

## **REGULAR TOWN BOARD MEETING – October 25, 2012 - 7:00 PM**

### **6:00 Agenda Review Session**

### **7:00 Public Hearing in connection Fire Protection District Contracts.**

#### **Resolution No. 480 of 2011**

A.) Resolution authorizing a contract with the Fuller Road Fire Department, Inc. for fire protection within the Fuller Road Fire Protection District.

#### **Resolution No. 481 of 2011**

B.) Resolution authorizing a contract with the Shaker Road-Loudonville Fire Department, Inc. for fire protection within the Shaker Road-Loudonville Fire Protection District.

#### **Resolution No. 482 of 2011**

C.) Resolution authorizing a contract with the Maplewood Fire Department, Inc. for fire protection within the Maplewood Fire Protection District.

#### **Resolution No. 483 of 2011**

D.) Resolution authorizing a contract with the S. W. Pitts Hose Company of Latham, N.Y., Inc. for fire protection within the Latham Fire Protection District.

- 484. Resolution authorizing the General Services Director to advertise a Request for Proposals (RFP) for a vendor to operate the food service concession at the Town of Colonie Golf Course.
- 485. Resolution authorizing the Supervisor to enter into an Agreement with Foit-Albert Associates to be a substitute Town Designated Engineer.
- 486. Resolution authorizing a lease agreement with the Village of Colonie for space in the Village of Colonie's proposed firehouse for the EMS Department, contingent upon the terms of General Municipal Law § 72-h.
- 487. Resolution authorizing settlement and/or discontinuance of various tax certiorari proceedings pursuant to §68 of the Town Law, subject to judicial approval of the same.
- 488. Resolution authorizing the Supervisor to reimburse Midway Fire District in the amount of \$18,141.38 pursuant to the lease agreement between the Midway Fire District and Town of Colonie dated September 6, 1989 pursuant to a reasonable payment plan.
- 489. Resolution authorizing the Supervisor to execute a Career Exploration Internship Program Agreement with Colonie Central High School.
- 490. Resolution authorizing the Supervisor to enter into an agreement with the City of Schenectady in connection with the HOME Investment Partnership Program.

491. Resolution authorizing the Supervisor to enter into a Service Agreement with Image Integrator, LLC for the repair and maintenance of the read printers at the William K. Sanford Town Library.
492. Resolution authorizing the Supervisor to execute Change Order No. 1 to the Engineering Agreement with WSP-Sells and HVC, Inc. in connection with the reconstruction of the Burn Building at the Fire Training Center.
493. Resolution authorizing the Supervisor to enter into a Service Agreement with Radiation Detection Company for a radiation detection device for the Police Department.
494. Resolution authorizing the General Services Director to advertise for bids for the 2012 Mohawk View Water Pollution Control Plant Screenings and Grit System Upgrade Project for the DPW/Division of Pure Waters.
495. Resolution authorizing the Supervisor to execute and submit an Order on Consent to the NYS Department of Environmental Conservation for settlement of violations of state law and regulations in connection with the sanitary sewer overflow from the Fonda Road Pump Station.
496. Resolution authorizing the General Services Director to advertise for bids for the removal and reinstallation of Granular Activated Carbon and Sand for Filter #5 to allow inspection of the complete under drain system for the Mohawk View Water Treatment Plant.
497. Resolution scheduling a public hearing in connection with a proposed local law amending Chapter 181 of the Code of the Town of Colonie – “Vehicle & Traffic Codification” by amending Schedule VII – “Speed Limit”.
498. Resolution accepting a portion of 621 Boght Road for widening Boght Road in the Jones Subdivision.
499. Resolution rejecting the sole proposal received for the Request for Proposals in connection with the sale of real property located at 160 Wolf Road.
500. Resolution authorizing the Supervisor to enter into a Renewal Agreement with Integrys Energy Services for electric supply and Hess Corporation for natural gas supply for all Town facilities as part of the Municipal Electric & Gas Alliance.
501. Resolution making a SEQR determination and approving/not approving an Open Development Area at 29 British American Boulevard, to be known as 25, 27 and 29 British American Boulevard.
502. Resolution authorizing the Supervisor to enter into an Agreement with Adirondack Environmental Services in connection with air quality testing and any other types of testing needed in various Town facilities.

## RESOLUTION NO. 480 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan  
Councilwoman Linda J. Murphy  
Councilmen William E. Carl  
Brian Haak  
Daniel A. Hornick  
Paul L. Rosano  
David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing a contract with the Fuller Road Fire Department, Inc. for fire protection within the Fuller Road Fire Protection District.**

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 25th day of October 2012 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED, that this Town Board does authorize a contract with the Fuller Road Fire Department, Inc. for the furnishing of fire protection to the Fuller Road Fire Protection District; and

BE IT FURTHER RESOLVED, that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

## RESOLUTION NO. 481 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing a contract with the Shaker Road-Loudonville Fire Department, Inc. for fire protection within the Shaker Road-Loudonville Fire Protection District.**

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 25th day of October 2012 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED, that this Town Board does authorize a contract with the Shaker Road-Loudonville Fire Department, Inc. for the furnishing of fire protection to the Shaker Road-Loudonville Fire Protection District; and

BE IT FURTHER RESOLVED, that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

## RESOLUTION NO. 482 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan  
Councilwoman Linda J. Murphy  
Councilmen William E. Carl  
Brian Haak  
Daniel A. Hornick  
Paul L. Rosano  
David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing a contract with the Maplewood Fire Department, Inc. for fire protection within the Maplewood Fire Protection District.**

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 25th day of October 2012 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED, that this Town Board does authorize a contract with the Maplewood Fire Department, Inc. for the furnishing of fire protection to the Maplewood Fire Protection District; and

BE IT FURTHER RESOLVED, that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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

## RESOLUTION NO. 483 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing a contract with the S. W. Pitts Hose Company of Latham, N.Y., Inc. for fire protection within the Latham Fire Protection District.**

WHEREAS, there have been duly established in the Town of Colonie fire protection districts embracing certain territories in said Town and such territories are more fully described in the resolution establishing such districts and previously duly adopted by this Board; and

WHEREAS, it is proposed that contracts be entered into with fire companies for the furnishing of fire protection to such districts; and

WHEREAS, due notice having been given of public hearings to be held at the Town Hall on the 25th day of October 2012 to consider such contracts, the notice duly specifying the time and place of the hearings as aforesaid and giving in general terms the proposed contracts; and all persons interested and appearing having been heard;

BE IT RESOLVED, that this Town Board does authorize a contract with the S. W. Pitts Hose Co. of Latham, N.Y., Inc. for furnishing fire protection within the Latham Fire Protection District; and

BE IT FURTHER RESOLVED, that said contract be executed on behalf of this Board by the Supervisor of the Town of Colonie; and

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



## RESOLUTION NO. 484 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the General Services Director to advertise a Request for Proposals (RFP) for a vendor to operate the food service concession at the Town of Colonie Golf Course.**

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise a Request for Proposals (RFP) for a vendor to operate the food service concession at the Town of Colonie Golf Course.

## RESOLUTION NO. 485 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an Agreement with Foit-Albert Associates to be a substitute Town Designated Engineer.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Foit-Albert Associates to be a substitute Town Designated Engineer; and

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

## RESOLUTION NO. 486 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing a lease agreement with the Village of Colonie for space in the Village of Colonie's proposed firehouse for the EMS Department, contingent upon the terms of General Municipal Law § 72-h.**

WHEREAS, the Village of Colonie has indicated that it is willing to lease to the Town of Colonie space in the Village of Colonie's proposed new firehouse for a 10 year term with the rental set at \$2,000 per month; and

WHEREAS, the Town of Colonie Emergency Medical Services (EMS) Department desires to use such space for purposes including, but not limited to, housing ambulances and providing space for employees; and

NOW, THEREFORE, BE IT RESOLVED that a lease agreement between the Town of Colonie and Village of Colonie be, and hereby is, authorized contingent upon the terms and conditions of section 72-h of the General Municipal Law; and

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

## RESOLUTION NO. 487 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan  
Councilwoman Linda J. Murphy  
Councilmen William E. Carl  
Brian Haak  
Daniel A. Hornick  
Paul L. Rosano  
David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

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

WHEREAS, it has been tentatively agreed by the parties to reduce the assessments 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. Insurance Auto Auctions v. Town of Colonie  
Index No.: 3953-12

1210 Kings Road  
Tax Map No. 28.2-3-3

Assessment Roll Year	Present Assessment	Revised Assessment	Reduction
2012	\$900,000	\$750,000	\$150,000

With respect to the 2013 General Tax Bill, no refund is anticipated, provided the order is received in time to adjust the bill.

2. Albany Area Hospitality Corp. v. Town of Colonie  
Index No.: 3953-12

200 Wolf Road  
Tax Map No. 30.4-1-7.2  
Present Assessment: \$3,300,000

The above matter has been discontinued.

3. Warehouse 19, LLC v. Town of Colonie  
Index No. 4260-12

19 Warehouse Row  
Tax Map No. 42.17-1-3  
Present Assessment: \$2,100,000

The above matter has been discontinued.

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

## RESOLUTION NO. 488 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor Paula A. Mahan  
Councilwoman Linda J. Murphy  
Councilmen William E. Carl  
Brian Haak  
Daniel A. Hornick  
Paul L. Rosano  
David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to reimburse Midway Fire District in the amount of \$18,141.38 pursuant to the lease agreement between the Midway Fire District and Town of Colonie dated September 6, 1989 pursuant to a reasonable payment plan.**

WHEREAS, pursuant to the lease agreement between the Midway Fire District and Town of Colonie dated September 6, 1989 for EMS Station 2 on Consaul Road, the Town of Colonie is required to pay 48% of all maintenance, upkeep, repair, structural rehabilitation, insurance, taxes and all other changes relating to the property without limitation; and

WHEREAS, the Midway Fire District submitted a claim form dated September 28, 2012 for a total of \$18,141.38 along with supporting documentation; and

WHEREAS, once the duplicate claim for pest control for August, 2012 is removed, the total amount of the claim is \$18,118.82; and

WHEREAS, this amount exceeds the remaining funds allocated for rental for the EMS Department in the 2012 Budget;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to pay the claim of the Midway Fire District in the amount of \$18,118.82, pursuant to the lease agreement between the Midway Fire District and Town of Colonie dated September 6, 1989 pursuant to a reasonable payment plan; and

BE IT FURTHER RESOLVED that the Comptroller and Town Attorney are authorized to negotiate a reasonable payment plan to accommodate payment of \$18,118.82 to the Midway Fire District.

## RESOLUTION NO. 489 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute a Career Exploration Internship Program Agreement with Colonie Central High School.**

WHEREAS, Nicole Finn is a student at Colonie Central High School that has shown an interest in participating in an internship program in the Town Attorney's Office;

BE IT RESOLVED that the Supervisor, be and hereby is, authorized to execute a Career Exploration Internship Program Agreement with Colonie Central High School; and

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



## RESOLUTION NO. 490 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an agreement with the City of Schenectady in connection with the HOME Investment Partnership Program.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an agreement with the City of Schenectady in connection with the HOME Investment Partnership Program; and

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

## RESOLUTION NO. 491 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a Service Agreement with Image Integrator, LLC for the repair and maintenance of the read printers at the William K. Sanford Town Library.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Service Agreement with Image Integrator, LLC for the repair and maintenance of the read printers at the William K. Sanford Town Library from October 1, 2012 to September 30, 2013 at an annual cost of \$705.00; and

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

## RESOLUTION NO. 492 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute Change Order No. 1 to the Engineering Agreement with WSP-Sells and HVC, Inc. in connection with the reconstruction of the Burn Building at the Fire Training Center.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute Change Order No. 1 to the Engineering Agreement with WSP-Sells and HVC, Inc. in connection with the reconstruction of the Burn Building at the Fire Training Center, specifically, additional materials needed for the new roof; and

BE IT RESOLVED that such Change Order will total \$1,300.00;

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

## RESOLUTION NO. 493 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a Service Agreement with Radiation Detection Company for a radiation detection device for the Police Department.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Service Agreement with Radiation Detection Company for a radiation detection device for the Police Department at an annual estimated cost of \$90.00; and

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

## RESOLUTION NO. 494 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the General Services Director to advertise for bids for the 2012 Mohawk View Water Pollution Control Plant Screenings and Grit System Upgrade Project for the DPW/Division of Pure Waters.**

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids for the 2012 Mohawk View Water Pollution Control Plant Screenings and Grit System Upgrade Project for the DPW/Division of Pure Waters.

## RESOLUTION NO. 495 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to execute and submit an Order on Consent to the NYS Department of Environmental Conservation for settlement of violations of state law and regulations in connection with the sanitary sewer overflow from the Fonda Road Pump Station.**

WHEREAS, as of October 19, 2012 the final Order is still being negotiated with NYS Department of Environmental Conservation, but the Order will need to be executed and received at the Department of Environmental Conservation by November 1, 2012 requiring Town Board authorization; and

WHEREAS, the New York State Department of Environmental Conservation will offer a settlement of violations of state law and regulations in connection with a sanitary sewer overflow at the Fonda Road Pump Station; and

WHEREAS, pursuant to the proposed Order on Consent the Town of Colonie will voluntarily comply with all requirements set forth in the proposed Order; and

WHEREAS, the proposed Order also requires the payment of a civil penalty which still needs to be determined by the New York State Department of Environmental Conservation;

WHEREAS, the initial civil penalty proposed by the NYS Department of Environmental Conservation consisted of \$13,000.00, \$3,000.00 of which would be payable with the signed

Order on Consent and \$10,000.00 of which would be suspended conditioned on compliance with the Order on Consent; and

WHEREAS, the Consent Order also required that the Town of Colonie pay \$13,000.00 toward an environmental benefit project to be determined by the NYS Department of Environmental Conservation;

THEREFORE, BE IT RESOLVED that the Supervisor be, and hereby is, authorized to execute and submit the Order on Consent proposed by the NYS Department of Environmental Conservation and submit payment of the civil penalty, to be determined, in connection with the sanitary sewer overflow from the Fonda Road Pump Station.

## RESOLUTION NO. 496 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the General Services Director to advertise for bids for the removal and reinstallation of Granular Activated Carbon and Sand for Filter #5 to allow inspection of the complete under drain system for the Mohawk View Water Treatment Plant.**

BE IT RESOLVED that the General Services Director be, and hereby is, authorized to advertise for bids for the removal and reinstallation of Granular Activated Carbon and Sand for Filter #5 to allow inspection of the complete under drain system for the Mohawk View Water Treatment Plant.



## RESOLUTION NO. 497 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution scheduling a public hearing in connection with a proposed local law amending Chapter 181 of the Code of the Town of Colonie – “Vehicle & Traffic Codification” by amending Schedule VII – “Speed Limit”.**

WHEREAS, the Department of Public Works, Division of Highways has recommended a certain amendment to Chapter 181, Schedule VII of the Code of the Town of Colonie;

BE IT RESOLVED that a public hearing be, and hereby is, scheduled for November 8, 2012 at 7:00 PM in Memorial Town Hall in connection with a proposed local law amending Chapter 181 of the Code of the Town of Colonie – “Vehicle & Traffic Codification” by amending Schedule VII – “Speed Limit”.

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 2012**

**A local law** amending Chapter 181 of the Code of the Town of Colonie - "Vehicle & Traffic Codification" by amending Schedule VII entitled "Speed Limit".

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

**SECTION 1.**

Chapter 181 of the Code of the Town of Colonie, Schedule VII entitled "Speed Limit" is hereby amended as follows:

**Speed Limit**

**Delete**

**Name of Street**

**Speed Limit (MPH)**

**At Location Of**

River Road

40

Both directions from Forts Ferry  
Road to the Niskayuna Town line,  
A distance of 2 plus or minus miles

**SECTION 2. EFFECTIVE DATE.**

This local law shall take effect upon its proper filing with 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 2012 of the **Town of Colonie** was duly passed by the Town Board on \_\_\_\_\_ 2012, 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2012, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2012, 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2012, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2012. 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 \_\_\_\_\_ 2009, 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 2012 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2012, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed adopted on \_\_\_\_\_ 2012. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2012, 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 2012 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 \_\_\_\_\_ 2012, 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 2012 of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2012, 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 county legislative body, City, Town or Village  
Clerk 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:

## RESOLUTION NO. 498 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution accepting a portion of 621 Boght Road for widening Boght Road in the Jones Subdivision.**

WHEREAS, William C. Jones has offered to the Town of Colonie a portion of 621 Boght Road for widening Boght Road, which land is described in a warranty deed fully executed and dated September 28, 2012, running to the Town of Colonie, which deed is attached hereto; and

WHEREAS, such portion of the parcel could be used to widen Boght Road, public highways; and

WHEREAS, it is found that acceptance, merger and dedication of the strip of land as a widening of Boght Road by accepting such portion of 621 Boght Road is in the interest of the Town of Colonie;

NOW, THEREFORE, BE IT RESOLVED that the above referenced offer of a portion of 621 Boght Road for widening Boght Road, be accepted by the Town of Colonie, subject to approval of all documents by the Town Attorney, and effective upon the filing by the Town of Colonie of the above referred deed in the Albany County Clerk's Office; and

BE IT FURTHER RESOLVED, that the land described in such warranty deed shall be merged with the right-of-way of Boght Road for purposes of widening the same; and

BE IT FURTHER RESOLVED, that consent is hereby given to the Commissioner of Public Works to lay out Boght Road (widening strips) and record his order in the Town Clerk's Office.

**DEDICATION OF A PORTION OF 621 BOGHT ROAD IN THE  
JONES SUBDIVISION**

I, John H. Cunningham, Commissioner of Public Works of the Town of Colonie, acting by and with the consent of the Town Board of said Town, expressed in a certain resolution adopted on the 25th day of October 2012, a copy of which is annexed hereto, do hereby

ORDER that a portion of 621 Boght Road be dedicated as a right of way, public street or highway as described in a certain deed from William C. Jones to the Town of Colonie, dated September 28, 2012, and filed herewith.

This Order is made pursuant to the provisions of the Town of Colonie Town Board Resolution dated October 25, 2012 and entitled Resolution accepting a portion of 621 Boght Road for widening Boght Road in the Jones Subdivision as a Town highway and record this order in the Town Clerk's Office.

Dated: October \_\_\_\_, 2012

---

John H. Cunningham  
Commissioner of Public Works

## RESOLUTION NO. 499 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution rejecting the sole proposal received for the Request for Proposals in connection with the sale of real property located at 160 Wolf Road.**

WHEREAS, Penfield Hotel, LP submitted a proposal for the Request for Proposals in connection with the sale of real property located at 160 Wolf Road; and

WHEREAS, the offer submitted by Penfield Hotel, LP of \$50,000 was significantly lower than the 2010 appraised price of \$195,000.00;

THEREFORE, BE IT RESOLVED that the sole proposal received for the Request for Proposals in connection with the sale of real property located at 160 Wolf Road be, and hereby is, rejected.



## RESOLUTION NO. 500 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into a Renewal Agreement with Integrys Energy Services for electric supply and Hess Corporation for natural gas supply for all Town facilities as part of the Municipal Electric & Gas Alliance.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Renewal Agreement with Integrys Energy Services for electric supply for all Town facilities as part of the Municipal Electric & Gas Alliance; and

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into a Renewal Agreement with Hess Corporation for natural gas supply for all Town facilities as part of the Municipal Electric & Gas Alliance; and

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

## RESOLUTION NO. 501 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution making a SEQR determination and approving/not approving an Open Development Area at 29 British American Boulevard, to be known as 25, 27 and 29 British American Boulevard.**

WHEREAS, a favorable recommendation was granted by the Town of Colonie Planning Board subject to conditions set forth in a Special Rule letter, dated October 23, 2012, attached hereto as Exhibit "A", for an Open Development Area at 29 British American Boulevard, which will be known as 25, 27 and 29 British American Boulevard pursuant to Town Law § 280-a(4);

WHEREAS, BA Park Group, LLC, the property owner at 29 British American Boulevard, is seeking to create three legally separate parcels to be known as 25, 27 and 29 British American Boulevard; and

WHEREAS, the adoption of an Open Development Area in accord with Town Law Section 280-a (4) is a legislative decision relative to the means of access to lands along private roads within existing subdivisions approved by the Town of Colonie Planning Board, as depicted on approved plats filed with the office of the Albany County Clerk, made part of the official map of the Town of Colonie in accord with Town Law section 279 (3)and, as such, is a Type II action, exempt from the provisions of SEQRA in accord with 6 NYCRR 617.5 (c) (17) and (27); and

THEREFORE, BE IT RESOLVED that the Town Board approves/does not approve the Open Development Area located at 29 British American Boulevard, subject to the conditions set forth in the Special Rule letter attached hereto as Exhibit "A".

**TOWN OF COLONIE PLANNING BOARD RECOMMENDATION TO THE TOWN BOARD  
FOR ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA PURSUANT TO TOWN LAW  
§ 280-a (4), SUBJECT TO CERTAIN CONDITIONS SET FORTH BY SPECIAL RULE  
RELATIVE TO 25, 27, AND 29 BRITISH AMERICAN BOULEVARD**

**WHEREAS**, on February 18, 2011, BA Park Group, LLC made a request for an Open Development Area to the Colonie Town Board; and

**WHEREAS**, the Town Board referred this matter to the Planning Board for advice and recommendation via Town Board Resolution No. 250 for 2011; and

**WHEREAS**, Town Law § 280-a (4) 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 general or special rule of the Planning Board; and

**WHEREAS**, the BA Park Group, LLC owns a certain parcel of land known as 29 British American Boulevard (SBL#18-1-49.44) which contains three separate addresses known as 25, 27 and 29 British American Boulevard, each address receiving a separate tax bill; and

**WHEREAS**, the addresses known as 29 and 25 British American Boulevard have already been developed in conformance with approved site plans (Approvals: 02-099 and 06-074 respectively); and

**WHEREAS**, the address known as 27 British American Boulevard is an approved building site (Approval: 06-074); and

**WHEREAS**, the applicant has also filed an application for a minor subdivision in order to create three legally separate parcels with primary access for ingress and egress via British American Boulevard to be provided by a recorded and legally binding reciprocal easement agreement, and with secondary emergency ingress/egress pre-existing; and

**WHEREAS**, the easement for primary ingress and egress – a 24-foot wide paved roadway – provides adequate safe access to the three addresses for emergency vehicles and service apparatus; and

**NOW, THEREFORE, BE IT RESOLVED THAT**

Upon consideration of the above statements and findings, the Planning Board recommends that the request for an Open Development Area, pursuant to Town Law § 280-a (4) for 25, 27, and 29 British American Boulevard, be approved in all respects, subject to the following conditions:

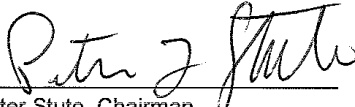
1. That the primary and secondary access to parcels 25, 27, and 29 British American Boulevard, be provided as shown on the proposed Subdivision Map for 29 British American Boulevard, prepared by C.T. Male Associates, filed with the Planning and Economic Development department on August 31, 2012.

**EXHIBIT "A"**

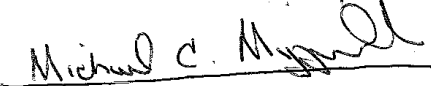

2. That the rights of ingress and egress for the three addresses be set forth in a perpetual, legally binding reciprocal access easement which includes a provision for continued maintenance of the roadway so that automobiles, police, ambulance, fire trucks and apparatus, and other emergency vehicles can safely access the parcels at all times.
3. That said easement must also include a provision making each address (and/or future parcel) parcel jointly and severally liable for maintenance of the roadway.
4. That the easement agreement be made part of the legal description in the deed to be recorded for each parcel.
5. That the Open Development Area designation and access by easement, including the revised deed description relative to the terms of the easement, with the amended language as set forth herein, must be included on the final subdivision map.
6. That any future changes to the recommended Open Development Area, including but not limited to addition, demolition, structural or site changes, subdivision, and change in use or tenant, must comply with all applicable Town of Colonie processes and approvals.
7. That a hold harmless and indemnity agreement must be entered into with the Town of Colonie, protecting the Town from liability in connection with the access to the subject property.
8. That satisfactory proof must be demonstrated to the Town that the property owner has a legal right of way or easement to the access the subject property.

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

Date: October 23, 2012

  
Peter Stuto, Chairman

*Reviewed for legal  
compliance and accuracy*

## RESOLUTION NO. 502 FOR 2012

A regular meeting of the Town Board of the Town of Colonie was held at Town Hall on the 25th day of October 2012 at 7:00 PM.

PRESENT: Supervisor	Paula A. Mahan
Councilwoman	Linda J. Murphy
Councilmen	William E. Carl
	Brian Haak
	Daniel A. Hornick
	Paul L. Rosano
	David C. Rowley

ABSENT: None

Councilman \_\_\_\_\_ offered the following resolution and moved its adoption:

**Resolution authorizing the Supervisor to enter into an Agreement with Adirondack Environmental Services in connection with air quality testing and any other types of testing needed in various Town facilities.**

BE IT RESOLVED that the Supervisor be, and hereby is, authorized to enter into an Agreement with Adirondack Environmental Services in connection with air quality testing and any other types of testing needed in various Town facilities; and

BE IT RESOLVED that the fees for testing shall not exceed \$5,000.00; and

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