

## The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

#### TOWN BOARD AGENDA SPECIAL MEETING September 13, 2017

Call to Order
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present Absent

Supervisor Conway
Councilor DiMartino
Councilor Matters
Councilor Grant
Councilor Tierney

Schedule of Meeting:

**Open Public Privilege:** NOTE – 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. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

A Resolution Authorizing the Supervisor to Sign the Order on Consent R4-2017-0420-192 from the New York State Department of Environmental Conservation (DEC) and Pay the Civil Penalty Enumerated in the Order

**WHEREAS**, the Department of Environmental Conservation (DEC) is an agency of the State charged with jurisdiction over the protection of water quality; and

**WHEREAS**, the Town of East Greenbush owns and operates a Wastewater Treatment Plant at 80 Columbia Turnpike which holds a State Pollution Discharge Elimination System (SPDES) permit which sets effluent monitoring requirements; and

**WHEREAS**, the Town's Wastewater Treatment Plant had intermittent discharges in the period from November 30, 2015 to May 31, 2017 that exceeded the SPDES permit effluent limitations; and

**WHEREAS**, the Town also failed to submit the required Mercury Minimization Program (MMP) Annual Status Report by May 1, 2017; and

**WHEREAS**, the Town experienced two unpermitted sewage discharges on January 15, 2017 and August 26, 2017 at the 3<sup>rd</sup> Avenue Sewage Pumping Station; and

**WHEREAS**, these violations resulted in DEC issuing an Order on Consent, R4-2017-0420-192, and assessing the Town a civil penalty of \$50,000.00 of which \$40,000.00 will be suspended if a payment of \$10,000.00 is made by September 15, 2017; and

**WHEREAS**, the payment must be accompanied by the notarized signature of the Town Supervisor accepting the Order on Consent; and

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

| Fund   | Increase    | Decrease    |
|--|-------------|-------------|
| Allocated Sewers 7,8,9,10 Fund Balances @ GS 37%, HMS 13%, CS 13%, TAS 37% |             | \$10,000.00 |
| 8130.4 – Allocated Sewers 7,8,9,10 @ GS 37%, HMS 13%, CS 13%, TAS 37%      | \$10,000.00 |             |

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby authorizes the Town Supervisor to sign the DEC Order on Consent;

and be it further

**RESOLVED**, the Town Board of the Town of East Greenbush hereby authorizes the Town Comptroller to make a payment of \$10,000.00 to the Department of Environmental Conservation to satisfy the requirement of Order on Consent R4-2017-0420-192.

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

Supervisor Conway
Councilor DiMartino
Councilor Matters
Councilor Grant
Councilor Tierney

VOTED:
VOTED:
VOTED:

# 169-2017 Resolution Authorizing the Supervisor to Sign an Agreement with the NYS Environmental Facilities Corporation, Relating to Financing of a Certain Project

**WHEREAS,** the Town, over the past several months, has engaged in negotiations and discussions with the Environmental Facilities Corporation, relating to a proposed Project Finance Agreement; and

**WHEREAS,** the Project includes financing for the acquisition by the Town of a portion of water assets previously constructed and financed through the Rensselaer County Water and Sewer Authority, including upgrades at the Cross Street Pump Station and two 5,000,000 gallon finished water storage tanks; and

**WHEREAS,** such a project would improve the Town's water supplies, and reduce existing financing costs for which the Town is liable due to previous agreements; and

**WHEREAS**, the Town Board has concluded that entering into this agreement would be advantageous for the Town now, and for its future; and

**WHEREAS**, the Town Comptroller confirms that this resolution would be advantageous for the Town;

now, therefore, be it

**RESOLVED**, that the Supervisor is hereby authorized and directed to execute the Project Finance Agreement presented by EFC, and designated as "DWSRF" project no. 17139.

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

Supervisor Conway
Councilor DiMartino
Councilor Matters
Councilor Grant
Councilor Tierney
VOTED:
VOTED:

### 170-2017 Resolution Authorizing the Supervisor to Sign an Acquisition Agreement Relating to Water Facilities

**WHEREAS,** the Town, over the past several months, has engaged in negotiations and discussions with the Environmental Facilities Corporation, relating to a proposed Project Finance Agreement, to acquire certain water facilities owned by the Rensselaer County Water and Sewer Authority; and

**WHEREAS**, the Project will reduce existing financing costs for which the Town is liable due to previous agreements; and

**WHEREAS,** an element of this process, and a prerequisite for the completion of the project, is the execution of an acquisition agreement for the facilities from the Rensselaer County Water and Sewer Authorities; and

**WHEREAS**, the Town has been provided with a draft of the proposed Acquisition Agreement, draft which cannot be finalized until the Environmental Facilities Corporation confirms the date of the closing of its bonds; and

**WHEREAS**, the Town Comptroller confirms that this resolution would be advantageous for the Town;

now, therefore, be it

**RESOLVED**, that the Supervisor is hereby authorized to execute and deliver the Acquisition Agreement in substantially the draft form presented to the Town Board, with such changes as may be approved by the Supervisor, upon the advice of the attorney to the Town and bound counsel.

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

Councilor Matters

Supervisor Conway

Councilor DiMartino

Councilor Grant

Councilor Tierney

VOTED:

VOTED:

### **ADJOURNMENT**

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

| Supervisor Conway   | VOTED: |
|---------------------|--------|
| Councilor Grant     | VOTED: |
| Councilor DiMartino | VOTED: |
| Councilor Matters   | VOTED: |
| Councilor Tierney   | VOTED: |