

Appendix 9

The transfer was for the purchase of a senior bus.

Supervisor Runion stated that the Town had received a grant from Assemblyman McEneny for \$5,000.00 through the NYS Office of Aging towards the purchase of the bus. The bus will be purchased off of State contract.

The cost of the bus is \$39,335.00. Total cost to the Town is \$34,335.00.

Councilman Grimm asked how much money was in the reserve fund.

Supervisor Runion stated that there was approximately \$115,000.00. He further stated that this was a fund for the purchase of the bus and that he had been putting money into it over the years.

Councilman Redlich asked if there were other reserve funds.

Supervisor Runion stated that this was one of many reserve funds. This was not a General Reserve fund for the whole town. It was a reserve fund set up specifically for a senior bus.

MOTION #109 Councilman Pastore moved to **APPROVE TRANSFER AS SUBMITTED BY THE TOWN COMPTROLLER**. Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

- Councilman Redlich Aye
- Councilwoman Slavick Aye
- Councilman Pastore Aye
- Councilman Grimm Aye
- Supervisor Runion Aye

Supervisor Runion stated that item #6 on the agenda concerned going out to bid for McKownville Park and storm water improvements to help alleviate Route 20 flooding near Stuyvesant Plaza that has occurred over the last several years. This project is being funded in the amount of \$600,000.00 through outside sources.

The Town would be receiving a grant from the NYS Office of Parks and Recreation in the amount of \$100,000.00 for the conversion of what is currently the McKownville Reservoir into a Town park setting. The Town would be receiving, from the NYS Department of Transportation as part of a Reverse Betterment Agreement with them, the sum of \$200,000.00. This is their contribution to help alleviate some of the flooding issues that have occurred in this area.

Through Assemblyman McEneny's Office, the Town is to receive two grants that total \$200,000.00. One in the amount of \$150,000.00 for multi-modal money and the second for \$50,000.00, which is a Capital Project Program that is administered through the Dormitory Authority.

Stuyvesant Plaza has agreed to contribute \$100,000.00 towards the project cost.

The project will be bid with various alternates.

The Town would like to have everything done during this construction season.

Supervisor Runion further stated that this project would help alleviate the flooding in the area.

The conversion of the reservoir would help to hold additional water during a heavy storm period. The other issue would be to replace an undersized pipe, which caused a blockage of the natural flow of water to the Krumkill. This will allow the Town, during rain events, to open a floodgate to allow water to go out quicker.

Supervisor Runion described the work to be done for the reservoir park.

Councilman Grimm asked how would the Town be able to project the flood events.

Supervisor Runion explained that the engineers would be able to project, based on basic calculations, when flood events would occur and how much rain will fall.

He explained that we could also get a series of heavy rainstorms that could cause flood conditions more frequently.

Councilman Grimm stated that this was a different issue than the flooding basements in the area.

Supervisor Runion stated that these are issues that need to be addressed before the storm drain issue in the neighborhoods.

Those systems are very old, put together with clay pipe, which is deteriorating. The Town has been doing some remedial work on the issue.

Councilwoman Slavick stated that the issue of basements flooding needed to be addressed as a whole.

MOTION #110 Councilman Pastore moved to **GO OUT TO BID FOR MCKOWNVILLE PARK AND STORM WATER IMPROVEMENTS IN REGARD TO ROUTE 20 FLOODING NEAR STUYVESANT PLAZA**. Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich Aye - stated that he was in favor but had some concerns. He said, "The only documents that I received were these four pages. I think this a good project in principle. I am concerned, I don't know what the plans are specifically".

He further stated his concern with having to vote on an authorized bid for a project without having all the documents.

Supervisor Runion stated that the Town had only one copy of the document. The Town Board would have ample opportunity before

- July 6th to look at the document. He further stated that the Town Board did not have to award the bid. This was to get the process moving.
- Councilwoman Slavick Aye - stated that this problem has existed for a number of years and now that funding is available they should proceed.
- Councilman Pastore Aye - wholeheartedly in favor of going out to bid.
- Councilman Grimm Aye - stated that traffic was an issue with the flooding, causing problems for businesses. This is a very positive development for the Town.
- Supervisor Runion Aye - stated that he had been working on this project for a number of years. Most of it was a funding issue with a lot of collaboration with a number of entities. The Town needed to move forward with the issue in order to take advantage of the construction season and to alleviate some of the issues for our businesses in the area.
- He expressed his appreciation to all of the various agencies that worked with the Town, particularly Assemblyman McEneny, who made a lot of calls for the Town.


Documents relating to the project are available for viewing in the Town Clerk's office during regular business hours.

Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Opposed
Councilwoman Slavick	Aye – said, "I am not changing my position from two weeks ago. As I said, we had Judge Ceresia, he came, he looked at the Court, he and his staff reviewed and analysed our statistics. He made a recommendation and I believe we should go with his recommendation, I defer to his recommendation. Also, I would like to thank Judge Randall and Judge Bailey for the many, many hours that they put in night and day to serve in our Court and to take care of all those cases."
Councilman Pastore	Aye – said, "I am in favor of the motion. Throughout my tenure on the Board we have seen a lot of motions come before us, often times different in the total tally. I was very hopeful this evening that this particular vote before us would be a unanimous vote in favor of the third judgeship. I spoke last meeting about the deference that I, in particular, and in my view, all the members of the Board, should give to individuals who are more expert than are we when they render opinions based upon facts. I think that Judge Ceresia's written letter that we referred to last meeting, was very concise, and was very compelling. He also supplemented that letter recently, in response, apparently, to a letter that Councilman Redlich had written to him. I afforded the members of this Board some additional time to do their own investigation and to review the statistics, both in favor, and against the proposed third judgeship. I am no less convinced now, than I was two weeks ago, for the necessity of a third judgeship. I think that there have been some troubling remarks that have been made, it's been an extremely emotional night for the members of the audience as well as the members of this Board, me in particular. But, I think that we have to stay with the concept of public safety. Supervisor Runion very aptly noted that when it comes to public safety there is no price that we should pay, that we should not be concerned with numbers. I do heartily disagree, Mr. Redlich, with your notion that whether it is a .05 or an Aggravated DWI, that certain policies that are currently in effect, that have been promulgated, that have been legislated, that have been well-considered by the Albany County District Attorney, should be reviewed by this Board. I do not believe that, with respect to the issuance of tickets by our police, that we have any discretion, whatsoever, as members of this Town Board to question that."
Councilman Grimm	Aye – said, " Guilderland is going to be tough on drunk drivers whether we have two judges or three judges because we are not going to send the wrong signal to what has really been a profound tragedy in the American landscape. The issue of whether to have two or three is a separate issue. It is an issue of affordability. Of course we should look at the numbers, we should judge the numbers based on affordability. If the judge vote were tonight I would say no because of the economy, everybody is cutting back. I think it is reasonable to say this just authorizes the State; we get authorization from the State to consider this at a later point. I think that is the most reasonable course of action right now."
Supervisor Runion	Aye – said, "I talked about the public safety issue and I talked about the economy of the position but I would be remiss if I didn't talk about Board members trying to influence policy decisions of police departments. That is an extremely dangerous situation. When Town Board members or a Town Board, which is the lowest form of government, we are dictated to by Federal and State law what we have to follow and what we have to enforce, we have no discretion otherwise. For us to start talking about adopting policies that would require our police department to either enforce or not enforce certain laws, regulations or restrictions takes us one step closer, to what I would describe, as a police state. That's wrong, that's not what we're here to do. And frankly, I would not sit here on a Board that would do such a thing. So, I want to send a message out to the public that I will not, under any circumstances, listen again to any comments, which direct or attempt to direct our police department on how they do their jobs. We put them through years of training, they go through years of experience, and that is what we have hired them to do, to enforce the law. That is their job, which is their discretion, it is not mine and it is not a Town Board member's."

BREAK: 9:37 PM

RETURN: 9:49 PM

 Item #2 on the agenda concerned a resolution and authorized the Supervisor to sign an agreement for multi-modal aid in the sum of \$200,000.00 with the NYS Dept. of Transportation for Route 20 (Stuyvesant Plaza) storm drainage project.

Supervisor Runion explained that this is money that has been earmarked by Assemblyman McEneny for the Town to help with a project that will attempt to alleviate some of the flooding that occurs on Route 20 in the vicinity of Stuyvesant Plaza.

The improvements will improve the ability of the McKownville reservoir to hold storm drainage water; it will create a park like setting for McKownville residents around the reservoir and it will take into account a ten-year storm event. The project will be funded partially by the \$200,000.00 multi-modal money; an additional \$100,000.00 by DOT as a Betterment Project and Stuyvesant Plaza has agreed to donate \$100,000.00. The Town will also receive \$100,000.00 from the NYS Department of Parks and Recreation through a grant.

MOTION #62 Councilman Redlich moved to **ADOPT THE FOLLOWING RESOLUTION AND AUTHORIZING THE**

SUPERVISOR TO SIGN AN AGREEMENT FOR A MULTI – MODAL AID IN THE SUM OF \$200,000.00 WITH THE NYS DEPARTMENT OF TRANSPORTATION FOR ROUTE 20 (STUYVESANT PLAZA) STORM DRAINAGE PROJECT.

RESOLUTION NUMBER 62

Authorizing the implementation, and funding in the first instance of the State Multi-Modal Project-aid (and State administered federal program-aid) eligible costs, of a capital project, and appropriating funds therefore.

WHEREAS, A Project for the Drainage System Improvement along State Route 20 (Western Avenue) and behind Stuyvesant Plaza near the vicinity of the former McKownville Reservoir, Town of Guilderland, P.I.N. 1MA088.30A ("the Project") is eligible for funding (under Title 23 U.S. Code, as amended, and) New York State's Multi-Modal Program administered by the NYS Department of Transportation ("NYSDOT"); and

WHEREAS, the Town of Guilderland desires to advance the Project by making a commitment of advance funding of the non-local share and funding of the full local share of the costs of the Project; and

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Guilderland to pay in the first instance 100% of the federal and non-federal share of the cost of the Preliminary Engineering and Construction work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$200,000.00 (Two hundred thousand dollars and no cents) is hereby appropriated from General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Guilderland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor of the Town of Guilderland be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Multi-Modal Program Funding on behalf of the Town of Guilderland with NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of the project costs and permanent funding of the local share of federal-aid and all Project costs that are not so eligible, and it is further

RESOLVED, that a Certified Copy of the Resolution be filed with the Commissioner of Transportation of the State of New York by attaching it to any required and/or appropriate Agreements executed in connection with the project between the Town of Guilderland and the State of New York; and it is further

RESLOVED, that this Resolution shall take effect immediately.

Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

MOTION #63 Councilman Redlich moved to **APPROVE THE REQUEST OF ADAM GREENBERG TO APPLY FOR WATER EXTENSION TO SERVICE PROPERTY LOCATED WITHIN THE TOWN OF GUILDERLAND ON WORMER ROAD.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Redlich	Aye
Councilwoman Slavick	Aye
Councilman Pastore	Aye
Councilman Grimm	Aye
Supervisor Runion	Aye

No action was taken on an agenda item to consider scheduling a public hearing to re-zone 2026 and 2028 Western Ave. from Local Business to Business Non-Retail Professional.

MOTION #64 Councilwoman Slavick moved to **ADJOURN THE MARCH 17, 2009 TOWN BOARD MEETING AT 10:10 PM.** Councilman Redlich seconded the motion and it was carried by the following roll call vote:

Councilman Pastore Aye

Supervisor Runion Aye

These are the final transfers for the year. (P 128A)

Supervisor Runion stated that the Town has been awarded a grant in the amount of \$99,000.00 for the construction of a park in and around the McKownville Reservoir.

It will consist of a trail and improvements, including a bridge to traverse a wet area. Some type of gazebo or out building will also be built.

As part of the approval process, the Town will be changing the designation of the McKownville Reservoir from a water supply to a park. By doing that, the value of the land substitutes as a match. There will not be any out of pocket expenses for the Town.

Supervisor Runion stated that the Town has had conversations with the McKownville Neighborhood Association, which has been kept apprised of the situation.

He further stated that the Town has had conversations regarding the issue with Assemblyman McEneny's Office and DOT because, as part of this proposal, some member money may enter into this as well for some corrective measures for the flooding that occurs in the Route 20 area.

The project could be started in the Spring.

MOTION # 253 Councilman Bosworth moved to **APPROVE AUTHORIZING THE SUPERVISOR TO SIGN A CONTRACT WITH THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR GRANT OF \$99,000 FOR MCKOWNVILLE RESERVOIR PARK.** Councilwoman Slavick seconded the motion and it was carried by the following roll call vote:

Councilman Ricard Aye

Councilwoman Slavick Aye

Councilman Bosworth Aye

Councilman Pastore Aye

Supervisor Runion Aye

MOTION #254 Councilwoman Slavick moved to **APPROVE SETTING JANUARY 4, 2007 AT 7:00 PM AS THE TOWN ORGANIZATIONAL MEETING AND CANCELLING THE DECEMBER 28, 2006 AND THE JANUARY 2, 2007 REGULAR TOWN BOARD MEETINGS.** Councilman Ricard seconded the motion and it was carried by the following roll call vote:

Councilman Ricard Aye

Councilwoman Slavick Aye

Councilman Bosworth Aye

Councilman Pastore Aye

Supervisor Runion Aye

Supervisor Runion explained that the Town would now be able to accept credit cards, debit cards and electronic checks for the payment of Town fees.

Town Clerk, Rosemary Centi asked which departments would be involved.

Supervisor Runion stated that residents would be able to pay for Town taxes first and eventually water bills, court fines, park and other Town fees.

Fees for the service will be charged to the customer.

Through Systems East, Inc. payments could be made through the web site through this mechanism. Terminals will be available in Town Hall for the acceptance of the credit and debit cards. The Town will not be able to take credit card numbers over the phone.

The set up fee for the system will be paid for by First Niagara.

MOTION #255 Councilwoman Slavick moved to **AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENTS FOR THE TOWN TO ACCEPT CREDIT/DEBIT CARDS AND ELECTRONIC CHECK PAYMENTS.** Councilman Pastore seconded the motion and it was carried by the following roll call vote:

Councilman Ricard	Aye
Councilwoman Slavick	Aye
Councilman Bosworth	Aye
Councilman Pastore	Aye
Supervisor Runion	Aye

Councilman Bosworth stated that there had been a mistake regarding deductibles for automobile coverage and it had been corrected.

Supervisor Runion wished everyone a Happy Holiday and a Happy New Year.

MOTION # 256 Councilwoman Slavick moved to **ADJOURN THE DECEMBER 19, 2006 TOWN BOARD MEETING AT 8:09 PM.** Councilman Bosworth seconded the motion and it was carried by the following roll call vote:

Councilman Ricard	Aye
Councilwoman Slavick	Aye
Councilman Bosworth	Aye