



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING August 8, 2018

Call to Order 6:00 PM
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor J. Conway
Councilor T. Tierney
Councilor H. Kennedy
Councilor R. Matters
Councilor G. Warner

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation: 9 & 20 Festival – Phil Vecchio
Regeneron Amended Findings Statement (Joint Presentation to Planning Board and Town Board) – 7:00 p.m.

Schedule of Meeting:

162-2018 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 18, 2018 have been presented; and

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

now, therefore, be it

RESOLVED, that the minutes of the regular Town Board Meeting held on July 18, 2018 are hereby approved as submitted.

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

Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

163-2018 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2019 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 2019 Tentative Budget to the Town Board as is required 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 Monday, October 1, 2018 at 5:00 p.m., at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer, State of New York for the Town Clerk to present the 2019 Tentative Budget to the Town Board;
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 Supervisor Conway and seconded by Councilor Tierney and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor G. Warner	VOTED:

164-2018 A Resolution Authorizing the Supervisor to Sign a 2018 Animal Shelter Agreement with Mohawk and Hudson River Human Society

WHEREAS, the Town has certain statutory obligations relating to dogs, pursuant to the Agricultural and Markets Law; and

WHEREAS, such duties include the obligation to seize certain dogs, and to assure that the dogs are properly sheltered, fed and watered; and

WHEREAS, the Town of East Greenbush desires to enter into an agreement for such services for 2018 with the Mohawk and Hudson River Humane Society; and

WHEREAS, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances;
now, therefore, be it

RESOLVED, that the Supervisor is authorized to enter into an agreement for services in 2018 with the Mohawk and Hudson River Humane Society, upon approval as to form by the attorney to the Town.

The foregoing resolution was duly moved by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote resulting as follows:

Supervisor J. Conway VOTED:
Councilor H. Kennedy VOTED:
Councilor T. Tierney VOTED:
Councilor R. Matters VOTED:
Councilor G. Warner VOTED:

165-2018 A Resolution Accepting the Settlement of a Tax Certiorari Case with 284 Troy Road, LLC

WHEREAS, 284 Troy Road, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by 284 Troy Road, LLC in the Town of East Greenbush; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; and

WHEREAS, the Town Comptroller has confirmed that this resolution can be funded by account 19304.01 Judgement & Claims as budgeted in 2018;

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2017 and 2018 tax certiorari proceeding filed by 284 Troy Road, LLC in which the 2017 and 2018 assessed value of the subject property shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2017	144-4-24	\$3,200,000	\$3,000,000	\$200,000
2018	144-4-24	\$3,699,400	\$3,000,000	\$699,400

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2019, 2020 and 2021 assessment rolls.

and be it further

RESOLVED that 284 Troy Road, LLC shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between 284 Troy Road, LLC and the Town of East Greenbush as to the above referenced assessment.

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

Councilor R Matters	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

166-2018 A Resolution to Establish the Position of Special School Resource Officer with the East Greenbush Police Department

WHEREAS, the Town and the East Greenbush Central School District (District) have enjoyed a long-standing and successful agreement to jointly share the cost of providing a town police officer to serve as a full-time School Resource Officer; and

WHEREAS, in the interest of public safety the District has now requested that an additional School Resource Officer be made available for full-time assignment to serve the District beginning this Fall; and

WHEREAS, the District has agreed to share a substantial portion of the cost of such additional Officer; and

WHEREAS, the Town agrees with and supports the District's intention to provide for an additional School Resource Officer, but has determined that current police officer staffing is not adequate at this time to meet this additional need;

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town's Finances;

now, therefore, be it

RESOLVED, that pursuant to General Municipal Law § 209-v entitled "Employment of retired persons as special patrolmen for publicly owned property", the Town does hereby establish the position of Special School Resource Officer;

and be it further

RESOLVED, as is specified in said law, that those individuals eligible for said appointment shall be state troopers, deputy sheriffs or police officers who have retired in good standing and meet all other qualifications to serve as a peace officer with the East Greenbush Police Department, including approval of the Rensselaer County Civil Service Commission for an appointment in the Unclassified Service;

and be it further

RESOLVED, that the Chief of Police be directed to establish all necessary job descriptions, terms and conditions of employment for said Special Officers and descriptions of all costs; which shall be taken up by this Board prior to any appointment thereto;

and be it further

RESOLVED, that this resolution shall take effect immediately.

The foregoing resolution was duly moved by Councilor Warner and seconded by Councilor Kennedy and brought to a vote resulting as follows:

Councilor G. Warner	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor R. Matters	VOTED:

167-2018 A Resolution Authorizing the Finance Office to Solicit Bids for the Department of Public Works

WHEREAS, the Commissioner of Public Works and the Director of Finance have identified the need to solicit multiple bids to assist with budget preparation and cost savings over the near future; and

WHEREAS, the current list of approved contractors for General Contracting, HVAC, Electric and Plumbing repairs is set to expire on December 31, 2018, and

WHEREAS, the current costs for electronic recycling have doubled in the last six months and costs for single stream recycling have gone from \$0 to \$120 per ton in a thirty day period; and

WHEREAS, the Water and Sewer Departments have a number of large projects coming up, mainly the Hampton Manor Water Improvement Project that will require the use of a reliable vac truck rental; and

WHEREAS, the Director of Finance would like approval to solicit the following bids:

- IFB - General Contracting, HVAC, Electric and HVAC
- IFB - Electronic Recycling Services
- IFB – Single Stream Recycling Services
- IFB – Vac Truck Rental; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town's Finances;
now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Director of Finance to solicit the above mentioned bids for the Department of Public Works.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Warner and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

168-2018 A Resolution Authorizing the Town Clerk to send Certified Adjusted Base Percentages to the East Greenbush Central School District

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York is required to provide the East Greenbush Central School District with the certified Adjusted Base Proportions for the Homestead and Non Homestead parcels appearing on the Final Assessment Roll prepared in 2017;

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town's Finances;
now, therefore, be it

RESOLVED, that the following Adjusted Base Proportions for the Homestead and Non Homestead classes have been approved by the State of New York pursuant to Section 1905 of the Real Property Tax Law, and the Town Board directs the Town Clerk to transmit a certified

copy of this Resolution to the East Greenbush Central School District and to NYS Department of Taxation and Finance, WA Harriman Campus, Building 8A, Albany, NY 12227.

Certified Adjusted Base Proportions

Homestead Class Non Homestead Class

East Greenbush

Central School District. 65.89382 34.10618

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

Councilor R Matters VOTED:
Councilor T. Tierney VOTED:
Supervisor J. Conway VOTED:
Councilor H. Kennedy VOTED:
Councilor G. Warner VOTED:

169-2018 A Resolution Appointing the Town Comptroller as the Responsible Local Official for the New York State Department of Transportation Equitable Business Opportunities System

WHEREAS, the Federal-aid transportation program provides the Town with the opportunity to maintain, rehabilitate, reconstruct, expand, and improve the Town’s integral local highway and bridge network: and

WHEREAS, the New York State Department of Transportation (NYSDOT) has implemented a web-based civil rights reporting system called EBO (Equitable Business Opportunities) to streamline and reduce the efforts required by the construction and engineering industries to satisfy the civil rights reporting requirements, and has made EBO available to vendors participating on Federal-Aid (FA) locally sponsored contracts; and

WHEREAS the Town of East Greenbush regularly participates as a Sponsor and sub-recipient to NYSDOT of Federal funds in the advancement of Federal-aid contracts and projects; and

WHEREAS, NYSDOT requires the Town, as a Sponsor, to designate a Responsible Local Official (RLO) to sign and implement the EBO System User Agreement, which governs the terms and conditions upon which the Town, and the Town’s authorized users, including Town staff and vendors (referred to collectively as “Users”), will be allowed to access and use NYSDOT’s EBO System; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s Finances;
now, therefore, be it

RESOLVED, that the Comptroller is appointed as the Town of East Greenbush Responsible Local Official for New York State Department of Transportation Equitable Business Opportunities system;

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

Councilor G. Warner VOTED:
Councilor R. Matters VOTED:
Supervisor J. Conway VOTED:
Councilor T. Tierney VOTED:
Councilor H. Kennedy VOTED:

170-2018 A Resolution to Authorize Lead Agency Coordination

WHEREAS, the Town Board of the Town of East Greenbush has received applications from Regeneron Pharmaceuticals, Inc. for site plan approval of expansions of Building 85 and a parking facility at Regeneron’s Discovery Drive Facility; and

WHEREAS, the Town Board has reviewed such applications and related materials and wishes to serve as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the coordinated review of the projects; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s Finances;

now, therefore, be it

RESOLVED, that the Town Board determines that the proposed actions constitute unlisted actions under SEQRA; and be it further

RESOLVED, that the Town Board expresses its desire to serve as SEQRA lead agency that authorizes the notification of other potentially involved agencies of the Town Board’s interest.

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

Councilor R Matters	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:

171-2018 A Resolution Authorizing GEIS Fees to Cover All Additional Construction Related Expenses for the Town Park Building Project

WHEREAS, Resolution 21-2018 authorized the use of GEIS funds for the Architectural Design of the New Building at the Town Park in the amount of \$14,500.00; and

WHEREAS, Resolution 55-2018 authorized the Town of East Greenbush to award the construction bid to Capital Region Construction for the construction of the new building at the Town Park with the following funding sources:

- GEIS Recreation Account as of 2/28/2018 \$275,000.00
- Parks Account Balance 0087 as of 2/28/2018 \$ 60,000.00
- GEIS Recreation Fees from Witbeck Project \$ 54,000.00
- Parks 2018 Budget Account Code 71104.01 \$ 20,000.00
- **Money in hand for building as of 3/21/2018 \$409,000.00**
- With the balance of funding to be fronted by General A fund balance 917 until replenished by GEIS Recreation Funds; and

WHEREAS, Resolution 94-2018 authorized the use of GEIS Recreation Funds for the Construction of a new building at the Town Park for an amount not to exceed \$498,850.00; and

WHEREAS, in attempt to keep construction costs down, the Department of Public Works worked alongside the construction crew and as a result, these costs require further Town Board approval; and

WHEREAS, a breakdown of charges and allocations is provided below

PO #	Company	Total Amount	Funding Source	Resolution (if pre-approved)
TPB-1	Harris A. Sanders Architects, PC	\$14,500.00	GEIS Parks Funds	21-2018
TPB-2	Survey Smith	\$997.50	GEIS Parks Funds	--
TPB-3	Abele (RensCo Contract)	\$17,175.00	GEIS Parks Funds	--
TPB-4	Troy Sand & Gravel (RensCo Contract)	\$13,454.86	GEIS Parks Funds	--
TPB-5	Core & Main LP	\$1,445.44	GEIS Parks Funds	--
TPB-6	Curtis Lumber	\$2,674.28	GEIS Parks Funds	--
TPB-7	Dente Group	\$1,681.85	GEIS Parks Funds	--
TPB-8	Rifenburg Construction (RensCo Contract)	\$27,992.02	GEIS Parks Funds	--
TPB-9	Capital Region Construction	\$497,704.17	GEIS Parks Funds	55-2018/94-2018
TPB-10	Thorpe Electric Supply	\$657.65	GEIS Parks Funds	--
TPB-11	School Outfitters	\$5,908.60	71104.01 – Parks EQ	--
TPB-12	Lowe's	\$4,592.12	71104.01 – Parks EQ	--
TPB-13	ADC	\$2,100.00	GEIS Parks Funds	--
TPB-14	Passano Paints	\$924.00	GEIS Parks Funds	--
TPB-15	Cardiac Science Corporation	\$1,602.95	71104.01 – Parks EQ	--
TPB-16	Albany Fire Extinguisher	\$439.30	71104.01 – Parks EQ	--
TPB-17	AMS Security Plus	\$9,295.00	Parks EQ/GEIS Parks	--
TPB-18	B&G Foodservice Equipment	\$750.80	71104.01 – Parks EQ	--
TPB-19	Ferguson Waterworks	\$109.22	GEIS Parks Funds	--
TPB-20	Grimm Building Materials	\$768.40	GEIS Parks Funds	--
TPB-21	FW Webb Company	\$476.68	GEIS Parks Funds	--

TPB-22	J.McBain Electric	\$7,625.56	GEIS Parks Funds	--
TPB-23	Home Depot	\$169.37	GEIS Parks Funds	--
TPB-OM-1	Country True Value	\$610.71	GEIS Parks Funds	--
TPB-OM-2	Speedcor Container Service	\$1,515.50	GEIS Parks Funds	--
TOTAL PROJECT EXPENSE		\$615,170.99		
Approved GEIS Fund Use		\$498,850.00	Building Construction	55-2018/94-2018
Approved GEIS Fund Use		\$14,500.00	Architect	21-2018
71104.01 Parks EQ Line		\$20,000.00		55-2018
Donation Bank Account		\$60,000.00		55-2018
Additional Donation account funds		\$12,948.44		
Total to be Approved from GEIS Fund		\$8,872.55		

;and

WHEREAS, this resolution requires Town Board approval to approve the additional \$12,948.44 that was used from the Parks Donation Account (Total was \$72,948.44 at time of request, not \$60,000.00); and

WHEREAS, the GEIS Committee has approved the additional \$8,872.73 of construction related expenses to be paid out if the fees are collected through December 31, 2018; and

WHEREAS, the Town Comptroller confirms this will utilize the current Park Donation Funds and GEIS Recreation Funds to fund this Park Building project; and additional GEIS Recreation fees received thru 12/31/2018 will be applied to reimburse the balance used;

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the use of additional fees to be used from the Parks Donation 0087 Bank Account;

and be it further

RESOLVED, that the Town Board does hereby approve the use of additional GEIS Recreation Funds to cover all additional expenses related to the New Building Project at Town Park.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Warner and brought to a vote resulting as follows:

Councilor T. Tierney	VOTED:
Councilor G. Warner	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

ADJOURNMENT

Motion to adjourn by Supervisor Conway seconded by Councilor Warner and brought to a vote as follows:

Supervisor J. Conway	VOTED:
Councilor G. Warner	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

DRAFT