



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING

AGENDA

March 19, 2014

Call to Order 7:00 PM
Pledge to the Flag
Town Board Meeting:

Members of Town Board

Present Absent

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supervisor Langley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Mangold
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson DiMartino
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters

Communications / Announcements / Reports

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

Councilperson Malone: stated that the 9 & 20 paving project will be starting in the spring from Route 4 to Schodack. He also stated that new business are coming to town at the old McDonald site will be a dialysis office and Starbucks will be going into the old KFC.

He stated that he has proposed a resolution to appoint Andrea Smyth to the CFAC committee.

Phil also stated that he had concerns regarding how short the pre-board was. Phil also questioned why resolution #49 was on the agenda.(Solid Waste) Dave Gruenburg, Town attorney, explained what this was all about.

It is an agreement for the Town to comply with the Solid Waste Management plan for the Capital Region Solid Waste Management Partnership. Dave stated this was initiated in 2011 we had the public hearing and a resolution was passed but never filed with the State. In order for us to be in compliance with solid waste separation we have to start all over.

Also regarding Board of Ethics terms of office were not set, Phil feels that names should be put in a hat and Linda Kennedy, Town Clerk should pick.

Phil mentioned a letter that went out to residents of Red Mill Estates regarding hooking up water. Phil feels that this is political because Tom Kennedy brought up hooking these people up two years ago and the letter states that this is a new idea on Supervisors letterhead.

Councilperson Matters stated that the first meeting of the Ethics Board will be meeting on March 20 at 7:30 at the Town Hall.

Councilperson Mangold asked for a moment of silence for the lost Malaysian Airliner

Sue stated that she attended the Education Foundation Event and had a wonderful time. She mentioned that Seussical the Musical will be Columbia this weekend. Sue thanked Chief Lavin for all the hard work his department has done on arrests. Sue asked George for year to date figures and have not received them yet.

Councilperson Mangold gave a written statement of corrections for last weeks meeting and wants them added to the minutes:

In reference to resolution 37. Sue Mangold requested to table resolution as she was not provided with resumes for the Board of Ethics appointments; she also questioned the appointment of the Deputy Supervisor to the board, as he is in a position to oversee all employees. Phil Malone expressed concerns over the majority selecting all appointments, in previous years each board member was given an appointment.

In reference to resolution 38- 2014: Councilperson Mangold had questions on purchasing a vehicle sight unseen. She also had questions on where the DPW budget was year-to-date as she has not been provided any financial reports for the current year. Councilperson Mangold also questioned the comparison costs of brand new vehicles to a used vehicle. Councilperson Malone agreed.

Resolution 39 -2014: Councilperson Malone stated that we are on a slippery slope in settling employment law suits. He had concerns over insurance costs increasing due to the suit, and also taking money from contingency funds to pay for the suit. He agreed with Councilperson Mangold that at a minimum we should require employee management training for department heads and anyone else in charge of hiring and firing.

Councilperson DiMartino: Commented on Jessie Lansing from Community and Rec. for getting her department is on facebook.

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 7:15pm

- 1) Jack Conway stated that he was not going to stalk the new ethics board however, whenever their business becomes before the town board he will then speak. He wants to make sure the public's interest is met. That the board is for the benefit of the residents and not the Town Board for political find. He also doesn't feel that Ed Gilbert can separate politics and be non-political and being a deputy town supervisor can address employees concerns. He feels that Ed should rescind the appointment.
- 2) Ed Gilbert stated he understands Jacks concerns and feels he can do the job and separate the two.
- 3) Liz Tice stated that she doesn't feel a person who works for the town should serve on the ethics board.

Open portion closed at 7:30 pm

Resolutions and Proposals by Town Board Members:

44-2014 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 February 19, 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 February 19, 2014, 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
Councilperson DiMartino	VOTED	YES

45-2014 A Resolution to Approve Special 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 special Town Board Meeting held on March 14, 2014 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 special Town Board Meeting held on March 14, 2014, 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
Councilperson DiMartino	VOTED	YES

46-2014 Authorization to Conduct a Public Auction of Surplus Equipment

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York has received a request from the Building Inspector to declare the following equipment as surplus; and

WHEREAS, said equipment includes:

2000 Jeep (VIN 1J4FF4SXYL145220)

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 Matters seconded by Councilperson DiMarino 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

47-2014 Resolution Authorizing the Town of East Greenbush to Issue a Refund from the General Water and Third Ave Sewer Districts

WHEREAS, the Town has received a request for a refund from the Water Department, and

WHEREAS, there was an error in the way the meter readings were carried over into our billing program for Account #172, property address, 278 Troy Road, owner, Rhinebeck Realty LLC; and

WHEREAS, as a result of this error, there were over-charges for the water-sewer bills dated May 2013, August 2013, November 2013 and February 2014; and

WHEREAS, according the corrected calculations this account was under the minimum usage of 10,500 gallons for a 3 month usage period for all four billing periods stated above, and a minimum charge per quarterly billing is \$35.00/water and \$22.50/sewer; now, therefore, be it

RESOLVED, that a refund of \$6,114.31 from the General Water District and a refund of \$4,127.13 from the Third Avenue Sewer District be sent to:

Rhinebeck Realty LLC
c/o BJ Adams Management
Attn: Tom Healslip
PO BOX 752

	General Water	Third Ave Sewer
Total Over-charged Billing	\$6,254.31	\$4,217.13
Corrected Adjustments	(\$35 x 4 billings) \$140.00	(\$22.50 x 4 billings) \$90.00
Requested Refund	\$6,114.31	\$4,127.13

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

48-2014 Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled CARL SCHILLING v. TOWN OF EAST GREENBUSH

WHEREAS, CARL SCHILLING has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 244127 now pending for the year 2013/2014, regarding property known as 709 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 Assessorø 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
177.8-5-8	\$400,000.00	\$325,000.00	\$75,000.00

WHEREAS, the settlement shall provide that the Petitioner shall waive the right to any refund from any taxing jurisdiction and that the reduced assessment shall apply prospectively upon the 2014 tax roll, 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 Matters seconded by Councilperson DiMartino and brought to a vote as follows:

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

49-2014 Resolution of the Town Board Town of East Greenbush to Comply with the Solid Waste Management Plan for the Capital Region Solid Waste Management Partnership

WHEREAS, in order to promote the public health, safety and welfare and further the purposes of the New York State policy on solid waste management articulated in New York Environmental Conservation Law § 27-0106, the Town of East Greenbush is a member of the Capital Region Solid Waste Management Partnership Planning Unit (øPlanning Unitö), formerly the Albany New York Solid Waste Energy Recovery System (ANSWERS) Solid Waste Management Planning Unit; and

WHEREAS, on behalf of the Planning Unit, and with the guidance of a Steering Committee consisting of representatives from each municipality in the Planning Unit, among other stakeholders, the City of Albany had prepared a Solid Waste Management Plan (SWMP) which had been submitted for acceptance to the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the City of Albany Common Council was designated Lead Agency for the review of the Draft SWMP pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the City of Albany prepared a Final Generic Environmental Impact Statement

(FGEIS), including responses to all comments received during the public comment period, in accordance with SEQRA regulations 6 NYCRR 617.10 and submitted a copy of the FGEIS to each member of the Planning Unit; and

WHEREAS, the City of Albany Common Council passed a resolution on February 7, 2011 declaring the FGEIS complete in accordance with SEQRA regulations 6 NYCRR 617.10; and

WHEREAS, the City of Albany Common Council, as Lead Agency, passed a resolution on March 11, 2011 in which it adopted a Statement of Findings pursuant to 6 NYCRR Part 617.11 of the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of East Greenbush accepted and adopted the FGEIS, SWMP and Findings Statement adopted by the City of Albany Common Council, and agreed to accept and adopt those documents as representing the long-term plan for the Planning Unit; and

WHEREAS, the Town of East Greenbush extended its membership in the Planning Unit by authorizing the Mayor to enter into and execute the Intermunicipal Agreement with the members of the Planning Unit; and

WHEREAS, in response to comments received from the New York State Department of Environmental Conservation on September 26, 2012, the City of Albany submitted a Revised Draft Solid Waste Management Plan to the NYSDEC on October 7, 2013; and

WHEREAS, the City of Albany has submitted a 2-volume Solid Waste Management Plan (SWMP) dated January 2014 which contains all of the changes agreed to by the NYSDEC and which have been deemed approvable, pending the Common Council, as Lead Agency, filing an amended findings statement; and

WHEREAS, by Resolution dated March 3, 2014, the City of Albany Common Council, as Lead Agency, accepted and adopted the Solid Waste Management Plan dated January 2014 as Final and authorized that it be submitted to the New York State Department of Environmental Conservation as representing the long-term plan on behalf of the Capital Region Solid Waste Management Partnership Planning Unit; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby accepts and adopts the Solid Waste Management Plan dated January 2014 as the long-term plan for the Planning Unit and be it further

RESOLVED, that the Town of East Greenbush will implement the solid waste management programs, projects and plans as identified in the final Solid Waste Management Plan dated January 2014.

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	YES
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES

50-2014 Resolution Requiring Town Board Approval of All Non-Payroll Expenditures and Charges on a Monthly Basis

WHEREAS, when the Town of East Greenbush operated in the past without the benefit of a Town Comptroller, the Town Board approved all expenditures and charges on a monthly basis; and

WHEREAS, this practice contributed to the accountability and transparency under which the Town of East Greenbush operated; and

WHEREAS, the Town Board has determined that the Town Board should resume the practice of approving all expenditures and charges on a monthly basis and that the residents of East Greenbush should again be provided a monthly accounting of all said expenditures and charges, now therefore be it

RESOLVED, that the Town Comptroller shall compile a listing of all non-payroll expenditures and charges of the prior month for approval by the Town Board at its regularly scheduled monthly Town Board Meeting; and be it further

RESOLVED, that copies of said listing of all non-payroll expenditures and charges of the prior month will be available for these members of the public attending such regularly scheduled monthly Town Board Meetings, and be it further

RESOLVED, that a copy of said listing of all non-payroll expenditures and charges of the prior month as approved by the Town Board shall be posted on the Town web site within five (5) business days after such approval.

The foregoing 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 DiMartino	VOTED	NO
Councilperson Matters	VOTED	NO

51-2014 Resolution for Proposed Local Law #1 of the Year 2014 to Amend Article III Section 30.23 Solid Waste Management Recycling

WHEREAS, by Resolution 53-2009, the Town Board resolved to consider amending Article III Section 30.23 in relation to source separating recyclables; and

WHEREAS, a Public Hearing was held on this issue on July 8, 2009, but no action was taken to amend said section; and

WHEREAS, the Town Board wishes to hold a Public Hearing on a proposed Local Law to amend said section; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush shall hold a public hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York, on the 16th day of April, at 6:40p.m., to consider amending its existing Ordinance, Article III, Solid Waste Management Recycling (adopted 7/10/1991 as LL No. 2 for 1991); and it is further

RESOLVED, that the Town Clerk is directed to post and publish proper notice of such public hearing.

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

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

52-2014 Resolution Authorizing Supervisor Langley to Sign a Certain Settlement Agreement and Mutual Release Between Niagara Mohawk Power Corporation d/b/a National Grid and the Town of East Greenbush

WHEREAS, the Town entered into a certain contract to audit the charges imposed by National Grid for street lights; and

WHEREAS, that audit has produced evidence of overbilling, and National Grid is now offering to reimburse the Town in the sum of \$67,066.34 for such overbilling; now, therefore, be it

RESOLVED, that Supervisor Langley is authorized to sign a certain settlement agreement and mutual release between Niagara Mohawk Power Corporation d/b/a National Grid and the Town of East Greenbush for the sum of \$67,066.34

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

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

53-2014 Resolution Nunc Pro Tunc To Accept Dedication of Roads, Easements and Infrastructure

WHEREAS, Rosewood Kriss Development LLC was the titled owner of certain real property located in the Town of East Greenbush which was part of the Pheasant Run (Forrest Ridge) Development, also known as the Kriss thirty-four (34) lot subdivision, which included the proposed roads known as Kriss Crossing and Leadholm Court, and

WHEREAS, the subdivision referenced above received a full review by the Town of East Greenbush Town Board and Planning Board, as well as Building and Planning Departments, and all

necessary public hearings were conducted and such subdivision was approved by the Town of East Greenbush, and

WHEREAS, James Moore, AIA, Director of Planning for the Town of East Greenbush, carefully reviewed all issues related to the dedication of roads, easements and infrastructure for the subject subdivision, as set forth in the attached correspondence dated September 18, 2008, December 17, 2008, and April 21, 2009, and Mr. Moore having recommended acceptance of dedication of the roads, easements and infrastructure relating to the subject subdivision, and

WHEREAS, Rosewood-Kriss Development LLC having recorded a Street Deed for Kriss Crossing and a Street Deed for Leadholm Court in the Office of the Rensselaer County Clerk on May 9, 2011, whereby such roads were transferred to the Town of East Greenbush, and

WHEREAS, copies of such recorded Deeds were received and filed by the Town Clerk of the Town of East Greenbush on May 16, 2011, and such roads were thereafter duly listed as official Town roads of the Town of East Greenbush, and

WHEREAS, it appearing that a formal Resolution was never adopted by the Town Board of the Town of East Greenbush officially accepting dedication of the roads, easements and infrastructure of the subject subdivision, and good cause appearing for the acceptance of such dedication, nunc pro tunc, at this time, therefore

BE IT RESOLVED, that the dedication of the roads, easements and infrastructure of the aforementioned subdivision, nunc pro tunc, is hereby approved and accepted by the Town Board of the Town of East Greenbush as of May 9, 2011, the date of filing with the Office of the Rensselaer County Clerk of the Street Deeds involved herein.

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

54-2014 Town Board Request to Act as Lead Agency for the Integrated Liner Technologies, Inc.45 Discovery Drive-Warehouse Addition Major Site Plan

WHEREAS, James Crouch Jr., on behalf of Paul Petrosino otherwise known as Integrated Liner Technologies, Inc.; located at 45 Discovery Drive, has submitted a site plan review application for a project located on Discovery Drive and identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.24; and

WHEREAS, the application was accompanied by a proposed site plan, a Short 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;

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
U.S. Army Corps of Engineers
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
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 DiMartino 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

55-2014 A Resolution Appointing Andrea Smyth to the Citizens Fiscal Advisory Committee

WHEREAS, every member of the Town Council has one member to appoint to the Citizens Fiscal Advisory Committee; and

WHEREAS, Councilman Malone chooses Andrea Smyth to serve as a member of that committee; and

WHEREAS, Andrea Smyth is duly qualified and eager to serve our community; and

WHEREAS, it is in the best interest of the town to have a full and functioning CFAC; now therefore be it

RESOLVED, that Andrea Smyth is hereby appointed to the Citizens Fiscal Advisory Committee effective immediately.

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

Councilperson Malone	VOTED	NOT VOTING
Councilperson Mangold	VOTED	YES
Supervisor Langley	VOTED	NO
Councilperson DiMartino	VOTED	NO
Councilperson Matters	VOTED	NO

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	NO VOTE
Councilperson DiMartino	VOTED	YES

Respectfully submitted,

Linda Kennedy, Town Clerk
Meeting adjourned at 7:50pm