



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES January 20, 2021

Call to Order 7:00 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 B. Fritz

Summary of Town Board Meeting in Minutes below. Please see following link for full meeting content: <https://www.youtube.com/watch?v=q5161AlqLyQ>

Communications/Announcements/Reports

Councilor Tierney – Extended congratulations and best of luck to our retirees. Also thanked police committee on our community survey. Encouraged more residents to take survey and to spread the word. Thanked Judge Mocerine for sending below court update.

Update from Judge Jessica Mocerine and Judge Kevin Engel:

An update from East Greenbush Town Court on behalf of Town Justices Jessica Mocerine and Kevin Engel.

Judge Mocerine took her oath of office on December 31, 2020 and she is excited about her four year term serving as Town Justice for the residents of East Greenbush.

Based on the recent uptick in COVID-19 positive cases in the State of New York, the Unified Court System has moved to again reduce foot traffic in courthouses to protect the health and safety of litigants, lawyers, court staff and judges. For Town Courts limits have again been placed on what types of cases or matters can be conducted in-person.

In East Greenbush Town Court, the Judges have the capability to hear cases virtually and since the end of November has begun conducting virtual arraignments when necessary.

With regard to vehicle and traffic matters, there are instructions of the Town Court webpage for sending in traffic tickets and how to have your ticket processed through the mail.

Currently all civil actions are stayed as no bench trials or hearings may be conducted and there is an eviction moratorium in place.

The East Greenbush Town Court will continue to hear criminal cases by conducting criminal conferences virtually with attorneys and litigants using Microsoft Teams or by phone.

Town Justices Engel and Mocerine would like to thank their court clerks for all their hard work and dedication, as court protocols have changed frequently and they have kept the Court running smoothly and efficiently.

Thank you.

Councilor Kennedy – Update on Community and Recreation Department. Town Motto suggestions are still being accepted. Please email mmartin@eastgreenbush.org. This will continue for two more weeks. Reservations are being accepted for 2021 for the Red Barn and pavilion. Heated bathrooms at the Town Park are still in progress and should be completed next month.

Councilor Matters – Mentioned our country has a lot to look forward to with our new administration today, as well as the states and local government. Shared his appreciativeness of the retirees. Hopes this year will be a year of recovery in terms of public health.

Councilor Fritz – Reminded residents to keep safe and that COVID is still an issue. Hopeful more vaccines will be rolling out. Also extended congratulations to all of our retirees and hope they enjoy their retirement.

Supervisor Conway – Updated on Town Hall. It is technically closed, however, majority of staff are back working. Commended Town Staff (Town Hall, Police Department and DPW) on a great job in 2020. Stated we did get the job done and we are continuing to get the job done. Reassured residents and if you need anything to please call and we will help.

Assistant Police Chief Jon Reickert – Stated virus had gone through a few of our members. Everyone is now back to work and back to protocols. Regarding vaccinations, we met criteria for first responders. Almost everyone has received their first vaccine. It's being looked into, yet DOH is recommending the few that had a positive test to wait the 90 days before getting vaccine.

Town Clerk, Ellen Pangburn – Shared that she received a very nice Thank You note from the Bielawa Family for Veterans Day raking and the wonderful job done. The family extended thanks to all volunteers, including Councilor Tierney and her son Dylan, Christine Blake, Jean Probst, as well as a few other CHS parents and about 10 other CHS students. Councilor Tierney mentioned it's one of the best events to participate in and thanked Mike Martin for organizing it.

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.

Resident David Terpening commented on the following resolutions: 8, 17, 19, 20, 27, 28, and 30

Resolutions and Proposals by Town Board Members:

01-2021 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 December 16, 2020 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 December 16, 2020 are hereby approved as submitted.

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

Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

02-2021 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 Town’s 2021 Organizational Meeting held on January 4, 2021 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’s 2021 Organizational Meeting held on January 4, 2021 are hereby approved as submitted.

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

03-2021 A Resolution to Recognize February as AFRICAN AMERICAN HISTORY MONTH in the Town of East Greenbush

WHEREAS, in 1926 the Association for the Study of Negro Life and History announced that the second week of February would be ‘Negro History Week’ because it coincided with the birthdays of Abraham Lincoln (February 12) and Frederick Douglass (February 14); and

WHEREAS, with the Civil Rights movement and a growing awareness of black identity fostered by the work of our Civil Rights pioneers; and

WHEREAS, from these origins the celebration of the contributions of African Americans to American society increased on an annual basis leading the Black United Students at Kent State University to propose in 1969 that the celebration be expanded to encompass the entire month of February, a proposal that was implemented at Kent State in 1970; and

WHEREAS, within six years Black History Month was being celebrated in educational institutions and community centers all over the country; and

WHEREAS, President Gerald Ford officially recognized Black History Month during the celebration of the United States Bicentennial in 1976 urging his fellow Americans to “seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history;” and

WHEREAS, the month-long celebration, now known as African American History Month, has been officially recognized at the Federal, State and Local levels of government; and

WHEREAS, the contributions of African Americans from all walks of life and their endeavors to learn, thrive and contribute throughout history makes it imperative that we recognize the unforgettable marks made by African American artists, scientists, educators, business people, influential thinkers, members of the faith community, athletes, and political and governmental leaders who have contributed so much to the greatness of America;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush recognizes February, 2021 as African American History Month in the Town of East Greenbush, and encourages everyone to acknowledge and learn about the contributions of African Americans to our Town, State and Nation;

and be it further

RESOLVED, that the Town Board dedicates African American History Month to the memory of Edmonia Lewis, a 19th century Greenbush native and a woman who struggled with racial and gender discrimination to go on to become a world famous sculptor.

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: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

04-2021 A Resolution Recognizing February 5, 2021 as National GO RED FOR WOMEN DAY in the Town of East Greenbush

WHEREAS, the Town Board of the Town of East Greenbush seeks to continue to recognize and support National Go Red For Women Day in support of women’s heart health; and

WHEREAS, the Go Red for Women campaign is designed to advocate for more research and swifter action for women’s heart health issues by wearing red and donating to this campaign we help support educational programs to increase women’s awareness and critical research to discover scientific knowledge about cardiovascular health;

now, therefore, be it

RESOLVED, that The Town Board of the Town of East Greenbush hereby officially recognizes February 5, 2021 as National Go Red for Women Day in the Town of East Greenbush

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

Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

05-2021 A Resolution Authorizing the Supervisor to Enter into Agreements for Sewer Services with Individuals/Entities

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, does annually enter into an Agreement for Sewer Services with the following Individuals/Entities: Anthony and Samantha Ayala; Dean and Doris Calamaras; Sean Palmer and Amy Bartlett-Palmer; Mary A. Sturn; Love Lutheran Church; Samantha Tedford and Jason Bauer, and Rita Bernardo; 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 Supervisor of the Town of East Greenbush is hereby authorized to enter into an Agreement for the General Sewer District connections of the aforementioned, at a sum not to exceed One Thousand and Thirty Seven Dollars (\$1,037.00) each; said Agreement to be valid throughout the year 2021 and to expire on December 31, 2021, and that these charges shall be billed to the owner in four (4) equal installments of (\$259.25 each) during the quarterly billing months of February, May, August and November 2021.

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

Councilor R. Matters	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES

06-2021 A Resolution Scheduling a Public Hearing to Consider a New Contract with the Best Luther Fire Company, Inc.

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, County of Rensselaer, State of New York, will hold a Public Hearing on the 10th day of February, 2021, at 6:40 p.m. in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in East Greenbush, New York or by virtual means, to consider the entry into a new contract between the Town of East Greenbush and the Best Luther Fire Company, Inc. which agreement will include certain conditions as set forth in the proposed contract and the payment of the sum of \$142,000.00 by the Town of East Greenbush to the Best Luther Fire Company, Inc. for such Fire Protection.

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

Councilor B. Fritz	VOTED: YES
Councilor R. Matters	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

07-2021 A Resolution Scheduling a Public Hearing to Consider a New Contract with the Best Luther Fire Company, Inc., on Behalf of the Third Avenue Fire Protection District, Inc.

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, County of Rensselaer, State of New York, will hold a Public Hearing on the 10th day of February, 2021 at 6:50 p.m. in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in East Greenbush, New York or by virtual means, to consider the entry into a new contract between the Town Board of the Town of East Greenbush and the Best Luther Fire Company, Inc., which agreement will include certain conditions as set forth in the proposed contract and the payment of the sum of \$10,198.00 by the Town of East Greenbush to the Best Luther Fire Company, Inc. for such Fire Protection.

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

Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES

08-2021 A Resolution Accepting the Resignation of John Herrington

WHEREAS, John Herrington was appointed to the East Greenbush Public Works Department, on November 22, 1999; and

WHEREAS, John Herrington has submitted a letter of resignation to the Town of East Greenbush on December 28th, 2020 effective January 4th, 2021 for the purposes of retirement after over twenty one years of service to the Town of East Greenbush; and

WHEREAS, the Town Comptroller believes at this time 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 accepts the resignation of John Herrington and expresses appreciation to John for his years of service to the Town, and wishes him the best as he begins his retirement.

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

Councilor H. Kennedy	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor T. Tierney	VOTED:	YES
Councilor R. Matters	VOTED:	YES
Councilor B. Fritz	VOTED:	YES

09-2021 A Resolution Accepting the Resignation of Richard Williams

WHEREAS, Richard Williams was appointed to the East Greenbush Public Works Department, Highway Division on September 19, 1980; and

WHEREAS, Richard Williams has submitted a letter of resignation to the Town of East Greenbush on December 14th, 2020 for the purposes of retirement after over forty years of service to the Town of East Greenbush; and

WHEREAS, the Town Comptroller believes at this time 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 accepts the resignation of Richard “Rick” Williams and expresses appreciation to Rick for his many years of dedicated service to the Town, and wishes him the best as he begins this next chapter in his life.

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:	YES
Supervisor J. Conway	VOTED:	YES
Councilor H. Kennedy	VOTED:	YES
Councilor R. Matters	VOTED:	YES
Councilor B. Fritz	VOTED:	YES

Supervisor Conway – Expressed his gratitude and thanks to Rick for his great work for over 40 years.

Councilor Tierney – Mentioned she will miss Rick and his big smile. Wishes him the best.

Councilor Matters – Congratulated Rick for all of his years of service.

10-2021 A Resolution Accepting the Resignation of Nanci Hicks

WHEREAS, Nanci Hicks was appointed to the East Greenbush Public Works Department, as Secretary to the Public Works Commissioner on March of 2016 ; and

WHEREAS, Nanci Hicks has submitted a letter of resignation to the Town of East Greenbush effective January 21st, 2021 for the purposes of devoting more time to retirement and her family after nearly ten years of service to the Town of East Greenbush; 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 accepts the resignation of Nanci Hicks and expresses appreciation to Nanci for her years of service to the Town, and her support of the Commissioner, the residents of East Greenbush, and the employees of the Department of Public Works.

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

Councilor H. Kennedy	VOTED:	YES
Councilor R. Matters	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor T. Tierney	VOTED:	YES
Councilor B. Fritz	VOTED:	YES

Supervisor Conway – Mentioned she did a great job, and had a unique ability in working in this position.

11-2021 A Resolution to Appoint Taylor E. Tibbetts to the Position of Secretary to the Commission of Public Works

WHEREAS, the Department of Public Works has a vacancy for a Secretary upon the retirement of Nanci Hicks; and

WHEREAS, the administrative workload of the Department of Public Work has increased with the addition of new residential developments, expansion of the MS-4 program, and active pavement and storm sewer management requiring a full time Secretary to provide the appropriate level of support to the Commissioner and to town residents; and

WHEREAS, Taylor E. Tibbetts has demonstrated competence in the job of Secretary in covering the administrative desk at the Department of Public Works on a part time basis; and

WHEREAS, Taylor E. Tibbetts would be an excellent addition to the Department of Public Works on a full-time basis based on her skill in handling the job on a part time basis as well as her positive interactions with both residents and employees of the department; 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 appoints Taylor Tibbetts to the position of Secretary to the Commission of Public Works as a permanent appointment in a non-competitive class at an annual salary of \$32,480.00;

and be it further

RESOLVED, that this appointment shall be effective as of January 21, 2021.

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

Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES

Supervisor Conway – Thanked Taylor for her work with Community and Recreation Department. Stated she is very creative and technically savvy.

Councilor Kennedy – Mentioned the great job she did in community services and congratulated her on her new position.

Councilor Matters – Added this is a great transitional move within the town and filled by someone well qualified.

12-2021 A Resolution to Appoint Jacob L. Hallenbeck to the Position of Laborer in the Department of Public Works

WHEREAS, the Department of Public Works has an existing vacancy for the position of Laborer at the Transfer Station; and

WHEREAS, the Commissioner of Public Works solicited applications for the position; and

WHEREAS, applications were received and reviewed, and interviews were conducted by the Commissioner of Public Works, Deputy Commissioner of Public Works and the Highway General Foreman; and

WHEREAS, Jacob L. Hallenbeck was unanimously selected as the most qualified candidate for the position due to his technical and customer service experience; and

WHEREAS, the Town Comptroller has confirmed that this appointment can be funded with the 2021 budget code 81601.01.01;

now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of Jacob L. Hallenbeck to the position of Laborer in the Department of Public Works, Transfer Station, at the rate of \$21.5511 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment will be effective as of January 19th, 2021.

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:	YES
Councilor B. Fritz	VOTED:	YES
Supervisor J. Conway	VOTED:	YES

Councilor T. Tierney
Councilor R. Matters

VOTED: YES
VOTED: YES

Supervisor Conway – Mentioned this is another really good hire for the town.

13-2021 A Resolution Authorizing Adjustments in Sewer and Water Fees and Sewer Surcharge Rates for 2021

WHEREAS, the Town of East Greenbush has long established fees for the issuance of sewer and water permits as required by Town Code; and

WHEREAS, these permit fees were last adjusted in 2018; and

WHEREAS, it is necessary to adjust the fees occasionally to cover the Town’s cost of materials and labor, and processing of sewage that exceeds certain levels of Biochemical Oxygen Demand (BOD’s) and Total Suspended Solids (TSS) as permitted by NYS DEC; 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 adopts the pricing for sewer and water permits and sewer surcharges as shown in the attached schedules effective January 1, 2021, and

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

Councilor R. Matters	VOTED:	YES
Councilor B. Fritz	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor T. Tierney	VOTED:	YES
Councilor H. Kennedy	VOTED:	YES

14-2021 A Resolution to Authorize a Public Auction of a Surplus Vehicle and Miscellaneous Equipment

WHEREAS, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare the following Department of Public Works Vehicle and Equipment as surplus; and

WHEREAS, said vehicle and equipment consists of the following:

- 2004 Chevrolet Pickup Truck, VIN Number: 2GCEK19T141393407
- Dura Blue diaphragm pump
- Gorman-Rupp diaphragm pump
- Stone plate compactor
- Jumping jack tamper
- Wedge walk-behind saw
- Saw Tech FS-60 hydraulic walk-behind saw
- Hydraulic chain saw
- One Easy Lawn hydro-seeder
- One Stone 3” discharge trash pump
- One (no brand) 3” discharge trash pump

WHEREAS, the above listed vehicle and equipment is not economically repairable and cannot be used in another department; 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 above listed vehicle and equipment is hereby declared as surplus; and be it further

RESOLVED that the Commissioner of Public Works be authorized to conduct a public auction, sale or lawfully dispose of said surplus equipment now owned by and in the custody of the East Greenbush Public Works Department.

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

Councilor H. Kennedy	VOTED:	YES
Councilor R. Matters	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor T. Tierney	VOTED:	YES
Councilor B. Fritz	VOTED:	YES

15-2021 A Resolution Authorizing a Water System Capacity Analysis Utilizing Stantec Consulting Services Inc. and Authorizing use of GEIS Funds

WHEREAS, the Town of East Greenbush has a number of residential and commercial developments pending approval by the Planning and Zoning Board; and

WHEREAS, Water Department Personnel have observed that, at high demand periods during 2020, the Cross Street pump station which provides water to the General Water system in the Town of East Greenbush and the City of Rensselaer ran continuously to keep up with demand; and

WHEREAS, the ability of the water system to provide adequate water for future growth in the Town of East Greenbush and the City of Rensselaer is an issue that needs to be analyzed and the results of this analysis documented; and

WHEREAS, a request for mini bid for accomplishing this task was circulated to the Town's list of designated engineering firms; and

WHEREAS, Stantec Consulting Services has submitted a proposal that meets the specifications of the mini bid; and

WHEREAS, the GEIS Committee has recommended to the Town Board that this is an appropriate use of GEIS Water and Sewer funds; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$5,500.00 from the General Assigned Fund Balance GEIS Water & Sewer Fund for this expense less the appropriate portion from the City of Rensselaer to be determined;

Fund	Transfer in	Transfer out
GEIS Water & Sewer Fund Balance A-915		\$5,500.00

GEIS Water & Sewer Appropriations 80304.01.04	\$5,500.00	
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now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into a contract with Stantec Consulting Services Inc. to perform a Water System Capacity Analysis in accordance with the attached response to task order request #TO-20-010-0 Mini-Bid in a lump sum amount not to exceed \$5,500.00,

and, be it further

RESOLVED, that the Town Board of the Town of East Greenbush affirms that this contract is an eligible use of GEIS funds, and hereby authorizes the use of such funds.

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: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

16-2021 A Resolution Authorizing the Town Supervisor to Sign a Contract Amendment with H2M Architects and Engineers to Provide Additional Professional Services in Connection with the Construction of Upgrades to the Third Avenue and Barracks Road Pump Stations and Authorizing the use of GEIS Funds

WHEREAS, in connection with the growth and development along the Tempel Lane corridor, including the construction of Regeneron’s Tempel Lane Campus, the Town has identified the public need for the construction of certain improvements to the sanitary sewer collection and conveyance system; and

WHEREAS, Resolution 75-2020 was adopted on March 20, 2020 authorizing the Town Supervisor to sign an agreement with H2M Architects and Engineers (hereafter“H2M”) to provide detailed design consulting services to design the necessary improvements to the subject pump stations to accommodate the projected increased flow resulting from Regeneron’s Tempel Lane Campus; and

WHEREAS, as part of the initiation of the detailed design process Town staff and H2M evaluated the 2019 Feasibility Study and preliminary design prepared by Tighe and Bond, a process that included meetings with involved agencies, NYSDEC and NYSDOT; and

WHEREAS, as a result of this evaluation process, H2M and the Town identified some design features which need to be included with the Third Avenue and Barracks Road pump station upgrades, and which are summarized in H2M’s October 5, 2020 memorandum and December 20, 2020 letter proposal; and

WHEREAS, in accordance with a recommendation from the Town’s GEIS Policy Committee, the Town Board previously authorized the use of a portion of the SEQRA mitigations fees paid to the Town by Regeneron for these mitigation projects (Resolution 132-2019) including replacement of the pump stations, as set forth in the Regeneron Development Agreement; and

WHEREAS, the cost of the design, construction administration, and construction inspection for the additional items required is estimated to be \$134,200.00, while the total amount of the amended contract with H2M remains below \$800,000.00, the amount budgeted for the phase of the project as set forth in Resolution 132-2019 and the Regeneron Development Agreement; and

WHEREAS, the Town Comptroller confirms that this resolution will be funded by GEIS fees as per the Regeneron Development Agreement charged to 81204.03.04.100; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into a contract amendment with H2M Architects and Engineers to provide the additional services to advance the pump station replacement following approval of said contract as to form by the Attorney to the Town; and be it further

RESOLVED, that the Town Board of the Town of East Greenbush affirms that the contract amendment is an eligible use of GEIS funds in accordance with Town Board resolution 132-2019 and the Regeneron Development Agreement and hereby authorizes the use of such funds.

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: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Supervisor Conway – Noted on Friday (January 22, 2021), will be first meeting on consolidating sewer districts with Bill Ryan and Mary Beth Bianconi.

17-2021 A Resolution Authorizing the Purchase of One (1) Freedom Trailer Model 6x12 SA to Replace the Current Police Firearms Trailer and Supplement the Car Seat Installation Program

WHEREAS, the Chief of Police has recommended the purchase of one (1) Freedom Trailer Model 6x12 SA to the Town Board as necessary equipment that will assist the East Greenbush Police Department transport and store firearms range equipment, and store and transport car seats as necessary for the departments car seat installation program; and

WHEREAS, the Town Board agrees with the Chief of Police that these are important factors in realizing its commitment to public safety in the Town of East Greenbush; and

WHEREAS, the Town of East Greenbush requested quotes from three (3) vendors including a quote through Imperial Trailer, a preferred contracted vendor, for one (1) Freedom Trailer Model 6x12 SA; and

WHEREAS, a quote was submitted by Imperial Trailer in the amount of \$3,535.00; and

WHEREAS, the Town Comptroller confirms that this resolution has no material impact on the Town's finances; A917(1) General Fund -31204.01.04 Police CE now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the expenditure of \$3,535.00 to purchase one (1) Freedom Trailer Model 6x12 SA as described above.

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

Councilor T. Tierney	VOTED:	YES
Councilor B. Fritz	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor H. Kennedy	VOTED:	YES
Councilor R. Matters	VOTED:	YES

18-2021 A Resolution Authorizing the Town Supervisor to Sign the Online Auction Contract with Auctions International Inc.

WHEREAS, the Department of Public Works and the Police Department currently have accounts with Auctions International, Inc. to auction surplus equipment and vehicles; and

WHEREAS, the Director of Finance believes it would be beneficial for the Town to have a generic Auctions International Inc., account to sell any surplus equipment or furniture; and

WHEREAS, most municipalities take advantage of this forum to sell surplus equipment and furniture; 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 Supervisor is hereby authorized to sign the two year Online Auction Contract with Auctions International, Inc. upon review and approval by the Attorney for the Town.

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

19-2021 A Resolution to Settle a Tax Certiorari Case With Greenbush Hospitality, Inc.

WHEREAS, Greenbush Hospitality Inc. and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Greenbush Hospitality Inc. 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 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 accept a proposed settlement for the 2018 and 2019 tax certiorari proceedings filed by Greenbush Hospitality Inc. in which the 2018 and 2019 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>
2018	155.-7-1.12	\$6,825,200	\$5,265,000	\$1,560,000
2019	155.-7-1.12	\$6,825,200	\$5,200,000	\$1,625,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2020, 2021 and 2022 assessment rolls;

and be it further

RESOLVED that Greenbush Hospitality Inc 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 Greenbush Hospitality Inc. 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 Tierney and brought to a vote resulting as follows:

Councilor R. Matters	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

20-2021 A Resolution to Settle a Tax Certiorari Case With Greenbush Associates, LLC

WHEREAS, Greenbush Associates, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to properties owned by Greenbush Associates, 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 confirms that this resolution will have a material impact on the Towns finances;

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2018, 2019 and 2020 tax certiorari proceedings filed by Greenbush Associates, LLC in which the

2018 and 2019 proceedings shall be dismissed by Petitioner and the 2020 assessed value of the subject properties shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>New Assessed Value</u>	<u>Reduction</u>
2020	155.-6-1.224	\$8,304,200	\$5,134,120	\$3,170,080
2020	156.-2-1.112	\$9,884,400	\$7,301,101	\$2,583,299
2020	156.-2-1.12	\$6,824,400	\$5,527,400	\$1,297,000

Real Property Tax Law §727 shall apply and shall be extended by an additional two (2) years, by agreement of the parties, and the 2020 assessments shall remain unchanged for the 2020, 2021, 2022, 2023 and 2024 assessment rolls.

The Town agrees to waive the revaluation and update provisions of RPTL §727(2) (a) and (b), with such waiver to extend through the 2024 Town of East Greenbush Assessment Roll. In addition, the provisions of RPTL §727(2)(g) shall be modified to require a thirty-five percent (35%) change in the occupancy rate as a minimum threshold to allow a change to the assessment roll, rather than the statutory twenty-five percent (25%). All other language contained in RPTL §727(2)(g) shall remain unchanged;

and be it further

RESOLVED that Greenbush Associates, LLC shall not be entitled to a refund of excess taxes, but shall be entitled to a reduction of any special assessment district charges for the 2020 tax year;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Greenbush Associates, 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 Kennedy and brought to a vote resulting as follows:

Councilor R. Matters	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES

21-2021 A Resolution Authorizing the Town of East Greenbush to Pay Music Licensing Fees to ASCAP (American Society of Composers, Authors and Publishers)

WHEREAS, the Town of East Greenbush Community and Recreation Department hosts a Music in The Park summer concert series each year; and

WHEREAS, music licensing is required to be obtained by all venues hosting live music, or playing music of any kind that might prevent royalties from being paid to original artists; and

WHEREAS, the Town of East Greenbush is required to obtain licensing through ASCAP for the Music in The Park series, as well as the End of Summer Festival for 2021; and

WHEREAS, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances and will be charged to account 71404.01 Community and Recreation CE;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute the ASCAP License agreement, and authorize payment not to exceed \$450.00.

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

Councilor H. Kennedy	VOTED:	YES
Councilor R. Matters	VOTED:	YES
Supervisor J. Conway	VOTED:	YES
Councilor B. Fritz	VOTED:	YES
Councilor T. Tierney	VOTED:	YES

22-2021 A Resolution Authorizing the Town of East Greenbush to Pay Movie Licensing Fees to Swank Motion Pictures

WHEREAS, the Town of East Greenbush Community and Recreation Department hosts a “Movie in The Park” each summer; and

WHEREAS, in 2020, the Town of East Greenbush successfully held a Movie in the Park event while following COVID-19 restrictions; and

WHEREAS, movie licensing is required to be obtained by all venues showing motion pictures, so as not to prevent royalties from being paid to original artists; and

WHEREAS, the Town of East Greenbush is required to obtain licensing for the Movie in the Park events for 2021; and

WHEREAS, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances and will be charged to account 71404.01 Community and Recreation CE;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute the Swank Motion Picture License agreement, and authorize payment not to exceed \$500.00

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

23-2021 A Resolution Authorizing the Town Supervisor to Cancel the 4th Quarter 2020 Sick Leave Incentive for Non-Union (Non-Exempt) Town Employees

WHEREAS, the Employee Handbook Updated and Re-Adopted by Town Board Resolution on December 20th, 2017, states that the Town will provide sick leave incentive to full time employees. Full time employees will be entitled to a sick leave bonus of two hundred-fifty (\$250.00) dollars for each quarter of the calendar year in which they do not use any sick leave. For example, if during October, November and December of 2020, the employee used no sick leave, then the employee would have been entitled to a sick leave bonus of two hundred fifty (\$250.00) dollars. Per the handbook, sick leave incentive will not be awarded if an employee is

inactive during the quarter (i.e., on leave of absence, workman’s compensation) or if the employee has taken any time off, other than vacation, holiday or personal time; and

WHEREAS, the Employee Handbook states that the quarterly sick leave incentive is offered to encourage employees to save their sick leave; and

WHEREAS, the Town of East Greenbush suspended normal business operations on December 8th, 2020 due to an outbreak of the COVID-19 virus within the Town Hall building located at 225 Columbia Turnpike in Rensselaer, NY and consequently suspended the time and attendance, and vacation/personal/sick leave policies outlined within the Employee Handbook; and

WHEREAS, non-union (non-exempt) Town Employees were not required to charge sick leave accruals during the period of December 7th, 2020 through December 27th, 2020 for time periods that they were inactive due to the necessity to adhere to mandatory quarantine directives issued by the Rensselaer County Department of Health and due to the COVID-19 global pandemic; 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 4th Quarter Sick Leave Incentive for non-union (non-exempt) staff, which covers the time period December 7th, 2020 through December 27th, 2020, will be cancelled due to the COVID-19 protocol afforded to non-union (non-exempt) staff during this time period – specifically the direction that non-union (non-exempt) staff did not have to utilize their accruals for inactive work time required for mandatory quarantine directives.

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

Supervisor Conway	VOTED: YES
Councilor Tierney	VOTED: YES
Councilor Matters	VOTED: YES
Councilor Kennedy	VOTED: YES
Councilor Fritz	VOTED: YES

24-2021 A Resolution to Schedule a Special Meeting of the East Greenbush Town Board

WHEREAS, from time to time, the East Greenbush Town Board must hold business meetings in addition to the regularly scheduled monthly meetings; and

WHEREAS, the Comprehensive Plan Steering Committee (CPSC) has transmitted a draft of the updated Comprehensive Plan for the Town of East Greenbush to the Town Board for its review, approval and adoption; and

WHEREAS, the Town Board review of the draft update of the Comprehensive Plan is a critical part of the process of securing a plan that meets the short and long-term needs of the Town, with provisions for smart, sustainable growth, protection of natural and historic resources, a range of new housing options and more; 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 schedules a special meeting for January 27, 2021 at 6:00 p.m. by virtual means so that the Board can hold a

Workshop on the draft update to the Town’s Comprehensive Plan and attend to any other business that may be brought to the attention of the Board.

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

Supervisor J. Conway	VOTED: YES
Councilor B. Fritz	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES

Supervisor Conway – Stated this will be a workshop on the Comprehensive Plan and Adam Yagelski will be joining and facilitating discussion.

25-2021 A Resolution Authorizing the Town Supervisor to Enter Into an Agreement with Stantec Consulting Services, Inc. to Provide Consultant Support Related to the Lakeshore Drive Complete Streets Phase 1 Project

WHEREAS, the need to implement complete streets improvements on Lakeshore Drive has been identified in order to address multi-modal traffic operations, increase safety for all modes, and increase healthy transportation and recreation opportunities; and

WHEREAS, the need for complete streets improvements has been most recently codified in the 2017 Amenities Plan, which outlined a vision for a separate shared use path facility, and has been more recently reaffirmed by a public survey supporting an unsuccessful 2019 grant application and the comprehensive plan update process, which recommends that the Town “continue to work with residents in Hampton Lake neighborhood to identify a pedestrian loop path around the lake”; and

WHEREAS, in order to achieve the vision set forth in the 2017 Amenities Plan within the context of limited resources but also to best position the Town to leverage future grant funding opportunities as it may become available, the Town desires to begin a multi-phase effort, the first phase of which will be preparing a traffic engineering study for transforming Lakeshore Drive into a one-way street (“Lakeshore Drive Complete Streets Phase 1” project); and

WHEREAS, the Town Board authorized (resolution 244-2019) the Director of Planning and Zoning to solicit bids to prepare a traffic engineering study for transforming Lakeshore Drive into a one-way street with existing conditions analysis, traffic engineering, stakeholder engagement, and cost estimation (“Consultant Support”) as part of the Study effort; and

WHEREAS, the Town received four (4) responses to its mini-bid, an evaluation committee (“Committee”) was formed consisting of Town staff and the Town Supervisor, and the Committee recommends the selection of Stantec Consulting Services, Inc. to provide the services as outlined in their December 18, 2020 proposal and under the Term Services Agreement between Stantec Consulting Services, Inc. and the Town; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances;
now therefore be it

RESOLVED, that the Town Board hereby approves the selection of Stantec Consulting Services, Inc. to provide Consultant Support Related to the Lakeshore Drive Complete Streets Phase 1 Project;

and be it further

RESOLVED, that the Town Board hereby authorizes funding for the Consultant Support in an amount not to exceed \$15,200.00;

and be it further

RESOLVED, that the Town Supervisor be and is hereby authorized to sign a Task Order agreement with Stantec Consulting Services, Inc. for services not to exceed \$15,200.00 to provide Consultant Support Related to the Lakeshore Drive Complete Streets Phase 1 project.

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

Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES

26-2021 A Resolution Appointing Adam Tobey to the East Greenbush Conservation Advisory Council

WHEREAS, the Town Board created the East Greenbush Conservation Advisory Council (the “Council”) by adopting Local Law 2 of 2020 on May 26, 2020; and

WHEREAS, Local Law 2 of 2020 provides that the Town Board appoint no fewer than five (5) and no more than seven (7) members to the Council to serve for terms of two (2) years with the first three (3) initial appointments being staggered and consisting of terms of one (1) year each; and

WHEREAS Local Law 2 of 2020 also provides that persons residing within the Town of East Greenbush who are interested in or have specific skills and training relative to preservation of natural resources, open space conservation and the improvement of environmental quality shall be eligible for appointment as a member of the Council; and

WHEREAS, Adam Tobey is a Town resident, has expressed an interest in preservation of natural resources, open space conservation, and the improvement of environmental quality, has experience with environmental field work, and has post-graduate training in urban and regional planning with a focus on environmental planning; 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 appoints Adam Tobey to the East Greenbush Conservation Advisory Council for a term not to exceed one (1) full year.

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: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

27-2021 A Resolution Opposing NYSDEC’s Issuance of A Permit Amendment to Authorize the Importation and Processing of Imported Materials at the Onderdonk Ridge Mine for Re-Sale Purposes, Including the Importation of Sand Originating From the SA Dunn Landfill

WHEREAS, on July 31, 2020, the Town received from NYSDEC notice that the operator of the Onderdonk Ridge Mine on US Routes 9 & 20 (the “Mine”), had filed a complete application for the operator’s proposal to amend their existing mining permit in order to import up to 60,000 tons per year of sand and clay from the Regeneron construction project and the Dunn C&D facility, as well as 6,000 tons per year of humus/organic materials for blending to create topsoil; and

WHEREAS, on August 28, 2020, the Town issued a response to NYSDEC’s notice and in accordance with NYSDEC’s request and the MLRL that outlined a number of concerns relating to setbacks, dust, hours of operation, and the fact that mining on the site, which is zoned Corporate Office Only, is not a permitted use and that expansion or enlargement of permitted mining activities, as a pre-existing non-conforming use, would not be allowed; and

WHEREAS, in addition, in the response to NYSDEC, the Town expressed concerns that the proposed activities, while ostensibly “mining,” and proposed to be included under the operator’s existing MLRL permit, were not, in fact, mining activities but, rather, constitute manufacturing and sale of topsoil, which is also not permitted in this zone; and

WHEREAS, on October 27, 2020 NYSDEC issued a permit amendment to the operator of the Onderdonk Ridge Mine (the “Mine”) that allows importation to and processing of materials at the Mine with the intent that the materials would be offered for re-sale; and

WHEREAS, the permit amendment now allows within the previously permitted 12.9 acre sand and gravel mine on-site topsoil manufacturing, including the importation of soil and rock materials from construction sites and the importation of organic compost materials for the topsoil, and according to NYSDEC staff, sand from the SA Dunn Landfill for topsoil manufacturing purposes may continue to be imported into the Onderdonk Ridge Mine for up to ten (10) years; 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 declares its strenuous opposition to the NYSDEC’s October 27, 2020 issuance of a permit amendment to authorize the importation and processing of imported materials at the Onderdonk Ridge Mine for re-sale purposes, including and in particular the importation of sand originating from the SA Dunn Landfill; and
and be it further

RESOLVED, that the Town Board hereby respectfully requests that NYSDEC reconsider whether the above-referenced amendment for the Onderdonk Ridge Mine was properly issued to allow for the importation of materials for the manufacture of topsoil for re-sale purposes, and for any imported materials used for reclamation purposes at the Onderdonk Ridge Mine, and that the Department rigorously enforce the permit conditions intended to assure their environmental quality in order to protect our community from inadvertent contamination;
and be it further

RESOLVED, that the Town Board endorses the attached letter registering the Town’s objections and supports the Town Supervisor conveying objections to the expansion and enlargement of the activities at the Mine contained therein to the NYSDEC.

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: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Councilor Tierney – Acknowledged Adam Yagelski for his hard work on this resolution, and all of the meetings and correspondence leading to this decision. Appreciated his time and effort.

Councilor Matters – Thanked Councilor Tierney for moving this and Adam for his work. Noted it is important for the town to make this statement. Stated it is a great resolution.

28-2021 A Resolution to Issue a SEQRA Determination and to Adopt the Local Law Amending Section 2.7.3(B) of the Comprehensive Zoning Law to Provide that a Religious Facility Will Be a Permitted Use Within the Commercial Business District (B-2)

WHEREAS, a review of Section 2.7.3(B) of the Zoning Law shows that a church is not a permitted use within the General Business District (B-2) Zone in which the property for the project is located; and

WHEREAS, the Town has determined that such a restriction may be inconsistent with existing federal law, relating to local land use restrictions only and religious uses of property; and

WHEREAS, the text of a proposed local law amending Section 2.7.3(B) of the Comprehensive Zoning Law (CZL) to provide that a religious facility will be a permitted use within the Commercial Business District (B-2) was introduced to the Town Board on November 18, 2020 (the “proposed B-2 zone amendment”); and

WHEREAS, a Full EAF has been prepared for this type 1 SEQRA application and the Town Board declared its intent to be lead agency on November 18, 2020 (Resolution 234-2020) and has coordinated the lead agency status and sought comments from other involved and interested agencies; and

WHEREAS, the Town Board held a duly noticed public hearing on December 9, 2020 to accept public comment on the proposed B-2 zone amendment; and

WHEREAS, the Town Board continued the public hearing on January 20, 2021 in order to receive comments from the East Greenbush Planning Board as well as address the impact of social distancing and other requirements occasioned by the Covid-19 emergency impacting public participation so that more residents could be given the opportunity to comment (Resolution 257-2020); and

WHEREAS, the Town Board considered all comments of the public both for and against the proposed B-2 zone amendment expressed during the public hearing on December 9, 2020 and as continued on January 20, 2021; and

WHEREAS, the proposed B-2 zone amendment was provided to the Town Planning Board to provide that board with an opportunity provide an advisory report in accordance with Section 4.4.1.B of the CZL concerning the proposed amendment to the CZL; and

WHEREAS, the Planning Board at its meeting of January 13, 2021 recommended to the Town Board that the Town Board adopt the proposed B-2 zone amendment; and

WHEREAS, the proposed B-2 zone amendment and accompanying documentation was provided to the Rensselaer County Planning Department (RCPD) for its review pursuant to the requirements of the NYS General Municipal Law and the RCPD responded by recommending that local consideration shall prevail; and

WHEREAS, the Town Board took into consideration the recommendation of the Town Planning Board and RCPD; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on the Towns finances;

now, therefore, be it

RESOLVED, that the Town Board as SEQRA lead agency for the review of this type 1 action has carefully reviewed the SEQRA documents including the EAF Part 1, 2 and 3, and has considered the SEQRA criteria of significance set forth at 6 NYCRR 617.7 (c) and hereby determines to issue the attached negative declaration of environmental significance finding that no EIS will be prepared for this project because the action will not have a significant adverse impact on the environment;

and be it further

RESOLVED, that the Town Board hereby adopts the recommendation of the Town Planning Board and

RESOLVED, that the Town Board hereby approves Local Law No. 1 of 2021 amending Section 2.7.3(B) of the Comprehensive Zoning Law to provide that a religious facility will be a permitted use within the Commercial Business District (B-2); and

and be it further

RESOLVED, that Local Law No. 1 of 2021 be filed in accordance with applicable provisions of law.

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

Councilor B. Fritz	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES

Supervisor Conway – Mentioned the importance of this and that it may have been an oversight in Zoning Law passed in 2008. Other than Planning Board, our lawyers recommended this being approved because of the laws governing churches and their relationship to zoning are not in our favor. Thanked Adam Yagelski for working on this.

29-2021 A Resolution Authorizing the Hudson River Valley Greenway to Construct a Trailhead for the Albany-Hudson Electric Trail at Town Hall

WHEREAS, construction of the Albany-Hudson Electric Trail (AHET) by the Hudson River Valley Greenway through the Town of East Greenbush was completed in November of 2020; and

WHEREAS, the Commissioner of Public Works recommended that the Hudson River Valley Greenway consider designing and constructing a trailhead in the unused space at the rear of Town Hall to provide additional parking for the AHET; and

WHEREAS, the Hudson River Valley Greenway has developed a plan for the trailhead which would provide 10 parking spaces and 2 Americans with Disabilities Act (ADA) compliant parking spaces, while mitigating an existing drainage issue; and

WHEREAS, this trailhead would be a benefit to the Town as it would also provide additional parking for the Town Hall for events such as Court at the Town Hall which occur during hours when the AHET is not in use; and

WHEREAS, the Hudson River Valley Greenway has agreed to construct the trailhead at no cost to the Town of East Greenbush, provided that the Town maintains the trailhead under the terms of the AHET Maintenance Agreement; 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 authorizes the Hudson River Valley Greenway to design and construct a trailhead for the Albany Hudson Electric Trail at the Town Hall at no cost to the Town of East Greenbush.

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

Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Supervisor Conway – Credited Dan Fiacco for this resolution.

Councilor Tierney – Commented on the addition of this trail and being a great resource to our town. Commended Dan for this resolution.

Councilor Fritz – Mentioned this trail is a great thing for our town.

Dan Fiacco, DPW Commissioner – Noted this idea of another AHET trailhead with parking spaces came after hearing we had additional funds.

30-2021 A Resolution to Schedule a Public Hearing for a Local Law that Would Reduce the Number of Members on the Zoning Board of Appeals from Seven to Five Members

WHEREAS, in 1964 the Town passed a resolution to constitute the Zoning Board of Appeals (ZBA) as a seven-person body; and

WHEREAS, by law, the ZBA can have either five or seven members; and

WHEREAS, the Zoning Board currently has two vacancies and five active voting members, a review was undertaken by the Town Supervisor, Town Board, Attorney to the Town,

Chair of the ZBA, and Attorney to the ZBA to determine whether five members was a better number of members to serve our community; and

WHEREAS, that review concluded that five members was the appropriate number of members and the Attorney to the Town determined that a Local Law would be needed to effect the change; 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 schedules a public hearing for February 17, 2021 at 6:30 p.m. at Town Hall, 225 Columbia Turnpike in the Town of East Greenbush or by virtual means to consider a Local Law that would reduce the number of members on the Zoning Board of Appeals from seven to five members.

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: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

31-2021 A Resolution Authorizing the Town Supervisor to Enter Into a Memorandum of Agreement to Participate in an Intermunicipal Household Hazardous Waste Collection Event Program for the Calendar Year 2021 with the City of Troy and the Town of Bethlehem

WHEREAS, based on a number of resident inquiries, expressing a need to dispose of household chemicals, automotive supplies, pesticides, and other household hazardous waste (HHW) materials which are not allowed at the Transfer Station under our NYSDEC Operating Permit; and

WHEREAS, there is no permanent, registered HHW collection facility that services the Town of East Greenbush; and

WHEREAS, the improper disposal of HHW is a public safety hazard and an environmental issue, and providing residents services to properly dispose of HHW will improve the Town's municipal separate storm sewer (MS4) program and, ultimately, water quality; and

WHEREAS, collaborating with other jurisdictions to hold HHW events should provide certain efficiencies related to program administration and program cost, and by partnering with other municipalities to jointly host a program offering several events, provide additional opportunities for Town residents to attend HHW events as compared to the hosting of a single HHW event; and

WHEREAS, the City of Troy and the Town of Bethlehem desire to enter into a memorandum of agreement (MOA) to jointly offer an intermunicipal program of HHW events for the calendar year 2021, and a copy of the MOA is attached; and

WHEREAS, as set forth by the MOA, the Town would provide resources sufficient to Host one event and to Partner with the City of Troy and the Town of Bethlehem to hold three additional events, with Town residents able to attend, in varying numbers as set forth in the MOA, all four events; and

WHEREAS, costs of the program of HHW events include expenses related to HHW disposal vendor payment, event staffing, and other program administration needs, and under the terms of the MOA, each partner municipality agrees to share costs of the vendor in proportion to residents from their jurisdiction who attend; and

WHEREAS, NYSDEC allows Towns to conduct a HHW collection day with proper permitting, and provides partial (up to 50% of eligible costs) reimbursement through a grant program during the subsequent fiscal year, and according to the terms of the MOA, the Town and its partners agree to collaborate to complete the grant reimbursement application and intermunicipal funds distribution reconciliation processes; and

WHEREAS, the Town Comptroller has confirmed that this proposed Board action will have a material impact on the Town's finances;

now therefore be it

RESOLVED, that the Town Board acknowledges that proper HHW disposal services are needed, that providing these services has environmental benefits, and hereby expresses its desire to provide these services in partnership with the City of Troy and the Town of Bethlehem under the terms set forth by the MOA attached hereto;

and be it further

RESOLVED, that the Town Board hereby authorizes the commitment of staff resources and funding not to exceed \$45,000 in order to Host one HHW event and partner with the City of Troy and the Town of Bethlehem to hold three additional HHW events in 2021;

and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the attached MOA upon its approval as to form by the Town Attorney.

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: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

32-2021 A Resolution Authorizing the Town Supervisor to Enter Into a "Piggyback" Contract with MXI Environmental Services, LLC to Provide Household Hazardous Waste Day Event Services Supporting an Intermunicipal Household Hazardous Waste Collection Event Program for the Calendar Year 2021 with the City of Troy and the Town of Bethlehem

WHEREAS, the Town Board desires to enter into a memorandum of agreement (MOA) with the City of Troy and Town of Bethlehem to provide Town residents access to proper household hazardous waste (HHW) disposal services by participating in a program of four HHW collection events in 2021, as set forth in the MOA; and

WHEREAS, pursuant to the MOA, the Town has agreed to Host one event at the Transfer Station and, therefore, will require HHW collection event and HHW transport and disposal services; and

WHEREAS, on October 25, 2019, the City of Troy issued a request for proposals for interested vendors to provide sealed proposals for household hazardous waste materials events

services (the “RFP”), and the City of Troy subsequently made an award based on to the proposal MXI Environmental Services, LLC; and

WHEREAS, on February 6, 2020, the City of Troy entered into an agreement with MXI Environmental Services, LLC to provide the services as requested under the RFP (the “Agreement”), and the Agreement included language relating to the extension of prices and expressly intending that other NYS municipalities be entitled to make purchases of materials, equipment, or supplies from the proposal award, also known as a “piggyback” clause; and

WHEREAS, the Town Attorney has reviewed the Agreement and the procedures the City of Troy used to let the Agreement and confirms that the Town’s use of the Agreement is consistent with General Municipal Law § 103 (16); and

WHEREAS, the Town Board has authorized the commitment of staff resources and funding not to exceed \$45,000 in order to Host one HHW event and partner with the City of Troy and the Town of Bethlehem to hold three additional HHW events in 2021 (resolution 31-2021); and

WHEREAS, the Town Comptroller has confirmed that this proposed Board action will have a material impact on the Town’s finances;
now, therefore, be it

RESOLVED, that the Town Board hereby approves the use of the piggyback Agreement;
and be it further

RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement with MXI Environmental Services Inc. to provide HHW event day and HHW disposal services, with payments under this authorization not to exceed \$45,000, upon its approval as to form by the Town Attorney.

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

Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

33-2021 A Resolution to Amend the Salary/Base Pay Sheet from the 2021 Organizational Meeting Agenda to Correct the Job Title of Kevin Hitchcock

WHEREAS, the Town’s 2021 Organizational Meeting was held on January 4, 2021 and the agenda contained the 2021 Salary/Base Pay Sheet in which non-union staff’s names, titles and 2021 salaries were listed; and

WHEREAS, the title for Kevin Hitchcock was incorrectly listed as “Code Enforcement Officer”; and

WHEREAS, the correct Civil Service title for Mr. Hitchcock is “Building Inspector”;
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 job title of Kevin Hitchcock be amended to read “Building Inspector” on the 2021 Salary/Base Pay Sheet on the 2021 Organizational Meeting Agenda.

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

Supervisor J. Conway	VOTED: YES
Councilor B. Fritz	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES

Dan Fiacco, Commissioner of DPW – Extended his thanks to John Herrington, Nanci Hicks, and especially Rick Williams. Mentioned in about the five years he has been with the town, having about two hundred emergency calls, Rick has answered the call every single time.

ADJOURNMENT – 8:08 p.m.

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

Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

Executive Session to discuss two HR issues, one in DPW and one in Police Department.

Executive Session - Ended at 8:51 p.m. Supervisor Conway moved it; Councilor Tierney seconded; 5-0 vote.

Adjourned at 8:51 p.m. Supervisor Conway moved it; Councilor Fritz seconded; 5-0 vote.

Respectfully,

Ellen Pangburn
Town Clerk