



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MINUTES June 19, 2019

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

### Members of Town Board

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

### Communications/Announcements/Reports

**Councilor Tierney** welcomed everyone.

**Councilor Kennedy** announced the Library Budget Presentation on July 16<sup>th</sup> at 7:00 at the East Greenbush Community Library. She also announced that the playground equipment has been installed at the Town Park.

**Councilor Matters** thanked everyone for coming out.

**Supervisor Conway** explained that the Courtroom will be under renovation as of Friday June 21<sup>st</sup>.

**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:

**William B.** explained that there was an incident with a School Bus on the intersection of Garfield and Phillips Rd. A construction vehicle was going too fast and could not stop in time, and went speeding by the bus. He wanted to know if there is a way that the speed limit could be lowered during certain times to cover the busses. There was some discussion on this, and the Supervisor stated that they would look into this.

**Hal B.** had questions regarding the resolution for Regeneration. There was discussion between Hal and the Board regarding the road that is to be built.

**121-2019 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 May 15, 2019 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 May 15, 2019 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

**122-2019 A Resolution Honoring the Accomplishments of the Columbia High School Science Olympiad Team**

**WHEREAS**, a science education is integral to the high school curriculum and helps prepare students for the challenges of the 21st century; and

**WHEREAS**, the Columbia High School Science Olympiad Team earned the title of **New York State Champions** at the New York State Finals held at Le Moyne College in March 2019, earning a sixth consecutive trip to the National Championships; and

**WHEREAS**, the team placed 11<sup>th</sup> out of 61 competing teams at the National Tournament held at Cornell University in June; and

**WHEREAS**, Sydney Sill, Nina Tedeschi, and Ekansh Agrawal earned gold medals as National Champions in the “Protein Modelling” event and won \$10,000 scholarships per year; and

**WHEREAS**, George Culver and Clara Xin earned gold medals as National Champions for their expertise in the “Water Quality” event; and

**WHEREAS**, Kate Burns and Nina Tedeschi earned 2nd place silver medal honors in the Dynamic Planet event on the topic of glaciers, and 3rd place bronze medal honors in the “Geo-Mapping” event; and

**WHEREAS**, Captain Sam Koblensky and Lindsey Conboy earned 3rd place bronze medal honors in the “Sound of Music” event; and

**WHEREAS**, Noelle Maloney and Ekansh Agrawal placed 5th in the nation in the “Wright Stuff” event and Sydney Sill and George Culver earned 5th place honors in the “Designer Genes” event; and

**WHEREAS**, the team is coached by Darleen Morgan, Jeff Amos and Diana Prout; and

**WHEREAS**, the team members are:

Ekansh Agrawal	Sam Koblensky
Ryan Allen	Buffy Kromer
Owen Ball	Noelle Maloney

Kate Burns	Kelly Nagel
Lindsey Conboy	Nidhi Shah
George Culver	Sydney Sill
Ryan Doyle	Nina Tedeschi
Justine Fournier	Clara Xin

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes the pride of our entire community and honors the Columbia High School Science Olympiad Team for their accomplishments in the National Science Olympiad Championship.

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

**123-2019 A Resolution to Recognize the Achievement of the Columbia High School Boys Varsity Bowling Team**

**WHEREAS**, high school athletics are an important part of a high school education and a source of great pride for the whole community; and

**WHEREAS**, team sports provide a chance for participants to learn about commitment, teamwork, sportsmanship and the quest for excellence; and

**WHEREAS**, the Columbia High School boys varsity bowling team won the Section II championship; and

**WHEREAS**, the team was coached by Bill Neumann, who was named Coach of the Year by the Albany Times Union, and Lisa Johnas; and

**WHEREAS**, the members of the Sectional Champion Blue Devils are:

Tyler Bogholtz	Zachary Bogholtz
Henry Dreisenstock	Kyle Fortin
Bailey Grugan	Jason Hahn
Ryan LeMay	Thomas Stein

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby recognizes and congratulates the Columbia High School Boys Varsity Bowling Team on winning the Section II Championship!!!!

and be it further

**RESOLVED**, that the Town Board congratulates Bill Neumann on being named Coach of the Year

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

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

**124-2019 A Resolution Honoring the Columbia High School Boys Indoor Track Team For Winning the Section II Championship**

**WHEREAS**, high school athletics are an important part of a high school education and a source of great pride for the whole community; and

**WHEREAS**, team sports provide a chance for participants to learn about commitment, teamwork, sportsmanship and the quest for excellence; and

**WHEREAS**, the Columbia High School Boys Indoor Track Team participated in the Section II championship as defending champions and won the title for the second year in a row; and

**WHEREAS**, the team is coached by Head Coach Ryan Jones and assistant coaches Chris Hosley, John Rivera, Chris Dedrick and Steve Taylor; and

**WHEREAS**, the members of the team are:

David Adadjo	Carter Albano	Thomas Breimer
Dustin Chambers	Billy Conboy	Anthony Cozzy
Liam Danaher	Nathan Davis	Thomas Donohue
Zachary Eldred	Carmen Erno	Robert Erno
Stephen Fajen	Evan Farnan	Andrew Gatchell
Aidan Gillie	Cole Herrington	Samuel Kromer
Tyler LoPresti	Aidan McLaren	Tyler McLaughlin
Michael Murphy	Dominic Nova	John Powhida
Daud Sadiq	Alexander Weinstein	
Ethan Welkley	Alexandros Wheeler	

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes and congratulates the Columbia High School Boys Indoor Track Team on their achievement of winning the Section II championship for the second year in a row.

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

**125-2019 A Resolution Proclaiming June as Pride Month in East Greenbush**

**WHEREAS**, the Town Board of East Greenbush supports the rights, freedoms, and equality of persons who are lesbian, gay, bisexual, transgender, and queer; and

**WHEREAS**, our nation was founded on the principle of equal rights for all people, but the fulfillment of this has been long in coming for many Americans; and

**WHEREAS**, in the movement toward equal rights for lesbian, gay, bisexual, transgender, and queer (LGBTQ) people a historic turning point occurred on June 28, 1969 in New York City with the onset of the Stonewall Riots; and

**WHEREAS**, throughout the country, LGBTQ Pride Month is celebrated each year in the month of June to honor the 1969 Stonewall Uprising in Manhattan; and

**WHEREAS**, East Greenbush has a diverse LGBTQ community that includes people of all ethnicities, religions, and professions; and

**WHEREAS**, everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity, or sexual orientation;  
now therefore be it

**RESOLVED**, on behalf of all residents of East Greenbush, the Town Board of the Town of East Greenbush does hereby proclaim June 2019 as Pride Month in East Greenbush and urges all residents to respect and honor our diverse community, and to celebrate and build a culture of inclusiveness and acceptance.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Councilor Fritz and 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

**126-2019 A Resolution to Approve 2018 Service Credit for Volunteers of the W. F. Bruen Emergency Squad, Inc.**

**WHEREAS**, the Town of East Greenbush in the County of Rensselaer, State of New York (hereinafter, the “Town”), is the sponsor of a service award program (hereinafter, “Program”) for the volunteer ambulance workers of W. F. Bruen Emergency Squad, Inc. (hereinafter, “Bruen”), the Town’s contracted provider of emergency medical service for the East Greenbush Ambulance District, pursuant to New York General Municipal Law (hereinafter, “GML”) article 11-AAA; and

**WHEREAS**, in accordance with GML §219-m, subdivision 9, the President, Secretary, and Chief of Bruen have duly certified to the East Greenbush Town Board (hereinafter, the “Board”) a list containing those volunteer ambulance workers designated as Program participants who qualify for service credit for fiscal year 2018 (hereinafter, the “List”); and

**WHEREAS**, the Director of Finance, having received and reviewed the List, has not received any information contrary thereto; and

**WHEREAS**, no volunteer worker has requested deletion as a participant from said list; and

**WHEREAS**, the Town Comptroller has determined that this resolution will have no material impact on the Town Finances;  
now, therefore, be it

**RESOLVED**, that the Board acknowledges that no one has qualified for Service Credit for Volunteers of the W.F. Bruen Emergency Squad, Inc. in 2018.

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

**127-2019 A Resolution to Appoint a Temporary Seasonal Laborer in the Department of Public Works**

**WHEREAS**, the Department of Public Works requires a Temporary Seasonal Laborer in the Sewer Department during the summer months to assist in addressing the backlog of preventative maintenance; and

**WHEREAS**, the Public Works Commissioner has selected an individual based on his prior experience with the Town; and

**WHEREAS**, Jonathan Frickey has prior experience working with the Town of East Greenbush and has demonstrated the ability to work efficiently; and

**WHEREAS**, the Town Comptroller has confirmed that this appointment can be funded with the 2019 Sewer Budget 8120.1.07;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment for hours worked, hours paid, with no benefits, of Jonathan Frickey effective June 19, 2019 at the rate of \$12.00 per hour. The total amount of this resolution is not to exceed \$7,000 as reflected in the 2019 budget. All appointments will end not later than October 15<sup>th</sup>, 2019 as per the CSEA Collective Bargaining Agreement.

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

**128-2019      A Resolution to Schedule a Public Hearing to Consider the Enactment of Two Local Laws Respective of an Increase in Each of the Town's Two Real Property Tax Exemptions for Veterans: One Regarding the Alternative Wartime Veterans' Exemption and the Other Regarding the Cold-War Veterans' Exemption**

**WHEREAS**, the New York Real Property Tax Law provides municipalities with discretion to establish, for veterans and their qualified family members who own qualified residential real property, certain levels of exemption from real property taxation (within the general and highway funds, only) related to their veteran status under two categories: (1) the alternative exemption for wartime veterans pursuant to section 458-a and (2) the cold-war veterans' exemption pursuant to section 458-b; and

**WHEREAS**, the amount of exemption for each of the foregoing categories, which can be set as low as level A to as high as level X, is currently at level H in the town of East Greenbush, meaning that exemptees are currently realizing one-third of the total, statutorily allowable amount under each exemption; and

**WHEREAS**, the Town Board last increased the alternative exemption (pursuant to the enactment of East Greenbush Local Law No. 2 of 2007) on March 19, 2007 and the cold-war exemption (pursuant to the enactment of East Greenbush Local Law No. 4 of 2008) on October 14, 2008, and acknowledges that, since such dates, the value of each exemption at the current level has been diminished and, therefore, needs to be reviewed in order to consider, at a minimum, a restoration of equity via an increase in such level; and

**WHEREAS**, this Town Board acknowledges that, beyond the aforementioned equity-related issue, the honor that we continuously bestow upon our veterans in recognition of, and in appreciation for, their past and continued sacrifices in service to their country, must be substantively demonstrated by considering an increase in the level of each of the foregoing real property tax exemptions; and

**WHEREAS**, the Town Comptroller attests that none of the provisions of this resolution shall pose a material impact to the town's finances;

now, therefore, be it

**RESOLVED**, that the Town Board shall hold a public hearing on the 17<sup>th</sup> day of July 2019 at 6:30 p.m. at Town Hall to consider the enactment of two local laws respective of an increase in each of the town's two real property tax exemptions for veterans: one regarding the alternative wartime veterans' exemption and the other regarding the cold-war veterans' exemption;

and be it further

**RESOLVED**, that the Town Clerk shall cause notice of the subject public hearing to be duly published in the town's officially designated newspaper in accordance with the opportune manner legally prescribed.

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

**129-2019 A Resolution Authorizing Cured-In-Place Pipe Lining Repairs to Storm Drains on Spruce Run**

**WHEREAS**, the Commissioner and Deputy Commissioner of Public Works conducted a camera inspection of the storm drains on Spruce Run in April of 2019; and

**WHEREAS**, the camera inspection revealed that the galvanized pipes in the storm drain system were failing due to corrosion of the pipes; and

**WHEREAS**, the Spruce Run development cannot be repaved until the culvert pipes are repaired or replaced; and

**WHEREAS**, of the two options available to the Department of Public Works, slip lining the pipes with a cured-in-place pipe liner is much less costly than excavating and replacing the existing pipes, and has an expected service life of a minimum of 50 years; and

**WHEREAS**, Precision Trenchless LLC has been awarded the Onondaga County Bid for installing cured in place pipe liners and the Bid has been made available to other political subdivisions state-wide; and

**WHEREAS**, the Department of Public Works requested \$50,000 in the 2019 budget for lining of storm drains; and

**WHEREAS**, the Town of East Greenbush Purchasing Policy requires purchases of \$10,000 or more to be approved by the Town Board; and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$55,982.00 from the Highway Department account 5110.4.2 for this expense;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to execute a contract with Precision Group, LLC to install 705 feet of Cured In Place Pipe Lining under Spruce Run at a cost not to exceed \$55,982.00.

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

**130-2019 A Resolution Authorizing the Professional Services Agreement with New York State Public Entities Safety Group 497/ New York State Insurance Fund (NYSIF) for Workers' Compensation Coverage**

**WHEREAS**, the annual audit of the 7/1/2017-7/1/2018 Policy Year for Workers' Compensation policy showed that an additional premium was needed to cover the actual payroll for the time period; and

**WHEREAS**, the Town Comptroller, Director of Finance and Human Resources Manager began to research policy coverage options; and

**WHEREAS**, after meeting with other workers' compensation carriers that specialize in municipal coverage, a Request for Quote was provided to Comp Alliance, Public Employer Risk Management Association (PERMA) and Safety Group 497/NYSIF; and

**WHEREAS**, the following quotes were received from the carriers: to provide workers' compensation coverage to the Town's workforce, the Best Luther/Third Avenue Fire Protection District and the Volunteer Ambulance district; and

<b>Company</b>	<b>Total</b>
NYSIF	\$277,043.00
PERMA	\$291,402.00
COMP ALLIANCE	\$323,606.00

**WHEREAS**, the Town has been a member of Safety Group 497/NYSIF since 3/1/1993, and began earning dividends as part of the group since 7/1/1994, dividends average 30% return of the premium, and it is recommended that the Town remain with Safety Group 497/ NYSIF for the 7/1/2019-7/1/2020 policy year; and

**WHEREAS**, the Safety Group will continue to assist the Town in the current dispute over the 2017/2018 audit and has options for safety training the Town can choose to utilize to help reduce incidents and to develop a safety plan for all departments; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2019 Town Budget under charge codes 90408.08; now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the 7/1/2019-7/1/2020 Workers' Compensation quote for the amount of \$277,043.00.

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

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

**131-2019 A Resolution by the Town Board of East Greenbush Town Board to Approve the "Pinecrest Plaza" Planned Development District Amendment and Local Law Proposed by SHS Holdings, LLC and the Major Commercial Site Development Plan for the PDD (PZD #18-29)**

**WHEREAS**, the Town of Est Greenbush is in receipt of an application for a commercial development site plan and Planned Development District (hereinafter "PDD") amendment submitted by SHS Holdings, LLC – George Shannon; and

**WHEREAS**, the Pinecrest PDD is shown on the zoning map of the Town of East Greenbush, and the Pinecrest Commercial Park within the PDD is located at 1 Springhurst Drive, Tax Map Parcel No. 177.08-4-11.121, and will consist of the construction of two (2) commercial buildings totaling approximately 24,000 square feet and related site improvements; and

**WHEREAS**, the Pinecrest PDD was established by resolution of the Town of East Greenbush Town Board, after the adoption of an EIS and SEQRA findings, on August 2, 1990 and all but the commercial portion of the project was constructed many years ago; and



**WHEREAS**, on April 17, 2019, the Town Board accepted the complete applications for a major commercial development site plan and for a major PDD amendment to be known as “Pinecrest Plaza PDD” and referred the applications to the Town Planning Board for their recommendation; and

**WHEREAS**, a Full EAF has been prepared for this type 1 SEQRA application and the Town Board has declared its intent to be lead agency and has completed the coordination of the lead agency status review and received comments from other involved agencies; and

**WHEREAS**, a proposed local law has been introduced for the PDD amendment and is attached to this resolution; and

**WHEREAS**, the application was referred to the Rensselaer County Planning Board as required pursuant to the General Municipal Law and the County responded that “the proposal does not have a major impact on County plans and that local consideration shall prevail”; and

**WHEREAS**, the application materials, full EAF and the local law have been carefully reviewed by the Town Planning Board members, Town Planning Staff and the Town Designated Engineer for the project; and

**WHEREAS**, the Town Planning Board held a duly noticed public hearing on May 8, 2019 to give the public an opportunity to review and comment on the application materials; and

**WHEREAS**, the Town Planning Board recommended to the Town Board that the Town Board issue a negative declaration of environmental significance on the proposed type 1 action in accordance with the proposed draft EAF parts 2 and 3 attached hereto; that the Town Board approve the local law amending the PDD finding that the amendment is consistent with the 1990 PDD approval and that it now sets forth with a greater degree of clarity the commercial uses that will be allowed within the PDD and the standards and requirements of the PDD related to items such as open space, lot coverage, bulk standards and stormwater; and that the Town Board approve the major commercial site plan development as shown on plans entitled “Pinecrest Plaza” prepared by Hart Engineering, dated December 2018, and last revised April 30, 2019, finding that the application meets the requirements of the Town’s Zoning Code with respect to major commercial site development plans subject to certain conditions; and

**WHEREAS**, the Town Board has carefully reviewed the Full EAF Parts 1, 2 & 3, with minor revisions to the proposed local law and the application for major site plan approval, as well as the recommendations for the Town and County Planning Boards; and

**WHEREAS**, the Town Board has held a duly noticed public hearing on the application and the proposed local law and has carefully considered any public comments;

**WHEREAS**, the Town comptroller has confirmed that this resolution may have a material adverse impact on the Town finances;

now, therefore be it

**RESOLVED**, that the Town Board hereby reaffirms the previous SEQRA determinations made for the existing PDD, including the preparation of the EIS and Findings, and, furthermore, after review of the SEQRA Full EAF Parts 1-3 attached hereto finds that no supplemental EIS is required because there are no significant adverse environmental impacts that will result from this action because development was contemplated by the original PDD approval and the local law merely clarifies the permitted commercial uses;

and be it further

**RESOLVED**, that the Town Board hereby adopts the local law finding that the amendment to the PDD is consistent with the Town’s comprehensive plan, zoning code requirements related to PDDs and allowed commercial uses allowed in this portion of the Town;

and be it further

**RESOLVED**, that the Town Board hereby issues major site plan approval subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Town Designated Engineers and Town Planning and Zoning Department.

2. Satisfying comments from the Town Designated Engineers, if any, relating to the May 6, 2019 Traffic Study prepared by Creighton Manning Engineering LLP, and subject to the approval of the Town Designated Engineers and Town Planning and Zoning Department.
3. Evidence of NYSDOT approval of the traffic study and site plan, as appropriate, must be submitted to the Town Planning and Zoning Department.
4. Correspondence indicating Town DPW approval of the proposed water and sewer connections and Traffic Control plans for the maintenance and protection of traffic during construction, including the proposed sanitary sewer open cut utility connection, must be submitted to the Town Planning and Zoning Department.
5. Prior to issuance of a building permit, correspondence must be submitted to the Town Planning and Zoning Department indicating NYSDEC approval of the water and sewer design, as required.
6. Town DPW Utility Permit(s) must be obtained, as required, for the proposed utility connections and other work in the Town right-of-way.
7. A NYSDOT Highway Work Permit must be obtained for all construction activities with the state right-of-way.
8. Prior to issuance of a building permit, the Commissioner of Public Works must sign the site plan.
9. Prior to receipt of a certificate of occupancy, the following must be installed:
  - a new stop sign, subject to Commissioner of Public Works approval, on the north side of Springhurst Drive at the four-way intersection to be created with the private drive serving the property at 2 Springhurst Drive;
  - a new stop sign, subject to Commissioner of Public Works approval, on the south side of Springhurst Drive at the aforementioned four-way intersection to be created; and
  - sidewalks along Springhurst Drive and Columbia Turnpike as depicted on the above-referenced site plan and subject to NYSDOT and DPW approval.
10. Prior to issuance of building permit, the Applicant must establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department.
11. Prior to issuance of a building permit, an approved Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the Town.
12. Prior to issuance of a building permit, and in accordance with the GP-0-15-002, the approved Storm Water Pollution Prevention Plan, and the Town's Comprehensive Zoning Law, all storm water pollution prevention permits must be obtained, and regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual.
13. Prior to obtaining a sign permit, the applicant must obtain approval from the Town Zoning Board of Appeals for the proposed signage as depicted on the above-referenced site plan.
14. Prior to issuance of a building permit, easement language relating to sidewalks proposed to be installed in the Town right-of-way should be forwarded to the Town for review and approval. The easement should indicate that the sidewalk is for public access.
15. The developer must execute a stormwater management maintenance agreement in accordance with the approved SWPPP and Town and NYS requirements, and evidence of execution of such maintenance agreement must be submitted to the Town Planning and Zoning Department.
16. Prior to issuance of a building permit, all remaining fees are to be paid to the Town. Said fees shall include \$30,938.00 as set forth in a memorandum from the Town

Commissioner of Public Works and Building Inspector dated November 16, 1994. Because the original SEQRA determination for this project dates back to 1990 and because the Project originally involved greater commercial square footage that being approved herein, other SEQRA mitigation fees will not be assessed per the policy in Local Law No. 5 of the year 2018.

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

**132-2019 A Resolution Authorizing the Supervisor to Enter Into an Agreement with Regeneron Pharmaceuticals, Inc.**

**WHEREAS**, this resolution, originally presented as 108-2019, was tabled at the May 15, 2019 Town Board Meeting, and is hereby re-numbered 132-2019; and

**WHEREAS**, Regeneron Pharmaceuticals, Inc. has two campuses in the Town of East Greenbush, one at Discovery Lane and one at Tempel Lane, and operates a third facility in the Town of East Greenbush located at 26 Tech Valley Drive; and

**WHEREAS**, the Town of East Greenbush has been carefully reviewing and approving the facilities that have been constructed by Regeneron in the Town; and

**WHEREAS**, Regeneron intends to construct further facilities particularly at the Tempel Lane Campus and the Town has adopted an amended SEQRA Findings Statement in November of 2018 that represented a comprehensive environmental review of these proposed facilities; and

**WHEREAS**, the amended SEQRA Findings Statement required Regeneron to undertake a number of important mitigation measures related to traffic and to sewer facilities in the Town, including but not limited to, the re-construction of Tempel Lane which was also a condition of the wider Western East Greenbush GEIS adopted for that area of the Town on July 8, 2009, some intersection improvements and the reconstruction of two, existing Town-owned sewer pump stations; and

**WHEREAS**, the Town has also through the wider GEIS process imposed SEQRA fees on applicants, including Regeneron, for the improvement of traffic and sewer facilities; and

**WHEREAS**, the State of New York through Empire State Development Corporation (ESD) has also granted to the Town and Regeneron a Regional Council Award/Incentive Proposal – a copy of the grant award Incentive Proposal is attached, and the funds received through this grant will also be applied to the building of the Tempel Lane Extension as enumerated in the Agreement; and

**WHEREAS**, the record-keeping and other requirements associated with the ESD incentive grant and the Town's desire to provide for the orderly implementation of the mitigation projects, all as contemplated in the overall environmental reviews already undertaken by the Town Board as SEQRA lead agency, has led the Town and Regeneron to seek to enter into the attached Agreement and for the Town to accept the incentive proposal provided by ESD; 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 this resolution will be funded by Generic Environmental Impact Statement (GEIS) funds to account 2374.01.00.24 sewer/water, as approved by the GEIS Committee;

now, therefore, be it

**RESOLVED**, that the Town of East Greenbush Town Board as SEQRA lead agency hereby determines that the existing environmental record set forth above including the amended SEQRA Statement of Findings adopted by the Town Board on November 19, 2018 (Resolution number 224-2018) remains sufficient for the evaluation of the potential environmental impacts and mitigation required for the Tempel Lane Campus of Regeneron;

and be it further

**RESOLVED**, that the Town Board hereby approves the attached Regeneron Agreement and authorizes the Town Supervisor to execute the attached Agreement with Regeneron Pharmaceuticals, Inc.;

and be it further

**RESOLVED**, that the Town Board hereby accepts the ESD Incentive Proposal and authorizes the Town Supervisor to execute any necessary documents to accept the Incentive Proposal;

and be it further

**RESOLVED**, that the Town Board authorizes the use of a portion of the SEQRA mitigation fees paid to the Town by Regeneron for these mitigation projects as set forth in the attached Regeneron Development Agreement.

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

### **133-2019 A Resolution Setting a Public Hearing on a Proposed Sewer District Extension for Pheasant Hollow**

**WHEREAS**, Hartland Associates, Inc. and 1560 Skyline, LLC, as owners of Pheasant Hollow Golf Course, have filed a map, plan, and report for the extension of the existing Sewer District to the Hays Road and Phillips Road area; and

**WHEREAS**, said applicants have also filed petitions by owners of properties within the proposed extension area, and such petitions appear to comply with the provisions of §191 of the Town Law, relating to petitions for sewer district extension; and

**WHEREAS**, the Town Board, pursuant to §193 of the Town Law, wishes to go forward with the required public hearing on such extension; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no material impact on Town finances;

now, therefore, be it

**RESOLVED**, that the Town Board hereby adopts, and enters in the minutes of its proceedings, an order annexed hereto, setting forth the filing of said petitions, the boundaries, proposed improvements, amounts to be expended, and the costs of the district or extension to the typical property, as set forth in said map, plan and report, dated June 5, 2019;

and be it further

**RESOLVED**, that a copy of this order, certified by the Town Clerk, shall be published and noticed pursuant to the provisions of §193(1)(a), and posted on the sign board of the Town, not less than ten (10) nor more than twenty (20) days before the date designated for the hearing as set forth hereafter; and it is further

**RESOLVED**, that the Town Board hereby schedules a Public Hearing on this proposed extension to be held at the East Greenbush Town Hall, on July 17, 2019, at 6:15 p.m., and directs the Town Clerk to publish and post notice of such hearing.

This resolution was duly moved by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote resulting 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

**134- 2019 A Resolution Accepting the Natural Resources Inventory for the Town of East Greenbush**

**WHEREAS**, this resolution was not able to be submitted in time for consideration at the regularly scheduled pre-board meeting of June 12, 2019 and was subsequently presented to the Town Board on June 13, 2019 following a Public Hearing held on June 12, 2019; and

**WHEREAS**, the East Greenbush Natural Resources Work Group (NRWG) established through Resolution 42-2018 has prepared a Town of East Greenbush Natural Resources Inventory 2019 (NRI) to assist the Town, its various Agencies and Boards and the Public in identifying and considering important resources located within the Town; and

**WHEREAS**, the NRI includes maps displaying the Town's mineral, water, biological, recreation, scenic, and historic resources and their significance to the East Greenbush community; associated data; and a descriptive report summarizing the inventoried resources, findings, and recommendations; and

**WHEREAS**, the purpose of the NRI is to provide information for comprehensive land use and conservation planning, and to allow natural resource information to be included in local planning and zoning; and

**WHEREAS**, the NRI can inform the Comprehensive Plan update to designate critical environmental areas, develop and implement a municipal open space plan, amend existing zoning and subdivision regulations, evaluate the effects of proposed land use and zoning changes, inform environmental review of development proposals, and document current conditions so changes over time can be assessed; and

**WHEREAS**, the NRI was made possible by an award from the DEC Hudson River Estuary Program through a partnership with Cornell University at no cost to the Town by providing guidance to the work group, assistance with data acquisition and management, creation of resource maps, and review of the NRI report; and

**WHEREAS**, NRWG volunteers Victoria Manieri (Chair), Jennifer Dean, Jennifer Hixon, Nancy Kupiec, and Bob Wood participated in monthly meetings, reviewed and guided revision of the resource maps, wrote the NRI report, and conducted public outreach; and

**WHEREAS**, technical assistance to the NRWG was provided by DEC Conservation and Land Use Specialist Ingrid Haeckel, the NRI maps were created by Cornell University intern Andrew Varuzzo, and staff support was provided by Town Director of Planning and Zoning Adam Yagelski; and

**WHEREAS**, Rensselaer Land Trust contributed data and interpretation from the 2018 Rensselaer County Land Conservation Plan; and

**WHEREAS**, the NRI is posted in its entirety on the Town's web site for access by the public; and

**WHEREAS**, the NRI data files belong to the Town of East Greenbush and can therefore be updated as necessary in the future; and

**WHEREAS**, the acceptance and approval of the NRI is a Type 2 action under the New York State Environmental Quality Review Act, pursuant to 6 NYCRR 617.5 (c) (18) for which no further action under SEQRA is required;

now therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush accepts and approves the Town of East Greenbush Natural Resources Inventory 2019, created by the Town's Natural Resources Work Group, as an inventory of data collection identifying important community resources within the Town of East Greenbush;

and be it further

**RESOLVED**, that the acceptance and approval of the NRI and any recommendations regarding municipal actions which may be taken, as provided therein, shall in no way be deemed binding upon the Town's various Boards or agencies with regard to present or future actions. By adopting the Natural Resources Inventory, it is the intent of the Town Board that this valuable and comprehensive inventory of the Town's natural resources be referred to often by the Town Boards, Agencies and the Public to assist in the development, management and protection of these invaluable resources. It is the further intent of the Town Board, to periodically update and/ or amend this Inventory every 5-10 years or as may be appropriate in the future.

The foregoing resolution was duly moved by Councilor Tierney and seconded by Supervisor Conway and brought to a vote resulting in the following:

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

**135-2019 A Resolution Authorizing Expedited Repair to the Polymer System Unit at the Wastewater Treatment Plant Belt Press**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of June 12, 2019 and was subsequently presented to the Town Board on June 18, 2019; and

**WHEREAS**, on June 11<sup>th</sup>, 2019, the polymer injection system on the Belt Press at the Wastewater Treatment Plant became inoperable; and

**WHEREAS**, upon inspection by BDP Industries, it was discovered that the Polymer Injection system that was installed on the press during the WWTP Upgrade was not the system that the manufacturer of the press specifies for use with that press, and that it was not economically repairable; and

**WHEREAS**, the polymer injection system is a critical component to the stabilization of sludge at the WWTP, as required by NYS DEC and must be replaced as soon as possible; and

**WHEREAS**, the Town of East Greenbush requested a price for a replacement polymer system from BDP Industries who is the sole-source dealer for this system; and

**WHEREAS**, the quote from BDP Industries for the replacement of the polymer injection system with the correct system is \$13,500.00; and

**WHEREAS**, the Town of East Greenbush Purchasing Policy requires that purchases of \$10,000 or more must be approved by the Town Board; and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$13,500.00 from the Sewer Fund charged to 81304.07.8.9.10 for this expense;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to purchase a new Replacement Polymer System Unit from BDP Industries in an amount not to exceed \$13,500.00.

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

**136-2019 A Resolution Authorizing the Supervisor to Terminate a Certain Contract Between the Towns of East Greenbush and the Center for Municipal Solutions**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of June 12, 2019 and was subsequently presented to the Town Board on June 18, 2019; and

**WHEREAS**, On April 22, 2004, the Town of East Greenbush entered into a certain “Agreement” between the Town and the Center for Municipal Solutions; and

**WHEREAS**, paragraph 7 of that agreement provides that either party may terminate the agreement, after three (3) years, with a sixty (60) day notice; and

**WHEREAS**, the Town Board wishes to terminate this agreement; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no material impact on Town finances;

now, therefore, be it

**RESOLVED**, that the Supervisor is hereby authorized and directed to send a notice to the Center for Municipal Solutions terminating said agreement, effective August 31, 2019.

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

**ADJOURNMENT**

Motion to adjourn by Supervisor Conway at 7:55 and seconded by Councilor Tierney and brought to a vote 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

## **PROPOSED LOCAL LAW NO. 2 OF THE YEAR 2019**

**A LOCAL LAW AMENDING AND SUPPLEMENTING THE ZONING MAP OF THE TOWN OF EAST GREENBUSH, TO SPECIFY THE PERMITTED USES WITHIN THE PLANNED DEVELOPMENT DISTRICT LOCATED BETWEEN COLUMBIA TURNPIKE AND BROOKVIEW ROAD**

**BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF EAST GREENBUSH AS FOLLOWS:**

- Section 1: Pursuant to Section 2.9.8 and Section 4.4 of the of the Comprehensive Zoning Law, the Zoning Map of the Town of East Greenbush is amended and supplemented to provide certain changes to the uses permitted and development standards on the property located at 1 Springhurst Drive (Tax Parcel 177.8-4-11.121), which is approximately 2.66 acres and is situated within the area depicted on said Zoning Map as the Planned Development District located between Columbia Turnpike and Brookview Road.
- Section 2: Uses at 1 Springhurst Drive in the the Planned Development District located between Columbia Turnpike and Brookview Road shall include all uses otherwise permitted in the General Business District (B-2).
- Section 3: The final design, including area, bulk, and other standards, of the Pinecrest Commercial Park Project, located at 1 Springhurst Drive, shall be in substantial compliance with the Site Plan prepared by Hart Engineering, dated December 2018 (last revised March 11, 2019) and containing eighteen (18) sheets, as such Site Plan may be amended during site plan approval pursuant to the Town of East Greenbush Comprehensive Zoning Law. Final design shall be determined during site plan review.



Section 3: Nothing in this Local Law shall be deemed to affect any existing uses of and/or improvements to property located in said Planned Development District.

Section 4: This Local Law shall take effect immediately, and shall apply to all current and pending projects with said Planned Development District.

January 24, 2019

Jack Conway  
Supervisor  
Town of East Greenbush  
225 Columbia Turnpike  
Rensselaer, NY 12144

Dear Mr. Conway:

On behalf of New York State and Empire State Development, please let me express my enthusiasm for working with you and Town of East Greenbush to expand infrastructure in New York State.

As we understand the project, Town of East Greenbush (Rensselaer County) will invest \$10,637,200 to extend and improve an existing road and bridge, create new intersections and install new traffic signals to accommodate commercial expansion. Municipal water, sewer, and storm water will be provided from Third Ave Extension and will be installed as part of the extension of Tempel Lane. The roadway improvements, water system, and sanitary system will be designed to support the approved Regeneron Campus expansion.

To encourage you to proceed with this project, we are offering Town of East Greenbush incentives valued at \$2,000,000.

Please review the attached Incentive Proposal to see how New York State and Empire State Development are prepared to assist Town of East Greenbush. with its project located in the Capital Region of New York State. If you choose to accept our offer, please acknowledge your decision by endorsing the last page of the attached proposal and returning one copy to me and one copy, including the \$250 Application Fee, to Edwin Lee, Sr. Vice President of Empire State Development's Loans and Grants Department, by 2/24/2019.

Please note that by accepting our offer of public funds to support this project, it is ESD's expectation that the Town of East Greenbush will coordinate any project-related public announcements and press events with ESD.

We look forward to working with you on this exciting project and can be reached at 518-270-1130 at your convenience.

Very truly yours,

Michael Yevoli  
Regional Director, Capital Region

Cc: Edwin Lee

Attachment: ESD Incentive Proposal

## REGIONAL COUNCIL AWARD – INCENTIVE PROPOSAL

### Town of East Greenbush

January 24, 2019

This **Incentive Proposal** outlines the general terms and conditions of the incentive package being offered by Empire State Development (“ESD”)\* to Town of East Greenbush to assist with project in Town of East Greenbush, Rensselaer County. This offer is subject to the availability of funds, completion of any applicable (1) non-discrimination and contractor diversity, (2) environmental and historic and (3) smart growth review requirements, approval by the ESD Directors, applicable statutes, and compliance with program requirements.

\* The New York State Department of Economic Development and the New York State Urban Development Corporation, d/b/a Empire State Development, are collectively referred to as ESD.

#### I. GENERAL INFORMATION

- a) **Recipient Name:** Town of East Greenbush (the “Recipient”)
- b) **Contact Information:** Jack Conway  
Supervisor  
225 Columbia Turnpike  
Rensselaer, NY 12144  
Phone: 518-477-2005  
E-mail: [jconway@eastgreenbush.org](mailto:jconway@eastgreenbush.org)
- c) **Project Location(s):** Tempel Lane, US Route 4/NY Route 151 roundabout, US Route 4 East Greenbush, NY 12144
- New York State Empire Zone:** N/A
- d) **Type of Business:** Municipality
- e) **Number of Full-time, Permanent Employees at all NYS Locations as** N/A

of Today's Date:

f) **Number of Full-time, Permanent Employees at Project Location(s) as of Today's Date:** N/A

g) **Number of Part-time or Seasonal Employees, or Full-time Contract Employees at Project Location(s) as of Today's Date:** N/A

**II. PROJECT SPECIFICS**

a) **Project Description:** The project includes infrastructure updates to municipal water, sewer and storm water, extension of Tempel Lane, bridge expansion and intersection improvements.

b) **Estimated Schedule:** Begin: January 2019  
Complete: June 2021  
Estimated ESD Directors' Approval: August 2021

**III. PROJECT BUDGET**

You have informed us that the following costs will be incurred to complete this project. It is understood that these costs are estimates, based on the best information available to date. If these figures change, please inform your ESD contact as soon as possible.

Real Estate Acquisition:	\$100,000
Infrastructure / Site Work:	\$8,781,000
Other Project Costs (engineering):	\$1,756,200
<b>Total Estimated Cost:</b>	<b>\$10,637,200</b>

**IV. ESD INCENTIVES**

**Regional Council Capital Fund - RC6 – Project #128,069/CFA#67829**

a) **Amount:** \$2,000,000

**b) Use of Funds:** Reimbursement for a portion of infrastructure and site work

Funds will be disbursed in lump sum upon project completion, as described in Sections II and III above and as evidenced by attainment of a certificate of occupancy and/or other documentation verifying project completion as ESD may require, and documentation verifying project expenditures of at least \$10,000,000.

All disbursements require compliance with program requirements and must be requested by no later than April 1, 2023. Expenditures incurred prior December 8, 2016 are not eligible project costs and cannot be reimbursed by grant funds.

The Grant is being offered in connection with the project as described in the CFA (or ESD application) and that funds will only be made available for projects that are undertaken as described in the CFA (or ESD application), except as expressly authorized by ESD.

**d) Financial Disclosure:** Financial disclosure, consisting of three years of audited financials or three years of tax returns plus interim financials if the most recent financial report is older than six months, on Recipient and all corporate and personal guarantors acceptable to ESD must be provided prior to ESD Directors' approval.

**e) Recapture:** Grant funds will be subject to *pro rata* recapture if property is sold within 5 years of disbursement of funds.

**f) Labor Peace:** Projects having a hotel as a principal function **and more than 15 employees** are required to demonstrate compliance with Section 2879-b of Public Authorities Law regarding labor peace. Please see Attachment 1, which is part of this Incentive Proposal.

### **General Requirements**

- **Equity:**  
The Recipient will be required to contribute a minimum of 10% of the total project cost in the form of equity contributed after December 8, 2016. Equity is defined as cash injected into the project by the Recipient or by investors and should be auditable through Recipient financial statements or Recipient accounts, if so requested by ESD. Equity cannot be borrowed money secured by the assets in the project.
- **Fees:**

The Recipient will provide a \$250 Application Fee, due when this Incentive Proposal is returned and a 1% commitment fee (\$20,000), due after ESD Directors' approval at the time a Grant Disbursement Agreement is executed. In addition, the Recipient will reimburse ESD for any direct expenses incurred in connection with this project, including costs related to holding a public hearing, attorney fees, appraisals, surveys, title insurance, credit searches, filing fees, and other requirements deemed appropriate by ESD.

▪ **Non-discrimination and Contractor Diversity:**

ESD's Non-discrimination & Contractor and Supplier Diversity policy will apply to this project. The Recipient shall be required to use "Good Faith Efforts," pursuant to 5 NYCRR §142.8, to achieve an overall Minority and Women-owned Business Enterprise ("MWBE") participation goal of 30% (\$600,000). The overall MWBE participation goals shall consist of a Minority-owned Business Enterprise ("MBE") participation goal of 15% (\$300,000) and a Women-owned Business Enterprise ("WBE") participation goal of 15% (\$300,000) related to the total value of ESD's funding and to solicit and utilize MWBEs for any contractual opportunities generated in connection with the project. MBE participation may not be substituted for WBE participation, or the reverse. A further explanation of the MWBE requirements is attached hereto.

The Recipient is encouraged to use "Good Faith Efforts," pursuant to 9 NYCRR §252.2(m), to utilize NYS-certified Service-Disabled-Veteran-owned Business Enterprises ("SDVOBs") in the execution of the grant. ESD's current agency-wide goal is 6%. Any utilization of SDVOBs would be in addition to goals established pursuant to Article 15-A of the Executive Law with respect to MWBEs. Should SDVOBs be utilized, a further explanation of the SDVOB reporting requirements is attached hereto.

▪ **Environmental, Historic and Smart Growth Review:**

Please note in particular the Environmental, Historic and Smart Growth Review requirements at the end of the attached document, which, if applicable, must be satisfied prior to ESD Directors' approval of funding. The ESD Planning & Environmental Review office may contact your office for further information regarding status of the environmental, historic and smart growth review for your project.

▪ **Environmental Sustainability:**

ESD encourages the environmentally sustainable practice of recycling construction and demolition debris rather than disposition in a landfill.

▪ **Insurance Requirements:**

The Recipient shall maintain Commercial General Liability Insurance providing both bodily injury (including death) and property damage insurance in a limit not less than One Million Dollars (\$1,000,000) per occurrence, Two Million Dollars (\$2,000,000) aggregate and Three Million Dollars (\$3,000,000) umbrella. In addition, if the grant contemplates the purchase, construction or renovation of any buildings or equipment, the Recipient shall keep the buildings at the Project Location and the building equipment insured against: (i) loss by fire, (ii) additional perils customarily covered under an all-risk policy and (iii) flood hazard, if the Project Location is located in an area identified by the Secretary of Housing and Urban Development as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, as amended.

▪ **Modification:**

ESD reserves the right to review and reconsider project and property selections in the event of material changes in the project plans or circumstances.

▪ **Reservations of Rights Concerning Funding Commitment:**

It is expected the project will proceed in the time frame set forth by the Applicant. If the implementation of a project fails to proceed as planned and is delayed for a significant period of time and there is, in the exclusive

judgment of ESD, doubt as to its viability, ESD reserves the right to cancel its funding commitment to such project.

▪ **Next Steps After Accepting this Incentive Proposal:**

Within approximately 30 days of your acceptance of this Incentive Proposal, your Project Manager will acknowledge receipt of the signed Incentive Proposal and will provide a guide to the ESD Approval and Disbursement Process and relevant contact information. Prior to ESD Directors' approval, ESD will require updated project information and Declarations and Certifications. Please note that ESD Directors' approval typically occurs at project completion.

**V. SUMMARY**

**TOTAL – ALL INCENTIVES**

**\$2,000,000**

**Expiration of Proposed Offer:**

This proposal expires 02/24/2019 unless endorsed below and received by ESD prior to the expiration date.

**Expiration of Accepted Offer:**

The accepted proposal expires two years from the date of acceptance by the Recipient. ESD reserves the right to require Recipient to provide any additional information and/or documentation ESD deems necessary.

APPROVED BY:

\_\_\_\_\_  
Edwin Lee, Senior Vice President  
ESD Loans & Grants  
633 Third Avenue  
New York, NY 10017  
Phone: (212) 803-3618

Date: \_\_\_\_\_

**DRAFT - - DO NOT SIGN**

ACCEPTED BY:

\_\_\_\_\_  
Town of East Greenbush  
Jack Conway  
Supervisor  
Rensselaer, NY 12144

Date: \_\_\_\_\_

Phone: 518-477-2005

\* Please see the following Affirmation page, which must be completed, signed and notarized for this Incentive Proposal to be considered accepted.

Revised 12/18/2018



## **PROPOSED SEWER DISTRICT EXTENSION FOR PHEASANT HOLLOW**

### **Order pursuant to Town Law Section 193**

A petition has been filed by the owners of Pheasant Hollow golf course, and certain owners of real property on Hayes Road and Phillips Road, requesting a sewer district extension. The boundaries of the proposed district are set forth in the legal description annexed hereto. The project's description is to develop the Pheasant Hollow property into eight (8) lots, with seven (7) single-family residential and one (1) additional service lot; and to provide sewer service to nine (9) existing homes and two (2) vacant lots along Hayes Road and Phillips Road. The proposed improvements include 2,800 feet of two-inch LPS and related appurtenances. This sanitary force main shall be dedicated to the Town of East Greenbush once completed, inspected and accepted. The estimated total cost of the project is \$115,148.00. The estimated cost of a hookup fee will be \$1,000.00 for proposed, new users, not part of the Pheasant Hollow property, which will cover the costs of their respective fee, curb stop and engineering costs. This low pressure pumping stations and service laterals will be the responsibility of these homeowners, estimated to be between \$5,000.00 and \$10,000.00. There will be no charges or assessments to existing users in the General Sewer District for the plan improvements. Maintenance and repair costs are estimated to be \$1.61 per front foot. Sewer charges are for residential customers and are estimated to cost \$384.00 per year.

The Town Board of the Town of East Greenbush will meet to consider the petition and to hear all persons interested in the project at the East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, New York on July 17, 2019 at 6:15 p.m.