



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA December 17, 2014

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 Mangold
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Malone
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson DiMartino
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilperson Matters

Communications/Announcements/Reports

The Deputy Town Clerk stated that the following reports have been submitted and are on file in the Clerk’s Office: Town Clerk, Receiver of Taxes, Police Department, Highway, Water and Sewer, and the Building Department.

Supervisor Langley asked the Board if they had anything to discuss:

Councilperson Matters stated that she would like to Congratulate the Residents from this Town and neighboring Towns who worked hard, and in great personal time and expense to themselves to dissuade the Gaming Commission from siting a gambling establishment in East Greenbush. She withdrew her support from this project in July for two reasons. The first one being that she did not trust the promoters of this project to be honest with the Town every step of the way. And the second was the residents who were opposed to it. She stated that the powerfully organized opposition to this project made her step back and realize that she was here to represent the residents of this town. Councilperson Matters stated that now she hoped everyone can enjoy the Holiday Season.

Councilperson Matters stated that she has a resolution on the agenda tonight scheduling a public hearing to amend the code ethics to enable resident involvement. She stated that the ethics code should always be a work in progress. She stated it is critically important for the public to be involved in the Governing process. She urged her fellow Board members to allow this request for a Public Hearing to pass tonight so that the residents can address the subject of amending the code to allow them to seek an opinion from the Ethics Board.

Councilperson Matters also referred to the resolution on the agenda requesting CFAC draft internal controls relative to the operation of Town Government. The writing of Internal Controls will be a huge undertaking. Since we have a professionally staffed CFAC Committee, she believes we should allow them to take this task on. She urged the Board to please support this resolution tonight.

Councilperson Malone wanted to remind people that as we enter the Holiday Season to remember to buy local. We have a lot of nice shops along 9&20. We are also seeing a bunch of Construction going on

9&20. The Dialysis Center is moving along nicely. The new Stewarts Shop and Peebles are open. He also stated that we have lots of projects coming before the Planning Board. He wished everyone would support their community and have a happy Christmas and New Year.

Councilperson DiMartino wanted to wish everyone a Happy Hanukah, Merry Christmas, Happy Kwanza, and Happy New Year.

Councilperson Mangold also wanted to wish everyone a Happy Holidays, and to remind everyone to take care of their families during the Holiday Season. She also wanted to thank all of the Emergency Services for all of their hard work protecting the residents of the Town.

Supervisor Langley stated that he would like to make comments regarding the Casino. Supervisor Langley read from his press release as follows: The Gaming Facility location Board has made its recommendation. It's time to move forward. Although there are residents on both sides of the issue it is now time to come together and focus on future projects for our town. I will continue on my commitment to restore fiscal health, control taxes and create jobs in East Greenbush.

He then stated this issue came before us and was unanimously voted on by this Town Board. From that point forward it was put in the hands of the Gaming Commission. He stated that he would now like to urge the Board to work together to move this Town forward.

Open Public Privilege: NOTE: Any member of the public wishing to speak today shall not be required to disclose his/her name, address, or any other contact-related information and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process

Hal Betters - Addressed Resolution 151- authorizing the Supervisor to sign a Technical Services change order for construction services. He wanted to know why it was a surprise that we needed extra money for this project. Someone should have known how much money and material was used. Supervisor Langley asked Mary Beth Bianconi from Delaware Engineering to explain the process.

She explained that the construction contract had a start date of January 2014 and an end date of June 27, 2015. She also explained how the approval process takes place. There are construction costs and engineering costs. Contractual costs are signed off by the engineer as they go. In order for that to occur there has to be an inspector there at all times to sign off.

Hal interjected saying then why was it a surprise that overtime was needed.

Dave Gruenburg, The Town Attorney, stated that they have not exceeded the contract, the Contractors are working overtime to get the job done in time. Therefore, they had to add inspectors to the job and they are giving us notice. He explained that he did speak negatively regarding this proposal at the Pre Board meeting. He has since gone over the contract and it is specific in stating that this is an estimate subject to change.

Councilperson Matters stated that in the contract that they would not exceed any estimated fee amounts without written authorization from you. She asked if Chazen received written authorization from the Supervisor prior to the work being done. She stated that we received a letter in November stating that in April the work schedule was changed. She stated that we are under no obligation to pay that bill because we did not receive prior notification.

Dave Gruenburg explained that they have not exceeded the monies as of yet, they are doing the work and doing it well and this has to be done in order for us to get State approval.

Elizabeth Tice ó asked for verification of what the charges were.

Supervisor Langley explained that the Engineers oversight to ensure contractor is doing work correctly.

A resident had questions regarding the audit and if we are in the process of getting money for lack of services. He had questions regarding the black topping of Thompson Hill rd.

Supervisor Langley explained that Thompson Hill Road was in such disrepair that it needed to get repaved. He stated that Thompson Hill Rd. was used as an alternative road during the construction of the roundabout.

Dwight Jenkins ó stated that he did not agree with the explanation of the paving of Thompson Hill Road. He asked if the Tax Payers paid for the laterals on Thompson Hill Road. The Supervisor stated that the Developers paid for the infrastructure.

Jack Conway wanted to wish everyone a Happy Holiday. He stated that he felt that someone needed to say that Jim Connors from Chazen was a good man and that Chazen is a good firm and doing a great job.

Mr. Conway referred to being in favor of the resolution regarding the Ethics Board and resident involvement. He stated that the cod is there to make sure that the public is made aware of valid complaints. The Supervisor and Mr. Conway had a discussion on this. He also stated that he believes that the Supervisor acted in good faith and acted on what he felt was in best view of the Town in regards to the Casino. The people of this Town had a difference of opinion. He also stated that he thought the Supervisor should appropriate \$5,000.00 to Save East Greenbush to help pay the residents back.

Eileen Grant -wanted to thank DPW for their hard work during the last storm. She stated that she does not believe that the Residents are happy. She does not feel they are well informed or get agendas on time.

A resident thanked Officer Dies for rescuing a Dog in danger and bringing it to a shelter. She stated that our Police Department is one to be proud of.

Maria Berrington- spoke regarding the Casino. She does not feel that the Board respected the residents of Thompson Hill Road. She does not feel that the Residents can move on from the Casino because they have legal bills to pay.

Tom Grant- Stated that DPW did a great job during the last storm. He also wanted to give praise to Allison Lovely, Secretary to the Planning Board. He stated that she had a lot of extra work with the Casino Project and that she hung in there and was always professional and courteous.

Pet Stenson- asked Councilperson Matters for copies of the transcriptions on the Wojeski and Toski meeting. He stated that he believes that the credit we are getting from Toski be used to get our books in order.

Bonnie Lester ó wanted to know if the State Coptroller had been notified or to come in and help regarding our books. Councilperson Matters stated that they are coming to do an audit.

Lee Cookston- was concerned about the Public Hearing for the Board of Ethics. He wanted to know why Board members were not in favor of this.

Resolutions and Proposals by Town Board Members:

140-2014 A Resolution to Approve Meeting Minutes

WHEREAS, the minutes of Town Board meetings, as provided in § 106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

WHEREAS, that the minutes of the regular Town Board Meeting held on November 19, 2014; 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 November 19, 2014, are hereby approved as submitted.

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

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

141-2014 A Resolution Approving and Authorizing the Settlement of Tax Certiorari proceedings entitled (EMPIRE REALTY INVESTORS, HORIZON RIDGE LLC, FORREST POINTE LLC, FORREST POINTE II LLC, and FORREST POINTE III LLC v. TOWN OF EAST GREENBUSH)

WHEREAS, Empire Realty Investors et. al. have brought an Article 7 RPTL Tax Certiorari Proceedings against the Town of East Greenbush in Rensselaer County Supreme Court, Index Nos. 243963 now pending for the years 2013 and 2014, regarding property located as shown on the attached summary, and

WHEREAS, after considerable discovery, inspection, site evaluation of the premises, current lease, income and expense review and negotiation with the Petitioners counsel, the Town's certiorari counsel and the assessor's office have recommended a settlement agreement to the values set forth for 2013 and 2014 as set forth:

<u>Name</u>	<u>Tax ID</u>	<u>Original 2013 AV</u>	<u>Amended 2013 AV</u>	<u>2013 AV Change</u>	<u>2014 AV</u>	<u>2014 AV Change</u>
Horizon Ridge	178.5-1-1	20,346,300	15,550,000	4,796,300	14,500,000	1,050,000
Mill Creek	155.-9-13	10,419,300	10,419,300	0	9,350,000	1,069,300
Forest Pointe I	155.18-8-22	9,138,900	9,138,900	0	8,500,000	638,900
Forest Pointe II	166.6-2-21.1	3,106,700	3,106,700	0	2,640,430	466,270
Forest Pointe III	166.6-2-21.2	6,894,300	6,894,300	0	5,859,570	1,034,730

WHEREAS, the settlement will have no immediate impact on the finances of the Town, as the County will pay the Town's portion of any refund and charge the same back in the next year's tax levy, now, therefore, be it

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

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

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

142-2014 A Resolution to Set the Transfer Station Rates for 2015

WHEREAS, it is required to establish policies and rates for the use of the East Greenbush Transfer Station; and

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

RESOLVED, that the attached policies and rates be effective for the year 2015 with no increases being implemented.

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

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

143-2014 A Resolution to Schedule Organizational Meeting

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2015; 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 of the Town of East Greenbush shall conduct the 2015 Organizational Meeting at 6:00 PM on Friday, January 2, 2015, at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York; and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Organizational Meeting.

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

Supervisor Langley	VOTED	YES
Councilperson DiMartino	VOTED	YES
Councilperson Mangold	VOTED	YES

Councilperson Malone
Councilperson Matters

VOTED YES
VOTED YES

144-2014 Resolution to Increase Sewer Rates

WHEREAS, the costs of wastewater treatment and disposal at the Town wastewater treatment plant has steadily increased for over three years, new and additional debt service payments for the newly updated and expanded facilities will become due, as well as general operation and maintenance costs associated with pumping, and conveyance within the system: and

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

WHEREAS, the cost of wastewater conveyance and treatment has gone up and affects all customers in all sewer districts; now, therefore be it

RESOLVED, that rates shall be increased as follows:

1. The new sewer rates charged to residential users within the Third Ave., Couse and General Sewer Districts are as follows:

<u>District / Existing Rate</u>	<u>New Rate as of February, 2015</u>
Third Ave: \$2.59 per 1,000 gals	Third Ave: \$3.37 per 1,000 gals
Couse: \$2.59 per 1,000 gals	Couse: \$3.37 per 1,000 gals
General: \$1.42 per 1,000 gals	General: \$1.85 per 1,000 gals

The minimum sewer charge is now \$22.50 per three (3) month period in the 3rd Ave and Couse Sewer Districts for use up to 10,500 gallons (1,400 cubic feet), this rate will be increased to \$30.00 per three (3) month period, and any use above the minimum will be charged \$3.37 per 1,000 gallons.

The minimum sewer charge is now \$12.50 per three (3) month period in the General Sewer District of use up to 10,500 gallons (1,400 cubic feet), this rate will be increased to \$16.25 per three (3) month period, and any use above the minimum will be charged \$1.85 per 1,000 gallons.

About 632 users in Hampton Manor hamlet are presently billed on a flat rate basis every six months. New sewer rates to be charged to Hampton Manor customers will be effective July 2015.

<u>Existing Rate</u>	<u>New Rates for 2015</u>
One Family Flat rate: \$ 52 per 6 months	\$ 67.50 per 6 months
Two Family Flat rate: \$ 90 per 6 months	\$ 118 per 6 months
Three Family Flat rate: \$ 128 per 6 months	\$ 165 per 6 months
Four Family Flat rate: \$ 166 per 6 months	\$ 215 per 6 months

About 18 residential users in Hampton Manor are on meters, the sewer rates applied with be the same as for users in the General Sewer District.

2. The new rates charged to commercial users are as follows:

<u>District / Existing Rate</u>	<u>New Rate as of February, 2015</u>
Third Ave: \$2.70 per 1,000 gals	Third Ave: \$3.50 per 1,000 gals
Couse: \$2.70 per 1,000 gals	Couse: \$3.50 per 1,000 gals
General: \$1.48 per 1,000 gals	General: \$1.95 per 1,000 gals
Hampton Manor \$1.48 per 1,000 gals	Hampton Manor \$1.95 per 1,000 gals

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

RESOLVED, that the new increase shall become effective immediately.

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

Before the vote Councilperson Mangold stated that she would like to hold off on this until we see all of the numbers and she can take a better look at it.

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

145-2014 Appointment of a Member to the Town Board of Ethics

WHEREAS, the East Greenbush Town Board at its regular meeting on October 13, 2010, adopted Resolution No.161-2010 which constituted the East Greenbush Town Board of Ethics with the required minimum of three members, one of whom being an appointed Town employee.

WHEREAS, all Ethics Board members serve without compensation and at the pleasure of the Town Board; and

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

RESOLVED, that Jessica Lansing, a Town Employee be, and the same hereby is, appointed as a new member of the Ethics Board fulfilling the Town employee requirement; and be it further

RESOLVED, that the foregoing appointee shall constitute the membership of the Ethics Board in its entirety

The foregoing resolution was duly moved by Councilperson DiMartino, seconded by Supervisor Langley, and resulted in the following vote:

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

146-2014 Scheduling of a Public Hearing for the Proposed Enactment of a Local Law to Amend the Town Code of Ethics to Provide for Resident Involvement and Expanded Purview of the Board of Ethics - **TABLED**

WHEREAS, chapter 15 of the East Greenbush Town code, as added pursuant to local law no. 3 of 2013, provides for a Code of Ethics; and

WHEREAS, the Code of Ethics does not currently provide for Town residents to request advisory opinions from the Board of Ethics and to submit to such Board of Ethics written complaints alleging violations of such Code of Ethics by Town employees, nor does it provide for such Board of Ethics to discretionarily investigate such complaints and recommend appropriate action to the Town Board regarding such complaints (referred to hereinafter, collectively, as "Amendments"); and

WHEREAS, the Town Board hereby finds and determines that the Amendments would: (a) be legally consistent with the provisions of New York General Municipal Law § 808 pursuant to informal opinion no. 91-68 of the New York state attorney general, (b) further the proper administration of town government, and (c) be in the best interests of the town's residents; and

WHEREAS, the scheduling of a public hearing is deemed to be just and proper at this time in order for the public to review and comment on a proposed local law that would provide for the Amendment; and

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

RESOLVED, that, pursuant to New York Municipal Home Rule Law § 20, subd. 5, a public hearing regarding the enactment of a proposed local law to provide for the Amendment be, and the same hereby is, scheduled to be held on January 21, 2015 at 6:30 p.m. at the East Greenbush Town Hall; and be it further

RESOLVED, that the Town Clerk shall cause notice of such hearing to be published in the Town-designated newspaper and in the manner prescribed to meet the statutory requirement thereof.

The foregoing resolution was duly moved by Councilperson Matters, seconded by Councilperson Malone, and resulted in the following vote: **TABLED**

Supervisor Langley brought a motion to Table the above Resolution seconded by Councilperson Mangold, and resulted in the following vote:

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

147-2014 Request by Town Board for the Citizens' Fiscal Advisory Committee to Draft Internal Controls Relative to the Operation of Town Government

RESOLUTION NOT REQUIRED TO IMPLEMENT

WHEREAS, at its special meeting held November 18, 2014 to review the status of the Town's last engaged outside auditing efforts, the town board was informed by its auditing consultant, Toski, Schaefer & Co., P.C., that it does not presently have, in place, *internal controls*, particularly in the area of fiscal management; and

WHEREAS, the Town Board recognizes that such internal controls, which comprise activities and procedures designed to provide reasonable assurance that town government is, in all respects, operating properly, effectively, and according to policy and plan, are direly needed in the Town of East Greenbush; and

WHEREAS, the Town Board acknowledges that the formulation of such internal controls would be a considerable undertaking, that there is no funding available in the adopted annual budgets for 2014 and 2015 to hire an external consultant to undertake a project of such magnitude; and that the members of citizens' fiscal advisory committee collectively possess the knowledge and expertise needed to undertake such a project; and

WHEREAS, the Town Comptroller has heretofore confirmed that all of the provisions of this resolution shall not pose a negative impact to the Town's finances; now, therefore, be it

RESOLVED, that the citizens' fiscal advisory committee be, and the same hereby is, requested to draft, for consideration by the Town Board, internal controls relative to Town operations, including, but without limitation to, matters of fiscal management, and to do so in accordance with the local government management guide entitled "Management's Responsibility for Internal Controls," as published by the New York State Comptroller.

The foregoing resolution was duly moved by Councilperson Matters, seconded by _____, and resulted in the following vote:

RESOLUTION NOT REQUIRED TO IMPLEMENT

Councilperson Matters

VOTED
VOTED
VOTED
VOTED
VOTED

148-2014 Resolution Authorizing the Supervisor to Sign a Certain Grant Disbursement Agreement with the Dormitory Authority of the State of New York

WHEREAS, the Town of East Greenbush has received a grant in the sum of \$75,000.00 for certain repairs to the Electric Avenue water pump station from the Dormitory Authority of the State of New York; and

WHEREAS, said Authority, as a condition of going forward with the payment of said grant, has required the Town to sign a certain Grant Disbursement Agreement; and

WHEREAS, Hank LaBarba, acting as the engineer for the Town, has reviewed, approved and endorsed the execution of this agreement; now, therefore; be it

RESOLVED, that the Supervisor is hereby authorized to sign a certain Grant Disbursement Agreement with the Dormitory Authority of the State of New York.

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

Before this came to a vote Councilperson Matters stated that she did not get a copy of this agreement.

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

149-2014 Resolution to Adjust Water Rates

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

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

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

- 1.) The existing rate billed to customers in the General Water District is \$3.70 per 1,000 gallons for residential users and \$4.00 per 1,000 gallons for commercial users. A new rate of \$4.60 per 1,000 is hereby charged to residential customers and a new rate for all commercial users is hereby increased to \$4.95 per 1,000 gallons.
- 2.) The minimum water use charge in the General Water District is now \$32 per three (3) three month period for use up to 10,500 gallons (1,400) cubic feet). This minimum charge will be increased to \$38.00 per three (3) month period. Any use above the minimum will be charged \$4.60 per 1,000 gallons. New water rates for the General Water District will be initially applied in the February 2015 billing period.

3.) In the Hampton Manor Water District the flat rate charged to non-metered users is hereby increased to \$210 per year from the current \$190 per year for single family residents, and flat rates for two, three and four family customers is increased to \$280, \$410, and \$560, respectively. The metered rate for those users in the Hampton Manor system is increased to \$2.75 per 1,000 gallons from the current rate of \$2.34 per 1,000 gallons. The minimum charge of \$50 for use up to 21,000 gals or 2,800 cf per billing cycle will be applied. The new rate will be first applied in the July 2015 billing period.

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

RESOLVED that the new increase shall become effective immediately.

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

Councilperson Maqngold stated that she was voting no for the same reasons that she stated earlier.

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

150-2014 Resolution Requesting DEC Lift the Sewer Moratorium and/or Order of Consent Authorization to Submit Written Request to the New York State Department of Environmental Conservation Documenting Satisfaction of the Terms of the Sixth Modification to the Order on Consent R4-2000-1013-125M6

WHEREAS, the Town of East Greenbush is subject to Order on Consent R4-2000-1013-125 effective December 19, 2000 subsequently modified six times with effective dates of May 9, 2001, May 22, 2002, October 29, 2003, July 24, 2006, July 21, 2009 and May 17, 2012 (the "Sixth Modification"); and,

WHEREAS, the Sixth Modification required submission of a Sanitary Sewer Overflow and Abatement Plan (the "Plan") that considered measures "to allow for sustained SPDES permit compliance and the removal of I/I to the maximum extent practicable" and that the schedule within the Plan have an end date of December 31, 2014; and,

WHEREAS, in conformance with the Sixth Modification, the Town of East Greenbush submitted a Final Sanitary Sewer Overflow and Abatement Plan dated as Revised on July 30, 2012 to the Regional Water Engineer of Region 4 of the New York State Department of Environmental Conservation (the "Department"), which together with its schedule become an enforceable part of the Six Modification; and,

WHEREAS, the Town engaged the services of several professional engineering consultants to assist in executing the Plan in conformance with the Sixth Modification, engineering plans for capital improvements were prepared, approved by regulatory agencies, publicly bid, and construction works in compliance with the requirements of the Plan have been completed; and,

WHEREAS, the Town has received status reports from the professional engineers detailing the completed works which in conformance with the Six Modification are intended to result in sustained SPDES permit compliance including elimination of overflows and bypass events as well as the removal of I/I as outlined in the approved Plan; and

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to send a letter to the Department together with the status reports from the Town's professional engineering consultants

documenting compliance with the Sixth Modification and requesting written confirmation from the Department that the terms of the Six Modification have been satisfied and while the schedule for I/I work embodied in the Final Sanitary Sewer Overflow and Abatement Plan dated as Revised on July 30, 2012 extends beyond December 31, 2014, the I/I work is enforceable under the Town's SPDES permit, and the moratorium on sewer connections is lifted as of December 31, 2014.

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

Prior to voting Supervisor Langley stated that he would like to thank Rich Benko for all of the work he put into this project. We were given 180 days to come up with a plan. Rich enlisted a task to Rob Gonzolez and put together a task force to evaluate the situation and help in deciding which way to go.

Councilperson Mangold also offered a shout out to George Lovely for all of the work he put into the Waste Water Treatment Plant. We will meet Speedies requirements. Hank Labarba has done a lot of work on our infrastructure and Pump Stations.

Councilperson Malone wanted to thank everyone who was on Board with this project. Councilperson Malone discussed how he worked in the County in 2006 and how we need to keep this revenue in the Town.

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

151-2014 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 upgrades, has requested the authority for an additional \$120,000 to \$150,000 for completion of construction services for the project; and

WHEREAS, under the contract for professional services entered into between Chazen and the Town, certain engineering services were set forth in a "time and materials estimate," and the contract recited that additional expenditures might be required to complete the scope of services set forth in said contract; and

WHEREAS, the actual project has been expanded to a 17-month duration, with additional hours of work per week, off-site work, and the addition of new buildings, requiring additional engineering services from Chazen; and

WHEREAS, the Town Comptroller has confirmed that the Capital project contingency fund has not been consumed; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute a technical services change order for construction services with Chazen Companies for an additional \$120,000.00

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

Councilperson Mangold made a motion to amend the above Resolution replacing paragraph 5 above adding the following after what will now be paragraph 5

RESOLVED, that the Supervisor is authorized to execute a technical services change order for construction services provided, however, that the contract amendment be submitted to EFC for eligibility determination to ensure that all costs are eligible for financing under the program with Chazen Companies for an additional \$120,000.00

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

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

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

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

ADJOURNMENT

Motion to adjourn 10:35 by Supervisor Langley seconded by Councilperson DiMartino and brought to a vote as follows:

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