

**TOWN OF SAND LAKE BOARD MEETING  
OCTOBER 13, 2010**

The monthly meeting of the Sand Lake Town Board was held on October 13, 2010 at 7:30 P.M. at the Sand Lake Town Hall. After the Pledge of Allegiance, the following answered roll call:

**PRESENT:** Councilman Splain  
Councilwoman Kronau  
Councilman Glasser  
Councilman Turner  
Supervisor Rounds  
Town Attorney Donna Cole-Paul

**RECORDING SECRETARY:** Barbara A. Biittig, Town Clerk

**OTHERS PRESENT:** Justin Schultz, Art Mardon, Bernie Mardon, Christy Carton, Sand Gnirke, Judith Long, Irv Sewell, Tom Hatcher, Buster, Diane & Kristina Hunt, Russ Bennett, Linda Hastings, Bill Reinhardt, Jan Reinhardt, Flora Fasoldt, John MacMcEvilly, R. Mitchell, Dan Holser, Barbara Martinage, Lori Riley, Bill Glasser, Ed Patanian, and others.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

Supervisor Rounds made the motion to approve the minutes of: September 8 & September 16, 2010. This was seconded by Councilman Glasser.

**MOTION CARRIED = UNANIMOUS**

**PUBLIC NOTICE  
TOWN OF SAND LAKE  
PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that the Town of Sand Lake shall hold a Public hearing on the Town Parking Ordinance. To be held on October 13, 2010 at 7:30 P.M. at the regular scheduled meeting at the Sand Lake Town Hall, 8428 Miller Hill Road, Sand Lake, NY.

Barbara A. Biittig  
Town Clerk

Supervisor Round made the motion to keep the public hearing open.

**MOTION CARRIED = UNANIMOUS**

**MONTHLY REPORTS**

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**TOWN CLERK-** Barbara A. Biittig

- Total fees paid to the Supervisor for the month of September 2010 - \$8,482.53
- Money Given to Rensselaer County for Dog Licenses - \$94.00
- Money Given to NYS Ag. & Markets for spay/neuter program - \$24.00
- Money Given to NYS Environmental Conservation - \$4,959.97
- Paid to NYS Health Department for Marriage Licenses - \$135.00

LaPerla Restaurant @ Gregory House has applied for a Liquor License renewal.

With Ag & Market's changes to the way we issue and do our dog licensing as of Jan 1, 2011 the town is in the process of writing a new law. I am working with the neighboring towns of Nassau, Schodack, and Poestenkill in an on going effort to share our ideas on how this new program should be implemented. Town residents will be informed on new fees etc. as soon as possible. Thank you to BAS who has agreed to handle our software changes this year at no additional charge. Watch channel 17 for information on happenings at the Town Hall or feel free to call me at 674-2026 extension 22.

**SUPERVISOR'S REPORT** – On file in the Town Clerk's Office.

**COMMITTEE REPORTS:**

**ENGINEEERS REPORT** – Mark Kestner – On file in the Town Clerk's Office.

**PLANNING BOARD** – Justin Schultz - On file in the Town Clerk's Office.

**BUILDING/ZONING** – Fred Schreyer- On File in the Town Clerk's Office.

**YOUTH** – Barbara Glasser – On File in the Town Clerk's Office

**BOARD MEMBERS REPORTS:**

**PUBLIC WORKS** – Burton Rounds - On file in the Town Clerk's Office.

**HIGHWAY** – Burton Rounds - On file in the Town Clerk's Office.

**VETERANS** – Burton Rounds- On file in the Town Clerk's Office.

**PARKS AND RECREATION** –None at this time.

**CABLE** – None at this time.

**PHYSICAL FACILITIES** – None at this time.

**CULTURE AND ARTS** - Christine Kronau - On file in the Town Clerk's Office.

**PLANNING OVERSIGHT/LINKAGE STUDY** – Christine Kronau – On file in the Town Clerk's Office.

**SENIORS/SENIOR VAN** – Christine Kronau – On file in the Town Clerk's Office.

**ANIMAL CONTROL** – John Glasser - On file in the Town Clerk's Office.

**STREET LIGHTS** – John Glasser - On file in the Town Clerk's Office.

**BEACH** – John Glasser - On file in the Town Clerk's Office.

**LIBRARY** – Ray Turner - On file in the Town Clerk's Office.

**AMBULANCE/PUBLIC SAFETY** – Ray Turner - On file in the Town Clerk's Office.

**ZONING UPDATE** – Ray Turner - On file in the Town Clerk's Office.

**COMMENTS FROM RESIDENTS:**

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Fred Schreyer – Requests the Town Board to make a written inquiry into the Glass Lake Preservation Corporation and DEC regarding all matter pertaining to the attempted closure of the access to Glass Lake.

Daniel Holser – Regarding the Cooke Property.

Barbara Martinage – Regarding the Van.

S. Goldman – From the Office of Advocates for Disabilities.

Tom Hatcher – Read a letter written by Julia Thurm regarding zoning and mining.

**APPROVAL OF AGENDA**

Councilwoman Kronau moved and Councilman Glasser seconded to add Resolution #17 for Glass Lake to the agenda.

**MOTION CARRIED = UNANIMOUS**

Supervisor Rounds moved and Councilman Turner seconded to approve the agenda.

**MOTION CARRIED = UNANIMOUS**

**BUSINESS:**

**RESOLUTION#184-10**

**Approval of Change Order for Western Burden Lake Sewer Project**

Councilwoman Kronau moved and Supervisor Rounds seconded the following resolution:

**WHEREAS**, there are changes to the Town of Sand Lake Western Burden Lake Sewer project due to the need to modify the directional drilling required for the project;

**WHEREAS**, the changes which are required are as follows:

1. Alignment Revisions as detailed on the Change Order dated 9/27/2010 as attached and known as revision No. 2 to be installed at the contract unit price;
2. Directive to directionally drill lateral for grinder Pump No. 2, on the Shanley property as detailed on sheet 6 of 13 to be installed at the contract unit price;
3. Directive to add additional insured's per the attached letter to the change order of September 27, 2010.

**WHEREAS**, due to the above changes the total estimated increase in Contract Price will equal \$6,467.60 for a total contract price increase to \$303,202.10 from the original contract price of \$296,734.50; now therefore

**BE IT RESOLVED**, that the required changes to the lateral drilling required for the project are hereby approved; and be it further

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**RESOLVED**, that the Supervisor is hereby authorized to execute the change order with the amendments as stated above reflecting a change in the contractual price for drilling on Western Burden Lake to \$303,202.10.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#185-10**

**Referral of Westfall Village PDD/Townhomes & Pool House Building Projects to the Planning Board for Site Plan Review**

Councilman Turner moved and Supervisor Rounds seconded the following resolution:

**WHEREAS** EJP Homes, a division of EJP, Inc., has requested pursuant to Chapter 250-66 of the Sand Lake Town Code for the Bon Acre Hamlet, Westfall Village PDD an application for approval of the site plan review for the Townhomes and Pool House design; and

**WHEREAS**, the plan is for 24 Twin Homes (Townhomes) and the construction of a common area Pool House, and

**WHEREAS**, the Town Board wishes to refer said Site Plan Review to the Planning Board for the Town of Sand Lake due to their expertise and knowledge on the same; now therefore

**BE IT RESOLVED**, that the site plan review of the Westfall Village PDD, plan for 24 Townhomes and HOA Pool House shall be referred to the Planning Board for the Town of Sand Lake to be reviewed and then submitted to the Town Board for the Town of Sand Lake for final approval of the same.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#186 -10**

**Request to Department of Transportation for Reduction of Speed Limit on a Portion of Glass Lake Road**

Councilman Glasser moved and Councilman Turner seconded the following resolution:

**WHEREAS**, a request has been made by residents of the Town of Sand Lake to reduce the speed limit on Glass lake Road; and

**WHEREAS**, the public health, safety and welfare would be served by a reduction in the speed limit; now therefore

**BE IT RESOLVED**, the Town of Sand Lake, pursuant to Vehicle and Traffic Law Section 1622, hereby requests the State Department of Transportation and County Superintendent of Highways to reduce the speed limit from 40 mph to 25 mph on Glass Lake Road from entrance of Rebecca Way to the end at the intersection of NY Routes 43/66; and

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**BE IT FURTHER RESOLVED**, that the Town Board directs the Town Supervisor and the Commissioner of Public Works to take whatever steps are reasonably necessary to carry out this resolution.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#187 - 10**

**Approval of Change Order of Town Hall Roof Project**

Councilman Splain moved and Councilman Turner seconded the following resolution:

**WHEREAS**, the Town Board was presented with a memo from the Maintenance Director, Josh Bucci, in regard to the repair work being performed on the Town Hall roof, and

**WHEREAS**, due to the current construction and repair work which is underway, it was discovered that the roof is in worse condition than originally thought to be and that repair work is needed on the west (left), east (right) and south (front) sides of the building, and

**WHEREAS**, the Town requested a review and report by Steele Engineering in regard to whether or not these repairs are immediately needed or if it is considered to be a separate phase of the project, and

**WHEREAS**, the report of the engineer indicated that there are serious concerns in regard to the condition of the roof, and that re-bidding this would create warranty issues with the roof materials and workmanship if a different company was utilized to perform said work, and

**WHEREAS**, due to said concerns the Town wishes to treat this as a change order and therefore not proceed with an additional bidding process, and

**WHEREAS**, the additional cost of said work is \$14,000, now therefore

**BE IT RESOLVED**, that the Supervisor for the Town of Sand Lake is hereby authorized to execute a change order with J.M. Clark Construction for the labor and materials necessary to install a new roof on the west (left) side; the east (right) side and south (front) of the building for a cost of \$14,000.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#188 - 10**

**Approval of Memorandum of Agreement with the Town Highway Collective Bargaining Agreement**

Councilman Glasser moved and Supervisor Rounds seconded the following resolution:

**WHEREAS**, the UPSEU and the Town of Sand Lake have finalized negotiations for the wage reopener for 2011 and 2012 contract years per the collective bargaining agreement; and

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**WHEREAS**, the Town of Sand Lake and the UPSEU have agreed to an increase of 3% for 2011 wages for members of the collective bargaining unit and 3.25% for the 2012 year; and

**WHEREAS**, an Memorandum of Agreement reflecting the agreed upon changes to the contract has been provided and requires signatures of the Supervisor, Councilman Glasser and Attorney Cole Paul; and

**WHEREAS**, the negotiating team and the UPSEU negotiated and agreed on or about September 16, 2010; now therefore

**BE IT RESOLVED**, that the Town of Sand Lake wishes to accept the wage increases of 3% for 2011 and 3.25% for 2012 as negotiated by the negotiation team; and be it further

**RESOLVED**, that the negotiating team is hereby authorized to execute the Memorandum of Agreement and the Contract with amended provisions once provided by the UPSEU on behalf of the Town of Sand Lake.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#\_\_\_\_\_ - 10(TABLED)  
SEQRA review and approval for Sand Lake Zoning Code Update**

Councilman Splain moved and Councilman Turner seconded to table the following resolution:

**WHEREAS**, on June 14, 2006 the Sand Lake Town Board adopted a Comprehensive Plan and Generic Environmental Impact Statement (GEIS) which set forth recommendations for changes to the Chapter 250, Zoning, and

**WHEREAS**, the Zoning Committee has prepared a draft of Chapter 250, Zoning, in accordance with the adopted Comprehensive Plan and Findings Statement of the GEIS, and

**WHEREAS**, the New York State Environmental Quality Review Act states that no further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the generic EIS, and

**WHEREAS**, the draft Chapter 250, Zoning, has been prepared in accordance with the conditions and thresholds of the Comprehensive Plan and GEIS, now therefore

**BE IT RESOLVED**, that the Town Board finds that the proposed Chapter 250 requires no further review under the New York State Environmental Quality Review Act.

**ADOPTED TO TABLE = AYES 4 NAYS 1** (Supervisor Rounds voted nay)

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**RESOLUTION#\_\_\_ - 10(TABLED)  
Approval of Zoning Update**

Councilman Splain moved and Councilman Turner seconded to table the following resolution:

**WHEREAS**, in accordance with the recommendations of the Town of Sand Lake Comprehensive Plan, the Town Board is deleting and repealing Chapter 210, Site Plan Review, in its entirety and creating a new Chapter 250, Zoning, of the Code of the Town of Sand Lake; and

**WHEREAS**, in accordance with §264 of New York State Town Law, public hearings were conducted on December 9, 2009, April 14, 2010, May 12, 2010, August 17, 2010, and September 16, 2010, for the purpose of obtaining comments from the public on the proposed Chapter 250, and

**WHEREAS**, in accordance with §239-m of the New York State General Municipal Law, the Town of Sand Lake received comment from the Rensselaer County Planning Board stating that the Bureau of Economic Development and Planning has determined that the proposal does not have a major impact on County plans and that local consideration shall prevail, now therefore be it

**RESOLVED**, that Local Law No. \_\_ of 2010 is hereby adopted as follows:  
LOCAL LAW NO. \_\_ OF 2010 A LOCAL LAW deleting and repealing Chapter 210, Site Plan Review, in its entirety and creating a new Chapter 250, Zoning, of the Code of the Town of Sand Lake.

**ADOPTED TO TABLE = AYES 4 NAYS 1** (Supervisor Rounds voted nay)

**RESOLUTION#189 - 10  
Approval of Bid for Purchase of a Four Way Plow for the Sand Lake DPW**

Councilman Turner moved and Supervisor Rounds seconded the following resolution:

**WHEREAS**, the Sand Lake DPW has requested to purchase a four way plow to replace the current one way plow, including any and all valve bodies, plumbing, etc., for the proper use during winter snow plowing operations, and

**WHEREAS**, pursuant to the Town of Sand Lake's procurement policy purchase of equipment of this nature must be placed out to bid prior to purchasing the same, now therefore

**BE IT RESOLVED**, that the Town Clerk is hereby authorized to advertise for bids for the purchase of a four way plow, upon receipt and in conjunction with the specifications for the same from the Commissioner of Public Works; and be it further

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**RESOLVED**, that said bids are to be received by the Town Clerk's Office no later than 9:30 A.M., October 27, 2010.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#190 - 10**

**Approval of bid for the purchase of a thirteen (13) foot stainless steel sander for the DPW**

Supervisor Rounds moved and Councilman Turner seconded the following resolution:

**WHEREAS**, the Sand Lake DPW has requested to purchase a thirteen (13) foot stainless steel sander to replace the eight year old sander, including any and all plumbing which would be required for correct operation and installation, and

**WHEREAS**, pursuant to the Town of Sand Lake's procurement policy purchase of equipment of this nature must be placed out to bid prior to purchasing the same, now therefore

**BE IT RESOLVED**, that the Town Clerk is hereby authorized to advertise for bids for the purchase of a thirteen (13) foot stainless steel sander, upon receipt and in conjunction with the specifications for the same from the Commissioner of Public Works; and be it further

**RESOLVED**, that said bids are to be received by the Town Clerk's Office no later than 9:30 A.M. October 27, 2010.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#\_\_\_\_ - 10**

**Amendment to Code Enforcement Officer's Duties**

**\*\*This resolution will not be drafted as it will require a discussion with George Wright prior to the adoption of the same\*\*\***

**RESOLUTION#191- 10**

**Renewal of Clark Patterson for Landfill Monitoring Agreement**

Councilwoman Kronau moved and Councilman Glasser seconded the following resolution:

**WHEREAS**, upon completion of the Town's Landfill Closure project in 1994, NYSDEC regulations provide for environmental compliance monitoring consisting of groundwater monitoring, observation of landfill cap integrity, and gas monitoring; and

**WHEREAS**, the firm of Clark Patterson Associates, formerly Smith and Mahoney, P. C. designed, supervised the closure project, and has been performing said monitoring services since 1994; now therefore

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**BE IT RESOLVED**, that Clark Patterson Associates be retained for 2010 at a cost of \$6,700 to perform landfill environmental compliance monitoring services as set forth in its proposal for 2010 Landfill Monitoring Services Agreement dated July 30, 2010.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#192- 10**

**Renewal of Harts Security Agreement for Sewer Monitoring**

Councilman Glasser moved and Councilman Turner seconded the following resolution:

**WHEREAS**, the Town of Sand Lake wishes to contract with Hart's Alarm System to provide monitoring of the sewer pump stations for the contract period of October 2010 through September 2011; and

**WHEREAS**, the monthly monitoring fee is \$20.00 per month for the four sewer pump stations; and

**WHEREAS**, the monitoring services with regard to the procurement policy, fall under the exception of sole-source due to the fact that modifications would have to be made to the current system for another company to take over the monitoring of the system; and

**WHEREAS**, the Town Attorney has reviewed said monitoring contract and has approved the same; now therefore

**BE IT RESOLVED**, the Supervisor is hereby authorized to execute said contract on behalf of the Town of Sand Lake.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#\_\_\_\_ - 10(TABLED)**

**Approval of Zoning Board Members to Attend Training**

Supervisor Rounds moved and Councilman Splain seconded to table the following resolution:

**WHEREAS**, the Zoning Board Members, \_\_\_\_\_, have requested to attend training at the Capital District Regional Planning Commission and New York State Department of State Division of Local Government Services; and

**WHEREAS**, said training is being held at the William K. Sanford Town Library in the Town of Colonie on the 22<sup>nd</sup> of November, 2010 from 6:15 P.M. to 9:00 P.M. at a cost of \$10.00 per person; now therefore

**BE IT RESOLVED**, that the Zoning Board Members \_\_\_\_\_ are hereby authorized to attend said training held at William K. Sanford Town Library in the Town of

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Colonie on November 22, 2010 from 6:15 P.M. to 9:00 pm at a cost of \$10.00 per person, and be it further;

**RESOLVED**, that the Town shall pay for registration/tuition fees of said members attending.

**ADOPTED TO TABLE = AYES 5 NAYS 0**

**RESOLUTION#193-10**

**Set Public Hearing for Increase Rate for Procurement Policy**

Councilman Turner moved and Councilman Glasser seconded the following resolution:

**WHEREAS**, the Town of Sand Lake has enacted a Procurement Policy, which appears in Chapter 38 of the Sand Lake Town Code adopted on February 12, 1992, and

**WHEREAS**, the Town of Sand Lake wishes to amend the amount for Section 38-6 subsection I “public works contracts for less than \$500” as an exemption from the procurement policy to raise the level of that exemption to \$1,000; and

**WHEREAS**, in order to amend said code, a public hearing is required; now therefore

**BE IT RESOLVED**, that the Town Clerk is hereby authorized to place a notice in the official town newspaper as follows:

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Sand Lake, New York will hold a public hearing on November 10, 2010 at 7:30 P.M. at Town Hall, Sand Lake, New York regarding an increase in the exemption rate for the Town of Sand Lake Procurement Policy section 38-6 subsection I from \$500 to \$1,000 for Public Works Contracts.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#194 - 10**

**Authorization for Monolith Solar Association LLC to Connect New Distributed Generation Units to Town System.**

Supervisor Rounds moved and Councilman Glasser seconded to table the following resolution

**WHEREAS**, The Town Board for the Town of Sand Lake has contracted with Monolith Solar Associates to construct and install a Solar Unit known as the “DPW Solar Project” at the Town’s Department of Public Works, and

**WHEREAS**, in connection with said contract, the Town is required to sign a Contract for interconnection of new distributed generation units with capacity of 2 MW or less connected in parallel with utility distribution systems to connect the town’s unit with Monolith to allow Monolith the ability to monitor and control the system, now therefore

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**BE IT RESOLVED**, that the Supervisor for the Town of Sand Lake is hereby authorized to execute the contract for the interconnection of new distributed generation units between the Town of Sand Lake and Monolith Solar Associates once said contract has been reviewed and approved by the Town Attorney.

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#195- 10  
Budget Transfer/Amendments**

Councilwoman Kronau moved and Supervisor Rounds seconded to table the following resolution

**Budget Transfer**

<u>FROM</u>	TO	AMOUNT	Reason
A 1950.4 Taxes on Muni Prop. Cont	A 7150.1 Beach Personnel	\$638.00	
A 1990.4 Contingency Cont.	A 1660.4 Central Storeroom Cont.	\$2000.00	
A 5182.1 Lighting Pers.	A 5182.2 Lighting Cont.	\$908.00	
A 1990.4 Contingency Cont.	A 8030.4 Research	\$2000.00	
A 8160.4 Refuse & Garbage Cont	A 8160.1 Refuse & Garbage Pers.	\$3800.00	
DA 5110.1 General Repairs Pers.	DA 5120.4 Bridges Cont.	\$11,467.00	
SS 9730.7 Bond Anticipation Interest	SS 9710.7 Serial Bond Interest	\$ 7,844.00	

**Budget Amendment**

**Increase appropriation SS2 8120.1000 Sewer Collection Personnel in the amount of \$1500.00 to be funded by appropriating the Sewer District 2 Fund Balance SS2 599 in the amount of \$1500.00.**

**Increase appropriation SS2 8120.4000 Sewer Collection Contractual in the amount of \$3300.00 to be funded by appropriating the Sewer District 2 Fund Balance SS2 599 in the amount of \$3300.00. Cover costs and replaced broken pumps.**

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**Increase appropriation SS2 9030.8 Social Security in the amount of \$100.00 to be funded by appropriating the Sewer District 2 Fund Balance SS2 599 in the amount of \$100.00**

**Increase appropriation A 5182.2 Lighting Equipment in the amount of \$24,092 due to unanticipated revenue A 980 3887 State Aid in the amount of \$24,092 for Justice grant.**

**ADOPTED = AYES 5 NAYS 0**

**RESOLUTION#196- 10  
Glass Lake Access**

Councilman Glasser moved and Councilwoman Kronau seconded the following resolution:

**WHEREAS**, members of the public have expressed their concern about closure by the Glass Lake Preservation Corporation of the access to Glass Lake on Glass Lake Road near the spillway, and

**WHEREAS**, in addition to the impact upon use of the lake for recreational purposes by the public, such closure may effect emergency access to the lake, the stocking of fish in the lake by the DEC, and past and future public grants for maintenance and repair of the dam, and

**WHEREAS**, at present this Board does not have a clear understanding of the reasons the Glass Lake Preservation Corporation has sought to close the access, upon what basis they claim a right to do so, and what enforcement actions the DEC has or is pursuing in respect of previous grants awarded to the Glass Lake Preservation Corporation for maintenance and repair of the dam or any other reason, now therefore

**IT IS HEREBY RESOLVED AS FOLLOWS:**

The Town Supervisor is hereby authorized and directed to make formal written inquiry of the Glass Lake Preservation Corporation and the New York State Department of Environmental Conservation as to the status of all matters pertaining to the attempted closure of access to Glass Lake, and to report his findings to the full Board at the earliest possible opportunity.

**ADOPTED = AYES 5 NAYS 0**

**ADJOURNMENT:**

Supervisor Round made the motion to adjourn the meeting at 9:22 P.M.

This was seconded by Councilman Splain.

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**MOTION CARRIED = UNANIMOUS**

A complete accounting of all discussions on agenda is available for review on audio tape in the Town Clerk's Office.

Respectfully submitted,

Barbara A. Biittig  
Town Clerk