

RESOLUTION NO. 373-A FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing Matthew W. Graves to the position of Public Safety Dispatcher in the Police Department.

WHEREAS, the Personnel Officer has certified Matthew W. Graves as eligible for appointment from Eligible List #16-855, established November 23, 2016;

BE IT RESOLVED that Matthew W. Graves be, and hereby is, appointed to the position of Public Safety Dispatcher in the Police Department at an annual salary of \$42,031, effective September 17, 2018, pending satisfactory completion of a pre-employment physical.

RESOLUTION NO. 373-B FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution appointing David Tulchinsky to the position of Highway Maintenance Worker, Grade 8, in the DPW/Division of Highway.

BE IT RESOLVED that David Tulchinsky be, and hereby is, appointed to the position of Highway Maintenance Worker, Grade 8, in the DPW/Division of Highway at an hourly salary of \$18.91, effective September 24, 2018, pending satisfactory completion of a pre-employment physical.

RESOLUTION NO. 374 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

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

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

<u>PAYEE</u>	<u>AMOUNT</u>
Bailey, Johnson (Wolleben)	\$192.50
Total	\$192.50

RESOLUTION NO. 375 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

**Resolution reappointing Michele Stuto Burns as a member of the
Town of Colonie Board of Assessment Review.**

BE IT RESOLVED that Michele Stuto Burns be, and hereby is, reappointed to the Town of Colonie Board of Assessment Review, for a five (5) year term commencing on October 1, 2018 through September 30, 2023.

RESOLUTION NO. 376 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a Lease Agreement with Neopost USA, Inc. in connection with the Postage Meter/Mail Machine.

BE IT RESOLVED that the Supervisor be, and hereby is authorized to execute a Lease Agreement with Neopost USA, Inc. in the amount of \$344.20 per month for 48 months; and

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

RESOLUTION NO. 377 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing 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. *Columbia Dolson, LLC v. Town of Colonie et al.*, Index Nos. 904709-17, 904654-18

159 Wolf Road, Tax Map Parcel No. 42.2-1-16.12

Assessment Roll Year	Present Assessment	Revised Assessment	Reduction
2017	2,600,000	N/A	N/A
2018	2,600,000	2,000,000	600,000

Tentative School District Refund: \$15,615.34

Tentative Town Refund: N/A (assessment to be changed prior to issuance of general tax bill)

WHEREAS, the parties have tentatively agreed to waive Section 727 of the Real Property Tax Law;

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.

RESOLUTION NO. 378 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution designating the election inspectors for a referendum in connection with the Service Award Program for the Maplewood Fire Protection District to be held on October 3, 2018.

WHEREAS, pursuant to Resolution No. 358 for 2018, which was duly adopted by the Town Board on August 30, 2018, there shall be a public referendum of eligible voters residing within the Maplewood Fire Protection District in an election to be held on October 3, 2018, between the hours of 2:00 p.m. and 8:00 p.m. at the Maplewood Volunteer Fire Department Firehouse, 61 Cohoes Rd. Watervliet, New York 12189, to determine whether the Maplewood Fire Protection District Service Award Program shall be amended effective January 1, 2019 to increase the maximum years of Service Credit under the Program from 30 to 40 years as set forth in the attached proposition.

NOW, THEREFORE, BE IT RESOLVED that the following individuals, whose names appear on a list of trained, certified election inspectors provided by the Albany County Board of Elections, are hereby selected and designated as election inspectors for the above-described special election:

Judith A. Buckley
Tamara J. Spiak

BE IT FURTHER RESOLVED that two additional individuals, whose names appear on a list of trained, certified election inspectors provided by the Albany County Board of Elections, are hereby selected and designated as alternate election inspectors for the above-described special election in case a designated election inspector is unable to serve on such date; and

BE IT FURTHER RESOLVED that such election inspectors or alternate election inspectors actually serving on October 3, 2018 shall be compensated one hundred dollars (\$100.00) each for their service; and

BE IT FURTHER RESOLVED that payment of the Albany County Board of Election charges for use of an electronic voting machine and associated staff time (estimated to be approximately \$850) are hereby authorized.

RESOLUTION NO. 379 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing assignment of towing agreement from Latham Towing & Sales, Inc. to Latham Towing & Recovery, LLC.

WHEREAS, according to Richard Ovitt, the Vice President and Manager of Latham Towing & Sales, Inc., the business was reorganized as Latham Towing & Recovery, LLC with Richard Ovitt as the organizer and member; and

WHEREAS, Latham Towing & Recovery, LLC will have the same rights and responsibilities as Latham Towing & Sales, Inc. had under the agreement that expires on December 31, 2019;

THEREFORE, BE IT RESOLVED that the assignment of the towing agreement from Latham Towing & Sales, Inc. to Latham Towing & Recovery, LLC be, and hereby is, accepted.

RESOLUTION NO. 380 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the bid to Rozell East, Inc. and Gross Electric in connection with the Low Lift Pump Station Inlet Improvements and authorizing the Supervisor to enter into agreements for same.

WHEREAS, pursuant to advertisement on May 10, 2018, the following nine (9) proposals were received in connection with the Low Lift Pump Station Inlet Improvements:

Contract 1A - General Construction
Contract 1A - General Construction Additive
Contract 1B - Electrical
Contract 1B - Electrical Additive

	VENDOR	GEN 1A	GEN ADD	ELEC 1B	ELEC ADD
1.	Rozell East Inc.	\$1,308,320.00	\$36,000.00		
2.	M. W. Schultz Construction	\$1,388,920.00	\$32,000.00		
3.	J Squared Construction	\$1,407,500.00	\$41,500.00		
4.	Jerson Construction Group	\$1,413,660.00	\$38,000.00		
5.	CFI Contracting	\$1,460,000.00	\$14,000.00		
6.	Grant Street Construction	\$1,739,000.00	\$46,000.00		
7.	Jett Industries, Inc.	\$1,817,000.00	\$32,000.00		
8.	Gross Electric			\$276,000.00	\$3,275.00
9.	Brunswick Electric			\$285,190.00	\$3,200.00
10.	CDE Electric, Inc.			\$293,275.00	\$9,000.00
11.	Stilsing Electric			\$295,000.00	\$750.00
12.	DCL Electric			\$299,450.00	
13.	Amaha Electrical			\$326,605.00	\$4,690.00

14.	O'Connell Electric			\$345,000.00	\$14,750.00
15.	Arcon Construction			\$379,000.00	\$5,000.00
16.	Harold R. Clune			\$460,000.00	\$3,715.00

WHEREAS, after review of the bids by the General Services Director;

BE IT RESOLVED that the low bid of Rozell East, Inc. for Contract 1A-General Construction in the amount of \$1,308,320.00 and Gross Electric for Contract 1B-Electrical in the amount of \$276,000.00 be, and hereby is, accepted; and

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

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

RESOLUTION NO. 381 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution authorizing the Supervisor to enter into a maintenance agreement with MorphoTrust USA, LLC in connection with digital imaging and fingerprinting for the Police Department.

WHEREAS, MorphoTrust USA, LLC will perform maintenance on digital imaging and fingerprinting software and/or equipment for the Police Department at a cost not to exceed \$5,270.00 from November 1, 2018 to October 31, 2019;

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a maintenance agreement with MorphoTrust USA, LLC in connection with digital imaging and fingerprinting for the Police Department; and

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

RESOLUTION NO. 382 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution awarding the quote to Ted's Flooring & Interior Design in connection with the replacement of rubberized flooring and treads on the rear stairwell at the Public Safety Building.

WHEREAS, Ted's Flooring & Interior Design submitted a proposal to remove existing rubber treads and tile and supply and install new rubberized flooring and treads on the rear stairwell at the Public Safety Building; and

WHEREAS, Ted's Flooring & Interior Design's quote was in the amount \$5,900.00 and the Town also received a quote from Gentile's Floor Center in the amount of \$7,096.25;

THEREFORE, BE IT RESOLVED that the quote from Ted's Flooring & Interior Design be, and hereby is, accepted in the amount of \$5,900.00 for the replacement of rubberized flooring and treads on the rear stairwell at the Public Safety Building.

RESOLUTION NO. 383 FOR 2018

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 13th day of September, 2018 at 7:00 PM.

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

ABSENT: None

Councilman _____ offered the following resolution and moved its adoption:

Resolution calling a public hearing in regard to the Planning Board recommendation for the proposed amendment of the Northern Pass PDD.

WHEREAS, at its regular meeting on December 7, 2017, the Town Board of the Town of Colonie required the Planning Board to review and consider the proposed amendment of the Northern Pass PDD to allow the addition of three (3) garages; and

WHEREAS, it is now desired to call a public hearing in connection with the proposed amendment of the Northern Pass PDD;

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for September 27, 2018 at 7:00 PM in Memorial Town Hall, 534 Loudon Road, Newtonville, NY in connection with the proposed amendment of the Northern Pass PDD.

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 2018

A local law amending Local Law 9 of 2012, which rezoned 50.5± acres of land at 586 Old Loudon Road and 1226 Loudon Road to a Planned Development District (PDD) (also known as Northern Pass PDD), by revising the plans to include three (3) garages.

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

SECTION 1. AMENDMENT

Section 3 of Local Law 9 of 2012 is hereby amended by revising the plans to include three (3) garages.

SECTION 2. CONDITIONS

The amendment described in Section 1 above is more fully detailed in the narrative description, amended site plans, and additional materials provided with the amendment request and filed in the office of the Town Clerk. This amendment remains subject to any express conditions of the Town Board filed with the office of the Town Clerk.

SECTION 3. SEQRA

The Town Board hereby determines that this amendment to Local Law 9 of 2012 is a Type 1 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 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. ____ of 2018 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 2018 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2018, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2018, in accordance with applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2018 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2018, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2018. 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 _____ 2012, 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 2018 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 2018, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed adopted on _____ 2018. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 2018, 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 2018 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 _____ 2018, 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 2018 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 2018, 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.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

(Seal)

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

(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.

Town of Colonie Town Attorney
Date: