

RESOLUTION NO. 332-A FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing Kevin P. Page in the DPW/Division of Highway Department to take leave without pay.

BE IT RESOLVED that Kevin P. Page be, and hereby is, authorized to take leave without pay, effective August 29, 2020 through September 11, 2020.

RESOLUTION NO. 332-B FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing Daniel A. Marinucci in the DPW/Division of Latham Water to take leave without pay.

BE IT RESOLVED that Daniel A. Marinucci be, and hereby is, authorized to take leave without pay, effective August 20, 2020 through August 30, 2020.

RESOLUTION NO. 333 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution adopting/not adopting a local law enacting a Code to the Town of Colonie, thereof, entitled “Aggressive and Unsafe Panhandling”.

WHEREAS, proof of notice having been furnished, the public hearing on the proposed local laws was held at 7:00 PM on August 13, 2020 and continued at 7:00 PM on August 27, 2020 with all persons desiring to be heard, having been heard;

THEREFORE, BE IT RESOLVED that local law enacting a Code to the Town of Colonie, thereof, entitled “Aggressive and Unsafe Panhandling” 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 2020

A local law adding a Chapter, Chapter 47, to the Code of the Town of Colonie to be entitled “Aggressive and Unsafe Panhandling”.

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

SECTION 1. Title

This chapter shall be known and may be cited as “Aggressive and Unsafe Panhandling”.

SECTION 2. § 47-1 Legislative Intent.

The Town Board finds that legislation is necessary in order to protect persons from threatening, intimidating or harassing behavior, to keep public places safe and attractive for use by all members of the community and to maintain and preserve public places where all of the community can interact in a peaceful manner. This legislation is also intended to provide for the free flow of pedestrian and vehicular traffic on streets, parking areas and sidewalks in the Town of Colonie, to promote tourism and business and preserve the quality of suburban life. The Town Board finds that aggressive acts associated with solicitation tend to interfere with the free flow of pedestrian and vehicular traffic and intimidate persons in public and private places, and can lead to disruption and disorder in public and private places. Aggressive acts can also cause persons to avoid public and private places and lead to declining patronage of commercial establishments and tourism. Further, during the current pandemic, aggressive acts can also cause persons to violate social distancing requirements and lead to exposure to Covid-19 with its attendant threat to the public health, safety and welfare of the people of the Town of Colonie. The Town Board further finds that solicitation in certain public and private places is inconsistent with the use of those places, is inherently intimidating, targets persons who are captive audiences or constitutes an invasion of privacy as persons are not able to simply move on if they do not wish to speak to the person soliciting. Solicitation in proximity to bank entrances or check-cashing businesses or automated teller machines is inherently intimidating and should be restricted. This legislation is intended to promote the health, safety and welfare of the citizens and visitors to the Town of Colonie.

SECTION 3. § 47-2 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

§ 47-2 Definitions.

For the purposes of this chapter, the following terms shall have the following meanings:

AGGRESSIVE BEHAVIOR OR MANNER

A. Intentionally or recklessly making or attempting to make any physical contact with or touching another person in the course of the solicitation, or approaching within arm's length of the person, or **coming within six (6) feet of the person in violation of the social distancing requirements necessitated by the current pandemic, except with the person's express consent**; or

B. Following the person being solicited, if that conduct is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or upon property in the person's possession, or is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

C. Continuing to solicit within six (6) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is intended to or is likely to cause a reasonable person to feel unsafe or uncomfortable or fear imminent bodily harm or the commission of a criminal act upon the person or the property in the person's possession, or is intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

D. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take action to avoid physical contact with the person making the solicitation, **or to avoid coming within six (6) feet of the person soliciting so as not to violate the social distancing requirements mandated by the pandemic**; or

E. Intentionally or recklessly using words intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or property in the person's possession, or intended or likely to intimidate the person into responding affirmatively to the solicitation; or

F. Approaching the person being solicited in a manner that is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession or intended to or is likely to intimidate the person being solicited into responding affirmatively to the solicitation; or

G. Occupying a location ~~readily visible to occupants of a motor vehicle~~ at or near an intersection, roadside, median or curb of a public or private street or a parking area while soliciting contributions or other things of value from occupants of said motor vehicles in a manner that blocks or impedes the view of the operator of the motor vehicle. This conduct is inherently disruptive to the drivers of those motor vehicles since it can divert their attention from traffic and impair situational awareness. Even if the motor vehicle is completely stopped, the driver's attention is often diverted to the person or persons on, in or near the roadway, impeding the driver's attention to potential hazards in the road, parking areas or traffic control devices. .

AUTOMATED TELLER MACHINE

A device, linked to a financial institution's account records, which is able to carry out transactions, including but not limited to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY

The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

BANKING ORGANIZATION

All banks, trust companies, private bankers, savings banks, industrial banks, safe deposit companies, savings and loan associations, credit unions and investment companies as defined in § 2 of the New York State Banking Law.

LICENSED CASHIER OF CHECKS

Any individual, partnership, unincorporated association or corporation duly licensed by the New York State Superintendent of Banks to engage in business pursuant to the provisions of Article IX-A of the New York State Banking Law.

PARKING AREA

An off-street area used for the temporary storage of self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers. Parking areas shall also include parking garages, parking ramps, curb side designated parking spaces and municipal parking lots.

PUBLIC PLACE

Any area or building owned, leased, operated or controlled by or on behalf of any government, municipality, public authority or public corporation in the Town of Colonie which is generally accessible by the public, including but not limited to any street, including the sidewalk portion thereof, skyway, bridge, tunnel, park, playground, recreation area, cemetery, school, or school grounds, building, facility, driveway, parking lot or parking garage, and the doorways and entrances to buildings and dwellings.

SOLICIT

Shall include, without limitation, the spoken, written, or printed word or such other acts or bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other benefit or thing of value.

SECTION 4. § 47-3 Prohibited conduct.

- A. No person shall solicit in an aggressive or unsafe manner in a public or private place.
- B. No person shall solicit within 20 feet of an automated teller machine or an entrance or exit of an automated teller machine facility during the time the automated teller machine is available for customers' use; or within 20 feet of an entrance or exit to a banking organization or a licensed cashier of checks during its business hours.
- C. No person shall solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.
- D. No person shall solicit in a parking area as defined in this chapter.
- E. No person shall solicit in any portion of a public skyway, overpass or tunnel.
- F. No person shall solicit while located in or on a public street, within twenty (20') feet of an intersection, in or on the shoulder of a road or on or at a median of a public or private street.
- G. No person shall solicit within six (6') feet of a person in violation of the social distancing requirements necessitated by the pandemic, unless the person soliciting is wearing a face mask, or with the express consent of the person being solicited.

SECTION 5. § 47-4 Penalties for offenses.

A violation of this chapter shall be classified as a "violation" as that term is defined in the Penal Law of the State of New York. A person convicted of violating this chapter shall be fined not less than \$25 nor more than \$250 and, in addition for a second conviction within 12 months of a preceding conviction, may be imprisoned for a term not longer than 15 days. In lieu of a fine, the court may impose an appropriate alternative sentence; provided, however, that an alternative sentence shall not be an unconditional discharge.

SECTION 6. § 47-5 Severability.

If any clause, sentence, paragraph, or part of this chapter or application thereof to any person or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof or the application thereof to

other persons and circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. 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. 1 of 2020 of the **Town of Colonie** was duly passed by the Town Board on June 18, 2020 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 19 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. 334 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution adopting/not adopting/adjourning a local law for the Rezoning of land located at 1222 Troy Schenectady Road from Single Family Residential (SFR) to Commercial Office Residential (COR).

WHEREAS, proof of notice having been furnished, the public hearing on a proposed local law was held at 7:00 PM on August 27, 2020 with all persons desiring to be heard, having been heard;

THEREFORE, BE IT RESOLVED that a local law for the Rezoning of land located at 1222 Troy Schenectady Road from Single Family Residential (SFR) to Commercial Office Residential (COR) be, and hereby is, adopted/not adopted/adjourned.

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 2020

A local law amending Chapter 190 of the Code of the Town of Colonie.

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

SECTION 1. REZONING

Schedule "B" of Local Law No. 1 of 2007, adopted pursuant to Section 4 of such Local Law, is commonly known as the "Land Use Law" of the Town of Colonie. Chapter 190, Section 17, subsection A of such Land Use Law is hereby amended as follows:

The following properties shall be rezoned from Single Family Residential Zoning District to Commercial Office Residential Zoning District:

Address of Property:	SBL#
1222 Troy Schenectady Road within the Town of Colonie	7.04-5-1; 7.04-5-4.21; 7.04-5-4.22

Such property to be rezoned is more particularly described as follows:

Beginning at a point on the Niskayuna/Colonie town lines at its intersection with the division line between the lands now or formerly of Griffin Consulting Development, LLC (Tax ID 61-3-25.1) on the north and the lands now or formerly of Griffin Construction Development, LLC (Tax ID 7.04-5-4.21) on the south; thence northeasterly along said division line, town line and through the bed of Troy Schenectady Road (NYS Route 7), a distance of 581± feet to a point in the centerline of Troy Schenectady Road (NYS Route 7);

Thence southeasterly along said centerline of Troy Schenectady Road (NYS Route 7), a distance of 121± feet to its intersection with the centerline of Vly Road;

Thence southwesterly along the centerline of Vly Road, a distance of 342± feet to a point at its intersection with a projection of the division line between the lands now or formerly of Griffin Construction Development, LLC (Tax ID 7.04-5-4.22) on the north and the lands now or formerly of Curtis and Tracy Lasek (Tax ID 7.04-5-7.2) on the south;

Thence northwesterly through the bed of Vly Road along the last mentioned division line, a distance of 651± feet to the point and place of beginning, containing 3.11± acres, more or less.

SECTION 2. ZONING MAP

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

SECTION 3. 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 4. SEQRA 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 5. 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. 1 of 2020 of the **Town of Colonie** was duly passed by the Town Board on June 18, 2020 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. 335 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Arthur J. Gallagher & Co. to provide excess automobile insurance coverage for the Town of Colonie through The Travelers Indemnity Company.

WHEREAS, the Arthur J. Gallagher & Co. has provided the Town of Colonie with a proposal for excess automobile insurance coverage for the period of August 15, 2020 to August 15, 2021; and

WHEREAS, the total cost of the excess automobile policy for this period is \$105,872.00; and

NOW THEREFORE BE IT RESOLVED that a proposal from Arthur J. Gallagher & Co. to provide the Town of Colonie with excess automobile insurance through The Travelers Indemnity Company for the period of August 15, 2020 to August 15, 2021 be, and it hereby is, accepted; and

BE IT FURTHER RESOLVED that expenditure of funds in connection therewith be, and hereby is, authorized.

RESOLUTION NO. 336 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing acceptance of a proposal from Arthur J. Gallagher & Co. to provide primary automobile insurance coverage for the Town of Colonie through Selective Insurance Company of New York.

WHEREAS, the Arthur J. Gallagher & Co. has provided the Town of Colonie with a proposal for primary automobile insurance coverage for the period of August 15, 2020 to August 15, 2021; and

WHEREAS, the lowest cost able to be obtained for the coverage required for the automobile renewal policy is \$375,168.00 from the Selective Insurance Company of New York; and

NOW THEREFORE BE IT RESOLVED that a proposal from Arthur J. Gallagher & Co. to provide the Town of Colonie with automobile insurance through Selective Insurance Company of New York coverage for the period of August 15, 2020 to August 15, 2021 be, and it hereby is, accepted; and

BE IT FURTHER RESOLVED that expenditure of funds in connection therewith be, and hereby is, authorized.

RESOLUTION NO. 337 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into an Agreement with South Colonie Central School District for the exchange of a Town owned vehicle for a School District owned vehicle.

WHEREAS, the South Colonie Central School District owns a 2010 Bluebird 12-passenger 2-WC Bus which is no longer required for student transportation; and

WHEREAS, the Town of Colonie owns a 2008 Chevrolet Impala 4DSD which is no longer required for Police Department purposes; and

WHEREAS, the school district is in need of a car for use in the District non-student operational fleet and the town is in need of a bus to be used by the Police Department; and

WHEREAS, both the 2010 International Bus and the 2008 Chevrolet Impala 4DSD have equivalent values and there will be no cost to either party;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with South Colonie Central School District for the exchange of a Town owned vehicle for a School District owned vehicle; and

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

RESOLUTION NO. 338 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the proposed rezoning of land located at 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR).

WHEREAS, at its regular meeting on February 27, 2020, the Town Board of the Town of Colonie required the Planning Board to review and consider the proposed rezoning of land located at 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR); and

WHEREAS, at its regular meeting on August 11, 2020, the Planning Board of the Town of Colonie adopted findings with regard to the rezoning of 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR); and

WHEREAS, it is now desired to call a public hearing pursuant to the proposed rezoning of land located at 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR);

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for September 10, 2020 at 7:00 PM in Memorial Town Hall, 534 New Loudon Road, Latham, NY in connection with the proposed rezoning of 44 Waterford Avenue East from Single Family Residential (SFR) to Multi-Family Residential (MFR).

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 2020**

A local law rezoning 2.35 +/- acres of land located at 44 Waterford Avenue East from a Single Family Residential district to a Multi-Family Residential district.

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

SECTION 1. REZONING

Schedule "B" of Local Law No. 1 of 2007, adopted pursuant to Section 4 of such Local Law, is commonly known as the "Land Use Law" of the Town of Colonie. Chapter 190, Section 17 (A) of such Land Use Law is hereby amended as follows:

The following described area consisting of 2.35 +/- acres of land located at 44 Waterford Avenue East is hereby rezoned from a Single Family Residential (SFR) district to a Mutli-Family Residential (MFR) district as described in Exhibit "A", attached hereto.

SECTION 2. ZONING MAP

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

SECTION 3. 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 4. 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. 2 of 2020 of the **Town of Colonie** was duly passed by the Town Board on July 23, 2020 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:

BEGINNING at a point in the easterly margin of Waterford Avenue East; said POINT OF BEGINNING marking the most southwest corner of Lot #1319 (a/k/a 28 Waterford Avenue East and lands now or formerly owned by Andres Vera in Liber 3040 at Page 75, SBL #19.14-2-7) as shown on the above referenced Kauffman Subdivision; THENCE running S 69 deg. 40 min. E along the south line of said Lot #1319 for a distance of 96.02 feet to a point; THENCE running N 20 deg. 20 min. E along the easterly line of Lots #1319 through 1326 (a/k/a 28 Waterford Avenue East and lands now or formerly owned by Andres Vera in Liber 3040 at Page 75, SBL #19.14-2-7) for a distance of 200.00 feet to a point marking the most northeasterly corner of said Lot #1326; THENCE running S 69 deg. 40 min. E along the southerly lines of Lots #1331 through 1334 (a/k/a 16 Cohoes Avenue now or formerly owned by Daniel k. and Susan Kravitz Chura in Liber 2762 at Page 333, SBL #19.14-2-22) for a distance of 100.00 to a point in the westerly margin of a paper street known as Cohoes Avenue; THENCE running S 20 deg. 20 min. W for a distance of 100.00 feet to the northeast corner of Lot 1339 on the Kauffman Subdivision; THENCE running S 69 deg. 40 min. E at a perpendicular to Cohoes Street and across Cohoes Street for a distance of 40.00 feet to a point in the easterly margin of 100 Cohoes Street (SBL 19.14-2-40.1), Said point marking the most northwest corner of lot 1368 in the Kauffman Subdivision; THENCE running S 20 deg. 20 min. W along the easterly margin of Cohoes Avenue and along the west lines of Lots #1368 through 1356 (lands now or formerly owned by BV Properties, LLC in Liber 3050 at Page 977, P/O SBL 19.14-2-34) for a distance of 342.98 feet to a point marking the southwest corner of said Lot 1356; THENCE running S 73 deg. 20 min. W for a distance of 50.02 feet to point in the westerly margin of Cohoes Avenue; THENCE running S 73 deg. 20 min. W for a distance of 125.52 feet to a point; THENCE running S 73 deg. 20 min. W for a distance of 112.11 feet to a point in the easterly margin of Waterford Avenue East; THENCE running N 19 deg. 27 min. E along the easterly margin of Waterford Avenue East for a distance of 418.13 feet to a point of curvature in the east margin of Waterford Avenue East; THENCE running along a curve to the left having a radius of 290.00 feet and an arc length of 4.01 feet to the point or PLACE OF BEGINNING.

CONTAINING 102,396 Square Feet of land. (2.35 Acres)

EXHIBIT "A"

RESOLUTION NO. 339 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution requiring the Planning Board to review and consider an open development area at 560 Boght Road.

WHEREAS, pursuant to Town Law §280-a (4) the Town Board is authorized to refer matters in connection with open development areas to the Planning Board for its review; and

WHEREAS, the Town Board would like to recommend that the Planning Board review the proposed project located at 560 Boght Road as a possible open development area;

BE IT RESOLVED that the Planning Board shall review and consider the proposed project located at 560 Boght Road as a possible open development area and provide the Town Board with its findings, conclusions and recommendation thereon.

RESOLUTION NO. 340 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to reimburse for overestimated water usage at 1A Maplewood Avenue.

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

Gregory Hinman	1A Maplewood Avenue	\$8,521.24
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RESOLUTION NO. 341 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Pollard Excavating in connection with replacing Butterfly Valves, Actuators and Couplings at the Mohawk View Water Treatment Plant and authorizing the Supervisor to enter into an agreement for same.

WHEREAS, pursuant to advertisement on July 29, 2020, the following three (3) proposals were received in connection with the Butterfly Valves, Actuators and Couplings 2020:

Vendor	Pollard Excavating	R.F. Gordon Mechanical	Rozell East
20 Inch Butterfly	\$2,750.00	\$15,543.00	\$12,000.00
20 Inch Coupling	Inc.	\$1,143.00	\$1,000.00
14 Inch Butterfly Filter 2	\$1,438.00	\$13,754.00	\$10,000.00
14 Inch Butterfly Filter 5	\$1,438.00	\$13,754.00	\$10,000.00
Actuators (total of 3)	\$19,298.00	Inc. in Valve Price	\$13,000.00
Labor, Equipment, and Materials	\$13,960.00	\$23,320.00	\$43,200.00
Grand Total	\$38,884.00	\$67,514.00	\$89,200.00

WHEREAS, after review of the bids and upon the recommendation of the General Services Director and the DPW/Division of Latham Water Superintendent it is proposed that the contract be awarded to the lowest bidder; and

BE IT RESOLVED that the low bidder, Pollard Excavating, be, and hereby is, awarded the bid in the amount of \$38,884.00; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into Agreement for same; and

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

RESOLUTION NO. 342 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute Change Order No. 2 to the contract with New Castle Paving, LLC in connection with the Albany/Colonie Interconnection Project.

WHEREAS, Change Order No. 2 is being made to make some modifications to such conditions as the pipe conflict at VFW Drive, SWPPP mailbox installation, lupine protective fence installation and a cellular modem installation at New Karner Road; and

WHEREAS, the total increase for Change Order 2 is \$266,378.28;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Change Order No. 2 to the contract with New Castle Paving, LLC in connection with the Albany/Colonie Interconnection Project; and

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

RESOLUTION NO. 343 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to execute an application to the Office of General Services in connection with the Federal Surplus Property Program.

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute an application to the Office of General Services in connection with the Federal Surplus Property Program; and

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

RESOLUTION NO. 344 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan
Councilwomen Linda J. Murphy
Danielle Futia
Jill Penn
Melissa Jeffers VonDollen
Councilmen Rick Field, Sr.
David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing expenditure of funds from the Insurance Reserve Fund for payment of legal fees, expenses and/or settlement in connection with 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>
Clough Harbour & Associates LLP (Fusco)	\$1,200.00
Cooper Erving & Savage, LLP (Fusco, Niedbalec, McMillan, Pisarski, Falace, Geraci)	\$6,412.01
Diane Anker (repair to retaining wall)	\$150.00
Total	\$7,762.01

RESOLUTION NO. 345 FOR 2020

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 27th day of August, 2020 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwomen	Linda J. Murphy
	Danielle Futia
	Jill Penn
	Melissa Jeffers VonDollen
Councilmen	Rick Field, Sr.
	David Green

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

RAN RESOLUTION DATED AUGUST 27, 2020

Resolution authorizing the issuance of revenue anticipation notes and renewal notes of the Town of Colonie, Albany County, New York, in an aggregate principal amount not to exceed \$3,500,000.

BE IT RESOLVED, by the Town Board of the Town of Colonie, Albany County, New York (the "Town") as follows:

SECTION 1. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell revenue anticipation notes, including renewals of such notes and renewals of notes previously issued by the Town, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

SECTION 2. The notes are issued in anticipation of the receipt of New York State fourth quarter sales and use taxes to be received by the Town, presently estimated to equal at least \$5,000,000. No notes have previously been issued in anticipation of such revenues.

SECTION 3. Such revenues are due and payable during the 2020 Town fiscal year.

SECTION 4. The notes are authorized to be issued against estimated uncollected New York State sales and use taxes to be received during the fourth quarter of the 2020 Town fiscal year.

SECTION 5. The notes shall be issued in an aggregate principal amount not to exceed \$3,500,000 and shall be used to meet the ordinary operating expenses and other various expenses of the Town General Fund. The proceeds of the notes shall not be used to redeem revenue anticipation notes previously issued by the Town.

SECTION 6. The notes shall mature no later than one year after issuance.

SECTION 7. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on such notes as the same become due and payable.

SECTION 8. The Town Supervisor is further authorized, as applicable, to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the notes authorized by this resolution as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the notes authorized by this resolution as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code in the event that the Town determines that the interest on such notes should be excludable from gross income for federal income tax purposes and issued as "qualified tax-exempt bonds."

SECTION 9. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. This resolution shall be effective immediately.