



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

**59-2022 A Resolution to Approve Town Board Meeting Minutes**

**WHEREAS**, the minutes of the Town Board meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

**WHEREAS**, that the minutes of the Town Board Meeting held on February 16, 2022 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

**RESOLVED**, that the minutes of the Town Board Meeting held on February 16, 2022 are hereby approved as submitted.

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

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

**60-2022 A Resolution to Approve Special Meeting Minutes**

**WHEREAS**, the minutes of the Town Board Special meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

**WHEREAS**, that the minutes of the Town Board Special Meeting held on February 22, 2022 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

**RESOLVED**, that the minutes of the Town Board Special Meeting held on February 22, 2022 are hereby approved as submitted.

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

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

**61-2022 A Resolution Designating April 2022 as National Donate Life Month and April 15, 2022 as Donate Life Blue and Green Day**

**WHEREAS**, National Donate Life Month was established by Donate Life America and its partnering organizations in 2003 and is celebrated through activities to help encourage Americans to register as organ, eye and tissue donors and to celebrate those who have saved lives through the gift of donation; and

**WHEREAS**, the 2022 National Donate Life Month theme was inspired by the springtime scene of a garden since the garden and the insects within it serve as symbols of hope, courage and transformed life, themes repeatedly found within the donation and transplantation journey; now, therefore, be it

**RESOLVED**, to increase awareness and encourage participation in this lifesaving journey, the East Greenbush Town Board does hereby designate April 2022 as National Donate Life Month in the Town of East Greenbush; and be it further

**RESOLVED**, that the Town of East Greenbush designates Friday, April 15, 2022 as Donate Life Wear Blue and Green Day to consider our role in this lifesaving and healing journey, and how our residents can inspire others to provide hope through donor registration and living donation.

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

**62-2022 A Resolution to Make a Conditional Job Offer to Michael J. Herrington to the Position of Provisional Police Sergeant in the Police Department**

**WHEREAS**, this Town Board intends to maintain adequate supervisory staff within the Town Police Department; and

**WHEREAS**, the position(s) and rank of Police Sergeant is currently vacant and in need of replacement; and

**WHEREAS**, the Town Comptroller has determined that this resolution was planned for in the 2022 Budget; and

**WHEREAS**, the Rensselaer County Civil Service Commission has established minimum standards of merit and fitness for this position; will be administering and scoring written testing for the position; and will have a certified list of eligible candidates who are qualified for the position; and

**WHEREAS**, these candidates have been canvassed and interviewed by this Board in accordance with Town Law and Civil Service Law; and

**WHEREAS**, Officer Michael J. Herrington has been so examined; having given over 13 years of satisfactory service to the Town and meeting the high standard of merit and fitness as prescribed by the Rensselaer County Civil Service Commission; and, after due deliberation by this Board

now therefore; be it

**RESOLVED**, that Officer Michael J. Herrington be and hereby is appointed to the position of Provisional Police Sergeant of the East Greenbush Police Department, contingent on final certification by Rensselaer County Civil Service, and successful completion of the Basic Police Supervisory School of the Bureau for Municipal Police;

and be it further

**RESOLVED**, that said appointment shall have the full force and the same effect as each and every other Police Sergeant of the East Greenbush Police Department, as this position is further described in the Rules and Regulations of the Police Department, the Collective Bargaining Agreement, and the Laws of the State of New York;

and be it further

**RESOLVED**, that this resolution shall take effect immediately, and said Provisional Appointment, shall take effect upon the Appointee taking the Oath of Office administered by the Town Clerk or her designee;

and be it further

**RESOLVED**, that upon completion of all said conditions and stipulations, said appointment to the rank of Police Sergeant shall be, and hereby is made permanent.

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

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

**63-2022 A Resolution to Make a Conditional Job Offer to Mark J. Herrington to the Position of Provisional Police Sergeant in the Police Department**

**WHEREAS**, this Town Board intends to maintain adequate supervisory staff within the Town Police Department; and

**WHEREAS**, the position(s) and rank of Police Sergeant is currently vacant and in need of replacement; and

**WHEREAS**, the Town Comptroller has determined that this resolution was planned for in the 2022 Budget; and

**WHEREAS**, the Rensselaer County Civil Service Commission has established minimum standards of merit and fitness for this position; will be administering and scoring written testing for the position; and will have a certified list of eligible candidates who are qualified for the position; and

**WHEREAS**, these candidates have been canvassed and interviewed by this Board in accordance with Town Law and Civil Service Law; and

**WHEREAS**, Officer Mark J. Herrington has been so examined; having given over nine years of satisfactory service to the Town and meeting the high standard of merit and fitness as prescribed by the Rensselaer County Civil Service Commission; and, after due deliberation by this Board;

now therefore; be it

**RESOLVED**, that Officer Mark J. Herrington be and hereby is appointed to the position of Provisional Police Sergeant of the East Greenbush Police Department, contingent on final

certification by Rensselaer County Civil Service, and successful completion of the Basic Police Supervisory School of the Bureau for Municipal Police;

and be it further

**RESOLVED**, that said appointment shall have the full force and the same effect as each and every other Police Sergeant of the East Greenbush Police Department, as this position is further described in the Rules and Regulations of the Police Department, the Collective Bargaining Agreement, and the Laws of the State of New York;

and be it further

**RESOLVED**, that this resolution shall take effect immediately, and said Provisional Appointment, shall take effect upon the Appointee taking the Oath of Office administered by the Town Clerk or her designee;

and be it further

**RESOLVED**, that upon completion of all said conditions and stipulations, said appointment to the rank of Police Sergeant shall be, and hereby is made permanent.

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

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

**64-2022 A Resolution Accepting the Resignation of Trevor Moffatt**

**WHEREAS**, Trevor Moffatt has been an employee of the Town of East Greenbush Public Works Department since July 8th, 2019; and

**WHEREAS**, Mr. Moffatt has submitted a letter of resignation to the Town Board effective March 5<sup>th</sup>, 2022; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have no 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 Trevor Moffatt effective March 5<sup>th</sup>, 2022.

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

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

**65-2022 A Resolution Authorizing the Purchase of a PCC01 Large Diameter Cradle for the Proteus Light Crawler Sewer Camera.**

**WHEREAS**, in April of 2021, the Town Board authorized by resolution 100-2021 the purchase of a Proteus Light Camera Crawler for the Sewer Department; and

**WHEREAS**, the Proteus Light Camera Crawler is designed for sewer mains and storm culverts with adaptive equipment; and

**WHEREAS**, the purchase of the large diameter cradle would allow the camera to inspect large culvert pipes as part of the Town's MS-4 program; and

**WHEREAS**, the purchase of the PCC01 Large Diameter Cradle is a sole source purchase from CYNCON Equipment Inc.; and

**WHEREAS**, the Town of East Greenbush Purchasing Policy requires that purchases over \$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 \$10,230.00 from the Storm Sewer budget line 81404.7;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to purchase one PCC01 Large Diameter Cradle for the Proteus Light Crawler Sewer Camera.

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

**66-2022 A Resolution Authorizing Cured-In-Place Pipe Lining to Selected Sewer Main Sections**

**WHEREAS**, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

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

**WHEREAS**, the Commissioner of Public Works in conjunction with the Chief Wastewater Treatment Plant Operator has identified specific sections of the sewer collection system that are prone to clogging due to age, or infiltration of roots or other matter; and

**WHEREAS**, the Commissioner of Public Works has determined that the most cost effective way to recondition these specific sections is to install cured-in-place pipe lining which will prevent further clogging and will ensure a much longer life in the affected areas; and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$150,000.00 from the approved 2022 budget line 81204.07 Sanitary Sewer CE; now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to contract with Precision Trenchless LLC to install the lining in the sewer mains identified for a price not to exceed \$150,000.00.

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

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

**67-2022 A Resolution to Accept the Board of Ethics' 2021 Annual Report**

**WHEREAS**, inasmuch as the Town Board of Ethics (hereinafter, "BOE") was created and charged by the Town Board with the responsibility to engage in certain activities relative to the mandates contained in the Town's Code of Ethics, the BOE has a reciprocal obligation, pursuant to § 23 of such Code of Ethics, to be accountable to the Town Board by annually submitting thereto a report detailing such activities in which it has engaged; and

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

now, therefore, be it

**RESOLVED**, that the BOE's annual report of its activities in which it has engaged during the year 2021 (a copy of which is attached hereto and made a part hereof) be, and the same hereby is, accepted;

and be it further

**RESOLVED**, that the Town Board acknowledges with special gratitude and appreciation the exemplary service and leadership of Roger J. Johnson during his tenure as chairperson of the BOE, such tenure having concluded on December 31, 2021;

and be it further

**RESOLVED**, that a copy of the 2021 annual report shall be posted on the Town's website.

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

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

**68-2022 A Resolution Awarding Engagement to Perform Audit Services for the Town's 2021 and 2022 Financial Statements**

**WHEREAS**, the Town Board of the Town of East Greenbush wishes to retain the services of a qualified independent auditor for purposes of conducting a full audit of the financial and related records of the town (hereinafter, "Financial Audit") and of the books and records of the Town of East Greenbush for the fiscal years 2021 and 2022; and

**WHEREAS**, the Town Comptroller confirms that the financial impact of this resolution is budgeted in 2022 and needs to be budgeted in 2023 for account 13204.01 Independent Auditing and Accounting CE and allocated to the budgeted operating funds affected at \$25,000.00 for 2022 and \$25,000.00 for 2023 respectively;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Supervisor to enter an agreement to retain services from UHY, LLP to conduct the 2021 and 2022 Financial Audits at a cost not to exceed \$25,000.00 for 2021 and \$25,000.00 for 2022 respectively.

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

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

**69-2022 A Resolution to Appoint Terri Romano to the Position of Secretary to the Conservation Advisory Council (CAC)**

**WHEREAS**, the Conservation Advisory Council (CAC) was empaneled by Local Law #2 of 2020 to assist town boards in the review of applications, proposals and projects in progress for compliance with the Comprehensive Plan and best conservation practices; and

**WHEREAS**, monthly meetings of the CAC require the preparation of agendas, notetaking at meetings and meeting minutes; and

**WHEREAS**, appointed members of the CAC are donating their time to work on the Council and have full-time jobs so these tasks are onerous for the members of the CAC; and

**WHEREAS**, the Town advertised on its website for applications to serve as secretary to the CAC; and

**WHEREAS**, Terri Romano applied for the position, and as a qualified legal secretary for the Honorable Judge John. C. Egan, Jr., she possesses the skills and experience necessary to make an excellent secretary for this most important Council; and

**WHEREAS**, the CAC, at its February 28, 2022 meeting passed a resolution designating Terri Romano as the Council's Secretary; 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 Terri Romano to the position of Secretary to the Conservation Advisory Council;

and be it further

**RESOLVED**, that Ms. Romano will be compensated at the rate of \$80.00 per meeting;

and be it further

**RESOLVED**, that this appointment is effective as of February 28, 2022.

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

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

**70-2022 A Resolution Authorizing the Town Supervisor to Enter Into A Mutual Termination Agreement with H2M Architects and Engineers**

**WHEREAS**, in accordance with the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., the Town is advancing a project to construct upgrades to existing pump stations known as the Third Avenue Pump Station, the Barracks Road Pump Station as well as approximately 1,100 lineal feet of sanitary sewer forcemain connecting the Third Avenue Pump Station to the downstream gravity sewer system (the “Project”); and

**WHEREAS**, in accordance with Town Board resolution 75-2020 and the Agreement between the Town and H2M Architects, Engineers, Land Surveying and Landscape Architecture, D.P.C. d/b/a H2M architects + engineers (“H2M”), dated July 27, 2020, the Town engaged H2M to provide detailed design services in support of Project; and

**WHEREAS**, in accordance with the aforementioned July 27, 2020 Agreement, H2M has developed a draft final Engineers Report and Detailed Design Plans for the Project, which have been approved by NYSDEC and Rensselaer County Department of Health; and

**WHEREAS**, development and transmission to the Town of the approved plans for the Project complete H2M’s obligations to the Town to provide engineering services for Task 1 – Pump Station Design and Task 5 - Geotechnical Investigation; and

**WHEREAS**, the Town Comptroller confirms that this resolution is needed to move forward with the project; its impact is to be determined; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby authorizes the Town Supervisor to sign a mutual termination agreement upon approval as to form by the Town Attorney.

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

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

**71-2022 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for Construction of Tempel Lane Extension and Certain Other Traffic Mitigation Projects**

**WHEREAS**, in connection with 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 roadway and transportation improvements; and

**WHEREAS**, these improvements include the extension of the existing Tempel Lane to a point of intersection with Third Avenue Extension and associated stormwater, water supply, sanitary sewer improvements and items related to this proposed roadway extension and other traffic mitigation projects on Third Avenue Extension and the existing Tempel Lane (“Tempel Lane Extension Project”); and

**WHEREAS**, the Tempel Lane Extension Project is being implemented and sponsored by the Town of East Greenbush, and the Town’s design consultant, Greenman-Pedersen, Inc. has

prepared final design plans, bid specifications, and estimates for this project such that the proposed roadway alignment and other improvements are substantially complete and have received approval or are in the process of final review by the involved agencies, including USACOE and NYSDOT; and

**WHEREAS**, the Amended SEQRA Statement of Findings issued in November of 2018 by the Town Board as lead agency addressed both the Regeneron Tempel Lane Campus and the Tempel Lane Extension Project; and

**WHEREAS**, on December 15, 2021 (Resolution 317-2021) the Town Board adopted a negative declaration for the Tempel Lane Extension Project, finding that the proposed Tempel Lane Extension Project is consistent with the above-referenced Amended SEQRA Statement of Findings, and that no Supplemental Environmental Impact Statement is necessary because the Project remains within the impact thresholds and mitigation established in the Amended SEQRA Statement of Findings; and

**WHEREAS**, the Town has acquired the lands needed to construct the Tempel Lane Extension Project from the Capital City Cemetery Corporation, and is in the process of acquiring lands from Regeneron Pharmaceuticals, Inc., which, pursuant to the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., has agreed to transfer to the Town the needed lands; and

**WHEREAS**, as set forth in the Development Agreement, the construction contract for the Project is anticipated to be funded by Regeneron Pharmaceuticals, Inc. and Empire State Development (ESD), with funding from ESD to be provided in accordance with the executed Incentive Proposal between the Town and ESD; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby authorizes the Commissioner of Public Works to solicit bids from qualified contractors to construct the Tempel Lane Extension Project.

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

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

**72-2022 A Resolution to Authorize the Town Supervisor to Sign a Contract Amendment with M.J. Engineering and Land Surveying, P.C. in Connection with the Initiative to Update the Town's Comprehensive Plan, Zoning Law and Subdivision Regulations, and Western Generic Environmental Impact Statement (GEIS)**

**WHEREAS**, on May 23, 2018 (Resolution 117-2018), the Town Board authorized entering into a contract with M.J. Engineering and Land Surveying, P.C. ("MJ Engineering") to provide services in connection with an initiative to update the Town's Comprehensive Plan, Zoning Law and Subdivision Regulations, and Western Generic Environmental Impact

Statement (GEIS), and the Town and MJ Engineering subsequently entered into an agreement on July 9, 2018; and

**WHEREAS**, the Town, with support from MJ Engineering, has completed a project to update the comprehensive plan, with the 2021 Town of East Greenbush Comprehensive Plan adopted by the Town Board on May 19, 2021 (resolution 136-2021) (“2021 Comprehensive Plan Project”), which completed MJ Engineering’s services with respect to that aspect of the above-mentioned initiative; and

**WHEREAS**, in order to complete the 2021 Comprehensive Plan project, the Comprehensive Plan Update Steering Committee, Town Board, and the Town’s project management team required additional services from M.J. Engineering, which were not anticipated to be needed at the time the Town engaged MJ Engineering and which were not included in the 2021 Comprehensive Plan Project budget; and

**WHEREAS**, the need for the above-mentioned additional services and budget increase arose principally from the need for more time, and to conduct additional meetings, to evaluate key recommendations and future land uses, unforeseen changes in the Comprehensive Plan Update Steering Committee membership, as well as challenges conducting business relating to the COVID-19 pandemic; and

**WHEREAS**, with completion of the 2021 Comprehensive Plan Project, the Town Board has moved to commence work on the next phase of the above-described initiative by appointing a Zoning and Subdivision Regulations Update Steering Committee (“the Committee”), and the Town and the Committee, with support from M.J. Engineering, has begun work on a project to updated the Town’s zoning law and subdivision regulations to bring these requirements into alignment with the 2021 Comprehensive Plan; and

**WHEREAS**, M.J. Engineering has submitted a proposed contract amendment that includes a revised scope, schedule, and budget in order to provide services to complete the above-described initiative, and this proposed contract amendment accounts for the additional services needed to complete the 2021 Comprehensive Plan as well as the services M.J. Engineering’s anticipates will be needed to update the zoning law and subdivision regulations, now that the Town and the Committee have begun work on this aspect of the above-described imitative; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby authorize the Town Supervisor to sign a contract amendment with M.J. Engineering for services to be rendered in connection with the Town’s initiative to update the Town’s Comprehensive Plan, Zoning, and Western Generic Environmental Impact Statement (GEIS), which contract amendment must not exceed **INSERT VALUE** upon its approval as to form by the Town Attorney.

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

**73-2022      A Resolution Authorizing the Town Supervisor to Enter Into A Contract with Adirondack Mountain Engineering, P.C. to Provide Bid- and Construction-Phase Services for a Project to Upgrade the Third Avenue and Barracks Road Pump Stations**

**WHEREAS**, in accordance with the Town Board’s Amended SEQRA Statement of Findings for development of the Regeneron Pharmaceuticals, Inc. (“Regeneron”) Tempel Lane Campus development and the Development Agreement between the Town and Regeneron, the Town is upgrading the sanitary sewer pump station and conveyance infrastructure serving a portion of the Town that includes Regeneron’s Tempel Lane Campus development; and

**WHEREAS**, upgrades include replacement of the existing pump stations known as the Third Avenue Pump Station, the Barracks Road Pump Station as well as approximately 1,100 lineal feet of sanitary sewer forcemain connecting the Third Avenue Pump Station to the downstream gravity sewer system (the “Project”); and

**WHEREAS**, pursuant to RFP 19-11 (Third Avenue & Barracks Pump Station Upgrade), and in accordance with Town Board resolution 75-2020, the Town engaged H2M Architects and Engineers (“H2M”) to provide detailed design services in support of Project, and H2M has developed a draft final Engineers Report and Detailed Design Plans for the Project, which are undergoing final review by NYSDEC, Rensselaer County Department of Health, and NYSDOT; and

**WHEREAS**, the contract with H2M also included bid phase support, construction administration, and construction inspection services (the “Bid- and Construction-Phase Services”), but the Town Board has declined to exercise these portions of the H2M contract and, instead, desires to procure these services, which are necessary to advance the Project, separately; and

**WHEREAS**, Adirondack Mountain Engineering, P.C. (“AME”) was selected to provide and has satisfactorily provided town designated engineering (“TDE”) services in accordance with RFP 19-04 and the Town Designated Engineer Term Services Agreement entered into between the Town and AME on August 28, 2019, under which Agreement AME will provide construction administration and observation services; and

**WHEREAS**, in addition, AME submitted a response to RFP 19-11, which the Selection Committee ranked in the top three (3) of responses received; and

**WHEREAS**, AME has provided a scope and budget for providing the needed Bid- and Construction-Phase Services to construct the Project; and

**WHEREAS**, time is of the essence, as the Project is a necessary mitigation measure required by the Town Board in order for Regeneron to construct their Tempel Lane Campus development; and

**WHEREAS**, as set forth in the Development Agreement, the contract for the Project is anticipated to be funded by Regeneron and Empire State Development, with the Town contributing up to \$800,000.00 in GEIS Water/Sewer land development mitigation funding for engineering services, including the Bid- and Construction-Phase Services; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby authorizes the Town Supervisor to sign a contract with Adirondack Mountain Engineering, P.C. in the amount

of [INSERT DOLLAR AMOUNT] to provide the needed Bid- and Construction-Phase Services in order to construct the Project.

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

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

**74-2022      A Resolution to Accept the Offer of Certain Required Improvements Constructed in Connection with the Rysedorph Cluster Subdivision Project at Rysedorph Lane**

**WHEREAS**, the Town Planning Board granted conditional final plat approval of the Rysedorph Cluster Subdivision on June 13, 2018 for the 27 lots in the Town of East Greenbush prepared by C.T. Male Associates, dated May 24, 2018 (the “Plans”); and

**WHEREAS**, the approved Plans required the installation of certain improvements, including roadway, water supply, sanitary sewer, stormwater drainage, pedestrian, and other infrastructure (the “Required Improvements”); and

**WHEREAS**, in August 2018 Kingdom Trust Co Custodian FBO Anne Stuto IRA (“the Developer”) commenced construction of the Required Improvements; and

**WHEREAS**, the Town’s Designated Engineer, (GPI – Greenman Pedersen Inc.) has conducted regular inspections of the construction of the Required Improvements; and

**WHEREAS**, the Town’s Designated Engineer has certified, in writing, to the Commissioner of Public Works, Planning Board, and Town Board that they have supervised such improvements and that the completed Required Improvements conform to all approved plans and specifications of the Town; and

**WHEREAS**, the Commissioner of Public Works has approved in writing the Required Improvements that have been completed; and

**WHEREAS**, the Developer, at the discretion of the Commissioner of Public Works, has provided a Cash Bond in accordance with the Town of East Greenbush Town Code for the Required Improvements, and said Cash Bond, in the amount of \$110,000.00 has been provided in an amount and form acceptable to the Commissioner of Public Works and the Town Attorney; and

**WHEREAS**, the developer has submitted written offers of cession for all improvements and interest in all land areas within the Public Right-of-Way to be dedicated to the Town of East Greenbush, including, but not limited to roadways, water and sewer systems, drainage ways and easements; and

**WHEREAS**, on March 9, 2022, the Planning Board voted to recommend that the Town Board accept the Required Improvements, subject to certain conditions; and

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

now, therefore, be it

**RESOLVED**, that notwithstanding that the improvements do not conform to all of the provisions of the street and highway acceptance local law, the Town Board judges that the public interest will best be served by such acceptance;

and be it further

**RESOLVED**, that the Town Board hereby accepts, in accordance with Section 36-25 of the Town Code, all streets and other Required Improvements, and the Developer’s offer of cession of their interest in the Required Improvements and interest in land areas within the public right-of-way to be dedicated to the Town, subject to the following conditions:

1. That the Developer reimburse the Town for all costs and expenses associated with the Planning Board's consultants and inspections of all Required Improvements.
2. The Developer, as soon as practicable during the 2022 construction season, complete the Required Improvements identified as having been incomplete as specified in and as of the date of the Town’s designated engineer certification letter, dated [INSERT DATE], which is attached hereto and made a part hereof.
3. The Developer must maintain sufficient financial security with the Town in a form acceptable to the Town until such time as all Required Improvements are completed, certified, and approved in accordance with the Town’s requirements, including the required one-year maintenance period.

be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to execute documents relating to this offer of cession, provided that 1) the offer of cession and related documents and materials must be approved as to form by the Town Attorney; and 2) any documents to be executed by the Town Supervisor be approved as to form by the Town Attorney.

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

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

**75-2022      A Resolution to Schedule a Public Hearing on a New Local Law Banning All Tobacco, Cannabis, E-Cigarette and Vape Products on Town Property, Including the Town’s Parks**

**WHEREAS**, the Town passed a resolution in 2012 that prohibited tobacco products on Town property where children congregate and in 2017 updated the Employee Handbook to prohibit smoking in all Town buildings; and

**WHEREAS**, subsequent to these actions, the technology of smoking has undergone a significant transformation with the addition of vape and e-cigarette products, and the legalization of recreational marijuana; and

**WHEREAS**, it is the intent of the Town Board to make all Town properties and facilities smoke- and vape-free, and to do that must pass a new Local Law to that effect; and

**WHEREAS**, the passage of a new Local Law requires a public hearing to allow the interested public to attend and offer their comments to the Town Board; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby schedules a Public Hearing on a new Local Law banning all tobacco, cannabis, e-Cigarettes and vape products on Town property, including the Town’s parks for April 20, 2022 at 6:45 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush.

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

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

**76-2022 A Resolution to Schedule a Public Workshop to Solicit Views on Large-Scale Solar Energy Systems (LSSSES)**

**WHEREAS**, with Resolution 28-2022, the Town Board passed a Local Law to supersede and suspend all of Article 16 of the New York State Town Law Sections 261-285 of the New York State Town Law, as well as jurisdiction of the ZBA to grant relief from the moratorium, in order to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the Comprehensive Zoning Law and the Solar Energy Law as they relate to Large-Scale Solar Energy Systems (LSSSES) within the various zoning districts in the town; and

**WHEREAS**, a proposed local law imposing a temporary moratorium on applications for permits, site plans or other land use approvals for LSSSES within the Town was passed as “Local Law No. 1 of 2022” by the Town Board; and

**WHEREAS**, a public hearing was held by the Town Board on December 15, 2021; and

**WHEREAS**, in accordance with New York State Town Law Section 239-m, the proposed local law was referred to the County planning agency and the County planning agency responded that “the proposal does not have a major impact on County plans and that local consideration shall prevail”; and

**WHEREAS**, the Town Board wants to hear the views of from residents and other stakeholders as it prepares to write a new Local Law; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby schedules a Public Workshop on Large-Scale Solar Energy Systems for March 30, 2022 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush.

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

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

**ADJOURNMENT**

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

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

DRAFT