



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA August 20, 2014

Call to Order
Pledge to the Flag
Town Board Meeting:

7:00 PM

PRE BOARD

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:

XX-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 July 16, 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 July 16, 2014, are hereby approved as submitted.

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

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

XX-2014 Resolution Appointing Matthew Ostiguy to a Position on the East Greenbush Zoning Board of Appeals

WHEREAS, there exists a vacancy in the Zoning Board of Appeals, caused by the resignation of William Ritz, III in January, 2014; and

WHEREAS, the Town Board desires to fill that vacancy; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose an impact to the Town's 2014 Budget; now, therefore, be it

RESOLVED, that the Town Board hereby appoints Matthew Ostiguy to the position of member of the East Greenbush Zoning Board of Appeals, for a term to expire December 31, 2016.

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

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

XX-2014 Resolution Authorizing the Supervisor to Sign an Agreement with the Rensselaer County Department of Youth Regarding Funds for the Town of East Greenbush-Summer Camp

WHEREAS, Youth is a department within the County of Rensselaer, duly established and existing by virtue of Article 16 of the Rensselaer County Charter; and

WHEREAS, Youth, in pursuance thereof, has made application to the NYS Office of Children & Family Services for funds for a youth development and delinquency prevention project provided by the Town of East Greenbush; and

WHEREAS, the Town of East Greenbush's Summer Camp is desirous of availing itself of such funds; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose a negative impact to the Town's budget; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the Agreement between the Town of East Greenbush's Summer Camp and the Rensselaer County Department of Youth

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

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

XX-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding Entitled 4 PARCELS PHE PROPERTIES, LLC v. TOWN OF EAST GREENBUSH

WHEREAS, 4 Parcels PHE Properties, LLC has brought an Article 7 RPTL Tax Certiorari proceedings against the Town of East Greenbush in Rensselaer County Supreme Court, Index Nos. 243964 and 247377 now pending for the years 2013 and 2014, regarding property known as 574 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 years 2013 and 2014, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
166.-7-3.3	\$1,450,000.00	\$1,000,000.00	\$450,000.00

WHEREAS, the settlement will have no immediate impact on the finances of the Town, as the County shall pay the Town's portion of any refund and charge back to the Town on the next year's tax levy.

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 DiMartino seconded by Supervisor Langley and brought to a vote as follows:

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

XX-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled BEST ROAD VIEW, LLC v. TOWN OF EAST GREENBUSH

WHEREAS, Best Road View, LLC has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 247533 now pending for the years 2012 and 2014, regarding property known as Best Road, 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 years 2012 and 2014, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
145.-2-17.121	\$726,000.00	\$385,000.00	\$341,000.00

WHEREAS, the settlement will have no financial impact on the finances of the Town, as all refunds are being waived.

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 DiMartino seconded by Supervisor Langley and brought to a vote as follows:

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

XX-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled MARK W. HALSEY v. TOWN OF EAST GREENBUSH

WHEREAS, Mark W. Halsey has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 244137 now pending for the year 2013, regarding property known as 298 Troy Road, 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, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
144.2-5-20	\$325,000.00	\$285,000.00	\$40,000.00

WHEREAS, the settlement will have no immediate impact on the finances of the Town, as the County shall pay the Town's portion of any refund and charge back to the Town on the next year's tax levy.

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 DiMartino seconded by Supervisor Langley and brought to a vote as follows:

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

XX – 2014 Resolution Relative to Planned Development District Application of Capital View Casino and Resort, LLC

XX-2014 Resolution Amending the Policy Regarding the Public-Comment Portion of Town Board Meetings

XX-2014 Resolution Scheduling of a Public Hearing for the Proposed Enactment of a Local Law to Amend the Town Code Relative to the Board of Ethics

WHEREAS, § 15-19 of chapter 15 of the East Greenbush Town Code (referred to hereinafter as "Town Code"), as added pursuant to local law no. 3 of 2013, provides for a Town Board of Ethics (referred to hereinafter as "Ethics Board") and the composition thereof; and

WHEREAS, the Ethics Board, pursuant to Town Code § 15-19, subsection (a), paragraph (1), subparagraph i, shall comprise five members, the majority of whom shall not be officers or employees of the town, but at least one of whom shall be an officer or employee of the Town; and

WHEREAS, the East Greenbush Town Board (referred to hereinafter as "Town Board") hereby finds and determines that the current language of the afore-referenced subparagraph is inappropriate inasmuch as it poses: (1) a potential conflict of interest between a person's duties as a Town Officer or employee and such person's duties as a member of the Ethics Board, and (2) a requirement that may not be able to be met in the event that an officer or employee of the town is not willing to accept an appointment to the Ethics Board; and

WHEREAS, the Town Board hereby further finds and determines that it is in the best interest of the Town to amend the afore-referenced subparagraph i to provide for the explicit exclusion of any officer or employee of the town from being a member of the Ethics Board (referred to hereinafter as "Amendment"); and

WHEREAS, the scheduling of a Public Hearing is deemed to be just and proper at this time in order for the public to review and comment on a proposed Local Law that would provide for the Amendment; and

WHEREAS, the Town Comptroller has heretofore confirmed that none of the provisions of this Resolution shall pose an adverse impact to the Town's finances; now, therefore, be it

RESOLVED, that, pursuant to New York municipal home rule law § 20, subd. 5, a Public Hearing regarding the enactment of a proposed Local Law to provide for the Amendment be, and the same hereby is, scheduled to be held on September 17, 2014 at 6:30 p.m. at the East Greenbush Town Hall; and be it further

RESOLVED, that the Town Clerk shall cause notice of such hearing to be published in the Town-designated newspaper and in the manner prescribed to meet the statutory requirement thereof, not less than ten, nor more than twenty, days prior to the date specified for the hearing.

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

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

XX-2014 Resolution for the Establishment of Annual Personnel Training

WHEREAS, the Town Board has a clear responsibility in ensuring the fair and equitable treatment of all Town Employees; and

Whereas, the Town Board is desirous of avoiding costly litigation expenses relating to the administration and implementation of Town personnel practice; and

WHEREAS, the Town's insurance company will provide such training at no cost to the Town; and,

WHEREAS, the Town comptroller has heretofore confirmed that none of the provisions of this resolution shall pose an adverse impact to the Town's finances; now, therefore be it

RESOLVED, that all Town elected officials and appointed Town Department Heads, be required to participate in and complete an annual training relating to the proper and lawful manner in the administration and implementation of the Town's personnel practices.

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

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

XX-2014 Resolution Reaffirming Resolutions 68-2011 Adoption of Monthly Departmental Reporting Procedures and 181-2011 Resolution Establishing Procedures for Monthly Department Reporting

WHEREAS, the Town Board of the Town of East Greenbush unanimously adopted Resolution 68-2011 Resolution Establishing Procedures for Monthly Department Reporting on April 20, 2011; and

WHEREAS, the Town Board of the Town of East Greenbush unanimously adopted Resolution 181-2011 Resolution Establishing Procedures for Monthly Department Reporting on December 14, 2011; and

WHEREAS, the provisions of Resolutions 68-2011 and 181-2011 have not been adhered to; and

WHEREAS, the Town Board believes that, in the interest of open and transparent government, the provisions of Resolutions 68-2011 and 181-2011 should be adhered to; and

WHEREAS, the Town Comptroller has heretofore confirmed that none of the provisions of this resolution shall pose an adverse impact to the Town's Finances; now therefore be it

RESOLVED, that the Town of East Greenbush does hereby reaffirm the provisions adopted in Resolution 68-2011 Resolution Establishing Procedures for Monthly Department Reporting by repeating and readopting those same provisions herein; and be it further

RESOLVED, that the Town of East Greenbush does hereby adopt the attached Report formats; and be it further

RESOLVED, that Department Heads are hereby instructed to submit Monthly Reports in the format given to the Town Clerk by the 10th day of the Month following the Month being reported on; and be it further

RESOLVED, that a copy of the Department Head reports shall be made available on the Town's web page as soon as practicable, following receipt 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 DiMartino	VOTED
Councilperson Matters	VOTED

XX-2014 A Resolution to Authorize a Public Auction of Surplus Equipment

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

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