

Councilperson DiMartino thanked Browe Paving for their donation of services in installing the basketball court at the Town park. There are still openings for the summer camp and Spotlight on Youth will be held on June 3rd at 4:00 pm. The town will be sponsoring a TOWN WIDE Garage sale on Saturday June 13 from 9:00 am to 3:00 pm there is a \$5.00 fee to help defray the cost of the ad. Again the Concerts in Onderdonk Park will be on Tuesday's in August 6:00 to 8:00 pm.

Open Public Privilege: NOTE 6 Each speaker may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process locally

Open 7:20pm

- 1) Jack Conway wanted to thank Sue Mangold for her service over the last 14 years. He also congratulated Kathleen Lauria Ethic board and Ann Taylor to the CFAC committee. B. he stated that he was at the pre-board meeting and there was a presentation regarding 9 & 20 and they stated that the previous study done was a good one and the town should incorporate in the master plan. C. There was also a presentation on Wood Creek Apartments on Third Avenue, this sounds like a good project but not there it is zoned commercial, this is a good idea for tax revenue but it needs to go through the process to change the zoning.
- 2) Andrea Smyth stated that there is funding (grants) available for needed help on the WWTP however, the paperwork needs to be filled out now to see if the Town meets the criteria to show the need. B) stated Paul Cummings presentation on 9 & 20 feels the Town should adopt the master plan then address zoning relating to ingrowth.
- 3) Elizabeth Tice spoke about handicap parking spots at Goff Middle School and Columbia High School. She stated there are not enough spots and they are too far away from the entrances. Councilperson Matters asked why she was addressing the Town Board and not the School Board. She said she is doing both. b/ she inquired about the new construction house on Thompson Hill Road by asking why it has four doors. Joe Cherubino was asked to respond he stated at this time it is a duplex. Councilperson Matters asked why it had four kitchens. Joe stated that the state definition of kitchen is having a stove at this time it is a duplex.
- 4) Tom Grant thanked Kathleen Lauria and Ann Taylor. He also stated that kutos to Sue Mangold she always responded to the citizens concern and always responded in a civil manor to people who disagreed with her. Hopes that the present board can work together.
- 5) Lee Cookson there are many issues that should be resolved soon. Inquired about the resolution regarding extending the residency requirement and he feels another year is too long. b/ WWTP spill Jim Connors spend a lot of time explaining about what happened and how much it may cost. Lee asked for a spread sheet on what was the value, cost and replacement cost now. b/he also inquired if the WWTP will always smell, answer It will smell less when the clarifiers are back up and running.
- 6) Ed Gilbert stated this meeting is beyond belief. Ed explained why there was a rift between him and Councilperson Matters. He stated that Councilperson Matters voted in favor of Kensey Senior Apts. when it was originally brought before the board now she is voting no.

Resolutions and Proposals by Town Board Members:

61-2015 A Resolution to Approve Meeting Minutes

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

WHEREAS, that the minutes of the regular Town Board Meeting held on April 15, 2015; 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 April 15, 2015, are hereby approved as submitted.

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 Matters	VOTED	YES
Councilperson Malone	VOTED	ABSENT

62- 2015 Town Board Request to act as Lead Agency for Regeneron-New Office Building Major Site Plan

WHEREAS, Hart Engineering, on behalf of Regeneron Pharmaceuticals, Inc, otherwise known as the Regeneron, has submitted a site plan review application for a project located at 81 Columbia Turnpike and identified on the Town's Tax Roll as Tax Parcel No. 155.00-1-4.122; and

WHEREAS, the application was accompanied by a proposed site plan, a Short Environmental Assessment Form and other submittals; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with the coordinated SEQR review of the Project; now, therefore, be it

RESOLVED AS FOLLOWS:

1. The Project will require review under the State Environmental Quality Review Act (SEQRA)
2. The following are or may be:
Involved agencies under SEQRA:
 - East Greenbush Town Board
 - East Greenbush Planning Board
 - East Greenbush Zoning Board of Appeals
 - NYS Department of Environmental Conservation
 - Rensselaer County Health Department
3. Interested agencies under SEQRA:
 - Clinton Heights Fire District #1
 - W. F. Bruen Rescue Squad
 - Rensselaer County Bureau of Planning
 - East Greenbush Department of Public Works
 - New York State Office of Parks, Recreation & Historic Preservation
 - East Greenbush Central School District
 - Capital District Transportation Authority
 - National Heritage Program
 - Capital District Transportation Committee
 - New York State Department of Transportation
 - U.S. Army Corps of Engineers
4. The Town Board wishes to assume lead agency status in connection with the coordinated SEQR review of the Project
5. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation of the Town Board as lead agency for SEQR review of the Project

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

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

63- 2015 A Resolution to Approve the Appointment of Community and Recreation Staff for the Summer of 2015

WHEREAS, the Community and Recreation Department has presented the Town Board of the Town of East Greenbush with of a listing of the individuals who seek employment in the Summer Program for the Department of Community and Recreational Services; and

WHEREAS, the Town Comptroller has confirmed that this proposed Town Board action has been planned for in the 2015 Budget and shall pose no adverse impact to the Town's finances; now therefore

BE IT RESOLVED, that the candidates listed below are appointed to serve as Summer Staff, 2015, for the Department of Community and Recreational Services.

Stephanie Phillips	Camp Director/Health Director	\$17.00/hr
Tyler Van Cour-Bryant	Co- Assistant Director	\$ 10.00/hr
Kaitlin Halpin	Co-Assistant Director	\$ 10.00/hr
Mariah Macary	Asst. Health Director	\$ 10.00/hr
Julia Verdon	Counselor-PT	\$ 9.00/hr
Michael McDermott	Counselor	\$ 9.00/hr
Giovanna Lowry	Counselor	\$ 9.00/hr
Casey Frankoski	Counselor-PT	\$ 9.00/hr
Johnathan Smith	Counselor	\$ 9.00/hr
Samantha Gladd	Counselor	\$ 9.00/hr
Megan Farley	Counselor	\$ 9.00/hr
Dan Farley	Counselor	\$ 9.00/hr
Jessica Halpin	Counselor	\$ 9.00/hr
Bailey Caruso	Counselor	\$ 9.00/hr
Dagmar Erika Fiacco	Lifeguard-PT	\$10.00/hr
Madison McCraith	Counselor	\$ 9.00/hr
Kara Blakeman	Counselor	\$ 9.00/hr
Mary Kate Jaromin	Counselor	\$ 9.00/hr
Abby Hughes	Counselor	\$ 9.00/hr
Andrew Jaromin	Counselor- PT	\$ 9.00/hr
Elgin Scalzi	Counselor	\$ 9.00/hr
Joseph Donahue	Counselor	\$ 9.00/hr
Nicole Kirby	Counselor	\$ 9.00/hr
Nicole Gerber	Counselor	\$ 9.00/hr
Ryan Dougherty	Counselor	\$ 9.00/hr
John Verdon	Counselor	\$ 9.00/hr
Kylie VanWormer	Counselor	\$ 9.00/hr
Sara Endres	Counselor	\$ 9.00/hr

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

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

64-2015 A Resolution to Approve the Appointment of Stephanie Phillips as Part-time Recreation Assistant to the Community & Recreation Services Department.

WHEREAS, the position of Recreation Assistant Part-time in the Department of Community and Recreation has been resigned by Karyl T. Seward effective April 14, 2015 and

WHEREAS, the Town Board recognizes the importance of this key position to the Department of Community and Recreation and

WHEREAS, Stephanie Phillips has been determined eligible by the Rensselaer County Civil Service Commission and

WHEREAS, The Town Controller hereby confirmed that this resolution results in no adverse financial impact to the Town in as much as funding for the said position was provided in the 2015 annual budget; now therefore be it

RESOLVED, that Stephanie Phillips, be and hereby appointed to the position of Part-time Recreation Assistant at a rate of \$15.00 per hour and consistent with all the terms and conditions of this position as previously set forth by the Town Board. Also be it

RESOLVED, that Director of Finance will take all necessary steps to process the personnel transaction authorized by this resolution.

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

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

65-2015 Modification of Residency Requirement Relative to Prior Authorization to Appoint Kristina M. Jenkins to Positions of Employment with the Town

WHEREAS, pursuant to resolution no. 49-2015 duly adopted at its regular meeting held on April 15, 2015, the East Greenbush Town Board (referred to hereinafter as the "Board") appointed, effective May 11, 2015, Kristina M. Jenkins (referred to hereinafter as the "Appointee") to the position of police officer; and

WHEREAS, such appointment was made upon certain conditions, including, but not limited to, the Appointee establishing and maintaining her principal place of residence within the town of East Greenbush within six (6) months from the effective date of such appointment; and

WHEREAS, the Appointee recently requested that the Board grant her an additional two years beyond her six-month probationary period in which to establish and maintain her principal place of residence within the town of East Greenbush in order to make arrangements relative to her current principal place of residence (referred to hereinafter as the "Request"); and

WHEREAS, Chief Christopher P. Lavin has indicated that securing such appointment is in the town's best interests and has, therefore, recommended that the Request be granted; and

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

~~**RESOLVED**, that, effective immediately, the Request be, and the same hereby is, granted and approved.~~

Mary Ann Matters made a motion to amend the above resolution changing the last recital, it will now read:

RESOLVED, that pending further approval from the East Greenbush Police Officers Union, Local 1951, of Security and Law Enforcement Employees, Council 82, the Town Board does hereby approve the extension of the residency requirement to 24 months.

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 DiMartino	VOTED	YES
Councilperson Malone	VOTED	ABSENT

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

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

66-2015 Approving Family Medical Leave Act

WHEREAS, an application for full-time paid leave, under the Family and Medical Leave Act (Leave) has been submitted by a town employee; and

WHEREAS, the Town Comptroller has determined that said Leave will cause additional overtime drawdowns, and for which, there presently exists adequate provision within the current Town Budget; and

WHEREAS, the effective date of said Leave application is May 4, 2015, with end date to be determined by medical necessity, or, a total of twelve workweeks of Leave, whichever occurs first, and, notwithstanding exigent circumstances, said term shall also define the twelve month cycle of eligibility allowance for the use of all or any balance of unused Leave, up to a maximum of twelve weeks, at which time, or, upon any renewed or subsequent request for use of Leave,

applicant shall submit to the Town's medical review, such as is the common practice and consistent with the provisions of the Act; now therefore be it

RESOLVED, that said application for leave under the Family and Medical Leave Act is approved, effective May 4, 2015 subject to the terms and conditions as set forth above or otherwise as prescribed by law.

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

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

67-2015 A Resolution authorizing the acceptance and execution of a Stipulation of Discontinuance in the matter of 337 Columbia Turnpike LLC v. Town of East Greenbush, et al., Index No. 244116, for premises located at 360 Columbia Turnpike, Tax ID No.: 166.-1-8.

WHEREAS, the above-referenced tax certiorari proceedings are on the trial calendar in Rensselaer County Supreme Court, Index No.: 244116, and

WHEREAS, the Town's tax consultant and assessor have negotiated a settlement whereby the Petitioner will discontinue, with prejudice, all pending proceedings without any refund or roll adjustment whatsoever, and

WHEREAS, the 2015 assessment for the subject premises has been set by the assessor at \$203,000 for one year only, during which the Petitioner shall complete land stability and construction readiness requirements by March 1, 2016, the next taxable status date, and

WHEREAS, the Stipulation provides that in any event there shall be a de novo assessment for the 2016 roll without regard to any prior year's assessment, and

WHEREAS, the Town Comptroller has confirmed that the Stipulation of Discontinuance will have no current year financial impact on the Town as there will be no refunds to the Petitioner nor appraisal or Court costs, now it is

RESOLVED, that the Town Tax Certiorari Counsel is hereby authorized to execute the Stipulation of Discontinuance under the terms and conditions recited herein.

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

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

68-2015 A Resolution authorizing the settlement in the matter of Sprague Operating Resources, LLC v Town of East Greenbush, et al., Index Nos. 240376 (2012), 244032 (2013) AND (247255 (2014).

WHEREAS, the above-referenced tax certiorari proceedings are pending for the three years recited above in Rensselaer County Supreme Court for property known as 299 Rensselaer Avenue, Tax ID # 154.-2-18; and

WHEREAS, certiorari proceedings for the same property were settled with the prior owner (Transmontaigne) for the years 2008 ó 2011 at \$4,250,000 (Town appraised value); and

WHEREAS, the prior settlement did not include the RPTL § 727 three-year freeze due to the change of ownership, but nevertheless the assessment remained at the \$4,250,000 assessed value for 2013 and 2014 tax rolls due to an administrative error; and

WHEREAS, the only year for which a refund will be made under this settlement is the 2012 roll (tax paid in January 2013) resulting in a refund from the Town of \$4,967 to settle all three years pending; and

WHEREAS, the Town Comptroller has hereby confirmed that there will be a financial impact of \$4,967 on the Town's finances; now, therefore be it

RESOLVED, that the Town Certiorari Counsel is hereby authorized to settle the three pending tax certiorari cases at the Town's appraised value (\$4,250,000) with one year of refund for the 2012 roll. The cost to the Town of this settlement being \$4,967.

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

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

69-2015 A Resolution Approving the Refund of a Transfer Station Permit

WHEREAS, Insul Tech purchased a commercial permit for the East Greenbush Transfer Station on February 6, 2015 for the purpose of dumping commercial waste; and

WHEREAS, the process Insul Tech uses to remove insulation and dump at the transfer station is not conducive, the company has decided to get a permit with Waste Management instead; and

WHEREAS, the company will no longer need the permit for the Transfer Station they have requested a refund of their Commercial permit for the year 2015 in the amount \$380.00, a pro-rated amount based on the time they had the permit vs. the amount of time remaining in 2015; now, therefore, be it

RESOLVED, that the Town Board approve the Town Clerk to reimburse the pro-rated amount of \$380 to Insul Tech, and the Town Comptroller confirms that this action does not impact the 2015 Town Budget.

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

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

70-2015 Resolution Supporting the IDA to Fund Kensey Senior Apartments Development Project (Previously Tabled Resolution 57-2015)

WHEREAS, Rensco Development Corp. has received certain approvals from the Town of East Greenbush Planning Board to build a senior apartment project known as Kensey Senior Apartments to be located at 44 Elliot Rd, East Greenbush, New York 12061; and

WHEREAS, Rensco Development Corp. has presented an application to the Rensselaer County Industrial Development Agency requesting the execution and delivery of a payment in lieu of tax agreement (the "PILOT Agreement") between Rensco Development Corp. and the Rensselaer County Industrial Development Agency; and

WHEREAS, the Rensselaer County Industrial Development Agency prefers Rensco Development Corp to obtain a letter from the Supervisor or a resolution from the Town Board supporting such action; now, therefore, be it

RESOLVED, that the East Greenbush Town Board does hereby support Rensco Development Corp in their efforts to obtain a PILOT Agreement with the Rensselaer County Industrial Development Agency.

The foregoing resolution was duly moved by _____, seconded by _____ and brought to a vote resulting as follows:

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

- This resolution was deemed not necessary due to resolution #85.

71-2015 A Resolution Authorizing the Purchase of an Industrial Grade MG 7-12 Drag-A-Box Asphalt Material Spreader for the Highway Department/Department of Public Works

WHEREAS, the Town recently purchased a new dump truck with the intent to use it for paving during construction season and is in need of a drag box paver to assist in the paving; and

WHEREAS, the Industrial Grade MG 7-12 Drag-A-Box Asphalt Material Spreader is eligible for reimbursement under the CHIPS guidelines if purchased at the same time as the dump truck, even though they are not available for purchase from the same vendor; and

WHEREAS, the Drag-A-Box is to be purchased through J. Pyott and Associates, Inc., for the amount of \$17, 325.25, which is reimbursable through CHIPS and the Comptroller has deemed that there is no financial impact pending reimbursement; now, therefore, be it

RESOLVED, that the Highway Department/Department of Public Works is authorized to purchase the Drag-A-Box for the 2015 paving season.

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

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

72-2015 Authorizing the Department of Public Works to Employ Bruce Adams Roofing to replace roof on salt shed

WHEREAS, the Town of East Greenbush has identified the need to solicit quotes to replace the existing roof on the salt shed

WHEREAS, Bruce Adams Roofing has met all the required specifications and submitted the lowest bid for the project, bid total \$12,685.00

WHEREAS, the Town Comptroller hereby confirms that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances as this project has been budgeted to take place in 2015; now therefore, be it

RESOLVED, the Town Board does hereby authorize the hiring of Bruce Adams Roofing to fulfill requirements to complete said project

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

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

73-2015 Resolution Authorizing the Supervisor to Sign an Agreement for Replacing Lighting Fixtures in the Town's Highway Garage

WHEREAS, the Department of Public Works requested proposals for the replacement of certain light fixtures in the Highway Garage building, to provide more energy-efficient lighting; and

WHEREAS, the Department of Public Works has received two different proposals, one from Hope Energy and one from Rise; and

WHEREAS, the Commissioner has determined that the Hope Energy proposal is the best proposal, and will save energy costs for the Town in future years; and

WHEREAS, The Comptroller has confirmed that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances since there is adequate provision in the 2015 Budget for the purchase; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute and approve the proposal of Hope Energy for lighting fixture replacements in the Highway Garage Building.

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

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

74-2015 Authorization for the Fuel Tank Replacement

WHEREAS, in 2015, the Town Board budgeted in Highway account 5132.4 to replace the fuel tanks at the highway garage; and

WHEREAS, the underground fuel tanks at the highway garage are in need of replacement because of a leak in one of the tanks in the interstitial space and the Town is replacing the fuel tanks with an above ground split 4,000 gallon fuel tank; and

WHEREAS, there were only two responsible quotes with the other being approximately \$75,000 even after cooperative construction concessions on the job were discussed in their price; and

WHEREAS, the lowest responsible bidding contractor agreed to work with the Town Department of Public Works employees in a joint effort to perform such tasks to have a total cost of

\$40,866.87, and

WHEREAS, The Comptroller has confirmed that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances since there is adequate provision in the 2015 Budget for the purchase; and

RESOLVED, that the Highway/Department of Public Works Commissioner is authorized to purchase the replacement of the old fuel tanks with an above ground split 4,000 gallon fuel tank and all associated electrical components involved at a cost of \$40,866.87 from RM Dalrymple Company Inc, and the same hereby is, approved.

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

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

Supervisor Langley made a motion to pull resolutions #s 75 to 83 due to Councilperson Matters and Councilperson DiMartino will not be voting on them at this time. They will be reading the headings of the Resolutions but no action at this time.

75-2015 A Resolution Authorizing the Contract Amendment to Waste Water Treatment Plant Project Contract #1 – General Construction – Change Order #2

WHEREAS, the existing clarifiers were at the end of their useful life. Provisions to replace the drives were not originally included in the Contract Documents because they were running sufficiently during design and there were budgetary constraints. Approximately 1 year into construction the drives failed. To keep the plant functioning at a high level the clarifiers must be operational and new drives installed, and

WHEREAS, Change Order #2 for UW Marx Construction is \$95, 421.25, which includes the cost to furnish, install and start-up (2) Secondary Clarifier Drives for the existing clarifiers #1 and #2, and

WHEREAS, the Change Order #2, requires NYS Environmental Facilities Corporation (EFC) approval prior to payment, and will pull from the contingency fund within the project budget; and

WHEREAS, the Town Comptroller hereby confirms that this will not negatively impact the 2015 Town Budget, now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the change order authorizing the contract amendment approving the installation of the Clarifier Drives at the Waste Water Treatment Plant.

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

76-2015 A Resolution to Approve the Amendment to the Contract via Change Orders Requesting an Additional 151 days be Added to Phase 2 for the Waste Water Treatment Plant Project

WHEREAS, Regulatory agency approval required that a portion of the out fall line be replaced in order to meet new capacity demands. This was above the original scope of the project. The new sewer lines will have to be installed under an existing AMTRAK rail line. Finalizing the approval and work itself has and will require time, and,

WHEREAS, there was also a spill of sludge at the site, causing delays due to clean up and disinfection as no entry was allowed into areas of work, and,

WHEREAS, new work was introduced to the contract including new clarifier drives, new underground piping, etc all which require more contract time to complete, and

WHEREAS, the following contractors require the additional 151 days to complete the project, pushing the completion date of Phase 2 to November 25, 2015, and

WHEREAS, this change order does not require additional funds, just a time increase; and

WHEREAS, the Town Comptroller hereby confirms that this will not have an impact on the 2015 Town Budget now, therefore, be it

RESOLVED, that

U.W. Marx Construction – Contract #1 – General Construction - Change Order #3

Stilsing Electric – Contract #2 – Electrical Construction – Change Order #2

Family Danz Heating and AC – Contract #3 HVAC Construction – Change Order #2

Tri Valley Plumbing and Heating – Contract #4 – Plumbing Construction – Change Order #2

Are all granted an additional 151 days to complete Phase 2 of the Waste Water Treatment Plant Upgrade Project by November 25, 2015 at no additional cost to the Town of East Greenbush, and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign the change orders authorizing the time extension and amendment to the original contract.

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

77-2015 A Resolution Authorizing the Contract with Delaware Engineering for Professional Engineering Services to Provide Engineering Services and Support for Damage Associated with the Sludge Spill

WHEREAS, the Sludge Spill at the Waste Water Treatment Plant cause damage to existing aspects in the building that were not part of the current upgrade, and pieces of equipment that were part of Delaware's Engineering's design; and

WHEREAS, Delaware Engineering has presented a proposal to provide engineering services during the assessment and implementation of the work that is needed to be done to fix the damage caused by the sludge overflow; and

WHEREAS, the scope of the work would include analyzing existing and new plant equipment and the recommendation to replace said equipment. Contractors on site will be asked to assess damage as well, and give approximate costs of labor to replace equipment, and what they may need to temporarily shut down to facilitate the work. These labor costs, work procedures, and possible process interruptions will be analyzed and reviewed prior to implementation; and

WHEREAS, Delaware Engineering has intimate knowledge of the plant and there is need for this work to be performed regardless of the timing of the spill; and

WHEREAS, Delaware Engineering will conduct this scope of work on a time and materials basis based on the Delaware Engineering 2015 Fee Schedule and that the intent is that all of the costs incurred by the Town are to be repaid through the insurance reimbursement; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it,

RESOLVED, that the Town Supervisor is authorized to sign the contract with Delaware Engineering to provide Engineering Services and Support for the damage associated with the sludge spill upon review and approval from the Town Attorney;

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

78-2015 A Resolution Authorizing the Contract with The Chazen Companies Engineering for Professional Engineering Services to Provide Engineering Services and Support for Damage Associated with the Sludge Spill

WHEREAS, the Town recognizes that since 2013, Chazen has provided construction

oversight and inspection services to the Town for the upgrade of the Town's Waste Water Treatment Plant pursuant to EFC funding and the terms of the contract dated January 16, 2013. This experience makes Chazen fully qualified and knowledgeable with the facility, the construction contracts that were awarded for the improvements and the contractors providing those services; and

WHEREAS, on March 12, 2015, a waste water spill occurred inside the Waste Water Treatment Plant causing significant damage to both existing equipment and equipment installed as part of the approved upgrade project. Besides the damage to the interior of the plant, sludge flowed out of the waste water treatment plant onto the site; and

WHEREAS, Chazen would provide services detailed within the Scope of Services and Cost of Services to the Town in support of the damages down associated with the spill, as presented in the proposal presented to the Town Board and that the intent is that all of the costs incurred by the Town are to be repaid through the insurance reimbursement; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it,

RESOLVED, that the Town Supervisor is hereby authorized to enter into the agreement with The Chazen Companies for the work related to the Waste Water Treatment Plant Sludge Spill upon review and approval from the Town Attorney.

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

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

79-2015 Resolution Approving U.W. Marx's Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work

WHEREAS, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

WHEREAS, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #1 ó General Construction; and

WHEREAS, it is anticipated that the costs of repairing these damage will be covered by the Town's insurance carrier; and

WHEREAS, U.W. Marx has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$209,663.85, that includes time, labor and materials, and the Town has been advised by its engineers that the proposal is reasonable; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it

RESOLVED, that the UW Marx proposal for rework is accepted by the Town; it is further

RESOLVED, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the project engineer, and the provision of funds from the Town's insurance company.

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

80-2015 Resolution Approving Stilsing Electric's Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work

WHEREAS, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

WHEREAS, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #2- Electrical; and

WHEREAS, it is anticipated that the costs of repairing these damage will be covered by the Town's insurance carrier; and

WHEREAS, Stilsing Electric has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$297,010.18, that includes time, labor and materials, and the Town has been advised by its engineers that the proposal is reasonable; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it

RESOLVED, that the Stilsing Electric proposal for rework is accepted by the Town; it is further

RESOLVED, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the project engineer, and the provision of funds from the Town's insurance company.

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

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

81-2015 Resolution Approving Family Danz's Proposal to Complete Rework at the Waste Water Treatment Plant Due to the Sludge Spill, and Authorizing the Supervisor to Execute Documents Necessary for the Work and to Approve Payment for Said Work

WHEREAS, on March 12, 2015, there was a sludge spill at the Waste Water Treatment Plant construction site; and

WHEREAS, the Sludge Spill resulted in substantial damage to the work in progress which has been performed by the contractor under the Waste Water Treatment Plant Upgrade Project Contract #3 - HVAC; and

WHEREAS, it is anticipated that the costs of repairing these damage will be covered by the Town's insurance carrier; and

WHEREAS, Family Danz has submitted a proposal for rework to be completed at the Waste Water Treatment Plant as a result of this spill in the amount of \$60,147.30, that includes time, labor and materials, and the Town has been advised by its engineers that the proposal is reasonable; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it

RESOLVED, that the Family Danz proposal for rework is accepted by the Town; it is further

RESOLVED, that the Supervisor is authorized to execute documents necessary for this work, may approve the payment of bills for such work, upon approval of the project engineer, and the provision of funds from the Town's insurance company.

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

82-2015 A Resolution Approval of the Anjo Construction LTD Payment for Work Completed as a Result of the Sludge Spill at the Waste Water Treatment Plant

WHEREAS, Resolution 47-2015 authorized emergency remediation services for the Waste Water Treatment Plant and Payment therefore, and Anjo Construction LTD., was not named originally as a contractor completing remediation work; and

WHEREAS, Anjo Construction contained and performed the clean-up of the sludge spill outside of the Administration Building at the Waste Water Treatment Plant at a cost of \$20,089.43; and

WHEREAS, the Comptroller states that any impact is indeterminate at this point due to the insurance claim still being open and it is necessary to review all facets; now, therefore, be it now, be it

RESOLVED, that the Supervisor is authorized to pay Anjo Construction in the amount of \$20,089.43 upon approval by the Insurance Company for the remediation of the sludge spill at the Waste Water Treatment Plant.

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

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

83-2015 Authorizing the Technical Services Change Order for Construction Services Contract Extension to the November 25, 2015 at the East Greenbush Waste Water Treatment Upgrade Project

WHEREAS, Chazen has submitted to the Town a Technical Services Change Order (TSCO) with the intent to capture costs associated with construction inspection and construction administrations services which are necessary due to the extension of the project schedule to November 25, 2015; and

WHEREAS, this extension is due to several circumstances including the addition of the off-site railroad work, replacement of the secondary clarifier drives, and the sludge spill that occurred on March 12, 2015. Based on the circumstances, an additional 21 weeks of construction are anticipated at this time; and

WHEREAS, no costs associated with the sludge spill remediation are included in this TSCO, the only additional costs are proposed below:

Task	Task Description	Current Budget and Type		Change and New Budget	
		Lump Sum	Time & Materials	Increase	New Budget
004	Construction Administration	\$98,800	--	\$8,000	\$106,800
005	Construction Inspection		\$463,500	\$70,000	\$533,500
RE	Reimbursable Expenses	--	\$20,600	\$2,000	\$22,600

And

WHEREAS, approval of the increased budget is subject to EFC approval; and

WHEREAS, the Town Comptroller hereby confirms that this will not negatively impact the 2015 Town Budget; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the Technical Services Change Order for Construction Services and Contract Extension to November 25, 2015 in relation to the Waste Water Treatment Plant Upgrade.

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

Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED
Councilperson Matters	VOTED

84-2015 A Resolution to Approve the Addition of New Resolutions

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

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

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

WHEREAS, that the following resolutions:

Resolution 85-2015 Affirming Town Support for the Kensey Adult Housing Project

was added to the agenda following the pre-board meeting; be it

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

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

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

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

85-2015 Affirming Town Support for the Kensey Adult Housing Project

WHEREAS, the East Greenbush Town Board unanimously adopted Resolution No. 76-2010 whereby it approved the site plan submitted by Renssco Development Corp. (referred to hereinafter as (RDC)) for the proposed development of the Kensey Adult Housing project (referred to hereinafter as (Project)), to be located at 44 Elliot Road in the Town of East Greenbush (referred to hereinafter as (Town)); and

WHEREAS, pursuant to Section 485-b of the New York Real Property Tax Law, RDC made application to the Rensselaer County Industrial Development Agency (referred to hereinafter as (RCIDA)) for the approval of a payment in lieu of taxes (referred to hereinafter as (PILOT)) agreement; and

WHEREAS, the RCIDA, as a condition of its approval of the PILOT, previously requested that the Town transmit a letter to the IDA indicating the Town's support for the Project; and

WHEREAS, such a letter of support dated July 17, 2012, a copy of which is attached hereto and made a part hereof (referred to hereinafter as (Initial Letter of Support)), was so transmitted to the RCIDA; and

WHEREAS, inasmuch as the RCIDA is still considering RDC's PILOT application, and given the time that has lapsed since the date of the RCIDA's receipt of the Initial Letter of support, the RCIDA has requested that the Town transmit an additional letter affirming its support for the Project; and

WHEREAS, notwithstanding such time lapse, the Town continues to support the Project;

WHEREAS, the Comptroller has heretofore confirmed that the provisions of this resolution shall pose a positive impact to Town property owners' tax rates by encouraging development of the Project site, thereby increasing property value, albeit by an abated amount; now, therefore, be it

RESOLVED, that the Supervisor and/or Councilperson Matters shall, no later than close of business May 22, 2015, transmit via certified mail over his and/or her respective signature from the Town to the RCIDA, to the attention of Robert L. Pasinella, its executive director, an affirming letter of support for the Project that recites the verbatim substance contained in the Initial Letter of Support.

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

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

ADJOURNMENT

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

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

Respectfully submitted,

Linda Kennedy, Town Clerk
Meeting adjourned at 8:30 pm