

190-2016 A Resolution Scheduling a Public Hearing on the Preliminary Budget for 2017

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has been presented with a copy of the proposed Tentative Town Budget for the fiscal year 2017; and

WHEREAS, the Town Board is required to review the Tentative Budget and make any changes, alterations and revisions it considers advisable; and

WHEREAS, upon completion of the review, the Tentative Budget as modified by the Town Board becomes the Preliminary Budget and must be filed in the Town Clerk's Office, and

WHEREAS, said review and filing should be completed prior to conducting a Public Hearing; and

WHEREAS, the Town Board is required to conduct a Public Hearing on the Preliminary Budget, including all Special Districts and the Water and Sewer rates contained therein, and said Hearing must be conducted on or before the Thursday following the November general election; and

WHEREAS, passage of this Resolution by the Town Board is not a statement of agreeing or disagreeing with any of the numbers nor tax rates contained therein, and binds no Board Member to vote for or against it, that changes affecting any rates can occur after said Public Hearing is held; and

WHEREAS, the Town Comptroller confirms the resolution will not have a negative impact to the Town's finances;

now therefore, be it

RESOLVED, that the Town Board shall conduct a Public Hearing at 6:00 PM on November 3, 2016 at the East Greenbush Town Hall, located at 225 Columbia Turnpike, Rensselaer, New York 12144, for the purpose of receiving public input on the proposed Preliminary Budget for the fiscal year 2017, including all Special Districts contained therein; and be it further

RESOLVED, that if the Town Board does not meet and approve modifications by October 27, 2016, the 2017 Tentative Budget shall be accepted as the 2017 Preliminary Budget for the Public Hearing at 6:00 PM on November 3, 2016.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor DiMartino and brought to a vote resulting as follows:

| | |
|---------------------|--------|
| Supervisor Conway | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Grant | VOTED: |
| Councilor Tierney | VOTED: |

191-2016 A Resolution to Acquire and Finance a Taser Replacement Program

WHEREAS, it is the intent of the Town Board to maintain and modernize the self-defense equipment and systems used by the police department to provide effective public safety; and

WHEREAS, the Chief of Police has informed the Town Board that the existing Taser program has exceeded its operational limits and intended lifespan, it's warranty has expired and the program requires replacement; and

WHEREAS, Taser International Inc., a single source vendor able to match the existing inventory of supplies, equipment and technical training already in possession of the police department, has proposed a Taser Replacement Agreement at an annual cost of \$4,320.00, less discount, per year over a five year term; and

WHEREAS, the Town Comptroller confirms this Taser Program maintenance can be funded with the 2016 Budget for account 31204.01.004 Police CE without any budgetary transfer;

now, therefore be it

RESOLVED, that the proposed quote by Taser International Inc. be and hereby is approved;

and be it further

RESOLVED, that the Chief of Police is authorized to enter into said agreement;

and be it further

RESOLVED, that this resolution shall take effect immediately

The foregoing resolution was duly moved by Councilor Grant seconded by Councilor DiMartino and voted as follows:

Councilor Grant

VOTED:

Councilor DiMartino

VOTED:

Supervisor Conway

VOTED:

Councilor Matters

VOTED:

Councilor Tierney

VOTED:

192-2016 A Resolution Approving Local Law No. 3 of 2016 to Adopt an Amended Code of Ethics

WHEREAS, the Town adopted an amended Code of Ethics as Local Law No. 3 of 2013 to establish minimum standards of conduct for officials and employees of the Town to ensure that the business of Town government is free from improper influence and conflicts of interest and to facilitate consideration of problems before they occur; and

WHEREAS, the current Town Board has a commitment to establish transparent frameworks for government officials, to promote and foster public trust in the administration of government and to demonstrate a formal and codified commitment to ethical behavior on the part of government officials; and

WHEREAS, to implement these commitments, the Town Board asked the Board of Ethics to undertake a comprehensive revision of the existing Code of Ethics and the Board of Ethics has produced such a revision and submitted it to the Town Board for their review and approval; and

WHEREAS, the Town Board reviewed the draft submitted by the Board of Ethics and amended two provisions concerned with political activity on the part of certain Town officials but otherwise accepted the draft as submitted; and

WHEREAS, the Board solicited public comment on an amended Code of Ethics at two public hearings, one on July 20, 2016 at 6:15 p.m., and another on September 21, 2016 at 6:15 p.m. and whereas the Board duly considered all comments made at the hearings; and

WHEREAS, the East Greenbush Town Board has determined that it is in the best interest of the Town to amend the Code of Ethics established by Local Law No. 3 of 2013 by adopting Local Law No. 3 of the year 2016, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Town Comptroller confirms the resolution will not have a negative impact on the Town's finances;

now, therefore, be it

RESOLVED, that the enactment of Local Law No. 3 of 2016, be, and the same hereby is, approved;

and be it further

RESOLVED, that the Town Clerk shall file the Local Law with the New York Secretary of State.

The foregoing resolution was duly moved by Supervisor Conway seconded by Councilor Tierney and voted as follows:

| | |
|---------------------|--------|
| Supervisor Conway | VOTED: |
| Councilor Tierney | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Grant | VOTED: |

193-2016 A Resolution Authorizing 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 Commissioner of Public Works to declare the following equipment as surplus; and

WHEREAS, said equipment consists of the following:

One 2012 Ford F450 Dump Truck VIN Number: 1FDXF47F32EC32964
One 1986 Mack Rack Truck VIN Number: VG6M111B2GB025173
One 1989 Ford F800 Single Axle Dump Truck VIN Number: 1FDXK84A5MVA03233
One 1990 JCB 1400B Backhoe VIN Number: 14BT40803539957
One 2002 Mack CL713Tank Truck VIN Number: 1M2AD62C32M012170
One 2002 Locke Hydroseeder VIN Number 1L9FS12122L112021
One 2002 Manac Trash Trailer VIN Number: 2M532146826085867
One 2 Ton Gantry Lift Located at the Corliss Pump Station S/N: Unknown
One 1997 Ingersoll Air Compressor Serial Number: P185-WJD
One International Mowing Tractor Serial Number: 200115VO1151
One Ingersoll Propane Forklift Serial Number: Unknown
One TCM Gasoline Forklift Serial Number: 3940073
One TurfBlazer 727 Mowing Tractor Serial Number: Unknown
One Utility Trailer, Tandem Axle Serial Number: 19486
One Kohler 50 Ampere Standby Generator Serial Number: Unknown
One Beuthing 36" Gasoline Static Roller Serial Number: Unknown; and

WHEREAS, said equipment is not suited for any other Town department; and

WHEREAS, the Town Comptroller confirms the resolution will not have a negative impact on Town's finances;

now, therefore, be it

RESOLVED that said equipment listed is hereby declared as surplus;

and be it further

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

The foregoing resolution was duly moved by Councilor DiMartino seconded by Councilor Tierney and voted as follows:

| | |
|---------------------|--------|
| Councilor DiMartino | VOTED: |
| Councilor Tierney | VOTED: |
| Supervisor Conway | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Grant | VOTED: |

194-2016 A Resolution Modifying Resolution 101-2016 Authorizing Certain Paving Expenses

WHEREAS, Resolution 101-2016 authorized paving of certain roads in the Town of East Greenbush for an estimated amount of \$253,995; and

WHEREAS, the paving was installed, and due to the unevenness of the roads being surfaced the estimated tonnages of blacktop were exceeded; and

WHEREAS, the actual invoice for the pavement installed under New York State contract was for \$273,098.22, an overage of \$19,103.22 or 7.5%; and

WHEREAS, the winter of 2015-2016 was very mild resulting in a balance in the salt account of approximately \$44,926; and

WHEREAS, the Town Comptroller confirms the financial impact of this resolution is approximately \$19,103.22 to be paid for by the transfer below;

| Fund | Transfer in | Transfer out |
|--|--------------------|---------------------|
| 5142.4 – Highway (DA) Salt | | \$19,103.22. |
| 5112.4 – Highway (DA) Permanent Improvements | \$19,103.22 | |

now therefore, be it

RESOLVED, that the Town Board modifies Resolution 101-2016 to indicate a not to exceed amount of \$273,098.22 and authorizes the transfer of \$19,103.22 from DA 5142.4, Snow Removal, to DA 5112.4, Permanent Improvements.

The foregoing resolution was duly moved by Councilor DiMartino seconded by Councilor Grant and voted as follows:

| | |
|---------------------|--------|
| Councilor DiMartino | VOTED: |
| Councilor Grant | VOTED: |
| Supervisor Conway | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Tierney | VOTED: |

195-2016 Town Board Declaration of Intent to seek Lead Agency for East Greenbush Tech Park Phase 2 PDD

WHEREAS, Hershberg and Hershberg, on behalf of Greenbush Associated, LLC, has submitted a Planned Development District (PDD) application, pursuant to East Greenbush Zoning Article VI, for the re-zoning of a 56.31 acre parcel located on Mannix Road in the Town of East Greenbush (the “Project”); and

WHEREAS, the application was accompanied by a proposed site plan, Full Environmental Assessment Form, and other submittals; and

WHEREAS, the Town Board of the Town of East Greenbush seeks to establish the Town Board as Lead Agency for this SEQR review; and

WHEREAS, the Town Comptroller confirms the resolution will not have a negative impact on the Town’s finances;

now, therefore, be it

RESOLVED as follows

1. The Planning Clerk is hereby authorized and directed to forward a “Notice of Intent to Seek Lead Agency” to all involved agencies seeking their consent to the designation of the East Greenbush Town Board as Lead Agency for the SEQRA review.
2. The following are or may be:
 - Involved agencies under SEQRA
 - East Greenbush Town Board
 - East Greenbush Planning Board
 - NYS Department of Transportation
 - Rensselaer County Office of Economic Development and Planning
 - Rensselaer County Health Department
 - Rensselaer County Sewer District No.1
3. Interested agencies under SEQRA
 - East Greenbush Fire District
 - East Greenbush Department of Public Works
 - Capital District Transportation Committee
 - NYS Office of Parks, Recreation, and Historic Preservation
 - U.S. Army Corp of Engineers
 - W.F. Bruen Rescue Squad

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Grant and brought to a vote as follows:

| | |
|---------------------|--------|
| Councilor Tierney | VOTED: |
| Councilor Grant | VOTED: |
| Supervisor Conway | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Matters | VOTED: |

196-2016 A Resolution Authorizing the Supervisor to Sign a Technical Service Change Order (TSCO) for Construction Administration and Inspection Services

WHEREAS, this resolution was tabled at the September 21, 2016 meeting; and

WHEREAS, The Chazen Companies was previously retained to provide construction administration and inspection services for the East Greenbush Waste Water Treatment Plant upgrade project; and

WHEREAS, on June 8, 2016, the Chazen Companies provided a Technical Services Change Order requesting an additional \$29,800 in funds to complete the project; and

WHEREAS, \$9,000 of this initially requested \$29,800 has been accrued on behalf of the Town and through performance of the following tasks:

- Construction inspection (contractor work performed included but not limited to: Monolith Solar Re-Installation work and site restoration, clarifier work, aeration/blower work, damaged baffles work, fencing repairs, SCADA issues, punch list items).
- Review of UW Marx paperwork including final allowance items and invoices and credited required to get the project to substantial completion.
- Review of the Stilsing Electric contract paperwork and closeout.
- Weekly SWPP inspections (now complete); and

WHEREAS, Chazen anticipates that all services and contractor paperwork will be completed by September 30, 2016 and at a cost of \$6,000 will include the following:

- Finalizing Stilsing Electric contract closeout
- Finalizing UW Marx contract paperwork, including:
 - Negative change order(s)
 - Substantial completion certification
 - Final invoicing and release of retainer
 - Contract closeout

WHEREAS, the sum of \$9,000 and \$6,000 equals a change of \$15,000 as detailed in the project budget lines detailed in the table below; and

| Task | Task Description | Current Budget and Type | | Change and New Budget | |
|------|------------------------------|-------------------------|-----------------------|-----------------------|-----------------------|
| | | Lump Sum | Time & Materials | Increase | New Budget |
| 01 | Design & Regulatory Approval | \$137,500 | -- | No Change | \$137,500 |
| 01 | Subcontractor | -- | \$16,901.01 | No Change | \$16,901.01 |
| 02 | Bidding Services | \$8,100 | -- | No Change | \$8,100 |
| 03 | Construction Engineering | \$25,500 | -- | No Change | \$25,500 |
| 04 | Construction Administration | \$157,800 | -- | No Change | \$157,800 |
| 05 | Construction Inspection | -- | \$703,300 | \$15,000 | \$718,300 |
| 06 | Post Construction Services | \$22,500 | -- | TBD | \$22,500 |
| RE | Reimbursable Expenses | | \$27,500 | No Change | \$27,500 |
| | TOTALS | | \$1,099,101.01 | \$15,000 | \$1,114,101.01 |

WHEREAS, this change request increases the amount of money necessary to finance the Wastewater Treatment Plant; and

WHEREAS, as the Town Comptroller confirmed this is subject to EFC approval of debt funding;

now, therefore, be it

RESOLVED, the Town Board authorizes the Town Supervisor to sign the Technical Services Change Order with Chazen Companies, however, the contract amendment must be

submitted to EFC for eligibility determination to ensure that all costs are eligible for financing under the program.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor DiMartino and brought to a vote as follows:

| | |
|---------------------|--------|
| Supervisor Conway | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Grant | VOTED: |
| Councilor Tierney | VOTED: |

197-2016 A Resolution to Change the Provisional Appointment of Roger Sharp From Laborer to Sewage Treatment Plant Operator in the Department of Public Works

WHEREAS, the Town of East Greenbush has spent approximately \$15 million to upgrade its Wastewater Treatment Plant and currently lacks adequate staffing for the upgraded plant as identified by consultants responsible for design and construction monitoring as well as its own internal analysis; and

WHEREAS, Roger Sharp was appointed to the position of Laborer in the Department of Public Works by Resolution 183-2016 at the September 21, 2016 Town Board meeting; and

WHEREAS, Roger Sharp has five years' experience in wastewater treatment and completed courses in Basic Laboratory Course for Wastewater Treatment Operators at Morrisville State College and Basic Operations for Wastewater Treatment Plants and Activated Sludge Processes at SUNY Adirondack College and has just completed the Sewage Treatment Plant Operator examination given by the Rensselaer County Civil Service Commission; and

WHEREAS, this combination of experience and education is required to guarantee the efficient operation of the upgraded Wastewater Treatment Plant; and

WHEREAS, the Town Comptroller confirms the resolution will not have a negative impact on the Town's finances;
now, therefore, be it

RESOLVED, that the provisional appointment of Roger Sharp to the position of Laborer in the Department of Public Works is hereby rescinded; and
be it further

RESOLVED, that Roger Sharp is appointed to the position of Sewage Treatment Plant Operator in the Department of Public Works on a provisional basis at a rate of \$21.4445 per hour as required by the CSEA contract. This appointment is dependent on the approval of the Rensselaer County Civil Service Commission and can only be made permanent if Roger Sharp achieves a grade on the Civil Service Exam that permits the Town to hire him on a permanent basis.

The foregoing resolution was duly moved by Councilor DiMartino and seconded by Supervisor Conway and brought to a vote resulting as follows:

Councilor DiMartino
 Supervisor Conway
 Councilor Matters
 Councilor Grant
 Councilor Tierney

VOTED:
 VOTED:
 VOTED:
 VOTED:
 VOTED:

198-2016 A Resolution to Authorize the Award for Removal of Underground Fuel Storage Tank at the Town’s Highway Garage

WHEREAS, Town Board Resolution 137-2016 authorized the solicitation of bids for the replacement of the Underground Fuel Storage Tanks at the Town Highway Garage, this requires a bid for removal and a second bid for replacement; and

WHEREAS, IFB 16-2 Removal of Underground Storage Fuel Tanks was posted soliciting bids to remove the current underground storage tanks in order to comply with Order on Consent (#R4-2013-0320-47) FOR Petroleum Bulk Storage violations; and

WHEREAS, bids were opened and read aloud in a public forum by the Director of Finance and Town Clerk on September 13, 2016; and

WHEREAS, the lowest responsible bidder for the project was:

Corbett Industrial Cleaning Services

WHEREAS, the Base bid was \$17,385.00, soil removal price of \$43.50/ton and includes up to 250 gallons of fuel sludge/waste to be removed; and

WHEREAS, the Town Comptroller confirms the financial impact of this resolution is approximately \$17,385.00 in the Highway Fund for this expense;

| Fund | Transfer in | Transfer out |
|-------------------------|-------------|--------------|
| 5142.4 – Highway Salt | | \$17,385.00 |
| 5132.4 – Highway Garage | \$17,385.00 | |

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Finance Office to send an award letter to Corbett Industrial Cleaning Services.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Grant and brought to a vote resulting as follows:

Supervisor Conway
 Councilor Grant
 Councilor DiMartino
 Councilor Matters
 Councilor Tierney

VOTED:
 VOTED:
 VOTED:
 VOTED:
 VOTED:

199-2016 A Resolution Authorizing the Settlement of Tax Certiorari Proceeding Entitled East Greenbush Lodging Associates v. the Town of East Greenbush for the Years 2014, 2015 and 2016

WHEREAS, East Greenbush Lodging Associates, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to properties owned by East

Greenbush Lodging Associates, LLC on Hampton Inn Drive and Tempel Lane in the Town of East Greenbush at the parcel numbers listed below; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; and

WHEREAS, the Town Comptroller confirms the resolution will have a negative impact on the Town's finances due to decreases in assessed values impacting other tax payers billing and decreasing effect on the sales tax share from the County;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Attorney to settle the East Greenbush Lodging Associates, LLC v. East Greenbush Tax Certiorari proceeding, and that the Town Board does hereby accept a proposed settlement for the 2014, 2015 and 2016 tax certiorari proceedings filed by East Greenbush Lodging Associates, LLC in which the 2014 values shall remain unchanged and the 2015 and 2016 assessed value of the subject properties shall be reduced as follows:

| <u>Year</u> | <u>Parcel No.</u> | <u>Prior Assessed Value</u> | <u>New Assessed Value</u> | <u>Reduction</u> |
|-------------|-------------------|-----------------------------|---------------------------|------------------|
| 2015 | 155.-3-12 | \$869,600 | \$869,600 | \$0 |
| 2015 | 155.-3-2.12 | \$844,400 | \$785,600 | \$58,800 |
| 2015 | 155.-3-2.111 | \$1,471,200 | \$968,200 | \$503,000 |
| 2015 | 155.-3-2.112 | \$967,000 | \$668,600 | \$298,400 |
| 2015 | 155.-3-2.113 | \$1,135,200 | \$568,200 | \$567,000 |
| 2016 | 155.-3-12 | \$5,369,600 | \$5,369,600 | \$0 |
| 2016 | 155.-3-2.12 | \$791,600 | \$791,600 | \$0 |
| 2016 | 155.-3-2.111 | \$968,200 | \$968,200 | \$0 |
| 2016 | 155.-3-2.112 | \$668,600 | \$668,600 | \$0 |
| 2016 | 155.-3-2.113 | \$568,200 | \$568,200 | \$0 |

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2017, 2018 and 2019 assessment rolls, with the understanding that assessments for vacant land only apply as long as those parcels remain vacant land; and

be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between East Greenbush Lodging Associates, LLC and the Town of East Greenbush as to the above referenced assessment.

The foregoing resolution was duly moved by Councilor Matters and seconded by Supervisor Conway and brought to a vote resulting as follows:

| | |
|---------------------|--------|
| Councilor Matters | VOTED: |
| Supervisor Conway | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Grant | VOTED: |
| Councilor Tierney | VOTED: |

ADJOURNMENT

Motion to adjourn by Supervisor Conway seconded by Councilor Grant and brought to a vote as follows:

Supervisor Conway
Councilor Grant
Councilor DiMartino
Councilor Matters
Councilor Tierney

VOTED:
VOTED:
VOTED:
VOTED:
VOTED: