



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA September 21, 2022

**Call to Order**                                 **7:00 PM**  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor J. Conway
<input type="checkbox"/>	<input type="checkbox"/>	Councilor T. Tierney
<input type="checkbox"/>	<input type="checkbox"/>	Councilor H. Kennedy
<input type="checkbox"/>	<input type="checkbox"/>	Councilor B Fritz
<input type="checkbox"/>	<input type="checkbox"/>	Councilor E. Nestler

### Communications/Announcements/Reports

**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. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

### Resolutions and Proposals by Town Board Members:

#### 209-2022     A Resolution to Approve Public Meeting Minutes

**WHEREAS**, the minutes of Town Board meeting, 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 Public Hearing held on August 10, 2022 at 5:45pm; 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 Public Hearing held on August 10, 2022 at 5:45pm are hereby approved as submitted.

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

Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

**210-2022 A Resolution to Approve Meeting Minutes**

**WHEREAS**, the minutes of the 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 Meeting held on August 17, 2022 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 Town Board Meeting held on August 17, 2022 are hereby approved as submitted.

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

Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

**211-2022 A Resolution Recognizing September as “CHILDHOOD CANCER AWARENESS MONTH” and September 28, 2022 as “East Greenbush Goes Gold Day”**

**WHEREAS**, the American Cancer Society reports that cancer is the leading cause of death by disease among United States children between infancy and age 15, and estimates that more than 10,000 children will be diagnosed with cancer each year; and

**WHEREAS**, although progress has been made in combating pediatric cancer, approximately 1,050 children younger than 15 years old will lose their battle with cancer; and many infants, children and teens will suffer from long-term side effects of comprehensive treatment, including secondary cancers; and

**WHEREAS**, there is significant progress that still must be made with regard to childhood cancer treatment; progress towards an effective treatment is painfully slow with dramatically fewer new FDA approved treatments for childhood cancer approved each year than for cancer in adults; and

**WHEREAS**, the designation of September as “Childhood Cancer Awareness Month” could increase the rate of early detection, lead to newer and improved treatments, and an overall higher survival rate for children diagnosed with the condition; and

**WHEREAS**, the Town of East Greenbush wishes to support the fight against childhood cancer in any way possible so that we may give any child afflicted with cancer the best chance possible; and

**WHEREAS**, “East Greenbush Goes Gold” is an initiative intended to raise awareness of the issue of childhood cancers, and this Board would like to support such a campaign to help raise awareness in honor of young patients, their loved ones, and all those who support them; now, therefore, be it

**RESOLVED**, that September 2022 is designated "Childhood Cancer Awareness Month" in the Town of East Greenbush to promote awareness of pediatric cancer and to support the brave children who battle cancer every day; and be it further

**RESOLVED**, that the Town Board encourages participation in Go Gold in September by designating Wednesday, September 28, 2022 as “East Greenbush Goes Gold” Day. and be it further

**RESOLVED**, that the September 28, 2022 designation of “East Greenbush Goes Gold” Day will be in memory of Sean Jucha.

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

Councilor T. Tierney	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**212-2022      A Resolution Recognizing October as “BREAST CANCER AWARENESS MONTH” and Friday October 14, 2022 as “East Greenbush Goes Pink Day”**

**WHEREAS**, the American Cancer Society estimates that approximately 287,850 women will receive a diagnosis of breast cancer in 2022, making this disease the most frequently diagnosed cancer among women other than skin cancers; and

**WHEREAS**, the 2.3 million breast cancer survivors living in the United States today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

**WHEREAS**, through research and advocacy, significant advances have been made in the fight against breast cancer; and

**WHEREAS**, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the lifesaving message of early detection and the importance of having annual mammograms; and

**WHEREAS**, throughout the month of October, organizations, health care practitioners, and municipalities throughout New York are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to observe the month with appropriate activities and programs that encourage annual mammograms; and

**WHEREAS**, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month;

now, therefore, be it

**RESOLVED**, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and has designated October 14, 2022 as “East Greenbush Goes Pink” Day.

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

Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor E. Nestler	VOTED:

**213-2022 A Resolution Recognizing October as “DOMESTIC VIOLENCE AWARENESS MONTH” and October 21, 2022 as “East Greenbush Goes Purple Day”**

**WHEREAS**, domestic intimate partner violence is violence or aggression that occurs in a close relationship including current and former spouses and dating partners; and

**WHEREAS**, data from the CDC’s National Intimate Partner and Sexual Violence Survey indicate approximately 1 in 3 women and nearly 1 in 4 men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime; and

**WHEREAS**, many of the 10 million women and 5 million men who reported experiencing this violence also indicated that they first experienced these or other forms of violence by that partner before the age of 18; and

**WHEREAS**, domestic violence takes many forms, including physical violence, sexual assault, economic control, psychological/emotional abuse, or a combination of more than one of these and violence and can vary in frequency and severity and occurs on a continuum, ranging from one episode to chronic and severe episodes over a period of years; and

**WHEREAS**, the Town of East Greenbush wishes to support Domestic Violence Awareness Month by raising awareness of the prevalence and dangers of domestic violence between intimate partners;

now, therefore, be it

**RESOLVED**, that to shine light on the subject of domestic violence and potentially reduce the number of acts each year the Town Board recognizes October to be Domestic Violence Awareness Month;

and be it further

**RESOLVED**, that the Town Board encourages participation in the Unity House Domestic Violence Program by designating October 21, 2022 as “East Greenbush Goes Purple” Day in memory of victims, and in honor of survivors throughout our community.

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

Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**214-2022 A Resolution Recognizing September as “MUSCULAR DYSTROPHY AWARENESS MONTH”**

**WHEREAS**, each year, September is recognized as Muscular Dystrophy Awareness Month an annual observance that raises awareness and critical funds for families across the nation who are living with Muscular Dystrophy, ALS, Myotonic Dystrophy and related neuromuscular diseases; and

**WHEREAS**, events throughout the month support MDA’s mission to empower the neuromuscular disease community that the organization serves to live longer, more independent lives while accelerating research and advancing care; and

**WHEREAS**; these disorders are thought to affect more than 300,000 U.S. families; and

**WHEREAS**, muscular dystrophy is a group of diseases that weakens the muscles of the body, some types of muscular dystrophy form during childhood, while others begin to appear later in life. These disorders make it difficult to move and often result in the loss of the ability to walk; and

**WHEREAS**, currently there is no cure available to stop or reverse the effects of these conditions;

now, therefore, be it

**RESOLVED**, that the Town Board declares September to be Muscular Dystrophy Awareness Month;

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

Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

**215-2022 A Resolution Accepting the Resignation of Part Time Police Dispatcher Michael J. Benson**

**WHEREAS**, part-time Dispatcher Michael J. Benson, has submitted his resignation from the East Greenbush Police Department Emergency Communications Center effective immediately; and

**WHEREAS**, this Board extends its thanks to Michael J. Benson for his 19 years of service to the residents of the Town; 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 resignation of Michael J. Benson, effective August 18, 2022, is hereby accepted.

The foregoing resolution was duly moved by Councilor Tierney seconded by Councilor Fritz and voted as follows:

Councilor T. Tierney	VOTED:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:

**216-2022 A Resolution Approving the 2023 Policy Year Changes for Capital District Physicians Health Plan (CDPHP) and MVP Plan as Health Insurance Options for Town Employees**

**WHEREAS**, in 2022, the Town of East Greenbush offered employees the CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan; and

**WHEREAS**, the Director of Finance, after reviewing renewal options for 2023, has recommended that we continue to offer employees the CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan again; and

**WHEREAS**, the MVP Platinum – EPO 1 Plan has a 7.1% increase over the 2022 rates, and the CDPHP Platinum 130 EPO Copayment Plan has a 9.6% increase over the 2022 rates making these the lowest rates available to the Town and employees; and

**WHEREAS**, the Director of Finance and the Human Resources Manager will continue to review the changes that are made to plans for 2023 to see if these plans will remain beneficial to employees and the Town, or if other insurance options will need to be considered to provide a sustainable benefits program for the Town and employees; and

**WHEREAS**, the Director of Finance has used the rates provided to the Town for MVP and CDPHP to adequately account for Health Insurance projections in the 2023 Tentative Budget During meetings with the Town’s insurance broker in 2021, Amsure, it was advised that in 2022 we may see significant increases for 2023 due to the current pandemic and costs associated with it. Currently, NYSHIP The Empire Plan, is projecting a 7% increase in rates for 2023 through New York State; and

**WHEREAS**, the Town Comptroller confirms that this resolution has a material impact on the Town’s finances budgeted to the 2023 Medical Insurance Account 90608 for operating funds;

now, therefore, be it

**RESOLVED**, that the Town of East Greenbush’s policy year for medical insurance will remain December 1, 2022 – November 30, 2023, and the Town will offer a choice of CDPHP Platinum 130 EPO Copayment Plan and the MVP Liberty Exclusive Provider Organization (EPO) 1 Plan to employees.

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

Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:

**217-2022 A Resolution Authorizing the Supervisor to Execute an Inter-Municipal Agreement With the City of Rensselaer for Repairs and Upgrades to the Cross Street Pump Station**

**WHEREAS**, pursuant to New York State General Municipal Law Article 5-G the Town of East Greenbush is authorized to participate in and approve Municipal Cooperation Agreements with nearby municipalities for joint cooperative Multi-Jurisdictional Projects, and has approved such agreements in the past, in the best interests of the residents of the Town of East Greenbush; and

**WHEREAS**, the Town of East Greenbush has carefully reviewed the attached Inter-Municipal Agreement with the City of Rensselaer for repair and upgrades to the jointly owned Cross Street Pump Station servicing the Joint Water District of the Municipalities, and believes approval of same is in the best interests of the residents of the Town of East Greenbush; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material financial impact that is yet to be determined;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby approves and ratifies the attached Inter-Municipal Agreement with the City of Rensselaer, and authorizes the Town Supervisor to execute such agreement on behalf of the Town of East Greenbush.

The foregoing resolution was duly moved by Supervisor Conway 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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**218-2022 A Resolution Granting a Waiver to Adam Tobey from the Town's Residency Requirement**

**WHEREAS**, on May 27<sup>th</sup>, 2020 the Town Board (Resolution 124-2020) approved the adoption of Local Law No. 2 of 2020, repealing Local Law No. 1 of 1971 replacing certain provisions to create a Conservation Advisory Council (CAC); and

**WHEREAS**, Local Law No. 2 of 2020 Section 3 states that members of the CAC shall reside within the Town of East Greenbush; and

**WHEREAS**, Adam Tobey was appointed to the CAC by the Town Board (Resolution 26-2021) on January 20, 2021; and

**WHEREAS**, Adam Tobey is a member of the Zoning and Subdivision Update Steering Committee as a representative of the CAC; and

**WHEREAS**, Adam Tobey has positively contributed to the CAC and Steering Committee with his breadth of knowledge; and

**WHEREAS**, the Town Board does waive residency requirements for Town of East Greenbush positions of employment from time to time; and

**WHEREAS**, Adam Tobey will be moving to an adjacent community following the purchase of a home; 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 hereby grants a waiver to Adam Tobey from the Town’s residency requirement for a period of time, effectively immediately

This 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 B. Fritz	VOTED:
Councilor R. Nestler	VOTED:

**219-2022 A Resolution for the Town Board Request to act as Lead Agency for the Mabey’s Realty Proposed Storage Warehouse and Retail Buildings Major Site Plan (PZD# 19-02a)**

**WHEREAS**, Hart Engineering on behalf of Mabey’s Realty, Inc.; located at 486 3<sup>rd</sup> Avenue Extension, Rensselaer, NY, 12144, has submitted site plan review and special use permit applications for ‘phase two’ of project located at 486 3<sup>rd</sup> Avenue Extension, Tax Parcel No. 144.-3-6.2; and

**WHEREAS**, the application was accompanied by a proposed site plan, Full Environmental Assessment Form Part 1, and other submittals; and

**WHEREAS**, the original approval of Mabey’s located at 486 3<sup>rd</sup> Avenue Extension included a proposed ‘phase two’ for development of a single-story 15,000 sq. ft. building proposed for multi-tenant retail/commercial and a single-story 5,460 sq. ft. retail/commercial building; and

**WHEREAS**, approval of original ‘phase two’ could be reviewed by Planning Board at a future date as a site plan modification if it was “substantially similar” to proposal at time of original approval; and

**WHEREAS**, the proposal is found to not be substantially similar it is therefore considered a major site plan review consisting of a proposed single-story 30,425 sq. ft. warehouse building and a single-story 5,460 sq. ft. retail/commercial building; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of this Unlisted Action;

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

**RESOLVED**, as follows:

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)
2. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project.
3. The Director of Planning and Zoning must initiate coordinated review and distribute a lead agency coordination letter be to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project.

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



Councilor T. Tierney	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**220-2022 A Resolution to Issue Major Site Plan Approval for Project known as ELP 13 Morner Road (PZD File #22-06)**

**WHEREAS**, ELP Greenbush Solar LLC (“ELP”), authorized representative of Herbert Binck (“Owner”), has submitted an application for major site plan development for a large-scale solar energy development (“project”) located at 13 Morner Road, Town of East Greenbush, New York.; and

**WHEREAS**, the project consists of a two-lot subdivision on Tax Map I.D. SBL: 145.-2-2 which would subdivide the parcel so that an existing single family home would be on proposed Lot No. 1, 13.12 +/- acres, to be maintained by current Owner and proposed Lot No. 2 would consist of 24.79 +/- acres to be purchased by ELP for construction of an access road and utility poles to support a large-scale solar energy development in North Greenbush; and

**WHEREAS**, all solar arrays associated with the large-scale solar energy development are proposed within the Town of North Greenbush on Tax Map I.D. SBL: 145.-8-19; and

**WHEREAS**, in accordance with Local Law 3 of 2022, a local law amending the Solar Energy Law for the Town of East Greenbush, as enacted by Local Law 1 of 2017, all large-scale solar energy applications shall be considered a major site plan; and

**WHEREAS**, on July 27, 2022 the Town of East Greenbush Planning Board (“Planning Board”) recognized the Town of North Greenbush Planning Board as lead agency on this project having received notice to this effect and having no objection, the North Greenbush Planning board did classify the action as Type 1 under SEQRA and issued a negative declaration for the proposed project on June 27, 2022; and

**WHEREAS**, the Town Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “ELP Greenbush Solar” 16 sheets in total as prepared by Environmental Design Partnership, LLP dated February 1, 2022 most recently revised June 22, 2022; and

**WHEREAS**, the Planning Board did carefully considered the regulations established in Local Law 3 of 2022, including site plan approval design standards which are supplemental to those site plan requirements under Section 4.3 of the Town’s Comprehensive Zoning Law; and

**WHEREAS**, the Planning Board did conduct public hearings on August 10, 2022 on said major site plan, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application and Special Use Permit; and

**WHEREAS**, the Planning Board did carefully considered the comments of the Town of North Greenbush Planning Board, the Laberge Group, consulting engineers for the Town of North Greenbush, as well as the responses to those comments and recommendations provided by the Applicant and recommended on August 10, 2022 that the Town Board recognize the Town of North Greenbush as lead agency under SEQRA and approve the major site plan; and

**WHEREAS**, the Town Board had a duly noticed public hearing on September 14, 2022 on the application and carefully considered all comments received; and

**WHEREAS**, the Town Comptroller confirms this resolution will have no material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, the Town of East Greenbush Town Board recognizes the Town of North Greenbush Planning Board as lead agency on this project having received notice to this effect and having no objection, the North Greenbush Planning Board did classify the action as Type 1 under SEQRA and issued a negative declaration for the proposed project on June 27, 2022; and be it further

**RESOLVED**, that the Town Board approves the major site plan application as set forth in the Site Plans entitled, “ELP Greenbush Solar” 16 sheets in total as prepared by Environmental Design Partnership, LLP dated February 1, 2022 most recently revised June 22, 2022, subject to the following conditions:

1. Final approval conditions by the Town of North Greenbush are met.
2. In accordance with Local Law 3 of 2022, ELP or the operator, shall promptly notify the East Greenbush Town Board and Planning Board of any change to the information contained in the permit application, including changes that may arise from ongoing North Greenbush review. Changes that do not materially alter the initial site plan may be administratively accepted by the Planning and Zoning Department.
3. Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town’s Planning and Zoning Department.
4. Prior to issuance of a building permit, any remaining fees must be paid to the Town.
5. The plans are subject to conditions of the Special Use Permit approval by the Planning Board, if any, and must be modified accordingly. The plans must also include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of this approval.
6. A Town of East Greenbush Department of Public works highway work permit must be obtained for all work within the Town’s right-of-way.
7. In accordance with ongoing NYSDEC review and final approval, tree cutting restrictions for northern long-eared bats are applicable to this project. No trees greater than 3”d.b.h. shall be cleared between March 31 and November 1.
8. ELP, or operator, shall notify the Town Building Inspector and the responding fire department(s) at least three business days prior to the initial energization of the solar energy system. Following such notification, the Building Inspector, or their designee, shall be permitted by the operator to be present for the initial energization of the solar energy system. Failure to comply with the requirements of this provision shall constitute a violation of the building permit.
9. Site access shall be maintained, including snow removal at a level acceptable to the responding fire department(s) and emergency medical services. All means of emergency shut down and/or disconnection of the large-scale solar energy system shall be clearly marked.
10. ELP, or operator, shall be responsible for the cost of maintaining the large-scale solar energy system and any access road(s), unless accepted as a public way.
11. ELP, or operator, shall identify a responsible person with contact information for public inquiries from the commencement of construction of the large-scale solar energy system until the completion of the decommissioning plan.
12. If the operator changes, the special use permit and/or site plan approval shall remain in effect, provided that the successor operator assumes in writing all of the obligations of the special use permit and site plan approval. The new operator shall notify the Building

Inspector and the Town Board of such change within 30 days of the change. The new operator must provide such notification to the Building Inspector and the Town Board in writing. The special use permit and all other local approvals for the solar energy system shall become void if a new operator fails to provide written notification to the Building Inspector in the required time frame. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under Local Law 3 of 2022.

13. Solar energy system installer shall comply with all licensing and other requirements of the jurisdiction and the state, as determined by the Building Inspector.
14. All permits required under the NYSDEC Uniform Procedures Act for impacts to regulated waters, if any, must be in place prior to MS4 acceptance of the SWPPP. A formal SWPPP has not yet been submitted for this project, once submitted the Town of North Greenbush, the Laberge Group, consulting engineers for the Town of North Greenbush and the Town of East Greenbush will review the SWPPP.
15. Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
16. ELP or the property owner must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.
17. The special use permit and site plan approval for a solar energy system shall be valid for a period of 24 months. If a building permit is issued for construction within such period, then the special use permit and site plan approval shall not expire. The Town Board may extend the time for issuance of a building permit by up to two consecutive extensions of 12 months each. If a building permit has not been issued within such 24 month period, as it may be extended, the special use permit and site plan approval will expire.
18. A condition shall be added on landscaping plan that the height of trees be 5' to 6' at time of planting in East Greenbush
19. That ELP or operator or construction company include signage along the path of truck travel to direct construction vehicles to the parcel.
20. That the driving of piles be limited to the hours of 9am to 5pm, Monday-Friday.
21. That all parking during construction or when site is active be on the approved parcel and not on Morner Road or Best Road.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**221-2022 A Resolution to Appoint John Battle to the Board of Assessment Review**

**WHEREAS**, John Battle was appointed to the Board of Assessment Review on April 20, 2022 to finish the term of a member who resigned their position; and

**WHEREAS**, the term in question was scheduled to expire on September 30, 2022; and

**WHEREAS**, John Battle did an excellent job on the Board of Assessment Review this year and the Board wishes for him to continue; and

**WHEREAS**, the expiration of the term leaves a vacancy on the Board that must be filled with a new five-year appointment; 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 of the Town of East Greenbush hereby appoints John Battle to a new five-year term on the Board of Assessment Review, with the term ending on September 30, 2027.

This resolution was duly moved by Councilor Nestler and seconded by Supervisor Conway and brought to a vote resulting as follows:

Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:

**222-2022 A Resolution to Appoint Nanci Hicks to the Position of Clerk-PT in the Department of Public Works**

**WHEREAS**, the Department of Public Works has a need for a part-time clerk due to the resignation of the Secretary to the Commission at the end of July 2022; and

**WHEREAS**, Nanci Hicks had held this job for four years as a part-time employee but retired when the position became a full-time appointment; and

**WHEREAS**, the Department needs someone to cover the office and phones on a part-time basis; and

**WHEREAS**, the Town Comptroller confirms that this resolution is budgeted in 2022 with account 14901.01 Public Works Administration;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment of Nanci Hicks, at the rate of \$20.00 per hour on a part-time basis;

and be it further

**RESOLVED**, that this appointment is effective beginning October 3, 2022.

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

Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor E. Nestler	VOTED:

**223-2022 A Resolution to Accept the Resignation for Purposes of Retirement of Daniel Speed**

**WHEREAS**, Daniel Speed has been a valued employee of the Town of East Greenbush since March 2, 2004, working for many years as the Mechanic in the Highway Department; and

**WHEREAS**, Daniel Speed has submitted his letter of resignation for purposes of retirement specifying September 30, 2022 as his last day of work; 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 of the Town of East Greenbush hereby accepts the resignation for purposes of retirement of Daniel Speed;

and be it further

**RESOLVED**, that the Town Board thanks Daniel Speed for his years of tireless, effective service for Town residents and wishes him the best in all of his future endeavors;

and be it further

**RESOLVED**, that this resignation for purposes of retirement is effective as of September 30, 2022.

This resolution was duly moved by Supervisor Conway and seconded by Councilor Fritz and brought to a vote resulting as follows:

- |                      |        |
|----------------------|--------|
| Supervisor J. Conway | VOTED: |
| Councilor B. Fritz   | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor E. Nestler | VOTED: |

**224-2022 A Resolution to Accept the Resignation for Purposes of Retirement of Romaine Corellis**

**WHEREAS**, Romaine Corellis has been a valued employee of the Town of East Greenbush since August 1, 2002, working for many years as the Mechanic in the Highway Department; and

**WHEREAS**, Romaine Corellis has submitted his letter of resignation for purposes of retirement specifying August 31, 2022 as his last day of work; 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 of the Town of East Greenbush hereby accepts the resignation for purposes of retirement of Romaine Corellis;

and be it further

**RESOLVED**, that the Town Board thanks Romaine Corellis for his years of tireless, effective service for Town residents and wishes him the best in all of his future endeavors;

and be it further

**RESOLVED**, that this resignation for purposes of retirement is effective as of August 31, 2022.

This resolution was duly moved by Supervisor Conway and seconded by Councilor Fritz and brought to a vote resulting as follows:

Supervisor J. Conway VOTED:  
Councilor B. Fritz VOTED:  
Councilor T. Tierney VOTED:  
Councilor H. Kennedy VOTED:  
Councilor E. Nestler VOTED:

**225-2022 A Resolution Authorizing the Commissioner of Public Works to Utilize a Cash Bond to Complete the Top Course of Paving on Country Meadow Drive**

**WHEREAS**, on June 6<sup>th</sup>, 2008, the Town of East Greenbush received a cash bond from the Torre-Krey Development Group for the top course of paving on Country Meadow Drive; and

**WHEREAS**, the Developer has made no attempt to complete the top course of paving since 2008; and

**WHEREAS**, the binder course of asphalt was starting to show signs of neglect; and

**WHEREAS**, the Department of Public Works has been plowing Country Meadow Drive since 2008 and consider it to be a Road by Use; and

**WHEREAS**, the Commissioner of Public Works along with the Director of Planning, the Planner and the Building Inspector met with the Developer most recently in 2024 to discuss remaining building lots; and

**WHEREAS**, the Developer mentioned that he gave a cash bond to the Town of East Greenbush in 2008; and

**WHEREAS**, the Commissioner of Public Works requested that the road needed to be paved with the final top course; and

**WHEREAS**, the Commissioner of Public Works and the Director of Planning have not received the necessary documentation to pursue a new building permit since the most recent meeting with the developer in 2022; and

**WHEREAS**, the Commissioner of Public Works is seeking authorization from the Town Board to utilize the \$27,500.00 bond to pay for the remaining top course of paving for Country Meadow Drive; and

**WHEREAS**, the paving project was completed on September 1<sup>st</sup>, 2022 at a cost of \$26,336.52; and

**WHEREAS**, the Town Comptroller believes this will not have a material impact to the Town's finances due to money that was held in escrow since 2008;

now, therefore, be it

**RESOLVED**, the Town Board authorizes the Commissioner of Public Works to utilize the monies escrowed for the top course of paving on Country Meadow Lane from Torre-Krey Development Group.

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

Councilor H. Kennedy VOTED:  
Councilor B. Fritz VOTED:  
Supervisor J. Conway VOTED:  
Councilor T. Tierney VOTED:  
Councilor E. Nestler VOTED:

**226-2022 A Resolution Authorizing the Commissioner of Public Works to Replace the Dump Body on the Water Department F450 Vehicle (Truck #42)**

**WHEREAS**, the Water Department Vehicle (VIN # 1FDUF4HY2CEB43262) is a F450 dump body pickup (Truck #42) that was purchased in 2012; and

**WHEREAS**, the dump body of the vehicle is in need of replacement due to the amount of use over the past 10 years; and

**WHEREAS**, the Commissioner of Public Works obtained 3 quotes from companies that specialize in this type of replacement; and

**WHEREAS**, the dump body would be replaced with a DYNAPRO 9’ 3-4 yard dump body similar to the existing one on the vehicle; and

**WHEREAS**, the lowest price obtained was from DEJANA Truck and Utility Equipment for a price of \$11,485.00; and

**WHEREAS**, any purchase over \$10,000.00 requires Town Board approval; and

**WHEREAS**, the replacement of the dump body would be funded from Water Fund Balance (W917) and transferred to budget code 83404.05; and

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
SW-915 Consolidated General Water Fund Balance		\$11,485.00
8340.4 – Transmission/ Distribution CE	\$11,485.00	

**WHEREAS**, the Town Comptroller believes this will have a material impact to the Town finances;

now, therefore, be it

**RESOLVED**, the Town Board authorizes the Commissioner of Public Works to replace the dump body on the Ford F450 Dump Truck #42 for the price of \$11,485.00.

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

Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor B. Fritz	VOTED:

**227-2022 A Resolution to Authorize the Supervisor to Sign a New Contract with Council 82 AFSCME, AFL-CIO, Local 1571 – East Greenbush**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 16, 2022; and

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of a Proposed Police Contract for the years 2022, 2023, and 2024; and

**WHEREAS**, the Town Board recognizes the outstanding work of the East Greenbush police force and believes it to be imperative that our unionized employees always have a fair and current contract in place; and

**WHEREAS**, the Town Comptroller confirms that the proposed salary increase for 2022 will have a material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, that the Town Board does hereby enter into the Contract with Council 82 AFSCME, AFL-CIO, Local 1571 – East Greenbush for the period of January 1, 2022 – December 31, 2024 with all the terms and conditions agreed by the parties;

and be it further

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to enter into and sign the aforesaid Contract by and on behalf of the Town Board.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**228-2022 A Resolution to Appoint Amanda Hanks to the Position of Clerk in the Water and Sewer Billing Office on a Provisional Basis**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 18, 2022; and

**WHEREAS**, the position of Clerk in the Water and Sewer Billing Office became vacant when Stacey Crain retired from her position on August 22, 2022; and

**WHEREAS**, the Water and Sewer Billing Office requires the services of two clerks, the vacant position was advertised and applications solicited; and

**WHEREAS**, the interviews were conducted by the Town Supervisor, Director of Finance and the Deputy Commissioner of Public Works; and

**WHEREAS**, the candidate was interviewed and stood out because of her direct experience with billing and other relevant administrative responsibilities; and

**WHEREAS**, the Town Comptroller confirms that this position was included in the 2022 budget;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby appoints Amanda Hanks to the position of Clerk in the Water and Sewer Billing Office;

and be it further

**RESOLVED**, that this appointment will be effective as of October 3, 2022 and will be compensated at the rate specified in the CSEA contract.

This resolution was duly moved by Councilor Kennedy and seconded by Councilor Fritz and brought to a vote resulting as follows:

Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor E. Nestler	VOTED:



**229-2022 A Resolution to Schedule a Hearing to Solicit Resident Input on the Future of the Bridge on Old Troy Road (BIN 2201570)**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 18, 2022; and

**WHEREAS**, on June 21, 2022, the Town received a verbal notice from the New York State Department of Transportation (DOT) that the bridge on Old Troy Road (BIN 2201570) received a Red Flag Notice (1B22HSW006); and

**WHEREAS**, the Red Flag Notice was issued for Critical Bearing Area Web Section Loss at Both Abutments; and

**WHEREAS**, after an initial engineering review to inform our plan to repair the bridge, the Town issued a Public Notice entitled “Old Troy Road Bridge Closed to Heavy Vehicle Traffic Until Further Notice;” and

**WHEREAS**, as soon as the Bridge was closed, the Town started receiving input from neighborhood residents with strong opinions both in favor of keeping it closed and in favor of re-opening it; and

**WHEREAS**, the Town was required to make the Bridge safe and re-open it because any decision to close the Bridge would have to be made by the Town Board; and

**WHEREAS**, the Town Board would like to hear from people who would be affected by any decision we make; 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 of the Town of East Greenbush hereby schedules a Hearing to solicit input on the future of the Bridge on Old Troy Road for October 12, 2022 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush.

This resolution was duly moved by Supervisor Conway and seconded by Councilor Nestler and brought to a vote resulting as follows:

Supervisor J. Conway	VOTED:
Councilor E. Nestler	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:

**230-2022 A Resolution Authorizing the Solicitation of Bids for the Demolition of 7 New Jersey Avenue**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 18, 2022; and

**WHEREAS**, the Building Inspector has inspected the house and detached garage at 7 New Jersey Avenue and identified it as an unsafe structure and issued an Order of Condemnation to the property owner on September 16th, 2022; and

**WHEREAS**, with 7 New Jersey Avenue being identified as an Unsafe Structure, the structure requires immediate action to avoid a direct hazard or imminent danger to health and safety, and it is recommended that this structure be demolished; and

**WHEREAS**, in 2021 the Town declared an Emergency and solicited bids to demolish 10 Smith Lane as the property posed imminent danger to the health and safety of the neighboring homes; and

**WHEREAS**, the Director of Finance will prepare an Invitation to Bid to submit to local companies that specialize in the demolition of properties and believes that with a quick bid period (meets publication minimum requirement of 5 days after publishing) that the Town would be able to demolish the structure in a timely fashion without the need to declare a formal emergency; and

**WHEREAS**, the Town Comptroller confirms that there is no material impact in soliciting bids for demolition.

now, therefore, be it

**RESOVLED**, that the Town Board does hereby authorize the solicitation of bids for the demolition of 7 New Jersey Avenue.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**231-2022 A Resolution to Schedule a Hearing on the Demolition and Removal of Premises at 7 New Jersey Avenue in the Town of East Greenbush**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 20, 2022; and

**WHEREAS**, the Town Board has received an Order of Condemnation from Kevin Hitchcock, Building Inspector, reciting that the home at 7 New Jersey Avenue in the Town has suffered structural damage from snow and lack of maintenance, is unsecured, and constitutes an imminent danger to the health, safety and welfare of the public; and

**WHEREAS**, the Town Board wishes to follow the procedures set forth in Chapter 44 of the Town Code, relating to unsafe buildings; and

**WHEREAS**, the Town Board has considered the report from the Building Inspector, and has determined that the building is unsafe and dangerous, and should be demolished and removed; and

**WHEREAS**, Chapter 44 of the Town Code requires that a hearing be held before a demolition is carried out; 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 shall hold the hearing required by Chapter 44 of the Town Code on October 12, 2022, at 5:50 p.m;

and it is further

**RESOLVED**, that the Town Board directs the Town Attorney to serve the notice set forth in Section 44-6 of the Code upon the owners as set forth in Section 44-7 of the Code, and to file such notice in the Office of the County Clerk of the County of Rensselaer.

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

Supervisor J. Conway	VOTED:
Councilor E. Nestler	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:

**232-2022      A Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 20, 2022; and

**WHEREAS**, a Project US 9 and 20 Sidewalk Construction P.I.N. 1043.58 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and ROW Incidentals

**NOW, THEREFORE**, the Town Board duly convened does hereby

**RESOLVE**, that the Town Board hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the Town Board hereby authorizes the Town of East Greenbush to pay in the first instance 100% of the federal and non-federal share of the cost of Design and ROW Incidentals work for the Project or portions thereof; and it is further

**RESOLVED**, that the additional sum of \$ 117,000.00 in Federal Funds and \$ 40,000.00 in State Funds totaling \$157,000.00 is hereby appropriated from budget code 51124.03.004.103, appropriated pursuant to and made available to cover the cost of participation in the above phases of the Project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

**RESOLVED**, that the Town Supervisor of the Town of East Greenbush be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of East Greenbush with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

**RESOLVED**, this Resolution shall take effect immediately

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**233-2022 A Resolution Authorizing the Town of East Greenbush to Invest with NYCLASS Cooperative Investment Fund as an Option**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 14, 2022 and was subsequently presented to the Town Board on September 20, 2022; and

**WHEREAS**, New York General Municipal Law, Article 5-G, Section 119-o (“Section 119-o”) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, town and villages, and districts] to enter into, amend, cancel and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers and duties on a cooperative or contract basis; and

**WHEREAS**, the Town of East Greenbush wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019; and

**WHEREAS**, the Town of East Greenbush wishes to assure the safety and liquidity needs of their funds; and

**WHEREAS**, the Town of East Greenbush wishes to generate additional returns for the Town by having another deposit investment option; and

**WHEREAS**, the Town Comptroller confirms this resolution has no material negative impact on Town finances;  
now, therefore, be it

**RESOLVED** that the Town Board does hereby formally authorize the Town Supervisor to open Town of East Greenbush accounts with NYCLASS cooperative investment fund, as an option up to \$10,000,000.00.

This resolution was duly moved by Councilor Fritz and seconded by Councilor Kennedy and brought to a vote resulting as follows:

Councilor B. Fritz	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor E. Nestler	VOTED:

**ADJOURNMENT**

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

Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor B. Fritz	VOTED:
Councilor E. Nestler	VOTED: