



# 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

### Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor Langley
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Mangold
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson DiMartino
<input type="checkbox"/>	<input type="checkbox"/>	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 three 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:

#### 99-2014      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 have been submitted to the Town Board by the Town Clerk, 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

**100-2014 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

**101-2014 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

**102-2014 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:

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

**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

**103-2014 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:

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

**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

**104-2014 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:

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

**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

**105-2014 Resolution Amending the Policy Regarding the Public-Comment Portion of Town Board Meetings**

**WHEREAS**, it has heretofore been the policy and practice of the East Greenbush Town Board (referred to hereinafter as “Town Board”) to require members of the public (referred to hereinafter as “Public Speakers”) who wish to avail themselves to the Public-comment/privilege portion of Town meetings, be they related to the Town Board, the Planning Board, the Zoning Board of Appeals, a Public Hearing conducted by any of the aforesaid deliberative bodies, or any other town-sanctioned public meeting (referred to hereinafter as “Public Meetings”), to state their respective names and addresses prior to addressing the dais of such a meeting; and

**WHEREAS**, the Town Board is in receipt of an advisory opinion (OML-AO-4002) from the New York State Committee on Open Government in which it is recommended, for reasons including, but not limited to, those related to privacy, that municipalities conducting public meetings not include the names and/or addresses of Public Speakers in the minutes of such meetings; and

**WHEREAS**, the Town Board hereby finds and determines that it is just and proper to adopt an amended, town-wide policy regarding the disclosure by Public Speakers of their respective names and addresses at Public Meetings; 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 Public Speakers at Public Meetings shall not be required to disclose their respective names, addresses, and/or any other contact-related information as a condition of speaking at a Public Meeting; and be it further

**RESOLVED**, that, regardless of whether or not a Public Speaker opts to disclose his/her name, address, and/or other contact-related information at a Public Meeting, under no circumstances shall such information be entered into the official minutes of such Public Meeting or recorded onto such other official, written documentation of the Town; and be it further

**RESOLVED**, that the Town Supervisor, or such other presiding Officer at a Public Meeting, shall orally convey the following policy statement at the outset of such Public Meeting: "Any member of the public wishing to speak today shall not be required to disclose his/her name, address, or any other contact-related information," and shall cause such policy statement to be included in any relevant Public Meeting agenda and/or notice that may be disseminated; and be it further

**RESOLVED**, that the Town Clerk shall forward a copy of this resolution to all Town personnel who may have occasion to preside over a Public Meeting.

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

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

#### **106-2014 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

**107-2014 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

**108-2014 A Resolution to Authorize 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 Chief of Police to declare the following equipment as surplus; and

**WHEREAS**, said equipment includes 2 vehicles:

**2001 Lincoln Navigator, Vin#5LMFU28R61LJ21699**  
**1994 Cadillac Deville, Vin#1G6KD52B2RU240619**

**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 by and in the custody of the East Greenbush Police Department.

The foregoing Resolution was duly moved by Councilperson Mangold, 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

#### **109-2014 Resolution Relative to Planned Development District Application of Capital View Casino and Resort, LLC**

**WHEREAS**, the Town of East Greenbush has received an application from Capital View Casino and Resort, LLC, seeking a Planned Development District for a project on Thompson Hill Road in the Town of East Greenbush, and

**WHEREAS**, pursuant to the Comprehensive Zoning Law of the Town of East Greenbush, New York, also known as Local Law No. 1 of 2008, (hereinafter referred to as the "Zoning Law"), duly adopted on June 11, 2008, Section 2.9.6 provides that the Town Board of the Town of East Greenbush shall refer an application for a Planned Development District to the Town Planning Board and its professional planning consultant for review and recommendation within thirty (30) days from the date of application, and

**WHEREAS**, the aforementioned Section of the Zoning Law also provides that the Town Board is under no specific obligation to accept a Planned Development District Application, and

**WHEREAS**, pursuant to Section 4.3.0 (D) of the Zoning Law, the Town Board may refer any all other related matters to the Planning Board, including SEQRA Lead Agency status and review, and

**WHEREAS**, pursuant to Sections 2.9.7 and 4.3.1 of the Zoning Law, the Planning Board will be required to undertake a detailed review of the project and will be required to render substantive decision-making concerning compliance with the Subdivision Regulations of the Town of East Greenbush; and

**WHEREAS**, the aforementioned Zoning Law also provides pursuant to Section 4.2.3 that the Zoning Board of Appeals of the Town of East Greenbush has the authority to interpret any provision of the Zoning Law about which there is uncertainty, lack of understanding or misunderstanding, ambiguity, or disagreement, which would include whether the proposed site for a Planned Development District meets the requirements of Zoning Law Section 2.9.4 (D), and

**WHEREAS**, by reason of the foregoing approvals and reviews, the Planning Board and the Town Board are involved agencies pursuant to the requirements of the State Environmental quality Review Act (SEQRA); and

**WHEREAS**, the Town Board of the Town of East Greenbush believes that a coordinated review by all involved agencies, entities and individuals is appropriate herein and would be the best methodology for determining all necessary facts and circumstances essential prior to approving or disapproving the proposed application, and

**WHEREAS**, the Town Board of the Town of East Greenbush believes that the Planning Board is the best agency within the Town to serve as the Lead Agency under SEQRA by reason of its substantial involvement with the detailed review of the project and its substantive decision-making concerning compliance with the Subdivision Regulations of the Town of East Greenbush, and

**WHEREAS**, the Town Board will not make any final decisions or take any final action regarding the project until the Planning Board has completed all processes required by SEQRA and the Town Board has completed all of its obligations under SEQRA, and

**WHEREAS**, the Comptroller for the Town of East Greenbush has determined that this Referral Resolution shall not have a fiscal effect on the Town Budget, and after due deliberation thereon, and good cause appearing therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby refer the aforementioned application for a Planned Development District, and all other related matters, including, but not limited to, leave to issue notice to seek Lead Agency status under SEQRA, to the Town Planning Board, to be assisted by its professional planning consultant, for review and recommendation pursuant to Section 2.9 of the Zoning Law, and SEQRA coordinated review pursuant to § 4.3.0 (D) of the Zoning Law, and be it further

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby refer the aforementioned application for a Planned Development District to the Zoning Board of Appeals for interpretation as to whether the lands contemplated for the Planned Development District are appropriate for the proposed uses pursuant to Zoning Law Section 2.9.4 (D), and be it further

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby direct the appropriate Town Officials to give notice to all involved agencies, entities and individuals of the filing and referral of the application for a Planned Development District, and further directs that such Town Officials oversee a coordinated SEQRA review with all necessary Federal, State and County entities, and be it further

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby specifically reserves to itself all final rights and judgments, not specifically assigned, relative to the filing of the aforementioned application for a Planned Development District.

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

## **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



# The Town of East Greenbush Town of East Greenbush

## Monthly Department Reports

**Department Name ?**

**Month, Year ?**

**Financial Results: \$0000**

Category	Prior Year		Current Year					
	Monthly Actual	YTD Actual	Monthly Projected	Monthly Actual	Variance	YTD Projected	YTD Actual	Variance
FTE* Staff		N.A.						
Revenue								
Expenses								
Pers Svc								
Equip								
Cont. Exp								
Total Expenses								
Surplus (Deficit)								
*FTE = Full Time~ Equivalent, i.e. two 1/2 time employees = one FTE								

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including Explanations:

Forecast of impending large expenditures, significant variances from budget:

**Major Project Milestones** - Major projects extending beyond one month duration, including schedule narrative.

**Accomplishments** - Significant accomplishments beyond normal operations.

**Personnel** - Personnel issues, anniversaries, awards, memberships, etc

**Miscellaneous** - Additional Information of importance / interest to the Town Board.

**Attachments** - Listing of Attachments of importance / interest to the Town Board.