



Councilperson Matters

VOTED

**32-2015 A Resolution to Approve Best Luther Fire Company – Contract Renewal Public Hearing 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 Best Luther Fire Company ó Contract Renewal Public Hearing held on February 12, 2015; 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 Best Luther Fire Company ó Contract Renewal Public Hearing held on February 12, 2015, are hereby approved as submitted.

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

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

**33-2015 A Resolution to Approve Best Luther Fire Company – Third Avenue Fire Protection District – Contract Renewal Public Hearing 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 Best Luther Fired Company ó Third Avenue Fire Protection District ó Contract Renewal Public Hearing held on February 12, 2015; 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 Best Luther Fired Company ó Third Avenue Fire Protection District ó Contract Renewal Public Hearing held on February 12, 2015, are hereby approved as submitted.

The foregoing Resolution was duly moved by Councilperson Mangold 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

**34-2015 A Resolution to the Code of Ethics Public Hearing 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 Code of Ethics Public Hearing held on February 12, 2015; 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 Public hearing Town Board Meeting held on February 12, 2015, are hereby approved as submitted.

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

**35-2015: Acceptance of Withdrawal of the Planned development District Application of Capital View Casino and resort, LLC**

**WHEREAS**, at its regular meeting held on August 20, 2014, the Town Board, pursuant to subdivision A of section 2.9.6 of the Comprehensive Zoning Law of the Town of East Greenbush (referred to hereinafter as "Zoning Law"), duly adopted resolution no. 109-2014 (referred to hereinafter as "Resolution") which referred the planned development district application (referred to hereinafter as "Application") of Capital View Casino and Resort, LLC (referred to hereinafter as "Applicant") to the Planning Board for review; and

**WHEREAS**, the Planning Board, pursuant to Zoning Law section 2.9.7, subdivision C, shall recommend approval, approval with modification, or disapproval by the Town Board and shall report its findings to the Town Board within ninety days following the date of referral from the Town Board or secure agreement with the Applicant for an extended review period in order to address the reasonable questions, concerns, and changes to the conceptual plan as recommended by the Planning Board prior to the rendering of its report to the Town Board; and

**WHEREAS**, the Planning Board, on September 24, 2014, entered into an extension of time agreement by mutual consent with the Applicant; and

**WHEREAS**, the Town Board is in receipt of a letter dated March 2, 2015 (a copy of which is attached hereto and made a part hereof), as submitted by the Applicant's agent, The West Firm, in which it is indicated that the Applicant has withdrawn its Application, along with other related applications, from further consideration by the town; and

**WHEREAS**, the Town Board hereby finds and determines that it is appropriate and in the best interest of the Town to formally acknowledge and accept such withdrawal of the Application and related applications by the Applicant; 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 the Applicant's withdrawal of its Application and related applications, as referenced hereinabove, be, and the same hereby is, accepted; and be it further

**RESOLVED**, the Resolution be, and the same hereby is, rescinded; and be it further

**RESOLVED**, that the Supervisor shall inform the chairman of the Planning Board and the Applicant of this action by the Town Board.

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

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

**36-2015: Authorization to Contract with Delaware Engineering, D.P.C. to Analyze and Evaluate the Town’s Sewer Districts and Fee-Rate Structures and to Recommend Changes Thereto**

**WHEREAS**, in response to resolution no. 144-2014 which was moved during the regular Board Meeting of the Town of East Greenbush (referred to hereinafter as “Town”) held on December 17, 2014, and in which the rates of user fees for Town sewer service were proposed to be increased, concerns were raised regarding the basis for such proposed increases; and

**WHEREAS**, the Town’s Engineering consultant for sewer-related issues, Delaware Engineering, D.P.C. (referred to hereinafter as “Delaware”), was requested to prepare a proposal (referred to hereinafter as “Proposal”) to analyze and evaluate the Town’s existing five sewer districts and attendant fee-rate structures and to recommend appropriate changes thereto (referred to hereinafter as “Services”); and

**WHEREAS**, in order to properly and competently objectify adjustments to fee-rates for sewer service as a prelude to the necessary servicing of debt associated with the financing of the ongoing upgrades to the Town’s Waste Water Treatment Plant, it is imperative that the performance of the Services commence at this time; and

**WHEREAS**, in order to capitalize on Delaware’s specialized expertise and experience in providing the Services to other clients, and on the Town’s prior and ongoing investment in sewer-related services performed by Delaware vis-à-vis its technical knowledge of, and acclimation with, the Town’s sewer assets, it is clearly in the Town’s best interest that the Services be performed by Delaware; and

**WHEREAS**, the Proposal dated February 6, 2015, a copy of which is attached hereto, is proffered by Delaware at a cost not to exceed \$50,000; and

**WHEREAS**, Delaware has indicated that the cost of the Services can be wrapped into the financing of the Waste Water Treatment Plant and that, such cost would, therefore, not impact, adversely or otherwise, the Town’s 2015 Annual Budget; and

**WHEREAS**, the Town Comptroller has heretofore confirmed that the provisions of this resolution shall pose an adverse impact to the Town’s Finances; now, therefore, be it

**RESOLVED**, that the performance of the Services by Delaware, as outlined in the terms of its Proposal, be, and the same hereby is, approved; and be it further

**RESOLVED**, that the Supervisor is authorized to enter into an agreement with Delaware for the approved Services, and shall do so forthwith following review and approval of such agreement by the attorney to the Town.

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

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

**37-2015 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Corellis Holding Corp. v. The Town of East Greenbush**

**WHEREAS**, Corellis Holding Corp. v The Town Assessor of East Greenbush, et al., TDT Realty Corp. v The Town Assessor of East Greenbush, et al. and Donald Corellis v The Town Assessor of East Greenbush, et al., have brought Article 7 RPLT Tax Certiorari Proceedings in the Rensselaer County Supreme Court, Index Nos. 243997, 247519, 243999, 247516, 243996 and 247517, 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, appraisal reports, Court conferences 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 on the attached summary

Name	Tax ID	Original 2013 & 2014 AV	Amended 2013 & 2014 AV	2013 & 2014 Change
Corellis Holding Corp	166.-3-1	\$702,900.00	\$260,000.00	\$442,900.00
Donald Corellis	155.-12-2.113	\$431,300.00	\$150,000.00	\$281,300.00
TDT Realty Corp.	166.-3-2.1	\$405,000.00	\$240,000.00	\$165,000.00

All three Petitioners have waived any refunds stemming from the 2013 assessment as a provision of this settlement.

The 2013 proceedings for each of the above-referenced cases have been joined for Trial before the Honorable Andrew G. Ceresia, Acting Supreme Court Justice, and the March 25, 2015 Trial date has been removed from the Court calendar pending approval of this resolution.

**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; it is now

**RESOLVED**, that the above captioned tax certiorari proceedings be settled in the amounts and for the years set forth above, and that the tax certiorari counsel be and hereby is authorized to execute all documents necessary to effectuate said settlement.

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

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

**38 -2015      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 April 9, 2015 at 5:00PM 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 Councilperson Malone, and resulted in the following vote:

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

**39-2015      Resolution Reaffirming Resolution 68-2011 Adoption of Monthly Departmental Reporting Procedures and Resolution 181-2011 Establishing Procedures for Monthly Department Reporting**

**WHEREAS**, the Town Board of the Town of East Greenbush unanimously adopted Resolution 68-2011 Resolution Establishing Procedures for Monthly Department Reporting on April 20, 2011; and

**WHEREAS**, the Town Board of the Town of East Greenbush unanimously adopted Resolution 181-2011 Resolution Establishing Procedures for Monthly Department Reporting on December 14, 2011; and

**WHEREAS**, the provisions of Resolutions 68-2011 and 181-2011 have not been adhered to; and

**WHEREAS**, the Town Board believes that, in the interest of open and transparent government, the provisions of Resolutions 68-2011 and 181-2011 should be adhered to; 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 the Town of East Greenbush does hereby reaffirm the provisions adopted in Resolution 68-2011 Resolution Establishing Procedures for Monthly Department Reporting by repeating and readopting those same provisions herein; and be it further

**RESOLVED**, that the Town of East Greenbush does hereby adopt the attached Report formats; and be it further

**RESOLVED**, that Department Heads are hereby instructed to submit Monthly Reports in the format given to the Town Clerk by the 10th day of the Month following the Month being reported on; and be it further

**RESOLVED**, that a copy of the Department Head reports shall be made available on the Town's web page as soon as practicable, following receipt by the Town Clerk.

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

#### **40-2015      A Resolution for SEQRA Determination for Napa Auto Parts**

**WHEREAS**, the Town of East Greenbush received an application for the site plan review known as the Napa Auto Parts Site Plan, located at 300 Columbia Turnpike, Tax parcel number 155.17-16-4, prepared by Hart Engineering; and

**WHEREAS**, the application was accompanied by a proposed site plan, Part 1 of a short 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

**WHEREAS**, the Town Planning Board, after considering the comments and opinions of the Project Review Team and Planning Boardø 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 Applicantø proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire, rescue and MS-4 storm water management 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 confirmed 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 and seconded by Councilperson Malone and brought to a vote resulting as follows:

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

#### **41-2015 Site Plan Approval – Napa Auto Parts**

**WHEREAS**, the Town has received an application for a project known Napa Auto Parts located at 300 Columbia Turnpike, identified on the Town's Tax Roll as Tax Parcel No. 155.17-16-4; and

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

**WHEREAS**, the Town Board as Lead Agency issued a Negative Declaration for the project on March 18, 2015; Resolution # XX-2015 and

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

**WHEREAS**, based on its review, the recommendations of the Project Review Team 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:

1. Satisfying outstanding technical details as determined by the Planning Board's Designated Engineer and Town Planning Department; and
2. All remaining fees and escrow are paid to the Town; and
3. The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the C of O or C of C.

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

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

**42-2015: Establishing, as Standard Administrative Procedure, the Town’s Compliance with Mandates Imposed by the Rensselaer County Civil Service Commission Relative to its Processing, Approval, and Monitoring of the Town’s Personnel-Related Transactions**

**WHEREAS**, pursuant to the provisions of New York Civil Service Law and the prescribed rules and regulations promulgated thereunder (referred to hereinafter as “CSL”), the Rensselaer County Civil Service Commission (referred to hereinafter as “Commission”) requires the town of East Greenbush (referred to hereinafter as “Town”) to comply with certain procedural requirements, including the regular and prompt submission thereto of certain documentation, related to the processing, approval, and monitoring of personnel-related transactions (referred to hereinafter as “Requirements”); and

**WHEREAS**, such personnel-related transactions presently include, but may not necessarily be limited in the future to, (1) classification of all positions of Town employment, (2) appointments to such positions, and (3) periodic certification of payroll relative to such positions; and

**WHEREAS**, pursuant to CSL section 101, the Town’s full compliance with the foregoing Requirements is critical in order to ensure that disbursement of payroll is legal and that Town officers are not subject to sanctions; 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 the supervisor and/or his designee(s), as he may determine, shall, effective immediately, fully comply with each and all of the Requirements and formally incorporate them into the Town’s standard administrative procedure; and be it further

**RESOLVED**, that the town clerk shall forward a copy of this resolution to the Commission’s chairman, Daniel E. Moran, following the Town Board’s approval of the minutes of this meeting.

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

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

**43-2015 A Resolution to Approve the Addition of New Resolutions**

**WHEREAS**, Resolution 13-2015 Resolution for Timely Submission of Resolutions called for *any items on Board meeting agendas that were not presented at pre-board, be required a majority vote to be considered for a vote*; and

**WHEREAS**, additional resolutions have been presented to the board for consideration at this month's Town Board meeting, and

**WHEREAS**, the Town Comptroller has confirmed that the Board adding additional Resolutions to the agenda will not impact the budget; and

**WHEREAS**, that the following resolutions:

**Resolution 44-2015 A Resolution Authorizing Attorney to the Town to Enter Into a Certain Professional Services Agreement with Public Sector HR Consultants, LLC**

**Resolution 45-2015 A Resolution Approving the Budget Reallocation for The Chazen Companies on the Waste Water Treatment Plant Project**

were added to the agenda following the pre-board meeting; be it

**RESOLVED**, that the addition of the above resolutions requires majority Town Board vote; be it further

**RESOLVED**, that following majority vote, the Town Board will vote on the stated resolutions.

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 Matters	VOTED
Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

**44-2015 A Resolution Authorizing Attorney to the Town to Enter Into a Certain Professional Services Agreement with Public Sector HR Consultants, LLC**

**WHEREAS**, The Town of East Greenbush has received notification of a certain complaint relating to conduct in the workplace; and

**WHEREAS**, the Town Board wishes to authorize the Attorney to the Town to have the services of a personnel consulting firm in responding to this matter; now, therefore, be it

**RESOLVED**, that David L. Gruenberg is hereby authorized to enter into a certain professional services agreement with Public Sector HR Consultants, LLC at a rate of \$150/hour and not to exceed \$4,500 (30 hours); and it is further

**RESOLVED**, that the Town shall pay the costs of such services upon presentation of proper vouchers.

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

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

**45-2015 A Resolution Approving the Budget Reallocation for The Chazen Companies on the Waste Water Treatment Plant Project**

**WHEREAS**, The Chazen Companies is one of the Engineering firms contracted on the Waste Water Treatment Plant Project; and

**WHEREAS**, budgets for the project have been established initially for each task and approved by the Town Board; and

**WHEREAS**, The Chazen Companies has presented the Town Board with a reallocation of funds that will result in a zero sum change in the project bottom line that will allow the Chazen Companies to properly track the effort associated with the necessary and critical construction inspection services provided, and

TASK	TASK DESCRIPTION	CURRENT BUDGET AND TYPE		CHANGE AND NEW BUDGET	
		LUMP SUM	TIME & MATERIALS	INCREASE (DECREASE)	NEW BUDGET
003	Construction Engineering.	\$34,500	--	(\$9,000)	\$25,500
004	Construction Administration	\$121,800	--	(\$23,000)	\$98,800
005	Construction Inspection	--	\$406,500	\$57,000	\$463,500
RE	Reimbursable Expense	--	\$45,600	(\$25,000)	\$20,600

**WHEREAS**, the Comptroller states confirms that the reallocation of funds will not pose an adverse effect on the budget; now, therefore, be it

**RESOLVED**, that the Town Board hereby approves The Chazen Companies Budget Reallocation for the Waste Water Treatment Plant Project.

The following resolution was duly moved by Councilperson DiMartino and seconded by Councilperson Mangold and brought to a vote resulting as follows:

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

**ADJOURNMENT**

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

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