



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING March 13, 2019

Call to Order 6:00 PM
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor J. Conway
Councilor T. Tierney
Councilor H. Kennedy
Councilor R. Matters
Councilor B. Fritz

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation: Audubon International - Sustainable Communities Program-
Jessica Latus, Director of Sustainable Communities Program
Christine Kane, CEO

Schedule of Meeting:

50-2019 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 February 20, 2019 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 regular Town Board Meeting held on February 20, 2019 are hereby approved as submitted.

The foregoing resolution was duly moved by Councilor Matters and seconded by Councilor Fritz and brought to a vote resulting as follows:

| | |
|----------------------|--------|
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |

51-2019 A Resolution Designating April 2019 as National Donate Life Month and April 12, 2019 as Donate Life Blue and Green Day

WHEREAS, National Donate Life Month was established by Donate Life America and its partnering organizations in 2003 and is celebrated through activities to help encourage Americans to register as organ, eye and tissue donors and to celebrate those who have saved lives through the gift of donation; and

WHEREAS, the 2019 National Donate Life Month theme was inspired by bicycles, a symbol of progress, renewal and the moving circle of life, and the phrase “Life is a beautiful ride”;

now therefore be it

RESOLVED, to increase awareness and encourage participation in this lifesaving journey, the East Greenbush Town Board does hereby designate April 2019 as National Donate Life Month in the Town of East Greenbush;

and be it further

RESOLVED, the Town of East Greenbush designates Friday, April 12, 2019 as Donate Life Wear Blue and Green Day to consider our role in this lifesaving and healing journey, and how our residents can inspire others to provide hope through donor registration and living donation.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Fritz and brought to a vote resulting as follows:

| | |
|----------------------|--------|
| Councilor T. Tierney | VOTED: |
| Councilor B. Fritz | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |

52-2019 A Resolution Urging Governor Cuomo and the New York State Legislature to Restore Aid and Incentives to Municipalities (AIM) Funding in the State Budget

WHEREAS, Governor Andrew Cuomo recently announced a nearly \$60 million cut in funding for Aid and Incentive to Municipalities (AIM) during the presentation of the New York State budget; and

WHEREAS, towns and villages in Rensselaer County and throughout New York State are highly dependent on this funding for municipal operations throughout the year; and

WHEREAS, the Town of East Greenbush has already established the municipal budget for this year; AIM funding totaled \$73,330.00 for the Town of East Greenbush; in the absence of

AIM funds, the Town may be forced to raise taxes or make cuts to programs and services in order to close budget gaps;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush voices its opposition to the cuts in AIM funding and urges Governor Cuomo and the New York State Legislature to restore AIM funding to its previous line in the New York State Budget;

and be it further

RESOLVED, that the Town Board directs the Town Clerk to send a certified copy of this resolution to Governor Andrew Cuomo, Senator Neil Breslin, Senator Daphne Jordan, Assemblyman Jake Ashby, and Assemblyman John McDonald.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follow:

| | |
|----------------------|--------|
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |

53-2019 A Resolution in Support of Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act (S.3591) and H.R.7062)

WHEREAS, the September 11th Victim Compensation Fund (VCF) has announced that because of the lack of funding, injured and ill 9/11 responders and survivors will face cuts in compensation for their injuries; and

WHEREAS, this will have a devastating impact on those who are still suffering the impact of the toxins at Ground Zero, the Pentagon and the Shanksville crash site and have been waiting for the help they need and deserve; and

WHEREAS, more than 45,000 people who are in the World Trade Center Health Program are suffering from at least one certified 9/11 condition caused by toxins at Ground Zero, the Pentagon and the Shanksville crash site, while a large percentage have multiple conditions; chronic diseases like asthma, obstructive pulmonary disease, gastroesophageal reflux disease, and cancer continue to plague those who were exposed to the many toxins and carcinogens on 9/11 and in the weeks and months thereafter; over 10,000 of those enrolled in the Health Program have been certified with a 9/11 related cancer, with more being diagnosed every day; thousands more who have been diagnosed with cancer are only now joining the health program, so these numbers will increase dramatically; 9/11 responders and survivors in the Health Program reside in all 50 states and in 434 out of 435 Congressional districts; and

WHEREAS, given the information we now have on the scope of the health crisis and the funding shortfall the VCF faces, it is our hope that Congress will in fact remember 9/11 by providing the needed funds and authorizing a permanent Victim Compensation Fund by passing S. 546/HR. 1327;

now therefore be it

RESOLVED, that the East Greenbush Town Board voices its support for S.3591 AND H.R.7062: Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act;

and be it further

RESOLVED, that the Town Board directs the Town Clerk to send a certified copy of this resolution to Senator Charles Schumer, Senator Kirsten Gillibrand, and Congressman Paul Tonko.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Kennedy and brought to a vote resulting as follows:

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|----------------------|--------|
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |

54-2019 A Resolution to Appoint Christina Hennessey to the Board of Assessment Review

WHEREAS, the Board of Assessment Review is essential to the public process of determining the outcome of resident appeals on the assessed value of their homes; and

WHEREAS, there is a need to appoint a fifth member to the Board of Assessment Review to replace Carol Orvis who retired from the Board after many years of distinguished service; and

WHEREAS, Christina Hennessey served on the second Board of Assessment Review last year to handle the increased number of grievances following the 2018 town-wide reassessment of real property and is a licensed real estate agent; and

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town's finances;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush appoints Christina Hennessey to the Board of Assessment Review for a term to expire on December 31, 2023; and be it further

RESOLVED, that the Town Board thanks Carol Orvis for her service to the Town and its residents and wishes her well in her future endeavors.

This resolution was duly moved by Councilor Matters and seconded by Councilor Fritz and brought to a vote resulting as follows:

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|----------------------|--------|
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |

55-2019 A Resolution to Settle a Tax Certiorari Case

WHEREAS, Mark W. Halsey and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Mark W. Halsey in the Town of East Greenbush; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; and

WHEREAS, the Town Comptroller confirms this resolution will have a non-material impact on the Town’s finances offset from County chargebacks in 2019; now therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2018 tax certiorari proceeding filed by Mark W. Halsey in which the 2018 assessed value of the subject property shall be reduced as follows:

| Tax Map No. | Address | 2018 Assessment | Revised Assessment |
|--------------------|----------------|------------------------|---------------------------|
| 144.2-5-20 | 300 Troy Road | \$369,600 | \$325,000 |

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2019, 2020 and 2021 assessment rolls.

and be it further

RESOLVED that Mark W. Halsey shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Mark W. Halsey and the Town of East Greenbush as to the above referenced assessment.

The foregoing resolution was duly moved by Councilor Matters and seconded by Councilor Fritz and brought to a vote resulting as follows:

- Councilor R. Matters VOTED:
- Councilor B. Fritz VOTED:
- Supervisor J. Conway VOTED:
- Councilor T. Tierney VOTED:
- Councilor H. Kennedy VOTED:

56-2019 A Resolution Authorizing the Town of East Greenbush to Forgive Taxes on Certain Parcels Owned by the Town of East Greenbush

WHEREAS, the new Consolidated Water District has been completed and appeared on the Town’s 2019 Property Tax Bill; and

WHEREAS, several parcels appearing below are under the ownership and/or control of the Town of East Greenbush, and others are under private names, which have been erroneously charged, as follows:

144.-3-6.13 Capital City Cemetery, 330 Third Ave. Extension \$57.37
 154.4-16-29 Tn. Of East Greenbush, Arcadia Ave \$31.28
 155.9-10-2 Tn. Of East Greenbush, New Hampshire Ave. \$60.52
 166.5-1-68 Onderdonk Estates, Barber Dr. \$60.52

WHEREAS, the Town Comptroller confirms this resolution will have a non-material impact on the Town’s finances offset from County chargebacks in 2019; now, therefore be it

RESOLVED, that the Town Board does hereby forgive the taxes on each of the above properties;

and be it further

RESOLVED, that he Town Clerk is directed to give a certified copy of this Resolution to the Receiver of Taxes, so the Warrant can be amended; and a copy to the Comptroller and to the Assessor.

The foregoing resolution was duly moved by Councilor Matters and seconded by Councilor Tierney and was brought to a vote resulting as follows:

| | |
|----------------------|--------|
| Councilor R. Matters | VOTED: |
| Councilor T. Tierney | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor B. Fritz | VOTED: |

57-2019 A Resolution Authorizing the Use of GEIS Recreation Funds to Place a Fence Around the Propane Tank and AC Unit Next to the Red Barn in the Town Park

WHEREAS, the Town Board prepared the GEIS document, dated July 2009, to evaluate the cumulative impacts due to growth within the GEIS study area. Mitigation fees were developed for the following critical elements in East Greenbush: land use/GIS, GEIS, water/sewer, recreation, and traffic; and

WHEREAS, the Town Park has had significant impact due to increased usage; and

WHEREAS, fencing around the propane tank and AC units next to the Red Barn is a priority due to safety concerns; and

WHEREAS, the Town has procured quotes for 76’ of vinyl fence with gate and installation; and

WHEREAS, AFSCO Fence supply has provided the Town with the best product quality and service lowest quote; and

WHEREAS, the GEIS committee has recommended to the Town Board that this is an appropriate use of GEIS recreation funds; and

WHEREAS, the Town Comptroller confirms this resolution will have a negative \$3,986 non-material impact on the Town’s finances charged to GEIS - Recreation code 2374.01.00.04; now therefore be it

RESOLVED, that the Town Board authorizes the GEIS Recreation Fund expenditure of \$3,986 for the purpose of installing fence at the Town Park.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Supervisor Conway and brought to a vote resulting as follows:

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|----------------------|--------|
| Councilor T. Tierney | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |

58-2019 A Resolution Recognizing the Establishment of East Greenbush Fire District Number 3

WHEREAS, the Town Board of the Town of East Greenbush, Rensselaer County, is vested with the authority pursuant to Article 11 of the Town Law of the State of New York to establish within its Town boundaries one (1) or more fire districts, which are political subdivisions of the State of New York; and

WHEREAS, an article in the Troy Times dated July 12, 1933, references a resolution giving the Town of East Greenbush authority to create a fire district within the borders of East Greenbush; and

WHEREAS, the article in the Troy Times, dated July 13, 1933, sets forth that the Town of East Greenbush will establish a new third fire district “at its meeting Tuesday night”; and

WHEREAS, the minutes of the meeting of East Greenbush Fire District Number 3 on August 21, 1933, recorded that five (5) Town residents were appointed as Fire District Commissioners, and an official meeting of the new Board of Fire Commissioners of the East Greenbush Fire District Number 3 was held on August 30, 1933; and

WHEREAS, the East Greenbush Fire District Number 3 has collected taxes and provided fire protection service on a continuous basis since 1934; and

WHEREAS, the East Greenbush Fire District Number 3 has at all times from July, 1933, held itself out as a duly established fire district within the Town of East Greenbush, in full compliance with the laws of the State of New York; and

WHEREAS, the District reports that in the course of a recent grant application, it was discovered that the actual Town Board resolution authorizing the District could not be located; and

WHEREAS, the Town Board wishes to confirm, by resolution, the validity of the establishment and continuation of such fire district; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s finances; now, therefore be it

RESOLVED, that East Greenbush Fire District Number 3 was duly established by the Town Board of the Town of East Greenbush in July of 1933, and has been a duly constituted fire district at all times since that date, and that this resolution shall be effective and shall operate *nunc pro tunc*.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

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|----------------------|--------|
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |

59-2019 A Resolution to Create a Surplus Real Property Application

WHEREAS, New York Town Law section 64, subd. 2 empowers town boards, generally, to convey or lease real property in the name of the town upon the adoption of a resolution which shall be subject to permissive referendum; and

WHEREAS, such empowerment includes the disposal of real property that is no longer necessary for the town to carry out its corporate purposes and can, therefore, be deemed by a town board to be surplus to a town's needs (hereinafter, "Surplus Real Property"); and

WHEREAS, the town of East Greenbush (hereinafter, "Town") periodically receives requests for the disposal of real property that may potentially be declared as Surplus Real Property; and

WHEREAS, the Town currently has no formal application form and uniform processing requirements and standards (hereinafter, "Surplus Real Property Application") in place with which to properly consider such requests and ensure that any disposals resulting therefrom are wholly in the Town's best interests; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances;

now, therefore, be it

RESOLVED, that the proposed Surplus Real Property Application, as attached hereto and made a part hereof, be, and the same hereby is, approved for dissemination, use, and processing;

and be it further

RESOLVED, that the Surplus Real Property Application shall be made available on the Town's website and in the Town Clerk's office.

The forgoing resolution was duly moved by Councilor Matters and seconded by Councilor Kennedy and brought to a vote resulting as follows:

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|----------------------|--------|
| Councilor R. Matters | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor B. Fritz | VOTED: |

60-2019 A Resolution Authorizing the Purchase of a 2019 Jeep Cherokee Latitude for the Building Department

WHEREAS, the code enforcement inspectors require the use of Town vehicles for the purpose of traveling around Town following up on complaints and code violations; and

WHEREAS, one of the cars currently in use is a 2005 Ford Explorer with 141,000 miles of usage and a recent history of costly repairs; and

WHEREAS, the Town Board authorized the Director of Finance to solicit bids for a new sports utility vehicle for the Building Department with Resolution 218-2018; and

WHEREAS, prices were solicited by advertising on the New York State Vehicle Marketplace; and

WHEREAS, three prices were obtained from the Vehicle Marketplace and the one that best fit the needs of the Department and the amount budgeted for this purchase was obtained from Main Motorcar in Johnstown, New York; and

WHEREAS, the Town Comptroller confirms that this is included in the 2019 Town Budget for account code 36204.01.04 Safety Inspection;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the purchase of a 2019 Jeep Cherokee Latitude from Main Motorcar in Johnstown, New York for the amount of \$23,440.87.

This resolution was duly moved by Councilor Fritz and seconded by Councilor Kennedy and brought to a vote resulting as follows:

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|----------------------|--------|
| Councilor B. Fritz | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor R. Matters | VOTED: |

61-2019 A Resolution Authorizing the Solicitation of Pricing for Various Trucks and Equipment at the Department of Public Works

WHEREAS, the Department of Public Works requires the following trucks and equipment to sustain their operations and replace worn and uneconomically repairable trucks;
and

Vacuum Truck/Hydraulic Excavator (Water, Sewer, Highway Departments)
5500 series Dump Truck for patching and hauling asphalt reclaimer (Highway Department)

Asphalt Reclaimer for heating and transporting blacktop (Highway Department)
Two (2) ¾ Ton Pickup Trucks (Water Department and Sewer Department); and

WHEREAS, expenditures for public works projects that exceed \$35,000 are subject to competitive bidding; and

WHEREAS, the Town Comptroller has determined that this resolution will have no material impact on Town finances;
now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to solicit bids, or pricing from existing bids, for the purchase of various trucks and equipment listed above.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Matters and brought to a vote resulting as follows:

| | |
|----------------------|--------|
| Councilor T. Tierney | VOTED: |
| Councilor R. Matters | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor B. Fritz | VOTED: |

62-2019 A Resolution to Authorize a Public Auction of Surplus Equipment

WHEREAS, the Town Board has received a request from the Chief of Police to declare the following Town property to be surplus equipment:

One (1) model year 2009 Dodge Durango VIN 2FABP7BV48X124417 (TownID#307)

WHEREAS, said equipment is not suited for any other Town department; and

WHEREAS, the Town Comptroller has determined that this resolution will have no material impact on Town finances;

now therefore be it

RESOLVED, that said property be and hereby is declared to be surplus;

and be it further

RESOLVED that the Chief of Police be authorized to conduct a public auction or sale or otherwise to lawfully 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 Supervisor Conway seconded by Councilor Kennedy and voted as follows:

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|----------------------|--------|
| Supervisor J. Conway | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED: |

ADJOURNMENT

Motion to adjourn by Supervisor Conway seconded by Councilor Tierney and brought to a vote as follows:

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|----------------------|--------|
| Supervisor J. Conway | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz | VOTED |