



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA April 15, 2015

**Call to Order**                                **7:00 PM**  
**Pledge to the Flag**  
**Town Board Meeting:**

### Members of Town Board

Present

Absent

Supervisor Langley  
Councilperson Mangold  
Councilperson Malone  
Councilperson DiMartino  
Councilperson Matters

### Communications/Announcements/Reports

**Open Public Privilege:** NOTE ó Each speaker may choose to 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:

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#### 48-2015      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 March 18, 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 regular Town Board Meeting held on March 18, 2015, are hereby approved as submitted.

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

Supervisor Langley  
Councilperson DiMartino

VOTED  
VOTED

Councilperson Mangold	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

**49-2015      A Resolution to Hire Police Officer**

**WHEREAS**, public safety in the Town is a priority concern of this Town Board; and  
**WHEREAS**, this Board intends to maintain adequate staffing of the Town Police Department, by appointing qualified individuals to replace positions that become vacant, and positions have become vacant; and

**WHEREAS**, the Town Comptroller has confirmed that this position was anticipated in the current budget and will have no adverse impact on Town finances; and

**WHEREAS**, Kristina M. Jenkins, a graduate of Columbia High School and the University of Central Florida has been found to be a qualified candidate for this position; now therefore be it

**RESOLVED**, that Kristina M. Jenkins be and hereby is appointed to the position of Police Officer for the Town of East Greenbush, subject to the following conditions and stipulations;

- an approved Lateral Transfer, certified by the Rensselaer County Civil Service Commission;
- satisfactory medical, psychological and drug test results;
- FBI background check and security clearance; and
- successful completion of the Police Field Training Program; and, be it further

**RESOLVED**, that said appointment shall take effect May 11, 2015 and shall be subject to a probationary period of six (6) months, during which time said appointee shall establish a principal place of residence to be located within the Town of East Greenbush; and be it further

**RESOLVED**, that upon successful completion of all said conditions and stipulations that said appointment shall be, and hereby is made permanent.

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

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

**50-2015      Authorizing the Purchasing Agent to Solicit Bids for Various General Construction, Electric, HVAC and Plumbing Projects**

**WHEREAS**, the Town of East Greenbush has identified the need to solicit bids for various general construction, electric, HVAC and plumbing projects.

**WHEREAS**, the Purchasing Agent will present the bids to the Town Board for final selection of the lowest responsible bidder; and

**WHEREAS**, the Town Comptroller hereby confirms that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore

**BE IT RESOLVED**, the Town Board authorizes the Purchasing Agent to solicit sealed bids for general construction, electric, HVAC and plumbing projects

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

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

**51-2015      Animal Shelter Agreement between the Town of East Greenbush and Hudson Mohawk Humane Society**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, annually enters into an Agreement for the shelter of stray dogs; and

**WHEREAS**, the Town Comptroller has confirmed this contract has been planned for in the budget and will have no adverse impact on the Town Finances; now therefore

**WHEREAS**, the contract shall be for a term of twelve (12) months. The Town reserves the right to renew all or any part of this contract for up to two (2) twelve-month periods if agreeable by all parties and by resolution by the Town Board.

**BE IT RESOLVED**, that the Supervisor is authorized to execute said Agreement for on behalf of the members of the Town Board. A copy of which is attached hereto and made apart thereof, and that said execution shall occur following the Town Board adoption of this resolution.

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

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

**52-2015      Approval of 2014 Service Credit for Volunteers of the W. F. Bruen Emergency Squad, Inc.**

**WHEREAS**, the Town of East Greenbush in the County of Rensselaer, State of New York (hereinafter, the "Town"), is the sponsor of a service award program (hereinafter, "Program") for the volunteer ambulance workers of W. F. Bruen Emergency Squad, Inc. (hereinafter, "Bruen"), the Town's contracted provider of emergency medical service for the East Greenbush Ambulance District, pursuant to New York General Municipal Law (hereinafter, "GML") article 11-AAA; and

**WHEREAS**, in accordance with GML §219-m, subdivision 9, the president, secretary, and chief of Bruen have duly certified to the East Greenbush Town Board (hereinafter, the "Board") a list containing those volunteer ambulance workers designated as Program participants who qualify for service credit for fiscal year 2014 (hereinafter, the "List"); and

**WHEREAS**, the Board, having received and reviewed the List (a copy of which is attached hereto and made a part hereof), has not received any information contrary thereto; and

**WHEREAS**, no volunteer worker has requested deletion as a participant from said list; and

**WHEREAS**, Town Comptroller has confirmed this Town Board's action has been planned for in the 2015 budget and will have no adverse impact on the Town Finances; now therefore

**BE IT RESOLVED**, that the Board, pursuant to GML §219-m, subdivisions 10 and 11, hereby: (1) approves the List and (2) authorizes the Town Clerk to: (a) execute all necessary documentation on behalf of the Board relative to such approved List, (b) return the approved List and any other relevant documentation to Bruen for further processing, and c) return a copy of approved List to Bruen with instructions that the List be posted at Bruen's principle headquarters for not less than 30 days.

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

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

**53-2015 Resolution Retaining Young/Summer LLC to Represent the Town Litigation by John and Sheila Zdziebloski Against the Town of East Greenbush**

**WHEREAS**, the Town of East Greenbush has been sued by John and Sheila Zdziebloski in Federal District Court; and

**WHEREAS**, the Town Board wishes to retain Young, Sommer, Ward, Ritzenberg, Baker & Moore LLC to represent the Town as special counsel in the above litigation; now therefore, be it

**RESOLVED**, that the Town hereby retains Young, Sommer, Ward, Ritzenberg, Baker & Moore LLC at a rate of \$200/hour for attorney time and \$95/hour for paralegal time, as well as fees as stated in the Letter of Engagement, and it is further

**RESOLVED**, that Supervisor Langley is authorized to sign the retainer letter provide by said firm; 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 Mangold and brought to a vote resulting as follows:

Supervisor Langley	VOTED
Councilperson Mangold	VOTED

Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

**54-2015: 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 144-2014 which was defeated 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 Supervisor, in his memorandum dated February 17, 2015 (a copy of which is attached hereto), requested that the Town's Citizens' Fiscal Advisory Committee (referred to hereinafter as "CFAC") research and provide an opinion on possible solutions to financial questions regarding the Town's fee structure for sewer service; and

**WHEREAS**, the CFAC, at its meeting held on April 8, 2015, deliberated upon the Supervisor's request and determined that its members do not possess the requisite knowledge to fulfill such request, and so advised the Supervisor and the rest of the town board in its memorandum dated April 13, 2015 (a copy of which is attached hereto); 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 in advance of the necessary servicing of debt which is associated with the financing of the ongoing upgrades to the Town's wastewater treatment plant and which is required to commence prior to the beginning of the third quarter of the year 2015, it is imperative that the performance of the Services commence at this time in order to meet such deadline; 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 April 6, 2015, a copy of which is attached hereto, is proffered by Delaware at a cost not to exceed \$30,000, with the understanding that should additional factors be discovered that would materially affect the work-product integrity of the Services and therefore require additional cost, that Delaware will promptly advise the town board so that such factors and cost can be considered; and

**WHEREAS**, Delaware has indicated that the cost of the Services can be wrapped into the financing of the wastewater treatment plant and that, such cost would, therefore, not impact, adversely or otherwise, the Town's 2015 annual budget; and

**WHEREAS**, Delaware's assurance is work will not begin until EFC financing is approved, the Comptroller confirms this resolution will not adversely impact 2015 finances but will impact 2016 finances and beyond as that debt is paid for; 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; and be it further

**RESOLVED**, that the cost of the Services are to be included in the financing of the wastewater treatment plant in the manner prescribed by Delaware.

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

**55-2015: Establishing Policy for the Town Board to Accept by Resolution the Withdrawals of Planned development District Applications as May be Submitted by Applicants**

**WHEREAS**, 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"), shall, upon its acceptance of a duly completed and submitted planned development district application (referred to hereinafter as "Application"), refer the Application to the Planning Board and its professional planning consultant for review and recommendation within thirty days of the date of the Application; and

**WHEREAS**, a planned development district applicant may, at any time following its submission of an Application, unilaterally withdraw the Application from further processing and consideration by the Town; and

**WHEREAS**, inasmuch as the Town Board duly adopts a resolution to publicly memorialize its discretionary acceptance and referral of an Application, thereby signifying the commencement of the Application process, so should the Town Board formally signify the cessation of such process in the event that such cessation be initiated by the applicant via a withdrawal of its Application, by duly adopting a Resolution to publicly memorialize its receipt and acceptance of such Application withdrawal; 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, effective immediately, a policy requiring, prospectively, that the Town Board duly adopt a resolution to publicly memorialize its receipt and acceptance of the withdrawal of an Application, as may be submitted by an applicant, be, and the same hereby is, established; 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

**56-2015 Prospective Appointments to Positions within the Department of Public Works**

**WHEREAS**, the Commissioner of Public Works (referred to hereinafter as "Commissioner"), in his recent evaluation of staffing in the Department of Public Works (referred to hereinafter as "Department"), has determined that there exists a shortage in the number of certain positions, namely Motor Equipment Operators Light (referred to hereinafter as "MEOL") and Motor Equipment Operators Heavy (referred to hereinafter as "MEOH"), and anticipates such shortage to be exacerbated by the impending retirement of incumbents of such positions; and

**WHEREAS**, in order to remedy such staffing imbalance within the Department, the Commissioner has recommended that the positions of MEOL and MEOH should be filled on a first-priority basis, as personal-services funding in the budget may permit, over the filling of laborer and other positions until such time as proper composition of staffing within the Department has been restored; and

**WHEREAS**, none of the provisions of this resolution contravene any of the provisions of the Collective Bargaining Agreement currently in effect between the Town and the Civil Service Employees Associations, Rensselaer County Local No. 842; and

**WHEREAS**, the Comptroller has confirmed that none of the provisions of this Resolution will have an adverse impact on the Town's Finances; now, therefore, be it

**RESOLVED**, that the positions of MEOL and MEOH shall be filled on a first-priority basis, as personal-services funding in the budget may permit, over the filling of laborer and other positions until such time as proper composition of staffing within the Department has been restored; and be it further

**RESOLVED**, that all prospective appointees to the positions of MEOL and MEOH shall meet the minimum qualifications of such positions as mandated by New York State Civil Service Law and as determined by the Rensselaer County Civil Service Commission prior to appointment by the Town.

The foregoing Resolution was duly moved by Councilperson DiMartino, 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

**57-2015 Resolution Supporting the IDA to Fund Kensey Senior Apartments Development Project**

**WHEREAS**, Rensco Development Corp. has received certain approvals from the Town of East Greenbush Planning Board to build a senior apartment project known as Kensey Senior Apartments to be located at 44 Elliot Rd, East Greenbush, New York 12061; and

**WHEREAS**, Rensco Development Corp. has presented an application to the Rensselaer County Industrial Development Agency requesting the execution and delivery of a payment in lieu of tax agreement (the "PILOT Agreement") between Rensco Development Corp. and the Rensselaer County Industrial Development Agency; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no adverse impact on the town finances; and

**WHEREAS**, the Rensselaer County Industrial Development Agency prefers Rensco Development Corp to obtain a letter from the Supervisor or a resolution from the Town Board supporting such action; now, therefore, be it

**RESOLVED**, that the East Greenbush Town Board does hereby support Rensco Development Corp in their efforts to obtain a PILOT Agreement with the Rensselaer County Industrial Development Agency.

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

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

**58-2015: Affirming the Provisions of the Town's Cell Phone Policy and Providing for the Enforcement Thereof**

**WHEREAS**, the East Greenbush Town Board unanimously adopted Resolution 29-2013 on February 13, 2013, whereby a cell phone policy for Town employees was approved (referred to hereinafter as the "Policy"); and

**WHEREAS**, there have been audit-verified instances in which Town employees with Town-issued cell phones have not fully complied to the provisions of the Policy, including such instances as exceeding limits on talking and texting due to use for non-town business; and

**WHEREAS**, it is in the best interest of East Greenbush taxpayers that all employees fully comply with the provisions of the Policy; and

**WHEREAS**, the 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, or his designee, shall forthwith cause the Policy to be incorporated into the Town's Employee Manual; and be it further

**RESOLVED**, that the Purchasing Agent shall forthwith cause to be distributed a copy of the Policy to all Town employees who have been issued cell phones, collect from each of such employees a signature on a form that acknowledges such employees' receipt of the Policy, and

file and retain such forms as Town records in accordance with the Town's record retention policy; and be it further

**RESOLVED**, that the Purchasing Agent is hereby authorized and directed to perform periodic, but not less than bimonthly, audits of usage of Town-issued cell phones, to note any unauthorized usage, and to inform the Supervisor, or his designee, of such unauthorized usage; and be it further

**RESOLVED**, that, pursuant to the Policy, the Supervisor, or his designee, shall, immediately upon notification by the Purchasing Agent, cause the recoupment of all cell-phone fees from Town employees that are related to their unauthorized use of Town-issued cell phones, and shall do so via payroll deduction.

The foregoing resolution was duly moved by Councilperson DiMartino, 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

**59-2015      A Resolution Authorizing the Approval to Purchase Materials and Equipment for Town Park Basketball Court**

**WHEREAS**, the Town Board of the Town of East Greenbush seeks to purchase materials and equipment for the installation of a basketball court at the Town Park.

**WHEREAS**, the final Generic Environmental Impact Study (GEIS) document dated July 2009 states that the Town of East Greenbush falls far short of providing existing residents with recreational facilities that meet New York State guidelines. The Town has half the number of tennis and basketball courts that it should and The Town's recreation faculties have not kept pace with the Town's growth in population. In addition, budgetary constraints have led to reduced maintenance and capital infusion at existing facilities. The study also states that developers should be, in part, responsible for estimated recreation costs. The Town of East Greenbush currently charges mitigation fees, which in part, relate to Recreation.

**WHEREAS**, the Town of East Greenbush has been offered a donation by L Browe Asphalt Services for all labor, trucking and machine work and,

**WHEREAS**, the cost to the Town of East Greenbush would be \$1700 for stone \$51/ton for blacktop @51 tons and an estimated \$750 for poles and hoops for a total cost of \$5,000.

**WHEREAS**, the Town Comptroller hereby confirms that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now therefore

**BE IT RESOLVED**, that the Town Board of East Greenbush authorizes the Department of Public Works to purchase the materials and equipment needed to install a basketball court at the Town Park.

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

**60-2015 Resolution Adopting Local Law 1 for 2015**

**WHEREAS**, proposed Local Law Number 1 of 2015 would amend the Ethics Code of Town of East Greenbush to provide for the filing of complaints, the investigation of said complaints; and reports to the Town Board of alleged ethical violations; and

**WHEREAS**, a Public Hearing on said Local Law was held by the Town Board on April 9, 2015; now, therefore, be it

**RESOLVED**, that the Town Board hereby adopts said proposed Local Law as Local Law Number 1 of 2015

The Foregoing Resolution was duly moved by Councilperson DiMartino and Seconded with 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

**ADJOURNMENT**

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

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