



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

TOWN BOARD MEETING

Wednesday, August 17, 2011

Call to Order 7:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present Absent

Supervisor McCabe
Councilperson Matters
Councilperson O'Brien
Councilperson Malone
Councilperson Mangold

In Memory of Bill Ritz and Chubby Seeberger Moment of Silence

Communications / Announcements / Reports

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.

128-2011 Approval of 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 20, 2011, 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 Town Board Meeting held on July 20, 2011, are hereby approved as submitted.

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

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

129-2011 Resolution Appointing Planning Board Members to fill vacancies

WHEREAS, two vacancies have recently occurred on the Planning Board by the passing of William Ritz and the resignation of Robert Davey; 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 finances; now therefore

BE IT RESOLVED, that the Town Board does hereby appoint Judy Condo to complete the term of William Ritz which expires 12/31/2015; and be it

FURTHER RESOLVED, that the Town Board does hereby appoint Jeff Spencer to complete the term of Robert Davey, which expires 12/31/2012.

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

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

130-2011 Resolution Reopening Section 384-d of the Retirement and Social Security Law for certain Police Officer as set forth in Chapter 374, Laws of 2011.

BE IT RESOLVED: that the governing board of the Town of East Greenbush does hereby assume the additional cost required to provide the reopening of Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 374 of the Laws of 2011.

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

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

131-2011 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled George and Marjorie Witbeck v. Town of East Greenbush

WHEREAS, George and Marjorie Witbeck have brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court now pending for the year in 2010 and 2011 regarding properties as hereinafter set forth.

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 2010 and 2011.

2010

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
166.-7-6.6	\$1,300,000	\$1,000,000	\$300,000

2011

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
166.-7-6.6	\$1,300,000	\$800,000	\$500,000

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

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

132-2011 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Peter F. Sentz vs. Town of East Greenbush

WHEREAS, Peter F. Sentz have brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, now pending for the years 2010 and 2011, regarding properties as hereinafter set forth,

WHEREAS, after considerable discovery, inspection, appraisal review and negotiation with Petitioners counsel, the Town certiorari counsel and the Assessors Office have recommended a settlement agreement to the following values for the years 2010 and 2011

2010

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
177.8-7-21	\$250,000	\$170,000	\$80,000

2011

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
177.8-7-21	\$213,300	\$170,000	\$43,300

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

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

133-2011 A Resolution Authorizing of Municipality Water Supply Service to a Single Family Residence Located at 1 Highland Acres in the Town of North Greenbush

WHEREAS, it has been determined that a residence located at 1 Highland Acres in the Town of North Greenbush is receiving water supply from the joint Town water main located on Route 4; and

WHEREAS, it appears that this hookup has been in place for approximately seven (7) years but has never been added to the East Greenbush customer list; and

WHEREAS, the present property owner, Walter Woodka has requested permission to continue this service and is prepared to pay the permit fee (\$1,500.00), the mitigation fee (\$969.00) and estimated arrears for six (6) years (\$1,684.00) for a total of \$4,153.00; now therefore

BE IT RESOLVED, that the water hookup for 1 Highland Acres, Town of North Greenbush to the East Greenbush joint water system is hereby approved, and the Office of Sewer and Water is hereby authorized to add such residence to the Out of Town customer service list upon payment by the present owner of \$4,153.00; and be it

FURTHER RESOLVED, that all future billings shall be to the Town of North Greenbush in accordance with the procedures previously established and in existence for the billing of North Greenbush customers receiving water from the joint Town water system.

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

Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES

Supervisor McCabe	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Mangold	VOTED	YES

134-2011 Resolution to Authorize Budget Transfers

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has received a request from the Town Comptroller for approval of the following Budget Transfers:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
Public Safety Rev	2260.01	\$0.00	\$5,657.38	\$5,657.38	Tire Changer/Balancer
Police CE	31204.01	\$148,388	\$5,657.38	\$154,045.38	Tire Changer/Balancer
Misc Income (Water)	2770.05	\$0.00	\$12,150.00	\$12,150.00	Couse Water
Water Distribution CE	83404.05	\$50,430	\$12,150.00	\$62,580.00	Couse Water
Attorney CE	14204.01	\$108,451	(\$18,000.0)	\$90,451.00	McCoy Salary
Attorney PS	14201.01	\$55,000	\$18,000.00	\$73,000.00	McCoy Salary
Misc Income (Sewer)	2770.07	\$0.00	\$68,750.00	\$68,750.00	PV Grant
Treatment CE	81304.07	\$193,392	\$68,750.00	\$262,142.00	PV Grant
Misc Income (Highway)	2770.02	\$0.00	\$68,750.00	\$68,750.00	PV Grant
Garage CE	51324.02	\$44,750.00	\$68,750.00	\$113,500.00	PV Grant

WHEREAS, the Town Board is required to approve all Budget Transfers; now therefore

BE IT RESOLVED, that the transfers recommended by the Town Comptroller are hereby approved.

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 McCabe	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES

135-2011 Request for Rezoning – Property of William J. Zinzow and Linda C. Zinzow

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of a re-zoning request from William J. Zinzow and Linda C. Zinzow; and

WHEREAS, it is requested that a portion of the premises now owned by the Zinzows, in an amount of .47 acres, be re-zoned to remove the buffer designation and the forever wild restriction on record with the Town of East Greenbush from that portion of the premises; and

WHEREAS, the property is identified as a portion of the premises now owned by the Zinzows having been acquired on or about July 15, 2011, pursuant to a Boundary Line Agreement, filed with the Rensselaer County Clerk's Office on or about August 1, 2011; and

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 therefore

BE IT RESOLVED, that the Town Board accepts the request and refers the same to the Town Zoning Board for review under the State Environmental Quality Review (SEQR) Act, declares itself Lead Agency, and requests an advisory opinion be offered to the Town board; and be it

FURTHER RESOLVED, the Town Board shall conduct a Public Hearing at 6:30 PM on Wednesday, September 21, 2011 at the Town Hall in the Town of East Greenbush to consider this re-zoning request; and be it

FURTHER RESOLVED, the Town Clerk is hereby directed to give public notice as required by law.

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

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

136-2011 Request for Planned Development District – Witbeck PDD

WHEREAS, George Witbeck and Robert Witbeck (the applicants) have filed an application for re-zoning a parcel of land within the Town of East Greenbush, County of Rensselaer, State of New York, identified by Tax Map No. 166.-7-6.111, for an amendment of the official Zoning Map, seeking to establish a Planned Development District consisting of 113± acres; and

WHEREAS, the applicants seek to rezone the premises for residential use, both single family and town homes, all shown on a plan entitled “Witbeck PDD Subdivision” prepared by Hart Engineering; and

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 therefore

BE IT RESOLVED, that the Town Board of East Greenbush hereby accepts the application for rezoning, declares itself Lead Agency under the State Environmental Quality Review (SEQR) Act, accepts the application to extend the municipal sewer district to include this parcel, and refers the application for rezoning to the Town of East Greenbush Planning Board for review and recommendation.

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

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

137-2011 Resolution Approving Grants Application from NYS Parks and Recreation

WHEREAS, the Town of East Greenbush owns and operates a public Town Park, including a Town Beach along the bank of the Moordener Kill which has been used for swimming and other water recreation by area residents, including the summer camp program; and

WHEREAS, in the past several years, the Town Beach has been closed by the County Health Department on several occasions due to concerns over the water quality and bacteria counts exceeding acceptable levels; and

WHEREAS, in 2008, after an investigation by the County Health Department, it was determined that the likely source of the contamination was stormwater runoff from farmland located upstream from the Town Park; and

WHEREAS, on March 11, 2009, the Town of East Greenbush received a letter from the County Health Department indicating that a permit would not be issued to reopen the beach to swimming and other water recreation until a study was conducted to determine the actual source of the contamination, and corrective measures were taken to improve the water quality; and

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation is offering a grant program which funds could be used to identify the source of the contamination, make specific recommendations for remediation and fund improvements needed

to restore the water quality and improve public accessibility including handicap accessible restrooms; 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 2011 Budget now therefore

BE IT RESOLVED, that the Supervisor of the Town of East Greenbush is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$100,000 with matching support from the Town in the form of funds and/or in-kind services; and be it

FURTHER RESOLVED, that upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the Town for the necessary Town Park remediation and improvements.

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 McCabe	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES

ADJOURNMENT

Motion by Supervisor McCabe to adjourn.

Seconded by Councilperson Matters and brought to a vote as follows

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

Meeting Adjourned 7:55 PM