

TOWN OF BRUNSWICK
ZONING BOARD OF APPEALS

336 TOWN OFFICE ROAD, TROY, NEW YORK 12180

Phone: (518) 279-3461 -- Fax: (518) 279-4352

DRAFT MINUTES

A Special Meeting of the Zoning Board of Appeals of the Town of Brunswick, County of Rensselaer, State of New York, was held on December 29, 2011, at 6:00 P.M.

Present at the meeting were: Caroline Trzcinski, Member
E. John Schmidt, Member
Mark Cipperly, Member

Chairman Hannan and Member Steinbach were absent as they had recused themselves from consideration of the matter to be discussed at this meeting. Also present was Thomas R. Cioffi, Town Attorney and Zoning Board of Appeals Secretary.

Temporary Chairman Cipperly called the Meeting to order at 5:00 P.M. He stated that the purpose of the Special Meeting was to discuss litigation which had been commenced against the Board by Oakwood Property Management, LLC in connection with the Board's denial of Oakwood's appeals from Notices of Violation issued by the Code Enforcement Officer dated June 10, 2010, and June 21, 2011.

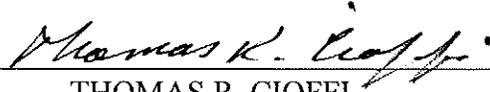
Attorney Cioffi added that the lawsuit is a combined CPLR Article 78 proceeding and declaratory judgment action commenced in Supreme Court, Albany County. In addition to this Board, the Town, the Town Board, the Supervisor and the Code Enforcement Officer were named as respondents-defendants. Attorney Cioffi explained that the Town Board intends to retain the firm of Tuczinski, Cavalier, Gilchrist & Collura, P.C., to represent all of the Town respondent-defendants, including this Board. At this point, stated Attorney Cioffi, there does not appear to be any conflict or impediment to having one attorney represent all of the Town respondent-defendants. The draft Resolution before the Board simply acknowledges the commencement of the lawsuit and consents to the retention of Tuczinski, Cavalier, Gilchrist and Collura, P.C., to represent all of the respondent-defendants in the lawsuit, including this Board.

Member Cipperly asked whether anyone had any questions about the lawsuit or the Resolution for Attorney Cioffi. There were none. Member Cipperly asked whether anyone wished to offer the draft Resolution. Member Schmidt stated that he would offer the Resolution. Member Trzcinski seconded. The Resolution was put to a roll call vote and all members present voted in the affirmative.

There being no further business, Member Trzcinski made a motion to adjourn. Member Schmidt seconded. The motion carried 3 - 0.

Dated: Brunswick, N.Y.
December 30, 2011

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas R. Cioffi", is written over a horizontal line.

THOMAS R. CIOFFI

Town Attorney - Zoning Board Secretary

**TOWN OF BRUNSWICK
ZONING BOARD OF APPEALS**

SPECIAL MEETING

December 29, 2011

RESOLUTION CONSENTING TO RETENTION OF COUNSEL

WHEREAS, a combined CPLR Article 78 proceeding and declaratory judgment action having been commenced in Supreme Court, County of Albany, against this Zoning Board of Appeals, and others, including the Town, the Town Board, the Town Supervisor, and the Code Enforcement Officer, by Oakwood Property Management, LLC, challenging the determination of this Board dated December 19, 2011, denying Oakwood's appeals from Notices of Violation issued by the Code Enforcement Officer dated June 10, 2010, and June 21, 2011, pertaining to Oakwood's business operations located at 215 Oakwood Avenue; and

WHEREAS, it appearing that the Town, the Town Board, the Supervisor and the Code Enforcement Officer will be represented in the said litigation by the firm of Tuczinski, Cavalier, Gilchrist and Collura, P.C.; and

WHEREAS, it appearing to the satisfaction of this Board, at this time, that there is no conflict or impediment which would preclude all of Town respondents-defendants from being represented by a single attorney in this litigation; now, therefore

BE IT RESOLVED, that this Board does hereby consent to the retention of the firm of Tuczinski, Cavalier, Gilchrist & Collura, P.C., to represent the Town and all other respondent-defendants, including this Board, in the above-described litigation.

The foregoing Resolution offered by Member Schmidt, and seconded by Member Trzcinski, was duly put to a roll call vote as follows:

MEMBER TRZCINSKI	VOTING	Aye
MEMBER SCHMIDT	VOTING	Aye
MEMBER CIPPERLY	VOTING	Aye
MEMBER STEINBACH	VOTING	Recused
CHAIRMAN HANNAN	VOTING	Recused

The foregoing Resolution was thereupon declared duly adopted.

Dated: December 29, 2011