



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA

December 17, 2014

Call to Order

7:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor Langley

Councilperson Mangold

Councilperson Malone

Councilperson DiMartino

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:

140-2014 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 November 19, 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 November 19, 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

141-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari proceedings entitled (EMPIRE REALTY INVESTORS, HORIZON RIDGE LLC, FORREST POINTE LLC, FORREST POINTE II LLC, and FORREST POINTE III LLC v. TOWN OF EAST GREENBUSH)

WHEREAS, Empire Realty Investors et. al. have brought an Article 7 RPTL Tax Certiorari Proceedings against the Town of East Greenbush in Rensselaer County Supreme Court, Index Nos. 243963 now pending for the years 2013 and 2014, regarding property located as shown on the attached summary, and

WHEREAS, after considerable discovery, inspection, site evaluation of the premises, current lease, income and expense review and negotiation with the Petitioners counsel, the Town’s certiorari counsel and the assessor’s office have recommended a settlement agreement to the values set forth for 2013 and 2014 as set forth:

<u>Name</u>	<u>Tax ID</u>	<u>Original 2013 AV</u>	<u>Amended 2013 AV</u>	<u>2013 AV Change</u>	<u>2014 AV</u>	<u>2014 AV Change</u>
Horizon Ridge	178.5-1-1	20,346,300	15,550,000	4,796,300	14,500,000	1,050,000
Mill Creek	155.-9-13	10,419,300	10,419,300	0	9,350,000	1,069,300
Forest Pointe I	155.18-8-22	9,138,900	9,138,900	0	8,500,000	638,900
	166.6-2-					
Forest Pointe II	21.1	3,106,700	3,106,700	0	2,640,430	466,270
	166.6-2-					
Forest Pointe III	21.2	6,894,300	6,894,300	0	5,859,570	1,034,730

WHEREAS, the settlement will have no immediate impact on the finances of the Town, as the County will pay the Town’s portion of any refund and charge the same back 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 year 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 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

142-2014 A Resolution to Set the Transfer Station Rates for 2015

WHEREAS, it is required to establish policies and rates for the use of the East Greenbush Transfer Station; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no immediate adverse impact on the Town’s finances; now, therefore, be it

RESOLVED, that the attached polices and rates be effective for the year 2015 with no increases being implemented.

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

143-2014 A Resolution to Schedule Organizational Meeting

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2015; and

WHEREAS, the Town Comptroller has certified 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 the 2015 Organizational Meeting at 6:00 PM on Friday, January 2, 2015, 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 Organizational Meeting.

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

144-2014 Resolution to Increase Sewer Rates

WHEREAS, the costs of wastewater treatment and disposal at the Town wastewater treatment plant has steadily increased for over 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; and

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 3rd 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, be it 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

145-2014 Appointment of a Member to the Town Board of Ethics

WHEREAS, the East Greenbush Town Board at its regular meeting on October 13, 2010, adopted Resolution No.161-2010 which constituted the East Greenbush Town Board of Ethics with the required minimum of three members, one of whom being an appointed Town employee.

WHEREAS, all Ethics Board members serve without compensation and at the pleasure of the Town Board; and

WHEREAS, the Town Comptroller has 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 Jessica Lansing, a Town Employee be, and the same hereby is, appointed as a new member of the Ethics Board fulfilling the Town employee requirement; and be it further

RESOLVED, that the foregoing appointee shall constitute the membership of the Ethics Board in its entirety

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

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

146-2014 Scheduling of a Public Hearing for the Proposed Enactment of a Local Law to Amend the Town Code of Ethics to Provide for Resident Involvement and Expanded Purview of the Board of Ethics

WHEREAS, chapter 15 of the East Greenbush Town code, as added pursuant to local law no. 3 of 2013, provides for a Code of Ethics; and

WHEREAS, the Code of Ethics does not currently provide for Town residents to request advisory opinions from the Board of Ethics and to submit to such Board of Ethics written complaints alleging violations of such Code of Ethics by Town employees, nor does it provide for such Board of Ethics to discretionarily investigate such complaints and recommend appropriate action to the Town Board regarding such complaints (referred to hereinafter, collectively, as “Amendments”); and

WHEREAS, the Town Board hereby finds and determines that the Amendments would: (a) be legally consistent with the provisions of New York General Municipal Law § 808 pursuant to informal opinion no. 91-68 of the New York state attorney general, (b) further the proper administration of town government, and (c) be in the best interests of the town’s residents; 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 a proposed local law that would provide for the Amendment; 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, pursuant to New York Municipal Home Rule Law § 20, subd. 5, a public hearing regarding the enactment of a proposed local law to provide for the Amendment be, and the same hereby is, scheduled to be held on January 21, 2014 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.

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

Councilperson Matters	VOTED
	VOTED
	VOTED
	VOTED
	VOTED

147-2014 Request by Town Board for the Citizens’ Fiscal Advisory Committee to Draft Internal Controls Relative to the Operation of Town Government

WHEREAS, at its special meeting held November 18, 2014 to review the status of the Town’s last engaged outside auditing efforts, the town board was informed by its auditing consultant, Toski,

Schaefer & Co., P.C., that it does not presently have, in place, *internal controls*, particularly in the area of fiscal management; and

WHEREAS, the Town Board recognizes that such internal controls, which comprise activities and procedures designed to provide reasonable assurance that town government is, in all respects, operating properly, effectively, and according to policy and plan, are direly needed in the Town of East Greenbush; and

WHEREAS, the Town Board acknowledges that the formulation of such internal controls would be a considerable undertaking, that there is no funding available in the adopted annual budgets for 2014 and 2015 to hire an external consultant to undertake a project of such magnitude; and that the members of citizens’ fiscal advisory committee collectively possess the knowledge and expertise needed to undertake such a project; and

WHEREAS, the Town Comptroller has heretofore confirmed that all of the provisions of this resolution shall not pose a negative impact to the Town’s finances; now, therefore, be it

RESOLVED, that the citizens’ fiscal advisory committee be, and the same hereby is, requested to draft, for consideration by the Town Board, internal controls relative to Town operations, including, but without limitation to, matters of fiscal management, and to do so in accordance with the local government management guide entitled “Management’s Responsibility for Internal Controls,” as published by the New York State Comptroller.

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

Councilperson Matters	VOTED
	VOTED
	VOTED
	VOTED
	VOTED

148-2014 Resolution Authorizing the Supervisor to Sign a Certain Grant Disbursement Agreement with the Dormitory Authority of the State of New York

WHEREAS, the Town of East Greenbush has received a grant in the sum of \$75,000.00 for certain repairs to the Electric Avenue water pump station from the Dormitory Authority of the State of New York; and

WHEREAS, said Authority, as a condition of going forward with the payment of said grant, has required the Town to sign a certain Grant Disbursement Agreement; and

WHEREAS, Hank LaBarba, acting as the engineer for the Town, has reviewed, approved and endorsed the execution of this agreement; now, therefore; be it

RESOLVED, that the Supervisor is hereby authorized to sign a certain Grant Disbursement Agreement with the Dormitory Authority of the State of New York.

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

149-2014 Resolution to Adjust Water 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 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.

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

150-2014 Resolution Requesting DEC Lift the Sewer Moratorium and/or Order of Consent Authorization to Submit Written Request to the New York State Department of Environmental Conservation Documenting Satisfaction of the Terms of the Sixth Modification to the Order on Consent R4-2000-1013-125M6

WHEREAS, the Town of East Greenbush is subject to Order on Consent R4-2000-1013-125 effective December 19, 2000 subsequently modified six times with effective dates of May 9, 2001, May 22, 2002, October 29, 2003, July 24, 2006, July 21, 2009 and May 17, 2012 (the “Sixth Modification”); and,

WHEREAS, the Sixth Modification required submission of a Sanitary Sewer Overflow and Abatement Plan (the “Plan”) that considered measures “...to allow for sustained SPDES permit

compliance and the removal of I/I to the maximum extent practicable” and that the schedule within the Plan have an end date of December 31, 2014; and,

WHEREAS, in conformance with the Sixth Modification, the Town of East Greenbush submitted a Final Sanitary Sewer Overflow and Abatement Plan dated as Revised on July 30, 2012 to the Regional Water Engineer of Region 4 of the New York State Department of Environmental Conservation (the “Department”), which together with its schedule become an enforceable part of the Six Modification; and,

WHEREAS, the Town engaged the services of several professional engineering consultants to assist in executing the Plan in conformance with the Sixth Modification, engineering plans for capital improvements were prepared, approved by regulatory agencies, publicly bid, and construction works in compliance with the requirements of the Plan have been completed; and,

WHEREAS, the Town has received status reports from the professional engineers detailing the completed works which in conformance with the Six Modification are intended to result in sustained SPDES permit compliance including elimination of overflows and bypass events as well as the removal of I/I as outlined in the approved Plan; and

WHEREAS, the Town Comptroller has certified that the provisions of this proposed Board action will have no adverse impact on the Town’s finances; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to send a letter to the Department together with the status reports from the Town’s professional engineering consultants documenting compliance with the Sixth Modification and requesting written confirmation from the Department that the terms of the Six Modification have been satisfied and while the schedule for I/I work embodied in the Final Sanitary Sewer Overflow and Abatement Plan dated as Revised on July 30, 2012 extends beyond December 31, 2014, the I/I work in enforceable under the Town’s SPDES permit, and the moratorium on sewer connections is lifted as of December 31, 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 Matters	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

151-2014 Resolution Authorizing the Supervisor to Sign a Technical Services Change Order for Construction Services

WHEREAS, the Chazen Companies, the engineering firm supervising the East Greenbush waste water treatment plant upgrades, has requested the authority for an additional \$120,000 to \$150,000 for completion of construction services for the project; and

WHEREAS, under the contract for professional services entered into between Chazen and the Town, certain engineering services were set forth in a “time and materials estimate,” and the contract recited that additional expenditures might be required to complete the scope of services set forth in said contact; and

WHEREAS, the actual project has been expanded to a 17-month duration, with additional hours of work per week, off-site work, and the addition of new buildings, requiring additional engineering services from Chazen; and

WHEREAS, the Town Comptroller has confirmed that the Capital project contingency fund has not been consumed; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute a technical services change order for construction services with Chazen Companies for an additional \$120,000.00

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

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