



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA

January 21, 2015

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: 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:

#### 01-2015      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 December 17, 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 December 17, 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

**02-2015      A Resolution to Approve Organizational 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 Organizational Town Board Meeting held on January 02, 2015, 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 Organizational Town Board Meeting held on January 02, 2015, are hereby approved as submitted.

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

**03-2015      Authorize Employees to Attend the Association of Towns Annual Meeting**

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2015 Budget and will have no adverse impacts on the Town Finances; now therefore be it

**RESOLVED**, that the following person be authorized by the Town of East Greenbush to attend the Annual Meeting of the Association of Towns in New York City, February 15-18, 2015:

**Joseph Cherubino**

and be it further

**RESOLVED**, the Town will pay the lodging expense and the conference attendance expense. Attendees shall advance the cost for transportation and meals and maintain an expense report accompanied by appropriate receipts to be submitted to the Comptroller following the meeting for reimbursement.

The foregoing amended Resolution was duly moved by Supervisor Langley and 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

**04-2015      Authorization to Enter into Agreements for Sewer Services with Individuals/Entities**

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

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

**WHEREAS**, the Town Comptroller attests that the provisions of this Resolution shall not pose an adverse impact to the Town's Finances; now therefore be it

**RESOLVED**, that the Supervisor of the Town of East Greenbush is hereby authorized to enter into an Agreement for the General Sewer District connections of the aforementioned, at a sum not to exceed Six Hundred Fifty-One Dollars (\$651.00) each; said Agreement to be valid throughout the year 2015 and to expire on December 31, 2015, and that these charges shall be billed to the owner in four (4) equal installments (\$162.75) during the months of February 2015, May 2015, August 2015, and November 2015.

The foregoing resolution was duly moved by Councilperson DiMartino and seconded by Councilperson Matters and brought to a vote as follows:

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

**05-2015      Schedule a Public Hearing to Consider a New Contract with the Best Luther Fire Company, Inc.**

**WHEREAS**, the Town Comptroller has certified holding a Public Hearing shall pose no adverse impacts to the Town's finances; now; therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a Public Hearing on the 12<sup>th</sup> day of February, 2015, at 4:30PM in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in said East Greenbush, New York, and the Best Luther Fire Company, Inc., which said agreement will include certain conditions as set forth in the proposed contract and the payment of the sum of **\$99,334.00** by the Town of East Greenbush to the Best Luther Fire Company, Inc. for such Fire protection.

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

**06-2015      Schedule a Public Hearing to Consider a New Contract with the Best Luther Fire Company, Inc., on behalf of the Third Avenue Fire Protection District, Inc.**

**WHEREAS**, the Town Comptroller has certified holding a Public Hearing shall pose no adverse impacts to the Town's finances; now; therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a Public Hearing on the 12<sup>th</sup> day of February, 2015, at 4:45PM in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in said East Greenbush, New York, and the Best Luther Fire Company, Inc., which said agreement will include certain conditions as set forth in the proposed contract and the payment of the sum of **\$7,289.00** by the Town of East Greenbush to the Best Luther Fire Company, Inc. for such Fire protection.

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

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

**07-2015      A Resolution Authorizing the Expenditure of Trial Expenses in Three (3) Tax Certiorari Litigation Cases**

A Resolution authorizing the expenditure of Trial expenses for the joint trial of Corellis Holding Corp. vs. Town of East Greenbush, et al. (Index #243997), TDT Realty Corp. vs. Town of East Greenbush, et al. (Index #243999) and Donald R. Corellis vs. Town of East Greenbush, et al. (Index #243996) currently scheduled to commence on March 25, 2015 in the Rensselaer County Supreme Court for the tax assessment year of 2013.

**WHEREAS**, the Town Board, by Resolution 91-2014, did authorize the appraisals of the three (3) properties which are the subject of the three (3) cases recited above, and

**WHEREAS**, the Petitioners and Town have filed their respective appraisals with the Court and a joint trial has been scheduled for March 25, 2015 (Honorable Andrew G. Ceresia, J.S.C.) in the Rensselaer County Supreme Court, and

**WHEREAS**, the anticipated expenses will be the Town's appraiser, Stephen R. Clark of nEmpire State Appraisal Consultants, Inc. (\$175.00 per hour), the printing of the trial transcript (customarily directed by the Court [\$5.00-\$6.00 per page] and split between the parties), and subpoena and service of subpoena costs (approximately \$150.00 each [likely three to four will be needed]), and

**WHEREAS**, the Town's Certiorari Counsel continues to work to settle these cases and avoid litigation costs, but nonetheless the Town must be prepared to move forward should the cases proceed to trial, and

**WHEREAS**, the Town's Comptroller has been advised by Joseph Liccardi, Esq. and the Special Counsel to the Town of East Greenbush for purposes of Tax Certiorari and Litigation issues that the provisions of this Board action are the most cost effective for the Town's finances, now, therefore, be it

**RESOLVED**, that the Town Board authorizes the necessary budgetary transfers to fund these trial expenses and is authorized to pay these expenses upon presentation of vouchers as approved by the Town's Certiorari Counsel.

The foregoing resolution was duly moved by Supervisor Langley and 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

**08-2015      A Resolution to Fill a Planning Board Vacancy**

**WHEREAS**, a vacancy has recently occurred on the Planning Board by the resignation of Kelly Sambrook on October 9<sup>th</sup> 2014; and

**WHEREAS**, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose an impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Town Board does hereby appoint James Giordano to complete the term of Kelly Sambrook which expires 12/31/2017.

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

**09-2015      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 February 12th, 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

**10-2015      Acknowledgment and Support of the Petition of Roberta Reno to the Army Review Boards Agency to Correct the Military Record of Private Samuel Helms of the Former Greenbush Cantonment**

**WHEREAS**, Roberta Reno, a long-time resident of, and an historian on, the Town of East Greenbush, had, during the course of her research on the U.S. Army's former Greenbush cantonment located in the

town's hamlet of Hampton Manor, discovered disturbing circumstances in the service record of Samuel Helms, a young U.S. Army Private in the 1<sup>st</sup> Regiment of the New York Militia who was stationed at the cantonment during the War of 1812; and

**WHEREAS**, Pvt. Helms, who had temporarily vacated his post during October of 1812 in order to check on his young family located several Towns distant, but who had returned thereafter, was, nonetheless, subsequently convicted of the charge of desertion and executed at the Cantonment on July 21, 1813; and

**WHEREAS**, Ms. Reno, through her tireless efforts in uncovering facts and information, has made a case that the conviction and execution of Pvt. Helms were unjust and has submitted a petition to the Army Review Boards Agency (referred to hereinafter as "ARBA") to expunge such conviction from Pvt. Helms' military record; and

**WHEREAS**, the East Greenbush Town Board acknowledges and supports the meritorious case made by Ms. Reno on behalf of Pvt. Helms and his descendants and wishes to convey such acknowledgement and support to the ARBA in order to augment its consideration of such case; and

**WHEREAS**, the Comptroller has heretofore confirmed that none of the provisions of this Resolution shall pose any impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Supervisor shall dispatch a letter to the ARBA, attention: Deputy Assistant Secretary of the Army Francine C. Blackmon, in which the Town Board's acknowledgment and support of Ms. Reno's petition on behalf of Pvt. Helms, as described hereinabove, be conveyed; and be it further

**RESOLVED**, that Ms. Reno is hereby commended for her faithful and dedicated pursuit toward redressing a significant part of East Greenbush Town history.

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

## **11-2015 Resolution to Record Minutes of Pre Board Meetings**

**WHEREAS**, Pre-Board Meeting are scheduled 4:00 pm on the Thursday prior to regularly scheduled Town Board meetings; and

**WHEREAS**, these meetings are the only opportunity for the Board to discuss upcoming Resolutions for vote and other Town business; and

**WHEREAS**, guests are often invited to discuss further opportunities for the Town; and

**WHEREAS**, it is in the best interest of the Town to operate in an open and transparent manner, and to further inform the public for input;

**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 minutes from the Pre-Board Meeting be recorded, approved by the board and posted on the Town website within 5 days of approval

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

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

**12-2015 Resolution for Review of all Non-Payroll Expenditures and Charges on a Monthly Basis**

**WHEREAS**, the Town Board has a fiduciary responsibility to the residents; and

**WHEREAS**, the Town Board wishes to provide accountability and transparency under which the Town of East Greenbush operates; and

**WHEREAS**, the Town Board has determined that the Town Board should review all expenditures and charges on a monthly basis; 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; and

**WHEREAS**, the residents of the Town of East Greenbush should be provided a monthly accounting of all said expenditures and charges; now therefore be it

**RESOLVED**, the Town Comptroller shall compile a listing of all non-payroll expenditures and charges of the prior month for review by the Town Board at its regularly scheduled monthly pre-board meeting; and be it further;

**RESOLVED**, that a copy of said listing of all non-payroll expenditures and charges of the prior month as review by the Town Board shall be posted on the Town web site within (5) business days after such review.

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

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

**13-2015 Resolution for Timely Submission of Resolutions**

**WHEREAS**, Pre-Board Meeting are scheduled 4:00 pm on the Thursday prior to regularly scheduled Town Board meetings; and

**WHEREAS**, timely submission of Resolutions proposed for adoption is needed in order for each Board member to have adequate time for review

**WHEREAS**, resolution 169-2010 for timely submission of Resolutions required a 4:00 pm submission; and

**WHEREAS**, the Resolutions need to be typed; and

**WHEREAS**, the Comptroller should review financial impact of all Resolutions and advise the Board; now therefore it be

**RESOLVED**, Resolutions for consideration shall be submitted to the Town Clerk, Deputy Town Clerk or Supervisor's staff by 10:00 am of the date of pre-board meeting; and be it further

**RESOLVED**, any items on Board meeting agendas that were not presented at pre-board, be required a majority vote to be considered for a vote

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

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

**14-2015 Authorization of Budget Transfers**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has received a request from the Town Comptroller for approval of Budget Transfers, for the lease-purchase of two (2) police vehicles, as follows:

<b>Account Name</b>	<b>Budget Code</b>	<b>Current Budget</b>	<b>Change</b>	<b>Amended Budget</b>	<b>Justification</b>
Police EQ	31202.01	\$36,950.00	(\$26,499.95)	\$10,450.05	Police Vehicles (2)
Lease Principal	9789.6	\$0.00	\$26,499.95	\$26,499.95	Police Vehicles (2)

**WHEREAS**, the Town Board is required to approve all Budget Transfers; and

**WHEREAS**, the Town Comptroller has determined that this transaction was anticipated in the current budget and will have no adverse effect on Town finances; now be it

**RESOLVED**, that the transfers recommended by the Town Comptroller are hereby approved, be it also;

**RESOLVED**, that the Town Purchasing Agent be, and hereby is, authorized to enter into a financing agreement with Ford Credit Municipal Finance Program, a copy of which is attached hereto and made a part hereof, now, therefore, be it further;

**RESOLVED**, that the Purchasing Agent be, and hereby is, authorized to enter into a two (2) vehicle purchase agreement with Beyer Ford of Morristown New Jersey, pursuant to New York State and County of Monroe New York, Police Vehicle Public Contract Number 707-13, a copy of which is attached hereto and made a part hereof; and be it further;

**RESOLVED**, that this resolution shall take effect immediately.

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

**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