



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING AGENDA

Wednesday, September 18, 2013

Call to Order

7:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor Langley

Councilperson Matters

Councilperson O'Brien

Councilperson Mangold

Councilperson Malone

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:

135-2013 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 August 21, 2013; 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 August 21, 2013; are hereby approved as submitted.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

136-2013 A Resolution to Approve Special 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 special Town Board Meeting held on September 3, 2013, which was to approve funds for the repaving of Thompson Hill Road, have been presented; 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 special Town Board Meeting held on September 3, 2013, are hereby approved as submitted.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

137-2013 A Resolution to Approve Special 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 Special Town Board Meeting held on September 12, 2013, which was to award contract for the Hampton Ave. Project, accept the resignation of Angelina Cadena and to appoint Pete Stenson to Town Comptroller position, have been presented; 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 special Town Board Meeting held on September 3, 2013, are hereby approved as submitted.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

138-2013 Appointments to Board of Assessment Review

WHEREAS, the Town of East Greenbush has a need to fill vacancies on the Board of Assessment Review for the convenience of taxpayers; now therefore

RESOLVED, that effective immediately, the following individual is appointed as a regular member of the East Greenbush Board of Assessment Review for the term listed:

<u>Name</u>	<u>Term Start</u>	<u>Term End</u>
Robert Stark	10/01/2013	09/30/2018

RESOLVED, that the compensation of the appointees will be set at \$25 per hour, with a total compensation not to exceed \$500; and be it

RESOLVED, that the Town Comptroller has heretofore certified that none of the provisions of this resolution shall pose an adverse impact to the Town's finances; and be it

RESOLVED, that the Town Clerk is directed to send a copy of this resolution to the Office of Real Properties and to the County Director.

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

Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

139-2013 A Resolution Authorizing an Agreement with Rensselaer County Concerning Snow and Ice Removal

WHEREAS, it is in the best interest of the residents of East Greenbush and will provide quicker service during snow and ice storm conditions; and

WHEREAS, this agreement between the Town and the County has existed since 2000; and

WHEREAS, continuance of the co-operative agreement is in the best interest of our community; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances; and

WHEREAS, we have negotiated an agreement with the Rensselaer County Highway Department concerning said snow and ice removal, now therefore

BE IT RESOLVED, that the Supervisor is authorized to enter into an agreement with Rensselaer County concerning snow and ice removal for Phillips Road, Sherwood Avenue, Hampton Avenue and Old Red Mill Road as defined in Schedule A of said agreement.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

140-2013 A Resolution to Adopt the Procurement Policy

WHEREAS, General Municipal Law Section 104-b requires Towns to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML§103 or any other law; and

WHEREAS, the Town Purchasing Agent has reviewed the existing policy and recommended changes and comments have been solicited from Town Officials; and

WHEREAS, the Town Comptroller asserts this resolution will have no impact on the Town's Finances; and therefore

BE IT RESOLVED, that the Town of East Greenbush does hereby adopt the attached Procurement Policy; and

BE IT FURTHER RESOLVED, that the Town Purchasing Agent is hereby authorized and directed to provide each Town employee with a copy of the attached Procurement Policy; and

BE IT FURTHER RESOLVED, that a copy of the attached Procurement Policy shall be incorporated into the Town's Employee Manual; and

BE IT FURTHER RESOLVED, that a copy of the attached Procurement Policy shall be made available on the Town's webpage as soon as practicable, and

BE IT FURTHER RESOLVED, that this policy shall be reviewed annually and adopted during the organizational meeting or whenever there are changes to the policy.

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

Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

141-2013 Referral of Application for the Covered Bridge Residential Planned Development District to the Town Planning Board for Review and Recommendation

WHEREAS, the Town of East Greenbush is receipt of an application for the Covered Bridge Residential Planned Development District (PDD) for ±50.6 acres located on tax map parcels #156.00-6-18.125 & #156.00-6-18.126; and

WHEREAS, a pre-application meeting was conducted before the Town Board, Planning Board and pertinent staff members on September 12, 2013 at town hall; and

WHEREAS, application materials were submitted in accordance to Section 2.9 of the Town's Comprehensive Zoning Law; and

WHEREAS, the Applicant consented to the Town's request for a time extension in order to review the proposed application; now therefore

BE IT RESOLVED, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, hereby refers the application for the Elliot-Michael Road Planned Development District to the Town Planning Board and its professional planning consultant for review and recommendation according to the Section 2.9 of the Town's Comprehensive Zoning Law.

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

Supervisor Langley	VOTED
Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

42-2013 Authorization to Award for IFB#13-9 Brush Grinding & Removal at the Transfer Station

WHEREAS, the Town of East Greenbush has solicited bids for Brush Grinding & Removal at the Transfer Station; and

WHEREAS, bids were opened and read aloud in a public forum by the Purchasing Agent and Town Clerk on September 16, 2013; and

WHEREAS, the lowest responsible bidder is:

P.C.S of \$17,000.00

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 Purchasing Agent to send an award letter to the foregoing lowest responsible bidder for IFB #13-9.

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

Councilperson Matters	VOTED
Councilperson O'Brien	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	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 O'Brien	VOTED
Councilperson Mangold	VOTED
Councilperson Malone	VOTED

AGREEMENT

Agreement made this _____ day of _____, 2013, by and between THE TOWN OF _____, NEW YORK, hereinafter referred to as "Town" and RENSSELAER COUNTY, NEW YORK, with offices located at 1600 Seventh Avenue, Troy, New York hereinafter referred to as "County".

1. On selected County Roads as listed on Schedule "A", the Town will provide all snow plowing and sanding from October 1, 2013 to April 30, 2014. The County will reimburse the Town actual costs for labor, materials and equipment as follows.
 - Labor - hourly wages, regular and overtime plus the cost of all benefits.
 - Material - actual costs for all salt and sand applied to County Roads.
 - Equipment - hourly rental rates for the equipment rental as established by the New York State Department of Transportation.

2. Except as provided hereinafter, the County shall be responsible for any loss with respect to any tort claim arising from or occasioned by the manner of performance of the functions under this Agreement, provided, however, that the Town shall, within ten (10) days, notify the County of any action, proceeding, claim or demand arising hereunder. The County shall, at its option, either elect to defend any action brought against the Town or call upon the Town to defend such action. In the event that the Town defends the action the County shall reimburse the Town for all necessary expenses, including litigation expenses incurred by the Town. In no event shall the County be obligated to defend or indemnify the Town, or any insurer thereof, in any action, proceeding, claim or demand arising out of the actual operation of a Town owned or operated vehicle, whether such vehicle shall be insured or subject to self insurance, while engaged in the operation of snow and ice control functions under this Agreement.

3. The County shall not unreasonably interfere with the Town's attempts to safely plow said area.

4. The Town acknowledges and agrees that the services to be furnished by the Town to the County are furnished as an independent contractor and not as an agent or as officers or employees of the County.
5. This agreement has been executed on behalf of the County pursuant to Resolution G/pending/13 of the Rensselaer County Legislature.

THE TOWN OF _____, NEW YORK

Supervisor

THE COUNTY OF RENSSELAER, NEW YORK

County Executive

STATE OF NEW YORK)
COUNTY OF RENSSELAER) SS.:

On this _____ day of _____, 2013, before me personally came Kathleen M. Jimino, to me personally known, who, being by me duly sworn, did say that(s)he resides at _____, New York; that(s)he is the County Executive of the County of Rensselaer, New York, the municipal corporation described in and which executed the within instrument; that the same was so executed pursuant to resolution of the County Legislature; that the seal affixed to said instrument is such corporate seal and that the same was so affixed pursuant to such resolution.

NOTARY PUBLIC

STATE OF NEW YORK)
COUNTY OF RENSSELAER)SS.:

On this _____ day of _____, 2013, before me personally came _____, to me personally known, who, being by me duly sworn, did say that (s)he resides at _____, New York; that (s)he is the Supervisor of the Town of _____, New York, the municipal corporation described in and which executed the within instrument; that the same was so executed pursuant to resolution of the Town Board of such town; that the seal affixed to said instrument is such corporate seal and that the same was so affixed pursuant to such resolution.

NOTARY PUBLIC

**Town of East Greenbush
PURCHASING POLICY
AS ADOPTED BY:
EAST GREENBUSH TOWN BOARD
September 18, 2013**

Section 104-b of General Municipal Law (GML) as outlined by the New York State Comptroller's Office, requires every Town to adopt internal policies and procedures governing all purchases of goods and services not subject to the bidding requirements of GML, Section 103.

In compliance with Section 104-b, these purchasing policies will ensure that "goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a manner so as to ensure the prudent and economical use of public monies in the best interest of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, fraud and corruption."

The Town of East Greenbush does hereby adopt the following procurement policies and procedures to be in compliance with the above Sectioned Laws.

Guideline 1. Every Town Board member, department head or employee with the requisite purchasing authority shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. This information will be used in the budgeting process.

Guideline 2. Prior to any purchase of goods or services the purchaser shall review the current budget line for each item to determine adequate fund availability. Purchases can never exceed amount budgeted.

Guideline 3. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103 (Competitive Bidding/Monetary Thresholds). All purchases over twenty thousand dollars (\$20,000) or public works contracts or purchases over thirty five thousand dollars (\$35,000) shall be formally bid pursuant to GML, Section 103.

Guideline 4. All non-bid purchases should be sufficiently documented as to demonstrate they were made in accordance with GML 104-b. Purchases made from State or County contracts should include the contract number on the voucher. A good faith effort should be made to obtain the required number of quotations. If the purchaser is unable to obtain the required number of quotations, the purchaser will document the attempts made. Specific information regarding required documentation for various purchase types is included within these guidelines. The goal of this process is to demonstrate that the Town of East Greenbush has purchased the good or service in responsible and legal fashion.

Guideline 5. The lowest responsible quotation shall be awarded the purchase or contract unless a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make the award to other than the lowest bidder.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- **Goods purchased from State or County Contracts;**
- **Acquisition of professional services;**
- **Emergencies;**
- **Sole source situations (sole source justification should be approved);**
- **Goods purchased from the blind or severely handicapped;**
- **Goods purchased from correctional facilities;**
- **Goods purchased from another governmental agency;**
- **Goods purchased at auction from Federal or State government, New York State political subdivision or public benefit corporations; No exception for purchases from private source.**

Guideline 7. Town of East Greenbush Purchasing Policy

- **The purchasing process will utilize three forms – a requisition, a purchase order (PO) and a voucher. The requisition must be approved by the Department Head and/or the Town Supervisor before the purchase can be made. The purchase order authorizes the expenditure to be made and is designed to ensure the purchase is within the budget limits. The voucher authorizes payment to be made after the good or service has been rendered. The Supervisor’s signature is necessary on vouchers that are not associated with any Department Heads, ex. attorney fees and employee expenses. Purchase order numbers are generated by the Purchasing Department.**
- **Purchases of less than \$300 (per unit) for Commodities or \$1,000 for Public Work Projects should be made with the most responsible Vendor with respect to price and availability. A purchase order is required generated by the Town’s accounting software.**
- **Purchases of \$300 (per unit) to \$2,999 for Commodities or \$1000 to \$2,999 for Public Work Projects will be made after receiving at least two written quotes. An approved requisition (by the Town Supervisor) and purchase order is needed prior to purchase. Purchase order numbers are generated by the Purchasing Department.**
- **Purchases of \$3,000 to \$19,999 (commodities) or \$34,999 (public work) will be made after receiving at least three written/FAX quotes. A purchase requisition, the three quotes attached, must be submitted to the Town Supervisor. Upon receiving the approved requisition from the Town Supervisor it must be submitted to the Purchasing Department. A purchase order number generated by the Purchasing Department is needed prior to purchase.**
- **Purchases of \$10,000 or more commodities or \$20,000 public work need Town Board approval.**
- **Purchases over \$20,000 (\$35,000 for Public Work Projects) are subject to Competitive Bidding Law, Section 103.**

Guideline 8. Exceptions – As always there are exceptions to the process. Some expenditures do not need prior approval or a voucher such as utility bills, postage, phones, freight charges, dues, and principal/interest on indebtedness. Other expenditures that are approved by the Town Board, ex. Professional services, do not need a purchase order, however vouchers are still required.

Guideline 9. Emergencies – If by virtue of a public emergency arising out of an accident or an unforeseen occurrence purchases or services must be procured, the above guidelines do not apply. Public interest dictates that even emergency purchases be made at the lowest possible cost and informal solicitation of quotes should be attempted and documented.

Each and every employee of the Town of East Greenbush who is directly or indirectly involved with the purchasing process shall observe the highest standards of ethical conduct in the procurement of goods and services for Town operations. Every public employee should understand the legal constraints of State and Local Law governing purchasing. Favoritism, bias and preferential treatment of one vendor over another has no place in the public purchasing arena. It is expected that each and every participant in the purchasing process will be given equal treatment by the Town of East Greenbush and its employees thus insuring the most prudent use of taxpayers' dollars.

The Town Board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy and evaluate the internal control structure established to ensure compliance with the Purchasing Policy.

The unintentional failure to comply with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of East Greenbush or any employee thereof.