



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING

AGENDA

November 20, 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 Mangold
Councilperson Malone

Linda Kennedy, Town Clerk stated that the Clerk's office has received reports from the following departments and will be on file for review: Town Clerk, Assessor, Building, Youth and Recreation, Receiver of Taxes and Police Department.

PRESENTATION: A PRESENTATION WAS GIVEN TO COUNTRY TRUNK, NANCY KEENHOLTS, FOR BEING IN BUSINESS FOR 25 YEARS. Nancy stated that Saturday, November 30th is small business day and the County Trunk will have 10% off, and also please support all small businesses.

Communications / Announcements / Reports

Supervisor Langley asked if the board had any communications.

Councilperson Malone none

Councilperson Matters mentioned the design guideline committee has rolled out a preliminary plan, he asked Meaghan Webster to explain. Meaghan stated that this project is compiled of business owners as well as residents they are looking into a plan for the future as far as architectural design for both existing and future development along Route 4 at Couse and Route 9 & 20. There will be a workshop on Tuesday, December 3, 2013 at 6:30 pm at the Town Hall, all are welcome to come. This workshop will be an open format, with a brief project presentation of the Luther Road sidewalk plan.

Councilperson Mangold thanked Dan Glick, Bruen Rescue for his presentation at the pre-board meeting to clarify the discussion regarding mutual aid calls.

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.

Open portion started at 7:15pm

- 1) Floyd Hunt thanked the town for painting the white lines on Sherwood Ave.
- 2) Jack Conway extended congratulations to Mary Ann Matters and Deb Di Martino for winning the election and to Sheryl Valle and Mike Bottillo for running. Jack also inquired about the ethics law as to when it will go into effect and after the first of the year when things settle down to start up the ethics committee again right now they are in a suspended state.
- 3) Elizabeth Tice stated she did a quick evaluation of the budget and she comes up with \$3 million in benefits. She also inquired into if the town ever considered water billing for a single resident home instead of a minimum charge.
- 4) Dwight Jenkins had concerns regarding the budget Town Law 107 states fund balances should be filled out on budget.
- 5) Tom Grant stated he would like to see on the budget a list of all positions, pay and job description on the budget so residents can see where their money is going. He also felt that there are some jobs that should have a civil service classification.
- 6) Eileen Grant wished Deb DiMartino and Mary Ann Matters well also Phil Danaher on their wins. She also inquired as to when the residents will have a report of any and all audits that the town had. Pete Stenson, Comptroller, stated that Wojeski should be done with their portion by November 27 then their report will go to Toskey for their portion. If all goes well the audits will be finished early 2014.
- 7) Sheryl Valle congratulated Deb and Mary Ann
- 8) Liz Tice inquired if any mental health patient has been turned away from a hospital.
- 9) Don Johnson stated he is aging and hard of hearing and again is asking for a public address system to be put in place and offered the services of Bruce Lester
- 10) Bonnie Lester stated that Bruce had been in looking for plugs and found them to be under the carpeting.
- 11) Hal Betters stated that he had not been to a board meeting in a while and wanted to know when and why the second open portion was dropped. Keith stated it was easier for all questions to be first.

At this point Supervisor Langley stated that earlier there was in question as to when and if the town has started the process of applying for "Fiscal Stress Assistance" from NYSFRB the answer is no because part of the paperwork is an audit report which is not done yet.

Open portion ended at 7:45 pm

Resolutions and Proposals by Town Board Members:

162-2013 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 October 16, 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 October 16, 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	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

163-2013 A Resolution Approving the Adoption of the Annual Budget for Fiscal Year 2014

WHEREAS, pursuant to New York Town Law § 106, subd. 2, the East Greenbush Town Supervisor duly filed a Tentative Budget and budget message in the Office of the Town Clerk on September 30, 2013 (referred to hereinafter as the "Tentative Budget"); and

WHEREAS, the Tentative Budget provided for no increase in the Town's Real Property Tax Levy for fiscal year 2014; and

WHEREAS, the Comptroller acknowledges that the Tentative Budget is balanced insofar as revenues and taxes to be levied equaling appropriations; and

WHEREAS, pursuant to New York Town Law § 106, subd. 4, the East Greenbush Town Board, at its regular meeting held on October 16, 2013 and with dissenting votes cast by Supervisor Langley and Councilperson Matters, duly approved a preliminary budget which was duly filed in the office of the Town Clerk on October 16, 2013 (referred to hereinafter as the "Preliminary Budget"); and

WHEREAS, the Preliminary Budget provided for, among other things, a tax increase in the Town's Real Property Tax Levy for fiscal year 2014, along with a spending increase; and

WHEREAS, pursuant to New York Town Law § 108, the East Greenbush Town Board duly conducted a public hearing on the Preliminary Budget; now, therefore, be it

RESOLVED, that, pursuant to New York Town Law § 109, subd. 1, the Preliminary Budget be, and the same hereby is, duly amended to reflect the Tentative Budget in each and every respect (referred to hereinafter as the "Amended Preliminary Budget"); and be it further

RESOLVED, that, pursuant to New York Town Law § 109, subd. 2, the Amended Preliminary Budget be, and the same hereby is, duly adopted as the Annual Budget for fiscal year 2014 (referred to hereinafter as the "Adopted Budget"); and be it further

RESOLVED, that the Town Clerk shall cause a copy of the Adopted Budget to be duly filed in her office, forthwith, following receipt thereof from the Director of Finance; and be it further

RESOLVED, that, pursuant to New York Town Law § 109, subd. 3, the supervisor, Director of Finance, Comptroller, Receiver of Taxes, and Assessor take all respective action required and/or appropriate relative to the implementation of the Adopted Budget.

*Councilperson Mangold made a motion to amend the fifth recital of this resolution to read: **WHEREAS**, the Preliminary Budget provided for decreases in revenue estimates to conservative levels, provided for funding for Accounting Software, provided funding for equipment for MS4 work and infrastructure improvements, Increased funding for independent audits, among other things, and a 1.547% tax increase in the Town’s Real Property Tax Levy for fiscal year 2014.*

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

Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	NO
Councilperson Matters	VOTED	NO

*Councilperson Mangold made a resolution to amend the resolution by striking the fifth recital from the resolution removing: **WHEREAS**, the Preliminary Budget provided for, among other things, a tax increase in the Town’s Real Property Tax Levy for fiscal year 2014, along with a spending increase;*

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

Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	NO
Councilperson Matters	VOTED	NO

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

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	NO
Councilperson Malone	VOTED	NO

164-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled WP COLUMBIA ASSOCIATES, LLC v. Town of East Greenbush

WHEREAS, WP COLUMBIA ASSOCIATES, LLC has brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 13-244028 now pending for the year 2013/2014 , regarding properties as hereinafter set forth, and

WHEREAS, after considerable discovery, inspection, lease review, 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 2013/2014, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
166.-3-3.111	\$12,779,900.00	\$11,250,000.00	\$1,529,900.00
166.-3-3.113	\$814,700.00	\$800,000.00	\$14,700.00

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 year's tax levy, resulting in no immediate financial impact to the Town, 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 Malone and duly seconded by Councilperson Mangold and brought to a vote as follows:

Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES

165-2013 Scheduling of Public Hearing to Adopt a Local Law Making Gold Star Parents Eligible for the Veterans Alternative Exemption

WHEREAS, section 458-a of the New York Real Property Tax Law was amended by the enactment of chapter 326 of the New York Session Laws of 2000 by providing for the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war (öGold Star Parentö), to be eligible for the veterans alternative exemption (öGold Star Parent Eligibilityö); and

WHEREAS, the County of Rensselaer enacted Local Law No. 6 of the year 2000 on November 29, 2000 to provide County residents with Gold Star Parent Eligibility with respect to County Real Property Taxes; and

WHEREAS, the Director of the County Bureau of Tax Services recently reminded municipalities that they may each adopt a Local Law to provide for Gold Star Parent Eligibility with respect to municipal Real Property Taxes (i.e., excluding school real property taxes); and

WHEREAS, the Town of East Greenbush has not adopted such a Local Law; and

WHEREAS, it is appropriate for the Town of East Greenbush to provide its residents with Gold Star Parent Eligibility with respect to Town Real Property Taxes; and

WHEREAS, the comptroller has determined that the adoption of this resolution and the implementation of the provisions contained therein shall pose no adverse impact to the Town's finances; now, therefore, be it

RESOLVED, that the East Greenbush Town Board shall hold a Public hearing on the 18th day of December, 2013 at 6:30 p.m. at Town Hall to consider the adoption of a Local Law providing for Gold Star Parent Eligibility.

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

Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

166-2013 A Resolution for the Town Board Request to act as Lead Agency for the Luther Road (NY 151) Pedestrian Access Improvements

WHEREAS, the Town has applied and approved for a grant from New York State Department of Transportation for a Transportation Enhancement Program Grant to provide pedestrian and bicycle connections from Route 4 to Columbia High School.

WHEREAS, the Town has selected Creighton Manning Engineering as the Town's design consultant; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project and hereby determines the project is a Type 1 Action under SEQRA;

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now, therefore, be it

RESOLVED,

1. The Project will require review under the State Environmental Quality Review Act (SEQRA)
2. The following are or may be involved agencies under SEQRA:
 - East Greenbush Town Board
 - New York State Department of Transportation
 - NYS Department of Environmental ConservationInterested agencies under SEQRA:
 - East Greenbush Fire Department #3
 - East Greenbush Planning Board
 - East Greenbush Zoning Board of Appeals
 - W.F. Bruen Rescue Squad
 - East Greenbush Department of Public Works
 - East Greenbush Central School District
 - Capital District Transportation Authority
 - Capital District Transportation Committee
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

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

Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

167-2013 Town Board Request to act as Lead Agency for the Regeneron Bldg. 85 Addition Major Site Plan

WHEREAS, Hart Engineering, on behalf of Regeneron Pharmaceuticals, Inc, otherwise known as the Regeneron Bldg 85 Addition Site Plan, has submitted a site plan review application for a project located at 81 Columbia Turnpike and identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.21; and

WHEREAS, the application was accompanied by a proposed site plan, a Full Environmental Assessment Form and other submittals; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

WHEREAS, the Town Comptroller has determined that the adoption of this resolution and the implementation of the provisions contained herein will have no adverse impact on the Town's finances; now, therefore, be it

RESOLVED,

1. The Project will require review under the State Environmental Quality Review Act (öSEQRAö)
2. The following are or may be:
Involved agencies under SEQRA:
 - East Greenbush Town Board
 - East Greenbush Planning Board
 - NYS Department of Environmental Conservation
 - Rensselaer County Health Department
 - U.S. Army Corps of Engineers
Interested agencies under SEQRA:
 - East Greenbush Fire District #3
 - W. F. Bruen Rescue Squad
 - Rensselaer County Bureau of Planning
 - East Greenbush Department of Public Works
 - New York State Office of Parks, Recreation & Historic Preservation
 - East Greenbush Central School District
 - Capital District Transportation Authority
 - National Heritage Program
 - Capital District Transportation Committee
 - New York State Department of Transportation
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

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

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson Malone	VOTED	YES

ADJOURNMENT

Motion to adjourn by Supervisor Langley seconded by Councilperson Matters and brought to a vote as follows:

Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

Respectfully submitted,
Linda Kennedy, Town Clerk
8:00 pm