



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MEETING

### AGENDA

March 19, 2014

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

#### Members of Town Board

Present

Absent

Supervisor Langley  
Councilperson Mangold  
Councilperson Malone  
Councilperson DiMartino  
Councilperson Matters

#### 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:

##### 44-2014 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 February 19, 2014; 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 February 19, 2014, 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 Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**45-2014 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 March 14, 2014 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 March 14, 2014, 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 Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**46-2014 Authorization to Conduct a Public Auction of Surplus Equipment**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York has received a request from the Building Inspector to declare the following equipment as surplus; and

**WHEREAS**, said equipment includes:

**2000 Jeep (VIN 1J4FF4SXYL145220)**

**WHEREAS**, said equipment is not suited for other departments in Town; and

**WHEREAS**, the Town Comptroller has certified that there is no adverse impact to the Town finances; now therefore, be it

**RESOLVED** that the equipment listed is hereby declared as surplus; and be it further

**RESOLVED** that the Purchasing Agent is authorized to conduct a public auction, sale or dispose of said surplus equipment now owned and in the custody of the East Greenbush Building Department.

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**47-2014 Resolution Authorizing the Town of East Greenbush to Issue a Refund from the General Water and Third Ave Sewer Districts**

**WHEREAS**, the Town has received a request for a refund from the Water Department, and

**WHEREAS**, there was an error in the way the meter readings were carried over into our billing program for Account #172, property address, 278 Troy Road, owner, Rhinebeck Realty LLC; and

**WHEREAS**, as a result of this error, there were over-charges for the water-sewer bills dated May 2013, August 2013, November 2013 and February 2014; and

**WHEREAS**, according the corrected calculations this account was under the minimum usage of 10,500 gallons for a 3 month usage period for all four billing periods stated above, and a minimum charge per quarterly billing is \$35.00/water and \$22.50/sewer; now, therefore, be it

**RESOLVED**, that a refund of \$6,114.31 from the General Water District and a refund of \$4,127.13 from the Third Avenue Sewer District be sent to:

Rhinebeck Realty LLC  
 c/o BJ Adams Management  
 Attn: Tom Healslip  
 PO BOX 752  
 Harris, NY 10528

	General Water	Third Ave Sewer
Total Over-charged Billing	\$6,254.31	\$4,217.13
Corrected Adjustments	(\$35 x 4 billings) \$140.00	(\$22.50 x 4 billings) \$90.00
Requested Refund	\$6,114.31	\$4,127.13

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**48-2014 Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled CARL SCHILLING v. TOWN OF EAST GREENBUSH**

**WHEREAS**, CARL SCHILLING has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 244127 now pending for the year 2013/2014, regarding property known as 709 Columbia Turnpike, as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, site evaluation of the premises, income and expense review and negotiation with Petitioners counsel, the Town=s certiorari counsel and the Assessor's Office have recommended a settlement agreement to the following values for the year 2013/2014, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
177.8-5-8	\$400,000.00	\$325,000.00	\$75,000.00

**WHEREAS**, the settlement shall provide that the Petitioner shall waive the right to any refund from any taxing jurisdiction and that the reduced assessment shall apply prospectively upon the 2014 tax roll, now therefore 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 tax certiorari counsel be and is hereby authorized to execute all documents necessary to effectuate said settlement.

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**49-2014 Resolution of the Town Board Town of East Greenbush to Comply with the Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership**

**WHEREAS**, in order to promote the public health, safety and welfare and further the purposes of the New York State policy on solid waste management articulated in New York Environmental Conservation Law § 27-0106, the Town of East Greenbush is a member of the Capital Region Solid Waste Management Partnership Planning Unit (öPlanning Unitö), formerly the Albany New York Solid Waste Energy Recovery System (ANSWERS) Solid Waste Management Planning Unit; and

**WHEREAS**, on behalf of the Planning Unit, and with the guidance of a Steering Committee consisting of representatives from each municipality in the Planning Unit, among other stakeholders, the City of Albany had prepared a Solid Waste Management Plan (SWMP) which had been submitted for acceptance to the New York State Department of Environmental Conservation (NYSDEC); and

**WHEREAS**, the City of Albany Common Council was designated Lead Agency for the review of the Draft SWMP pursuant to the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the City of Albany prepared a Final Generic Environmental Impact Statement (FGEIS), including responses to all comments received during the public comment period, in accordance with SEQRA regulations 6 NYCRR 617.10 and submitted a copy of the FGEIS to each member of the Planning Unit; and

**WHEREAS**, the City of Albany Common Council passed a resolution on February 7, 2011 declaring the FGEIS complete in accordance with SEQRA regulations 6 NYCRR 617.10; and

**WHEREAS**, the City of Albany Common Council, as Lead Agency, passed a resolution on March 11, 2011 in which it adopted a Statement of Findings pursuant to 6 NYCRR Part 617.11 of the New York State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Town of East Greenbush accepted and adopted the FGEIS, SWMP and Findings Statement adopted by the City of Albany Common Council, and agreed to accept and adopt those documents as representing the long-term plan for the Planning Unit; and

**WHEREAS**, the Town of East Greenbush extended its membership in the Planning Unit by authorizing the Mayor to enter into and execute the Intermunicipal Agreement with the members of the Planning Unit; and

**WHEREAS**, in response to comments received from the New York State Department of Environmental Conservation on September 26, 2012, the City of Albany submitted a Revised Draft Solid Waste Management Plan to the NYSDEC on October 7, 2013; and

**WHEREAS**, the City of Albany has submitted a 2-volume Solid Waste Management Plan (SWMP) dated January 2014 which contains all of the changes agreed to by the NYSDEC and which have been deemed approvable, pending the Common Council, as Lead Agency, filing an amended findings statement; and

**WHEREAS**, by Resolution dated March 3, 2014, the City of Albany Common Council, as Lead Agency, accepted and adopted the Solid Waste Management Plan dated January 2014 as Final

and authorized that it be submitted to the New York State Department of Environmental Conservation as representing the long-term plan on behalf of the Capital Region Solid Waste Management Partnership Planning Unit; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby accepts and adopts the Solid Waste Management Plan dated January 2014 as the long-term plan for the Planning Unit and be it further

**RESOLVED**, that the Town of East Greenbush will implement the solid waste management programs, projects and plans as identified in the final Solid Waste Management Plan dated January 2014.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**50-2014 Resolution Requiring Town Board Approval of All Non-Payroll Expenditures and Charges on a Monthly Basis**

**WHEREAS**, when the Town of East Greenbush operated in the past without the benefit of a Town Comptroller, the Town Board approved all expenditures and charges on a monthly basis; and

**WHEREAS**, this practice contributed to the accountability and transparency under which the Town of East Greenbush operated; and

**WHEREAS**, the Town Board has determined that the Town Board should resume the practice of approving all expenditures and charges on a monthly basis and that the residents of East Greenbush should again be provided a monthly accounting of all said expenditures and charges, now therefore be it

**RESOLVED**, that the Town Comptroller shall compile a listing of all non-payroll expenditures and charges of the prior month for approval by the Town Board at its regularly scheduled monthly Town Board Meeting; and be it further

**RESOLVED**, that copies of said listing of all non-payroll expenditures and charges of the prior month will be available for these members of the public attending such regularly scheduled monthly Town Board Meetings, and be it further

**RESOLVED**, that a copy of said listing of all non-payroll expenditures and charges of the prior month as approved by the Town Board shall be posted on the Town web site within five (5) business days after such approval.

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 DiMartino	VOTED
Councilperson Matters	VOTED

**51-2014 Resolution for Proposed Local Law #1 of the Year 2014 to Amend Article III Section 30.23 Solid Waste Management Recycling**

**WHEREAS**, by Resolution 53-2009, the Town Board resolved to consider amending Article III Section 30.23 in relation to source separating recyclables; and

**WHEREAS**, a Public Hearing was held on this issue on July 8, 2009, but no action was taken to amend said section; and

**WHEREAS**, the Town Board wishes to hold a Public Hearing on a proposed Local Law to amend said section; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush shall hold a public hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York, on the 16th day of April, at 6:40p.m., to consider amending its existing Ordinance, Article III, Solid Waste Management Recycling (adopted 7/10/1191 as LL No. 2 for 1991); and it is further

**RESOLVED**, that the Town Clerk is directed to post and publish proper notice of such public hearing.

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

Councilperson DiMartino	VOTED
Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**52-2014 Resolution Authorizing Supervisor Langley to Sign a Certain Settlement Agreement and Mutual Release Between Niagara Mohawk Power Corporation d/b/a National Grid and the Town of East Greenbush**

**WHEREAS**, the Town entered into a certain contract to audit the charges imposed by National Grid for street lights; and

**WHEREAS**, that audit has produced evidence of overbilling, and National Grid is now offering to reimburse the Town in the sum of \$67,000.00 for such overbilling; now, therefore, be it

**RESOLVED**, that Supervisor Langley is authorized to sign a certain settlement agreement and mutual release between Niagara Mohawk Power Corporation d/b/a National Grid and the Town of East Greenbush for the sum of \$67,000.00

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

Councilperson DiMartino	VOTED
Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**53-2014 Resolution Nunc Pro Tunc To Accept Dedication of Roads, Easements and Infrastructure**

**WHEREAS**, Rosewood Kriss Development LLC was the titled owner of certain real property located in the Town of East Greenbush which was part of the Pheasant Run (Forrest Ridge) Development, also known as the Kriss thirty-four (34) lot subdivision, which included the proposed roads known as Kriss Crossing and Leadholm Court, and

**WHEREAS**, the subdivision referenced above received a full review by the Town of East Greenbush Town Board and Planning Board, as well as Building and Planning Departments, and all necessary public hearings were conducted and such subdivision was approved by the Town of East Greenbush, and

**WHEREAS**, James Moore, AIA, Director of Planning for the Town of East Greenbush, carefully reviewed all issues related to the dedication of roads, easements and infrastructure for the subject subdivision, as set forth in the attached correspondence dated September 18, 2008, December 17, 2008, and April 21, 2009, and Mr. Moore having recommended acceptance of dedication of the roads, easements and infrastructure relating to the subject subdivision, and

**WHEREAS**, Rosewood-Kriss Development LLC having recorded a Street Deed for Kriss Crossing and a Street Deed for Leadholm Court in the Office of the Rensselaer County Clerk on May 9, 2011, whereby such roads were transferred to the Town of East Greenbush, and

**WHEREAS**, copies of such recorded Deeds were received and filed by the Town Clerk of the Town of East Greenbush on May 16, 2011, and such roads were thereafter duly listed as official Town roads of the Town of East Greenbush, and

**WHEREAS**, it appearing that a formal Resolution was never adopted by the Town Board of the Town of East Greenbush officially accepting dedication of the roads, easements and infrastructure of the subject subdivision, and good cause appearing for the acceptance of such dedication, nunc pro tunc, at this time, therefore

**BE IT RESOLVED**, that the dedication of the roads, easements and infrastructure of the aforementioned subdivision, nunc pro tunc, is hereby approved and accepted by the Town Board of the Town of East Greenbush as of May 9, 2011, the date of filing with the Office of the Rensselaer County Clerk of the Street Deeds involved herein.

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**54-2014 Town Board Request to Act as Lead Agency for the Integrated Liner Technologies, Inc.45 Discovery Drive-Warehouse Addition Major Site Plan**

**WHEREAS**, James Crouch Jr., on behalf of Paul Petrosino otherwise known as Integrated Liner Technologies, Inc.; located at 45 Discovery Drive, has submitted a site plan review application for a project located on Discovery Drive and identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.24; and

**WHEREAS**, the application was accompanied by a proposed site plan, a Short Environmental Assessment Form and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

**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
    - East Greenbush Planning Board
    - NYS Department of Environmental Conservation
    - Rensselaer County Health Department
    - U.S. Army Corps of Engineers
  - Interested agencies under SEQRA:
    - Clinton Heights Fire District #1
    - W. F. Bruen Rescue Squad
    - Rensselaer County Bureau of Planning
    - East Greenbush Department of Public Works
    - New York State Office of Parks, Recreation & Historic Preservation
    - East Greenbush Central School District
    - Capital District Transportation Authority
    - National Heritage Program
    - Capital District Transportation Committee
    - New York State Department of Transportation
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 DiMartino seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson DiMartino	VOTED
Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**55-2014 A Resolution Appointing Andrea Smyth to the Citizens Fiscal Advisory Committee**

**WHEREAS**, every member of the Town Council has one member to appoint to the Citizens Fiscal Advisory Committee; and

**WHEREAS**, Councilman Malone chooses Andrea Smyth to serve as a member of that committee; and

**WHEREAS**, Andrea Smyth is duly qualified and eager to serve our community; and

**WHEREAS**, it is in the best interest of the town to have a full and functioning CFAC; now therefore be it

**RESOLVED**, that Andrea Smyth is hereby appointed to the Citizens Fiscal Advisory Committee effective immediately.

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

Councilperson Malone	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	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 Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED