



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA

September 17, 2014

Call to Order
Pledge to the Flag
Town Board Meeting:

7:00 PM

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:

110-2014 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 August 20, 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 August 20, 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

111-2014 A Resolution Accepting the Resignation for Retirement of Sergeant Michael J. Smith

WHEREAS, the Town Board has received a letter of resignation from Sgt. Michael J. Smith of the East Greenbush Police Department; and

WHEREAS, Sgt. Smith has served as a Police Officer with the Town of East Greenbush since September 2002 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 Sgt. Michael J. Smith, effective August 30, 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

112-2014 A Resolution Accepting the Resignation for Retirement of Joseph LaMountain

WHEREAS, the Town Board has received a Notice of Retirement for Joseph LaMountain of the Department of Public Works, primarily working at the Transfer Station; and

WHEREAS, Joseph LaMountain has served as a Laborer with the Department of Public Work of the Town of East Greenbush since February 2004 and is a valued member of the work force; 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 Joseph LaMountain, effective September 25, 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

113-2014 Resolution for the Establishment of Annual Personnel Training

WHEREAS, the Town Board has a clear responsibility in ensuring the fair and equitable treatment of all Town Employees; and

WHEREAS, the Town Board is desirous of avoiding costly litigation expenses relating to the administration and implementation of Town personnel practice; and

WHEREAS, the Town's insurance company will provide such training at no cost to the Town; 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 all Town elected officials and appointed Town Department Heads, all Town Hall Employees, be required to participate in and complete an annual training relating to the proper and lawful manner in the administration and implementation of the Town's personnel practices.

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

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

114-2014 Scheduling of a Public Hearing for the Proposed Enactment of a Local Law to Amend the Town Code Relative to the Board of Ethics

WHEREAS, § 15-19 of chapter 15 of the East Greenbush town code (referred to hereinafter as "Town Code"), as added pursuant to local law no. 3 of 2013, provides for a town board of ethics (referred to hereinafter as "Ethics Board") and the composition thereof; and

WHEREAS, the Ethics Board, pursuant to Town Code § 15-19, subsection (a), paragraph (1), subparagraph i, shall comprise five members, the majority of whom shall not be officers or employees of the town, but at least one of whom shall be an officer or employee of the town; and

WHEREAS, the East Greenbush town board (referred to hereinafter as "Town Board") hereby finds and determines that the current language of the afore-referenced subparagraph is inappropriate inasmuch as it poses: (1) a potential conflict of interest between a person's duties as a town officer or employee and such person's duties as a member of the Ethics Board, and (2) a requirement that may not be able to be met in the event that an officer or employee of the town is not willing to accept an appointment to the Ethics Board; and

WHEREAS, the Town Board hereby further finds and determines that it is in the best interest of the town to amend the afore-referenced subparagraph i to provide for the explicit exclusion of any officer or employee of the town from being a member of the Ethics Board (referred to hereinafter as "Amendment"); and

WHEREAS, notwithstanding the provisions of New York General Municipal Law (referred to hereinafter as "GML") § 808, subd 3, it is the finding of the Town Board that, pursuant to Informal Opinion No. 86-44 of the New York State Attorney General, the Town may enact a local law re-establishing the composition of its Ethics Board that is inconsistent with such GML provisions and that is consistent with the provisions of the Amendment; 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 October 15, 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 Councilperson Mangold, and resulted in the following vote:

Councilperson Matters

VOTED

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

115-2014 Resolution Requiring the Preparation and Distribution of Financial Reports to Town Board Members

WHEREAS, NYS Town Law §64. General Powers of Town Boards states (*emphasis added*):

"Subject to law and the provisions of this chapter, the Town Board of every Town: 1. Control of Town finances. ***Shall have the general management and control of the finances of the town*** and shall designate in the manner provided by section ten of the general municipal law the depositaries in which the Supervisor, Town Clerk, Tax Collector, Tax Receiver, and Trustees of the freeholders and commonalty of a Town shall deposit and secure all moneys coming into their hands by virtue of their offices.", and

WHEREAS, NYS Town Law §52. Supervisor lists among the numerous functions, powers and duties of the Town Supervisor (*emphasis added*):

"7. ***Keep the Town Board informed generally concerning Town affairs and of the financial condition and future needs of the Town*** and make such recommendations as may seem to him desirable.", and

WHEREAS, NYS Town Law §125. Duties of Supervisor states (*emphasis added*):

"2. The Supervisor shall without prior audit, issue individual checks to the persons as authorized by the Town welfare officer or pay over to the Town welfare officer moneys for the revolving fund as provided by section eighty-six of the social welfare law, and the receipt of the town welfare officer shall be a sufficient voucher for such payment. ***The Supervisor shall render to the Town Board at the end of each month a detailed statement of all money received and disbursed by him for such month***, and shall file a copy in the office of the Town Clerk."

WHEREAS, NYS Town Law §51. General powers of Town Board lists among the numerous functions, powers and duties of the Town Board (*emphasis added*):

"3. ***Requiring reports from the Supervisor concerning the conduct of the official business of the Town*** and the performance by Town officers and employees of their functions, powers and duties."

now, therefore be it;

RESOLVED, the Town Supervisor, consistent with the various provisions of the NYS Town Law enumerated above, is hereby directed to deliver a monthly report to the members of the Town Board on or before the tenth day following the end of the month reported on, and be it further;

RESOLVED, that such report shall include "2013 Adopted as Adjusted" and "2013 Actual", and, be it further;

RESOLVED, that the Town Supervisor, consistent with the various provisions of the NYS Town Law enumerated above, is hereby directed to deliver the monthly report for the month of August 2014 to the members of the Town Board on or before September 30, 2014 and, be it further;

RESOLVED, the Supervisor is directed to post each monthly report on the Town's web page within one day of presentation to the Town Board.

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

116-2014 Authorization to Conduct a Public Auction of Surplus Equipment

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York has received a request from the Department of Public Works to declare the following equipment as surplus; and

WHEREAS, said equipment includes:

1995 - 2.3 Liter Ford 4 cylinder gas engine

WHEREAS, said equipment is not suited for other departments in Town; and

WHEREAS, the Town Comptroller has certified that there is no adverse impact to the Town finances; now, therefore, be it

RESOLVED, that the equipment listed is hereby declared as surplus; and be it further

RESOLVED, that the Purchasing Agent is authorized to conduct a public auction, sale or dispose of said surplus equipment now owned and in the custody of the East Greenbush Department of Public Works

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

117-2014 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2015 Tentative Budget to the Town Board

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2015 Tentative Budget to the Town Board as is permitted by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); 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 a Special Meeting on Thursday, October 2, 2014 at 4:00 p.m., 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 Special Meeting as required by law.

The foregoing 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

118-2014 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

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 DiMartino and brought to a vote resulting as follows:

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

119-2014 A Resolution Advising that Certain Parcels Marked for Tax Sale by the County of Rensselaer have been Marked "NOT FOR DEVELOPMENT" in the Records of Town of East Greenbush

WHEREAS, Rensselaer County has foreclosed, for non-payment of taxes, on certain parcels of property designated by the Town of East Greenbush as Tax Map Nos. 177.7-7-18, 177.7-7-2, 177.11-2-10, 177.11-2-22, 177.11-2-28, and

WHEREAS, Rensselaer County has taken title to said properties through a tax foreclosure, and they are scheduled for sale at a public auction to be held by Rensselaer County of September 18, 2014; and

WHEREAS, said parcels, located in a development known as Taylor Country Estates, have been marked "not for development" in the original subdivision maps of this development filed with the Town, based on the nature and character of said parcels; and

WHEREAS, the Town of East Greenbush wishes to alert prospective purchasers at said auction of the status of these parcels; now, therefore, be it,

RESOLVED, that the Town, by its Town Board, advises prospective purchasers at the County auction of the limited use of these parcels; and be it further

RESOLVED, that the Town of East Greenbush formally requests the County of Rensselaer, in conducting this auction, to advise prospective purchasers of the status of these parcels; and be it further

RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to the Rensselaer County Executive, the Director of Real Property Services, and Collar City Auctions Realty and Management, Inc., prior to the sale scheduled on September 18, 2014, at 7:00 p.m.

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

120-2014 A Resolution Appointing George Ranieri as Data Collector

WHEREAS, the position of Data Collector in the Assessor's office, was resigned by Peter Arnos, effective COB September 8, 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, that 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 September 18, 2014, George Ranieri be, and the same hereby is, appointed to the position of Data Collector at the 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, 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

121-2014 A Resolution Appointing Kimberly Edberg as Court Clerk and Amending Salaries of Existing Court Clerks

WHEREAS, the position of Senior Court Clerk in the Town Justice's office, was resigned by Michelle Kennedy, effective August 22, 2014; and

WHEREAS, the East Greenbush Town Board in recognizing the importance of one of the key positions within the Justice Department of Town Government; and

WHEREAS, that 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 September 18, 2014, Kimberly Edberg be, and the same hereby is, appointed to the position of Court Clerk at the annual salary rate of \$33,000.00 (and \$75 per Court Session worked); and be it further

RESOLVED, that the existing Court Clerks, Abigail Bennett and Eileen Donahue's salaries are amended to be the same annual salary rate of \$33,000.00; and be it further

Position – Employee	Original Salary	Amended Salary
Court Clerk ó Abigail Bennett	\$32,000.00	\$33,000.00
Court Clerk ó Eileen Donahue	\$32,000.00	\$33,000.00
Court Clerk ó Kimberly Edberg	--	\$33,000.00
Senior Court Clerk ó vacant	\$35,000.00	--
Budgeted as set in Salary Schedule	\$99,000.00	\$99,000.00

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, 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

122-2014 A Resolution Appointing Robert Bennett as a Court Attendant

WHEREAS, the Town Court has expressed the need for an additional Court Attendant to be hired for working Court nights and ensuring the safety of Court personnel

WHEREAS, the East Greenbush Town Board in recognizing the importance of the positions within the Justice Department of Town Government; and

WHEREAS, that 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 September 18, 2014, Robert Bennett be, and the same hereby is, appointed to the position of Court Attendant; 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 Councilperson Malone, and seconded by Supervisor Langley, and brought to a vote resulting as follows:

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

123-2014 A Resolution Appointing Cheryl Vallee as a Member of the 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, 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, Cheryl Vallee is hereby appointed as a member of the Ethics Board.

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

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson Mangold	VOTED

Councilperson DiMartino
Councilperson Matters

VOTED
VOTED

124-2014 A Resolution Appointing James R. Giordano as an Alternate to the Planning Board

WHEREAS a vacancy exists for the Alternate Member of the East Greenbush Planning Board;
and

WHEREAS, James R. Giordano was recommended to serve as a member of the Planning Board; and

WHEREAS, this appointment is effective beginning September 18, 2014 thru December 31, 2014; and

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

RESOLVED, that James R. Giordano is hereby appointed as Alternate Member to the Planning Board

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

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