



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

TOWN BOARD MEETING

Wednesday, December 14, 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

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.

171-2011 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 November 16, 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 November 16, 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	___
Supervisor McCabe	VOTED	___
Councilperson O'Brien	VOTED	___
Councilperson Malone	VOTED	___
Councilperson Mangold	VOTED	___

172-2011 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Ben Patel vs. Town of East Greenbush

WHEREAS, Ben Patel has 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

Property Owner/Address	Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
Ben Patel 578 Columbia Tpk.	166-7-3.5	\$270,900.00	\$212,000.00	\$58,900.00

2011

Property Owner/Address	Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
Ben Patel 578 Columbia Tpk.	166-7-3.5	\$270,000.00	\$190,000.00	\$80,900.00

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 Mangold and brought to a vote resulting as follows:

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

173-2011 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled Rodney C. Powis and Alyssa M. Wohlleber vs. Town of East Greenbush

WHEREAS, Rodney C. Powis and Alyssa M. Wohlleber have brought an Article 7 RPTL Tax Certiorari action against the Town of East Greenbush in Rensselaer County Supreme Court, now pending for the year 2011, regarding properties as hereinafter set forth; and

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

2011

Owner/ Address	Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
Powis/Wohlleber	155.-9-32/403	\$128,300.00	\$122,650.00	\$5,350.00

BE IT RESOLVED, at 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 Malone and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

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

174-2011 Resolution Authorizing the Town of East Greenbush to Accept the Conveyance of Three Parcels of Land Presently Used for Storm Water Retention Purposes

WHEREAS, certain properties set forth before have been acquired by the County for non-payment of property taxes; and

WHEREAS, these properties are integral to the Towns storm water retention system and have retention ponds located thereon; and

WHEREAS, these properties should be owned by the Town and the County has proposed the conveyance thereof; now therefore

BE IT RESOLVED that the following three (3) properties:

Parcel Number	Address
155.-2-4.113	Rose Lane
166.14-22-27	California Avenue
155.12.2.112	Columbia Tpk.

be accepted by deed from the County of Rensselaer and utilized for the proper function and maintenance or the town water system.

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	___
Councilperson O'Brien	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Matters	VOTED	___
Councilperson Mangold	VOTED	___

175-2011 Resolution enacting Local Law #4, 2011 – Allocation of DPW Commissioner’s Salary Adoption of Local Law #4 of 2011

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, conducted a Public Hearing on November 16, 2011, to consider the adoption of Local Law #4 of 2011 entitled “A Local Law on the Allocation of the Department of Public Works Commissioner’s Salary”; and

WHEREAS, all those present have had the opportunity to be heard; 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 does hereby adopt Local Law #4 of 2011 entitled “A Local Law on the Allocation of the Department of Public Works Commissioner’s Salary”; and further

BE IT RESOLVED, that the Town Clerk is hereby requested to notify and file the Local Law with the Secretary of State and further this law shall take effect upon said filing.

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	___
Councilperson Malone	VOTED	___
Councilperson Matters	VOTED	___
Councilperson O'Brien	VOTED	___
Councilperson Mangold	VOTED	___

176-2011 Resolution Of The Town Board Of The Town Of Greenbush To Accept And Adopt The Solid Waste Management Plan For The Capital Region Solid Waste Management Partnership And The SEQR Finding Statement Issued By The Lead Agency; And Authorizing The Execution Of An Extension To The Existing Intermunicipal Agreement

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 State Environmental Conservation Law Section 27-0106, the Town of East Greenbush is a member of the Capital Region Solid Waste Management Partnership Planning Unit (the “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 has prepared a Solid Waste Management Plan (SWMP) which has been submitted for acceptance to the New York State Department of Environmental Conservation; 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 (SEQR); and

WHEREAS, the City of Albany Common Council, as Lead Agency, has accepted the Final Generic Environmental Impact Statement (FGEIS)/SWMP, and issued its Findings Statement, which among other things concluded that the requirements 6 NYCRR 617 have been met and that, the SWMP avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

WHEREAS, the implementation of the SWMP will require that the existing Intermunicipal Agreement (IMA) between the member municipalities of the Planning Unit be extended beyond its current expiration date; and

WHEREAS, the East Greenbush Town Board has reviewed the FGEIS/SWMP and the Finding Statement;

NOW THEREFORE, BE IT RESOLVED, the East Greenbush Town Board accepts and adopts the FGEIS/SWMP for the Planning Unit, and the Findings Statement adopted by the Lead Agency, for this Action.

- 1) The Supervisor of the Town of East Greenbush is hereby authorized to enter into and execute an extension of the existing IMA with members of the Planning Unit.
- 2) This Resolution shall take effect immediately.

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	___
Councilperson Matters	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson O'Brien	VOTED	___
Councilperson Mangold	VOTED	___

177-2011 Resolution to Schedule 2012 Organizational Meeting

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2012 as a Special Meeting as is permitted by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); 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 of the Town of East Greenbush shall conduct the 2012 Organizational Meeting at 5:30 PM on Monday, January 2, 2012, at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York; and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Organizational Meeting as required by law.

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	___
Councilperson Mangold	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Malone	VOTED	___
Councilperson Matters	VOTED	___

178-2011 Resolution authorizing a Cost-Benefit Analysis of Extending the Health Insurance Buy-Out program to the Town's Retirees

WHEREAS, the Town Board of the Town of East Greenbush, in its continuing effort to reduce Town operating expenses, has determined that one means of doing so may be the extension of the Health Insurance Buy-Out program to the Town's retirees, and

WHEREAS, the Town Board has determined that this issue would be an appropriate area of study for the Citizens Fiscal Advisory Committee; and

WHEREAS, the Comptroller certifies that this analysis will not impact the Town's budget at this time; now therefore be it

RESOLVED, that the Citizens Fiscal Advisory Committee is directed to develop a cost-benefit analysis of possible extension of the Health Insurance Buy-Out program to the Town's retirees and submit its recommendations to the Town Board in advance of the March, 2012, Town Board meeting.

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	___
Councilperson O'Brien	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Matters	VOTED	___
Councilperson Malone	VOTED	___

179-2011 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
Misc Income	2770.07	\$68,750.00	\$19,995.00	\$88,745.00	Bypass Grant
Sewer Administration	81104.07	\$16,323.00	\$19,995.00	\$36,318.00	Bypass Grant
Historian CE	75104.01	\$100.00	\$818.93	\$918.93	1812 Celebration
Contingency	19904.01	\$45,265.48	(\$818.93)	\$44,446.55	1812 Celebration
Planning CE	80204.01	\$655,447.52	\$313,579.18	\$969,026.70	Couse/DelSignore4
State Aid	3089.01	\$624,017.52	\$313,579.18	\$937,596.70	Couse/DelSignore4
Planning CE	80204.01	\$969,026.70	\$420,817.04	\$1,389,843.74	DOT Projects
State Aid	3089.01	\$937,596.70	\$420,817.04	\$1,358,413.74	DOT Projects
Planning CE	80204.01	\$1,389,843.74	\$44,637.76	\$1,434,481.50	Couse
State Aid	3089.01	\$1,358,413.74	\$44,637.76	\$1,403,051.50	Couse
Police Fees	1520.01	\$52,500.00	\$14,000.00	\$66,500.00	Keegen OT
Police EQ	31202.01	\$60,415.00	\$8,038.42	\$68,453.42	Budget Overages
Police CE	31204.01	\$154,045.38	\$2,100.00	\$156,145.38	V4830
Police CE	31204.01	156,145.38	\$3,861.58	\$160,006.96	Budget Overages
Special Recreation	2025.01	\$15,000.00	\$9,509.78	\$24,509.78	Budget Adjustment
Playgrounds/Recreation CE	71404.01	\$8,300.00	\$9,509.78	\$17,809.78	Budget Adjustment
Safety Inspection Fees	1560.01	\$121,670.00	\$18,656.79	\$140,326.79	Atty Fees
Attorney CE	14204.01	\$90,451.00	\$18,656.79	\$109,107.79	Budget Adjustment
Assessor CE	13554.01	\$39,335.00	\$10,152.50	\$49,487.50	Appraisals
STAR Administrator	3040.01	\$4,130.00	\$10,152.50	\$14,282.50	Appraisals
Unclassified Revenues	2770.05	\$0.00	\$43,000.00	\$43,000.00	City of Rensselaer
Transmission/Distribution	83404.05	\$8,510.00	\$43,000.00	\$51,510.00	Hampton Ave
Contingency	19904.01	\$44,446.55	(\$14,454.93)	\$29,991.62	DeFruscio Settlement
Pub Works Admin PS	14901.01	\$75,900.00	\$14,454.93	\$90,354.93	DeFruscio Settlement
Safety Inspection PS	36201.01	\$120,426.00	\$19,756.85	\$140,182.85	Staffing Change
Zoning PS	80101.01	\$30,110.00	(\$16,510.00)	\$13,600.00	Staffing Change
Planning PS	80201.01	\$112,610.00	(\$3,246.85)	\$109,363.15	Staffing Change

Engineering CE	50204.02	\$57,440.00	(\$27,841.28)	\$29,598.72	Snow Removal/Salt
Snow Removal CE	51424.02	\$112,479.00	\$27,841.28	\$140,320.28	Snow Removal/Salt

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	___
Councilperson Matters	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson O'Brien	VOTED	___
Councilperson Malone	VOTED	___

180-2011 Authorize the Purchase of Trucks for Water Department

WHEREAS, at the request of the Commissioner of Public Works and in accordance with Town Policy and General Municipal Law, a competitive bid was issued for the purchase of three utility trucks for the water department.; and

WHEREAS, the Purchasing Agent and the Commissioner of Public Works have reviewed the bids and recommend awarding the bids to Orange Ford (two vehicles) and West Herr Ford (one vehicle);and

WHEREAS, the following budget transfers are necessary to fund the purchase of aforementioned vehicles:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
Water Admin	83104.05	\$88,643	\$75,263.70	\$164,520.67	Truck Purchase
Unclassified Revenue	2770.05	\$29,762.13	\$75,263.70	\$105,025.83	Truck Purchase
Water Admin	83104.06	\$9,044	\$11,246.30	\$20,290.30	Truck Purchase
Unclassified Revenue	2770.06	\$0.00	\$11,246.30	\$11,246.30	Truck Purchase

now therefore

BE IT RESOLVED, that the Supervisor, pending approval from the Town Attorney, be authorized to execute said Agreements 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 Mangold and brought to a vote resulting as follows:

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

181-2011 Resolution Establishing Procedures for Monthly Department Reporting

WHEREAS, the Citizens' Fiscal Advisory Committee has developed standardized report formats and recommends the Town adopt the attached monthly departmental report formats, and

WHEREAS, the Town Comptroller asserts this resolution will not have a negative impact on the Town's Finances, now therefore

BE IT RESOLVED that the Town of East Greenbush does hereby adopt the attached Report formats; and

BE IT FURTHER RESOLVED, that Department Heads are hereby instructed to submit Monthly Reports in the format given to the Town Clerk by the 10th business day of the Month following the Month being reported on; and

BE IT FURTHER RESOLVED, that a copy of the Department Head reports shall be made available on the Town's web page as soon as practicable, following receipt by 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	___
Councilperson O'Brien	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Matters	VOTED	___
Councilperson Malone	VOTED	___

182-2010 Resolution Authorizing attendance at the Association of Towns 2012 "Newly Elected Officials" Training Seminar

WHEREAS, The New York State Association of Towns is sponsoring a three (3) day program for newly elected officials to be held January 11, 12 and 13, 2012 at the Desmond in Colonie, New York, and

WHEREAS, GML § 77b(2) permits the Town to authorize attendance by officers for whom a term has not yet commenced, and

WHEREAS, the expense to the Town is \$150.00 per person for commuter attendance at such training, and

WHEREAS, such attendance will be a benefit to the Town administration,

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 Supervisor Elect, his proposed Deputy, and the Comptroller are authorized to attend the "School for Newly Elected Town Officials" to be held at the Desmond in Colonie, New York on January 11, 12 and 13, the cost to be paid by the Town at a total expense not to exceed \$450.00.

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	___
Councilperson Mangold	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Matters	VOTED	___
Councilperson Malone	VOTED	___

183-2011 Resolution Authorizing the Supervisor to enter into a Twenty (20) Year Water Supply Agreement with the City of Troy and City of Rensselaer

WHEREAS, since 1964, the Town of East Greenbush and the City of Rensselaer have jointly owned and operated a water supply pumping station in the City of Troy under a written water supply agreement which ran to October, 2004; and

WHEREAS, the Town of East Greenbush and the City of Rensselaer have been involved in litigation with the City of Troy since on or about 2009 regarding water rates and contract issues and now have informally agreed to resolve issues, including paying back the City of Troy of adjusted sums for water billings rendered during the course of such litigation; and

WHEREAS, the Troy City Council on or about September 9, 2011 under a Resolution attached hereto and made a part hereof as Exhibit "A", authorized the Mayor of Troy to enter into a new written water supply agreement with the Town of East Greenbush and the City of

Rensselaer, said agreement being attached hereto and made a part hereof as Exhibit “B” which sets forth rates, formulas, and payment provisions, among other matters, for a contract term of twenty (20 years); and

WHEREAS, that the Town Board determines that entering into this Water Supply Agreement is in the best interests of the Town and further renders the litigation above referenced as “moot”; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution will be planned for in upcoming budgets and will have no adverse unmitigated impacts on the Town Finances;

NOW THEREFORE, BE IT RESOLVED that the Town Board of East Greenbush hereby authorizes its Supervisor to enter into and execute on behalf of the Town, said Water Supply Agreement, in substantially the same form and content as the Agreement set forth at Exhibit “B”, and any adjunct documents as may be necessary to effectuate the full settlement disposition of said referenced litigation; and

BE IT FURTHER RESOLVED that the Town is authorized to pay to the City of Troy the amounts set forth in said Agreement representing sums due under previous water billings provided, however, that the Town of East Greenbush’s share of same is pro-rated to its water usage and allocated in the same manner in which water billings are formulated.

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	___
Councilperson O’Brien	VOTED	___
Councilperson Matters	VOTED	___
Councilperson Malone	VOTED	___
Councilperson Mangold	VOTED	___

184-2010 Resolution to schedule a Public Hearing on the Matter of Extending the Sewer and Water Districts for Michael’s View Subdivision – Michael Road

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of written requests from the Gordon Development L.P., dated July 19, 2011 for "Extension of Couse Sewer District" and “Extension of General Water District” for the Michaels View Subdivision to connect to the Town of East Greenbush sanitary sewerage and water systems. Associated maps, plans and reports, prepared by Hershberg & Hershberg Consulting Engineers, dated July 19, 2011 were included; now therefore

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 directs the Planning Board and the Project Review Team to review said request and offer an advisory opinion to the Town Board; and be it

FURTHER RESOLVED, the Town Board shall conduct a Public Hearing at 6:45 PM on Wednesday, January 18, 2012, at the Town Hall in the Town of East Greenbush to consider a the extension of Couse Sewer District and the General Water Districts for Michaels View Subdivision; 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 Malone and seconded by Councilperson Mangold and brought to a vote resulting as follows:

Councilperson Malone	VOTED	___
Councilperson Mangold	VOTED	___
Supervisor McCabe	VOTED	___
Councilperson Matters	VOTED	___
Councilperson O’Brien	VOTED	___

ADJOURNMENT

Motion by _____ to adjourn.

Seconded by _____ and brought to a vote as follows

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

Meeting Adjourned _____ PM