



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, NY 12144

BOARD MEETING AGENDA

Wednesday, September 19, 2012

Call to Order 7:00 PM

Pledge to the Flag

Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor Langley

Councilperson Matters

Councilperson O'Brien

Councilperson Malone

Councilperson Mangold

Communications / Announcements / Reports

Public Comment Period : Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

The Public Comment Portion of the meeting will consist of two sections:

1. **Prior to Town Board Consideration of the Resolutions:** Members of the public wishing to address a specific resolution(s) on the agenda to follow will be recognized.
2. **Upon disposal of the resolutions:** Members of the public with general comments on Town government will be recognized.

Resolutions proposed by the Town Board Members:

137-2012 A Resolution to Approve of Minutes of the August 15, 2012 Town Board Meeting

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 15, 2012 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 regular Town Board Meeting held on August 15, 2012 are hereby approved as submitted.

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 O'Brien	VOTED	Yes
Councilperson Malone	VOTED	ABSENT
Councilperson Mangold	VOTED	Yes

138-2012 A Resolution to Approve the Minutes of the September 6, 2012 Special Town Board Meeting

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 Special Town Board Meeting held on September 6, 2012 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 Town Board Meeting held on September 6, 2012 are hereby approved as submitted.

The foregoing Resolution was tabled with unanimous consent at the request of Supervisor Langley

Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson O'Brien	VOTED	YES

139-2012 Authorization for the Approval of Contract with Aquatic Invasive Management, LLC for the Removal of Eurasian Milfoil Removal from Hampton Manor Lake (Tabled Resolution from Special Meeting September 6, 2012)

WHEREAS, the appearance and functionality of Hampton Manor Lake, an important landmark in the Town of East Greenbush, has been debilitated by the presence of Eurasian Milfoil; and

WHEREAS, the Town issued a RFP for milfoil eradication to improve the condition of the Lake; and

WHEREAS, Aquatic Invasive Management (hereinafter, AIM) submitted a proposal for "hand harvesting" as an eradication method, which has been evaluated by the Town and deemed acceptable; now therefore

BE IT RESOLVED, that the contract, provided by AIM, be, and the same hereby is, approved for an amount not to exceed \$49,156; and be it further

RESOLVED, one-half of the funding shall come from Hampton Manor Storm Sewer (81404.08) and the other half shall be funded from the General Fund Parks Account (71104.01). The Town Comptroller requires the following budget transfer to fund the project:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
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Contingency	19904.01	\$100,580.25	(\$15,578.00)	\$85,002.25	Milfoil Eradication
Parks CE	71104.01	\$18,999.00	\$15,578.00	\$34,577.00	Milfoil Eradication

and be it further

RESOLVED, that the Town Supervisor, is hereby authorized and directed to execute the agreement immediately following its approval by the Attorney for the Town.

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

Supervisor Langley	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Mangold	VOTED	YES
Councilperson Matters	VOTED	YES

140-2012 Authorization to Develop a Strategic Communications Plan

WHEREAS, the Town Board is committed to economic growth in Town and as such wish to explore media options to promote our quality of life and encourage businesses and families to take root in our Town; and

WHEREAS, the need to promote the positive aspects of the Town of East Greenbush to aid growth in the Town, and not only maintain our quality of life but also improve it for all residents; and

WHEREAS, The Town Comptroller certifies that all funding for this resolution will be appropriated from the General Fund Contingency Account and documented in an additional budget transfer resolution; now therefore

BE IT RESOLVED, the Town Board is authorized to seek the professional services of a Public Relations Firm to develop a strategic communications and marketing campaign to promote the progress being made in East Greenbush and all we have to offer; and be it

FURTHER RESOLVED, the funding for this resolution shall not exceed \$20,000 without further consent of the Town Board

Councilperson Mangold made a motion to reduce the amount stated in the resolution from \$20,000 to \$10,000.

The foregoing motion to amend the Resolution was duly moved by Councilperson Matters and seconded by Councilperson Mangold.

Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	ABSENT

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	YES
Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES

141-2012 A Resolution to Adopt the Procurement Policy

WHEREAS, General Municipal Law Section 104-b requires Towns to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML§103 or any other law; and

WHEREAS, the Town Purchasing Agent has reviewed the existing policy and recommended changes and comments have been solicited from Town Officials; and

WHEREAS, the Town Comptroller asserts this resolution will have no impact on the Town's Finances; and therefore

BE IT RESOLVED, that the Town of East Greenbush does hereby adopt the attached Procurement Policy; and

BE IT FURTHER RESOLVED, that the Town Purchasing Agent is hereby authorized and directed to provide each Town employee with a copy of the attached Procurement Policy; and

BE IT FURTHER RESOLVED, that a copy of the attached Procurement Policy shall be incorporated into the Town's Employee Manual; and

BE IT FURTHER RESOLVED, that a copy of the attached Procurement Policy shall be made available on the Town's webpage as soon as practicable, and

BE IT FURTHER RESOLVED, that this policy shall be reviewed annually and adopted during the organizational meeting or whenever there are changes to the policy.

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

Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	ABSENT

142-2012 A Resolution for SEQRA Determination for Regeneron Building 85

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Regeneron Pharmaceuticals Site Plan, Building #85, tax parcel number 155.-1-4.21, prepared by Hart Engineering; and

WHEREAS, the application was accompanied by a proposed site plan, Part 1 of a Full Environmental Assessment Form ("EAF") and other supporting information; and

WHEREAS, upon the recommendation of the Town Planning Board the Town Board determined the proposed project was an Unlisted Action and conducted a coordinated SEQRA review for the Project; and

WHEREAS, the Town Planning Board, after considering the comments and opinions of the Project Review Team and Planning Board's Designated Engineer, and after reviewing

the proposed site plan, took a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the Full Environmental Assessment Form, considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire, rescue and MS-4 stormwater detention and recommended the Town Board issue a Negative Declaration under SEQRA; and

WHEREAS, the Town Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated;

WHEREAS, as the Town Comptroller has heretofore certified that none of the provisions of this proposed Board action shall pose an adverse impact to the Town’s finances.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that the Project will not have a significant impact on the environment and issues a Negative Declaration for the Project.

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

Councilperson Matters	VOTED	YES
Councilperson O’Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson Malone	VOTED	ABSENT

143-2012 A Resolution for Site Plan Approval for Regeneron Building 85

WHEREAS, the Town has received an application for a project known Regeneron Building 85. Project located at 1 CSC Way, identified on the Town's Tax Roll as Tax Parcel No. 155.-1-4.21; and

WHEREAS, the application was accompanied by a site plan, a long Environmental Assessment Form (“EAF”) and other supporting information; and

WHEREAS, the Town Board as Lead Agency issued a Negative Declaration for the project on September 19, 2012; Resolution #142-2012 and

WHEREAS, the Town Planning Board has reviewed the application materials and submitted the application materials to the Project Review Team for technical review, and the site plan has been revised in response to various concerns raised by the Town Planning Board and the Project Review Team; and

WHEREAS, based on its review, the recommendations of the Project Review Team and the revisions made to the site plan, the Town Planning Board has recommended approval of the site plan with certain conditions; and

WHEREAS, the Town Board has reviewed the site plan application materials and the recommendation of the Town Planning Board;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the final Site Plan of the Project subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Town Engineer and Town Planning Department; and
2. All remaining fees and escrow are paid to the Town; and

3. Prior to issuance of a certificate of occupancy the New York State Department of Environmental Conservation approves additional sanitary sewer flows to the Towns sanitary sewer system

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

Supervisor Langley	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Mangold	VOTED	ABSTAIN
Councilperson Malone	VOTED	ABSENT
Councilperson Matters	VOTED	YES

144-2012 A Resolution to Approve 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 the following Budget Transfers:

Account Name	Budget Code	Current Budget	Change	Amended Budget	Justification
Treatment/Disposal	81304.07	\$368,146.80	\$98,599.90	\$466,746.70	PV Install/NYSERDA
Unclassified Revenue	2770.07	\$137,299.85	\$98,599.90	\$235,899.75	PV Install/NYSERDA
Parks CE	71104.01	\$27,399.00	\$1,901.25	\$29,300.25	HM Lakehouse Repairs
Insurance Recoveries	2680.01	\$13,400.00	\$1,901.25	\$15,301.25	HM Lakehouse Repairs

WHEREAS, the Town Board is required to approve all Budget Transfers; now therefore **BE IT RESOLVED**, that the transfers recommended by the Town Comptroller are hereby approved.

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

Councilperson Mangold	VOTED	YES
Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson O'Brien	VOTED	YES

145-2012 A Resolution to Establish the Bowling Program Fees for 2012

WHEREAS, The Town is required to establish rates to be charged by the Department of Community and Recreational Services; and

WHEREAS, after careful review by the Town Comptroller, the Director of Community and Recreational Services, and the Town Board a new rate has been set for the Bowling Program for 2012; now therefore

BE IT RESOLVED, that the fee of \$70 per child, is effective for the year 2012
The foregoing Resolution was duly moved by Councilperson O'Brien, seconded by
Supervisor Langley, and brought to a vote resulting as follows:

Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	ABSENT

**146-2012 A Resolution Adopting Fee Adjustment for the Sale of Lawn/Leaf
Bags**

WHEREAS, the Town Comptroller has reviewed the fee charged by the Town for the
sale of Lawn and Leaf Bags at the Transfer Station and Town Clerk's office; and
WHEREAS, the cost of bags exceeds the cost charged to residents; and
WHEREAS, the fee charged for bags is competitive with local retail prices; and
WHEREAS, the Town Comptroller certifies this action will have a positive impact on
Town finances; now therefore

BE IT RESOLVED, that the Town Clerk and Transfer Station employees are authorized
to increase the fee charged to 75¢ per bag, effective immediately.

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

Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES
Councilperson Malone	VOTED	ABSENT

**147-2012 Scheduling of a Special Meeting for the Presentation of the Tentative
2013 Budget**

WHEREAS, Section 106 of Town Law states that the Town Clerk must present the
tentative budget to the Town Board at a special meeting to be held on or before October
5th, and

WHEREAS, the Town Board is then 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, the Town Comptroller hereby attests that none of the provisions of the
foregoing resolution shall pose an adverse impact to the Town's finances; and now
therefore,

BE IT RESOLVED, that the Town Board shall hold a Special Meeting at 4:30 PM on
September 27, 2012 at the East Greenbush Town Hall, located at 225 Columbia

Turnpike, Rensselaer, New York 12144, for the purpose of presenting the Tentative Budget to the Town Board for the fiscal year of 2013.

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

Councilperson Mangold	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson O'Brien	VOTED	YES
Supervisor Langley	VOTED	YES
Councilperson Malone	VOTED	ABSENT

Public Comment Period: Members of the public wishing to speak shall state their name and address and will be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and for their desire to actively participate in the decision-making process.

Upon disposal of the resolutions: Members of the public with general comments on Town government will be recognized.

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 O'Brien	VOTED	YES
Councilperson Malone	VOTED	ABSENT
Councilperson Mangold	VOTED	YES

Town of East Greenbush

PURCHASING POLICY

AS ADOPTED BY:

EAST GREENBUSH TOWN BOARD

September 19, 2012

Section 104-b of General Municipal Law (GML) as outlined by the New York State Comptroller's Office, requires every Town to adopt internal policies and procedures governing all purchases of goods and services not subject to the bidding requirements of GML, Section 103.

In compliance with Section 104-b, these purchasing policies will ensure that "goods and services which are not required by law to be procured by political subdivisions or any districts therein pursuant to competitive bidding must be procured in a matter so as to ensure the prudent and economical use of public monies in the best interest of the taxpayers of the political subdivision or district, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances, and to guard against favoritism, improvidence, fraud and corruption."

The Town of East Greenbush does hereby adopt the following procurement policies and procedures to be in compliance with the above Sectioned Laws.

Guideline 1. Every Town Board member, department head or employee with the requisite purchasing authority shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. That estimate shall include the canvass of other Town departments and past history to determine the likely yearly value of the commodity to be acquired. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity. This information will be used in the budgeting process.

Guideline 2. Prior to any purchase of goods or services the purchaser shall review the current budget line for each item to determine adequate fund availability. *Purchases can never exceed amount budgeted.*

Guideline 3. Every prospective purchase of goods or services shall be evaluated to determine the applicability of GML, Section 103 (Competitive Bidding/Monetary Thresholds). All purchases

over twenty thousand dollars (\$20,000) or public works contracts or purchases over thirty five thousand dollars (\$35,000) shall be formally bid pursuant to GML, Section 103.

Guideline 4. All non-bid purchases should be sufficiently documented as to demonstrate they were made in accordance with GML 104-b. Purchases made from State or County contracts should include the contract number on the voucher. A good faith effort should be made to obtain the required number of quotations. If the purchaser is unable to obtain the required number of quotations, the purchaser will document the attempts made. Specific information regarding required documentation for various purchase types is included within these guidelines. The goal of this process is to demonstrate that the Town of East Greenbush has purchased the good or service in responsible and legal fashion.

Guideline 5. The lowest responsible quotation shall be awarded the purchase or contract unless a written justification providing reasons why it is in the best interest of the Town and its taxpayers to make the award to other than the lowest bidder.

Guideline 6. Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:

- Goods purchased from State or County Contracts;
- Acquisition of professional services;
- Emergencies;
- Sole source situations (sole source justification should be approved);
- Goods purchased from the blind or severely handicapped;
- Goods purchased from correctional facilities;
- Goods purchased from another governmental agency;
- Goods purchased at auction from Federal or State government, New York State political subdivision or public benefit corporations; No exception for purchases from private source.

Guideline 7. Town of East Greenbush Purchasing Policy

- The purchasing process will utilize three forms – a requisition, a purchase order (PO) and a voucher. The requisition must be approved by the Department Head and/or the Town Supervisor before the purchase can be made. The purchase order authorizes the expenditure to be made and is designed to ensure the purchase is within the budget limits. The voucher authorizes payment to be made after the good or service has been rendered. The Supervisor's signature is necessary on vouchers that are not associated with any Department Heads, ex. attorney fees and employee expenses. Purchase order numbers are generated by the Purchasing Department.
- Purchases of less than \$300 (per unit) for Commodities or \$1,000 for Public Work Projects should be made with the most responsible Vendor with respect to price and availability. A purchase order is required generated by the Town's accounting software.
- Purchases of \$300 (per unit) to \$2,999 for Commodities or \$1000 to \$2,999 for Public Work Projects will be made after receiving at least two written quotes. An approved requisition (by the Town Supervisor) and purchase order is needed prior to purchase. Purchase order numbers are generated by the Purchasing Department.
- Purchases of \$3,000 to \$19,999 (commodities) or \$34,999 (public work) will be made after receiving at least three written/FAX quotes. A purchase requisition, the three quotes attached, must be submitted to the Town Supervisor. Upon receiving the approved requisition from the Town Supervisor it must be submitted to the Purchasing Department. A purchase order number generated by the Purchasing Department is needed prior to purchase.

- Purchases of \$10,000 or more commodities or \$20,000 public work need Town Board approval.
- Purchases over \$20,000 (\$35,000 for Public Work Projects) are subject to Competitive Bidding Law, Section 103.

Guideline 8. Exceptions – As always there are exceptions to the process. Some expenditures do not need prior approval or a voucher such as **utility bills, postage, phones, freight charges, dues, and principal/interest on indebtedness.** Other expenditures that are approved by the Town Board, ex. Professional services, do not need a purchase order, however vouchers are still required.

Guideline 9. Emergencies – If by virtue of a *public* emergency arising out of an *accident* or an *unforeseen occurrence* purchases or services must be procured, the above guidelines do not apply. Public interest dictates that even emergency purchases be made at the lowest possible cost and informal solicitation of quotes should be attempted and documented.

Each and every employee of the Town of East Greenbush who is directly or indirectly involved with the purchasing process shall observe the highest standards of ethical conduct in the procurement of goods and services for Town operations. Every public employee should understand the legal constraints of State and Local Law governing purchasing. Favoritism, bias and preferential treatment of one vendor over another has no place in the public purchasing arena. It is expected that each and every participant in the purchasing process will be given equal treatment by the Town of East Greenbush and its employees thus insuring the most prudent use of taxpayers' dollars.

The Town Board shall annually review these policies and procedures. The Town Supervisor shall be responsible for conducting an annual review of the procurement policy and evaluate the internal control structure established to ensure compliance with the Purchasing Policy.

The unintentional failure to comply with the provisions of General Municipal Law, Section 104-b shall not be grounds to void action taken or give rise to a cause of action against the Town of East Greenbush or any employee thereof.