



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

## BOARD MEETING AGENDA

Wednesday, October 17, 2012

Call to Order

7:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor Langley

Councilperson Matters

Councilperson O'Brien

Councilperson Malone

Councilperson Mangold

### Communications / Announcements / Reports

**Public Comment Period :** Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

The Public Comment Portion of the meeting will consist of two sections:

1. **Prior to Town Board Consideration of the Resolutions:** Members of the public wishing to address a specific resolution(s) on the agenda to follow will be recognized.
2. **Upon disposal of the resolutions:** Members of the public with general comments on Town government will be recognized.

Resolutions proposed by the Town Board Members:

### 148-2012 A Resolution to Approve of Minutes of the September 19, 2012 Town Board Meeting

**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 19, 2012 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 regular Town Board Meeting held on September 19, 2012 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 Malone	VOTED
Councilperson Mangold	VOTED

**149-2012 Resolution Recognizing October as Breast Cancer Awareness Month and October 22, 2012 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;

**BE IT RESOLVED**, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and will go “Pink” on October 22, 2011. The foregoing Resolution was duly moved by Councilperson O'Brien and seconded by Supervisor Langley and brought to a vote resulting as follows:

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

**150-2012 A Resolution to Set the November Pre-Board Meeting for Thursday, November 8, 2012 at 6:00 pm**

**WHEREAS**, the East Greenbush Town Board sets dates for pre-Board and Board Meetings at its organizational meeting in accordance with Section 62 and 63 of Town Law; and

**WHEREAS**, the November pre-Board meeting was set for November 15<sup>th</sup> at the Organizational Meeting on January 2, 2012; and

**WHEREAS**, no conflict exists if pre-Board is held on Thursday, November 8<sup>th</sup>; 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 November pre-Board meeting be hereby scheduled Town Hall at 6:00 PM on Thursday, November 8, 2012; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be directed to execute appropriate notifications regarding the change in date

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

#### **151-2012 Scheduling of Public Hearing on the Preliminary Budget for 2013**

**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 2013; 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 6:30 PM on November 8<sup>th</sup>, 2011 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 2012, including all Special Districts contained therein.

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

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

**152-2012 A Resolution to Set the November Board Meeting for  
Wednesday, November 14, 2012 at 7:00 pm**

**WHEREAS**, the East Greenbush Town Board sets dates for pre-Board and Board Meetings at its organizational meeting in accordance with Section 62 and 63 of Town Law; and

**WHEREAS**, the November Board meeting was set for November 21st at the Organizational Meeting on January 2, 2012; and

**WHEREAS**, no conflict exists if Board is held on Wednesday, November 14<sup>th</sup>; 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 September pre-Board meeting be hereby scheduled Town Hall at 7:00 PM on Wednesday, November 14, 2012; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be directed to execute appropriate notifications regarding the change in date

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

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

**153-2012 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 Chief of Police to declare the following equipment as surplus; and

**WHEREAS**, said equipment includes:

- 2002 Toyota Celica
- 1997 Nissan Altima

**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 and East Greenbush Police Department.

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

**154-2012 Authorizing the Purchasing Agent to Solicit Bids for Various General Construction, Electric, HVAC and Plumbing Projects**

**WHEREAS**, the Town of East Greenbush has identified the need to solicit bids for various general construction, electric, HVAC and plumbing projects.

**WHEREAS**, the Purchasing Agent will present the bids 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 the Purchasing Agent to solicit sealed bids for general construction, electric, HVAC and plumbing projects

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

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

**155-2012 Authorization to Contract with Behan Planning Associates for Design of Hampton Manor Multi-Use Path**

**WHEREAS**, the town's Community Amenities Plan has identified Hampton Manor Lake as a valuable recreational asset for East Greenbush Residents; and

**WHEREAS**, the town's Community Amenities Plan identified converting Lake Shore Drive from a two-way street to a one way street combined with a multi-use path for pedestrian traffic as a way to enhance Hampton Manor Lake; and

**WHEREAS**, the Town Board wishes to move forward with the design on the proposed enhancements to Lake Shore Drive; and

**WHEREAS**, the Town Board is in receipt of a design proposal from Behan Planning and Design; and

**WHEREAS**, the Town Comptroller has certified that this proposed Town Board action poses no impact to the Town's 2012 budget and the source of funding for this project will be taken from GEIS Fees; now therefore

**BE IT RESOLVED**, that the Town Board of the Town of East Greenbush does hereby authorize the Town Supervisor to enter into an agreement with Behan Planning and Design for services associated with preparing the design of a multi-use path around Hampton Manor Lake, in an amount not to exceed \$17,900

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

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

**156-2012 Resolution to amend Town Zoning Map to fix administrative errors**

**WHEREAS**, the Town of East Greenbush passed Local Law #1 of 2008 on June 11, 2008, The Comprehensive Zoning Law; and

**WHEREAS**, the Town of East Greenbush Local Law #1 of 2008 on June 11, 2008, The Comprehensive Zoning Law included a Comprehensive Zoning Law Map; and

**WHEREAS**, the Town of East Greenbush has identified administrative errors on the Comprehensive Zoning Law Map; and

**WHEREAS**, the Town Board desires to amend the Comprehensive Zoning Law errors to correct the administrative errors; and

**WHEREAS**, the following parcels shall be changed on the Comprehensive Zoning Law Map from Planned Development District(PDD) to Corporate Office/Light Industrial District(OC): 144.-4-48, 144.-4-11, 144.-4-13.2, 144.-4-12, 144.2-5-2; and

**WHEREAS**, the following parcels shall be changed on the Comprehensive Zoning Law Map from Planned Development District(PDD) to General Business Mixed Use District(B-1): 177.8-4-12, 177.8-4-13, 177.8-4-16; and

**WHEREAS**, the Town Board has determined that the action is a Type II action under SEQRA and requires no further review; 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 hereby approves the amendments to the Comprehensive Zoning Law Map to correct administrative errors

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

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

**157-2012 Authorization to extend Sanitary Sewer Mains within the 3<sup>rd</sup> Avenue Sewer District southward along Thompson Hill Road to serve an existing structure with a failed septic system within the District.**

**WHEREAS**, the 3<sup>rd</sup> Avenue Sewer District is an existing Sewer District within the Town of East Greenbush, serving the northern end of Town along NYS Route 4, and,

**WHEREAS**, the existing lands and structure at LAD Enterprises, LLC., bordering on Thompson Hill Road within the 3<sup>rd</sup> Avenue Sewer District are in need of sanitary sewer service from the Town of East Greenbush, due to septic system failure, and,

**WHEREAS**, the applicant has provided a design to install sewer system service from the lands of LAD Enterprises, LLC to the existing sewer mains of the Town of East Greenbush, and.

**WHEREAS**, the new sanitary sewer main extension and the service lateral will be installed by underground direct drilling so as not to disturb major portions of Thompson Hill Road, and,

**WHEREAS**, the applicant has requested an easement from the landowner, Mr. Guilbo, for the sole purpose of installing underground sewer line to the existing sanitary manhole located on Mr. Guilbo's property, and,

**WHEREAS**, if the above easement is not provided, an underground path to the existing sewer must be provided that is acceptable to the Town Engineer and Town Engineering Consultant, and,

**WHEREAS**, the NYS Department of Environmental Conservation, has approved the connection of the existing 6,000 square foot structure to the Town of East Greenbush sewer system under the present Order of Consent #6, and,

**WHEREAS**, Section 198 (e) of the Town Law grants the Town the authority with respect to the improvement district to cause sewer pipes to be laid below the surface of any town highway, road, or street, and whereas Thompson Hill Road is a town highway as defined by Section 3 of the Highway Law; 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

**THEREFORE**, Be it resolved that the landowner, LAD Enterprises, LLC., is hereby authorized to install said described sanitary sewer piping. The applicant to incur entire the cost of such installation and restoration of the road to its usual condition.

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 Mangold	VOTED
Councilperson Matters	VOTED

**158-2012 Appointment of Stephen Shea as Clerk in the Community and Recreational Services Department**

**WHEREAS**, due to the resignation of the Director of Community and Recreational Services effective December 31, 2012 the Town Board wishes to fill a vacancy in the Community and Recreational Services Department to ensure a smooth transition of all duties; and

**WHEREAS**, Stephen Shea has been identified to be a well qualified candidate, by virtue of his experience in Town Camp as Assistant Director; Stephen has been recommended for the position; and

**WHEREAS**, Mr. Shea's rate of pay is \$10.00 per hour, for approximately 5 hours per week for a total of no more than \$500; and

**WHEREAS**, the Town Comptroller certifies \$500 has been budgeted for this position; now therefore:

**NOW THEREFORE BE IT RESOLVED**, that Stephen Shea be appointed as Clerk in the Community and Recreational Services Department effective November 1, 2012 and ending on December 31, 2012.

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

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

**159-2012 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding Entitled Forrest Point III, LLC vs. Town of East Greenbush**

**WHEREAS**, Forrest Pointe III, have brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, now pending for the years 2011 and 2012, regarding properties as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, appraisal review and negotiation with Petitioners counsel, the Town's certiorari counsel and the Assessors Office have recommended a settlement agreement to the following values for the years 2011 and 2012, as follows

Property Address	SBL No.	Assessment	Reduced Assessment	Total Reduction
9 Rockrose Drive	166.6-2-3.1	\$242,000	\$200,000	\$42,000
11 Rockrose Drive	166.6-2-3.2	\$242,000	\$200,000	\$42,000
68 Rockrose Drive	155.18-8-18.1	\$242,000	\$200,000	\$42,000
70 Rockrose Drive	155.18-8-18.2	\$242,000	\$200,000	\$42,000
85 Rockrose Drive	155.18-8-9.1	\$242,000	\$200,000	\$42,000
87 Rockrose Drive	155.18-8-9.2	\$242,000	\$200,000	\$42,000
89 Rockrose Drive	155.18-8-10.1	\$242,000	\$200,000	\$42,000
91 Rockrose Drive	155.18-8-10.2	\$242,000	\$200,000	\$42,000
97 Rockrose Drive	155.18-8-12.1	\$242,000	\$200,000	\$42,000
99 Rockrose Drive	155.18-8-12.2	\$242,000	\$200,000	\$42,000
	Totals	\$2,420,000	\$2,000,000	\$420,000

**WHEREAS**, the Settlement and Order will provide that the County pay the Town share of the refund and charge back the Town in the next years tax levy; 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 O'Brien and seconded by Councilperson Malone and brought to a vote resulting as follows:

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

**Public Comment Period:** Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

**Upon disposal of the resolutions:** Members of the public with general comments on Town government will be recognized.

## **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 Malone	VOTED
Councilperson Mangold	VOTED