



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING AGENDA

Wednesday, August 21, 2013

Call to Order 7:00 PM
Pledge to the Flag
Town Board Meeting:

Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor Langley
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson O'Brien
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Mangold
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone

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.

Resolutions and Proposals by Town Board Members:

115-2013 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 July 17, 2013; 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 July 17, 2013; are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

116-2013 A Resolution to Approve Special 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 special Town Board Meeting held on July 11, 2013, 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 special Town Board Meeting held on July 11, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

117-2013 A Resolution to Approve Special 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 special Town Board Meeting held on July 23, 2013, 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 special Town Board Meeting held on July 23, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson O'Brien	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

118-2013 A Resolution to Approve Special 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 special Town Board Meeting held on July 30, 2013, 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 special Town Board Meeting held on July 30, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Councilperson Mangold and brought to a vote resulting as follows:

Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson O'Brien	VOTED
Councilperson Malone	VOTED

119-2013 A Resolution to Approve Special 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 special Town Board Meeting held on August 6, 2013, 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 special Town Board Meeting held on August 6, 2013, are hereby approved as submitted.

The foregoing Resolution was duly moved by Supervisor Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

120-2013 Scheduling of a Public Hearing Relative to the Enactment of Local Law Amending the Town Code of Ethics

WHEREAS, the East Greenbush town board (referred to hereinafter as "Town Board"), at its regular meeting held on October 13, 2010, adopted resolution no. 161-2010 which set forth a directive to the newly constituted East Greenbush town board of ethics (referred to hereinafter as "Ethics Board") to propose to the Town Board, for its consideration and adoption via the enactment of local law, amendments to be made to the town code of ethics, including, but not limited to, financial-disclosure provisions (referred to hereinafter as "Amendments,"); and

WHEREAS, the Ethics Board had, in duly fulfilling its charge and upon the advice and review of counsel, drafted the proposed Amendments (a copy of which is attached hereto as Exhibit A and made a part hereof); and

WHEREAS, resolution nos. 54-2012 and 80-2012, which were intended to schedule a public hearing relative to the consideration of comments by the public on the proposed Amendments, were duly moved, but not adopted, at the Town Board's regular meetings held on April 18, 2012 and May 16, 2012, respectively; and

WHEREAS, since the date of the last aforementioned Town Board meeting, the Town Board members who had cast dissenting votes at such time have not moved a resolution to adopt the Amendments initially or otherwise proposed by the Ethics Board, inaction that has not been in the public's best interest; and

WHEREAS, the scheduling of a public hearing is deemed to be just and proper at this time in order for the public to review and comment on the Amendments initially proposed by the Ethics Board; and

WHEREAS, the town comptroller has heretofore attested that none of the provisions of this resolution shall pose an adverse impact to the town's finances; now, therefore, be it

RESOLVED, that, pursuant to New York municipal home rule law § 20, subd. 5, a public hearing regarding the enactment of local law to provide for the incorporation of the proposed Amendments into the town code of ethics be, and the same hereby is, scheduled to be held on September 18, 2013 at 6:30 p.m. at the East Greenbush town hall; and be it further

RESOLVED, that the town clerk shall cause notice of such hearing to be published in the town-designated newspaper and in the manner prescribed to meet the statutory requirement thereof, not less than ten, nor more than twenty, days prior to the date specified for the hearing.

The foregoing resolution was duly moved by Councilperson Matters, seconded by Supervisor Langley, and resulted in the following vote:

Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

121-2013 A Resolution Authorizing the Payment by the Comptroller of Certain Charges and Expenses Incurred by the Town

WHEREAS, the Town of East Greenbush in the absence of a Comptroller, has put before the Town Board all expenditures and charges for approval, and

WHEREAS, Wojeski and Company has recommended that this practice continue particularly in the absence of a Purchasing Agent separate and distinct from the Comptroller, and

WHEREAS, said practice contributes to the transparency of the Town's financial expenditures and provides the public with a regular, consistent, ongoing itemization of the expenditure of public funds in the regular and ordinary course of Town business, now therefore, be it

RESOLVED, that the charges and expenditures set forth in Exhibit A attached hereto are hereby approved for payment.

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Supervisor Langley, and brought to a vote resulting as follows:

Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

122-2013 A Resolution Authorizing the Payment of Additional Funds to Wojeski & Company CPAs, P.C. as Independent Accountants to the Town of East Greenbush

WHEREAS, the Town has previously retained Wojeski and Company CPAs, P.C. as an independent accounting firm to reconcile the Town's general ledger to assist Toski & Schaefer & Co. P.C. to perform formal audits for the years 2010, 2011 and 2012, and

WHEREAS, additional monies are needed to retain Wojeski & Co. to complete the necessary reconciliations for the years 2010, 2011 and 2012, now

BE IT RESOLVED, that the Town is authorized to pay to Wojeski & Co. an additional amount of \$17,025.00 in addition to sums heretofore paid in consideration of the firm performing reconciliations of the general ledger for the years 2010, 2011 and 2012, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to make the transfer from the contingency fund 19904.01 to the Town Independent Auditing and Accounting Account # 13204.01 in the sum of \$17,025.00 to make such payment.

The foregoing Resolution was duly moved by Councilperson Mangold and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Malone	VOTED

123-2013 A Resolution Authorizing the Payment of Additional Sums to Toski & Schaefer & Co., P.C. to Perform Town Audits for the years 2010, 2011 and 2012

WHEREAS, the Town has received a proposal from Toski & Schaefer & Co., P.C. to perform formal Town audits for the years 2010, 2011 and 2012 at a total audit fee of \$54,000.00, the town receiving a credit for the sum of \$25,000.00 heretofore paid, now

BE IT RESOLVED, that the Town is hereby authorized to pay to Toski & Schaefer & Co., P.C. the sum of \$29,000.00 to conduct and provide a formal Town audit for the years 2010, 2011 and 2012, and

BE IT FURTHER RESOLVED, that the Comptroller is authorized to make the transfer from the contingency fund 19904.01 to the Town Independent Auditing and Accounting Account #13204.01 in the sum of \$29,000.00 to make such payment.

THE FOREGOING RESOLUTION was duly moved by Councilperson Mangold and seconded by Supervisor Langley and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Malone	VOTED

124-2013 A Resolution forgiving the 2012 and 2013 taxes including interest and penalties on the property conveyed to the Town of East Greenbush, having a Tax Map Number of 154.4-16-29

WHEREAS, the Town Board of the Town of East Greenbush accepted certain common area and/or detention basin located on Arcadia Ave. in the Town of East Greenbush and the Deed has been filed with the Rensselaer County Clerk's Office; and

WHEREAS, the Town of East Greenbush is a municipal corporation and a political Subdivision of the State of New York and does not pay taxes on property owned by the Town; now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby forgives any and all Town property taxes, penalties and interest for the 2012 and 2013 tax years, for the parcel located on Arcadia Ave; being tax map number #154.4-16-29

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 Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED

125-2013 A Resolution Amending the W. F. Rescue Squad Voluteer Ambulance Workers' Service Award Program Point System as Established In Resolution 136-2002

WHEREAS; The Town Board adopted a resolution on December 11, 1996 to establish a Defined Contribution Service Award Program for the W.F. Bruen Rescue Squad effective January 1, 1997 in accordance with Article 11-AA of the New York State General Municipal Law; and,

WHEREAS; The Town Board adopted resolution 136-2002 on November 13, 2002 to convert the existing Defined Contribution Service Award Program to a Defined Benefit Service Award Program, effective December 31, 2002, in accordance with Article 11-AAA of the New York State General Municipal Law; and,

WHEREAS; as required under Article 11-AAA of the New York State General Municipal Law, by adoption of said resolutions the Town Board also adopted the Service Award Point System attached to the resolutions; and

WHEREAS; the Article 11-AAA of the New York State General Municipal Law gives the Town Board the authority to amend the Service Award Program Point System by Board resolution adopted by the affirmative vote of at least sixty percent of the Board; and

WHEREAS; an ad-hoc committee made up of representatives from the Town of East Greenbush, the W.F. Bruen Rescue Squad and Penflex, Inc., the firm retained by the New York State Office of the State Comptroller to administer the Service Award Program, has determined that making certain changes to the Point System are necessary due to the changing demographics of the Rescue Squad; and

WHEREAS; this committee has made recommended changes to the Service Award Program Point System;

WHEREAS, the Town Comptroller has certified that the provisions of this resolution will be planned for in upcoming budgets and will have no adverse impacts on the 2013 Town Finances. The future impact will be \$30,000 per year for up to ten years beginning in 2014, now, therefore be it

RESOLVED, that; the W.F. Bruen Rescue Squad Service Award Program Point System shall be amended and restated as detailed in Schedule A of this resolution and is to be immediately effective with the tracking and calculating of the 2013 points.

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 Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

126-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceedings entitled Transmontaigne Terminaling, Inc

WHEREAS, Transmontaigne Terminaling, Inc., has brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court , now pending for the years 2008, 2009, 2010 and 2011, and

WHEREAS, after considerable discovery, inspection, appraisal review and negotiation with Petitioners counsel, the Town’s certiorari counsel and the Assessor’s Office have recommended a settlement agreement to the following values for the years 2008, 2009, 2010 and 2011 as follows:

Tax Identification Number	Assessment	Ordered Assessed Value for each of the 2008, 2009, 2010 and 2011 final Assessment Rolls	Ordered Reduction for each of the 2008, 2009, 2010 and 2011 final Assessment Rolls
154.-2-18	\$6,125,000.00	\$4,250,000.00	\$1,875,000.00

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 year’s 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 O’Brien and brought to a vote resulting as follows:

Councilperson Malone	VOTED
Councilperson O’Brien	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED

127-2013 Appointment of Gregory Guay to the Position of Purchasing Agent

WHEREAS, the position of Town Purchasing Agent was vacated with the appointment of Angelina Cadena to Town Comptroller COB May 23, 2013; and

WHEREAS, the East Greenbush Town Board (hereinafter, “Board”), in recognizing the importance of one of the key positions in town government, has overseen efforts to recruit a replacement for the position of Purchasing Agent, including the interviewing of several highly qualified candidates; and

WHEREAS, the Board, having considered his extensive qualifications, finds Gregory Guay, a Town resident, to be the most suitable candidate for the subject position; and

WHEREAS, that this Resolution results in no adverse financial impact to the Town inasmuch as funding for the subject position was provide in the 2013 annual budget; now, therefore, be it

RESOLVED, that, effective beginning of business August 26,2013, Gregory Guay, and the same hereby is, appointed to the position of Town Purchasing Agent at a salary of \$31,000.00; and be it further

RESOLVED, that the Director Finance shall take all necessary steps to process the personnel transaction authorized in this resolution.

The foregoing resolution was duly moved by Councilperson O’Brien, seconded by Councilperson Mangold, and resulted in the following vote:

Councilperson O’Brien	VOTED
Councilperson Mangold	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

128-2013 A Resolution to Authorize a Public Auction of Surplus Equipment

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York has received a request from the Chief of Police to declare the following equipment as surplus; and **WHEREAS**, said equipment includes:

2005 Crown Victoria 2FAHP71W05X100933
Several Used Tires

WHEREAS, said equipment is not suited for other departments in Town; and

WHEREAS, the Town Comptroller has certified that there is no adverse impact to the Town finances; now therefore, be it

RESOLVED, that the equipment listed is hereby declared as surplus; and be it further

RESOLVED, that the Purchasing Agent is authorized to conduct a public auction, sale or 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 Councilperson Mangold and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

Councilperson Mangold	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

129-2013 A Resolution to Report Standard Work Day for Certain Employees

WHEREAS, the NYS Comptroller has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System; and

WHEREAS, anyone not participating in the Town's time keeping system has prepared and submitted a log of their work-related activities for three consecutive months; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances; now therefore

BE IT RESOLVED, that the Town of East Greenbush hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)
Elected Officials					
Town Justice	Mary Pat Donnelly	6	01/01/2013-12/31/2016	N	5.31
Appointed Officials					
Director of Finance	Meaghan Hart	7	01/02/2013-12/31/2013	Y	N/A
Dir of Comm. and Rec	Stephen Shea	7	01/01/2012-12/31/2012	Y	N/A
Planning Board Member	Kelly Sambrook	6	01/02/2013-12/31/2013	N	.5
Director of Planning	Meghan Webster	7	01/02/2013-12/31/2013	N	N/A
Town Comptroller	Angelina Cadena	7	01/02/2013-12/31/2013	Y	N/A

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 O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Malone	VOTED

130-2013 Scheduling of a Public Hearing for a Local Law to Consider a Code of Ethics of the Town of East Greenbush

WHEREAS, the Town Board desires to receive public comment regarding a proposed Local Law establishing a Code of Ethics of the Town of East Greenbush, 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 6:00 PM on Wednesday, September 18, 2013 at the Town Hall in the Town of East Greenbush to receive public comment on the proposed Local Law establishing a Code of Ethics for the Town of East Greenbush; and be it

FURTHER RESOLVED, the Town Clerk is hereby directed to give public notice as of such hearing required by law.

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	VOTE
Councilperson O'Brien	VOTE
Supervisor Langley	VOTE
Councilperson Matters	VOTE
Councilperson Malone	VOTE

ADJOURNMENT

Motion to adjourn by Supervisor Langley seconded by Councilperson Matters and brought to a vote as follows:

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED