



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA November 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: Any member of the public wishing to speak today shall not be required to disclose his/her name, address, or any other contact-related information 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.

### Resolutions and Proposals by Town Board Members:

#### XX-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 October 15, 2014 have been submitted to the Town Board by the Town Clerk 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 October 15, 2014, are hereby approved as submitted.

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

**XX-2014 Appointment to Fill a Vacancy on the Ethics Board**

**WHEREAS**, section 15-19, subdivision a of the East Greenbush town code provides for the constitution of the ethics board with five members, for the appointment of members thereto, and for the appointment of successors in the event that vacancies occur; and

**WHEREAS**, David A. Youmans, who was re-appointed as a member of the ethics board on March 13, 2014 and who has served since his original appointment on October 13, 2010, resigned therefrom effective November 1, 2014, thereby creating a vacancy; and

**WHEREAS**, the town board deems it appropriate, at this time, to appoint a successor to fill such vacancy;

**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 Guy Warner be, and the same hereby is, appointed as a member of the ethics board for the duration of the unexpired term of the foregoing vacancy; and be it further

**RESOLVED**, that the town board hereby expresses its sincere appreciation and gratitude to Mr. Youmans for his faithful and dedicated service to the residents of East Greenbush.

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

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

**XX-2014 Appointment of Suzanne Coyne-Angelo to the Position of Data Collector/Real Property Appraisal Aide**

**WHEREAS**, the position of Data Collector in the Assessor's office, was resigned by George Ranieri, effective September 29, 2014; and

**WHEREAS**, the East Greenbush Town Board in recognizing the importance of one of the key positions within the Assessor's Office within Town Government; and

**WHEREAS**, Suzanne Coyne-Angelo has been determined eligible by the Rensselaer County Civil Service Commission; and

**WHEREAS**, this Resolution results in no adverse financial impact to the Town inasmuch as funding for the subject position was provided in the 2014 Annual Budget; now therefore, be it

**RESOLVED**, that, effective beginning of business November 20, 2014, Suzanne Coyne-Angelo be, and the same hereby is, appointed to the position of Data Collector at the annual salary of \$10,000.00; and be it further

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

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

**XX-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled TD Bank v. TOWN OF EAST GREENBUSH**

**WHEREAS**, TD Bank has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 243927-2013 and 247408-2014 now pending for the year 2013/2014 and 2014/2015, regarding property known as 71 Troy Road, as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, site evaluation of the premises, current lease, 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 years 2013/2014 and 2014/2015, as follows:

<b>Tax Identification Number</b>	<b>Current Assessed Value</b>	<b>Reduced Assessment</b>	<b>Total Reduction</b>
<b>155.-10-8.2</b>	<b>\$895,300.00</b>	<b>\$825,000.00</b>	<b>\$70,300.00</b>

**WHEREAS**, the settlement will have no immediate impact on the finances of the Town, as the County shall pay the Town’s portion of any refund and charge back to the Town on the next year’s tax levy.

**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 DiMartino seconded by Councilperson Mangold and brought to a vote as follows:

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

**XX-2014 A Resolution to Authorize the Purchase of a New Copier for the Supervisors Office**

**WHEREAS**, at the request of the George Phillips, Town Comptroller and in accordance with Town Policy and General Municipal Law, a Request for Quote (RFQ) was issued for a new copier for the Supervisors Office; and

**WHEREAS**, the Purchasing Agent has reviewed the quotes with all parties and recommend awarding the bid to National Business Equipment or Repeat Business pending a three (3) day trial use period; and

**WHEREAS**, funding for the purchase of copier will be paid from the Comptroller’s budget line 1315.4; and

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

**RESOLVED**, that the Supervisor is authorized to purchase a new copier and deaccession the old Toshiba copier in the Supervisor’s office for a price not to exceed \$6000.00 on behalf of the members of the Town Board. A copy of the executed agreement to be filed with the Town Clerk; and be it further

**RESOLVED**, that the supervisor is authorized to sign a maintenance agreement for

the copier purchased

The foregoing Resolution was duly moved by Councilperson DiMartino and 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

#### **XX-2014 Resolution to Adjust Water and Sewer Rates**

**WHEREAS**, The costs of providing water to the residents of the Town has increased over the past three years since the last rate increase due to increases in the purchase of water from our supplier: the City of Troy, increases in energy supply and general operation and maintenance costs of the pumping and distribution system, and other increases; and

**WHEREAS**, The costs of wastewater treatment and disposal at the Town wastewater treatment plant has also increased over the four three years, new and additional debt service payments for the newly updated and expanded facilities will become due, as well as general operation and maintenance costs associated with pumping, and conveyance within the system: and

**WHEREAS**, the Town has considered various methodologies for increasing the foregoing costs and expenses while maintaining an equitable rate structure for all customers; now therefore be it,

**RESOLVED**, that the Town adopt the following water rate structure:

- 1.) The existing rate billed to customers in the General Water District is \$3.70 per 1,000 gallons for residential users and \$4.00 per 1,000 gallons for commercial users. A new rate of \$4.60 per 1,000 is hereby charged to residential customers and a new rate for all commercial users is hereby increased to \$4.95 per 1,000 gallons.
- 2.) The minimum water use charge in the General Water District is now \$32 per three (3) three month period for use up to 10,500 gallons (1,400 cubic feet). This minimum charge will be increased to \$38.00 per three (3) month period. Any use above the minimum will be charged \$4.60 per 1,000 gallons. New water rates for the General Water District will be initially applied in the February 2015 billing period.
- 3.) In the Hampton Manor Water District the flat rate charged to non-metered users is hereby increased to \$210 per year from the current \$190 per year for single family residents, and flat rates for two, three and four family customers is increased to \$280, \$410, and \$560, respectively. The metered rate for those users in the Hampton Manor system is increased to \$2.75 per 1,000 gallons from the current rate of \$2.34 per 1,000 gallons. The minimum charge of \$50 for use up to 21,000 gals or 2,800 cf per billing cycle will be applied. The new rate will be first applied in the July 2015 billing period.
- 4.) The Town will now recognize all existing multi-family units having in excess of three (3) or more units, as commercial rate based users and will bill these customers at the prevailing commercial water use rate.

**WHEREAS**, the cost of wastewater conveyance and treatment has gone up and affects all customers in all sewer districts; now therefore be it

**RESOLVED**, that rates shall be increased as follows:

1. The new sewer rates charged to residential users within the Third Ave., Couse and General Sewer Districts are as follows:

<u>District / Existing Rate</u>	<u>New Rate as of February, 2015</u>
Third Ave: \$2.59 per 1,000 gals	Third Ave: \$3.37 per 1,000 gals
Couse: \$2.59 per 1,000 gals	Couse: \$3.37 per 1,000 gals
General: \$1.42 per 1,000 gals	General: \$1.85 per 1,000 gals

The minimum sewer charge is now \$22.50 per three (3) month period in the 3<sup>rd</sup> Ave and Couse Sewer Districts for use up to 10,500 gallons (1,400 cubic feet), this rate will be increased to \$30.00 per three (3) month period, and any use above the minimum will be charged \$3.37 per 1,000 gallons.

The minimum sewer charge is now \$12.50 per three (3) month period in the General Sewer District of use up to 10,500 gallons (1,400 cubic feet), this rate will be increased to \$16.25 per three (3) month period, and any use above the minimum will be charged \$1.85 per 1,000 gallons.

About 632 users in Hampton Manor hamlet are presently billed on a flat rate basis every six months. New sewer rates to be charged to Hampton Manor customers will be effective July 2015.

<u>Existing Rate</u>	<u>New Rates for 2015</u>
One Family Flat rate: \$ 52 per 6 months	\$ 67.50 per 6 months
Two Family Flat rate: \$ 90 per 6 months	\$ 118 per 6 months
Three Family Flat rate: \$ 128 per 6 months	\$ 165 per 6 months
Four Family Flat rate: \$ 166 per 6 months	\$ 215 per 6 months

About 18 residential users in Hampton Manor are on meters, the sewer rates applied with be the same as for users in the General Sewer District.

2. The new rates charged to commercial users are as follows:

<u>District / Existing Rate</u>	<u>New Rate as of February, 2015</u>
Third Ave: \$2.70 per 1,000 gals	Third Ave: \$3.50 per 1,000 gals
Couse: \$2.70 per 1,000 gals	Couse: \$3.50 per 1,000 gals
General: \$1.48 per 1,000 gals	General: \$1.95 per 1,000 gals
Hampton Manor \$1.48 per 1,000 gals	Hampton Manor \$1.95 per 1,000 gals

3. The Town will now recognize all existing multi-family units having in excess of three (3) or more units, as commercial rate based users, and will bill these customers at the prevailing commercial sewer use rate; let it be further

**RESOLVED** that the new increase shall become effective immediately.

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

**XX- 2014 Authorization to enter into Agreements for Sewer Services with Individuals/Entities**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, does annually enter into an Agreement for Sewer Services with the following Individuals/Entities:

Dean and Doris Calamaras; Willard L. Clum, Jr.; Karen Hynes; Vincent E. Sturn and Mary A. Sturn; Love Lutheran Church; Love Lutheran Parsonage; Massimo and Rita Bernardo;

now, therefore be it;

**RESOLVED**, that the Supervisor of the Town of East Greenbush is hereby authorized to enter into an Agreement for the General Sewer District connections of the aforementioned, at a sum not to exceed Eight Hundred Twenty Dollars (\$800.00) each; said Agreement to be valid throughout the year 2015 and to expire on December 31, 2015, and that these charges shall be billed to the owner in four (4) equal installments (\$200.00 each) during the months of February 2015, May 2015, August 2015 and November 2015.

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

**XX-2014 Resolution Regarding Luther Road Sidewalk Project**

**XX-2014 Resolution Regarding the Amended PDD Application for Wood Creek Apartments**

**XX-2014 Resolution Pertaining to Action to be Taken Regarding the Toski Audit and Wojeski Review**

**XX-2014 Resolution Ratifying Appointment of Temporary Court Clerk**

#### **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