



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

## BOARD MEETING AGENDA

Wednesday, December 19, 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:

### 176-2012 A Resolution to Approve of Minutes of the November 14, 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 November 14, 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 November 14, 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 Mangold	VOTED
Councilperson Malone	VOTED

**177-2012 Adoption of Local Law #4 of 2012**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, conducted a Public Hearing on December 19, 2012, to consider the adoption of Local Law #4 of 2012 to adjust the 2012 salaries of the Town Clerk and Receiver of Taxes; and

**WHEREAS**, all those present have had the opportunity to be heard; and

**WHEREAS**, the Town Comptroller has certified the adoption of the local law will not impact the 2012 budget as all salaries have been budgeted for in 2012; now, therefore be it

**RESOLVED**, that the Town Board does hereby adopt Local Law #4 of 2012 to change the salaries of Town Clerk and Receiver of Taxes; and be it further

**RESOLVED**, that the Town Clerk is hereby requested to notify and file the Local Law with the Secretary of State and further this law shall take effect upon said filing.

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

**178-2012 Resolution to accept ownership of (2) two parcels of land as part of an agreement of Birch Haven Estates, LLC. to the Town of East Greenbush**

**WHEREAS**, Birch Haven Estates, LLC is the owner of Birch Haven Estates subdivision located on Lona Lane in East Greenbush, New York; and

**WHEREAS**, Birch Haven Estates, LLC have agreed to transfer lots 28 & 29 identified as lots 154.4-16-28 and 154.4-16-29, of said subdivision to the Town of East Greenbush as part of the subdivision approval; and

**WHEREAS**, Lot 28 contains the pump station for sanitary sewer service for the subdivision and lot 29 is designated as a Parcel to be deeded to the Town of East Greenbush upon the subdivision map as part of a storm water drainage way; and

**WHEREAS**, Birch Haven Estates, LLC has delivered to the Town of East Greenbush original executed deeds for both of these properties, together with the necessary forms for recording the same; and

**WHEREAS**, the town comptroller has heretofore certified 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 will accept ownership of above describe parcels and the Town Attorney shall record the deeds in the Rensselaer County Clerks Office.

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

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

### **179-2012 SEQRA Determination for Thompson Hill Road Sewer Installation**

**WHEREAS**, the existing lands and structure at LAD Enterprises, LLC (the "Landowner"), bordering on Thompson Hill Road within the Third Avenue Sewer District are in need of sanitary sewer service from the Town of East Greenbush, due to septic system failure; and

**WHEREAS**, the Landowner 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, which design has been reviewed by the Town's Engineer and the Town's Engineering Consultant and that the request was accompanied by a Short Environmental Assessment Form ("SEAF") and other supporting information; and

**WHEREAS**, the Town Board, after considering the comments and opinions of the Town Engineer and Town's Engineering Consultant and outside legal counsel, and after reviewing the proposed site plan, took 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 that Town Board issue a Negative Declaration under SEQRA; and

**WHEREAS**, the NYS Department of Environmental Conservation ("DEC") has approved the connection of the existing 3,000 square foot structure to the Town of East Greenbush Sewer system involving the installation of a gravity sewer line along approximately 1,600 feet of Thompson Hill Road under the current Order on Consent between DEC and the Town; and

**WHEREAS**, the landowner shall bear the cost of the installation of the described sanitary sewer piping, and restoration of the road to its usual condition, as well as the cost of inspection by the Town Engineering and/or Town Engineering Consultant.

**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 in the form annexed hereto.

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

**180-2012 Authorization to Extend Sanitary Sewer Mains within the Third Avenue Sewer District along Thompson Hill Road to connect to existing sewer mains of the Town of East Greenbush.**

**WHEREAS**, the Third Avenue Sewer District is an existing sewer district within the Town of East Greenbush, serving the northern end of the Town along New York State Route 4; and,

**WHEREAS**, the existing lands and structure at LAD Enterprises, LLC (the Landowner), bordering on Thompson Hill Road within the Third Avenue Sewer District are in need of sanitary sewer service from the Town of East Greenbush, due to septic system failure; and,

**WHEREAS**, the Landowner 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, which design has been reviewed by the Town Engineer and the Town Engineering Consultant; and

**WHEREAS**, the Town Board has reviewed an environmental assessment form for the proposed action prepared pursuant to the State Environmental Quality Review Act (SEQRA).

**WHEREAS**, the NYS Department of Environmental Conservation (DEC) has approved the connection of the existing 3,000 square foot structure to the Town of East Greenbush sewer system involving the installation of a gravity sewer line along approximately 1,600 feet of Thompson Hill Road under the current Order on Consent between DEC and the Town; and

**WHEREAS**, Section 198(1)(e) of the Town Law grants the Town the authority with respect to an improvement district to cause sewer pipes to be laid below the surface of any town highway, road, or street; and

**WHEREAS**, due to its longstanding use as a public roadway, Thompson Hill Road is a town highway pursuant to section 189 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, be it

**RESOLVED** that the Town Board hereby determines that a public sewer line, as described in the plans reviewed by the Town Engineer and the Town Engineering Consultant, be installed on Thompson Hill Road and conveyed to the Town of East Greenbush at no cost to the Town; and be it further

**RESOLVED**, that the Landowner shall bear the cost of the installation of the described sanitary sewer piping, and restoration of the road to its usual condition, as well as the cost of inspection by the Town Engineer and/or Town Engineering Consultant.

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

**181-2012 Authorization to Award for RFB#12-16 Various General Construction, Electrical, HVAC, and Plumbing-related Projects**

**WHEREAS**, the Town of East Greenbush has solicited bids for various general construction, electrical, HVAC, and plumbing-related projects; and

**WHEREAS**, bids were opened and read aloud in a public forum by the Purchasing Agent and Town Clerk on November 16, 2012; and

**WHEREAS**, the lowest responsible bidders per item are:

Sam Greco Construction, Inc. ó Item no. 1 (General Construction)  
Kasselman Electric Co., Inc. ó Item no. 2 (Electric)  
Crisafulli Bros Plumbing & Heating contractors, Inc. ó Item nos. 3 & 4 (Plumbing and HVAC); and

**WHEREAS**, the Town Comptroller has certified that the provisions of this proposed Board action will have no adverse impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Purchasing Agent to send award letters to the foregoing lowest responsible bidders for RFB #12-16 .

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

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

**182-2012 Authorization the Purchase of New 2013 4x4 SUV for the Building Department**

**WHEREAS**, the Building Inspector is recommending the replacement of one 4WD SUV for use by the Building Department; and

**WHEREAS**, in accordance with Town Policy and General Municipal Law, said equipment, will be purchased from Chautauqua County Contract Number E-10-12PPTH; and

**WHEREAS**, the following 2012 budget transfer, which has been certified by the town comptroller as having no adverse impact on the town's finances, is necessary to fund the purchase:

<b>Account Name</b>	<b>Budget Code</b>	<b>Current Budget</b>	<b>Change</b>	<b>Amended Budget</b>	<b>Justification</b>
Safety Inspection Fees	1560.01	\$70,000.00	\$20,250.00	\$90,250.00	Vehicle Purchase
Buildings CE	16204.01	\$84,920.00	\$20,250.00	\$105,170.00	Vehicle Purchase

**WHEREAS**, the lowest responsible bidder for Group 4, Item 1: new 2013 Jeep Patriot Latitude (4WD Small Sport Utility Vehicle) was Lake County Dodge (dealership), in the amount of \$20,250.00; now, therefore, be it

**RESOLVED**, the Town Board authorizes the purchase of a new 2013 4WD SUV in accordance with the foregoing lowest responsible bid.

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

**183-2012      A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled George and Marjorie Witbeck vs. Town of East Greenbush**

**WHEREAS**, George and Marjorie Witbeck, have brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, now pending for the year 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 year 2012, as follows

Property Address	SBL No:	Assessment	Reduced Assessment	Total Reduction
Phillips Road	166.-7-6.112	\$400,000.00	\$250,000.00	\$150,000.00

; and

**WHEREAS**, the town comptroller has heretofore certified that none of the provisions of this resolution shall pose as adverse impact to the town's finances; now, therefore, be it

**RESOLVED**, that the above captioned tax certiorari proceeding be settled in the amounts and for the year 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 was duly seconded by Councilperson Matters and brought to a vote resulting as follows:

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

**184-2012      Appointment of a Part-time Police Dispatcher**

**WHEREAS**, the Town Board of the Town of East Greenbush seeks to retain the services of the part-time police dispatchers in the Town's Emergency Communications Center; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2012 Budget and will have no adverse impacts on the Town Finances; now therefore be it

**RESOLVED**, that Edward J. Witko, be, and the same hereby is, appointed to the position of part-time police dispatcher, consistent with all the terms and conditions of these positions as previously set forth by the Town Board, for a term to expire at the Town's next organizational meeting, or otherwise at the pleasure of the Town Board, and be it further

**RESOLVED**, that the said part-time dispatchers be compensated at an hourly rate per the current East Greenbush Emergency Communications Association Labor Agreement.

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

**185-2012 A Resolution Correcting Tax Map Number from prior Approval and Authorization (Resolution 168-2012) the Settlement of Tax Certiorari Proceedings entitled Rite Aid Corporation vs. Town of East Greenbush**

**WHEREAS**, Rite Aid Corporation, 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 Assessor's Office have recommended a settlement agreement to the following values for the years 2011 and 2012:

2011

Property Address	SBL No.	Assessment	Reduced Assessment	Total Reduction
616 Columbia Turnpike	166.15-8-3	\$2,640,000.00	No Change	No Change

2012

Property Address	SBL No.	Assessment	Reduced Assessment	Total Reduction
616 Columbia Turnpike	166.15-8-3	\$2,640,000.00	\$1,825,000.00	\$815,000.00

**WHEREAS**, the Settlement and Order will provide that County pay the Town share of the refund and charge back the Town in the next year's tax levy; and

**WHEREAS**, This Resolution is intended to correct the tax map number and address for which a previous Resolution 168-2012 was approved, for the subject property at the November 14<sup>th</sup> 2012 meeting; and

**WHEREAS**, the town comptroller has heretofore certified 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 above captioned 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 duly seconded by Supervisor Langley and brought to a vote resulting as follows:

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

**186-2012 A Resolution to Schedule Organizational Meeting**

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2013 as a Special Meeting as is permitted by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); and

WHEREAS, the Town Comptroller has certified that the provisions of this proposed Board action will have no impact on the Town's finances; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush shall conduct the 2013 Organizational Meeting at 5:30 PM on Tuesday, January 2, 2013, at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York; and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Organizational Meeting as required by law.

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

**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 Mangold	VOTED	___
Councilperson Malone	VOTED	___