



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MEETING

### AGENDA

**February 19, 2014**

**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 Mangold
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson DiMartino
<input type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters

#### 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:

##### 18-2014 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 January 15, 2014; 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 January 15, 2014, are hereby approved as submitted.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matt19ers	VOTED

**19-2014      A Resolution for SEQRA Determination for Regeneron Building 85 Storage Addition**

**WHEREAS**, the Town of East Greenbush received an application for the site plan review known as the Regeneron Building 85 Storage Addition located at 81 Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.21, prepared by Hart Engineering; and

**WHEREAS**, the application was accompanied by a proposed site plan, Part 1 of a Full Environmental Assessment Form (øEAFö) and other supporting information; and

**WHEREAS**, upon the recommendation of the Town Planning Board the Town Board determined the proposed project was an Unlisted Action and conducted a coordinated SEQRA review for the Project; and

**WHEREAS**, the Town Planning Board, after considering the comments and opinions of the Project Review Team and Planning Board's Designated Engineer, and after reviewing the proposed site plan, took a øhard lookö at the potential environmental impacts of this project by carefully considering and reviewing the Full Environmental Assessment Form, considering all the Applicant's proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire, rescue and MS-4 stormwater detention and recommended the Town Board issue a Negative Declaration under SEQRA; and

**WHEREAS**, the Town Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated;

**WHEREAS**, as the Town Comptroller has heretofore 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 Board hereby finds that the Project will not have a significant impact on the environment and issues a Negative Declaration for the Project.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**20-2014      Site Plan Approval – Regeneron Building 85 Storage Addition**

**WHEREAS**, the Town has received an application for a project known Regeneron Building 85 Storage Addition located at 81 Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.21, prepared by Hart Engineering; and

**WHEREAS**, the application was accompanied by a site plan, a full Environmental Assessment Form (øEAFö) and other supporting information; and

**WHEREAS**, the Town Board as Lead Agency issued a Negative Declaration for the project on February 19, 2014; Resolution 19-2014 and

**WHEREAS**, the Town Planning Board has reviewed the application materials and submitted the application materials to the Project Review Team and the Planning Board's Designated Engineer for technical review, and the site plan has been revised in response to various concerns raised by the Town Planning Board, the Project Review Team, and the Town's Designated Engineer; and

**WHEREAS**, based on its review, the recommendations of the Project Review Team and Town's Designated Engineer and the revisions made to the site plan, the Town Planning Board has recommended approval of the site plan with certain conditions; and

**WHEREAS**, the Town Board has reviewed the site plan application materials and the recommendation of the Town Planning Board; now, therefore, be it

**RESOLVED**, that the Town Board hereby approves the final Site Plan of the Project subject to the following conditions:

- All remaining fees and escrow are paid to the Town.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**21-2014 Authorization to Renew the Contract with Best Luther Fire District for the Furnishing of Fire Protection**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 19, 2014 to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Best-Luther Fire Protection District and all those present were allowed to speak; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now therefore, be it

**RESOLVED**, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. for the year 2014 in the sum not to exceed \$97,349.99 to Best-Luther Fire Department, Inc.

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**22-2014 Authorization to Renew Contract with Best Luther Fire District, on Behalf of the Third Avenue Fire Protection District for the Furnishing of Fire Protection**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 19, 2014, to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District and all those present were allowed to speak; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now therefore, be it

**RESOLVED**, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District for the year 2014 in the sum not to exceed \$7,200.00 to Best-Luther Fire Department, Inc.

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

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**23-2014 Authorizing the Purchasing Agent to Solicit Bids for Bus Transportation for Youth Programs**

**WHEREAS**, the Town of East Greenbush has identified the need to solicit bids for transportation for the youth programs.

**WHEREAS**, the Purchasing Agent will present the bids to the Town Board for final selection of the lowest responsible bidder; and

**WHEREAS**, the Town Comptroller hereby attests that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore

**BE IT RESOLVED**, the Town Board authorizes the Purchasing Agent to solicit sealed bids for bus transportation for youth programs.

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

Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**24-2014 A Resolution to Approve the Appointment of Summer Camp Director for the Community and Recreational Services Department**

**WHEREAS**, the Community and Recreation Department seeks to adjust the job description, requirements, and hours during the off-season of the Camp Director; and

**WHEREAS**, the Community and Recreational Services Department seeks to combine the positions of Camp Director, Aquatics Director, and Medical Director, and naming the position Camp Director; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now, therefore, be it

**RESOLVED**, that Ms. Eve Huska be appointed to Camp Director with a start date of February 20, 2014, consistent with all the terms and conditions of this position as previously set forth by the Town Board, and therefore; be it further

**RESOLVED**, that the salary of the said Camp director be paid by the hour at a rate of \$20.00/ per hour not to exceed \$8,000 for the year 2014.

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

Councilperson DiMartino	VOTED
Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson Mangold	VOTED

**25-2014 Approval to Become a Member of the New York State Park and Recreation Society**

**WHEREAS**, the Town Board of the Town of East Greenbush seeks to have a representative of the Community & Recreation Department become a member of The New York State Park & Recreation Society; and

**WHEREAS**, the Town Board deems Jessica Lansing, Director of Community & Recreation Services fit to represent the Town of East Greenbush in said society; and

**WHEREAS**, the financial impact to the Town would be \$125 for a one year membership to The New York Park and Recreation Society; and therefore, be it

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now, therefore, be it further

**RESOLVED**, that the Community & Recreation Department file the proper paper work to become a member of New York State Park and Recreation Society

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

Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**26-2014 Adjustment of Payroll Procedure of Part-time Deputy Director of Community & Recreation Services**

**WHEREAS**, the Town Board of the Town of East Greenbush seeks to adjust the payroll procedure of the part-time deputy director in the Town's Community & Recreation Department to an hourly rate; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2014 Budget and will have no adverse impacts on the Town Finances; now, therefore, be it

**RESOLVED**, that the salary of part-time Deputy Director position be paid by the hour at a rate of \$15.00 per hour, not to exceed \$10,000 for the year 2014.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**27-2014 Authorization to Purchase a 2003 Freightliner Bucket Type Boom Truck**

**WHEREAS**, the Commissioner of Public Works has requested the approval of the Town Board to purchase a 2003 Freightliner Bucket Type Boom Truck for \$15,850.00; and

**WHEREAS**, additional prices were found for comparable vehicles costing \$52,000.00 and higher and \$25,000.00 and higher for smaller vehicles and the Town has, in the past, rented a similar piece of equipment which is not and has not been cost effective; and

**WHEREAS**, the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now, therefore, be it

**RESOLVED**, that the Town of East Greenbush does purchase said Freightliner Bucket Type Boom Truck for \$15,850.00.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**28-2014      Town Board Request to act as Lead Agency for the Napa Auto Parts Major Site Plan**

**WHEREAS**, Hart Engineering, on behalf of Jonas Ettlinger otherwise known as the Napa Auto Parts Major Site Plan, has submitted a site plan review application for a project located at 300 Columbia Turnpike and identified on the Town's Tax Roll as Tax Parcel No. 155.17-16-4; and

**WHEREAS**, the application was accompanied by a proposed site plan, a Full Environmental Assessment Form and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act (öSEQRAö)
2. The following are or may be:  
Involved agencies under SEQRA:  
East Greenbush Town Board  
East Greenbush Planning Board  
NYS Department of Environmental Conservation  
Rensselaer County Health Department  
U.S. Army Corps of Engineers  
Interested agencies under SEQRA:  
Clinton Heights Fire District #1  
W. F. Bruen Rescue Squad  
Rensselaer County Bureau of Planning  
East Greenbush Department of Public Works  
New York State Office of Parks, Recreation & Historic Preservation  
East Greenbush Central School District  
Capital District Transportation Authority  
National Heritage Program  
Capital District Transportation Committee  
New York State Department of Transportation
3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**29-2014 Appointment of Ethics Board Liaison**

**WHEREAS**, the East Greenbush Town Board (referred to hereinafter as "Town Board") hereby finds that it is appropriate to have a Town Board member designated as liaison to the East Greenbush Town Board of Ethics (referred to hereinafter as "Ethics Board"); and

**WHEREAS**, the Town Comptroller has heretofore confirmed that none of the provisions of this Resolution shall pose an adverse impact to the Town's finances; now, therefore, be it

**RESOLVED**, that Councilperson Mary Ann Matters be, and the same hereby is, designated as liaison to the Ethics Board.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**30-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled TOBIAS REALTY, LLC v. TOWN OF EAST GREENBUSH**

**WHEREAS**, TOBIAS REALTY, LLC has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 13-244034 now pending for the year 2013/2014, regarding properties as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, site evaluation of the premises, income and expense 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 year 2013/2014, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
155.-1-4.241	\$4,084,700.00	\$3,100,000.00	\$984,700.00

**WHEREAS**, the settlement shall provide that the Town's portion of any refund shall be paid by the County and charged back to the Town in the next year's tax levy, resulting in no immediate financial impact to the Town, 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 Matters seconded by Councilperson DiMartino and brought to a vote as follows:

Councilperson Matters	VOTED
Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**31-2014 Resolution Authorizing the Town of East Greenbush to issue a refund from the General Water and Couse Sewer Districts**

**WHEREAS**, the Town has received a request for a refund from the Water Department, and  
**WHEREAS**, the property at 83 Troy Road, tax parcel 155.16-2-13 is currently vacant and the Water Foreman has determined that there was a faulty meter; and

**WHEREAS**, Mrs. Helen Michel paid the high November bill prior to this determination and is now seeking reimbursement; and

**WHEREAS**, water service to this residence has since been shut off and the billing has ceased; and therefore be it

**RESOLVED**, that a refund of \$210.68 from the General Water District and a refund of \$149.69 from the Couse Sewer District be sent to:

Helen Michel  
955 Luther Road  
East Greenbush, NY 12061

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

Councilperson DiMartino	VOTED
Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

**32-2014 A Resolution Authorizing the Amendment to Professional Services Agreement for the Town of East Greenbush Sanitary Sewer Upgrades between the Town of East Greenbush and Delaware Engineering, P.C.**

**WHEREAS**, the Town executed a Professional Services Agreement with Delaware Engineering in Resolution 23-2013 authorizing the original scope of work not to exceed \$660,000 to be paid from EFC Funding; and

**WHEREAS**, due to costs incurred to fix the surcharging of the outfall line required to obtain approvals from DEC for the job to go to bid and additional costs that may be necessary to manage additional requests from DEC prior to completion of the project; and

**WHEREAS**, the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's Finances; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute the Amendment to the Professional Services Agreement with Delaware Engineering, P.C. for an amount not to exceed \$60,000, to be paid from EFC Funding, immediately following its approval by the Attorney for the Town.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**33-2014 Resolution Authorizing Supervisor Langley to Sign an Application for License Agreement with the National Railroad Passenger Corporation (AMTRAK)**

**WHEREAS**, the Town of East Greenbush is currently upgrading the Waste Water Treatment Plant and the Engineers have identified that it is necessary to replace existing sewer pipes, install of new manholes, along with connecting to existing manholes as the existing manholes are overflowing due to the undersized pipes; and

**WHEREAS**, it is necessary to provide the Town of East Greenbush with a means to meet its SPEDS Permit, to satisfy the Order of Consent, and to effectively manage the outflow within the system; and

**WHEREAS**, the sewer lines that require replacing are located near the rail lines of the National Railroad Passenger Corporation (AMTRAK) and require an application be submitted; and be it

**RESOLVED**, that the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's Finances; and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to sign the Application for License Agreement with the National Railroad Passenger Corporation (AMTRAK), and acknowledge that associated costs are eligible costs under EFC Funding, immediately following its approval by the Attorney for the Town.

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

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**34-2014 A Resolution to Switch Specific Residents Now Being Served by the Hampton Manor Water System to the General Water System**

**WHEREAS**, the neighborhood of Red Mill Estates:

Stock Lane  
Betty Anne Drive  
McDonald Lane  
Christina Drive  
Teresa Lane

is currently served by the Hampton Manor Water System; and

**WHEREAS**, being connected to General Water is more advantageous to residents in terms of water quality and lower maintenance costs; and

**WHEREAS**, Red Mill Estates residents currently have water meters installed in their homes and it will only require the turning of two valves to make the switch, now, therefore; be it

**RESOLVED**, that Red Mill Estates will now be a part of the General Water District and the Water Department is hereby granted permission to make the switch effective immediately

The foregoing resolution was duly moved by Supervisor Langley seconded by Councilperson DiMartino and brought to vote resulting as follows:

Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**35-2014 Resolution Requiring Town Board Approval of All Non-Payroll Expenditures And Charges on a Monthly Basis**

**WHEREAS**, when the Town of East Greenbush operated in the past without the benefit of a Town Comptroller, the Town Board approved all expenditures and charges on a monthly basis; and

**WHEREAS**, this practice contributed to the accountability and transparency under which the Town of East Greenbush operated; and

**WHEREAS**, the Town Board has determined that the Board should resume the practice of approving all expenditures and charges on a monthly basis and that the residents of East Greenbush should again be provided a monthly accounting of all said expenditures and charges, now therefore be it

**RESOLVED**, that the Town Comptroller shall compile a listing of all non-payroll expenditures and charges of the prior month for approval by the Town Board at its regularly scheduled monthly Town Board Meeting; and be it further

**RESOLVED**, that a copy of said listing of all non-payroll expenditures and charges of the prior month as approved by the Town Board shall be posted on the Town web site within five (5) business days after such approval.

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

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**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 Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED



# *The Town of East Greenbush*

225 Columbia Turnpike, Rensselaer, New York 12144

## **AGREEMENT**

**THIS AGREEMENT** made the 19<sup>th</sup> day of February, 2014 between the TOWN BOARD OF THE TOWN OF EAST GREENBUSH, Rensselaer County, New York, the party of the first part hereinafter designated as "TOWN" and BEST LUTHER FIRE DEPARTMENT, INC., an incorporated fire company duly organized and existing under and by virtue of the laws of the State of New York, and having its headquarters in the Town of East Greenbush, County of Rensselaer and State of New York, hereinafter designated as "Best Luther",

### **WITNESSETH:**

**WHEREAS**, there has been duly established in the said Town of East Greenbush a fire protection district known as the THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT embracing territory in said Town as recognized by the Town Board, and

**WHEREAS**, following a public hearing held pursuant to Section 184 of the Town Law, said Town Board, by Resolution dated February 19, 2014, duly authorized a contract to be entered into with BEST LUTHER FIRE DEPARTMENT, INC., for the furnishing of fire protection to Zone 1 of said fire protection district upon the terms and conditions hereinafter set forth, and

**WHEREAS**, Best Luther maintains adequate and suitable apparatus, equipment, appliance and firefighters for the furnishing of fire protection in such district,

**NOW, THEREFORE**, the Town Board of the Town of East Greenbush, New York, does hereby engage the said BEST LUTHER FIRE DEPARTMENT, INC., to furnish the fire protection to the said THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT and the said BEST LUTHER FIRE DEPARTMENT, INC., agrees to furnish such fire protection to said THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT upon the following terms and conditions, to wit:

1. That said BEST LUTHER FIRE DEPARTMENT, INC., shall, at all times during the period of this Agreement, be subject to call or attendance upon any fire occurring in said fire protection district, and when notified by alarm, telephone call or request from any person within said fire protection district of a fire within said fire protection district, that the said BEST LUTHER FIRE DEPARTMENT, INC., shall respond and attend upon the fire without delay with suitable ladder, fire pumping and hose equipment, apparatus and the firefighters necessary to properly and adequately operate same; and upon arriving at the scene of any such fire, the attending firefighters shall proceed diligently and in every way reasonably possible under the circumstances, to extinguish the fire and to save any lives or property endangered thereby.
2. That in consideration of the furnishing of such aid and fire protection and the use of the apparatus and equipment and the services of the firefighters of said BEST LUTHER FIRE DEPARTMENT, INC., the Town Board of East Greenbush, New York, on behalf of the THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT, shall pay said BEST LUTHER FIRE DEPARTMENT, INC., the sum of SEVEN THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$7,200.00), which sum shall be payable on or before April 1, 2014, it being the intention of the parties of this Agreement that said sum shall be in payment for the

furnishing of aid and fire protection and the use of the apparatus and equipment and the services of the firefighters and any special expenses incurred in the operation of such fire apparatus and equipment, together with the cost of any associated materials.

3. That the said BEST LUTHER FIRE DEPARTMENT, INC., will, at all times during the life of this contract, carry public liability and property damage protection indemnifying and protecting the Town of East Greenbush, New York, its agents, servants and employees, and said THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT from negligence of said BEST LUTHER FIRE DEPARTMENT, INC., and its members, in the operation of fire company vehicles, apparatus, with Comprehensive General Liability limits of ONE MILLION (\$1,000,000.00) DOLLARS per occurrence, to THREE MILLION (\$3,000,000.00) DOLLARS aggregate, and Comprehensive Automobile Liability limits of One Million (\$1,000,000.00) and that said BEST LUTHER FIRE DEPARTMENT, INC., shall provide the Town Board of the Town of East Greenbush, New York with necessary certificates of insurance to the end that if such insurance coverage is not provided, that this contract shall be terminated.
4. That the monies required to be paid or expended by the Town Board of the Town of East Greenbush, New York, under the terms of this Agreement, shall be a charge upon said THIRD AVENUE-MANNIX ROAD FIRE PROTECTION DISTRICT and shall be levied and assessed upon the taxable property within said district and collected at the same time, and in the same manner as other Town taxes.
5. That this contract shall be for a term of one (1) year commencing January 1, 2014 and ending December 31, 2014.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement in duplicate, the day and year first above written.

THE TOWN OF EAST GREENBUSH, NEW YORK

BY: \_\_\_\_\_  
Keith A. Langley, Town Supervisor

ATTEST:

\_\_\_\_\_  
Linda Kennedy, Town Clerk

BEST LUTHER FIRE DEPARTMENT, INC.

BY: \_\_\_\_\_  
David C. Metz, Chairman, Board of Directors



# *The Town of East Greenbush*

225 Columbia Turnpike, Rensselaer, New York 12144

## **AGREEMENT**

**THIS AGREEMENT** made the 19<sup>th</sup> day of February, 2014 between the TOWN BOARD OF THE TOWN OF EAST GREENBUSH, Rensselaer County, New York, the party of the first part hereinafter designated as "TOWN" and BEST LUTHER FIRE DEPARTMENT, INC., an incorporated fire company duly organized and existing under and by virtue of the laws of the State of New York, and having its headquarters in the Town of East Greenbush, County of Rensselaer and State of New York, hereinafter designated as "Best Luther",

### **WITNESSETH:**

**WHEREAS**, there has been duly established in the said Town of East Greenbush a fire protection district known as the BEST LUTHER FIRE PROTECTION DISTRICT embracing territory in said Town as recognized by the Town Board, and

**WHEREAS**, following a public hearing held pursuant to Section 184 of the Town Law, said Town Board, by Resolution dated February 19, 2014, duly authorized a contract to be entered into with BEST LUTHER FIRE DEPARTMENT, INC., for the furnishing of fire protection to Zone 1 of said fire protection district upon the terms and conditions hereinafter set forth, and

**WHEREAS**, Best Luther maintains adequate and suitable apparatus, equipment, appliance and firefighters for the furnishing of fire protection in such district,

**NOW, THEREFORE**, the Town Board of the Town of East Greenbush, New York, does hereby engage the said BEST LUTHER FIRE DEPARTMENT, INC., to furnish the fire protection to the said BEST LUTHER FIRE PROTECTION DISTRICT and the said BEST LUTHER FIRE DEPARTMENT, INC., agrees to furnish such fire protection to said BEST LUTHER FIRE PROTECTION DISTRICT upon the following terms and conditions, to wit:

1. That said BEST LUTHER FIRE DEPARTMENT, INC., shall, at all times during the period of this Agreement, be subject to call or attendance upon any fire occurring in said fire protection district, and when notified by alarm, telephone call or request from any person within said fire protection district of a fire within said fire protection district, that the said BEST LUTHER FIRE DEPARTMENT, INC., shall respond and attend upon the fire without delay with suitable ladder, fire pumping and hose equipment, apparatus and the firefighters necessary to properly and adequately operate same; and upon arriving at the scene of any such fire, the attending firefighters shall proceed diligently and in every way reasonably possible under the circumstances, to extinguish the fire and to save any lives or property endangered thereby.
2. That in consideration of the furnishing of such aid and fire protection and the use of the apparatus and equipment and the services of the firefighters of said BEST LUTHER FIRE DEPARTMENT, INC., the Town Board of East Greenbush, New York shall pay said BEST LUTHER FIRE DEPARTMENT, INC., the sum of NINETY-SEVEN THOUSAND THREE HUNDRED FORTY-NINE AND 99/100 DOLLARS (\$97,349.99), which sum shall be payable on or before April 1, 2014, it being the intention of the parties of this Agreement that said sum shall be in payment for the furnishing of aid and fire protection and the use of the apparatus and equipment and the services of the firefighters and any special expenses incurred

in the operation of such fire apparatus and equipment, together with the cost of any associated materials.

3. That the said BEST LUTHER FIRE DEPARTMENT, INC., will, at all times during the life of this contract, carry public liability and property damage protection indemnifying and protecting the Town of East Greenbush, New York, its agents, servants and employees, and said BEST LUTHER FIRE PROTECTION DISTRICT from negligence of said BEST LUTHER FIRE DEPARTMENT, INC., and its members, in the operation of fire company vehicles, apparatus, with Comprehensive General Liability limits of ONE MILLION (\$1,000,000.00) DOLLARS per occurrence, to THREE MILLION (\$3,000,000.00) DOLLARS aggregate, and Comprehensive Automobile Liability limits of One Million (\$1,000,000.00) and that said BEST LUTHER FIRE DEPARTMENT, INC., shall provide the Town Board of the Town of East Greenbush, New York with necessary certificates of insurance to the end that if such insurance coverage is not provided, that this contract shall be terminated.
4. That the monies required to be paid or expended by the Town Board of the Town of East Greenbush, New York, under the terms of this Agreement, shall be a charge upon said BEST LUTHER FIRE PROTECTION DISTRICT and shall be levied and assessed upon the taxable property within said district and collected at the same time, and in the same manner as other Town taxes.
5. That this contract shall be for a term of one (1) year commencing January 1, 2014 and ending December 31, 2014.

**IN WITNESS WHEREOF**, the parties hereto have duly executed this Agreement in duplicate, the day and year first above written.

THE TOWN OF EAST GREENBUSH, NEW YORK

BY: \_\_\_\_\_  
Keith A. Langley, Town Supervisor

ATTEST:

\_\_\_\_\_  
Linda Kennedy, Town Clerk

BEST LUTHER FIRE DEPARTMENT, INC.

BY: \_\_\_\_\_  
David C. Metz, Chairman, Board of Directors