

**TOWN OF GREENWICH AGENDA**

***January 12, 2021***

***Audit Meeting***

***7:00 p.m.***

Pledge of Allegiance to the Flag.

Roll Call.

Approval of Minutes: December 29, 2020.

CORRESPONDENCE.

2020 AUDIT REPORTS

- Town Justice
- Town Clerk
- Planning Board
- ZBA

COMMENTS FROM THE PUBLIC.

UNFINISHED BUSINESS:

1. ZBA, alternate, 2-year term appointment

NEW BUSINESS:

1. Presenting DPW/Local Law #1 of 2021
2. 2021 Attorney Agreement
3. B&L Waterline Agreement, updated

TRANSFERS/BUDGET AMENDMENTS.

AUDIT BILLS & AUTHORIZE PAYMENT.

ADJOURN MEETING.

Changes: Title changed from *Commissioner* to *Superintendent*; #15 rewritten

## LOCAL LAW #1 OF 2021

“A LOCAL LAW TO ELIMINATE THE ELECTED POSITION OF THE SUPERINTENDENT OF HIGHWAYS AND TO ELIMINATE THE TOWN HIGHWAY DEPARTMENT AND TO CREATE THE DEPARTMENT OF PUBLIC WORKS AND THE APPOINTED POSITION OF THE OFFICE OF THE SUPERINTENDENT OF PUBLIC WORKS.”

1. **Legislative Intent:** It is the legislative intent of the Town Board to eliminate the elected position of the Superintendent of Highways and to eliminate the Town Highway Department, and to create a Department of Public Works and the appointed position of the Office of the Superintendent of the Department of Public Works.
2. **Statutory Authority:** This local is enacted under the authority of Municipal Home Rule Law §§ 10, 22 and 23. The Town Board hereby expressly states its intention that this local law shall supersede any provision of the Town Law of the State of New York to the contrary, including but not limited to Town Law §20.
3. **Purpose:** The purpose of this legislation is to foster a more orderly operation, function and responsibility of the upkeep and maintenance of Town highways and other property which is owned and/or maintained by the Town, and to attract a wider applicant pool for the position of Superintendent of the Department of Public Works by those interested in the position and its duties, but who are not interested in campaigning and running for public office.
4. **Elimination of position and department:** The elected position of Superintendent of Highways is hereby eliminated and the Town Highway Department is hereby eliminated.
5. **Creation of position and department:** The appointed position of Superintendent of the Department of Public Works is hereby created and there is hereby established a Department of Public Works of the Town of Greenwich.
6. **Transfer of functions and responsibilities:** Except as set forth in Paragraphs 9 and 15, all of the duties, authority and power previously vested in the elected Superintendent of Highways shall be vested in the appointed Superintendent of the Department of Public Works and there is hereby transferred to the Department of Public Works the functions and responsibilities of the Town Highway Department now existing, and public improvements which may hereafter be created or may come under the jurisdiction of the Town Board.
7. **Additional functions:** All other functions and duties of the Department of Public Works as may be prescribed by law, or which the Town Board may determine and which are not inconsistent with law, are or shall become functions of the Department of Public Works at the request of the Town Board.
8. **Special improvement districts:** All costs and expenses incurred by the Department of Public Works or its officers, agents and employees on behalf of a special improvement district shall be charged against such district and paid from funds duly appropriated for the purposes of such district.

Changes: Title changed from *Commissioner* to *Superintendent*; #15 rewritten

9. **Functions of Superintendent:** The Superintendent of the Department of Public Works shall have supervision of and direction over the operation and maintenance of the functions of the Department of Public Works. The Superintendent of the Department of Public Works is hereby designated as an administrative office of the Town of Greenwich for the specific purpose of allowing the Superintendent of the Department of Public Works limited enforcement powers of those provisions of the Town Code that pertain to highway construction and specifications, and public safety issues having to do with Town Highways.
10. **Appointment of Superintendent and Deputy Superintendent:** The Superintendent of the Department of Public Works shall be appointed by the Town Board and shall be in the unclassified class of civil service. The Town Board may appoint a Deputy Superintendent and said Deputy Superintendent shall have the authority to act generally for, and in place of, the Superintendent in the event of his or her unavailability.
11. **Residency requirement:** The Superintendent of the Department of Public Works need not be a resident nor an elector of the Town of Greenwich, provided, however, that such person shall reside in Washington County or in an adjoining county within the State of New York.
12. **Supervision of Superintendent and Deputy Superintendent:** The Superintendent and Deputy Superintendent, if any, of the Department of Public Works shall be responsible to the Supervisor and the Town Board.
13. **Compensation of Superintendent and Deputy Superintendent:** The Superintendent and Deputy Superintendent, if any, shall be paid such salary as the Town Board may determine.
14. **Present employees to continue:** The employees of the Town Highway Department shall continue as employees in the Department of Public Works with the same classification, pensions, retirement rights, and privileges as they had prior to such transfer; provided, however, that nothing contained herein shall deprive the Town Board of any power it now has with respect to such employees.
15. **Power to appoint and dismiss:** The Superintendent of the Department of Public Works shall, in accordance with all applicable laws, have the authority to appoint, discipline and remove all employees of the Department.
16. **Reports, capital programs and budgets:** The Superintendent of the Department of Public Works shall report monthly to the Supervisor and Town Board concerning the operation, financial condition and financial needs of the Department and shall assist the Supervisor and Town Board in the preparation of capital programs and budgets.
17. **Powers of the Town Board and Supervisor:** Except as specifically provided herein, this chapter shall not be construed as delegating or transferring to the Superintendent any power of the Supervisor or Town Board pursuant to local laws or the Town Law of the State of New York.

Changes: Title changed from *Commissioner* to *Superintendent*; #15 rewritten

18. **Severability; conflict with other provisions; repeal:**

- A. If any section, subsection or sentence of this chapter is for any reason held invalid, it shall not affect the validity of the remaining portions of this chapter.
- B. All existing local laws or ordinances of the Town shall remain in full force and effect insofar as they conflict with the provisions of this chapter, in which case the provisions of this chapter shall prevail.
- C. All ordinances or parts of ordinances, all local laws or parts of local laws, all resolutions or parts of resolutions, all rules or parts of rules and all regulations or parts of regulations heretofore adopted or passed by the Town Board conflicting or inconsistent with this chapter or any part thereof are hereby annulled or repealed.

19. **Mandatory referendum:** This chapter shall be subject to a mandatory referendum, and shall not become effective unless and until it shall have been approved by a majority of the qualified electors of the Town of Greenwich voting on a proposition therefore submitted at a special election within the Town of Greenwich.

20. **Effective date:** This chapter shall take effect on June 1, 2020, as provide by law, only if approved by the qualified electors voting upon the proposition and the subsequent filing with the Secretary of State of the State of New York.

## DECEMBER 29, 2020

The Year-End Meeting of the Town Board of the Town of Greenwich was held at the Town Office Building, 2 Academy Street, Greenwich, New York on Tuesday, December 29, 2020 at 7:02 pm. Public attended via Zoom.

PRESENT:	Don Ward	Supervisor
	Pat Donahue	Councilman
	Steven Patrick	Councilman
	Jeff Duxbury	Councilman
	Eric Whitehouse	Councilman

Also Present: Clerk to the Supervisor Joanna Messina, Attorney to the Town David Klingebiel, Town Clerk Kim Whelan.

Supervisor Don Ward called the meeting to order and led the Pledge of Allegiance to the Flag. The Clerk called the roll.

New Business:

1) Approval of December 8, 2020 minutes.

RESOLUTION NO. 180 -20  
App. of Minutes 12/08/20

Resolution by Councilman Duxbury  
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the minutes of December 8, 2020 be approved and accepted as submitted.

2) Review of 2021 appointments. Annual appointments were reviewed for the January 5, 2021 Organizational Meeting. No changes.

3 ) 2021 Dog Control Agreement with Animal-Safe

RESOLUTION NO. 181-20  
Dog Control Agreement

Resolution by Councilman Patrick  
Seconded by Councilman Duxbury

and passed unanimously by said Board,

RESOLVED, The Board authorizes Supervisor Ward to sign the 2021 Agreement with Animal Safe – Home and Rehabilitation, LLC for dog control services.

4 ) Easton-Greenwich Rescue Squad Agreement

**DECEMBER 29, 2020**

**RESOLUTION NO. 182-20**  
Easton Greenwich Rescue Squad Agreement

Resolution by Councilman Duxbury  
Seconded by Councilman Patrick

and passed by said Board,

RESOLVED, The Board authorizes Supervisor Ward to sign the 2021 Agreement with Easton Greenwich Rescue Squad for general ambulance services.

Councilman Whitehouse abstained.

5 ) St. Joseph's/Summer Youth Agreement

**RESOLUTION NO. 183-20**  
St. Joseph's Church Agreement

Resolution by Councilman Whitehouse  
Seconded by Councilman Duxbury

and passed unanimously by said Board,

RESOLVED, The Board authorizes Supervisor Ward to sign the 2021 Agreement with St. Joseph's Church for use of its parish hall for the summer youth program.

6 ) Signing 2021 Fire Contracts

Board members signed contracts at the end of the meeting, after voucher authorization.

7 ) B.A.N. Renewal Resolution

**RESOLUTION NO. 184-20**  
B.A.N. Renewal 2019 DODGE RAM 3500Crew Cab

Resolution by Councilman Duxbury  
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

**BOND ANTICIPATION NOTE RESOLUTION**

**DATED DECEMBER 29, 2020**

**A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A**

**DECEMBER 29, 2020**

**\$18,240.00 BOND ANTICIPATION NOTE- 2021 OF THE TOWN OF GREENWICH, WASHINGTON COUNTY, NEW YORK IN ANTICIPATION OF THE SALE OF SERIAL BONDS FOR THE PURCHASE OF A 2019 DODGE RAM 3500 CREW CAB TRUCK VIN # 3C7WRTCJ3JG149752**

Be it this 29<sup>th</sup> day of December, 2020

**RESOLVED**, by the Town Board of the Town of Greenwich as follows:

Section 1. The Bond Anticipation Note, 2021 in the amount of **EIGHTEEN THOUSAND TWO HUNDRED FORTY and no/100 DOLLARS** (\$18,240.00) shall be issued by the Town of Greenwich for the purchase aforesaid in anticipation of the sale of Serial Bonds of the Town of Greenwich in the amount of **EIGHTEEN THOUSAND TWO HUNDRED FORTY and no/100 DOLLARS** (\$18,240.00). Said Note is hereby authorized by resolution adopted on December 29, 2020 entitled "**BOND ANTICIPATION NOTE- 2021 RESOLUTION DATED December 29, 2020. A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF A \$18,240.00 BOND ANTICIPATION NOTE- 2021 OF THE TOWN OF GREENWICH, WASHINGTON COUNTY, NEW YORK IN ANTICIPATION OF THE SALE OF SERIAL BONDS FOR THE PURCHASE OF A 2019 DODGE RAM 3500 CREW CAB TRUCK VIN # 3C7WRTCJ3JG149752.**"

This Bond Anticipation Note hereby authorizes a Renewal Note.

SECTION 2. The Note will be dated such date as the officers by their execution thereof will determine, will mature within one (1) year of issuance, and will bear interest at a rate not to exceed 1.50% per annum payable at maturity. Said Note will be payable as to both principal and interest in lawful money of the United States of America at **GLENS FALLS NATIONAL BANK AND TRUST**

## DECEMBER 29, 2020

**COMPANY**, Greenwich Branch, New York, and will be signed by the Supervisor of the Town of Greenwich and will be sealed with the seal of the Town of Greenwich and attested by the Town Clerk.

SECTION 3. The bond Anticipation Note shall be in substantially the following terms, form and content, to wit: **See attached pages 1 through 3**

SECTION 4. The faith and credit of the Town of Greenwich, Washington County, New York, is hereby pledged for the payment of principal and interest of the Bond Anticipation Note- 2021. The Bond Anticipation Note- 2021 shall be paid from the proceeds derived from the sale of the aforesaid Bonds or may be redeemed as provided by the Local Finance Law of New York State.

SECTION 5. The Supervisor of the Town Board of the Town of Greenwich is hereby authorized to sell such Bond Anticipation Note- 2021 at private sale for not less than par and accrued interest and a rate not exceeding the rate above specified. The Supervisor of the Town of Board of the Town of Greenwich is authorized to deliver such Bond Anticipation Note- 2021 to the purchaser upon payment of the purchase price and accrued interest, as above specified. The receipt of the Supervisor of the Town Board of the Town of Greenwich shall be full acquittance to the purchaser who shall not be obliged to see to the application of the purchase money.

SECTION 6. The Bond Anticipation Note - 2021 is not issued in anticipation of Bonds for as assessable improvement.

SECTION 7. This resolution shall take effect immediately. On December 29, 2020, the within Bond Anticipation Note Resolution was moved by Board Member Duxbury and seconded by Board Member Whitehouse and the vote was as follows:



**DECEMBER 29, 2020**

<u>Board Member</u>	<u>Voting</u>
Donald B. Ward	Yes
Jeff Duxbury	Yes
Steven Patrick	Yes
Patrick Donohue	Yes
Eric Whitehouse	Yes

The resolution was thereupon declared adopted.

**TRANSFERS/BUDGET AMENDMENTS:**

**RESOLUTION NO. 185-20**  
Transfers/Budget Amendments 12/29/20

Resolution by Councilman Patrick  
Seconded by Councilman Whitehouse

and passed unanimously by said Board,

RESOLVED, that the following budget amendments/transfers be approved:

- Transfer \$1,940.00 from A1990.4 – Contingent Account to A1420.4 – Attorney Contractual for legal services
- Transfer \$4,795.00 from NYCLASS Landfill Reserve to A8160.4 – Landfill for Yearly Landfill Closure Monitoring

**AUDIT BILLS & AUTHORIZE PAYMENT.**

**RESOLUTION NO. 186-20**  
Payt. of Bills 12/29/20

Resolution by Councilman Whitehouse  
Seconded by Councilman Duxbury

and passed unanimously by said Board,

RESOLVED, that the following vouchers on Abstract #2015 be approved and audited and the Supervisor be authorized to pay said bills from their respective funds:

Vouchers # 469 – 484 in the amount of \$18,993.10.

Motion by Councilman Whitehouse  
Seconded by Councilman Duxbury

**DECEMBER 29, 2020**

and passed unanimously by said Board,  
that the meeting be adjourned at 7:23 P.M.

Respectfully submitted,

Kimberly E. Whelan  
Town Clerk