



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

## TOWN BOARD MEETING

**Wednesday, October 19, 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

### Miracle League Presentation

### 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.

### 148-2011      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 September 21, 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 September 21, 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	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

### 149-2011      Resolution Recognizing October as Breast Cancer Awareness Month and October 19, 2011 as East Greenbush Goes "Pink" Day

**WHEREAS**, a woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers;

**WHEREAS**, through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent;

**WHEREAS**, the 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected;

**WHEREAS**, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men in all communities in this State through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms;

**WHEREAS**, screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than fifty percent received the recommended annual screening;

**WHEREAS**, throughout the month of October, organizations and health practitioners in this State are encouraged to use this opportunity to promotion awareness about breast cancer and proper breast health, and to encourage annual mammograms;

**WHEREAS**, public officials and citizens of this State are urged to observe this month with appropriate activities and programs that encourage annual mammograms;

**WHEREAS**, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month;

**BE IT RESOLVED**, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and will go “Pink” on October 19, 2011.

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	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

#### **150-2011 Scheduling of Public Hearing on the Preliminary Budget for 2012**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has been presented with a copy of the proposed Tentative Town Budget for the fiscal year 2012; and

**WHEREAS**, the Town Board is required to review the Tentative Budget and make any changes, alterations and revisions it considers advisable; and

**WHEREAS**, upon completion of the review, the Tentative Budget as modified by the Town Board becomes the Preliminary Budget and must be filed in the Town Clerk’s Office, and

**WHEREAS**, said review and filing should be completed prior to conducting a Public Hearing; and

**WHEREAS**, the Town Board is required to conduct a Public Hearing on the Preliminary Budget, including all Special Districts and the Water and Sewer rates contained therein, and said Hearing must be conducted on or before the Thursday following the November general election; and

**WHEREAS**, passage of this Resolution by the Town Board is not a statement of agreeing or disagreeing with any of the numbers nor tax rates contained therein, and binds no Board Member to vote for or against it, that changes affecting any rates can occur after said Public Hearing is held; and

**WHEREAS**, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town’s finances; now therefore,

**BE IT RESOLVED**, that the Town Board shall conduct a Public Hearing at 6:00 PM on November 10<sup>th</sup>, 2011 at the East Greenbush Town Hall, located at 225 Columbia Turnpike, Rensselaer, New York 12144, for the purpose of receiving public input on the proposed Preliminary Budget for the fiscal year 2012, including all Special Districts contained therein.

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	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

**151-2011 SEQR Determination – Mavis Retail**

**WHEREAS**, the Town has received an application for a project known as Mavis Retail located at 274 Troy Road, identified on the Town's Tax Roll as Tax Parcel No. 144.-4-25, 26, 28 & 29, prepared by L. Sipperly & Associates; and

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

**WHEREAS**, the Town Board has determined that the action is an Unlisted action under SEQR but nonetheless conducted a SEQR & TEQR review of the Project; and

**WHEREAS**, the Town Board prepared and circulated a lead agency coordination letter requesting the consent of all the involved agencies to designation of the Town Board as Lead Agency for review of the Project under the State Environmental Quality Review Action (“SEQRA”); and

**WHEREAS**, all involved agencies consented to such designation and, therefore, pursuant to 6 New York Code of Rules and Regulations (“NYCRR”) Section 617.6, the Town of East Greenbush Town Board is the lead agency for SEQRA review of the Project; and

**WHEREAS**, the Town Board, as lead agency, has reviewed and fully considered the proposed Project and Part I of the EAF, and has completed Part II of the EAF; and

**WHEREAS**, the Town Planning Board and Project Review Team have taken a “hard look” 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 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 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 the provisions of this proposed Board action will have no impact on the Town’s finances;

**NOW, THEREFORE, BE IT RESOLVED**, that based on the “Reasons Supporting this Determination” discussed in the attached SEQRA Negative Declaration – Notice of Determination of Non-Significance (“Negative Declaration”) the Town Board hereby finds that the Project will not have a significant impact on the environment and authorizes the filing of 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	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

**152-2011 Site Plan Approval – Mavis Retail**

**WHEREAS**, the Town has received an application for a project known Mavis Retail located at 274 Troy Road, identified on the Town's Tax Roll as Tax Parcel No. 144.-4-25, 26, 28 & 29, prepared by L. Sipperly & Associates; and

**WHEREAS**, the application was accompanied by a site plan, Part 1 of a long Environmental Assessment Form (“EAF”) and other supporting information; and

**WHEREAS**, at its meeting of May 25, 2011, The Town of East Greenbush Planning Board accepted the sketch plat; and

**WHEREAS**, the Town Board as Lead Agency issued a Negative Declaration for the project on October 19, 2011; Resolution # 151-2011 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; 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**, that the Town Board hereby approves the final Site Plan of the Project subject to the following conditions:

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

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	<b>YES</b>
Councilperson O’Brien	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

**153-2011 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding Entitled Anthony Chrysogelos vs. Town of East Greenbush**

**WHEREAS**, Anthony Chrysogelos have brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, now pending for the year 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 year 2011

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
178.5-5-1	\$760,000	\$450,000	\$310,000

**WHEREAS**, there will be no refund by the Town as this settlement applies to the 2011 tax roll first reflected on the January 2012 tax levy, and

**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 Mangold and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

**154-2011 Resolution Authorizing Approval of Remi Maintenance Contract**

**WHEREAS**, the Purchasing Agent recommends the Town enter into an agreement with Remi Group LLC for Equipment Maintenance; and

**WHEREAS**, utilizing State Contract pricing, the agreement will save the Town 27% on all equipment maintenance contracts annually; and

**WHEREAS**, the Town Comptroller certifies that the agreement will result in an initial annual savings of \$398.43; now therefore

**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 Malone and seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson Malone	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

**155-2011 Resolution Authorizing Approval of Sprint Contract**

**WHEREAS**, the Purchasing Agent recommends the Town enter into an agreement with Sprint/Nextel for Cell Phone Service; and

**WHEREAS**, the agreement utilizes State Contract pricing, the Town Comptroller certifies that the agreement will have no impact on the finances of the Town; now therefore

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

Councilperson Mangold	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

**156-2011 Resolution Authorizing Approval of Auctions International Contract**

**WHEREAS**, the Purchasing Agent recommends the Town enter into an agreement with Auctions International, Inc to conduct auctions of all Town surplus equipment; and

**WHEREAS**, the Town incurs no costs to enter into the agreement, the Town Comptroller certifies that the agreement will have no impact on the finances of the Town; now therefore

**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 Malone and seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson Malone	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

**157-2011 Resolution to Authorize Budget Transfer**

**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
Water Transmission	83404.05	\$62,580	17,612.13	\$80,192.13	Water Break Repairs
Unclassified Revenue	2770.05	\$12,150	\$17,612.13	\$29,762.13	Water Break Repairs
Planning C/E	80204.01	\$81,430.00	\$574,017.52	\$655,447.52	Couse Construction
State Aid Other	3089.01	\$50,000	\$574,017.52	\$624,017.52	Couse Construction
Contingency	19904.01	\$67,720	\$793.57	\$66,926.43	Dog Control
Dog Control	35104.01	\$700	\$793.57	\$1,493.57	Dog Control
Garage CE	51324.02	\$113,500.00	\$123,750.00	\$237,250.00	PV Grant
Unclassified Revenue	2770.02	\$68,750	\$123,750.00	\$192,500.00	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	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

**158-2011 Schedule a Public Hearing to consider Local Law # 4 of 2011 for the Town of East Greenbush**

**WHEREAS**, the Town Board recommends repealing Section 10-8 of Local Law #3 of 1971 which stipulates the salary of the Commissioner of Public Works must be paid from the Town's General Fund and may not be charged to any special district of the Town; and

**WHEREAS**, a Public Hearing is required for further consideration of these proposed changes; and

**WHEREAS**, the Town Comptroller has certified holding a Public Hearing shall pose no adverse impacts to the Town's finances; now therefore

**BE IT RESOLVED**, the Town Board shall conduct a Public Hearing at 6:45 PM on Wednesday, November 16, 2011 at the Town Hall in the Town of East Greenbush to consider this Local Law; 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 Councilperson O'Brien and seconded by Supervisor McCabe and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

**159-2011 Citizens Fiscal Advisory Committee Appointment**

**WHEREAS**, Rob Feldman, Councilperson Mangold's appointment to the Citizens Fiscal Advisory Committee, has resigned from that Committee for professional and personal reasons; 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 Mangold hereby appoints Heather Mowat as her appointment to the Citizens Fiscal Advisory Committee; and be it

**FURTHER RESOLVED**, the Town Board At-Large appointment of Heather Mowat to the Citizens Fiscal Advisory Committee is hereby rescinded.

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	<b>YES</b>
Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>

**ADJOURNMENT**

Motion by Supervisor McCabe to adjourn.

Seconded by Councilperson Matters and brought to a vote as follows

Supervisor McCabe	VOTED	<b>YES</b>
Councilperson Matters	VOTED	<b>YES</b>
Councilperson O'Brien	VOTED	<b>YES</b>
Councilperson Malone	VOTED	<b>YES</b>
Councilperson Mangold	VOTED	<b>YES</b>

Meeting Adjourned 8:20 PM