



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MEETING AGENDA

**Wednesday, July 17, 2013**

7 PM

### A SWEARING IN CEREMONY FOR NEW POLICE OFFICER SEAN M. MARKHAM

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

#### Members of Town Board

Present	Absent	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supervisor Langley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson O'Brien
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Mangold
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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: Town Clerk, Building, Assessor, Receiver of Taxes, Police and Youth.

Supervisor Langley turned the meeting over to Chief Lavin for the swearing in of Sean Markham, as a new police officer.

Supervisor Langley asked the board members for communications/announcements/ or reports

Councilperson Malone no comments

Councilperson Matters no comments

Councilperson Mangold stated she attended a meeting with Rensselaer County and Town personnel regarding the Town taking over cellular 911 services. She stated that the meeting went well however don't expect this will happen in the near future.

Councilperson O'Brien stated that on August 15 Community and Rec is having family flix , bring your own chair, blanket. The movie will start at 7:00 at the Town Park.

Ginny wished Mary Pat Murphy Donnelly a happy birthday. Commented on the fact that with this heat please check in on the elderly.

**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.

- 1) Bonnie Lester thanked Sue Mangold for listening when she cornered her in the bank. Her concern is the geese problem at Hampton Manor Lake. Bonnie is suggesting putting a fence around the lake. Sue said that the board talked about this at pre-board and Hank stated that Clifton Park uses shadow cut outs of dogs. Councilperson Matters stated he will contact DEC. Supervisor Langley stated that he walked the lake today and there was a man feeding the geese.
- 2) Pete Stenson stated he heard that grape cool aid sprinkled around could help.
- 3) Jack Conway supports what Bonnie Lester says about the geese. He also stated that he now feels this board is going to do nothing about updating the ethics law. B. He also feels that with lake improvements the people that have their homes for sale would be able to sell and maybe draw younger people to this area of town. Jack also stated that it looks like 9 & 20 is starting to come back.

- 4) Tom Grant thanked Sue and the Chief regarding 911 and Rensselaer County and hopes that they stay with the issue trying to get the service here at our dispatch center. Ginny stated that it was good to give kudos for their meeting however, if anything is going to happen it will be by the citizens writing to their legislators and attending county meetings.
- 5) Eileen Grant stated that anyone who wants to bring their kids to the lake for a playground can bring them to Red Mill School they have a good playground there.

Open portion closed at 7:35pm

**Resolutions and Proposals by Town Board Members:**

**99-2013 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 June 19, 2013; 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 June 19, 2013; 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 Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

**100-2013 A Resolution to Approve Special 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 special Town Board Meeting held on May 22, 2013, 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 May 22, 2013, are hereby approved as submitted.

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

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

**101-2013 A Resolution to Approve Special 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 special Town Board Meeting held on May 29, 2013 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 May 29, 2013, 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 Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

**102-2013 A Resolution to Approve Special 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 special Town Board Meeting held on June 26, 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 June 26, 2012, are hereby approved as submitted.

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

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

**103-2013 A Resolution to Approve Special 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 special Town Board Meeting held on July 11, 2013 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 July 11, 2013, 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 Mangold	VOTED	YES
Councilperson Malone	VOTED	YES

**104-2013 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 2013/2014 East Greenbush Central School District Assessment Roll and the 2013 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 2013/2014 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 certifies 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 Councilperson Malone and seconded by Councilperson O'Brien and brought to a vote resulting as follows:

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

Councilperson Matters	VOTED	YES
Councilperson Mangold	VOTED	YES

**105-2013 Resolution authorizing the Town to sole source and procure new sewage pump stations as supplied by Gorman-Rupp Company of Mansfield Ohio.**

**WHEREAS**, the Town of East Greenbush now owns and operates twelve (12) sewage pumping stations of which six (6) are Gorman-Rupp aboveground sewage pumping stations; and

**WHEREAS**, the Gorman-Rupp aboveground sewage pumping station is easier to service and maintain than in ground stations, and Town maintenance personnel do not have to enter a confined space to effect repairs or monitor operation; and

**WHEREAS**, the Gorman-Rupp sewage pumping stations have provided reliable and sustainable service, low maintenance and dependable service and the Town desires to maintain consistency and continuity of such equipment in the future; and

**WHEREAS**, the Town staff has become very familiar with the operation and maintenance and repair of Gorman-Rupp sewage pump stations and Gorman-Rupp has provided dependable and excellent service to existing Town sewage pumping equipment; and,

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

**RESOLVED**, that the Town of East Greenbush

1. Hereby determines that, pursuant to the authority conferred by Subdivision of Section 103 of the General Municipal Law, for reasons of efficiency and economy there is a need for standardization of the types and makes sewage pumps and related housings and equipment; and
2. That private commercial and residential developments will also be required to provide Gorman-Rupp sewage pumping stations and equipment to service new and future infrastructure expansion in the Town if the sewage pump stations and equipment is to be dedicated for ownership to the Town of East Greenbush; and
3. That future sewage pumps and related housing and equipment shall be Gorman-Rupp Company surface mounted, above-ground packaged pump stations; and
4. That this Resolution take effect immediately

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

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

**106-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Tittertin Properties LLC/ Evergreen Commons v. Town of East Greenbush**

**WHEREAS**, Tittertin Properties LLC / Evergreen Commons, has brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 240653 now pending for the year 2012/13, regarding properties as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, appraisal review and negotiation with Petitioners counsel, the Town certiorari counsel and the Assessors Office have recommended a settlement agreement to the following values for the year 2012/13

Tax Identification Number	Assessed Value	Reduced Assessment	Total Reduction
155-7-3.111	\$13,918,000.00	\$13,000,000.00	\$918,000.00

**WHEREAS**, all refunds are being waived and this settlement presents no financial impact to the Town, now

**BE IT 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 Malone and duly seconded by Councilperson O'Brien and brought to a vote as follows:

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

**107-2013 A Resolution Approving and Authorizing the Settlement of Tax Certiorari Proceeding entitled Target # 1796 v. Town of East Greenbush**

**WHEREAS**, Target #1796, has brought Article 7 RPTL Tax Certiorari actions against the Town of East Greenbush in Rensselaer County Supreme Court, Index No. 240654 now pending for the year 2012/13, regarding properties as hereinafter set forth, and

**WHEREAS**, after considerable discovery, inspection, appraisal review and negotiation with Petitioners counsel, the Town certiorari counsel and the Assessors Office have recommended a settlement agreement to the following values for the year 2012/13, as follows

<b>Tax Identification Number</b>	<b>Assessed Value</b>	<b>Reduced Assessment</b>	<b>Total Reduction</b>
144-4-13.1	\$12,000,000.00	\$11,293,700.00	\$706,300.00

**WHEREAS**, the settlement shall provide that the Town's portion of any refund shall be paid by the County and charged back to the Town in the next years tax levy, resulting in no immediate financial impact to the Town.

**BE IT 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 Malone and seconded by Councilperson Mangold and brought to a vote as follows:

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

**108-2013 A Resolution Authorizing the Payment by the Comptroller of Certain Charges and Expenses Incurred by the Town**

**WHEREAS**, the Town of East Greenbush in the prior absence of a Comptroller, has put before the Town Board all expenditures and charges for approval, and

**WHEREAS**, Wojeski and Company has recommended that this practice continue particularly in the absence of a Purchasing Agent separate and distinct from the Comptroller, and

**WHEREAS**, said practice contributes to the transparency of the Town's financial expenditures and provides the public with a regular, consistent, ongoing itemization of the expenditure of public funds in the regular and ordinary course of Town business, now therefore, be it

**RESOLVED**, that the charges and expenditures set forth in Exhibit A attached hereto are hereby approved for payment.

The foregoing amended 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

**109-2013 Resolution to Enter into an Agreement Perform Administrative and Construction Inspection Services**

**WHEREAS**, the Town Board of the Town of East Greenbush wishes to retain the services of a qualified consultant for purposes of conducting inspections of the construction of the Mannix Road Roundabout; and

**WHEREAS**, the firm of Creighton Manning Engineering, LLP (hereinafter CME) has been chosen to perform the consulting services; and

**WHEREAS**, the cost of the foregoing resolution has been accounted for in the Mannix Road Roundabout Project Estimates and will not have a negative impact on the Town's finances; now therefore

**BE IT RESOLVED**, that the Supervisor, pending approval from the Town Attorney, be authorized to execute said Agreement on behalf of the members of the Town Board. A copy of which will be filed with the Town Clerk.

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

*Councilperson Matters made a motion to amend the above resolution adding the following and inserting after the 2<sup>nd</sup> paragraph - **Whereas, the contract amount shall not exceed \$406,000.00 for a contract period to terminate June 30, 2014; and***

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

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

The foregoing amended 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

**110-2013 A Resolution Directing the Commissioner of Public works to Install a Children at Play Sign on Willow Street**

**WHEREAS**, public safety, especially concerning our young people, has always been a priority for the members of the Town Board; and

**WHEREAS**, a request has been received by several neighbors to post such a sign due to the number of children living and playing in the area, and

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

**RESOLVED**, that the Town Board hereby directs the Commissioner of Public Works to install the appropriated signage at the above mentioned location

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

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

**111-2013 A Resolution Appointing Lewis A. Debuque as Alternate Member to the East Greenbush Planning Board**

**WHEREAS** a vacancy exists for the Alternate Member of the East Greenbush Planning Board; and

**WHEREAS**, Lewis Debuque previously served as a member of the Planning Board; and

**WHEREAS**, this appointment is effective beginning July 20, 2013 thru December 31, 2013; 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 Lewis A. Debuque is hereby appointed as Alternate Member to the Planning Board

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

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

**112-2013 Appointment of a Part-time Police Dispatchers**

**WHEREAS**, the Town Board of the Town of East Greenbush seeks to retain the services of the part-time police dispatchers in the Town's Emergency Communications Center; and

**WHEREAS**, hiring additional part-time dispatchers will reduce the need for over-time within the department; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution will not have a significant impact on the Town finances; now therefore be it;

**RESOLVED**, that Andrea S. Hancock and Robert G. Fish be, and the same hereby are, appointed to the positions of part-time police dispatchers, consistent with all the terms and conditions of these positions as previously set forth by the Town Board, for a term to expire at the Town's next organizational meeting, or otherwise at the pleasure of the Town Board, and be it further

**RESOLVED**, that the said part-time dispatchers be compensated at an hourly rate per the current East Greenbush Emergency Communications Association Labor Agreement.

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

**113-2013 Schedule a Special Meeting to conduct Interviews for the Purchasing Agent Position**

**WHEREAS**, the Town of East Greenbush, needs to hire a Purchasing Agent to fill the vacancy; and  
**WHEREAS**, the Town Comptroller has certified holding a Special Meeting 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 Special Meeting which will result in an Executive Session to conduct interviews for the Purchasing Agent Position on the 23<sup>rd</sup> day of July at 11:00 A.M. at Town Hall 225 Columbia Turnpike, in said East Greenbush, New York.

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

**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 Adjourned at 8:15pm