



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA November 18, 2015

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

Members of Town Board

Present	Absent	
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Supervisor Langley
<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
X		Deputy Supervisor Hart

Communications/Announcements/Reports

Linda Kennedy, Town Clerk stated the Town Clerks office has received reports from the following departments and they will be on file for review: Town Clerk, Public Works, Receiver of Taxes, Building and Police.

Councilperson DiMartino stated that on Wednesday, December 2 is the Tree Lighting time 6:00 to 8:00 pm lighting is at 6:30 with Santa and music, and light refreshments being served. The second annual Gingerbread decorating will be at 4:00pm on Tuesday December 1st (see website for info) On Wednesday, December 16 at noon there will be a Senior Luncheon call 477-4194 for info. The community tree will be on display. Happy Thanksgiving to all.

Councilperson Matters also wished a Happy Thanksgiving to all.
Councilperson Malone had nothing to add.

Open Public Privilege: NOTE ó 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 portion started at 7:05 pm

- 1) Jack Conway Thanked and congratulated Linda Kennedy, Town Clerk on her upcoming retirement.
- 2) Phil Vecchio stated that there are grants out there for communications and the town should consider consolidation.
- 3) Kim Carlock congratulated and thanked Linda for the opportunity which eventually led to her running and winning office of Town Clerk.
- 4) Robyn Bayley stated that he will convey the message to the County regarding emergency communication.
- 5) Douglas Tucker thanked the Town for addressing his concerns regarding the motel next to his home but there still isn't any trees or shrubs and they put up new lighting which now shines in his house. Joe Cherubino didn't know about that and stated he will address that and the greenery will come after they finish siding etc.
- 6) Bonnie Lester thanked and congratulated Linda Kennedy, Town Clerk on her retirement.

Open portion closed at 7:15 pm

Resolutions and Proposals by Town Board Members:

185-2015 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 October 21, 2015; and

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

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will not have an adverse impact on the Town's finances; now, therefore be it

RESOLVED, that the minutes of the regular Town Board Meeting held on October 21, 2015, are hereby approved as submitted.

The foregoing 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
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

186-2015 Resolution Authorizing the Supervisor to Enter into a Retainer Agreement for the Services of an Attorney in the Matter of ServPro of Southern Saratoga County, Inc. V. Town of East Greenbush

WHEREAS, an action has been commenced in Rensselaer County Supreme Court, captioned Servpro of Southern Saratoga County, Inc. v. Town of East Greenbush, Index No.: 251325; and

WHEREAS, efforts to settle this matter prior to the commencement of litigation, and since the lawsuit has been commenced, have been unsuccessful; and

WHEREAS, the summons and complaint have been submitted to the Town's insurance carrier, which has denied coverage under the Town's insurance policies; and

WHEREAS, the Town requires legal representation in this matter; now, therefore, be it

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have an adverse impact on the Town's finances that can be charged to account 14204.01.004 offset by a decrease in general fund balance; now, therefore be it

~~**RESOLVED**, that the Supervisor is authorized to execute a Retainer Agreement retaining the firm of Tabner, Ryan & Keniry for the representation of the Town in this matter, subject to approval as to form by the attorney to the Town, and~~

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

RESOLVED, that the Supervisor is authorized to execute a Retainer Agreement retaining the firm of Tabner Ryan & Keniry for the representation of the Town in this matter, subject to approval as to form by the attorney to the Town, provided that the expenditure authorized by this Resolution shall not exceed \$6,000.

The foregoing motion to amend the 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
Councilperson Malone	VOTED	YES
Supervisor Langley	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
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

187-2015 Resolution Authorizing the Supervisor to Sign a Certain Contribution Agreement Between the Town of East Greenbush and New York Independent System Operator

WHEREAS, Krey Boulevard is a public town road within the Town of East Greenbush, and the Town is responsible for its maintenance; and

WHEREAS, New York Independent System Operator has offered to contribute to the Town up to One Hundred Seventy-Five Thousand 00/100 Dollars (\$175,000) or the actual costs of repaving, whichever is less, provided the Road is paved in the calendar year 2015; or One Hundred Twenty Five Thousand Dollars (\$125,000) or the actual cost of paving, whichever is less, if the Road is paved before May 1, 2016, pursuant to a certain proposed contribution agreement; and

WHEREAS, under the terms of said agreement, the Town would retain the entire authority to bid the work out and to supervise the work; now, therefore, be it

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will not have an adverse impact on the Town's finances, since New York Independent System Operator is agreeing to pay all of the cost to pave a Town Road; now, therefore be it

RESOLVED, that the Supervisor is authorized to execute said contribution agreement with New York Independent System Operator.

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

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

188-2015 Authorization to Award for RFB # 15-02 Waste Water Treatment Plant, Cake Sludge Hauling

WHEREAS, the Town of East Greenbush solicited bids for hauling and proper disposal of approximately 223 tons per month of Part 360 compliant cake sludge from the East Greenbush Waste Water Treatment Plant; and

WHEREAS, the eligible bids received were opened and read aloud in a public forum in the Town Clerk's Office by the Purchasing Agent, Town Clerk and Marybeth Bianconi of Delaware Engineering on November 12, 2015; and

WHEREAS, the lowest responsible bid is as follows:

County Waste & Recycling Service Inc. of Clifton Park at a unit price \$85.00 per ton

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will likely not have an adverse impact on the Town's finances since Delaware Engineering is representing that replacing the process of internally hauling sludge will cost less when outsourced to vendors disposing of cake sludge; now, therefore be it

RESOLVED, that the Town Board hereby authorizes the Purchasing Agent to send an award letter to the foregoing lowest bidder for RFB # 15-02

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

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

189-2015 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 190-2015 Resolution Permitting the Extension of Certain Planned Development Districts (PDD's) Previously Approved by the Town Board

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
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

190-2015 Resolution Permitting the Extension of Certain Planned Development Districts (PDD's) Previously Approved by the Town Board

WHEREAS Resolution # 125-2015 previously approved the extension of the Witbeck PDD, authorization which will expire on December 3, 2015; and

WHEREAS, by Local Law #5 of 2011, adopted December 27, 2011, and filed as Local Law #2 of 2015, with the Secretary of State, the Town Board approved the Witbeck PDD; and

WHEREAS, Section 2.9.15 (D) of the Zoning Code of the Town of East Greenbush, as adopted by Local Law #3 of 2012, authorized the Town Board, by resolution to exempt a specific PDD from termination, or to lengthen the length of time prior to the automatic termination of a specific PDD; and

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

WHEREAS, the Town Board desires to lengthen the period of time for the above PDD for twelve (12) months; now, therefore, be it

RESOLVED, that the Town Board hereby extends the PDD set forth above until December 2, 2016

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

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

ADJOURNMENT

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

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

Respectfully submitted,

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