



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

SPECIAL TOWN BOARD MEETING AGENDA

Thursday, March 13, 2014

Call to Order 4:30 PM

Pledge to the Flag

Town Board Meeting: **Members of Town Board**

Present

Absent

Supervisor Langley

Councilperson Mangold

Councilperson Malone

Councilperson DiMartino

Councilperson Matters

Pledge to the Flag

Call to Order: 4:30 PM

Special Meeting:

Town Clerk reads notice.

Notice is hereby given that the East Greenbush Town Board will be convening on Thursday, March 13, 2014, at 4:30 P.M. at the East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144 for the purpose of:

- Resolution Concerning Proposed Birchwood Manor-Love Lutheran Church Senior Citizens Housing
- Appointment of Additional Members to the Town Board of Ethics
- Authorization to Purchase a 1996 Brothers Model 4075CCE Steel Closed Ejector Trailer
- Authorization to Repair Sweeper Body
- Authorizing a Settlement
- Accepting the Resignation for Retirement of Officer Glenn Rauch
- Accepting the Resignation of William P. Malone
- Establishment of Summer Camp Fees for 2014

36-2014 Resolution Concerning Proposed Birchwood Manor-Love Lutheran Church Senior Citizens Housing

WHEREAS, the Town Board of the Town of East Greenbush has been advised that Love Lutheran Church has filed an application with the Town of Schodack seeking authorization to construct and operate a sixty-eight (68) unit senior citizen apartment complex at 114 Birchwood Drive behind the Love Lutheran Church, located at 13 Pheasant Lane, Town of Schodack, County of Rensselaer and State of New York, and

WHEREAS, the Town of East Greenbush is an Interested Party in that the location of the subject project borders the Town Line between the Town of Schodack and the Town of East Greenbush, and in that the Town roads of the Town of East Greenbush will be utilized to access the apartment complex site, and in that it is anticipated that the apartment complex may have an effect

on properties in the Town of East Greenbush and may increase emergency services of the Town of East Greenbush in responding to issues at the apartment complex, and

WHEREAS, the Town Board of the Town of East Greenbush is desirous of having all issues fully addressed by the Planning Board of the Town of Schodack before issuance of any approvals for the subject project, and

WHEREAS, it appearing that the subject project is to be located on property in the Brookview Heights Subdivision as depicted on the map thereof duly filed in 1958 in the Office of the Rensselaer County Clerk, and such Subdivision appearing to be restricted by the "Agreement Modifying Restriction" signed by all affected property owners and lenders and recorded in Book 1070 of Deeds at Page 187 on March 11, 1960 in the Office of the Rensselaer County Clerk, directly before the recording of the Deed from Joseph Stautner and Hedwig Stautner to Atlantic District of the Lutheran Church-Missouri Synod at Book 1070 of Deeds at Page 196 on March 11, 1960, with such Deed specifically referring to the aforementioned "Agreement Modifying Restriction" which limited the number and type of structures which could be erected or maintained on the subject property, and it appearing that the aforementioned restriction has not been extinguished or waived as of this time, and

WHEREAS, Richard F. Laberge, P.E., Consulting Engineer for the Town of Schodack Planning Board having filed with the Planning Board an Opinion Letter dated January 2, 2014, outlining issues he believed needed to be addressed concerning the project prior to issuance of a Special Permit and Site Plan Approval, and in that it would appear that all such issues have not been addressed, including, but not limited to, revising various sections of the Environmental Assessment Form, obtaining approval of the subject project from any and all appropriate regulatory agencies including, but not limited to, the NYSDEC, Rensselaer County Department of Health, USACOE and preparing and submitting specified plans and reports, and

WHEREAS, it appearing that there are significant wetlands adjoining the project site, and the effect of the subject project on such wetlands has not been fully addressed and approval from the Army Corps of Engineers has not been obtained as of this time, and

WHEREAS, there are legitimate traffic concerns with the proposed development impacting the adjoining community. As such, in addition to the week day traffic assessment completed, we suggest that an assessment of weekend traffic conditions be completed, specifically during the hours of religious instruction class and church services. In addition, to lessen the burden on Pheasant Lane, an assessment of supplemental access onto Appletree Lane and Doelner Circle should be included in the subject traffic study, and

WHEREAS, the consulting engineers of the Town of East Greenbush having raised further concerns with the Town Board of the Town of East Greenbush relative to the proposed project, and such consulting engineers having not had the opportunity to fully review this matter with the engineers for the applicant and the Planning Board of the Town of Schodack, now therefore,

BE IT RESOLVED, that the Town Board of the Town of East Greenbush requests that the Planning Board of the Town of Schodack not issue a Special Permit and Site Plan Approval until such time as all Deed restrictions have been extinguished or waived, all concerns of the consulting engineer of the Town of Schodack Planning Board have been addressed, all necessary Federal, State and County approvals have been granted for the subject project, and the consulting engineers for the Town of East Greenbush have had the opportunity to fully review this matter with the engineers for the applicant and the Planning Board of the Town of Schodack.

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

37-2014 Appointment of Members to the Town Board 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 constituted the East Greenbush town board of ethics (referred to hereinafter as "Ethics Board") with the requisite minimum of three members, one of whom being an appointed town employee as required by § 15-3, subd. A of the East Greenbush Town Code; and

WHEREAS, subsequent thereto, the membership of the Ethics Board increased via additional appointments and also decreased via resignations; and

WHEREAS, all Ethics Board members serve without compensation and at the pleasure of the Town 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 Berthlynn Terry and David A. Youmans be, and the same hereby are, reappointed as members of the Ethics Board and that Judith M. Ehrlich, Deputy Town Supervisor Edward J. Gilbert and Kathleen D. Luria be, and the same hereby are, appointed as new members of the Ethics Board; and be it further

RESOLVED, that the foregoing appointees shall constitute the membership of the Ethics Board in its entirety; and be it further

RESOLVED, that all prior members of the Ethics Board have the appreciation and gratitude of the Town Board for their dedicated service.

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 Mangold	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

38-2014 Authorization to Purchase a 1996 Brothers Model 4075CCE Steel Closed Ejector Trailer

WHEREAS, the Commissioner of Public Works has requested the approval of the Town Board to purchase a 1996 Brothers Model 4075CCE Steel Closed Ejector Trailer for \$21,700.00 from All State Trailer Sales and

WHEREAS, in accordance with the Town policy and Gen. Mun. Law additional prices were found for new comparable vehicles costing \$60,645.00, \$61,706.00 and \$69,425.00 each with an additional cost of \$3,500.00 for shipping and,

WHEREAS, the Town Comptroller and Department of Public Works have recommended the following budgetary transfer to fund this purchase that will not adversely impact the 2014 budget:

<u>Account Name</u>	<u>Budget Code</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>	<u>Justification</u>
General Refuse/Garbage Equip	8160.2	0	\$21,700	\$21,700	Trailer purchase
General Refuse/Garbage CE	8160.4	\$153,831	(\$21,700)	\$132,131	Trailer purchase

and;

WHEREAS, the most responsible option for the Town is to repair existing equipment where possible; now, therefore, be it

RESOLVED, that the Town of East Greenbush does authorize the purchase of said 1996 Brothers Model 4075CCE Steel Closed Ejector Trailer for \$21,700.00.

The foregoing Resolution was duly moved by Councilperson Matters 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

39-2014 Authorization to Repair Sweeper Body

WHEREAS, the Commissioner of Public Works Dept. has requested the approval of the Town Board to repair the vacuum body of the Town sweeper; and

WHEREAS, in accordance with the Town purchasing policy at least three quotes were received 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 because the Highway account 5130.2 can fund this per discussions with the Public Works Dept.; and

WHEREAS, the most responsible option for the Town is to repair the existing equipment; now, therefore be it

RESOLVED, that the Town of East Greenbush does authorize Zwack, Inc. of Rte. 22 Stephentown, NY to repair the sweeper vacuum body for \$13,975.00.

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 Mangold	VOTED
Councilperson Malone	VOTED

40-2014 Resolution Authorizing Settlement

WHEREAS, Eileen Grant has filed a complaint against the Town of East Greenbush with the New York State Division of Human Rights relating to the termination of her employment with the Town of East Greenbush; and

WHEREAS, Eileen Grant has filed and served a notice of claim against the Town of East Greenbush relating to the same employment issue; and

WHEREAS, Jonathan Bernstein, of the firm of Goldberg Segalla, LLP, has represented the Town in these matters since their inception, and is recommending that these matters be settled for \$65,000.00 before any further proceedings are had; and

WHEREAS, the Town Board of Town of East Greenbush authorizes and approves a settlement of all claims brought by Eileen Grant by the payment of \$65,000.00, with the Town's insurance carrier contributing \$30,000.00, and the Town contributing \$35,000.00, now therefore, be it

RESOLVED, the Town Board authorizes the following budgetary transfers to fund this settlement that will not adversely impact the 2014 budget:

<u>Account Name</u>	<u>Budget Code</u>	<u>Current Budget</u>	<u>Change</u>	<u>Amended Budget</u>
General Judgement and Claims	1930.4	\$20,000	\$15,000	\$35,000
General Contingency	1990.4	\$110,000	(\$15,000)	\$95,000

The foregoing Resolution was duly moved by Councilperson Matters 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

41-2014 A Resolution Accepting the Resignation for Retirement of Officer Glenn Rauch

WHEREAS, the Town Board has received a letter of resignation from Officer Glenn Rauch of the East Greenbush Police Department; and

WHEREAS, Officer Rauch has served as a Police Officer with the Town of East Greenbush since February 1990 and is a valued member of the Police Department; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the resignation of Officer Glenn Rauch, effective March 27, 2014, is hereby accepted.

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

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

42-2014 A Resolution Accepting the Resignation of William P. Malone

WHEREAS, the Town Board has received a letter of resignation from William P. Malone; and

WHEREAS, William P Malone has served the Town in the Department of Public Works since February 1994; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the resignation of William P. Malone, effective March 12, 2014 is hereby accepted.

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

43-2014 Establishment of Summer Camp Fees for 2014

WHEREAS, The Town is required to establish rates to be charged by the Department of Community and Recreational Services; and

WHEREAS, after careful review by the Town Comptroller, the Director of Community and Recreational Services, and the Town Board there is no change in camp fees for Summer Camp for 2014; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose a negative impact to the Town's 2014 Budget;

WHEREAS, there is the addition of summer camp programs for 2014 to include extended care and half day programs the rates for such programs have been established with careful review by the Town Comptroller, the Director of Community and Recreational Services, and the Town Board; therefore, be it

RESOLVED, that the following fees for day camp, half day and extended program 2014 have been established as follows:

# of kids	# of Weeks HALF DAY CAMP Hours: 9:00 a.m.-12:00 noon					
	1	2	3	4	5	6
1	\$60	\$120	\$180	\$240	\$300	\$360
2	\$100	\$220	\$340	\$460	\$580	\$700
3	\$140	\$320	\$500	\$680	\$860	\$1,040

# of kids	# of Weeks CAMP EXTENDED CARE Hours: 3:00 p.m.- 5:30 p.m.					
	1	2	3	4	5	6
1	\$50	\$100	\$150	\$200	\$250	\$300
2	\$80	\$180	\$280	\$380	\$480	\$580
3	\$110	\$260	\$410	\$560	\$710	\$860

# of kids	# of Weeks FULL DAY CAMP Hours: 9:00 a.m.- 3:00 p.m.					
	1	2	3	4	5	6
1	\$114	\$228	\$340	\$453	\$566	\$680
2	\$208	\$436	\$660	\$886	\$1,112	\$1,340
3	\$302	\$644	\$980	\$1,319	\$1,664	\$ 2,000

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

ADJOURNMENT

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

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