

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

153-2016 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2017 Tentative Budget to the Town Board

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2017 Tentative Budget to the Town Board 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 confirmed 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 a Special Meeting on Tuesday, October 4, 2016 at 4:00 p.m., 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 Special Meeting as required by law.

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

154-2016 A Resolution to Adopt a Post Bond Issuance Compliance Policy

WHEREAS, the Town of East Greenbush (the “Town”) has issued and may in the future issue obligations on a tax-exempt or tax-advantaged basis; and

WHEREAS, the Internal Revenue Service encourages issuers of tax-exempt or tax-advantaged basis obligations to adopt post-issuance compliance policies to ensure compliance with the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Town has entered into and may in the future enter into certificates and agreements (“Continuing Disclosure Agreements”) providing for ongoing disclosure in connection with the offering of securities to investors (“Offerings”) (whether or not tax-exempt/tax-advantaged) subject to the continuing disclosure requirements of Rule 15c2-12(b) (5) (the “Rule”) promulgated by the Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934; and

WHEREAS, the SEC encourages issuers of Offerings to adopt post-issuance compliance policies to ensure compliance with Continuing Disclosure Agreements and the Rule; and

WHEREAS, the Town desires to adopt written post-issuance compliance policies to ensure that the Town is in compliance with its obligations under the Code and the Rule; and

WHEREAS, members of the Town Board have had an opportunity to review a copy of the Post-Issuance Compliance Policy for Tax-Exempt and Tax-Advantaged Bonds and Continuing Disclosure (the “Policy”); and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have an impact on the Town’s finances (charged to account 13154.01 general and allocated to support admin funds of highway, water and sewer as budgeted) depending on continuing regulatory disclosure requirements and negotiated prices for services;

now, therefore, be it

RESOLVED, the Town hereby adopts the Policy in the form presented to the Town Board at this meeting. This Resolution shall take effect immediately.

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

Councilor Tierney	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

155-2016 A Resolution Approving Local Law #2 of 2016 Providing That the Commissioner of Public Works May Reside in the Counties of Rensselaer, Albany, Washington or Columbia.

WHEREAS, Public Officers Law §3(1) and Town Law §23(1) provide that an individual may not hold civil office unless he or she is an elector of the municipality for which a candidate is chosen; and

WHEREAS, the Supreme Court, Appellate Division, Third Department, New York ruled in the matter of Theodore W. Ricket v. Town of Colonie that because Public Officers Law §3(1) and Town Law §23(1) are special laws, not general laws, municipalities may enact local laws to supersede the residency requirement contained in that statute; and

WHEREAS, the Town Board of the Town of East Greenbush is interested in hiring a Commissioner of Public Works who is not a resident of the Town of East Greenbush; and

WHEREAS, a public hearing on this Local Law was held on August 17, 2016 at 6:30 p.m. at Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144;

WHEREAS, the Town Comptroller has confirmed 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 approves Local Law #2 of 2016 which amends Section 10-6 of the Code of the Town of East Greenbush by adding a paragraph that reads “Notwithstanding any other law, the Commissioner of Public Works shall be a resident of the Counties of Rensselaer, Albany, Washington or Columbia at the time of his or her appointment, and during his or her term of office.”

The foregoing resolution is moved by Councilor Matters and seconded by Councilor Grant and brought to a vote resulting as follows:

Councilor Matters	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Tierney	VOTED:

156-2016 A Resolution Appointing Scott F. Gallerie to the Position of Commissioner of Public Works for a Two Year Term

WHEREAS, Commissioner of Public Works Paul R. Mason submitted his resignation effective July 29, 2016 which was accepted by the Town Board with Resolution 145-2016; and

WHEREAS, the Town Board solicited resumes by advertising in numerous newspapers, employment websites, and the Town website seeking the most qualified candidate for this essential position; and

WHEREAS, on August 17, 2016 the Town Board approved Local Law #2 of 2016 which provides that the Commissioner of Public Works must be a resident of Albany, Columbia, Rensselaer or Washington County; and

WHEREAS, Scott F. Gallerie has eight years of experience as Highway Superintendent of Rensselaer County, six years of experience as the elected Superintendent of Highways for the Town of Nassau and twenty-one years of experience in the New York Army National Guard; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have an impact on the Town's finances of an estimated \$6,000 spread proportionate to allocation to General(14901.01), Highway(50201.02), Sewer(81101.07,08,09,10) and Water Funds(83101.05,06);

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush appoints Scott F. Gallerie, a resident of Rensselaer County, to a two-year term as Commissioner of Public Works, effective from August 23, 2016 – August 22, 2018 at an annual salary of \$85,000.

This resolution was duly moved by Councilor DiMartino and seconded by Supervisor Conway and brought to a vote resulting as follows:

Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

157-2016 A Resolution Appointing Susan F. McCarthy to the Position of Sole Appointed Assessor for a Term to Run Through December 17, 2019

WHEREAS, Judith Goodyer submitted her resignation as Sole Appointed Assessor effective July 29, 2016 for personal reasons although her appointed term does not expire until December 17, 2019; and

WHEREAS, the Town Board accepted Ms. Goodyer's resignation with Resolution 119-2016; and

WHEREAS, the Town Board solicited resumes by advertising in numerous newspapers, employment websites, and the Town website seeking the most qualified candidate for this essential position; and

WHEREAS, Susan F. McCarthy is a Licensed State Certified Advanced Assessor and past president of the New York State Assessor's Association with more than forty years experience, including twenty-five years as the Assessor for the Town of East Greenbush, and has been deemed to be the most qualified applicant; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no budget impact on the Town's finances (charge code 13551.01 general);

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby appoints Susan F. McCarthy to the position of Sole Appointed Assessor to complete the term vacated by Judith Goodyer at an annual salary of \$50,000. This appointment shall be made retroactive to August 1, 2016 and shall expire on September 30, 2019.

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

Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

158-2016 A Resolution to Schedule a Second Public Hearing on an Amended Code of Ethics

WHEREAS, the Town adopted an amended Code of Ethics as Local Law No. 3 of 2013 to establish minimum standards of conduct for officials and employees of the Town to ensure that the business of Town government is free from improper influence and to facilitate consideration of problems before they occur; and

WHEREAS, the current Town Board has a commitment to establish transparent frameworks for government officials, to promote and foster public trust in the administration of government and to demonstrate a formal and codified commitment to ethical behavior by government officials; and

WHEREAS, to implement these commitments, the Town Board asked the Board of Ethics to undertake a comprehensive revision of the existing Code of Ethics; and

WHEREAS, the Board of Ethics produced such a revision and submitted it to the Town Board for their review and approval and after the Town Board made its revisions, a public hearing was held on July 20, 2016 at 6:15 p.m. at Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144 ; and

WHEREAS, the Town Board sought to incorporate some of the comments made at the first public hearing, the Board of Ethics produced another revision and submitted it to the Town Board for their review which is now complete; and

WHEREAS, the Town Board determined that the revisions made after the public hearing were significant enough to warrant a second public hearing so that residents could comment on the latest revisions; and

WHEREAS, the Town Comptroller has confirmed 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 schedules a second public hearing on an amended Code of Ethics for September 21, 2016 at 6:15 p.m. to solicit and consider public input before finalizing a new Local Law that would amend the current Code of Ethics.

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

159-2016 A Resolution Authorizing the Award for A New Dump Truck on Mini-Bid Request Number T16060025

WHEREAS, the East Greenbush Town Board approved the Finance Department to solicit bids for a new Dump Truck with Resolution 103-2016; and

WHEREAS, the Town utilized the New York State Vehicle Marketplace Mini-Bid system to solicit bids for a new dump truck for the Department of Public Works; and

WHEREAS, the NYS Vehicle Marketplace sent the Finance Department the mini-bid results where **Webster Ford dba Henderson Ford** was the only bidder, bidding at NYS Contract pricing as follows;

Chassis Model Year	Chassis Make	Chassis Model	Chassis Model Code	Total # of Chassis	NYS Chassis Discount	NYS Contract Price (Chassis)	Total NYS Contract Price (Chassis)
2017	Ford	F550 4X4 Regular Cab Chassis	F5H	1	20.60	\$34,193.61	\$34,193.61
Body Model Year	Body Make	Body Model	Body Model Code	Total # of Bodies		NYS Contract Price (Body)	Total NYS Contract Price (Bodies)
2017	Rugby	Dump Body	DU9-4 HR520	1		\$10,923.00	\$10,923.00
Total Delivery Charge for Vehicles							\$0.00
Total Evaluation Price for Item							\$45,116.61

and

WHEREAS, Webster Ford, when provided the request specifications for the desired vehicle for DPW, responded to the bid with the above quote; and

WHEREAS, the Director of Finance has sent a Tentative Letter of Award, pending Town Board approval; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no impact on the Town's finances as there is adequate 2016 budgeted funding in account 51304.02 highway;

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Finance Department to send an award letter to Webster Ford dba Henderson Ford, the lowest responsible bidder for Mini-bid request T16060025, which authorizes the purchase of a 2017 Ford F550 truck with Dump body for a total price of \$45,116.61.

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

Councilor DiMartino	VOTED:
Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

**160-2016 A Resolution Authorizing the Settlement of Tax Certiorari Proceeding
Entitled Curtis Lumber Company v. the Town of East Greenbush for the
Year 2015**

WHEREAS, Curtis Lumber Co., Inc. has commenced tax certiorari proceedings against the Town of East Greenbush for 2015 in Rensselaer County Supreme Court, Index No. 250611, regarding property located at 14 Park Ridge Drive, Town of East Greenbush, New York and having a Tax Map No. of 167.-4-32.130; 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 has confirmed that the provisions of this proposed Board action will have an impact on the Town's finances resulting in a decreased share of sales tax revenues from the County and increased tax rates that the property owners will be required to pay;

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2015 tax certiorari proceedings filed by Curtis Lumber Co., Inc. in which the 2015 assessed value of the subject properties shall be reduced as follows:

Year	Parcel No.	Prior Assessed Value	New Assessed Value	Reduction
2015	167.-4-32.130	\$100,000	\$80,000	\$20,000

Real Property Tax Law Section §727 shall apply, and the assessment shall remain unchanged for the 2016, 2017 and 2018 assessment rolls;
and, be it further,

RESOLVED, that Curtis Lumber Co., Inc. shall be entitled to the above refunds of excess taxes, waiving statutory interest, paid based upon the above revision that shall be paid by the County of Rensselaer, New York and will be charged back to the Town of East Greenbush on the next levy. The East Greenbush Central School District shall refund to Curtis Lumber Co., Inc., the amount of excess taxes statutory interest paid upon the above revision;

and, be it, further,

RESOLVED, that the above captioned tax certiorari proceedings be settled in the amount set forth above with all documents necessary to effectuate said settlement.

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

Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

161-2016 A Resolution Authorizing the Settlement of Tax Certiorari Proceeding Entitled MKF Land Development, LLC v. the Town of East Greenbush for the Year 2015

WHEREAS, MKF Land Development, LLC has commenced tax certiorari proceedings against the Town of East Greenbush for 2015 in Rensselaer County Supreme Court, Index No. 250610 regarding property located at Park Ridge Drive, consisting of eight (8) vacant lots in the Town of East Greenbush, New York and having Tax Map numbers appearing below; 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 has confirmed that the provisions of this proposed Board action will have an impact on the Town's finances resulting in a decreased share of sales tax revenues from the County and increased tax rates that the property owners will be required to pay;

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2015 tax certiorari proceedings filed by MKF Land Development, LLC in which the 2015 assessed value of the subject properties shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>New Assessed Value</u>	<u>Reduction</u>	<u>Refund</u>
2015	167.-4-32.139	\$100,000	\$80,000	\$20,000	\$124.35
2015	167.-4-32.127	\$101,300	\$80,000	\$21,300	\$132.43
2015	167.-4-32.136	\$100,200	\$80,000	\$20,200	\$125.59
2015	167.-4-32.134	\$100,200	\$80,000	\$20,200	\$125.59
2015	167.-4-32.133	\$100,000	\$80,000	\$20,000	\$124.35
2015	167.-4-32.132	\$100,100	\$80,000	\$20,100	\$124.97
2015	167.-4-32.125	\$100,700	\$80,000	\$20,700	\$126.70
2015	167.-4-32.118	\$ 90,400	\$80,000	\$10,400	\$ 64.66

Real Property Tax Law Section §727 shall apply, and the assessment shall remain unchanged for the 2016, 2017 and 2018 assessment rolls;

and, be it further,

RESOLVED, that MKF Land Development, LLC shall be entitled to the above refunds of excess taxes, waiving statutory interest, paid based upon the above revision that shall be paid by the County of Rensselaer, New York and will be charged back to the Town of East Greenbush on the next levy. The East Greenbush Central School District shall refund to MKF Land Development, LLC, the amount of excess taxes statutory interest paid upon the above revision;

and, be it, further,

RESOLVED, that the above captioned tax certiorari proceedings be settled in the amount set forth above with all documents necessary to effectuate said settlement.

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

Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

162-2016 A Resolution Authorizing the Purchase and Installation of Carpet for the Water & Sewer Office in Town Hall

WHEREAS, the Water and Sewer Office in Town Hall’s carpet is delaminating, causing the carpet to buckle, posing a tripping hazard to employees; and

WHEREAS, the Finance Office has received three quotes from vendors to replace the carpet;

<u>Vendor Name</u>	<u>Quote Amount</u>
Lowe’s Home Improvements	\$2,102.82
Home Depot	\$3,250.50
Olympic Flooring	\$2,550.00

and

WHEREAS, workers of the Department of Public Works will assist in removing office furniture and storage in attempt to reduce the overall cost;

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have an impact on the Town’s finances (charged to 16204.01 general fund); now, therefore, be it

RESOLVED, that the East Greenbush Town Board does hereby authorize the purchase and installation of the carpet for the Water and Sewer Office in Town Hall.

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

Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

163-2016 Authorizing the Finance Office to Solicit Bids for Various General Construction, Electric, HVAC and Plumbing Projects

WHEREAS, the Town of East Greenbush has identified the need to solicit bids for various general construction, electric, HVAC and plumbing projects; and

WHEREAS, the Finance Office will present the bids to the Town Board for final selection of the lowest responsible bidder; and

WHEREAS, the Town Comptroller hereby asserts that none of the provisions of the foregoing resolution shall pose an impact to the Town's finances;
now, therefore, be it

RESOLVED, the Town Board authorizes the Finance Office to solicit sealed bids for general construction, electric, HVAC and plumbing projects

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

164-2016 Authorizing the Finance Office to Solicit Bids for a Sidewalk Cleaner

WHEREAS, the Town of East Greenbush has identified the need to purchase a new Wacker Neuson WL-30 or similar equipment for snow removal and to properly maintain Town sidewalks including those along Routes 9&20 per the agreement made during construction; and

WHEREAS, the Finance Office will present the bids to the Town Board for final selection of the lowest responsible bidder; and

WHEREAS, the Town Comptroller has confirmed 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 does hereby authorize the Finance Office to solicit sealed bids for a sidewalk cleaner.

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

Councilor Tierney	VOTED:
Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

165-2016 A Resolution Authorizing Susan F. McCarthy to Attend the New York State Assessors Association Conference on Assessment Administration in Lake George, New York on September 18-21, 2016.

WHEREAS, Susan F. McCarthy was appointed Assessor for the Town of East Greenbush, effective August 1, 2016, to complete the term of Judith Goodyer and must receive twelve hours of continuing education before the end of the year to maintain her certification; and

WHEREAS, the annual meeting of the New York State Assessors Association will be held in Lake George, New York from September 18-21, 2016 and attendance at the meeting will allow Ms. McCarthy to obtain the twelve hours of continuing education that she requires; and

WHEREAS, the State of New York will reimburse the Town the costs associated with her attendance, which is in the amount of \$701.50;

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no budget impact on the Town's finances (charge code 13554.01 general);

now, therefore, be it

RESOLVED, that the Town Board authorizes Susan F. McCarthy to attend the New York State Assessors Association's Conference on Assessment Administration in Lake George, New York on September 18-21, 2016.

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

Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

ADJOURNMENT

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

