



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING AGENDA

Wednesday - February 13, 2013

**Call to Order
Pledge to the Flag
Town Board Meeting:**

7:00 PM

Members of Town Board

Present

Absent

Supervisor Langley
Councilperson Matters
Councilperson O'Brien
Councilperson Mangold
Councilperson Malone

Communications / Announcements / Reports

Linda Kennedy, Town Clerk stated the Clerk's office has received reports from the following departments and they will be on file for review: Assessors, Building, Receiver, Town Clerk, Youth, Supervisor, Police and animal control.

Supervisor Langley stated that he filed three open positions as follows Supervisor secretary, Denise Corellis, Part time bookkeeper, Debby Meyers and Janet Witbeck as historian replacing Waldi Cavanaugh who retired.

There will be a public informational session on February 27 at 6:00 pm at the Town Hall. The topic is Hampton Manor Lake water quality improvement project and town wide storm water management and water quality improvement. All town residents are welcome and urged to attend.

Councilperson Matters stated he gave the board Animal controls yearly report. It shows a 74% increase in calls from 2011 to 2012. Recently the town purchased a live trap to help him with numerous wildlife animal calls. Rick also stated that in follow-up from a recent incident at the town park regarding trapping he looked into the town code for town regulations regarding trapping at the park. Chapter 22.11 on town parks does not really address such incidents and feels that this section needs to be address for amending this specific area of concern.

Councilperson Malone stated that he had been invited to many fire company installation dinners in January he loves to attend and see how dedicated the volunteers are and what they accomplish each year. He also mentioned that Yip's Restaurant just celebrated its 37 th year in business it is a great place to eat.

Councilperson Mangold thanked Pat Mulberry and Don Glick from Bruen for attending the financial meeting, she also stated that Bruen is looking for volunteers and there will be information regarding this on the table outside the youth department.

Sue also stated that in June there will again be the Run for Domestic Violence will be held on June 9 information will be posted and informational literature will also be at the youth department table.

Councilperson O'Brien thanked the Town hall employees for going red for heart health their day to wear red will be Thursday and thanked the board members for showing their support by wearing red this evening. The town hall is collection donations with a goal of \$150.00. Ginny also mentioned a couple of upcoming events: 1) the Easter Egg Hunt will be held on Saturday March 23 at the Town Park 2) April Healthy kids day date and time to be announced. 3) East Greenbush Kiwanis will host a comedy night at the Comfort Inn on March 2, \$25 per person.

Ginny also thanked Waldi Cavanaugh for her years of service and wished her well on her retirement.

Open Public Privilege: NOTE: Each speaker shall 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 7:15pm

No one wished to speak open portion closed at 7:16pm

Resolutions and Proposals by Town Board Members:

25-2013 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 January 16, 2012; 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 January 16, 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 Mangold	VOTED	YES
Councilperson O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES

26-2013 Authorization to renew contract with Best Luther Fire District, for the furnishing of fire protection

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 13, 2013 to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Best-Luther Fire Protection District and all those present were allowed to speak; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2013 Budget and will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. for the year 2013 in the sum not to exceed \$95,620.00 to Best-Luther Fire Department, Inc.

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

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

27-2013 Authorization to renew contract with Best Luther Fire District, on behalf of the Third Avenue Fire Protection District for the furnishing of fire protection

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 13, 2013, to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District and all those present were allowed to speak; and

WHEREAS, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2013 Budget and will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District for the year 2013 in the sum not to exceed \$6,920.00 to Best-Luther Fire Department, Inc.

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	YES

28-2013 Establishment of Summer Camp Fees for 2013

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 Summer Camp for 2013; now therefore be it

RESOLVED, that the fee of \$340 per child for a three-week session, plus an additional one-time fee of \$25 for non-residents, is effective for the year 2013.

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	YES

29-2013 A Resolution to Adopt the Cell Phone Policy

WHEREAS, the Town Purchasing Agent has reviewed the existing policy and recommended changes and comments have been solicited form 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 Cell Phone Policy; and

BE IT FURTHER RESOLVED, that the Town Purchasing Agent is hereby authorized and directed to provide those Town employees with a Town cell phone a copy of the attached Cell Phone Policy; and

BE IT FURTHER RESOLVED, that the Town Purchasing Agent is hereby authorized and directed to collect employee signatures and file signed copies of the Cell Phone Policy; and

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

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

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 O'Brien	VOTED	YES
Councilperson Malone	VOTED	YES

30-2013 Animal Shelter Agreement between the Town of East Greenbush and Miller Animal Hospital

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 certified this contract has been planned for in the budget and will have no adverse impact on the Town Finances; and therefore

WHEREAS, the contract shall be for a term of twelve (24) 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 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 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	YES

31-2013 Authorizing the Purchasing Agent to Solicit Bids for Bus Transportation for Youth Programs

WHEREAS, the Town of East Greenbush has identified the need to solicit bids for transportation for the youth programs.

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 attests 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 bus transportation for youth programs

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

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

32-2013 Authorizing the Purchasing Agent to Solicit Bids for Ultraviolet Disinfection

WHEREAS, the Town of East Greenbush has identified the need to solicit bids for Ultraviolet Disinfections parts for the Waste Water Treatment Plant.

WHEREAS, the Purchasing Agent will present the lowest responsible bidder to the Town Board for final selection; 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; now therefore

BE IT RESOLVED, the Town Board authorizes the Purchasing Agent to solicit sealed bids for ultraviolet disinfection parts for the WWTP.

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 Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

33-2013 Approval of Corrective Action Plan for OSC Audit

WHEREAS, The Town Board is in receipt of the OSC Audit of the Town's Financial Management and Online Banking (Examination 2012M-116); and

WHEREAS, pursuant to Section 35 of the General Municipal Law, a Corrective Action Plan (CAP) should be developed addressing the recommendations of the audit; and

WHEREAS, the forgoing resolution will have no impact on the Town's Finances; now therefore

BE IT RESOLVED, The Town Board approves the attached Corrective Action Plan and The Supervisor is authorized to forward to the CAP to the Office of the State Comptroller; and be it

FURTHER RESOLVED, that the Town Board reserves the right to amend the CAP as appropriate based on additional research, findings, and advice of counsel and forward the amended CAP to OSC.

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 Matters	VOTED	YES
Councilperson Mangold	VOTED	YES

Councilperson Malone

VOTED

YES

34-2013 Authorization for the Approval of Contract for Professional Services with Tech Valley Webs

WHEREAS, the Town Board recognizes the need to upgrade the Town Website to improve its functionality for the residents of the Town; now therefore

BE IT RESOLVED, that the professional services contract, provided by Tech Valley Webs (hereinafter, δ TVW δ), as an independent contractor to the Town, be, and the same hereby is, approved; and be it further

RESOLVED, that the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall not pose an adverse impact to the Town's finances; and be it further

RESOLVED, that the Town Supervisor is hereby authorized and directed to execute a personal-services agreement for an amount not to exceed \$4,750 immediately following its approval by the Attorney for the Town.

Councilperson Matters made a motion to amend the wording of the above resolution to correct the error of a double negative so it will read: RESOLVED, that the Town Comptroller has heretofore attested that none of the provisions of the foregoing resolution shall pose an adverse impact of the towns finances:and be it further

The foregoing motion to amend the 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	YES

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

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

35-2013 A Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore

WHEREAS, a Project US4/ Mannix Road Intersection, P.I.N. 1757.99 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design; now therefore be it

RESOLVED, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of East Greenbush to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$269,000.00 (Two Hundred Sixty Nine Thousand Dollars and no cents) has already been appropriated (Town Resolution 46-2010) and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$135,013.00 (One Hundred Thirty Five Thousand Thirteen Dollars and no cents) hereby appropriated from A8020.4 and made available to cover the cost of participation in the above phase of the Project. The Town Share of \$27,002.60 (Twenty Thousand Two Dollars and Sixty Cents) will be appropriated from GEIS Revenue earmarked for the project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, the Town Comptroller has certified that the provisions of this resolution will pose no adverse impacts on the Town Finances, and it is further

RESOLVED, that the Town Supervisor of the Town of East Greenbush be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of East Greenbush with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that the Town Supervisor of the Town of East Greenbush is hereby authorized to approve just compensation for the properties to be acquired by the Project as determined by the completed appraisals.

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately
Councilperson Matters made a motion to amend the foregoing resolution to add the Comptroller impact statement stating that it would pose no adverse impact on the Town Finances which has been added above as suggested through this amendment.

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

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

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

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

36-2013 Authorize Additional Employees to Attend the Association of Towns Annual Meeting

WHEREAS, the Town Comptroller has certified that the provisions of this resolution were planned for in the 2013 Budget and will have no adverse impacts on the Town Finances; and now therefore be it

RESOLVED, that the following persons be authorized by the Town of East Greenbush to attend the Annual Meeting of the Association of Towns in New York City, February 17-20, 2013:

Toni Murphy and Mary Pat Donnelly

FURTHER RESOLVED, the Town will pay the lodging expense and the conference attendance expense. Attendees shall advance the cost for transportation and meals and maintain an expense report accompanied by appropriate receipts to be submitted to the Comptroller following the Meeting for reimbursement.

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

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

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 Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

Respectfully submitted,

Linda Kennedy, Town Clerk meeting closed at 7:40 pm

TOWN OF EAST GREENBUSH CELL PHONE POLICY

Statement of Policy

The Town of East Greenbush recognizes the value of utilizing cell phones or PDA's (personal data assistants or smartphones) to optimize the operation of departments within the Town. Cell phones shall be issued to selected employees for the purpose of effectively conducting Town business.

Employees shall make every attempt to use their Town-owned cell phones or PDA's for business purposes only. Town cell phones are not to be used by anyone other than the Town employee to whom the phone is assigned.

All telephones, PDA's and communications service is provided solely for conducting the administration of the Town of East Greenbush operations.

In addition, employees in possession of a cell phone or a PDA will return the device when leaving the employ of the Town of East Greenbush for any reason. Town cell phones and PDA's will be tracked and returned to the purchasing office upon retirement, resignation or termination.

Identification of Need

Each cell phone or PDA issued to an employee for conducting Town Business will be determined by the immediate supervisor of each department and approved by the Town Supervisor based on demonstrated need and job function.

Eligible employees are those with positions that involve on-call duties, employees who during the normal course of employment perform their duties away from their assigned workspace and employees who have a demonstrated need to be in contact with their office/Supervisors office.

IRS Requirements

The Internal Revenue Service classifies cell phones as "listed property", meaning they are susceptible to personal use, and are therefore subject to taxation as an employee benefit. In order to be in compliance with IRS laws, extended personal use of a Town cell phone is prohibited.

The contents of Town cell phones including all billing records may be released to the public under the Freedom of Information Law.

Cell Phone or PDA Use

Employees should have no expectation of privacy with calls, files, email, or internet usage. The Town of East Greenbush shall monitor all calls, files, email, and internet use without prior notice to employees.

When using a Town cell phone or PDA an employee is expected to meet professional standards of conduct. The phone will not be used for illegal, disruptive, unethical or unprofessional activities, or for any purpose that would jeopardize the legitimate business interest of the Town of East Greenbush.

Employees shall not download, view, store or forward pornographic images or any other obscene materials.

The Town of East Greenbush prohibits the use of phones, computers, email, internet access or any other electronic communication system in ways that are disruptive, offensive or harmful to others, i.e.; sexually explicit messages, cartoons, and jokes. Misuse also shall include, but is not limited to, ethnic slurs, racial comments, off-color jokes or anything that may be construed as harassment, disrespect to others or may lead to the creation of a hostile work environment.

Mobile Phone Agreement

1. The Town will supply a cell phone and pay the monthly invoice.
2. The following features will be provided:
 - a) 350 minutes per month
 - b) Unlimited night/weekend air minutes.
 - c) Overage minutes will be evaluated with each individual. If it is determined that an overage has occurred the employee will be charged a rate of .45 per minute.
3. If an employee would like any additional equipment, covers, belt holders etc., they will be purchased by the employee, not the Town.
4. Replacement of broken phones and batteries will be paid by the Town after authorization by the Department Head and Purchasing Agent.