



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

Supervisor Langley

Councilperson Mangold

Councilperson Malone

Councilperson DiMartino

Councilperson Matters

Communications/Announcements/Reports

Linda Kennedy, Town Clerk stated the Town Clerks office has received reports from the following departments and will be on file for review: Town Clerk, Youth, Receiver of Taxes, Police and DPW.

Councilperson Matters stated that Michelle LeClair is appointed to the Fiscal Advisory Board.

Councilperson DiMartino announced the date for Saturday in the Park Sept 13, 2014. On September 6 & 7th is the Gathering of the Tribes Pow Wow at the Brown Farm on Luther Road Sat 10 to 6, Sun 10 to 5. Also that weekend is the fund raiser for Miracle League.

Debbie also stated that Maura Ryan is back on the Fiscal Advisory Board.

Councilperson Mangold stated she would have to recuse herself from further casino voting due to a family member accepting an option for purchase of property on Thompson Hill from an affiliate of the casino. Sue also thanked the Chief for his financial reports. A reminder School is back in session on Sept. 2 watch out for children.

Councilperson Mangold stated that Rich Hendricks is her pick for the CFAC committee and has agreed to return.

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.

Open portion started at 7:05 pm

- 1) Eileen Grant stated that the agenda was late on the website. Stated she expected a presentation on the audit however there wasn't one.
- 2) Floyd Hunt Spoke of the Miracle league and what a great organization it is.
- 3) Jessica Yonally inquired on behalf of the Taylor Estates group regarding the upcoming land auction. Dave Gruenburg spoke for the town stated that the land she is referring to is on the development plans as to never be developed, apparently developer did not pay the taxes on the parcel the County is aware of the situation.
- 4) Lee Cookson stated that the town should make arrangements for the hearing impaired. He also wants the board to explain every resolution prior to voting so the general public knows what it is about. He wants to be a gazebo volunteer.
- 5) Elizabeth Tice also spoke about not being able to hear at meetings.
- 6) Sam Loughlin (?) stated when the town paved the tennis court they went onto his property and now the locals feel they can be on his property. He feels that if the town puts up a fence it would fix the problem.

- 7) Mary Dugan wants the minutes from all meetings on the website. She feels that if people speak at meetings they should have their name in minutes and hopes the resolution does not pass.
- 8) Tom Grant regarding resolution 101 agreement with Rensselaer Co. Dept of Youth Funds that are available is a good thing that the town will have access to them for summer camp. He also stated that with the tax certioraris that are on the agenda will have a big impact on town taxes. He stated that he likes residents not having to state their names before speaking. He stated he also feels that department heads should attend personnel training.

**This part of open portion closed at 7:40 Councilperson Mangold left the room and open portion again began with anyone having any reference to the Casino.

- 1) Rich McClean stated he is speaking in favor of the casino for all the residents that won't speak in a public setting.
- 2) Rita McClean also is for the casino and hopes the board will continue to support it.
- 3) Mira Schmits is also for the casino and stated she went to the job fair and there were over 400 people who attended.
- 4) Bob Wolfgang thinks the casino is a positive and please vote yes.
- 5) Roberta Reno read a quote from a newspaper article against casinos.
- 6) Bonnie Lester stated she was not from a depressed pocket of town. She handed the board copies of a CD from the speaker at the Church.
- 7) Jack Conway stated on the day that the casino had to submit their paperwork to the stated they has a packet of about 30 sheets of paper and the "Save East Greenbush group" handed in a binder of about 400 pages.
- 8) Mary Beth Early handed the clerk two sealed envelopes for the ethics committee. (the clerk dated the envelopes)
- 9) Elizabeth Bartlett questioned the money going to Albany for support, asked why they needed to be compensated.
- 10) Roger Murman stated he has done research on legalized gambling. Wants to know why the lead agency is the zone/plan board and not the town board.
- 11) Frank Coppa stated that "the casino will destroy the town" that is not the case the residents are not against 1000 to 1 only disagree on the location.
- 12) John Schipero read an article that was in the NY Times regarding Casinos
- 13) Jennifer Corso feels Councilperson Mangold recusal should void the first vote.
- 14) Guy Warner feels there is a failure to disclose and then read municipal law regarding gifts.
- 15) Don Johnson stated that someone signed him up for a casino magazine.
- 16) Tom Grant now zoned as residential buffer wants to postpone pdd vote until we can find out more about the zoning. Keith stated this is just the beginning not the end.
- 17) Maria Barrington votes no for the casino she also wanted to thank the board for revising the CFAC committee.
- 18) Nancy Grabb wanted to know when the casino location was going to be decided. Answer is when the state is ready to announce it they say early fall.
- 19) Hal Betters inquired whether or not resolution 109 will speed up the process on the casino. Supervisor Langley at this point had Jim Connors from planning again explain the process.
- 20) Bonnie Lester again spoke against the casino.
- 21) Ann Taylor suggested that resolution 109 be tabled due to the ethics complaints that were handed in today.
- 22) Glen Sanders thanked Councilperson Matters for taking a stand against the casino. He then explained that at a casino the house always wins.
- 23) Dwight Jenkins he understands that tonight's vote is the beginning of the process. He inquired why was the first pdd application on the website and not the second one. He stated that if this project goes through part of his land will be taken for the widening of route 4. He inquired how the sewer line that was installed for 23 homes can handle a casino/hotel complex.
- 24) Lee Cookson spoke about why he voted for each member of the board.
- 25) Floyd Hunt stated that we all look like Christians in the room and no matter what happens with the casino lets all have peace and get along.
- 26) Anita Kulp stated she works in Kingston but chose to live here. She thanked Mary Ann for reconsidering her decision.
- 27) Open portion closed at 9:00 pm

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	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson Malone	VOTED	ABSTAIN
Councilperson Matters	VOTED	YES

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	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES

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

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:

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

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

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:

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

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

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:

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

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

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 Mangold made a motion to amend the above Resolution deleting paragraph 6 above adding the following after what will now be paragraph 6

RESOLVED, if any person wants his or her name to be added to the record of the meeting minutes they must state that when they approach the dais to speak: and be it further

Note** prior to taking a vote Councilperson DiMartino stated thatöWhile I do respect everyone's right to privacy I have to vote no on this resolution because I have three separate letter, 3 different cases (opinions from the State of New York Comm. On Open Government.

1st letter states name and addresses should not be included in the minutes or made part of the record or put on the website due to safety concerns.

2nd letter recommends not posting the minutes on Town Board website because people who speak at a Town Board meeting MUST give their names and addresses and posting the minutes which include their names would be an invasion of their personal privacy and could be used for illegal purposes.

3rd letter states that there is no exception that what is said at a public meeting or hearing is private because tape recordings at open meetings is accessible for listening or copying under the FOI law and people who attend meetings decide to speak freely fully realize their comments are being used in a public forum. They also state that there is a difference nature of comments vs complaints. Comments & identities should not be posted. I also spoke to Linda she was willing to omit the address when a person speaks as that does not go into the minutes anyway. She feels she needs the names, especially for the complaints for referral purposes. Seeing as this resolution addresses both the minutes and public speakers disclosing their names at the board meetings and there is no conclusive answer as to how the law reads I felt a no vote was my only option.

** prior to voteö Supervisor Langley stated that he heard several times tonight the Town Board works for the residents in the town and when someone wants to get up and address this board without giving us the courtesy of stating their name and address then their statement is watered down in validity. How do we know if that person is even from this town that is getting up and making a statement. People who have concerns should give a name and address to we can contact them.

The foregoing motion to amend the 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	YES
Councilperson DiMartino	VOTED	NO

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

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

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

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:

** Prior to vote Councilperson Matters stated: Resolution 181-2011 was passed on December 14, 2011. However, as of January 1, 2014, we have a new comptroller and we now also have a newly constituted citizens fiscal advisory committee (CFAC). Therefore, until such time as the new comptroller and the new committee members have had a chance to meet and review the report formats, the submission requirements, and the posting of this information on the Town's website, and reach a consensus on how or even if this reporting should be performed going forward, I am voting no on this resolution tonight.

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

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	YES
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Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson DiMartino	VOTED	YES
Councilperson Matters	VOTED	YES

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	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	RECUSAL
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	NO

*Due to subject matter Councilperson Mangold left the room prior to vote.

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	Left meeting before last resolution
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES

Respectfully submitted,

Linda Kennedy, Town Clerk

Meeting adjourned at 9:50 pm



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.