



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA

July 16, 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 Town Clerks office has received reports from the following departments and they will be on file for review: Town Clerk, Receiver of Taxes, Youth, Building and Police.

Councilperson Matters read the following notice: I hereby announce that, effective Monday, July 21, 2014 I will have resigned as liaison to the Ethics Board until such time as the Deputy Supervisor is no longer serving on the Ethics Board. Over time, I have come to realize that the serious concerns that former ethics board member Jack Conway expressed about the Deputy Supervisor's appointment to the Ethics Board were, in fact, legitimate. Therefore, I no longer support this Ethics Board appointment; However, I would be happy to support a suitable replacement for the Deputy Supervisor on this Board if any individual could be identified who is also, in accordance with the Town's Ethics Code, a Town Employee. Additionally, and for the record, Ms. Berthlyn Terry resigned from the Ethics Board effective June 19, 2014 (notification submitted) so a replacement will be needed for her as well. I will reach out to Ms. Terry prior to Monday to formally thank her for her service. Signed Mary Ann Matters

Councilperson DiMartino stated that MUSIC IN THE PARK will start on August 5 to August 26 6 to 8 pm at Onderdonk Park. Also Saturday in the Park will be Sept. 13 11 am to 4 pm booth rental is \$25.00

The youth department has tee shirts on sale for \$10 each and sling bags for \$8.00 these items can be purchased at the youth office or at summer camp.

Supervisor Langley stated that the last resolution ( not numbered) was withdrawn by the applicant. Therefore, there won't be any discussion on this.

Open portion started at 7:05 pm

**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.

- 1) Jack Conway thanked Councilperson Matters stating she did the right thing, he feels Mr. Gilbert is a good man however should not be on the Ethics committee. B) Still against casino and feels it should not be allowed because none of the promises they pitched are coming thought. He understands that they are only suspending project for short time but during that time asked the board to do their homework.
- 2) Eileen Grant at special meeting comments were limited. She thanked the board members that explained why they voted for the casino. She stated that Councilperson Matterø's statement but is a good thing. She stated she is still disappointed that there isn't any move on the audits.
- 3) Don Johnson stated he received the answer to his foil request but it really didn't answer what he wanted, he wanted an analysis of net cost to the town. He also wanted an executive summary from the developer on the casino.
- 4) Bonnie Lester thanked Eileen, Jack and Don on the way they spoke and what they said. She stated that she was upset the Deputy Supervisor is blogging and is inappropriate.
- 5) Tom Grant thanked Councilperson Matters for her resignation. He stated that there was a 5/0 vote on the resolution on just to allow the casino then again for site specific only four members stated why they voted as they did.
- 6) Jeff Meyer thanked the board for the withdrawal of the PDD resolution. And stated he wants to know what wording was missing from the original PDD application.
- 7) Lindsey Childrose wants to know why Prospect Heights and Hampton Manor are considered poverty level. She also stated that there were condos build in Prospect Heights without the required building permits. While they were constructing these homes they have incurred water and gas leaks and flooding at the expense of the homeowners.
- 8) Ed Gilbert stated the statement was wrong he never mentioned Dwight Jenkins. He stated that he cannot control the applicant withdrawal of the application. He also stated that 12 to 15 people look over any complaint (ethics board) he feels that throws out any form of confidentially. He was voted chair no one else would take it.
- 9) Bonnie Kenna was upset when she learned that she lived in a distressed area. She also feels that a representative of the town should not have a blog site, and there is too much attacking other.
- 10) Lee Cookson stated that it was not classy for Mr. Gilbert to speak out against another board member. He also stated that it isn't appropriate for a member of the board of ethics to write letters in the paper or on blogs.
- 11) Lori Smith stated that she is against the casino and what was written on the blog.
- 12) Ann Taylor respects Councilperson Matters decision to resign. She is against the casino not because of Jenkins but because of the zoning, and she is proud that we don't meet the poverty level.
- 13) Dwight Jenkins stated he feels awkward having his name tossed around. Thinks the supervisor has a problem with Ed Gilbert as Deputy Supervisor, he feels Ed does all the

talking for Keith. He stated that he doesn't feel you should mock or correct constituents in public.

- 14) Sue Aonardo was glad that Councilperson Matters opening statement was a ray of sunshine, she stated that she feels the board stopped listening back in November. Sue stated that Keith should be informing the public on what is happening not Ed Gilbert, and he should take down his blog.
- 15) Mary Beth Earley the executive summary on the casino was a piece of tripe. She also feels that way it was written was badly written both in grammar and punctuation. She also stated that the Casino people don't know a thing about the town. She also stated that she feels Cuomo has a big hand in the casino.
- 16) Theresa Murphy doesn't feel town needs a casino
- 17) Glen Sanders wants the board to do their homework on the casino while they have the chance.
- 18) Quinton Curtis it doesn't matter who is running the town board they never bad mouthed each other before this year. The board is supposed to make the residents feel comfortable.
- 19) Kara Benson concerned that the casino is have an influence on the money in politics.
- 20) Richard Kline is not opposed to a casino only to the site.
- 21) Ann Finch is concerned with the appearance where there is a 5 out of 5 in favor of a vote.

Open portion closed at 8:15 pm

### **Resolutions and Proposals by Town Board Members:**

#### **93-2014      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 June 18, 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 June 18, 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	ABSENT
Councilperson Malone	VOTED	ABSENT
Councilperson DiMartino	VOTED	YES

**94-2014 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 June 12, 2014, which was to consider a site specific resolution for a casino in the Town of East Greenbush, 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 June 12, 2014, are hereby approved as submitted.

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	ABSENT
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES

**95-2014 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 one vehicle:

**2007 Ford Expedition 1FMFU16537LA93771**

**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 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	ABSENT
Councilperson Malone	VOTED	ABSENT

**96-2014 A Resolution to Approve the Pay Rate Adjustments of Community and Recreation Staff for the Summer of 2014**

**WHEREAS**, the Community and Recreation Department has been advised by the Rensselaer County Health Department that an additional on-site Assistant Medical Director, as well as new Lifeguard certifications are now required; and

**WHEREAS**, Andrew Jaromin, Camp Counselor, and Erika Fiacco, Camp Counselor, have agreed to and have acquired proper certifications for these foresaid positions; and

**WHEREAS**, the Town Comptroller has certified that this proposed Town Board action shall pose no adverse impact to the Town's finances; now therefore, be it

**RESOLVED**, that the summer staff listed below have adjustments made to their current hourly rate to be within pay rates for stated job titles.

Andrew Jaromin	Assistant on-site Medical Director	\$9.50/hour
Erika Fiacco	Lifeguard	\$9.50/hour
<i>(Erika - 2 days per wk &amp; field trips only)</i>		

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	ABSENT
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES

#### **97-2014 A Resolution to Authorize Certain Paving Expenses**

**WHEREAS**, in accordance with Town Policy and General Municipal Law, all Town expenses of more than \$10,000 require Town Board approval, and

**WHEREAS**, the Commissioner of Public Works and the Town Supervisor have reviewed the needs of the Town and determined the following pavement preservation projects will be completed this year:

- Cobblers Lane - Hot mix overlay
- Fiddlers Lane - Single chip seal
- Tanners Lane - Single chip seal
- Jefferson Avenue - Hot mix overlay
- Washington Avenue East - Hot mix overlay
- Dailey Place - Hot mix overlay
- Meadow Street - Hot mix overlay
- Portion of Forest Drive - Hot mix overlay

**WHEREAS**, the Commissioner of Public Works states that the estimates for the work, at State rate, will not exceed \$147,226.79. This amount of the accumulative of 2014 CHIPS funding, extreme winter recovery and the remaining 2013 balance.

**WHEREAS**, the Town Comptroller certifies that all expenses are made utilizing Rensselaer County Contract pricing and are in the 2014 budget as stated; now therefore, be it

**RESOLVED**, that the Commissioner of Public Works is hereby authorized to approve paving expenses not to exceed \$147,226.79 for pavement preservation of the aforementioned Town roads.

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	ABSENT
Councilperson Malone	VOTED	ABSENT
Councilperson DiMartino	VOTED	YES

**98-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled KEYBANK NATIONAL ASSOCIATION v. TOWN OF EAST GREENBUSH**

**WHEREAS**, KeyBank National Association has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 243813-2013 now pending for the year 2013, regarding property located at Troy Road Walmart Plaza, as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, site evaluation of the premises, current lease, 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 value for the year 2013, as follows:

<b>Tax Identification Number</b>	<b>Current Assessed Value</b>	<b>Reduced Assessment</b>	<b>Total Reduction</b>
<b>144.00-4-42.13</b>	<b>\$734,400.00</b>	<b>\$700,000.00</b>	<b>\$34,400.00</b>

**WHEREAS**, the settlement will have no impact on the finances of the Town, as the Petitioner is waiving any refund, it is now

**RESOLVED**, that the above captioned tax certiorari proceeding be settled in the amounts and for the year 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 resulting as follows:

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

**XX-2014 Resolution Authorizing the Signing of a Stipulation of Agreement with Capital View Casino and Resort, LLC Extending the Application Deadline for the PDD to August 20<sup>th</sup> 2014**

*The applicant has withdrawn their application*

**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 DiMartino	VOTED	YES
Councilperson Mangold	VOTED	ABSENT
Councilperson Malone	VOTED	ABSENT