



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MEETING

**Wednesday, April 17, 2013**

**Call to Order**  
**Pledge to the Flag**  
**Town Board Meeting:**

7:00 PM

### Members of Town Board

Present

Absent

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

### 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:

#### 53-2013 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 March 20, 2013; 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 March 20, 2013; 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

**54-2013 Appointment of Meghan M. Webster to the Position of Town Planner**

**WHEREAS**, the position of Town planner was resigned by Mathew J. Mastin effective COB November 30, 2012; and

**WHEREAS**, the East Greenbush Town Board (hereinafter, "Board"), in recognizing the importance of one of the key positions in Town government, has overseen efforts to recruit a replacement for the position of Town planner, including the interviewing of several highly qualified candidates; and

**WHEREAS**, the Board, having considered her extensive qualifications, finds Meghan M. Webster, a Town resident and former intern in the Planning Department, to be the most suitable candidate for the subject position; and

**WHEREAS**, that this Resolution results in no adverse financial impact to the Town inasmuch as funding for the subject position was provide in the 2013 annual budget; now, therefore, be it

**RESOLVED**, that effective beginning of business April 18, 2013, Meghan M. Webster be, and the same hereby is, appointed to the position of town planner; and be it further

**RESOLVED**, that the Director Finance shall take all necessary steps to process the personnel transaction authorized in this resolution.

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

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

**55-2013 A Resolution to Appoint a Planning Department Intern**

**WHEREAS**, the Town Engineer is recommending the Town hire an intern to perform certain duties related to MS4 compliance, GIS mapping, outfall location and attending Hudson Valley Community College

**WHEREAS**, Matthew Coleman has been identified to be a well qualified candidate, has been recommended for the position by the Town Engineer; and

**WHEREAS**, Mr. Coleman's rate of pay is \$10.50 per hour, for 35 hours per week for a total of no more than 15 weeks; and

**WHEREAS**, \$5,000 has been budgeted for this position in the Planning Department; and will have no adverse impact on the Town Finances; now therefore be it

**RESOLVED**, that Matthew Coleman be appointed as Planning Department Intern for the summer of 2013.

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

**56-2013 Water Quality Improvement Projects and Nonagricultural Nonpoint Source Projects Municipal Resolution (Amended Resolution 47-2011 – Updating Supervisor Name)**

Resolution authorizing the items listed below pursuant to the Bond Acts enacted in 1965, 1972 and 1996 and the Environmental Protection Fund, as well as federal grant awards available for such projects.

**WHEREAS**, the Town of East Greenbush herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project;

**WHEREAS**, the Environmental Conservation Law (ECL) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith; and

**WHEREAS**, that this Resolution results in no adverse financial impact to the Town inasmuch the provisions of this resolution were planned for and will have no adverse impacts on the Town Finances; now, therefore, be it

**RESOLVED** by the Town of East Greenbush Town Board that Keith Langley, Town Supervisor or such person's successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;

1. That the Municipality agrees that it will fund its portion of the cost of the Project and those funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
2. That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department of Environmental Conservation;
3. That this Resolution takes effect immediately.

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

**57-2013 A Resolution Authorizing the Execution of an Order on Consent Issued by the New York State Department of Environmental Conservation R4-2013-0320-47 Arising Out of Violations at the Town Garage Located at 69 Gilligan Road**

**WHEREAS**, the Department of Environmental Conservation has cited the Town for numerous violations arising out of the fuel storage tanks located at the DPW Garage at 69 Gilligan Road, and

**WHEREAS**, the Town Engineer, Consulting Engineer and Commissioner of Public Works have already met together to formulate a plan for elimination/correction measures to remedy these violations, and

**WHEREAS**, the Town Attorney has negotiated the suspension of the civil penalty to all but One Thousand Dollars (\$1,000.00) payable upon execution of the Order, and not later than April 22, 2013, and

**WHEREAS**, the financial impact to the Town of this Resolution is One Thousand Dollars (\$1,000.00),

**NOW BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached Order on Consent and pay the civil penalty attendant thereto in the amount of One Thousand Dollars (\$1,000.00) to be delivered to the Department of Environmental Conservation no later than April 22, 2013

The foregoing resolution was duly moved by Councilperson Malone and duly seconded by Supervisor Langley

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

**58-2013 Proposed Enactment Of Local Law NO. 2 Of The Year 2013 Amending Chapter 22 (Parks) Of The Town Code**

**WHEREAS**, the East Greenbush Town Board (referred to hereinafter as the "Board") has determined that it is in the best interest of the Town's residents to enact Local Law No. 2 of the year 2013 that would amend §§ 22-11 and 22-15 of Chapter 22 of the East Greenbush Town Code to provide for the explicit prohibition of hunting and/or trapping within a Town Park (referred to hereinafter as the "Local Law"); and

**WHEREAS**, the Board conducted a public hearing on April 17, 2013 at 6:30 p.m. at the East Greenbush Town Hall (referred to hereinafter as the "Hearing") in order for the public to review and comment on the proposed enactment of the Local Law, a copy of which is attached hereto and made a part hereof; and

**WHEREAS**, the Board duly considered all comments made at the Hearing; and

**WHEREAS**, that this Resolution results in no adverse financial impact to the Town; now, therefore, be it

**RESOLVED**, that the enactment of the Local Law pursuant to Municipal Home Rule Law § 20, be, and the same hereby is, approved; and be it further

**RESOLVED**, that the Town Clerk shall file the Local Law with the New York Secretary of State as soon as it is administratively practicable to do so following her and the Town Attorney's respective certifications as to its compliance with required statutory form.

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

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

**59-2013 A Resolution Authorizing the Payment by the Town Supervisor of Certain Charges Pursuant to a Warrant, Order or Draft of the Town Clerk**

**WHEREAS**, the Town of East Greenbush has been without a Comptroller since March 18, 2013, and

**WHEREAS**, Town Law in the absence of a Comptroller provides certain expenses may be paid by the Supervisor only upon the warrant, order or draft of the Town Clerk after audit and allowance by the Town Board, it is now hereby

**RESOLVED**, that the following charges and expenses annexed hereto as "Exhibit A" which is incorporated herein by reference are hereby authorized nunc pro tunc for payment by the Supervisor, and it is further,

**RESOLVED**, that the Town Clerk is hereby authorized and directed to issue the appropriate warrant, order or draft to the Supervisor authorizing the payment of those charges set forth in Exhibit A, and it is further

**RESOLVED**, that this Resolution results in no adverse financial impact to the Town.

The foregoing Resolution was duly moved by Councilperson Mangold and duly seconded by Councilperson O'Brien

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

**60-2013 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 Commissioner of Public Works to declare the following equipment as surplus; and

**WHEREAS**, said equipment includes:

- Truck #4 - 1998 Chevy Pickup Vin/1GCHK34J1WE210118
- Truck #38 - 1995 Chevy Boom/Forestry Truck Vin/1GBM7H1J5SJ115794

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

**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 Department of Public Works.

The foregoing resolution was duly moved by Councilperson Matters and duly seconded by Supervisor Langley

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

**61-2013 A Resolution Authorizing the Execution of a Settlement Agreement Upon Grievance MC13-3031 Pending Against the Town by a Member of Council 82**

**WHEREAS**, a Town employee and member of Council 82 has filed a grievance for health insurance buyout payments, and

**WHEREAS**, the grievance has been initially denied and is moving toward arbitration, and

**WHEREAS**, a recent determination in a prior unrelated grievance by the Arbitrator in a Public Employment Relations Board ruling has created a negative collateral estoppel effect upon the Town with respect to the outcome of this grievance, and

**WHEREAS**, the Supervisor, Town Attorney and Finance Director have met with the Grievant and Grievant's attorney in an effort to resolve this proceeding prior to arbitration, and

**WHEREAS**, the parties have agreed, subject to the approval of this Board, to a settlement providing for payment to the Grievant in the amount of Two Thousand Dollars (\$2,000.00) for health insurance buyout for the period ending December 31, 2012 and continued eligibility thereafter, and

**WHEREAS**, the financial impact to the Town shall be in the amount of Two Thousand Dollars (\$2,000.00)

**NOW BE IT RESOLVED**, that the Supervisor and Town Attorney are hereby authorized to execute the Settlement Agreement proposed herein, and upon execution by all parties, to make payment to the Grievant in the amount of Two Thousand Dollars (\$2,000.00) thereby concluding the final disposition of this proceeding.

The foregoing resolution was duly moved by Councilperson O'Brien and duly seconded by Councilperson Malone

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

VOTED  
 VOTED  
 VOTED  
 VOTED  
 VOTED

**62-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled JMA Properties, LLC v. Town of East Greenbush**

**WHEREAS**, JMA Properties, LLC has 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 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
8 Empire Drive	155.-4-4	\$6,550,000.00	\$5,462,000.00	\$1,088,000.00

**WHEREAS**, the Settlement shall provide that the Town's portion of any refund shall be paid by the County and charged back to the Town in the next years tax levy, resulting in no immediate financial impact to the Town.

**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 Malone and seconded by Councilperson O'Brien and brought to a vote as follows:

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

**63-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled Michael and Sophia Rubinchuk vs. Town of East Greenbush**

**WHEREAS**, Michael and Sophia Rubinchuk, 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
601 Columbia Turnpike	166.15-6-2	\$1,350,000.00	\$1,350,000.00	0
607 Columbia Turnpike	166.15-6-3	\$650,000.00	\$400,000.00	\$250,000.00

The proceeding pending for premises located at 601 Columbia Turnpike for the year 2012 is being discontinued on the merits with prejudice.

All refunds for premises located at 607 Columbia Turnpike for the year 2012 are being waived by the Petitioner.

The settlements contemplated by this resolution result in no financial impact to the Town.

**BE IT RESOLVED**, that the above captioned tax certiorari proceeding be settled in the amount 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 Malone and duly seconded by Councilperson Mangold and brought to vote resulting as follows:

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

**TOWN OF EAST GREENBUSH**

**LOCAL LAW NO. 2 OF THE YEAR 2013**

**Amending Chapter 22 (Parks), §§22-11 and 22-15 of the East Greenbush Town Code**

**Be it enacted by the Town Board of the Town of East Greenbush as follows:**

**§22-11. Destruction or disturbance of property and wildlife prohibited.**

- A. No person shall injure, deface, displace, remove, fill in, raze, destroy, disturb, or tamper with any part of the park, including, but not necessarily limited to, any building, fixture, equipment, trees, vegetation, soil, mineral, or any other property appurtenant thereto, whether personal or real, that is owned by the town of East Greenbush.
- B. No person shall pursue, disturb, hunt, trap, injure, wound, maim, or kill any bird, reptile, or animal, domestic or wild, within the boundaries of the park unless authorized to do so as a law enforcement officer or as the town's duly appointed, animal-control officer operating in a lawful manner under the explicit direction of the town supervisor; except that non-commercial sport fishing is permitted as provided by law and as limited pursuant to section 22-4 hereof.

**§22-15. Dangerous implements prohibited.**

No person shall carry, use, or have in his possession any explosive(s), firearm(s), air pistols or rifle(s), BB gun, bow and arrow(s), slingshot(s), or any other projectile-firing weapon(s) or dangerous implement(s) within the boundaries of the park unless authorized to do so as a law enforcement officer or as the town's duly appointed, animal-control officer operating in a lawful manner under the explicit direction of the town supervisor.