



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA

June 18, 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 that the Clerk's office has received reports from the following departments and they will be on file: Police, Community & Rec, Receiver of Taxes, Building and Town Clerk.

Councilperson DiMartino stated the youth department is still taking applications for summer camp. Thanked Dan Fiacco for bringing to the boards attention that we are over insuring things and some things that were not insured. We were insuring vehicles that were sold, we have 11 pump stations and holding tanks that were not insured. Now the town is in compliance and with the additions and the reductions the town is in compliance and not paying more.

Councilperson Mangold wanted to remind everyone that summer has begun and the kids are out of school and the motorcycles are out please watch out. She thanked Keith for agreeing to have Wojeski come before the next pre-board meeting and give a report. Keith interjected that that would have to be put on hold due to George will be on vacation, so it will be in August.

Councilperson Malone read the following stating why he voted for the casino.

- Over the last 2 months since the casino proposal first came to the attention of the town I have keep my comments to a minimum; only once speaking at Columbia when asked a general question by a reporter. I have intentionally reserved my opinion throughout the process b/c I did not want to influence nor deter any public input and I was personally educating myself on the con's of a local casino development.

I felt it was necessary that the public had their time to speak; so now after 2 public hearings, one special meeting and one informational session at Columbia, I feel it is my time to articulate the reasons why I voted in favor of siting a casino at Thompson hill.

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- First, I want to thank all the resident's for their input at the 3 public speaking opportunities, the informational session at Columbia and through the many emails I receive. I learned a great deal from the residents and thank them for their due diligence and making my job more thoughtful and thorough. I only wish we had more time so that more people were able to speak, however state deadlines have expedited this process and time was of the essence.
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- Secondly, last week's resolution only allows us to be considered for the siting of a gaming resort; it in no way guarantees a casino will be built in East Greenbush.
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- Furthermore, Statute does not provide for a public referendum on this issue, I have been given 2 separate legal opinions on that. If statute allowed I would have fully supported one and expressed that privately to fellow board members.
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- I've spoken to and listened to many town residents, including East
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- Greenbush teachers and administrators, both retired and current, local business owners, East Greenbush police and ems, DPW employees, Saratoga police, Saratoga court clerks, the mayor of Saratoga and received

After conferring with such a wide range individuals from such diverse backgrounds I was confident in my decision to vote yes, the residents I was in contact with weather through email, text or in person the ratio was close to 4-1 in favor.

While I'm sure many opposed to a casino would dispute that ratio, I know just as many in favor of a casino who would defend my ratio. In any event those are the opinions of the residents as conveyed to me during this process.

- Personal responsibility was a common theme brought up time and again by the residents in favor of the casino
- It's not government's role to tell people where they can spend their money; It's not any elected officials role to intrude in personal matters. I will not force anybody to visit the casino just as I will not try and preclude any one from seeking entertainment at this venue.
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- I acknowledge the negatives and the positives of this proposal and for me I felt compelled to vote in favor as I felt the negatives are controllable and often overstated.
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- If the numbers projected for jobs and revenue is a ¼ of what is estimated by the governor or the developer I will be satisfied and it will be a benefit to the community

Councilperson Matters said that Sue had stated that "this board will probably not be re-elected." Mary Ann said Keith, Debbie and herself are in it for the long haul. She advised the No Casino group to be careful of Jeff Meyer because he threatened a lawsuit to stop the board from proceeding with casino. In the end if the Town is chosen the State supersedes the town and the lawsuit won't stand and they will be out a lot of money.

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 stated at 7:15pm

Nineteen people spoke against the casino

Eileen Grant stated she had a foil request in for information on the audit and was asked to come down and look at the file, it consisted of three large binders and she didn't find what she was looking for. She stated that probably the town should do what the county did and draw a line in the sand and start with a fresh slate and go forward. She also asked if the audit will be on the website.

Tom Grant thanked Councilperson Mangold for suggested Wojeski come prior to the pre-board to fill in the board of their findings. He brought up the previous law suits against the supervisor. He then stated the whole casino plan was not transparent.

Kristine Phillips asked if there could be more police presents at Hampton Manor Lake now that school is out.

Open portion closed at 8:20 pm

One piece of correspondence from Bonnie Lester entered into file

Resolutions and Proposals by Town Board Members:

86-2014 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 May 21, 2014; 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 May 21, 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	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES

87-2014 Resolution Authorizing the Supervisor to Sign a Second Amendment to the Joint Water Agreement with Rensselaer

WHEREAS, the Town and the City of Rensselaer executed a certain Agreement of Municipal Cooperation on October 28, 1964, for the operation of a joint water district; and

WHEREAS, on or about June 20, 2008, the Rensselaer County Water and Sewer Authority issued Eight Million Five Thousand 00/100 (\$8,005,000.00) Dollars in bonds to finance certain improvements to the joint water district facilities, a portion of which the City of Rensselaer is responsible to pay to the Town; and

WHEREAS, the City now seeks to refinance its share of said bonds through the Environmental Facilities Corporation; and pay off its share of the bonds issued by the authority; and

WHEREAS, the provisions of this second amendment provide that the City shall be responsible for all costs of this refinancing transaction, and shall hold the Town harmless from any costs incurred in that transaction; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign on behalf of the Town said second amendment to Joint Water Agreement

Supervisor Langley made a motion to amend the Resolution as follows: add to the above paragraph *upon approval of the Town Attorney and Town Comptroller*. Also add the following impact statement as the 5th ¶ *Whereas WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose any significant impacts to the Town's finances.*

The foregoing motion to amend the resolution was duly moved by Supervisor Langley seconded by Councilperson Mangold and brought to a vote resulting as follows

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

The foregoing Amended 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	YES
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES

88-2014 A Resolution Accepting the Resignation for Retirement of Officer Daniel Keegan

WHEREAS, the Town Board has received a letter of resignation for retirement from Officer Daniel Keegan of the East Greenbush Police Department; and

WHEREAS, Officer Keegan has served as a Police Officer with the Town of East Greenbush since April 1991 and is a valued member of the Police Department; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the resignation for retirement of Officer Daniel Keegan, effective June 16, 2014, is hereby accepted.

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

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

89-2014 Amendment to the Appointment of Senior Liaison for 2014

WHEREAS, Janet Witbeck was appointed to the position of Senior Liaison at the Organizational Meeting; and

WHEREAS, due to scheduling conflicts, Janet Witbeck is unavailable to serve on each of the three days of Senior events, and Jessica Lansing has expressed a willingness to serve on the two days Janet Witbeck is unavailable, and

WHEREAS, that this Resolution results in no adverse financial impact to the Town inasmuch as funding for the subject position was provided in the 2014 Annual Budget; now, therefore, be it

RESOLVED, that effective immediately, Jessica A. Lansing be, and hereby is appointed to assist in the position of Senior Liaison, and Janet Witbeck will continue to serve as agreed upon, and the \$3,000 salary will be split 2/3 to Jessica Lansing and 1/3 to Janet Witbeck; and be it further

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

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	NO
Councilperson Malone	VOTED	NO
Councilperson Matters	VOTED	YES

90-2014 Town Board Request to act as Lead Agency for the Rensselaer County Plaza Recovery Sports Grill 279 Troy Road Major Site Plan

WHEREAS, Bergmann Associates, Inc. on behalf of Nigro Companies; located at 10B Madison Avenue Extension, has submitted a site plan review application for a project located at 279 Troy Road and identified on the Town's Tax Roll as Tax Parcel No. 144.-4-42; 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 this Unlisted Action;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Interested agencies under SEQRA:
 Clinton Heights Fire District #1
 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
 U.S. Army Corps of Engineers

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

Councilperson Mangold made a motion to amend the Resolution to correct the Fire District which should read **East Greenbush Fire District #3** not Clinton Heights Fire District #1

The foregoing motion to amend the resolution was duly moved by Councilperson Mangold seconded by Supervisor Langley and brought to a vote resulting as follows

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

The foregoing Amended 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	YES
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES

91-2014 A Resolution Authorizing the Expenditure of \$14,450.00 to Retain Empire State Appraisal Consultants, Inc. for Trial Ready Appraisals in Three (3) Tax Certiorari Litigation Cases

WHEREAS, the Town Tax Certiorari Counsel and Consultant have been unable to reach a settlement on the three (3) following cases:

<u>CASE NAME</u>	<u>TAX MAP #</u>
DONALD CORELLIS V. THE ASSESSOR OF EAST GREENBUSH, et al.	155.-12-2.113
CORELLIS HOLDING CORP. V. THE ASSESSOR OF EAST GREEBUSH, et al.	166.3-1
TDT REALTY CORP., V. THE ASSESSOR OF EAST GREENBUSH, et al.	166.-3-2.1

WHEREAS, trial ready appraisals on behalf of the Town must be filed by August 1, 2014, and

WHEREAS, the Assessor in consultation with the Town Tax Certiorari Counsel and Consultant to the Town have selected Stephen R. Clark of Empire State Appraisal Consultants, Inc. to conduct and prepare the necessary appraisals for the tax year 2013 at a cost to the Town as follows:

Donald Corellis	\$ 3,100.00
TDT Realty Corp.	\$ 3,700.00
Corellis Holding Corp.	<u>\$ 7,650.00</u>
TOTAL	\$14,450.00

The financial impact to the Town of this expenditure is the sum of \$14,450.00.

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose any significant impacts to the Town's finances now, be it

RESOLVED, the Town Board authorizes the following budgetary transfers to fund this settlement:

<u>Account Name</u>	<u>Budget Code</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
General Assessor CE	1355.4	\$11,469	\$14,500	\$25,969

General Contingency 1990.4 \$95,000 (\$14,500) (\$80,500)

and, be it further

RESOLVED that Town Controller, upon receipt of duly executed voucher is authorized to pay to Empire State Appraisal Consultants, Inc. the sum of \$14,450.00 for trial ready appraisals to be completed and filed on or before August 1, 2014 in conformity with the Scheduling Order of the Rensselaer County Supreme Court.

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	ABSTAIN
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES

92-2014 Appointment of Part-time Police Dispatcher

WHEREAS, the Town Board of the Town of East Greenbush seeks to maintain an adequate reserve of part-time police dispatchers to support operations in the Town's Emergency Communications Center; and

WHEREAS, the Chief of Police has recommended Mr. **Stephen R. Roberts** to be a suitable applicant; and the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that **Stephen R. Roberts** be, and the same hereby is, appointed to the position of part-time police dispatcher, consistent with all terms and conditions of this position 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 said part-time position be compensated at the rate set forth in the appropriate labor agreement.

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

Councilperson Matters	VOTED	YES
Councilperson DiMartino	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
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
Councilperson DiMartino	VOTED	YES

Respectfully submitted,

Linda Kennedy, Town Clerk

Meeting closed 8:40 pm