



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING

AGENDA

October 16, 2013

Call to Order 7:00 PM
Pledge to the Flag
Town Board Meeting:

Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor Langley
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson O'Brien
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Mangold
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone

Communications / Announcements / Reports

Open Public Privilege: NOTE: Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision-making process locally.

Resolutions and Proposals by Town Board Members:

144-2013 A Resolution to Approve Meeting Minutes

WHEREAS, the minutes of Town Board meetings, as provided in § 106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

WHEREAS, that the minutes of the regular Town Board Meeting held on September 18, 2013; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; now, therefore, be it

RESOLVED, that the minutes of the regular Town Board Meeting held on September 18, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

145-2013 A Resolution to Approve Special Meeting Minutes

WHEREAS, the minutes of Town Board meetings, as provided in § 106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

WHEREAS, that the minutes of the special Town Board Meeting held on September 30, 2013, which was to present the 2014 Tentative Budget to the Board, have been presented; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; now, therefore, be it

RESOLVED, that the minutes of the special Town Board Meeting held on September 30, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

146-2013 A Resolution for the Town Board Request to act as Lead Agency for the Town Park Water Quality Remediation Planning

WHEREAS, the Town has applied for a grant from New York State Office of Parks, Recreation and Historic Preservation in an effort to perform water quality testing of the Moordener Kill waterway to determine the source of its contamination and develop a remediation plan.

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project and hereby determines the project is a Type 1 Action under SEQRA;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Project will require review under the State Environmental Quality Review Act (SEQRA)
2. The following are or may be:
Involved agencies under SEQRA:
East Greenbush Town Board
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

The foregoing Resolution was duly moved by Councilperson Matters seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

147-2013 A Resolution for a SEQR Determination Town Park Water Quality Remediation Planning

WHEREAS, the Town of East Greenbush completed an application for the NYS Consolidated Funding Application, seeking funding to perform water quality testing of the Moordener Kill waterway to determine the source of contamination and develop a remediation plan.

WHEREAS, The Town Board determined the proposed project was an Unlisted Action and conducted a coordinated SEQRA review for the Project; and

WHEREAS, after taking a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Full Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire, rescue and MS-4 storm water detention and recommended the Town Board issue a Negative Declaration under SEQRA; and

WHEREAS, the Town Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated;

WHEREAS, as the Town Comptroller has heretofore certified that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances, now therefore, be it

RESOLVED, that the Town Board hereby finds that the Project will not have a significant impact on the environment and issues a Negative Declaration for the Project.

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

148-2013 A Resolution for Authorization to Solicit Construction Bids For Wastewater Treatment Plant Improvements

WHEREAS, the Town of East Greenbush has identified the need to solicit bids for construction of the improvements to the Wastewater Treatment Plant as depicted in the plans and specifications prepared by Delaware Engineering, P.C.; and,

WHEREAS, subsequent to the Town receiving bids, Delaware Engineering, P.C. will present a Bid Tabulation and Recommendation to Award to the Town Board for final selection of the lowest responsible bidder; and,

WHEREAS, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore, be it

RESOLVED, the Town Board authorizes solicitation of sealed bids for the Improvements to the Wastewater Treatment Plant.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

149-2013 A Resolution Forgiving the 2012 and 2013 Taxes Including Interest and Penalties on the Property Conveyed to the Town of East Greenbush, Having a Tax Map Number of 154.4-16-28

WHEREAS, the Town Board of the Town of East Greenbush accepted certain common area and/or detention basin located on Railroad Ave. in the Town of East Greenbush and the Deed has been filed with the Rensselaer County Clerk's Office; and

WHEREAS, the Town of East Greenbush is a municipal corporation and a political Subdivision of the State of New York and does not pay taxes on property owned by the Town; now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby forgives any and all Town property taxes, penalties and interest for the 2012 and 2013 tax years, for the parcel located on Railroad Ave; being tax map number #154.4-16-28

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Councilperson Malone	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED

150-2013 Resolution Recognizing October as Breast Cancer Awareness Month and October 21, 2013 as East Greenbush Goes "Pink" Day

WHEREAS, a woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers;

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent;

WHEREAS, the 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected;

WHEREAS, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men in all communities in this State through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms;

WHEREAS, screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than fifty percent received the recommended annual screening;

WHEREAS, throughout the month of October, organizations and health practitioners in this State are encouraged to use this opportunity to promotion awareness about breast cancer and proper breast health, and to encourage annual mammograms;

WHEREAS, public officials and citizens of this State are urged to observe this month with appropriate activities and programs that encourage annual mammograms;

WHEREAS, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month; now, be it

RESOLVED, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and will go "Pink" on October 21, 2013.

The foregoing Resolution was duly moved by Councilperson O'Brien, seconded by Councilperson Mangold and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

151-2013 Scheduling of Public Hearing on the Preliminary Budget for 2014

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has been presented with a copy of the proposed Tentative Town Budget for the fiscal year 2014; and

WHEREAS, the Town Board is required to review the Tentative Budget and make any changes, alterations and revisions it considers advisable; and

WHEREAS, upon completion of the review, the Tentative Budget as modified by the Town Board becomes the Preliminary Budget and must be filed in the Town Clerk's Office, and

WHEREAS, said review and filing should be completed prior to conducting a Public Hearing; and

WHEREAS, the Town Board is required to conduct a Public Hearing on the Preliminary Budget, including all Special Districts and the Water and Sewer rates contained therein, and said Hearing must be conducted on or before the Thursday following the November General Election; and

WHEREAS, passage of this Resolution by the Town Board is not a statement of agreeing or disagreeing with any of the numbers nor tax rates contained therein, and binds no Board Member to vote for or against it, that changes affecting any rates can occur after said Public Hearing is held; and

WHEREAS, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore, be it

RESOLVED, that the Town Board shall conduct a Public Hearing at 6:00 PM on November 7th, 2012 at the East Greenbush Town Hall, located at 225 Columbia Turnpike, Rensselaer, New York 12144, for the purpose of receiving public input on the proposed Preliminary Budget for the fiscal year 2014, including all Special Districts contained therein.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

152-2013 Authorizing the Town of East Greenbush to Request Fiscal-Stress Assistance from the New York State Financial Restructuring Board for Local Governments

WHEREAS, in its most recent audit of the finances of the town of East Greenbush (referred to hereinafter as "Town"), the New York State Comptroller found the Town to be significantly stressed; and

WHEREAS, pursuant to § 160.05 of the New York Local Finance Law, any municipality of the state of New York, except for the city of New York, that is deemed to be a fiscally eligible municipality by the New York State Financial Restructuring Board for Local Governments (referred to hereinafter as "Financial Restructuring Board") may request by resolution of its governing board, with the concurrence of its chief executive, a comprehensive review of its finances and operations; and

WHEREAS, inasmuch as its average fund-balance percentage of -17.36% is below the threshold of +5%, the Town has been deemed to be a fiscally eligible municipality by the Financial Restructuring Board; and

WHEREAS, if the Financial Restructuring Board undertakes such a comprehensive review, it will make recommendations to such municipality on ways to improve its fiscal stability, policy decisions, and delivery of services; and

WHEREAS, the Financial Restructuring Board, in conjunction with its recommendations to such municipality, may offer grants and/or loans of up to \$5 million through the Local Government Performance and Efficiency Program for implementing certain recommendations; and

WHEREAS, the governing board of the Town (referred to hereinafter as "Town Board") recognizes the benefits that would be realized by the Town if it were to receive a comprehensive review, recommendations, and grant and/or loan opportunities (referred to hereinafter, collectively, as "Fiscal-Stress Assistance") from the Financial Restructuring Board; and

WHEREAS, the Town Comptroller has heretofore attested that all of the provisions of this resolution shall pose a positive impact to the Town's finances; now, therefore, be it

RESOLVED, that the Town Supervisor, as the Town's Chief Executive, be, and the same hereby is, upon his written concurrence, authorized to: (1) request, for and on behalf of the Town, Fiscal-Stress Assistance from the Financial Restructuring Board, (2) complete and execute all required forms, and (3) submit all required documentation and information related thereto.

The foregoing resolution was duly moved by Supervisor Langley, seconded by Councilperson Matters, and resulted in the following vote:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

153-2013 Resolution Adopting Local Law No. 3 of the Year 2013 Enacting a New Code of Ethics

WHEREAS, the East Greenbush Town Board (referred to hereinafter as the "Board") has determined that it is in the best interest of the Town to adopt Local Law No. 3 of the Year 2013 Enacting a New Code of Ethics (referred to hereinafter as the "Local Law"); and

WHEREAS, the Board conducted a public hearing on September 18, 2013 at 6:00 p.m. at the East Greenbush Town Hall (referred to hereinafter as the "Hearing") in order for the public to review and comment on the proposed enactment of the Local Law, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Board duly considered all comments made at the Hearing; and

WHEREAS, this resolution shall have no adverse financial impact to the Town; now, therefore, be it

RESOLVED, that the enactment of the Local Law, pursuant to Municipal Home Rule Law § 20, be, and the same hereby is, approved; and be it further

RESOLVED, that the Town Clerk shall file the Local Law with the New York Secretary of State as soon as it is administratively practicable to do so following her and the Town Attorney's respective certifications as to its compliance with required statutory form.

The foregoing resolution was duly moved by Councilperson O'Brien, seconded by Councilperson Mangold and resulted in the following vote:

Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

154-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled 390 Columbia LLC vs. Town of East Greenbush

WHEREAS, 390 Columbia, has brought an Article 7 RPTL Tax Certiorari action against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 240665 now pending for the year 2013 regarding properties as hereinafter set forth, and

WHEREAS, after considerable discovery, inspection, appraisal review and negotiation with Petitioners Counsel, the Assessor's Office and the Town Attorney have recommended a settlement agreement to the following values for the year 2013

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
166.-1-13	\$704,100.00	\$640,000.00	\$64,100.00

WHEREAS, this settlement presents no immediate financial impact to the Town, as the first applicable assessment affected for the Town is the January 2014 tax levy,

BE IT RESOLVED, that the above captioned tax certiorari proceeding be settled in the amounts and for the years set forth above, and that the Town Attorney be and is hereby authorized to execute all documents necessary to effectuate said settlement.

The foregoing resolution was duly moved by Councilperson Malone and duly seconded by Councilperson Mangold and brought to a vote as follows:

Councilperson Malone	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

155-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Walmart Stores, Inc. v. Town of East Greenbush

WHEREAS, Walmart Stores, Inc. has brought an Article 7 RPTL Tax Certiorari action against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 243769 now pending for the year 2013, regarding properties as hereinafter set forth, and

WHEREAS, after considerable discovery, inspection, appraisal review and negotiation with Petitioners Counsel, the Assessor's Office and the Town Attorney have recommended a settlement agreement to the following values for the year 2013

Tax Identification No.	Assessed Value	Reduced Assessment	Total Reduction
144.-4-42./ 1	\$19,333,600.00	\$17,000,000.00	\$2,333,600.00

WHEREAS, this settlement presents no immediate financial impact to the Town, as the first applicable assessment affected for the Town is the January 2014 tax levy, be it

RESOLVED, that the above captioned tax certiorari proceeding be settled in the amounts and for the years set forth above, and that the Town Attorney be and is hereby authorized to execute all documents necessary to effectuate said settlement.

The foregoing resolution was duly moved by Councilperson Malone and duly seconded by Councilperson Mangold and brought to a vote as follows:

Councilperson Malone	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

156-2013 Resolution Adopting a Deficit Fund Balance Elimination Plan

WHEREAS, the Town Board adopted a Corrective Action Plan on February 13, 2013, to address recommendations contained in the NYS OSC Audit of Town of East Greenbush - Financial Management and Online Banking (2012M-11); and

WHEREAS, one component of the Corrective Action Plan requires the Town Board to develop a comprehensive plan to eliminate deficit fund balances that exist in the general and highway funds; and

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush does hereby adopt the attached Deficit Fund Balance Elimination Plan; and be it further

RESOLVED, that such Deficit Fund Balance Elimination Plan shall be effective immediately; and be it further

RESOLVED, each Department Head within the Town of East Greenbush shall receive a copy of this resolution as certified by the Town Clerk.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

157-2013 Implementating Portions of the Town of East Greenbush Deficit Fund Balance Elimination Plan

WHEREAS, the Town Board is desirous of eliminating the deficit fund balances in the General Fund and Highway Fund; and

WHEREAS, the Town Board has previously adopted a Town of East Greenbush Deficit Fund Balance Elimination Plan which includes measures to of achieving this goal; and

WHEREAS, such measures are specifically identified in the Town of East Greenbush Deficit Fund Balance Elimination Plan as follows:

The Town Board will direct all Town Department Heads to identify any and all Town assets that can be sold, with the proceeds being applied directly to the appropriate Fund.

The Town Board will direct the Town Comptroller to develop a four-year financial plan upon receipt of the 2010, 2011 and 2012 audited financial statements.

and

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now therefore be it

RESOLVED, each Town Department Head is hereby directed to identify any and all Town assets that can be sold and inform the Town Comptroller of such assets on or before Friday, October 4, 2013; and be it further,

RESOLVED, the Town Comptroller is hereby directed to develop a four-year financial plan upon receipt of the 2010, 2011 and 2012 audited financial statements; and be it further,

RESOLVED, each Department Head within the Town of East Greenbush shall receive a copy of this resolution as certified by the Town Clerk.

The foregoing resolution was duly moved by Councilperson Mangold and seconded by Councilperson Malone and resulted in the following vote:

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

158-2013 Authorization to Solicit Proposals to Conduct a Full Audit for Fiscal Years 2013, 2014 and 2015

WHEREAS, the Town Board has previously adopted a Town of East Greenbush Deficit Fund Balance Elimination Plan which includes

The Town Purchasing Agent will be authorized to solicit proposals to conduct a full audit for Fiscal Years 2013, 2014 and 2015;

and

WHEREAS, the Town Board of the Town of East Greenbush wishes to retain the services of a qualified auditor for purposes of conducting a full audit of the financial and related records of the town (Audit) of the books and records of the Town of East Greenbush for fiscal years 2013, 2014 and 2015; and

WHEREAS, said Audit will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and

WHEREAS, said Audit will provide reasonable assurance through an independent opinion that the Town's financial statements present fairly, in all material respects, the financial position and the changes in financial position thereof for the fiscal years 2013, 2014 and 2015 in conformity with accounting principles generally accepted in the United States of America; and

WHEREAS, the scope of the Audit shall also include, but is not limited to, a review of internal controls and the Town's compliance with regulations regarding awarding of contracts and the expenditures of Town funds; and

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now therefore be it

RESOLVED, that the Town Purchasing Agent is authorized to seek proposals from qualified CPA firms to provide the Town with the audit services outlined above.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

159-2013 Resolution to Transfer Easement Adjacent to 1429 Red Mill Road

WHEREAS, the Town of East Greenbush is in ownership of a piece of property located adjacent to 1429 Red Mill Road; and

WHEREAS, the property is identified as an easement for sanitary sewer lines presently buried underground within the 40' easement; and

WHEREAS, the Applicant, Stefani L and Scott M Monuteaux would like to obtain a piece consisting of 100' x 200' (2,000 square feet) of this easement to utilize as a driveway and garage; and

WHEREAS, the estimated value is \$4,000.00 based on the unit price of \$100,000/acre; and

WHEREAS, the costs for the applicant would be \$4,000.00 plus fees charged by Chazen for the preparation of the legal description; and

WHEREAS, as the Town of East Greenbush will still have the easement for sewer lines adjacent to the parcel to be transferred to Stefani L and Scott M Monuteaux; and

WHEREAS, the parcel to be transferred is identified as in the attached legal description.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded Councilperson Malone by and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

160-2013 Resolution to Reappoint Sole Assessor

WHEREAS, the Town of East Greenbush has previously created the position of Sole Appointed Assessor, with Bradley D Canning currently serving in such capacity as Assessor for the Town of East Greenbush; and

WHEREAS, the current appointment of Bradley D. Canning termed out on September 30, 2013; and

WHEREAS, Bradley D. Canning has diligently and ably served as Assessor for the Town of East Greenbush and is fully certified and qualified to continue to serve in such capacity pursuant to Section 310 of the New York State Real Property Tax Law, and good cause appearing for the appointment of Bradley D. Canning as Assessor for the Town of East Greenbush; now therefore

BE IT RESOLVED, that pursuant to Section 310 of the New York State Real Property Tax Law, as well as the Local Laws and Resolutions of the Town of East Greenbush, Bradley D. Canning is hereby reappointed to the position of the Assessor for the Town of East Greenbush with the new term to run from October 1, 2013 until September 30, 2019; and therefore

BE IT RESOLVED, that the Town Board directs the Town Clerk to submit the appropriate forms to the New York State Office of Real Property Tax Services approving said appointment.

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

161-2013 Adoption of Preliminary Budget for Fiscal Year 2014

WHEREAS, the Town of East Greenbush's Tentative Budget for the year 2014 has been on file with the Town Clerk as required by law; and

WHEREAS, the Town Board has scheduled a Public Hearing to be held at 6:00 PM on November 7, 2013 for the purpose of receiving public input on the Preliminary Budget; and

WHEREAS, Section 106.3 of the NYS Town Law states "The town board shall review the tentative budget and may make such changes, alterations and revisions as it shall consider advisable and which are consistent with law." and

WHEREAS, Section 106.4 of the NYS Town Law states "Upon the completion of such review, the tentative budget and any modifications thereof as approved by the town board, shall become the preliminary budget." and

WHEREAS, the Town Board has reviewed the Tentative Budget and made changes, alterations and revisions as it considers advisable and consistent with law; and

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now therefore be it

RESOLVED, that the 2013 Tentative Budget as amended by the Town Board pursuant to Section 106.3 of the NYS Town Law is hereby adopted as the Preliminary Budget for fiscal year 2014.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
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Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED

ADJOURNMENT

Motion to adjourn by Supervisor Langley seconded by Councilperson Matters and brought to a vote as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**TOWN OF EAST GREENBUSH
DEFICIT FUND BALANCE ELIMINATION PLAN**

1. The Town Board will direct all Town Department Heads to identify any and all Town assets that can be sold, with the proceeds being applied directly to the appropriate Fund.
2. The Town Board will direct the Town Comptroller to develop a four-year financial plan upon receipt of the 2010, 2011 and 2012 audited financial statements.
3. The Town Board will allocate:
 - a. \$175,000 per year in the 2014 General Fund Budget Item 962 ó Provision for Other Uses; and
 - b. \$100,000 in the 2014 Highway Fund Budget Item 962 ó Provision for Other Uses.
4. The Town Board will continue to allocate amounts in the General Fund and Highway Fund Budget Item 962 ó Provision for Other Uses sufficient to eliminate the Deficit Fund Balance as identified in the 2013 Audited Financial Statements (see 5. below) over a period not to exceed five (5) years commencing with the 2015.
5. The Town Purchasing Agent will be authorized to solicit proposals to conduct a full audit for Fiscal Years 2013, 2014 and 2015.



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SURVEY DESCRIPTION
Portion of Lands Now or Formerly of
The Town of East Greenbush
to be transferred to
Stefani L. Monuteaux and Scott M. Monuteaux

All that plot, piece or parcel of land, situate and being in Town of East Greenbush, County of Rensselaer and State of New York, bounded and described as follows:

Beginning at the southerly road boundary of Red Mill Road at its intersection with the property division line between lands now or formerly of Town of East Greenbush (Discovery Drive) on the west and lands now or formerly of Stefani L. Monuteaux and Scott M. Monuteaux as described in book 5976 of deeds at page 112 on the east, thence North $32^{\circ}34'07''$ West, 20.00 feet to a point; thence through said lands of the Town of East Greenbush the following two (2) courses and distances, 1) South $57^{\circ}25'53''$ West, 100.00 feet to a point; and 2) South $32^{\circ}34'07''$ East, 20.00 feet to a point at its intersection with the property division line between said lands of Stefani L. Monuteaux and Scott M. Monuteaux on the east and said lands of the Town of East Greenbush on the west; thence North $57^{\circ}25'53''$ East along said division line, 100.00 feet to the point of beginning and containing $2,000\pm$ square feet more or less.

Subject to any rights, easements, covenants or restrictions of record.