



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

BOARD MEETING AGENDA

Wednesday, November 14, 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

Linda Kennedy, Town Clerk stated the clerk's office has received reports from the following departments and will be on file for review: Assessor, Receiver, Building, Police, Town Clerk and Supervisor.

Councilperson Matters congratulated Mary Pat Donnelly for winning the election and is now Town Justice. He also mentioned that Matt Mastin is leaving us to employment with the State and he will be missed. He was hired as IT manager and picked up where Jim Moore left off as planner.

Councilperson Mangold shared Rick's thoughts.

Councilperson O'Brien also shared their congratulations, she also commended the first responders in the wake of Sandy. She also thanked all the Veterans. She had more sad news to share that more town employees have passed, Jay Amodeo, who worked in the Court and Ernie Hotaling who was bingo inspector. She mentioned that Saturday November 24 is small business day and try to support our local small businesses. She stated that Dave Wojeski's office is again this year sponsoring his Holiday Party it will be at the Phillips Road Fire House the donations go to Concerns U.

All the board thanked Jack Conway for his service on the Ethics committee.

Open portion at 7:10 pm

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.

- Tom Grant commented on the supervisor salary. Jim Brieg stated his salary was not raised it was his sick leave.
- Eileen Grant inquires about resolution 171 asked if the project was going to be a total of \$14 million dollars, Mary Beth Biancone explained the resolution and the money and the timeline. The maximum amount that can be bonded is \$14 million and to save from having to go through all the preliminary steps put in for the max and only use what is needed.
- 3) Jean Wilson inquired about the tax certs, Joe Liccardi explained what they were.
- John Stephenson stated that it appears that the County is not being agreeable regarding the hooking up of the sewer and also wanted to know if the solar panels needed to be moved? Phil Malone stated yes but maybe only one and it was easy to do. John also inquired about Regeneron's expansion and wanted to know why they can when there was a moratorium on sewer hook ups. Phil Malone stated that Regeneron is hooking up with Rensselaer Co.

Open portion closed at 7:45 pm

Resolutions and Proposals by Town Board Members:

Resolutions proposed by the Town Board Members:

162-2012 A Resolution to Approve of Minutes of the October 17, 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 October 17, 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 October 17, 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	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN

163-2012 A Resolution to Fill a Vacancy on the Ethics Board

WHEREAS, John J. Conway, Councilperson O'Brien's appointment to the East Greenbush Town Board of Ethics (hereinafter, Ethics Board), has resigned from the Board, 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, Councilperson O'Brien hereby appoints Berthlynn J. Terry, Esq. as her appointment to the Ethics Board;

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

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

164-2012 Adoption of Annual Budget for the Fiscal Year 2013

WHEREAS, the Town of East Greenbush's Preliminary Budget for the year 2013 has been on file with the Town Clerk as required by law; and

WHEREAS, pursuant to legal notices, the Town Board held a Public Hearing on November 8th, 2012, in connection with its proposed adoption of the Preliminary Budget for 2013 and all comments were duly noted by the Town Board in consideration of such adoption; and

WHEREAS, no additional comments from the public have been submitted on the Preliminary Budget and said budget is ready for approval; now therefore

BE IT RESOLVED, that the 2013 Preliminary Budget as amended be adopted by the East Greenbush Town Board as the Annual Budget for fiscal year 2013.

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

Councilperson Mangold	VOTED	YES
Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	NO
Councilperson Malone	VOTED	YES

165-2012 Schedule a Public Hearing to enact a Local Law to adjust the salaries of elected officials for 2012

WHEREAS, salaries of elected officials set forth in the notice for the 2012 preliminary budget did not contain total compensation that all full time Town employees are eligible for, necessitating the need to adopt a local law to amend the official salaries to properly reflect total compensation; and

WHEREAS, the town comptroller has heretofore attest that none of the provisions of this resolution shall pose an adverse impact to the Town's finances; now, therefore,

BE IT RESOLVED, that pursuant to New York municipal home rule law § 20, subd. 5, a public hearing regarding the enactment of local law to provide for the proposed Amendments be, and the same hereby is, scheduled to be held on December 19, 2012 at 6:30pm at the East Greenbush Town Hall; and

BE IT FURTHER RESOLVED, that the Town Clerk shall cause notice of such hearing to be published in the Town designated newspaper and in the manner prescribed to meet the statutory requirement thereof, not less than ten, nor more than twenty, days prior to the date specified for the hearing.

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

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

166-2012 Resolution to Authorize 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 Building Inspector to declare the following equipment as surplus; and **WHEREAS**, said equipment includes:

#73 2000 Jeep Cherokee VIN# 1J4FF48SXYL145220

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 and in the custody of the East Greenbush Building Department.

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

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

167-2012 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled First Niagara Bank vs. Town of East Greenbush

WHEREAS, First Niagara Bank, 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 **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 years 2011 and 2012, as follows:

Property Address		602 North Greenbush Road	
Tax ID No.		144.2-5-5./2	
Final Tax Assessment Roll	Assessment	Reduced Assessment	Total Reduction
2011	\$1,575,000.00	No Change	No Change
2012	\$1,575,000.00	\$1,150,000.00	\$425,000.00

Property Address		621 Columbia Turnpike	
Tax ID No.		166.15-7-6	
Final Tax Assessment Roll	Assessment	Reduced Assessment	Total Reduction
2011	\$1,725,000.00	No Change	No Change
2012	\$1,725,000.00	\$1,350,000.00	\$375,000.00

WHEREAS, the Settlement and Order will provide that the County pay the Town share of the refund and charge back the Town in the next years tax levy; 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 O'Brien and brought to a vote resulting as follows:

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

168-2012 A Resolution Approving and Authorizing 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 Assessors 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
609 Columbia Turnpike	166.15-6-4	\$2,640,000	No Change	No Change

2012

Property Address	SBL No.	Assessment	Reduced Assessment	Total Reduction
609 Columbia Turnpike	166.15-6-4	\$2,640,000	\$1,825,000	\$815,000

WHEREAS, the Settlement and Order will provide that the County pay the Town share of the refund and charge back the Town in the next years tax levy; now therefore

BE IT RESOLVED, that the above captioned tax certiorari proceedings be settled in the amounts and for the years set forth above, and that the 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 O'Brien and brought to a vote resulting as follows:

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

169-2012 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled Jeffrey and Nichole Mazurowski vs. Town of East Greenbush

WHEREAS, Jeffery and Nichole Mazurowski, 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
721 Luther Rd.	156.-3-34.6	\$345,000.00	\$320,000.00	\$25,000.00

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 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 was duly seconded by Councilperson O'Brien and brought to a vote resulting as follows:

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

170-2012 Appointment of Bond Counsel for New York State Environmental Facilities Corporation (EFC) Funding

WHEREAS, the Town requires professional services of a Bond Counsel in connection with the issuance of general obligation bonds or notes with NYS EFC Clean Water State Revolving Fund for the funding of an upgrade to the Town's Wastewater Treatment Plant; now therefore

BE IT RESOLVED, that the procurement of professional services, as per Retainer Letter, to be provided Hiscock & Barclay, LLP as an independent contractor to the Town, be, and the same hereby is, approved; and be it further

RESOLVED, that the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute a professional services agreement with Hiscock & Barclay immediately following its approval by the Attorney for the Town.

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

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

171-2012 Adoption the Bond Resolution

BOND RESOLUTION DATED NOVEMBER 14, 2012 OF THE TOWN BOARD OF THE TOWN OF EAST GREENBUSH AUTHORIZING NOT TO EXCEED \$14,000,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE RECONSTRUCTION OF THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF THE TOWN

OF EAST GREENBUSH, AT AN ESTIMATED MAXIMUM COST OF \$14,000,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUMS FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as "SEQRA"), the Town Board of the Town of East Greenbush (the "Town") has examined the Environmental Assessment Form prepared in connection with the Purpose (as defined below) in order to classify the Purpose and has determined that the Purpose constitutes a "Type II" action as that term is defined under SEQRA, and therefore no further review is required;

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose any impact to the Town's finances for the current fiscal year. Final financial impact (including, but not necessarily limited to, tax-levy and user-fee impact) to future years will be determined as the project details are developed and final financing is approved in subsequent Board action(s);

NOW THEREFORE BE IT RESOLVED BY THIS TOWN BOARD AS FOLLOWS:

Section 1. The Town shall reconstruct the Town wastewater collection and treatment system, at a maximum cost of \$14,000,000, as more particularly described in Section 3 hereof.

Section 2. The Town is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount of not to exceed \$14,000,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the "Purpose") is the reconstruction of the Town wastewater collection and treatment system, including, but not limited to, reconstruction of the wastewater treatment plant, pump stations and sanitary sewer collection system, including costs incidental thereto.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Town Board, is \$14,000,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose, and (c) the Town plans to finance the cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 5. It is hereby determined that said Purpose is an object or purpose described in subdivision 4 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said Purpose is 40 years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Supervisor of the Town, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

Section 8. The faith and credit of the Town of East Greenbush, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Town's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes

herein authorized. The Town shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution is adopted subject to a permissive referendum pursuant to Section 35.00 of the Local Finance Law and Section 90.00 of the Town Law. The Town Clerk is hereby authorized and directed within ten (10) days after the adoption of said Resolution, to cause to be published a notice which sets forth the date of the Resolution's adoption and contains an abstract of the Resolution concisely stating its purpose and effect.

Section 11. The law firm of Hiscock & Barclay, LLP is hereby appointed as bond counsel in connection with any Bonds and bond anticipation notes issued to finance the Purpose in accordance with their Engagement Letter dated November 7, 2012. (As set in Resolution 170-2012)

Section 12. When effective, this Resolution shall be published in full by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Town. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 13. This Resolution shall take effect upon the earlier of (a) the expiration of the time for filing a petition requesting that the issuance of the Bonds be submitted to referendum or (b) a positive vote upon the referendum authorizing the issuance of the Bonds.

Councilperson Matters made a motion to amend the wording in the above resolution with the correction of the word *dent* to *debt* in Section 7. The section will now read:

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining *debt* service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Supervisor of the Town. The Supervisor of the Town is hereby authorized to sign and the Town Clerk is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Town.

The motion to amend was made by Councilperson Matters and seconded by Keith Langley and brought to a vote as follows:

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

THE FOREGOING AMENDED RESOLUTION was duly moved by Supervisor Langley and duly seconded by Councilperson Matters and brought to a vote resulting as follows:

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

172-2012 A Resolution to Set the Transfer Station Rates for 2013

WHEREAS, it is required to establish policies and rates to be charged for the use of the East Greenbush Transfer Station; and

WHEREAS, the Town is faced with increased costs to operate the Transfer Station; and

WHEREAS, after careful review by the Town Comptroller, DPW, and the Town Board a new fee schedule has been recommended; now therefore

BE IT RESOLVED, that the attached polices and rates be effective for the year 2013.

THE FOREGOING RESOLUTION was duly moved by Councilperson Malone and duly seconded by Councilperson Mangold and brought to a vote resulting as follows:

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

173-2012 A Resolution Authorizing the Settlement of all Pending Litigation entitled Regeneron Pharmaceuticals Inc. vs. Town of East Greenbush

WHEREAS, there has been ongoing litigation between Regeneron Pharmaceuticals, Inc. and the Town of East Greenbush over the assessment of the Company's two (2) commercial buildings located at 81 Columbia Turnpike and 1 CSC Way, as well as special district assessments for these properties, and

WHEREAS, after several appeals, Regeneron has prevailed with respect to certain issues litigated herein, resulting in a refund due the Company in an amount not yet determined, and

WHEREAS, Regeneron and the Town through respective litigation counsel, have agreed on a sum of \$90,000.00 payable within 30 days of notice of entry of the Order approving this stipulation, and

WHEREAS, Regeneron has agreed, as part of this Settlement to contribute \$286,040.07 toward the Town's engineering costs associated with the cost of its sewer plant upgrade and renovation, and

WHEREAS, the parties have also agreed that the Town will provide an easement beneath Discovery Way for Regeneron's sewer hookup to the Rensselaer County Sewer District line to be constructed, and

WHEREAS, as an additional term of the Settlement the Parties have agreed that the assessment of both parcels combined shall be in the sum of 25 million dollars for special district purposes for the duration of the PILOT Agreement, and that Regeneron shall pay special district charges on fire, library, rescue and sewer districts based on such valuation, now

THEREFORE BE IT RESOLVED, that the Town's special tax certiorari counsel is hereby authorized to settle and discontinue all pending litigation with Regeneron Pharmaceuticals, Inc. with respect to 81 Columbia Turnpike and 1 CSC Way in accordance with the terms and conditions hereinabove set forth in this resolution.

THE FOREGOING RESOLUTION was duly moved by Supervisor Langley and duly seconded by Councilperson Malone and brought to a vote resulting as follows:

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

174-2012 SEQR Determination Regeneron Pharmaceuticals Building #12 Site Plan

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Regeneron Pharmaceuticals Site Plan, Building #12, Tax Parcel No. 155.-1-4.131, prepared by Stantec Consulting Services; and

WHEREAS, the application was accompanied by a proposed site plan, Part 1 of a Full Environmental Assessment Form (øEAFö) and other supporting information; and

WHEREAS, upon the recommendation of the Town Planning Board the Town Board determined the proposed project was an Unlisted Action and conducted a coordinated SEQRA review for the Project; and

WHEREAS, the Town Planning Board, after considering the comments and opinions of the Project Review Team and Planning Board's Designated Engineer, and after reviewing the proposed site plan, took a øhard lookö 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 the Town Board issue a Negative Declaration under SEQRA; and

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.

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

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

175-2012 Site Plan Approval – Regeneron Building 12

WHEREAS, the Town has received an application for a project known Regeneron Building 12. Project located at 81 Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.131; and

WHEREAS, the application was accompanied by a site plan, a long Environmental Assessment Form (øEAFö) and other supporting information; and

WHEREAS, the Town Board as Lead Agency issued a Negative Declaration for the project on November 14, 2012; Resolution #174-2012 and

WHEREAS, the Town Planning Board has reviewed the application materials and submitted the application materials to the Project Review Team for technical review, and the site plan has been revised in response to various concerns raised by the Town Planning Board and the Project Review Team; and

WHEREAS, based on its review, the recommendations of the Project Review Team and the revisions made to the site plan, the Town Planning Board has recommended approval of the site plan with certain conditions; and

WHEREAS, the Town Board has reviewed the site plan application materials and the recommendation of the Town Planning Board;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the final Site Plan of the Project subject to the following conditions:

- All remaining fees and escrow are paid to the Town.

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 O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN

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	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Mangold	VOTED	YES

Respectfully submitted,

Linda Kennedy, Town Clerk
Meeting adjourned 8:30 pm