



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA Wednesday, September 16, 2015

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

Members of Town Board

Present

Absent



Supervisor Langley

Councilperson Malone

Councilperson DiMartino

Councilperson Matters

Communications/Announcements/Reports

Linda Kennedy, Town Clerk stated the clerk's office has received reports from the following departments and will be on file for review: Town Clerk, Receiver, Highway, Building and police.

Councilperson Matters nothing to add.

Councilperson DiMartino stated the with the donations of school supplies there were 25 backpacks put together and distributed between the East Greenbush Schools. Debbie also reminded the residents that once again Pizza Nights at the East Greenbush Fire House on Phillip's road have started up. Pizza nights are the second Saturday of the month and call in's start at 2:30.

Debbie stated that the Community and Recreation Department is still looking for names for the veteran's board. And October is Breast Cancer Awareness Month. The Town hall will be going pink on Monday October 19.

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

Open portion 7:05pm

- 1) Hal Betters stated this question was directed to George, he stated that DPW rented a piece of equipment and was clearing out behind Town Hall on the National Grid right-of-way, he wanted to know if we were sending them a bill. b/ He stated it was amazing how the town doesn't have any money yet can rent equipment for land maintenance and can't even take down a tree that when it falls will do a lot of damage. c/ Hal also asked if anyone counted streetlights in the town do to the fact that we pay rent on them. d/ He also showed pictures of road work done on Third Avenue and wanted to know why the Town put in a culvert in front of a private residence and then paved the road. He also wanted to

give notice of the catch basin on Third Ave is a hazard to cars, it is above the level of the road.

- 2) Douglas Tucker asked how things were going with the house next to his. Dave Gruenburg stated that Joe Cherubino sent a letter to the owners. Doug also wanted to know about the property that used to house Tibbets Inn. Joe Cherubino stated that Regeneron is using it for parking during construction and then it will be seeded and put back the way it was.
- 3) John Collins wanted to know when Old Troy Road was going to get paved the pot holes are at least 6 to 10 inches deep. He also asked about speeders, and the house on Old Troy Road that has trash etc in it.
- 4) Tom Grant stated that Moody's just came out with another report stating the East Greenbush is no longer on the list due to audits.
- 5) Dave Van Wormer inquired as to why some people get there concerns answered and others not.
- 6) Don Johnson stated that the previous Administration put us in the junk bond status but this Board has put us further down the list.
- 7) John Torino wanted to say that in all the years he has lived here this is the first year his taxes went down.
- 8) Jack Conway stated that now everyone who spoke is in the campaign mode then stated that Langley brought down the standing board and wants to know why because he feels the accounting of the accounts the supervisor is responsible for.
- 9) Ed Gilbert stated that MaryBeth Bianconi Delaware Engineering about the assessment of the bond status she told him that the State does not go by Moody's reporting. b/ he also stated regarding the audit that due to not being able to give an audit George is doing the best he can do to put organization to the books now and to ask him to sign off on something he wasn't in on is not right, and we are lightyears ahead of where we were four years ago.
- 10) Eileen Grant a/ state of finances doesn't feel Ed statement does not compare with the Supervisor and Comptrollers statements. b/ She is still looking for variable figures and needs new accounting system.
- 11) Don Johnson Feels that the Town can use AUD to make auditable records.

Open portion closed at 7:15pm

Resolutions and Proposals by Town Board Members:

153-2015 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 August 19, 2015; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no impact on the Town's finances; now, therefore, be it

RESOLVED, that the minutes of the regular Town Board Meeting held on August 19, 2015, are hereby approved as submitted.

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

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

154-2015 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 confirmed 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 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 Councilperson DiMartino and seconded by Councilperson Matters and brought to a vote resulting as follows:

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

155-2015 A Resolution to Pave Lois Lane

WHEREAS, Town of East Greenbush Purchasing Policy allows for \$20,000 in Public Work projects prior to Town Board Approval; and

WHEREAS, General Municipal Law 103 and 104b allow for purchases up to \$35,000 in Public Work projects to be made prior to Town Board approval and without bid; and

WHEREAS, the Commissioner of Public Works and the Town Supervisor have reviewed the needs of the Town and determined the paving of Lois Lane entirely was more cost effective than patching areas as originally planned, and

WHEREAS, the Commissioner of Public Works states that the estimates are made utilizing New York State Contract (PC #66543) pricing for the work, will not exceed \$18,783.60, and

WHEREAS, the Town Comptroller confirms that all expenses are in the 2015 budget as stated; now therefore

BE IT RESOLVED, that the Commissioner of Public Works is hereby authorized to approve paving expenses not to exceed \$18,783.60 for paving of the aforementioned Town road.

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

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

156-2015 A Resolution Authorizing the Supervisor to Execute a Certain Order on Consent

WHEREAS, the Town has been informally notified by the New York State Environmental Conservation that certain State Pollution Discharge Elimination System (SPDES) permit effluent violations at the Waste Water Treatment Plant have reached the threshold triggering the issuance of an enforcement action; and

WHEREAS, the Town Board has discussed this issue with representatives of Delaware Engineering; and

WHEREAS, the Town is in receipt of a certain proposed Order on Consent from DEC, numbered R4-2015-0818-99, proposing a settlement of these violations; and

WHEREAS, the Town Comptroller has confirmed that the current financial impact of the DEC civil penalty is \$5,595; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute, on behalf of the Town, said Order on Consent.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

157-2015 Authorization to Certify the Base Percentages, Current Percentages, Current Base Proportions and the Adjusted Base Proportions.

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of the class equalizations rates from the Office of Real Property Services, regarding the homestead class and non-homestead properties within the Town; and

WHEREAS, the Town Board considers it to be in the best interest of the Town to certify the attached certificates of base percentages, current percentages, current base proportions and the adjusted base proportions, pursuant to Article 19 of the Real Property Tax Law, for the levy of taxes on 2014/2015 East Greenbush Central School District Assessment Roll and the 2014 Assessment Roll for the Town of East Greenbush; and

WHEREAS, the attached certificates of base percentages, current percentages, current base proportions and the adjusted base proportions for the 2015/2016 Assessment Roll, as calculated by the Town Assessor, has been approved by the State of New York Office of Real Property Tax Services; and

WHEREAS, The Town Comptroller confirmed that this action poses no financial impact to the Town; now, therefore, be it

RESOLVED, that the Town Clerk is hereby authorized and directed to sign the certification of Base Percentages, Current Percentages, Current Base Proportions and the Adjusted Base Proportions; as set forth in the attached certificates.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

158-2015 A Resolution Authorizing the Supervisor to Sign a Technical Services Change Order for Construction Services

WHEREAS, the Chazen Companies, the Engineering firm supervising the East Greenbush Waste Water Treatment Plant upgrade project, has requested the authority for an additional \$148,700 for completion of construction services for the project; and

WHEREAS, work left to be performed falls into three categories:

- Work remaining under the original contracts (to be completed by November 25, 2015)
- New work added since the project was initially bid and included by change order. Understanding that the DOT highway work is also anticipated to be completed by November 25, 2015 (*Authorized by Town Board – pending EFC approval*)
- The bore under the railroad work (to be completed 2016) *not yet authorized*

and

WHEREAS, in May 2015, Chazen's Technical Services Change Order (TSCO) was based on one (1) inspector covering all of the work at the WWTP. Due to the level of contractor activity two (2) full time inspectors have been needed since the TSCO was authorized; and

WHEREAS, the proposed increases and summaries of all project budget lines are 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	\$132,000	--	\$5,000	\$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	\$106,800	--	\$31,000	\$137,800
05	Construction Inspection	--	\$533,500	\$107,800	\$641,000
06	Post Construction Services	\$22,500	--	TBD	\$22,500
RE	Reimbursable Expenses		\$22,600	\$4,900	\$27,000
	TOTALS		\$868,401.01	\$148,700	\$1,017,101.01

WHEREAS, the Town Comptroller confirms that the TSCO requires NYS Environmental Facilities Corporation (EFC) approval prior to payment, and will pull from the remaining balance of the contingency fund approximately \$150,000; and

WHEREAS, the Town Supervisor is authorized 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 Langley and seconded by Councilperson Matters and brought to a vote resulting as follows:

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

159-2015 A Resolution Approving the Policy Year Change for CDPHP

WHEREAS, under the Affordable Care Act the Town of East Greenbush is no longer considered a large group and this negatively impacts the rates offered to the Town as a small group; and

WHEREAS, to maintain the current benefits that Town employees are offered, it has been recommended that we change our plan year to December 1, 2015 ó November 30, 2016 to keep our current plan at a reduced rate of 3.6% increase; and

WHEREAS, most small groups are currently seeing alternative plans with double digit increases or high deductible plans, both of which would be a reduction in benefits to Town employees; and

WHEREAS, the Town Comptroller confirms that this plan is beneficial to the employees and will be appropriately figured into the 2016 Tentative Budget, and has plans to begin researching alternative plans in early 2016; now, therefore, be it

RESOLVED, that the Town of East Greenbush's policy year with CDPHP will now be December 1, 2015 ó November 30, 2015.

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

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

160-2015 A Resolution Accepting the Resignation for Retirement of Joseph P. Liuzzi

WHEREAS, the Town Board has received a letter of resignation from Joseph P. Liuzzi of the East Greenbush Emergency Communications Center; and

WHEREAS, Joseph P. Liuzzi has served as a Dispatcher with the Town of East Greenbush since August 1998 and is a valued member of the Emergency Communications Center; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the resignation for retirement of Joseph P. Liuzzi, effective September 30, 2015, is hereby accepted.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

161- 2015 Resolution to make a conditional job offer to John W. Geary, Jr., to the position of Police Dispatcher

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's Police and Emergency Communications Center, by appointing qualified individuals to replace positions that become vacant, and a position has 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, John W. Geary, Jr., of East Greenbush, a graduate of Catholic Central High School and currently a Police Dispatcher for the City of Albany and part-time Police Dispatcher for the Town, has been found to be a qualified candidate according to the Rensselaer County Civil Service Commission; now therefore be it

RESOLVED, that John W. Geary, Jr. be and hereby is offered a full-time appointment to the position of Police Dispatcher for the Town of East Greenbush, subject to the Rules and Regulations of the Police Department including maintaining a residence in the Town; and be it further

RESOLVED, that this conditional offer be affirmed by said Nominee within 30 days by executing the oath of office as administered by the Town Clerk, or after which said offer shall become null and void, and be it further

RESOLVED, said conditional appointment shall become effective on or about September 30, 2015; it shall be subject to a probationary period of one (1) year; it shall be compensated according to the appropriate collective bargaining agreement, and, that upon successful completion of all said conditions and stipulations, shall be, and hereby is made permanent.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

162-2015 Resolution to Approve the Addition of New Resolutions

WHEREAS, Resolution 13-2015 Resolution for Timely Submission of Resolutions called for *any items on Board meeting agendas that were not presented at pre-board, be required a majority vote to be considered for a vote*; and

WHEREAS, additional resolutions have been presented to the board for consideration at this month's Town Board meeting, and

WHEREAS, the Town Comptroller has confirmed that the Board adding additional Resolutions to the agenda will not impact the budget; and

WHEREAS, that the following resolutions:

163-2015 *Entering into a Lease Agreement with the County of Rensselaer to Allow Its Occupancy and Use of Town-Owned Real Property as a Communication Tower Site*

164-2015 *Resolution Recognizing October as Breast Cancer Awareness Month and Monday, October 19, 2015 as East Greenbush Goes "Pink" Day*

were added to the agenda following the pre-board meeting; now, therefore, be it

RESOLVED, that the addition of the above resolutions requires majority Town Board vote; now, therefore be it further

RESOLVED, that following majority vote, the Town Board will vote on the stated resolutions.

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

163-2015 Entering into a Lease Agreement with the County of Rensselaer to Allow Its Occupancy and Use of Town-Owned Real Property as a Communication Tower Site

WHEREAS, the County of Rensselaer (referred to hereinafter as "County") seeks to augment coverage and efficiency of its emergency-services communication system by adding to such system an additional wireless communication tower (referred to hereinafter as "Tower") at a site that is best suited to achieve this objective; and

WHEREAS, the County has identified such an optimum Tower site that is a portion of real property identified with a tax map no. of 165-1-12 and located at 246 Ridge Road in the Town of East Greenbush (referred to hereinafter as "Town") and is owned by the Town; and

WHEREAS, the County has proposed to the Town that the parties enter into a lease agreement, a copy of which is attached hereto and made a part hereof (referred to hereinafter as "Agreement"), to allow it to construct, install, operate, maintain, and secure the Tower at the proposed site; and

WHEREAS, the Town would, at its option, be able to utilize surplus space on the Tower at no cost to the Town; and

WHEREAS, the lease agreement provides that it is contingent upon the County making an application and obtaining approval from the Town for this project, thus requiring the county to go through the processes set forth in the Town's local law relating to wireless telecommunications facilities set forth in Chapter 47A of the East Greenbush Town Code; and

WHEREAS, the Attorney to the Town has reviewed the provisions of the Agreement and finds them to be protective of the Town's interests and, therefore, acceptable; and

WHEREAS, the Comptroller has confirmed that none of the provisions of this resolution pose an adverse impact to the Town's Finances; now, therefore; be it

RESOLVED, that the Supervisor be authorized to, and the same hereby shall, execute the Agreement for and on behalf of the Town, and shall take all necessary steps to ensure that the provisions thereof are carried out.

The forgoing Resolution was duly moved by Councilperson Matters, seconded by Councilperson DiMartino, and brought to a vote resulting as follows:

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

164-2015 Resolution Recognizing October as Breast Cancer Awareness Month and Monday, October 19, 2015 as East Greenbush Goes "Pink" Day

WHEREAS, a woman receives a diagnosis of breast cancer every two minutes, making this disease the most frequently diagnosed cancer among women in the U.S., other than skin cancers;

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year relative survival rates for localized breast cancer from 74 percent to 98 percent;

WHEREAS, the 2.5 million breast cancer survivors living in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected;

WHEREAS, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men in all communities in this State through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and the importance of having annual mammograms;

WHEREAS, screening rates are declining and a recent study reveals that among the 1.5 million women studied over the age of 40 with health insurance, less than fifty percent received the recommended annual screening;

WHEREAS, throughout the month of October, organizations and health practitioners in this State are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to encourage annual mammograms;

WHEREAS, public officials and citizens of this State are urged to observe this month with appropriate activities and programs that encourage annual mammograms;

WHEREAS, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month; now, be it

RESOLVED, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and will go "Pink" on Monday, October 19, 2015.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

ADJOURNMENT

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

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

Respectfully submitted

Linda Kennedy, Town Clerk
Meeting closed at 7:35pm