emergency agency responds as a result of a Nuisance Alarm arising from such premises shall pay a fee for each emergency agency response in each calendar year, as follows.
 - i. First 3 Nuisance Alarms in any calendar year: no fee.
 - ii. Every Nuisance Alarm over three in any calendar year shall incur a fee pursuant to the fee schedule adopted by the Town Board.
- B. Multiple Dwelling Unit Premises. An emergency response to a nuisance alarm for a multiple dwelling unit building or complex shall be calculated for each unit giving rise to the nuisance alarm as if that unit were its own premises, rather than aggregated across all dwelling units within the premises. The permit holder for the multiple dwelling unit premises is responsible for the fee as provided above.
 - i. For purposes of this section, a “dwelling unit” consists of one or more rooms with private bath and kitchen facilities used exclusively for residential occupancy.
 - ii. Common Areas. Any part of a multiple dwelling unit premises that is not a dwelling unit shall be treated as a “common area.” Emergency agency responses to Nuisance Alarms arising from any common area in such premises shall be aggregated.
- C. Failure to remit fee. Failure of the permit holder to pay the Nuisance Alarm fee within 30 days following service of the notice of the amount due, or if challenged, within 30 days following the date of the Alarm Review Board’s determination, is a violation of this chapter and is punishable as set forth in section 46-7 below.
- D. Payment of fee. Nuisance Alarm fees shall be submitted to the Town of Colonie Town Clerk at 534 New Loudon Road, Latham, NY 12110, and shall be made payable to the “Town of Colonie.”

§ 46-7. Penalties and fines.

- A. A person or entity who owns or leases the premises upon which an alarm system is installed or operated without a valid permit issued by the Town Clerk or who fails to provide notice of a change to the information provided in an application as required by section 46-3 above, or who violates section 46-6 above, shall be guilty of a violation punishable upon conviction in Colonie Justice Court by a fine in accordance with the Police and Fire Services fee schedules, or imprisonment not exceeding 15 days, or both. Each day such offense continues shall be a separate violation and subject to a separate fine, imprisonment or combination thereof.

- B. Any person who fails to pay the Nuisance Alarm penalty fee as established and set forth in section 46-4 above shall be subject to a fine, not to exceed \$500, in addition to the initial penalty. Each day such offense shall continue shall be a separate violation and subject to a separate fine.

§ 46-8. Silencing of Alarms.

All alarm systems which employ an audible signal, flashing light beacon or similar audible or visual response, indicating a hazard or emergency and intended to summon law enforcement, must be silenced within 15 minutes. Every permit holder shall, at the time such alarm system is installed, or in the case of existing alarm systems, by the effective date of this local law, install or cause to be installed an automatic timing device which shall deactivate and silence such alarm within 15 minutes.

§ 46-9. Liability.

The Town of Colonie shall not be liable for any defects in operation of emergency alarm systems, for any failure to respond appropriately, or for any erroneous response upon receipt of any emergency alarm signal. Nor shall the Town of Colonie be liable for the failure or defect of any installation, operation, or maintenance of equipment, the transmission of alarm signals or messages, or the relaying of such signals or messages.

§ 46-10. Enforcement.

The Police Department and Fire Services shall enforce this chapter and are authorized to issue and serve citations and appearance tickets for nuisance alarms.

§46-11. Additional rules and regulations.

The Chief of Police may promulgate such rules, regulations and standards applicable to alarm systems and owners or lessees of premises on which an alarm system is installed or operated, which are necessary for the purpose of effective administration of this chapter. Such rules, regulations and standards shall be set forth, in writing, and filed with the Town Clerk and copies shall be made available without charge to all applicants for an alarm permit.

§46-12. Severability.

If any section, subsection, sentence or clause of this Local Law, or the application thereof, is for any reason held to be invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of the remaining sections, clauses or provisions of this Local Law or the application thereof.

§46-13. Effective Date.

This Local Law shall become effective upon its filing in the Office of the Secretary of State.

SEQR Determination:

The amendment of this local law as set forth herein, including the revision of definitions, alarm registration requirement, prohibition against nuisance alarms, and provisions exempting the Town of Colonie from liability, is hereby determined to be a Type 1 action which will not have a significant effect on the environment.

PROPOSED FEE SCHEDULE

Police Department response: (police department shall maintain and possess all police-related alarm response documentation until the quarterly Board meeting)

Number of Nuisance Alarms Fee In Calendar Year	
1-3	No fee
4	\$50
5	\$100
6 or more	\$200

Response by a fire company, fire district or multiple agencies: (fire services shall maintain and possess all fire-related alarm response information documentation until the quarterly Board meeting).

Number of Nuisance Alarms Fee In Calendar Year	
1-3	No fee
4	\$100
5	\$250
6 or more	\$500

ALARM PERMIT APPLICATION FEE

\$25/two years

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the **Town of Colonie** was duly passed by the Town Board on _____ in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

(Seal)

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

STATE OF NEW YORK
COUNTY OF ALBANY

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

Signature Town of Colonie Town Attorney
Date:

RESOLUTION NO. 312 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

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

WHEREAS, proof of notice having been furnished, the public hearing on a proposed local law was held at 7:00 PM on July 21, 2022 with all persons desiring to be heard, having been heard;

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

Local Law Filing

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

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

**Town of Colonie
Local Law No ____ of the year 2022**

A local law adding Chapter 189A, to the Code of the Town of Colonie to be titled “Small Cell Wireless Facilities Law”, the purpose of which is to recognize the need to ensure widespread availability of telecommunications services in order to promote commerce, public safety and otherwise further the public interest.

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

SECTION 1: §189A-1: Title.

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

SECTION 2. §189A-2: Definitions

Chapter 189A shall adopt the definitions from Chapter 189-4 and include the following definitions for purposes of this Chapter only:

- **Abandoned facility** – any wireless telecommunication facility which has not been operational for six consecutive months.
- **Agreement** – a license, right-of-way or other contract with a telecommunications provider or wireless service provider for use of the Town’s rights-of-way
- **Antenna location permit** – a permit issued by the Department of Public Works in accordance with the requirements of Chapter 189A for the placement of small cell wireless facilities.
- **Applicable law** or “law” – any applicable State or Federal law, rule, regulation, tariff, administrative order, certificate, and all applicable laws, codes, rules, regulations and other requirements of the Town, including all applicable judicial decisions.
- **Collocation** – mounting or installing an antenna facility on a structure, pole or tower that already hosts an antenna facility and/or modifying a structure for the purpose of mounting or installing additional antenna facilities on that structure.
- **Deployment** – placement, construction or modification of a personal wireless service facility.
- **Eligible Support Structure** – any tower, pole, structure or base station as defined in this section that exists at the time an application is filed with the Town for a small wireless facility.
- **Existing Pole** – any pole, utility pole, Town pole or structure in the Town’s ROW that is in existence prior to any license or right-of-way agreements executed pursuant to this Chapter.
- **Facility or Facilities** – any tangible component of the telecommunications system, including, but not limited to, an antenna, pole, wire, cable, electrical conductor, conduit, equipment enclosure, cabling, manhole, handhole, junction box and terminal block, fixture, appliance and apparatus or other device that is used to provide telecommunication service.

- **Noncompliant structure or noncompliant use** – a structure or use that does not conform to the regulations of the Town or area in which it is situated.
- **Pole** – a legally constructed pole, such as a utility, lighting, traffic, or similar pole made of wood, concrete, metal or other material, located or to be located within the public right-of-way. For purposes of this subdivision, a pole does not include a tower or structure.
- **Provider** – a telecommunications service provider or a wireless services provider, including any person who owns and/or operates any communications facilities, wireless facilities, poles built for the sole or primary purpose of supporting communications facilities or towers within the public ROW.
- **Replacement Pole** – the replacement of an existing pole, support structure or tower shall be substantially similar in design, size, height, scale and location to the existing structure and in conformance with this Chapter and any other Town regulations. A replacement pole shall have the same height circumference as the pole that it is replacing and shall conform to the surrounding area and neighborhood so as to blend seamlessly and be camouflaged.
- **Right-of-Way or “ROW”** – any right-of-way owned or maintained by the Town of Colonie
- **Small Cell Wireless Facility or Small Cell** – a wireless telecommunications facility that meets each of the following conditions:
 1. The facilities:
 - a) Are mounted on structures that are 50 feet or less in height, including their antennas; or
 - b) Are mounted on structures no more than 10% taller than other adjacent structures; or
 - c) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10% above its preexisting height as a result of the location of new antenna facilities; and
 2. Each antenna (excluding associated antenna equipment) is no more than 3 cubic feet in volume; and
 3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and
 4. The facility does not require antenna structure registration under applicable federal regulations; and
 5. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b)
- **Small Cell Network** – one or more small cell facilities connected by a fiber to a carrier switching system or other means of interconnection for provision of wireless service within a limited geographic area or structure.
- **Small Cell Wireless Facility Permit** – a permit issued by the Department of Public Works allowing a provider to deploy a small cell wireless facility.
- **Structure or Tower** – any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antenna(s) and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services. Street light poles, public utility and traffic light poles without an attached approved wireless telecommunications facility or right-of-way structures shall not be considered a tower.

SECTION 3. §189A-3: Controlling Authority

The Federal Communications Commission (FCC) issued a Declaratory Ruling and Third Report and Order, adopted on September 26, 2018 which provides the legal background, regulations, and guidance on small cell wireless facility deployment and collation.

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

A. Provider shall request permission from the Town of Colonie Town Board to enter into a right-of-way agreement expressly authorizing the provider's non-exclusive use of the public ROW for the sole purpose of deploying small cell communications facility(ies). A ROW agreement shall be in effect prior to the provider deploying any facilities in the Town's right of way.

1. If the pole, tower or structure is not owned by the Town, the provider shall provide the Town with proof that it has the license or authority from the pole, tower or structure owner to use an existing pole, tower or structure in the public ROW for a small cell wireless facility. The deployment of a facility on a third-party owned structure must comply with the Town's structural and aesthetic requirement as set forth in this Chapter.
2. The terms and conditions set forth in this Chapter are not exclusive and the Town reserves the right to require additional terms and conditions in the ROW agreement.

B. The Town shall be provided with copies of any and all applications for the deployment of small cell wireless facilities in the Town of Colonie that are in the right of way of the State of New York or County of Albany.

C. The annual right of way occupancy fee, as established by the FCC, shall be due no later than January 31st of each year for all small cell wireless facilities deployed as of December 31st of the previous year.

SECTION 5. §189A-5: Highway Work Permits.

A. Highway work permit applications.

1. An application for a small cell wireless facility shall require review and approval by the Town of Colonie Department of Public Works (DPW).
2. No person, business, corporation or other entity may construct, maintain or perform any other work in the public ROW related to telecommunications facilities, poles built for the sole or primary purpose of supporting said facilities or towers without first receiving a highway work permit to the extent required in this Chapter, and any other permit or authorization required by applicable laws.
3. The Town shall only issue a highway work permit where the applicant, or provider on whose behalf the applicant is constructing facilities, has executed a license/ROW agreement as required by this Chapter, and has paid all applicable fees. The Applicant must provide the Town with proof of proper structure and emissions of each facility to be deployed in the Town's right of way.
4. Any telecommunications provider that wishes to deploy a small cell facility within the Town's Right of Way must follow all provisions of this Chapter.

B. The provider shall submit an application to DPW for a highway work permit. The application shall include:

1. The applicant's name, address, telephone number(s) and email address, including emergency contact information for the applicant.
2. The names, addresses, telephone numbers and email addresses of all representatives acting on behalf of the applicant with respect to the filing of the application.
3. A description of the proposed work, the purpose and intent of the proposed facility sufficient, and necessity for the location/placement of the facility to demonstrate compliance with the provisions of this Chapter.

4. If applicable, a copy of the authorization for use of the property from the pole, tower or support structure owner on which the facility will be placed or attached.
 5. Stamped drawings completed by a professional engineer:
 - i. Containing a certification that the pole, tower or support structure upon which the proposed facility is to be located is, and shall remain, structurally sound after the deployment of the facility.
 - ii. A detailed summary of the radio frequency power transmitted from each proposed facility and the actual radiated power. These numbers shall comply with the guidelines adopted by the FCC and the National Council on Radiation Protection and Measurements (NCRP) for safe human exposure to radio frequency emissions.
 - iii. For any new facilities or structures, accurate visual depictions or representations, if not included in the construction drawings.
 - iv. If new construction, a plan demonstrating the pole, tower or support structure would be possible for other providers who may wish to deploy small cell technology in the geographic area of the subject application.
 - v. A comprehensive plan of any and all maintenance that shall be performed by the provider on an annual basis to ensure that the small cell wireless facility is properly and safely functioning.
 6. Proposed location(s) for each small cell wireless facility to be deployed including the numbers of poles, towers or structures, or, if numbers are not available the metes and bounds of each location. Each proposed location of a facility must be reviewed and approved by DPW prior to the issuance of a highway work permit.
 7. Insurance as required by Chapter 189A-6(G);
 8. Performance bond as required by Chapter 189A-6(G); and
 9. Applicable fees as required by the DPW fee schedule.
- C. DPW shall review applications within the following time frames:
1. 10 days to review a small cell wireless facility application to deploy a small cell wireless facility using an existing pole or structure. DPW shall notify the applicant of missing documents or information within the 10-day time frame. When the applicant resubmits the application, the clock restarts;
 2. 10 days to review a resubmission and notify the applicant of any missing documents or information. This notification shall toll the shot clock until all missing information is submitted.
- D. A highway work permit is valid for 180 days after issuance and may be extended for an additional 180 days upon written request of the applicant if the failure to complete construction is a result of circumstances beyond the applicant's control.
- E. An applicant may submit one (1) consolidated application for up to five (5) small cell wireless facilities, provided that the proposed communications facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Town. If the applicant files a consolidated application, the applicant shall pay the application fee calculated as though each facility were a separate application. No applicant shall submit more than one consolidated application in a six-month period, but may submit applications for individual facilities. Priority shall be given to providers who seek to deploy small cell wireless facilities on existing poles, towers or support structures in the public ROW.

F. The Town shall review applications either under administrative or discretionary review, and, if the application conforms with the provisions of this Chapter, DPW shall issue the highway work permit subject to the design standard as set forth in §§ 189A-5(F)(5) and 189A-6 of this Chapter.

1. Administrative review

i. The following use within the public ROW shall be permitted, subject to administrative review and issuance of a highway work permit as set forth in this Chapter. This use shall be in accordance with all other applicable provisions of this Chapter. Administrative review will not be available for consolidated applications or simultaneous applications for more than five (5) communication facilities.

a) Modification of a pole, tower or support structure or replacement of a pole for the deployment of a communications facility where the modification or replacement qualifies as an eligible facilities request.

2. Discretionary review and approval

i. DPW shall have the sole discretion to consult with a third-party professional engineer to review specifications within an application. If a third-party engineer is required, DPW shall notify the provider in writing of the need to employ a third-party engineer and the reasons for said employment. The cost of the review shall be the responsibility of the applicant and must be paid before issuance of the highway work permit.

3. Except as otherwise provided by applicable law, the Town shall:

i. Within 10 days of receiving an application, the Town shall notify the applicant if the application is incomplete and identify the missing information. The applicant may resubmit the completed application within 30 days without additional charge, in which case the Town shall have 10 days from the receipt of the resubmitted application to verify the application is complete, notify the applicant that the application remains incomplete, or, in the Town's sole discretion, deny the application; and

ii. Make its final decision to approve or deny the application within 90 days for any new structure, after the application is complete (or deemed complete in the event the Town does not notify the applicant that the resubmitted application is incomplete).

iii. The Town shall advise the applicant in writing of its final decision.

4. In determining the deployment or placement of communication facilities, the Department of Public Works shall consider the following criteria and its impact on the surrounding neighborhood during the site plan review process:

i. The aesthetic standards as set forth in 189A-10 of this Chapter;

ii. The compatibility of further deployments and their potential impact on the surrounding neighborhood; and

iii. The density fulfillment needs of the neighborhood.

5. Aesthetics (height, setback and design requirements)

i. The Department of Public Works (DPW) shall inspect and approve the aesthetic design of each small cell wireless facility proposed to be deployed in the Town as well as any new or replacement poles, towers or structures.

ii. Any replacement poles within the Town shall be substantially similar in height, diameter and design to the poles that they will replace. Replacement poles shall not exceed 34 feet in height inclusive of the installed facilities.

- iii. No antenna or any other transmitting or receiving device used in conjunction with a small cell wireless facility may extend more than four (4) feet above the top of the structure upon which it is placed. This height shall be measured from the bottom of the antenna assembly (including any masts, supports, etc., used to affix an antenna to a pole, tower or support structure) to the top of the antenna.
- iv. Any additional electrical requirements, including, but not limited to, wires, lines, boxes, meters, generators, etc., shall be concealed and camouflaged.
- v. All small cell wireless facilities must be of a neutral color and similar material that is identical to, or closely compatible with, the color and material of the supporting structure so as to make the facility and antenna as visually unobtrusive as possible. Concealment of facilities and antennas within existing poles, towers or support structures should be used where possible to reduce visual impacts as determined by DPW.
- vi. Existing on-site vegetation shall be preserved or improved, and the disturbance of the existing topography shall be minimized.
- vii. Small cell wireless facilities shall not obstruct sight lines to drivers, pedestrians or bicyclists.
- viii. No signage or other identifying markings of a commercial nature shall be permitted upon any pole, tower or support structure, except those required by the FCC.
- ix. All cables or wires associated with a facility shall be concealed within a sleeve.
- x. DPW may, at its sole discretion, attach additional conditions and safeguards to any small cell wireless facility and site development plan as it feels necessary to ensure the initial and continued conformance to all applicable Town standards.

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

- A. The permittee shall employ due care and safety during the installation, maintenance or any other work in the public ROW, and shall comply with all safety and public ROW protection requirements of applicable laws, Town Codes and commonly accepted safety and public ROW protection standards.
- B. Unless otherwise specified in the highway work permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public through the work zone.
- C. The permittee shall not interfere with any existing facilities or structures in the public ROW and shall locate its lines and equipment in such a manner so as not to interfere with the usual traffic patterns (vehicular or pedestrian) or with the rights or reasonable convenience of owners of property that abuts any public ROW.
- D. If a small cell wireless facility is found to interfere with the Town's public safety communications, or communications of other governmental entities, the provider shall, within forty-eight (48) hours of receiving notice—written or oral—take all steps reasonably necessary to correct and eliminate the interference. If the interference continues for a period in excess of forty-eight (48) hours after the provider attempted to correct the interference, the Town may reduce power to or remove the facility, or require the provider to cease operation of the facility until it can be repaired or replaced. If the facility is unable to be repaired so as

to eliminate interference, the facility shall be removed within thirty (30) days of such determination by DPW.

E. Providers shall only install facilities and supporting equipment that is of the type and frequency approved by the FCC so as not to interfere with existing public safety communications or utilities.

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

G. Bond, indemnification and insurance

1. No highway work permit shall be issued until an adequate bond in a sum to be fixed by the Permit Authority, but in no case less than \$1,000,000, is provided by the applicant. The bond shall be conditioned for the payment of all damages which may be caused to a person or persons or to property by reason of the any acts of the permittee, sponsor, operator, or its agents, employees, contractors or subcontractors. Such bond shall run to the Town of Colonie and shall be for the use and benefit of any such person or persons, or any such owner or owners of any property so injured or damaged. Any such person or persons, or such owner or owners are hereby authorized to maintain an action on such bond, which right of action shall also accrue to the heirs, executors, administrators, successors or assigns of such persons or owners.

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

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

H. Annual reporting requirements.

1. Each small cell wireless facility in the public ROW shall be inspected by the provider on an annual basis to ensure that it is properly functioning and safely mounted.

2. A highway work permit shall not be required for ordinary maintenance and repair.

3. The provider shall submit a report to the Town each year which shall include the following information:

i. Contact information for the person(s) primarily responsible for operating and maintaining the facility;

- ii. The status of all pending projects involving the ROW, including estimated timetables and completion dates;
 - iii. Summary of all work that was completed in the previous 12-month period, including installation, maintenance, repair or replacements;
 - iv. Proof that all facilities are safely mounted and functioning properly;
 - v. List of the facilities in the Town's right of way and their compliance with Federal emissions regulations;
 - vi. Proposal for any work the provider intends, or deems necessary, to complete;
 - vii. Proof of compliance with insurance and bond requirements; and
 - viii. A list of all active and inactive facilities in the public ROW.
 - 4. The provider shall submit an annual report to the Town no later than January 30th of each calendar year for the prior calendar year. If the provider fails to submit an annual report to the Town, it shall be considered in default and will have sixty (60) days to cure. In the event that the provider does not cure the default, the Town may terminate the provider's access to the Town's right-of-way and terminate any ROW agreement existing between the Town and provider.
- I. Abandoned or unsafe facilities
- 1. If a small cell wireless facility has been abandoned for a period of 6 consecutive months or more, the highway work permit for said facility shall be immediately revoked and the telecommunications provider shall remove the facility together with all of its components within 30 days of revocation of the permit.
 - 2. If an installed wireless facility no longer supports advancements in wireless technology and is not operational or transmitting wireless signals for the benefit of Town residents, the installed facility shall be considered abandoned and must be removed.
 - 3. If a small cell wireless facility has become unsafe, the Town shall notify the permit holder and the latter shall have 5 days to repair and reinforce the facility or remove the facility and all of its components.
 - 4. In the event that a small cell wireless facility is not removed within the prescribed time frame stated above, the Town may remove the facility and seek reimbursement from the former permit holder for reasonable costs and fees associated with said removal.

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

- 1. Any person, entity or corporation that attempts to erect, construct, deploy or substantially modify a wireless telecommunications facility without having first obtained the necessary work permits or permissions described in this Chapter shall be deemed in violation of this Chapter and Town of Colonie Town Code. Any responsible party or other persons convicted by a court of competent jurisdiction of having violated any provision of this Chapter shall be punished by a fine not to exceed ten thousand dollars (\$10,000) for the first violation, fifteen thousand dollars (\$15,000) for the second violation and twenty thousand dollars (\$20,000) for each violation thereafter.
- 2. If any structure is erected, constructed, reconstructed, deployed, altered, repaired, converted or maintained in violation of this chapter, or without obtaining the required permits or permissions, or if any building, structure or land is used in violation of this chapter, the Town Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful violation or to correct or abate such violations. Each day that such violation continues may be deemed a separate offense.

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

SECTION 8. SEVERABILITY

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

SECTION 9. SEQR DETERMINATION.

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

SECTION 10. EFFECTIVE DATE

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the **Town of Colonie** was duly passed by the Town Board on _____ in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

(Seal)

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

STATE OF NEW YORK
COUNTY OF ALBANY

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

Signature Town of Colonie Town Attorney
Date:

RESOLUTION NO. 313 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Melissa Jeffers

Danielle Futia

Jill A. Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeff Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved for its adoption:

Resolution Pursuant to Article 12A of State of New York Town Law approving/not approving the Proposed Minor Subdivision located at 44 Waterford Avenue– S.I.A. 2021-002.

WHEREAS, John Paul Builders, LLC. desires to construct the proposed sewer improvement project extending municipal sewer service to the proposed subdivision located at 44 Waterford Avenue – S.I.A.# 2021-002, pursuant to the provisions of Article 12A of State of New York Town Law; and

WHEREAS, the Town Board of the Town of Colonie desires to extend municipal sanitary sewer service to the proposed subdivision located at 44 Waterford Avenue. The sewer main extension for the proposed subdivision, known as S.I.A.# 2021-002, will consist of 8-inch diameter PVC sewer main that will discharge via gravity to a proposed sanitary sewer gravity main that will be constructed along the project frontage and connect to an existing manhole (MH#6571) located at the intersection of Waterford Avenue and Waterford Avenue East. The proposed gravity sewers will be 8-inch diameter pipe installed at a minimum grade of 0.50% or greater so as to yield the required minimum cleaning velocity of 2 feet per second. The length of any line between manholes is 400 feet or less. The minimum cover is approximately 6 feet. The particulars of the proposed improvements are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, a report, map, plan and estimate of cost has been prepared by Advance Engineering & Surveying, PLLC, engineers duly licensed by the State of New York, the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, the maximum amount proposed to be expended for said Project is Twenty-Eight Thousand Three Hundred Nine Dollars and 00/100 (\$28,309.00) which will be paid entirely by the owner; and

WHEREAS, a Resolution was duly adopted by said Board on the 16th day of June, 2022, pursuant to Article 12A of the State of New York Town Law calling for a public hearing on said map, plan and estimate of cost to be held at the Town Hall, Latham, New York on the 21st day of July, 2022, at 7:00 p.m. Local Time; and

WHEREAS, notice of such public hearing was duly published and posted in the manner required by State of New York Town Law; and

WHEREAS, said public hearing was duly held at the time and place aforesaid at which time all persons interested in the subject matter thereof were duly heard; and

NOW, THEREFORE, BE IT DETERMINED by the Town of Colonie, Albany County, State of New York, that the proposed project is an Unlisted action will not have a significant adverse impact on the environment and, therefore, no other determination or procedure under the State Environmental Quality Review Act ("SEQRA") is required; and

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby determined that the property owners within the proposed improvement area are benefited thereby and that said benefited property and property owners are included within the limits of the proposed improvement area.

Section 2. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to construct the aforesaid improvements at the maximum amount to be expended for the aforementioned improvements is Twenty-Eight Thousand Three Hundred Nine Dollars and 00/100 (\$28,309.00) which will be paid entirely by the Developer for said Project.

Section 3. This resolution shall take effect immediately.

The resolution was duly seconded by _____ and, upon roll call, it was unanimously adopted.

RESOLUTION NO. 314 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution Calling a Public Hearing Pursuant to Article 12A of State of New York Town Law in Relation to the Proposed Conservation Subdivision at 60 Dunsbach Ferry Road – S.I.A. 2020-003 and Authorizing Supervisor to Execute Escrow Agreement in Connection with S.I.A. 2020-003.

WHEREAS, Cillis Builders, Inc. desires to construct the proposed sewer improvement project extending municipal sewer service to the proposed conversation subdivision located at 60 Dunsbach Ferry Road – S.I.A.# 2020-003, pursuant to the provisions of Article 12A of State of New York Town Law; and

WHEREAS, the Town Board of the Town of Colonie desires to extend municipal sanitary sewer service to the proposed subdivision located at 60 Dunsbach Ferry Rd. The sewer main extension for the proposed subdivision, known as S.I.A.# 2020-003, will consist of 8-inch diameter PVC sewer main that will discharge via gravity to an existing sanitary sewer gravity main located along the project frontage along Dunsbach Ferry Road. Appendix C of the engineer's report depicts the overall sanitary sewer system. The proposed gravity sewers will be B-inch diameter pipe installed at a minimum grade of 0.50% or greater so as to yield the required minimum cleaning velocity of two (2) feet per second. The length of any line between manholes is 400 feet or less. The minimum cover is approximately six (6) feet. The particulars of the proposed improvements are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, a report, map, plan and estimate of cost has been prepared by Advance Engineering & Surveying, PLLC, engineers duly licensed by the State of New York, the particulars of which are set forth in the engineer's report on file in the Town Clerk's Office; and

WHEREAS, the maximum amount proposed to be expended for said Project is Sixty-One Thousand, Six Hundred Ninety-Eight Dollars and 00/100 (\$61,698.00) which will be paid entirely by the owner; and

WHEREAS, it is now desired to call a public hearing pursuant to the provisions of Article 12A of State of New York Town Law to approve such construction and costs;

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED, by the Town Board of the Town of Colonie, Albany County, New York, that Peter G. Crummey, Supervisor of the Town of Colonie is authorized to execute an Escrow Agreement between Cillis Builders, Inc., the developer for said Project, and the Town of Colonie in relation to project SIA# 2020-003 of the proposed Colonie Sewer District Improvement Area; and

IT IS FURTHER ORDERED, RESOLVED AND DETERMINED as follows:

Section 1. A meeting of the Town Board of the Town of Colonie, Albany County, New York shall be held at the Town Hall, Latham, New York on the 11th day of August, 2022 at 7:00 o'clock p.m., local time, for the purpose of conducting a public hearing on the aforesaid report, map, plan and estimate of cost, at which time and place said Town Board will hear all persons interested in the subject matter thereof.

Section 2 The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be given by publishing and posting a copy of this resolution in the manner provided by New York State Town Law Article 12A.

RESOLUTION NO. 315 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution Approving an Open Development Area at 35 Colonial Green.

WHEREAS, by Resolution No. 87 for 2022 adopted by the Town Board on January 20, 2022, the Town Board referred a proposal for an Open Development Area at 35 Colonial Green, to the Planning Board for its advice in accordance with Town Law Section 280-a (4); and

WHEREAS, a favorable recommendation was granted by the Town of Colonie Planning Board subject to conditions set forth in a Special Rule letter, dated June 21, 2022, attached hereto as Exhibit A, for an Open Development Area at 35 Colonial Green pursuant to Town Law § 280-a (4);

BE IT RESOLVED that the Town Board hereby approves the Open Development Area located at 35 Colonial Green, subject to the conditions set forth in the Special Rule letter as attached hereto as Exhibit A.

 ORIGINAL

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

**Lands of Hoblock
35 Colonial Green**

WHEREAS, Bill and Kristen Hoblock (hereinafter referred to as the "applicant") made application to the Colonie Town Board for creation of an Open Development Area for 35 Colonial Green for a single-family home that will be provided access via an ingress/egress easement across an existing driveway at 33 Colonial Green; and

WHEREAS the Town of Colonie Planning and Economic Development Department and Building Department have determined that access to the subject property by means other than use of the property's public road frontage requires approval of an Open Development Area; and

WHEREAS, the applicant made a request for an Open Development Area to the Town of Colonie; and

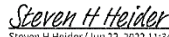
WHEREAS, 280-a(4) of the New York State Town Law provides that the Town Board may establish an Open Development Area within the Town, wherein permits may be issued for the erection of structures to which access may be given by right of way or easement, upon such conditions and subject to such limitations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

NOW THEREFORE, BE IT RESOLVED THAT, the Planning Board has determined that it is in the best interest of the public's health safety and welfare to permit access to 35 Colonial Green across an ingress/egress easement; and

BE IT RESOLVED THAT, the Planning Board recommends approval of the Open Development Area for 35 Colonial Green.

This resolution shall take effect immediately and shall be transmitted to the Colonie Town Board for consideration.

Date: June 21, 2022


Steven H Heider (Jun 22, 2022 11:34 EDT)

Steven Heider, Chairman

EXHIBIT "A"

RESOLUTION NO. 316 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Collective Bargaining Agreement with CSEA Unit D.

WHEREAS, the Collective Bargaining Agreement with CSEA Unit D will be effective January 1, 2021 through December 31, 2025;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute a Collective Bargaining Agreement with CSEA Unit D; and

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

RESOLUTION NO. 317 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the General Services Director to advertise for bids in connection with the purchase of patient lift assist devices for the Emergency Medical Services Department.

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids in connection with the purchase of patient lift assist devices for the Emergency Medical Services Department.

RESOLUTION NO. 318 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to North Eastern Rescue Vehicles in connection with the bid for the purchase of two (2) emergency care vehicles for the Emergency Medical Services Department.

WHEREAS, pursuant to advertisement on May 18, 2022, the following bid was received in connection with the Emergency Care Vehicles:

Vendor	Total Cost for 2 Vehicles	Option 1 Trade Unit 1517	Option 2 Trade Unit 1618	Option 3 Trade Unit 1619
North Eastern Rescue Vehicles	\$395,608.00	(\$9,500.00)	(\$11,000.00)*	(\$11,000.00)*

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and the Emergency Medical Services Department Chief, and upon their recommendation; and

BE IT RESOLVED that the sole bidder, North Eastern Rescue Vehicles, be, and hereby is, awarded the base bid of \$395, 608.00 and with Options 1, 2 and 3.

RESOLUTION NO. 319 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Stryker Sales, LLC in connection with the bid for Stryker Ambulance cots, equipment and trade-in offers.

WHEREAS, pursuant to advertisement on May 25, 2022, the following bids were received in connection with Stryker Power Ambulance Equipment; and

Vendor: Stryker Sales, LLC	2022	2023
Model 6506	\$20,663.70	23,763.69
Model 6507 – high configuration	\$23,430.00	26,944.50
Model 6507 – mid configuration	\$23,214.22	26,696.56
Optional X Restraint	\$161.04	\$209.00
Optional SMRT Pak	\$323.91	\$389.51
Optional SMRT Charger	\$595.00	\$669.00
Optional Lithium Ion Battery	\$594.00	\$594.00
Optional Fastener Syst.	\$22,541.95	\$25,687.18
Installation (currently equipped)	\$1,920.00	\$1,920.00
Installation(not currently equipped)	\$2,440.00	\$2,440.00
Trade of Cot Model 6500	(\$3,500.00)	(\$1,500.00)
Trade of Cot Model 6506	(\$3,500.00)	(\$1,500.00)
Trade of Performance Model 6392	(\$3,500.00)	(\$1,500.00)

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and the Emergency Medical Services Department Chief it is proposed that the bids be awarded to the sole bidder; and

BE IT RESOLVED that the purchase and installation of equipment and the trade-in pricing shall be awarded to the sole bidder, Stryker Sales, LLC, for 2022 and 2023.

RESOLUTION NO. 320 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution declaring four (4) ambulance stretchers as surplus and authorizing the General Services Director to advertise for bids for the sale of these items for the Emergency Medical Services Department.

WHEREAS, the following four (4) ambulance stretchers are to be declared surplus from Emergency Medical Services Department;

SN	Year	Type
70440090	2007	Stryker Power Pro 6500
81241193	2008	Stryker Power Pro 6500
90941328	2009	Stryker Power Pro 6500
90941329	2009	Stryker Power Pro 6500

BE IT RESOLVED that the items listed be declared surplus; and

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids in connection with the sale of four (4) ambulance stretchers for the Emergency Medical Services Department.

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

RESOLUTION NO. 321 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Release & Satisfaction of Escrow Agreement in connection with the Donna Drive Conservation Subdivision.

WHEREAS, Cillis Builders, Inc. entered into an Escrow Agreement with the Town in regard to the Donna Drive Conservation Subdivision; and

WHEREAS, the Escrow Agreement dated April 22, 2020 has been fully satisfied and the Town hereby consents that the Escrow Agreement be discharged of record;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute a Release & Satisfaction of Escrow Agreement in connection with the Donna Drive Conservation Subdivision; and

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

RESOLUTION NO. 322 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

Councilwomen Danielle Futia

Melissa Jeffers

Jill Penn

Councilmen Rick Field, Sr.

Alvin Gamble

Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse for overestimated water usage at 1948 Central Avenue and 509 8th Avenue.

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

Turnpike Housing Co.	1948 Central Avenue	\$2,541.75
Joseph Alston	509 8 th Avenue	\$10,830.00

RESOLUTION NO. 323 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Contractor Service Agreement with Nationwide Power Solutions, Inc. in connection with annual inspection on the Main Plant Uninterruptible Power Supply at the Mohawk View Water Treatment Plant and to be used at various other Town facilities.

WHEREAS, Nationwide Power Solutions, Inc. will do the annual inspection on the Main Plant Uninterruptible Power Supply at the Mohawk View Water Treatment Plant for the DPW/Division of Latham Water; and

WHEREAS, various other Town facilities will use the services of Nationwide Power Solutions, Inc. and the cost shall not exceed \$5,000.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute a Contractor Service Agreement with Nationwide Power Solutions, Inc. in connection with annual inspection on the Main Plant Uninterruptible Power Supply at the Mohawk View Water Treatment Plant and to be used at various other Town facilities; and

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

RESOLUTION NO. 324 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

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

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

<u>PAYEE</u>	<u>AMOUNT</u>
Cooper Erving & Savage LLP (Fusco, Falace-Mayr, Lynch, Hoffay, Walker and 200 Sunset Blvd.)	\$12,034.76
CHA (Fusco)	\$400.00
Total	\$12,434.76

RESOLUTION NO. 325 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

PRESENT: Supervisor Peter G. Crummey

 Councilwomen Danielle Futia

 Melissa Jeffers

 Jill Penn

 Councilmen Rick Field, Sr.

 Alvin Gamble

 Jeffrey Madden

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the General Services Director to advertise for
bids in connection with the Pruyn House Lighting Phase 2.**

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids in connection with the Pruyn House Lighting Phase 2.

RESOLUTION NO. 326 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute a Lease Agreement with National Business Equipment in connection with a Jamex Bill and Coin Vend System for the William K. Sanford Library.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute a Lease Agreement with National Business Equipment in connection with a Jamex Bill and Coin Vend System, in the amount of \$67.12 per month for 43 months, for the William K. Sanford Library;

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

RESOLUTION NO. 327 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Agreement with SHI International Corp. in connection with Microsoft volume licensing for the William K. Sanford Library.

WHEREAS, the cost for this service shall not exceed \$11,639.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an Agreement with SHI International Corp. in connection with Microsoft volume licensing, at the cost not to exceed \$11,639.00, for the William K. Sanford Library;

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

RESOLUTION NO. 328 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an Investment Advisory and Management Services Agreement with Empower Retirement in connection with the Town's Deferred Compensation Plan.

WHEREAS, Empower Retirement is the Town's Deferred Compensation Plan provider;
and

WHEREAS, the term of this agreement shall be through March 31, 2023;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an Investment Advisory and Management Services Agreement with Empower Retirement in connection with the Town's Deferred Compensation Plan; and

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

RESOLUTION NO. 329 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

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

WHEREAS, the Town desires to renew an agreement with North Colonie Central School District to use the “Henkes site” located at 211 Old Niskayuna Road for parking and drainage for the Pruyn House; and

WHEREAS, said agreement will expire on May 24, 2023;

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

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

RESOLUTION NO. 330 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Systems Development Group, Inc. in connection with support for the Town of Colonie's Image Mate software in the Assessor's Office.

WHEREAS, Systems Development Group, Inc. will provide the Assessor's Office support for the Town of Colonie's Image Mate software to make sure that the system is functioning as intended; and

WHEREAS, the contract will be from July 1, 2022 through June 30, 2023 for an annual cost of \$3,000.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a contract with Systems Development Group, Inc. in connection with support for the Town of Colonie's Image Mate software in the Assessor's Office.

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

RESOLUTION NO. 331 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Otis Elevator in connection with providing and installing a keyswitch on the Town Hall elevator.

WHEREAS, Otis Elevator will provide and install a keyswitch on the Town Hall elevator to restrict use to employees only, at a cost not to exceed \$2,200.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Otis Elevator in connection with providing and installing a keyswitch on the Town Hall elevator.

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

RESOLUTION NO. 332 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 6 Maple Avenue by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to declare an emergency in connection with repair of the sanitary sewer system at 6 Maple Avenue by ANJO Construction, Ltd. for the DPW/Division of Pure Waters; and

BE IT FURTHER RESOLVED that the Comptroller be, and hereby is, authorized to expend \$6,208.79 from the Emergency Repair Reserve funds for the same.

RESOLUTION NO. 333 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to declare an emergency in connection with repair of the sanitary sewer system at 291 Old Loudon Road by ANJO Construction, Ltd. and authorizing the Comptroller to expend Emergency Repair Reserve funds for the same.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to declare an emergency in connection with repair of the sanitary sewer system at 291 Old Loudon Road by ANJO Construction, Ltd. for the DPW/Division of Pure Waters; and

BE IT FURTHER RESOLVED that the Comptroller be, and hereby is, authorized to expend \$2,317.56 from the Emergency Repair Reserve funds for the same.

RESOLUTION NO. 334 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution approving the Supervisor to execute Amendment No. 3 to the Engineering Agreement with Weston & Sampson for the Albany-Shaker Road Pump Station Rehabilitation Project for the DPW/Division of Pure Waters.

WHEREAS, the DPW/Division of Pure Waters and Weston and Sampson desire to reallocate monies from Task 3B to Task 3A due to construction delays; and

WHEREAS, no change will be made to the overall project cost;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Amendment No. 3 to the Engineering Agreement with Weston and Sampson in connection with the Albany-Shaker Road Pump Station Rehabilitation Project for the DPW/Division of Pure Waters.

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

RESOLUTION NO. 335 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution accepting Surpass Chemical Company's revised fixed price for Bulk Sodium Hypochlorite, effective July 1, 2022 through December 31, 2022.

WHEREAS, Surpass Chemical Company's conditional price expired June 30, 2022; and

WHEREAS, the new fixed price of \$1.688 per gallon would be for the remainder of 2022, at better than current market price;

BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to accept Surpass Chemical Company's revised fixed price of \$1.688 per gallon for Bulk Sodium Hypochlorite, effective July 1, 2022 through December 31, 2022.

RESOLUTION NO. 336 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Verizon Connect GSA to supply GPS Services and equipment for Town vehicles.

WHEREAS, the current Verizon Connect NWF (VCN) NYS Office of General Services contract has expired as of June 2022; and

WHEREAS, GPS services and equipment will transition to a Verizon Connect NWF (VCN) General Services Administration (GSA) contract;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Verizon Connect GSA to supply GPS services and equipment for Town vehicles.

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

RESOLUTION NO. 337 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to accept a donation from
Waste Connections for the removal and disposal of the tennis courts
located at the Colonie Mohawk River Park.**

WHEREAS, Waste Connections has offered to remove and dispose of the tennis courts located at the Colonie Mohawk River Park;

WHEREAS, the cost for the removal and disposal of the materials is valued at a cost of \$24,000.00;

BE IT RESOLVED that the donation from Waste Connections for the removal and disposal of the tennis courts at the Colonie Mohawk River Park be, and hereby is, accepted.

RESOLUTION NO. 338 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution adopting a Fee Schedule for new Small Cell Wireless Facilities for DPW/Division of Highway.

WHEREAS, the Fee Schedule for new Small Cell Wireless Facilities is as follows, effective July 21, 2022;

- \$150 Highway Work Permit per location (non-refundable)
- \$100 Cityworks Single Location Application Review Fee
- \$270 Annual ROW Occupancy License Fee
- \$500 Consolidated Location Application and Review Fee (up to 5 facilities)

BE IT RESOLVED, a Fee Schedule for new Small Cell Wireless Facilities for DPW/Division of Highway be, and hereby is, adopted, effective July 21, 2022.

RESOLUTION NO. 339 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Cedar Tree Properties for a one (1) time Lawn Fertilization Treatment at Town Hall, Public Operations and Public Safety sites.

WHEREAS, DPW/Facilities Maintenance Division received several quotes for a one (1) time lawn fertilizer treatment; and

WHEREAS, Cedar Tree Properties submitted the low quote in the amount not to exceed \$1192.00;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement with Cedar Tree Properties for a one (1) time lawn fertilization treatment at Town Hall, Public Operations and Public Safety sites.

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

RESOLUTION NO. 340 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution declaring a 2010 Freightliner Sweeper, Model M2, as surplus and authorizing the trade-in of same to Northeast Sweepers & Rentals, Inc. in connection with the purchase of a 2022 RAVO Sweeper for the DPW/Division of Highway, and authorizing the Supervisor to execute a Memorandum of Agreement for same.

WHEREAS, the DPW/Division of Highway will declare one (1) 2010 Freightliner Sweeper, Model M2, as surplus to be used as a trade-in and will receive the amount of \$30,000.00; and

WHEREAS, the DPW/Division of Highway will purchase a 2022 RAVO 5 iSeries Sweeper in the amount of \$259,185.63;

BE IT RESOLVED that one (1) 2010 Freightliner Sweeper be, and hereby is, declared as surplus; and

BE IT FURTHER RESOLVED that the DPW/Division of Highway be, and hereby is, authorized to purchase a 2022 RAVO Sweeper in the amount of \$259,185.63.

RESOLUTION NO. 341 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Callanan Industries, Inc. for additional paving at Town sites, utilizing the Albany County RFB #2022-22 Hauling & Placing Asphalt Concrete Bid.

WHEREAS, DPW/Division of Highway desires to utilize Callanan Industries, Inc. for additional paving at Town sites pursuant to Albany County RFB #2022-22 Hauling & Placing Asphalt Concrete Bid;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Callanan Industries, Inc. for additional paving at Town sites, utilizing the Albany County RFB #2022-22 Hauling & Placing Asphalt Concrete Bid; and

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

RESOLUTION NO. 342 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with Micro Focus Government Solutions, LLC in connection with a one-year extended warranty for the maintenance of a Data Protector Starter Pack for Linux SW-E-LTU.

WHEREAS, Micro Focus Government Solutions, LLC will provide a one-year extended warranty for the maintenance of a Data Protector Starter Pack for Linux SW-E-LTU; and

WHEREAS, the extended warranty will cost \$348.88 for the period of August 1, 2022 to July 31, 2023;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Micro Focus Government Solutions, LLC in connection with a one-year extended warranty for the maintenance of a Data Protector Starter Pack for Linux SW-E-LTU.

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

RESOLUTION NO. 343 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to accept grant funding from Season of Justice in connection with an ongoing criminal investigation with the Town of Colonie Police Department.

WHEREAS, the grant funds will be used to advance an ongoing criminal investigation;
and

WHEREAS, the grant is in the amount of \$10,774.00;

BE IT RESOLVED, that the Supervisor be, and hereby is, authorized to accept grant funding from Season of Justice in connection with an ongoing criminal investigation with the Town of Colonie Police Department.

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

RESOLUTION NO. 344 FOR 2022

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 21st day of July, 2022 at 7:00 PM.

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

ABSENT: None

Councilwoman _____ offered the following resolution and moved its adoption:

Resolution authorizing settlement or discontinuance, subject to judicial approval of the same, pursuant to §68 of the Town Law, of various tax certiorari proceedings.

WHEREAS, it has been tentatively agreed by the parties to reduce the assessment on the properties, in the amounts set forth below, or the Petitioner(s) has agreed to discontinue the proceeding(s) without cost to either party, as indicated below:

1. *CS Albany Realty, LLC, v. Town of Colonie et al.*
Index No. 905924-21

189 Wolf Road , Tax Map Parcel No. 42.2-1-16.13

Assessment Roll Year	Present Assessment	Revised Assessment	Reduction
2021	\$17,000,000	\$15,000,000	\$2,000,000

Tentative Town Refund: \$11,712.25

Tentative School District Refund: \$52,907.15

THEREFORE, BE IT RESOLVED that settlement or discontinuance, pursuant to §68 of Town Law, of the above listed tax certiorari proceedings be, and it hereby is, authorized, subject to judicial approval.

