



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA November 19, 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

Town Clerk, Linda Kennedy stated her office has received reports from the following departments and they will be on file for review: Town Clerk, Receiver of Taxes, Building and Police

Supervisor Langley stated that Ed Gilbert has resigned as Deputy Supervisor for personal reasons and thanked him for his service. He then announced that Michael Poorman is now the Deputy Supervisor, Mike was a former Town Board Member and will be an asset.

Councilperson Di Martino wished all a happy holiday and announced that the Community and recreations has a busy upcoming schedule. There will be a Christmas Tree Lighting on Wednesday, December 3rd from 6 to 8 pm here at the Town Hall. At 6:30 that night the Columbia High School Chamber Singers and Chorus will be performing. There will be snacks, children activities, gingerbread house display and contest voting.

Again there will be a Holiday Homes decorating contest winner to be announced on Dec. 15.

New this year the East Greenbush Community Christmas Tree Project we invite all businesses and organizations join us as we create our first annual Christmas tree to be displayed in the Town Hall, we ask the businesses make an ornament for the tree.

For all the details of all the fun things happening go to [EAST GREENBUSH. ORG](http://EASTGREENBUSH.ORG) and get all the details for all events. Go to the Community and Recreation Page.

Councilperson Matters asked Commissioner of Public Works to clarify e mails that she has received regarding the town DPW cutting down a tree on private property on Route 4. Anthony stated a large branch broke off and fell into the roadway, State DOT was called an unable to attend to this matter so

our crew went and cleaned up the mess, this tree was deemed totally rotten. Anthony received a letter from DOT stating the tree is on East Greenbush Town property and should be removed. Councilperson Mangold wished everyone a Happy and Healthy Thanksgiving and if traveling be careful.

Ed Gilbert stated that the Ethic Board was operating under the assumption that the board had more power than it does. They thought they could hand breaches of ethics, but the Town attorney states it is not covered in the code. They can't legally subpoena anyone. It is an advisory board only. They also can't investigate complaints. Dave Gruenberg stated as the code is written it is only and advisory.

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.

Open portion stated at 7:15 pm

- 1) Jack Conway gave his condolences in the passing of a Michelle Salisbury, town resident she was a part of the save East Greenbush Group.

He wanted to respond to Ed Gilbert's comments, they had at least 2 attorneys working on the ethics board putting together the code along with Joe Llicardi gave board advise. There was a unanimous passing of the code knowing that residents could complain about town employees. He stated maybe there needs to be a new clause to the code. Councilperson Mangold said she concurred with Jack it was drafted so the citizens could complain and advise this board and now she is just waiting for counsel to advise if things need to be changed or added.

Councilperson Matters asked if Town Attorney that is to advise who would it be? It can be Dave or they reserve the rights to independent counsel.

- 2) A woman spoke asking about paving of Thompson Way.
- 3) Dwight Jenkins do we have a water truck that is not marked with Town Logo? He has seen one hooked up to the hydrant on Mannix. Anthony Corellis said that when he sees the truck there call him and he will check it out. There are some entities that have meters and are sent water bills.
- 4) Eileen Grant thanked Councilperson Matters and Mangold for support of adding clause to ethics code. She also thanked them for arranging last night's meeting it was very informational. However after listening to them she feels that we should stop paying for their services and get it in writing a detailed description of what was done for the monies we paid them. She stated she was shocked about wanting to increase the water and sewer rates without a public hearing.
- 5) Tom Grant asked the board not to vote in favor of the water and sewer increase. Last night's meeting was frightening that we were paying for work that they knew couldn't be done, they should have been up front and told the town that they could not perform the audit and not taken any more money. Tom stated he was impressed at the hard work and information and there is no reflection on previous comptrollers. He thanked Ed Gilbert for his service as Deputy Supervisor but wished he resigned from the ethics board instead of Deputy Supervisor. Tom also stated that the town should get George more help. He ended with we should work together and stop blaming previous administrations.

Councilperson Matters wanted to clarify that were not voting on sewer rates only scheduling a public hearing.

- 6) Lee Cookson read a statement for my file. He spoke about the audit, wants the results on the website he also asked why the ethics law has not been implemented. He stated he wants the board to post how much employees owe for stipends he wants this published and have a time line to pay back. Councilperson Mangold stated this practice goes back many years and on the report only three or four people were named and says you were illegal and everyone else was fine. And we do not have a very go job. If the board were to go after these employees the town would have to provide counsel and would be a huge expense. Since it was brought to the boards attention this issue was corrected. The monies were given legally for extra work done. So you would have two sets of lawyers trying to decide whether or not the extra work was done and by whom.

He also asked why the board had secret meeting regarding the casino, Councilperson Mangold state they were not secret and there was a time limit and all members could not attend at the same time. The board has meetings all the time with large projects coming in the developer comes in and tells what they want and find out the lay of the land if it is at all a good fit for the project. The board was and is not trying to hide anything.

- 7) Don Johnson had a statement regarding the single purpose audit for Mannix Road Round A Bout. It is his understanding that whether it was Federal, State or Town money that paid for the paving of Thompson Hill and he was under the understanding that the developer was to pay, because he saw a document to that effect. Now if that is the case the town should recoup the money that they spent.
- 8) Maura Ryan CFAC Chair. Stated she sent the board another e-mail this morning with suggestions for the 2015 budget and asked what is the status. George stated that no board member came forward with changes so the tentative became the tentative and without changes the tentative became the final. Resolution 132-2014 stating “if the board does not meet and approve modifications by October 29 the 2015 Tentative budget shall be accepted as the 2015 preliminary budget.” Maura stated that she then has recommendations for 2016 budget and that is to look at the long term and plan for a tax increase before we get further in debt.
- 9) Chris Burtran Union president for the police dispatchers thanked the board for working with the men and hopes you do the same for fellow union members.
- 10) Ed Gilbert stated there is still an Ethics Board it has not been disbanded. He stated there needs to be changes in the law to allow what Jack Conway wants the board to do.

Open portion closed at 8:30 pm

Resolutions and Proposals by Town Board Members:

134-2014 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 October 15, 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 October 15, 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	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	NO

135-2014 Appointment of Suzanne Coyne-Angelo to the Position of Real Property Appraisal Aide

WHEREAS, the position of Real Property Appraisal Aide in the Assessor's office, was resigned by George Ranieri, effective September 29, 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, Suzanne Coyne-Angelo has been determined eligible by the Rensselaer County Civil Service Commission; and

WHEREAS, 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 November 20, 2014, Suzanne Coyne-Angelo be, and the same hereby is, appointed to the position of Position of Real Property Appraisal Aide at the annual 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, seconded by Councilperson DiMartino, and brought to a vote resulting as follows:

Councilperson Mangold made a motion to amend the above paragraph to read: RESOLVED, that the Jessica Lansing shall take all the necessary steps to process the personnel transaction authorized in this resolution.

The foregoing motion to amend the resolution was duly moved by Councilperson Mangold and seconded by Supervisor Langley and brought to a vote resulting as follows

Councilperson Mangold	VOTED	YES
Supervisor Langley	VOTED	YES

Councilperson DiMartino	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES

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

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

136-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled TD Bank v. TOWN OF EAST GREENBUSH

WHEREAS, TD Bank has brought an Article 7 RPTL Tax Certiorari proceeding against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 243927-2013 and 247408-2014 now pending for the year 2013/2014 and 2014/2015, regarding property known as 71 Troy Road, as hereinafter set forth, and

WHEREAS, after considerable discovery, inspection, site evaluation of the premises, current lease, income and expense review and negotiation with Petitioners counsel, the Town’s certiorari counsel and the Assessor’s Office have recommended a settlement agreement to the following values for the years 2013/2014 and 2014/2015, as follows:

Tax Identification Number	Current Assessed Value	Reduced Assessment	Total Reduction
155.-10-8.2	\$895,300.00	\$825,000.00	\$70,300.00

WHEREAS, the settlement will have no immediate impact on the finances of the Town, as the County shall pay the Town’s portion of any refund and charge back to the Town on the next year’s tax levy.

RESOLVED, that the above captioned tax certiorari proceeding be settled in the amounts and for the years set forth above, and that the tax certiorari counsel be and is hereby authorized to execute all documents necessary to effectuate said settlement.

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

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

137-2014 A Resolution to Authorize the Purchase of a New Copier for the Supervisors Office

WHEREAS, at the request of the George Phillips, Town Comptroller and in accordance with Town Policy and General Municipal Law, a Request for Quote (RFQ) was issued for a new copier for the Supervisors Office; and

WHEREAS, the Purchasing Agent has reviewed the quotes with all parties and recommend awarding the bid to National Business Equipment or Repeat Business pending a three (3) day trial use period; and

WHEREAS, funding for the purchase of copier will be paid from the Comptroller's budget line 1315.4; and

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

RESOLVED, that the Supervisor is authorized to purchase a new copier and dispose of the old Toshiba copier in the Supervisor's office for a price not to exceed \$6000.00 on behalf of the members of the Town Board. A copy of the executed agreement to be filed with the Town Clerk; and be it further

RESOLVED, that the supervisor is authorized to sign a maintenance agreement for the copier purchased.

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

138-2014 Resolution to Adjust Water Rates

WHEREAS, the costs of providing water to the residents of the Town has increased over the past three years since the last rate increase due to increases in the purchase of water from our supplier: the City of Troy, increases in energy supply and general operation and maintenance costs of the pumping and distribution system, and other increases; and

WHEREAS, the Town has considered various methodologies for increasing the foregoing costs and expenses while maintaining an equitable rate structure for all customers; now therefore be it,

RESOLVED, that the Town adopt the following water rate structure:

- 1.) The existing rate billed to customers in the General Water District is \$3.70 per 1,000 gallons for residential users and \$4.00 per 1,000 gallons for commercial users. A new rate of \$4.60 per 1,000 is hereby charged to residential customers and a new rate for all commercial users is hereby increased to \$4.95 per 1,000 gallons.
- 2.) The minimum water use charge in the General Water District is now \$32 per three (3) three month period for use up to 10,500 gallons (1,400) cubic feet). This minimum charge will be increased to \$38.00 per three (3) month period. Any use above the minimum will be charged \$4.60 per 1,000 gallons. New water rates for the General Water District will be initially applied in the February 2015 billing period.
- 3.) In the Hampton Manor Water District the flat rate charged to non-metered users is hereby increased to \$210 per year from the current \$190 per year for single family residents, and flat rates for two, three and four family customers is increased to \$280, \$410, and \$560, respectively. The metered rate for those users in the Hampton Manor system is increased to \$2.75 per 1,000 gallons from the current rate of \$2.34 per 1,000 gallons. The minimum charge of \$50 for use up to 21,000 gals or 2,800 cf per billing cycle will be applied. The new rate will be first applied in the July 2015 billing period.

4.) The Town will now recognize all existing multi-family units having in excess of three (3) or more units, as commercial rate based users and will bill these customers at the prevailing commercial water use rate; let it be further

RESOLVED that the new increase shall become effective immediately.

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

Supervisor Langley	VOTED	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	NO
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	NO

139-2014 Schedule a Public Hearing to Adjust Sewer Rates

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 17th day of **December, 2014**, at **6:45PM** in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in said East Greenbush, New York, to adjust sewer rates

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

140-2014 Resolution Ratifying Appointment of Temporary Court Clerk

WHEREAS, Town Justice, Kevin Engel, has advised that the Court Clerk will be unavailable to provide services for the Court until December 31, 2014; and

WHEREAS, the Town Comptroller has certified that none of the provisions of this proposed Board action shall pose any significant impacts to the Town's finances, now therefore, be it

RESOLVED, that the Court is authorized to obtain and hire an appropriate temporary replacement for the Court Clerk at an as needed basis for the period of through December 31, 2014, subject to the approval by the Town Supervisor and the availability of adequate funds for the compensation of that individual.

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

ADJOURNMENT

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

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

Respectfully submitted,

Linda Kennedy, Town Clerk

Meeting closed at 9:10 pm