The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

TOWN BOARD MEETING

Wednesday, September 21, 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

Congratulations to Red Mill Elementary School –
Named National Blue Ribbon School of Excellence by U.S. Department of Education

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.

138-2011 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 August 17, 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 August 17, 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**

139-2011 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 Chief of Police to conduct a public auction and dispose of surplus equipment; and

WHEREAS, said equipment includes:

1998 Toyota Camry 4-Door	VIN#4T1BG22K6WU284665
2003 Ford Crown Victoria 4-Door	VIN#2FAPH71WX3X204634
2003 Ford Crown Victoria 4-Door	VIN#2FAHP71W83X204633

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 Chief of Police be hereby authorized to conduct a public auction, sale or dispose of said surplus equipment now owned and in the custody of the East Greenbush Police department.

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**

140-2011 A Resolution Authorizing the Settlement of Legal Proceeding entitled "McLaughlin vs. Town of East Greenbush" Pending in Rensselaer County Supreme Court Index #235385

WHEREAS, Timothy S. McLaughlin, an employee of the Town has commenced and there is pending legal action against the Town arising out of the alleged negligence and failure of the Town to withhold and make the required mandatory service contributions to the New York State and Local Retirement System during 1980 and 1981 as required under the Employee Retirement and Social Security Law, and

WHEREAS, said action is presently pending in Rensselaer County Supreme Court, Index # 235385, the Town being defended and represented by the Town Attorney's Office, and

WHEREAS, the maximum exposure of the Town is approximately $2,300.00 plus court costs, and

WHEREAS, the Town Attorney has negotiated a settlement providing for the payment of the sum of $750.00 to Plaintiff, Timothy S. McLaughlin in full and final settlement, release, and discontinuance of the action, now therefore

BE IT RESOLVED, that the Town Attorney is hereby authorized to settle the action for the amount of $750.00 and execute all required documents necessary and appropriate to terminate the pending legal action.

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 McCabe	VOTED	**YES**
Councilperson Matters	VOTED	**YES**
Councilperson Malone	VOTED	**YES**

141-2011 Resolution to Enter into an Agreement with Bowne Management Systems, Inc.

WHEREAS, the Town would like to modernize its Building Department by installing new hardware capable of scanning and printing blueprints and software to index and automate the tasks within the Building Department.; and

WHEREAS, the Town lacks the expertise to develop requirements and analysis of vendor choices and Bowne Management has the skills and background necessary to ensure that the decision positions the Town for the future and can integrate all of the solutions Town-wide; and

WHEREAS, the following budget transfer is necessary:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
Safety Inspection CE	36204.01	$9,380.00	$5,970.00	$15,350.00	Bowne Agreement
Safety Inspection Fees	1560.01	$115,700.00	$5,970.00	$121,670.00	Bowne Agreement

BE IT RESOLVED, that the Supervisor, pending approval from the Town Attorney, be authorized to execute said Agreement on behalf of the members of the Town Board. A copy of which will be filed with the Town Clerk.

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**

142-2011 Scheduling of a Public Hearing Relative to Proposed Amendment to the Town Code of Ethics

WHEREAS, the East Greenbush Town Board (hereinafter, "Town Board"), at its regular meeting held on October 13, 2010, adopted resolution no. 161-2010 which set forth a directive to the newly constituted East Greenbush Town board of Ethics (hereinafter, "Ethics Board") to, as soon as practicable, promulgate procedural rules and regulations under which the Ethics Board will function and deliberate (hereinafter "Rules & Regs"); and

WHEREAS, following such promulgation of Rules & Regs, the Ethics Board was further directed to, upon the advise and review of the Attorney for the Town (now the Town Attorney), recommend to the Town Board, for its consideration and adoption, amendments to be made to the Town Code of Ethics, including, but not limited to, financial-disclosure provisions (hereinafter, "Amendments"); and

WHEREAS, the Ethics Board has, over the course of the last year, upon the advice and review of the Town Attorney and of outside counsel Girvin and Ferlazzo, P.C., made impressive progress in drafting its Rules & Regs and the proposed Amendments; and

WHEREAS, the Town Board, after due consideration of the draft Rules & Regs and of the proposed Amendments, deems the scheduling of a public hearing appropriate at this time in order for the public to review and comment on the proposed Amendments; and

WHEREAS, the Town Comptroller has heretofore attested 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 Municipal Home Rule Law § 20, subd. 5, a public hearing regarding the proposed Amendments be, and the same hereby is, scheduled to be held on October 19, 2011 at 6:00 p.m. 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; and be it further

The foregoing resolution was duly moved by Councilperson Matters, seconded by Councilperson O'Brien, and resulted in the following vote:

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

143-2011 SEQR Determination Broadway Motors Used Car Lot

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Broadway Motors Used Car Lot Site Plan, tax parcel number 155.00-12-3.12, prepared by Hart Engineering; and

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

WHEREAS, Town Planning Board, Project Review Team and the Planning Board's Designated Engineering consultant has determined that the proposed action is a Unlisted Action under SEQR and conducted an uncoordinated review of the Project; and

WHEREAS, The Town Planning Board, Project Review Team and the Planning Board's Designated Engineer have taken a "hard look" at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to all environmental issues and more particularly to traffic, fire and rescue and MS-4 stormwater detention and hereby recommends the Town Board issue a Negative Declaration under SEQRA; and

WHEREAS, the Town Board has taken a hard look at the potential environmental impacts of this Project by carefully considering them and thoroughly evaluating their potential significance; 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; and

WHEREAS, the Town Comptroller has 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 Councilperson Malone and seconded by Supervisor McCabe and brought to a vote resulting as follows:

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

144-2011 Broadway Motors Used Car Lot Site Plan Approval

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Broadway Motors Use Car Lot Site Plan, tax parcel number 155.00.-12-3.12, prepared by Hart Engineering; and

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

WHEREAS, the Town Board has determined that the action is a Unlisted Action under SEQR and conducted an uncoordinated review of the Project; and

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 of East Greenbush Town Board hereby approves the proposed Site Plan subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Town Planning Department and the Planning Board's Designated Engineer; and
2. All remaining fees be paid and escrow provided to the Town.

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

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

145-2011 Authorization to Approve Payment Processing Service Agreement

WHEREAS, the Town Board has received a request from Toni Murphy, Tax Receiver, to authorize the acceptance of electronic payments including credit cards, debit cards or "E-checks" for Town taxes; and

WHEREAS, this is a common practice in business venues today, and many taxpayers pay most of their household expenses electronically; and

WHEREAS, Value Payment Systems, LLC, a Tennessee limited liability corporation ("VPS") is in the business of providing internet and phone based electronic payment services to public and private sector merchants; and

WHEREAS, the Town Board desires to allow the Town's Tax Receiver to implement an expanded service to residents by providing it taxpayers the option and opportunity to pay various amounts due to the Town of East Greenbush through payment and acceptance of electronic payments; 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, the Town Board of the Town of East Greenbush does hereby authorize the Supervisor, pending review and approval by the Town Attorney, to enter into this Service Agreement by and between Value Payment Systems, LLC, a Tennessee limited liability corporation ("VPS") and Town of East Greenbush effective immediately.

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**

146-2011 SEQR Determination for Birch Lane (Zinzow) Parcel

WHEREAS, the Town of East Greenbush has received an application from William J. Zinzow and Linda C. Zinzow for a correction to the Town Zoning Map so as to remove the "forever wild" restriction from a parcel of land located on Birch Lane, Town of East Greenbush approximately 216' x 95' (.47 acres) and more particularly described on a survey map dated May 4, 2010 prepared by Hershberg and Hershberg and attached hereto; and

WHEREAS, the Town Board has determined that the action is an Unlisted Action under SEQR and has therefore conducted an uncoordinated SEQR review of the request; and

WHEREAS, the Town Board, as lead agency, has reviewed and fully considered the proposed correction to the zoning map and has completed Part II of the uncoordinated review; and

WHEREAS, the Town Board has taken a hard look at the potential environmental impacts of this map correction by carefully considering them and thoroughly evaluating their potential significance; and

WHEREAS, the Town Board has determined that the proposed action will not result in any significant impacts; 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, the Town Board hereby finds that the zoning map correction will not have a significant impact on the environment and authorizes the filing of a Negative Declaration for the correction.

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**

147-2011 Resolution Enacting Local Law No. 3 of 2011 Correcting the Town of East Greenbush Zoning Map to remove the "forever wild" restriction upon certain parcel owned by William J. Zinzow and Linda C. Zinzow, approximately 216' x 95' (.47acres) located on Birch Lane

WHEREAS, the Town of East Greenbush Town Board received an application from William J. Zinzow and Linda C. Zinzow seeking a zoning map amendment to remove a forever wild restriction on a certain parcel of land (.47 acres) description attached hereto, being a portion of tax map #154.68-10-1.2; and

WHEREAS, the request is a map correction to rectify and eliminate restrictive covenants imposed on such parcel being the result of a recent boundary line settlement between the Zinzows and the adjacent property owner; and

WHEREAS, the Town Board conducted a public hearing on September 21, 2011, to consider the request for correction to the Zoning Map; and

WHEREAS, a Short Environmental Assessment Form for an unlisted action has been prepared and submitted for this correction, and uncoordinated review has been conducted; and

WHEREAS, after taking a thorough and "hard look" at the potential environmental impacts of this correction by carefully considering them and thoroughly evaluating their potential significance, the Town Board determined, among other things, that the action would not result in any significant adverse environmental impacts and issued a SEQRA negative declaration; and

WHEREAS, the Supervisor of the Town of East Greenbush has issued a Certificate of Necessity waiving the ten-day requirement under §20 of the Municipal Home Rule Law; 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 ENACTED, that the Town of East Greenbush Comprehensive Zoning Law and map are hereby amended and the "forever wild" deed restriction to the Zinzow parcel, as hereinafter described, dimensions of 216' x 95' (.47 acres) are hereby removed and the Town of East Greenbush Comprehensive Zoning Law and map are hereby amended and corrected to remove said restrictions from the aforementioned parcel.

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 8:20 PM