

within a Timetable of Compliance to address the violations of the Town's SPDES permit. The elements of the corrective action plan are:

1. Discussion of the nature of the violations
2. Description of actions taken to date to correct violations
3. Request form interim limits
4. Plan of action for future compliance
5. Timetable of Compliance
6. Request for suspended civil penalty with schedule compliance.

Supervisor Langley called up Jay Girvin, Jay stated he was there for executive session on grievance matters.

Supervisor Langley call up Jim Connors he spoke of the change order for UV Marx at the WWTP They are still waiting for paperwork from Amtrak for work needed to be done on their property (offsite) also the power company. He stated it is a timing thing the town is trying to get access to the site. Keith asked if the outflow would be corrected after design. Yes.

Supervisor Langley asked if the board had any questions on the resolutions.

Councilperson Malone stated that he did

- 1) Reso 138 & 139 this was in regard to rescindment of #26-2015 authorized the Comm of public works to purchase vehicles and equipment at auction up to \$20,000. And 139 nor authorizing purchase of snow plow blades. Councilperson DiMartino stated that he was approved \$20,000 for truck now they are buying blades for \$18,000.
- 2) Resolution 147 Requesting the return of Illegitimately disbursed payments to employees. Councilperson Matters stated this resolution was just asking the Supervisor to send letters asking for the overpayments to be returned. Phil stated according to the Auditors they stated that the Town may like to seek council about recouping the funds. It did not say to go after these people. Phil stated at the time the board was notified of the recording error they did seek legal council and they were told it would probably cost more in legal fees to try to collect then they would actually collect. This was back in an 2010 audit and the auditors have stated that since they were notified that there hasn't been any more improperly recorded transactions.

Councilperson Matters stated that she was not trying to go after people just asking to send a letter if ask them to return the monies. After a very heated discussion Councilperson Malone stated the report stated that it was not just Rick and Toni there were 15 people named (most of which are retired).

Councilperson Matters stated again that it was suggested that they go after funds. Councilperson Malone stated it was a money man making a suggestion which was looked into not an attorney. He would not take money advice from a legal man and not take legal advice from a money man any more they he would take dieting advice from Oprah. Councilperson Malone stated he feels by just sending out letters will start a legal event. Councilperson Matters feels that people will just write a check in good faith. Phil stated that he feels this is all political just to make Keith look bad.

Councilperson DiMartino stated that spending \$13,780.00 to upgrade the code book and put on the website is money well spent. With this comes a \$2,000.00 annual maintenance fee even though there are no new local laws. Councilperson Malone stated that Matters and Dimartino are spending more money in three resolutions then legal fees will be for trying to recoup money in which the employees will win.

Councilperson Malone asked about resolution 141 approving money for the justice court to be able to function until the end of October to have Deborah train the replacement for Bennett and give clerk Donahue a raise. Councilperson Matters stated that she would not approve any raise in that department. Phil stated that it was her fault that Donahue's salary was lowered in the first place. With the approving of Deborah to stay and train Stephanie would be invaluable due to her experience.

Supervisor Langley made a motion to move to executive session to discuss grievance matters seconded by Councilperson Malone resulting in a vote as follows:

Supervisor Langley	yes
Councilperson Malone	yes
Councilperson Matters	no
Councilperson DiMartino	no

Respectfully submitted,

Linda Kennedy, Town Clerk

Meeting closed at 6:30 pm

Resolutions for Town Board Meeting

126-2015 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 July 15, 2015; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; and

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

RESOLVED, that the minutes of the regular Town Board Meeting held on July 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
Councilperson DiMartino	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

127-2015 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 Town Board Special Meeting held on July 9, 2015; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; and

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

RESOLVED, that the minutes of the Town Board Special Meeting held on July 9, 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
Councilperson DiMartino	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

128-2015 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 Town Board Special Meeting held on July 30, 2015; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made; and

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

RESOLVED, that the minutes of the Town Board Special Meeting held on July 30, 2015, are hereby approved as submitted.

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

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

129-2015 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2016 Tentative Budget to the Town Board

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2016 Tentative Budget to the Town Board as is permitted by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); and

WHEREAS, the Town Comptroller has confirmed 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 a Special Meeting on Thursday, October 1, 2015 at 4:00 p.m., 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 Special Meeting as required by law.

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
Supervisor Langley	VOTED
Councilperson Malone	VOTED
Councilperson Matters	VOTED

130-2015 A Resolution to Set the September Pre-Board Meeting for Wednesday, September 9, 2015

WHEREAS, the East Greenbush Town Board sets dates for pre-Board and Board Meetings at its organizational meeting in accordance with Section 62 and 63 of Town Law; and

WHEREAS, the September pre-Board meeting was set for September 10, 2015 at the Organizational Meeting on January 2, 2015; and

WHEREAS, subsequent to the meeting being set the NYS Board of Elections designated September 10 as Primary Election day; and

WHEREAS, pre-Board meetings are held in Town Hall and Town Hall is also a polling place on Primary Election Day; and

WHEREAS, no conflict exists if pre-Board is held on Wednesday, September 9; and

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

RESOLVED, that the September pre-Board meeting be hereby scheduled Town Hall at 4:00 PM on Wednesday, September 9, 2015; and

BE IT FURTHER RESOLVED, that the Town Clerk be directed to execute appropriate notifications regarding the change in date

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
Councilperson Matters	VOTED
Councilperson Malone	VOTED
Councilperson DiMartino	VOTED

131-2015 A Resolution Accepting the Resignation for Retirement of Officer Mark J. Mann

WHEREAS, the Town Board has received a letter of resignation for retirement from Officer Mark J. Mann of the East Greenbush Police Department; and

WHEREAS, Officer Mann has been employed as a Police Officer for the Town of East Greenbush since September 1994 and has served the Town well as Dare Officer, School Resource Officer and Evidence Technician for the Department; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that the resignation of Officer Mark J. Mann, effective August 29, 2015, is hereby accepted.

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

132-2015 A Resolution Approving A Certain Settlement Agreement by and between the Town of East Greenbush and Civil Service Employees Associations, Inc., Local 1000, AFSCME, AFL-CIO and Jeff Nestler, Romaine Corellis, DJ Whitman, Dan Speed, Eric Albert, Vince Memole, Ed Wallace, Brian Ginock, Scott Comstock and Matt DeFrias

WHEREAS, a grievance against the Town under the Town's Collective Bargaining Agreement with CSEA Local 1000 was filed with the Town on October 8, 2014; and

WHEREAS, a certain Settlement Agreement was drafted by the Town's Labor Counsel, and signed by the Supervisor, the union representative, and the employees, on May 11, 2015; and

WHEREAS, pursuant to Paragraph 10 of said agreement, the agreement is subject to the approval by the East Greenbush Town Board; and

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

RESOLVED, that the Settlement Agreement referred to above, be, and hereby is, approved by the Town Board.

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

133-2015 A Resolution Approving A Certain Settlement Agreement by and between the Town of East Greenbush and Civil Service Employees Associations, Inc., Local 1000, AFSCME, AFL-CIO and John Michael Donahue

WHEREAS, a grievance against the Town under the Town’s Collective Bargaining Agreement with CSEA Local 1000 was filed with the Town on October 28, 2014; and

WHEREAS, a certain Settlement Agreement was drafted by the Town’s Labor Counsel, and signed by the Supervisor, the union representative, and the employees, on May 11, 2015; and

WHEREAS, pursuant to Paragraph 10 of said agreement, the agreement is subject to the approval by the East Greenbush Town Board; and

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

RESOLVED, that the Settlement Agreement referred to above, be, and hereby is, approved by the Town Board.

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

134-2015 A Resolution Approving A Certain Settlement Agreement by and between the Town of East Greenbush and Civil Service Employees Associations, Inc., Local 1000, AFSCME, AFL-CIO and David Williams and George Lovely

WHEREAS, a grievance against the Town under the Town’s Collective Bargaining Agreement with CSEA Local 1000 was filed with the Town on April 25, 2014; and

WHEREAS, a certain Settlement Agreement was drafted by the Town’s Labor Counsel, and signed by the Supervisor, the union representative, and the employees, on May 11, 2015; and

WHEREAS, pursuant to Paragraph 10 of said agreement, the agreement is subject to the approval by the East Greenbush Town Board; and

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

RESOLVED, that the Settlement Agreement referred to above, be, and hereby is, approved by the Town Board.

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

135-2015 A Resolution Approving A Certain Settlement Agreement by and between the Town of East Greenbush and Civil Service Employees Associations, Inc., Local 1000, AFSCME, AFL-CIO and Reginald Bonner

WHEREAS, a number of grievances against the Town under the Town's Collective Bargaining Agreement with CSEA Local 1000 were filed with the Town throughout 2014; and

WHEREAS, a certain Settlement Agreement was drafted by the Town's Labor Counsel, and signed by the Supervisor, the union representative, and the employee, on April 25, 2015; and

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

RESOLVED, that the Settlement Agreement referred to above, be, and hereby is, approved by the Town Board.

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

136-2015 A Resolution to Authorize Certain Guardrail Repairs

WHEREAS, in accordance with Town Policy and General Municipal Law, all Town expenses of more than \$10,000 require Town Board approval, and

WHEREAS, the Commissioner of Public Works has reviewed the needs of the Town and determined the following guardrails were in need of replacement or repair:

- Phillips Road (lower)
- Lakeshore Drive
- New Road
- Southern Avenue
- Old Troy Road Bridge
- Town Hall (rear)

WHEREAS, the Commissioner of Public Works states that the work was completed, at State rate, at a cost of \$24,807.50.

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 in the Highway Budget code 5112.4; now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to sign necessary vouchers for replacement and repairs to various guardrails.

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

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

137-2015 A Resolution to Authorize Painting Traffic Lines of Certain Town Roads

WHEREAS, the Commissioner of Public Works has reviewed the needs of the Town and determined the following Town roads are in need of Traffic Lines:

Gilligan Road
New Road
Morgan Road
Mannix Road
Michael Road
Discovery Drive

WHEREAS, the Commissioner of Public Works estimates the work to cost \$2,184 (approximately 6 miles @ \$364), at County Contracted Price; 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 in the Highway Budget code General Repairs CE 5110.4; now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve necessary the work for the painting of the traffic lines on the designated roads.

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

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

138-2015 Rescindment of Resolution No. 26-2015

WHEREAS, at its meeting held on February 18, 2015, the Town Board duly adopted resolution no. 26-2015 (hereinafter, "Resolution") which authorized the Commissioner to purchase vehicles and equipment on auction to update part of the DPW fleet without buying new, in the amount of \$20,000.00, prior approval of the Town Board; and

WHEREAS, the Commissioner did not receive the proper form of payment to make such purchases; and

WHEREAS, the Town Comptroller has heretofore confirmed that none of the provisions of this resolution adversely impact the Town's finances; now, therefore, be it

RESOLVED, that the Resolution be, and the same hereby is, rescinded.

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

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

139-2015 A Resolution to Authorize Purchase of Snowplow Blades

WHEREAS, the Commissioner of Public Works has determined that the Town is in need to replace two snowplow blades; and

WHEREAS, the Commissioner of Public Works states that the estimates for the snowplow blades, will not exceed \$8,000.00 each. The Commissioner has rescinded the Resolution 26-2015, which authorized a \$20,000.00 amount to bid on auction. Allowing additional monies available for such purchase; 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 under Highway Budget Code 5130.4; now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve purchase for two snowplow blades.

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

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

140-2015 A Resolution to Authorize the Repair Plow Trucks

WHEREAS, the Commissioner of Public Works has determined that the Town is in need of repairing three plow trucks; and

WHEREAS, the Commissioner of Public Works states that the estimates for the trucks to cost

Truck 16 ó \$6,850.00 ó Body Repair & Paint

Truck # - \$6,850.00 ó Body Repair & Paint

Pump Rebuild - \$1,895.00

Approximate total = \$15,595.00

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 under Highway Budget Code 5130.4; now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve the repair of Truck 16, Truck 11 and to rebuild the motor.

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

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

141-2015 A Resolution Appointing a Secretary to the Town Justice, Approving Training of New Secretary and Adjusting the Salary of an Existing Court Clerk

WHEREAS, Secretary to the Town Justice, Abigail Bennett resigned COB July 2, 2015, and the Town Board temporarily appointed Deborah Coppola to fill in from July 6, 2015 through August 24, 2015; and

WHEREAS, Town Justice Mary Pat Donnelly, has recommended to the Town Board that Stephanie E. Phillips be appointed to the position of Secretary to the Town Justice effective August 24, 2015; and

WHEREAS, Town Justice Donnelly has also recommended that Deborah Coppola, an experienced Court Clerk, remain on through October 31, 2015 to provide training to Stephanie Phillips in all applications and processes of the Justice Court as well as to assist in office during OSC Audit as has previous experience with two East Greenbush Justice Court audits; and

WHEREAS, Deborah Coppola will be paid at a rate of \$20 per hour and Stephanie Phillips will be paid a salary of \$30,000 and \$75 per the first three hours of a court session and \$12.50 for each additional half hour; and

WHEREAS, the appointments of Deborah Coppola and Stephanie Phillips, at the rates set above are approved; and

WHEREAS, the Director of Finance has been consulted with the Rensselaer County Civil Service Commission and will submit appropriate paperwork following Town Board approval; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is approximately \$6,500 from the General Fund for payroll costs

Fund	Transfer in	Transfer out
1110.1 ó Justice P/S	\$6,000	--
9030.8 ó Gen Fund SS Tax	\$ 500	--
A917 ó General Fund Balance	--	\$6,500

RESOLVED, that Stephanie Phillips is hereby approved as the Secretary to the Town Justice; and, be it further

RESOLVED, that Deborah Coppola is hereby approved as a trainer for the Secretary of the Town Justice through October 31, 2015; and be it further

RESOLVED, that the existing Court Clerk, Eileen Donahue's salary is amended to reflect the below figures.

Position – Employee	Original Salary	Amended Salary
Secretary to Town Justice ó Eileen Donahue	\$33,000.00	\$36,000.00
Secretary to Town Justice ó vacant	\$33,000.00	\$30,000.00
Court Clerk ó Kim Edberg	\$33,000.00	\$33,000.00
Budgeted as set in Salary Schedule	\$99,000.00	\$99,000.00

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

142-2015 Appointment of Part-time Police Dispatcher

WHEREAS, this Town Board seeks to maintain an adequate reserve of part-time police dispatchers to support operations in the Town's Emergency Communications Center and

WHEREAS, the Chief of Police reports a shortage of part-time personnel to the Town Board and recommends Ms. Amanda McDonagh to be a suitable applicant for this position, and

WHEREAS, this appointment meets the presumptive, non-competitive qualifications for this title as established by the Rensselaer County Civil Service Commission; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2015 Town Budget and will have no adverse impacts on the Town Finances; now therefore be it

RESOLVED, that Ms. Amanda McDonagh be, and hereby is, appointed to the position of part-time police dispatcher, consistent with all terms and conditions of this position 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 said part-time position be compensated at the rate set forth in the appropriate labor agreement.

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

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

143-2015 A Resolution to Authorize a Public Auction of Surplus Property

WHEREAS, the Town Board has received a request from the Chief of Police to declare the following Town property as surplus:

Item 1: 1999 Chevrolet Tahoe VIN 3GNEK18R3XG146799

Item 2: 2008 Ford Crown Victoria VIN 2FAHP71168X112256

Item 3: 2009 Ford Crown Victoria VIN 2FAHP71V39X134054

WHEREAS, said property is now owned by and in the custody of the East Greenbush Police Department and is not suited for use by other Town departments; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no adverse impact to Town finances; now therefore, be it

RESOLVED that said equipment is hereby declared surplus; and be it further

RESOLVED that the Purchasing Agent is authorized to conduct a public auction, sale or otherwise to dispose of said surplus property as provided for by law.

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

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

144-2015 A Resolution Schedule a Public Hearing to Consider Changes to Local Law Chapter 46, Vehicle and Traffic

WHEREAS, the Town has received a request for a 15 MPH Speed Limit sign to be post on Dailey Place between Hampton Avenue and Lakeshore Drive; and

WHEREAS, a Public Hearing is required for further consideration of this proposed change; and

WHEREAS, the Town Comptroller has confirmed 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, County of Rensselaer, State of New York, will hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, Rensselaer, New York on the 16th day of September at 6:45 PM to consider a Local Law amending the Code of the Town of East Greenbush, Chapter 46, Vehicle and Traffic.

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

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

145-2015 A Resolution Authorizing the Settlement in the Matter of HAMILTON INDUSTRIAL CORP. N/K/A CMJ EAST GREENBUSH REALTY PARTNERS LLC v. The Assessor and the Board of Assessment Review of the Town of East Greenbush, et al., 2014 Index No. 247424 and 2015 Index No. 250709.

WHEREAS, Hamilton Industrial Corp n/k/a CMJ East Greenbush Realty Partners LLC v. The Assessor and the Board of Assessment Review of the Town Assessor of East Greenbush, et al., has brought Article 7 RPTL Tax Certiorari Proceedings in the Rensselaer County Supreme Court for the years 2014 and 2015, Index Nos. 247424 and 250709, regarding property located at 579 Columbia Turnpike, Town of East Greenbush, New York, Tax Map ID 166.-7-4.

WHEREAS, after considerable discovery, inspection, site evaluation of the premises, income and expense review, the recent sale of the subject premises, Court conferences and negotiation with the Petitioner's counsel, the Town's certiorari counsel and the assessor's office have recommended a settlement agreement to the values set forth for 2014 and 2015 as set forth on the attached summary.

Assessment Year	Original Assessment	Amended Assessment	Amount of Reduction
2014	\$1,257,800	\$725,000	\$532,800
2015	\$1,257,800	\$725,000	\$532,800

WHEREAS, the Town Comptroller has confirmed the settlement will have no 2015 Town Budget 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; it is now

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

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

Councilperson Malone	VOTED
Supervisor Langley	VOTED
Councilperson DiMartino	VOTED

146-2015: Disbursement of Shortfall Funding and/or Rendering of Services to Greenbush Cemetery Association, Inc.

WHEREAS, the Greenbush Cemetery Association, Inc. (referred to hereinafter as "GCA"), a public cemetery corporation duly created and existing pursuant to article fifteen the New York Not-for-Profit Corporation Law, currently has proprietary, operational, and maintenance-related charge over real property known as Greenbush Cemetery, located at 264 Columbia Turnpike in the Town of East Greenbush; and;

WHEREAS, not unlike other public cemetery corporations, GCA derives its operating income from the sale of gravesites, collection of interment fees, and receipt of investment interest/dividends; and

WHEREAS, notwithstanding the Board of Trustees of GCA having faithfully and responsibly discharged their fiduciary duties, financial and otherwise, in accordance with GCA's bylaws, rules, and regulations, GCA's income has, of late, been insufficient to cover its recurring, maintenance-related expenses, due largely to the relatively low investment yields precipitated by a sluggish economy over approximately the last ten years; and

WHEREAS, pursuant to New York General Municipal Law section 165-a, which provides for a municipal corporation to disburse funding and/or to provide goods and/or services to a public cemetery corporation, GCA has requested that the Town of East Greenbush (referred to hereinafter as "Town") supplement the shortfall of its 2015 budget with a disbursement thereto in the amount of \$5,000.00, provide thereto services that would effectively reduce its operating expenses by such amount, or a combination thereof that would result in such amount; and

WHEREAS, pursuant to New York Town Law section 291, subd. 1, the responsibility and expenses for the maintenance of the Greenbush Cemetery would pass to the Town if GCA were to be unable to continue to the maintenance thereof; and

WHEREAS, the Comptroller has not confirmed that the Town's contingency fund currently contains a balance that is sufficient to cover the requested amount, should such amount not be entirely or partially offset by the cash-equivalency value of services provided by the Town; now, therefore; be it

RESOLVED, that the Supervisor be authorized to, and the same hereby shall, disburse funding to GCA, provide services thereto, or in combination thereof, in an amount, and/or with cash-equivalency value, not to exceed \$5,000.00.

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

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

147-2015 Requesting the Return of Illegitimately Disbursed Payments

WHEREAS, in Item No. 1 in Appendix A of the Examination Report of the State Comptroller's Audit of the Town of East Greenbush dated November of 2012 and referenced as 2012M-116 (referred to hereinafter as "Appendix A"), a copy of which is attached hereto and made a part hereof, a series of various payments, including stipends, longevity payments, and sick-leave incentive payments (collectively referred to hereinafter as "Payments"), were deemed to have been unilaterally disbursed to

current and former Town employees without having been duly authorized by the Town Board and/or were deemed to have been illegitimately disbursed; and

WHEREAS, the State Comptroller stated in Appendix A that the Town Board should recoup the Payments; and

WHEREAS, the tenuous and fragile condition of the Town's Finances, which is expected to remain as such for the foreseeable future, is underscored by the need to recoup the Payments; and

WHEREAS, the Town Board finds that it is just, equitable, and in the best interests of Town taxpayers to request from the recipients of the Payments that they return the Payments to the Town; and

WHEREAS, the Town Comptroller has heretofore confirmed that the provisions of this resolution should be reviewed with the Attorney to determined cost benefit for the Town before proceeding; now, therefore, be it

RESOLVED, that the Supervisor shall, no later than close-of-business August 31, 2015, dispatch a letter, via certified mail, to each of the recipients of the Payments, requesting that each such recipient return the total sum of its respective Payments to the Town in equal monthly installments over a period not to exceed five years; and be it further

RESOLVED, that the Supervisor shall, upon receipt of the total sum of Payments from each respective recipient, forthwith file amended salary and service reports with the state comptroller in order to correct records of the New York State and Local Retirement System.

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

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

148-2015 Entering into a Lease Agreement with the County of Rensselaer to Allow Its Occupancy and Use of Town-Owned Real Property as a Communication Tower Site

WHEREAS, the County of Rensselaer (referred to hereinafter as "County") seeks to augment coverage and efficiency of its emergency-services communication system by adding to such system an additional wireless communication tower (referred to hereinafter as "Tower") at a site that is best suited to achieve this objective; and

WHEREAS, the County has identified such an optimum Tower site that is a portion of real property identified with a tax map no. of 165-1-12 and located at 246 Ridge Road in the Town of East Greenbush (referred to hereinafter as "Town") and is owned by the Town; and

WHEREAS, the County has proposed to the Town that the parties enter into a lease agreement, a copy of which is attached hereto and made a part hereof (referred to hereinafter as "Agreement"), to allow it to construct, install, operate, maintain, and secure the Tower at the proposed site; and

WHEREAS, the Town would, at its option, be able to utilize surplus space on the Tower at no cost to the Town; and

WHEREAS, the Town's project review team, the Town's planning consultant, and the planning board have reviewed the plan for the proposed site, find that use the site under the provisions of the proposed Agreement will not, in any way, compromise or adversely impact Town operations, have completed an environmental assessment pursuant to the State Environmental Quality Review Act, have recommend the issuance of a negative declaration (referred to hereinafter as "NegDec") by the Town Board, and, therefore do not object to the Town entering into the Agreement with the County; and

WHEREAS, the Attorney to the Town has reviewed the provisions of the Agreement and finds them to be protective of the Town's interests and, therefore, acceptable; and

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

RESOLVED, that the Supervisor be authorized to, and the same hereby shall, execute the Agreement and the NegDec for and on behalf of the Town, and shall take all necessary steps to ensure that the provisions thereof are carried out.

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

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

149-2015 Updating and Reconsolidation of the Town Code and Providing for its Posting on the Town Website

WHEREAS, the publication entitled The Code of the Town of East Greenbush (referred to hereinafter as "Town Code"), a copy of which is currently located in the office of the Town Clerk and available for public viewing, has not been updated since March of 2009; and

WHEREAS, a reconsolidation and indexing with the Town Code's current content, together with all unpublished, currently enacted local law (including the Town's Comprehensive Zoning Law), and a republishing thereof (which was last completed in 1991) is needed to properly effectuate an update of the Town Code (referred to hereinafter as "Update"); and

WHEREAS, a number of Town Employees, during the course of carrying out their respective duties and tasks, are required to routinely refer to, and rely upon, a complete version of the Town Code; and

WHEREAS, as a prelude to completing the Update, a price quote therefor was obtained from General Code Publishers Corp., the publishing company of the Town Code, in the amount of \$13,780.00 which includes the availability of the Town Code via a web-based application (i.e., "eCode360"), five custom-printed Town Code books, and a one-year maintenance/update subscription; and

WHEREAS, following the completion of the Update, it is deemed to be in the best interest of the Town's employees and residents, and in keeping with the practice of open and transparent government, to ensure that the entire Town Code be made available on the town's website for ease of access via eCode360, at an annual subscription fee of \$1,195.00 (i.e., after the first year); and

WHEREAS, the Comptroller has not confirmed that the current balance of the Town Budget's Contingency Fund is sufficient to cover the cost to conduct the Update without adversely affecting the Town's Finances; now, therefore; be it

RESOLVED, that authorization to proceed Update be, and the same hereby is, approved

RESOLVED, that the sum of \$13,780.00 be, and the same hereby is, authorized for disbursement from the contingency fund for the purpose of undertaking the Update; and be it further

RESOLVED, that the Supervisor, or his designee, shall engage General Code Publishers Corp., take steps necessary to complete the Update, and subsequently make the Town Code available on the town's website.

RESOLVED, that the Town shall, following the Update, endeavor to maintain its subscription to eCode360 in perpetuity or for as long as it is advantageous to do so.

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

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

150-2015 Resolution for Timely Submission and Posting of Special Town Board Meeting Resolutions

WHEREAS, Resolution 13-2015 Resolution for Timely Submission of Resolutions was unanimously adopted by the Town Board of the Town of East Greenbush (Town Board) on January 21, 2015; and

WHEREAS, Resolution 13-2015 requires that 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, Special Meetings of the Town Board do not generally have the benefit of either a pre-board meeting or a pre-board meeting agenda; and

WHEREAS, it is the intention of this Town Board to rectify this oversight; and

WHEREAS, the Town Comptroller has reviewed this resolution and determined it to have no adverse impact on Town finances, now therefore be it

RESOLVED, any items not appearing on the published Special Town Board Meeting Agenda as posted on the Town's web-site shall require a majority vote of the Town Board to be considered for a vote; and be it further

RESOLVED, that the Special Town Board Meeting Agenda shall be posted on the Town web-site concurrent with the posting of the Notice of the Special Town Board Meeting on the Town web-site.

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

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

151-2015 A Resolution Authorizing the Contract Amendment to Waste Water Treatment Plant Project Contract #1 – General Construction – Change Order #3

WHEREAS, NYSDEC required the evaluation of the downstream conveyance system to the Hudson River as a condition of the initial approval of the project, and subsequent to contract award and the evaluation, NYSDEC required the replacement of the existing outfall pipe that runs under the railroad adjacent to the wastewater treatment plant. This requires boring through rock a 36" stainless steel carrier pipe beneath the existing railroad tracks. This work was not included in the Contract Documents, and

WHEREAS, Change Order #3 for UW Marx Construction is \$ \$783,616.15 plus rock removal. A \$250,000 is being allocated for rock removal that is to be reimbursed based on actual quantity of rock removed), and

WHEREAS, the Change Order #3, requires NYS Environmental Facilities Corporation (EFC) approval prior to payment, and will pull from the contingency fund within the project budget; and

RESOLVED, that the Town Supervisor is hereby authorized to sign the change order authorizing the contract amendment approving the work within the railroad right of way for the Waste Water Treatment Plant project.

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

152-2015 A Resolution Authorizing the Contract Amendment to Waste Water Treatment Plant Project Contract #1 – General Construction – Change Order #4

WHEREAS, subsequent contract award, the NYSDOT required the geometry for both driveways to be upgraded in conjunction with the replacement of the sidewalk along the WWTP property. This work was not included in the Contract Documents, and

WHEREAS, Change Order #4 for UW Marx Construction is \$ \$149,488.84 and

WHEREAS, the Change Order #4, requires NYS Environmental Facilities Corporation (EFC) approval prior to payment, and will pull from the contingency fund within the project budget; and

RESOLVED, that the Town Supervisor is hereby authorized to sign the change order authorizing the contract amendment approving the work highway work for the Waste Water Treatment Plant project.

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

153-2015 Resolution Authorizing the Replacement of Lighting Fixtures in the Town’s Salt Shed

WHEREAS, the replacement of light fixtures in the Town’s salt shed, to provide more energy-efficient lighting and visibility in the amount of \$5,139.00; 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 under Highway Fund 5132.4 for the purchase; now, therefore, be it

RESOLVED, that the Commissioner is authorized to execute and approve the proposal of Hope Energy for lighting fixture replacements in the Town's salt shed.

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
Councilperson Matters	VOTED
Supervisor Langley	VOTED
Councilperson Malone	VOTED

ADJOURNMENT

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

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