



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA PRE-BOARD MEETING July 12, 2023

**Call to Order**                      **6:00 PM**  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present

Absent

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

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

### Presentation:

### Schedule of Meeting:

#### 160-2023      A Resolution to Approve Meeting Minutes

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

**WHEREAS**, that the minutes of the Town Board Meeting held on June 21, 2023 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 June 21, 2023 are hereby approved as submitted.

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

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

**161-2023 A Resolution to Declare July 20, 2023 Mabel Witbeck Day in the Town of East Greenbush**

**WHEREAS**, Mabel Witbeck was born on July 20, 1923 ...

**162-2023 A Resolution Authorizing the Commissioner of Public Works to Engage FCM Engineering, PLLC, for Preliminary Engineering for the Development of a Shared Services Police Firing Range**

**WHEREAS**, this resolution was tabled as Resolution 157-2023 on June 21, 2023 so the Town Board could gather more information; and

**WHEREAS**, FCM Engineering PLLC was selected as one of the Town’s designated engineering firms because of experience in traffic, road development, and site engineering; and

**WHEREAS**, the Shared Services police departments – East Greenbush, North Greenbush, Rensselaer and Schodack – are continuing to have trouble finding range time for practice and qualifying requirements, and sometimes have to wait up to three months before time can be scheduled; and

**WHEREAS**, the Town of East Greenbush owns sufficient land to develop a police firing range and is desirous of getting this project done in a reasonable amount of time with the help of our shared services partners; and

**WHEREAS**, the preliminary engineering will focus on feasibility, siting, and practicality so that a projected development plan and budget can be created for the project; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances;

Fund	Transfer In	Transfer Out
A917 General Fund Balance		\$10,000
31204.01.04 Police CE	\$10,000	

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to engage FCM Engineering PLLC to conduct preliminary engineering analyses for the development of a Shared Services Police Firing Range; and be it further

**RESOLVED**, that the cost of preliminary engineering shall not exceed \$10,000.00.

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

**163-2023 A Resolution Authorizing the Purchase of a New Mack Plow Truck for the Highway Department**

**WHEREAS**, the Town Board approved the solicitation of bids for a new plow truck in Resolution 26-2023; and

**WHEREAS**, the Commissioner of Public Works reviewed bids available through Onondaga County to piggyback from and has recommended one for purchase; and

**WHEREAS**, the chassis cab is available through Gabrielli Truck Sales – a 2025 Mack Granite 64FR for \$180,000.00; and

**WHEREAS**, once the chassis is in, the truck would go to Zwack Inc. to be fitted for the plow body at the cost of \$158,495.00 which is at a 30% discount through the Onondaga County Bid; and

**WHEREAS**, due to the time that it is taking the truck manufacturers and with the need to retrofit the plow body, the Commissioner of Public Works is requesting approval to order the truck so we could have it possibly for next plow season in 2024 at the earliest; and

**WHEREAS**, the Town Comptroller confirms that this resolution can be funded with the following transfer:

Fund	Transfer In	Transfer Out
DA915 Highway Fund Balance		\$338,495
51304.02 Machinery CE	\$338,495	

now, therefore, be it

**RESOLVED**, that the Town Board does hereby authorize the Commissioner of Public Works to place the order for the new Mack plow truck for the Highway Department for the amount of \$180,000.000 for chassis from Gabrielli Truck Sales and \$158,495.00 for the plow body from Zwack Inc. utilizing the Onondaga County Bid.

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:

**164-2023      A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for the Renovation of Old Troy Road Bridge**

**WHEREAS**, on June 21<sup>st</sup>, 2022 the Town of East Greenbush received a Red Flag from New York State Department of Transportation Region #1; and

**WHEREAS**, on June 22<sup>nd</sup>, 2022 the Commissioner of Public Works contacted one of the Town designated engineers that specializes in Traffic and Highway construction; and

**WHEREAS**, on July 6<sup>th</sup>, 2022 members of Town staff including the Town Supervisor, the Commissioner of Public Works, the Deputy Commissioner of Public Works and the Town Director of Planning met with FCM Engineering, PLLC to discuss the Bridge closure plan and recommendation for repairing the required items listed in the Red Flag Report from NYSDOT; and

**WHEREAS**, W.M. J Keller Construction Corp. performed the required repairs as listed on the NYSDOT Red Flag Report based on a time and material basis and the work was inspected by A.S. Bell Engineering, PC; and

**WHEREAS**, the Red Flag Notice was removed by NYSDOT on September 2<sup>nd</sup>, 2022 and the Bridge was reopened on September 9<sup>th</sup>, 2022; and

**WHEREAS**, the Town Board held two (2) Public Hearings for residents to address the Town Board about their concerns on Old Troy Road Bridge; and

**WHEREAS**, Town Designated Engineer for this project, FCM Engineering PLLC and A.S. Bell Engineering, PC presented the proposed renovation of the Old Troy Road Bridge to the Commissioner and Deputy Commissioner of Public Works; and

**WHEREAS**, in Resolution 28-2023 the Town Board approved the Commissioner of Public Works to solicit bids for materials only but since that time the Commissioner has determined that soliciting a bid for the full scope of the project would be in the Department and Town's interest for project management and timely completion; and

**WHEREAS**, the Town Comptroller confirms that the act of soliciting bids does not have a material impact on the Town's 2023 Budget;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby authorize the Commissioner of Public Works to solicit bids for the full scope of the Old Troy Road Bridge Renovation Project to complete the price estimate for the project.

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

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

**165-2023 A Resolution Authorizing the Supervisor to Sign a Settlement Agreement in the Matter of the Claim of a Certain Employee**

**WHEREAS**, a certain person previously served as an employee of the Town of East Greenbush in 2019 and 2020; and

**WHEREAS**, thereafter, this former employee, by their attorney, notified the Town that her client alleged certain claims against the Town, specifically, allegations relating to gender discrimination and defamation; and

**WHEREAS**, the Town, through its insurer, NYMIR, engaged counsel to investigate said claims, and to represent the Town to see if such claims could be resolved without litigation; and

**WHEREAS**, counsel for the Town and for the former employee have agreed to settle this matter in full for the sum of \$12,000.00, and counsel to the Town has recommended that the Town accept this settlement; and

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

now, therefore, be it

**RESOLVED**, that the Supervisor is hereby authorized to execute said Settlement Agreement and Full and Final Release of all Claims on behalf of the Town.

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:

**166-2023 A Resolution Awarding the Water Main Replacement on Mountain View Avenue to Next Generation Services WSL LLC and Authorizing Use of GEIS Funds**

**WHEREAS**, the Town Board approved the Commissioner of Public Works to solicit bids for Water Main replacement in resolution 128-2023; and

**WHEREAS**, the bid was announced, a site visit was held, and the Town received 11 bids from contractors for the Water Main Replacement on Mountain View Avenue. The three lowest bids were reviewed for completeness by the Town Designated Engineer Hank LaBarba, who has recommended Next Generation Services WSL LLC as the Lowest Responsible Bidder for this project with a bid in the amount \$165,000.00; and

**WHEREAS**, Next Generation Services WSL LLC has completed similar projects for the Town in the past with the Water Main Replacement on Hudson Ave E. in Hampton Manor; and

**WHEREAS**, the GEIS Committee met on Monday, July 10, 2023 for their regularly-scheduled meeting and this project was submitted to see if it was an appropriate use of GEIS funds; and

**WHEREAS**, the GEIS Committee recommends this project as an appropriate use of GEIS funds and verifies that there are sufficient funds within the GEIS Water/Sewer Fund for this project; and

**WHEREAS**, the Town Comptroller confirms the \$165,000 financial impact can be funded by the following fund transfer:

Fund	Transfer In	Transfer Out
83404.05 Transmission/Distribution CE	\$82,500.00	
SW915 Water Fund Balance		\$82,500.00
A915 GEIS Water/Sewer Fund Balance		\$82,500.00
80304.01.04.24 GEIS Water Sewer CE	\$82,500.00	

now, therefore, be it

**RESOLVED**, that the Town Board approves the use of GEIS Water and Sewer fees for this project as recommended by the GEIS Committee.

and be it further,

**RESOLVED**, that the Town Board does hereby approve the awarding of the contract for Mountain View Avenue Water Main Extension to Next Generation Services WSL LLC for the amount of \$165,000.00.

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

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

**167-2023 A Resolution Awarding the Water Main Extension on Phillips Road to Next Generation Services WSL LLC and Authorizing Use of GEIS Funds to Fund Part of the Project**

**WHEREAS**, the Town Board approved the Commissioner of Public Works to solicit bids for Water Main replacement in resolution 128-2023; and

**WHEREAS**, the bid was announced, a site visit was held, and the Town received 9 bids from contractors for the Water Main Replacement on Phillips Road. The three lowest bids were reviewed for completeness by the Town Designated Engineer Hank LaBarba, who has recommended Next Generation Services WSL LLC as the Lowest Responsible Bidder for this project in the amount \$52,000.00; and

**WHEREAS**, Next Generation Services WSL LLC has completed similar projects for the Town in the past with the Water Main Replacement on Hudson Ave E. in Hampton Manor; and

**WHEREAS**, this project will extend the water line from the area just past Wyatt’s Circle and connect to Hays Road. This extension will allow the Town to maintain water service to the majority of residents off of Phillips Road during major water line breaks and if a hydrant is used, which can drain the system causing residents to have reduced water pressure to no water at all; and

**WHEREAS**, the GEIS Committee met on Monday, July 10, 2023 for their regularly scheduled meeting and this project was submitted to assess if it was an appropriate use of GEIS funds; and

**WHEREAS**, the GEIS Committee recommends this project as an appropriate use of funds and verifies that there are sufficient funds within the GEIS Water/Sewer Fund for this project; and

**WHEREAS**, the Town Comptroller confirms the \$52,000 financial impact can be funded by the following fund transfer:

Fund	Transfer In	Transfer Out
83404.05 Transmission/Distribution CE	\$26,000.00	
SW915 Water Fund Balance		\$26,000.00
A915 GEIS Water/Sewer Fund Balance		\$26,000.00
80304.01.04.24 GEIS Water Sewer CE	\$26,000.00	

now, therefore, be it

**RESOLVED**, that the Town Board approves the use of GEIS Water and Sewer fees for this project as recommended by the GEIS Committee;

and be it further,

**RESOLVED**, that the Town Board does hereby approve the awarding the contract for Phillips Road Water Main Extension to Next Generation Services WSL LLC for the amount of \$52,000.00.

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

**168-2023 A Resolution Awarding the Water Main Extension on Ridge Road to American Evergreen, Inc. and Authorizing Use of GEIS Funds**

**WHEREAS**, the Town Board approved the Commissioner of Public Works to solicit bids for Water Main replacement in Resolution 128-2023; and

**WHEREAS**, the bid was announced, a site visit was held and the Town received seven (7) bids from contractors for the Water Main Replacement on Ridge Road. The three lowest bids were reviewed for completeness by the Town Designated Engineer Hank LaBarba, who has recommended American Evergreen Inc. as the Lowest Responsible Bidder for this project in the amount \$767,800.00; and

**WHEREAS**, this project will replace a section of the existing Ductile Iron pipe that begins at the connection at the intersection of 9&20 and Ridge Road and continues up the road approximately 2680 feet; and

**WHEREAS**, this replacement is critical to the performance and delivery of water to residents in the area as the aging infrastructure is prone to breaks. In 2022, the Water Department repaired a number of breaks in this section, and specifically experienced sequential breaks in August when one repair was made a second break occurred within a couple of hours just 50' down the road from the initial break; and

**WHEREAS**, the GEIS Committee met on Monday, July 10, 2023 for their regularly meeting and this project was submitted to see if it was an appropriate use of GEIS funds; and

**WHEREAS**, the GEIS Committee recommends this project as an appropriate use of funds and verifies that there are sufficient funds within the GEIS Water/Sewer Fund for this project; and

**WHEREAS**, the Town Comptroller confirms the \$767,800.00 financial impact can be funded by the following fund transfer:

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
83404.05 Transmission/Distribution CE	\$383,900.00	
SW915 Water Fund Balance		\$383,900.00
A915 GEIS Water/Sewer Fund Balance		\$383,900.00
80304.01.04.24 GEIS Water Sewer CE	\$383,900.00	

now, therefore, be it

**RESOLVED**, that the Town Board approves the use of GEIS Water and Sewer fees for this project as recommended by the GEIS Committee;

and be it further,

**RESOLVED**, that the Town Board does hereby approve the awarding the contract for Ridge Road Water Main Replacement to American Evergreen Inc. for the amount of \$767,800.00.

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:

**169-2023 A Resolution to Waive the Residency Requirement for Joshua Giller, Director of Planning and Zoning**

**WHEREAS**, Joshua Giller was appointed to the position of Director of Planning and Zoning via Resolution 158-2023 on June 21, 2023; and

**WHEREAS**, Joshua Giller is not a resident of the Town of East Greenbush but lives in close enough proximity to be able to get to work whenever the need arises; 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 does hereby waive the residency requirement for Joshua Giller, Director of Planning and Zoning for the period of June 21, 2023-December 31, 2023.

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:

**170-2023 A Resolution Awarding the Donnelly Drive Drainage Project to Next Generation WSL LLC**

**WHEREAS**, the Commissioner of Public Works consulted with Town Designated Engineer FCM Engineering PLLC on the Donnelly Drive Drainage Project which would address the water flow and flooding issues that residents experience during heavy rainstorm events; and

**WHEREAS**, bids were solicited and the Town received 12 of bids from contractors. Through review with FCM Engineering PLLC, the Commissioner of Public Works recommends Next Generation Services WSL LLC as the Lowest Responsible Bidder for this project for the amount of \$39,000.00 to complete the work as designed in the project specifications; and

**WHEREAS**, the Commissioner has worked on previous projects with Next Generation WSL LLC and believes that they are more than capable of completing the work within the desired project window; and

**WHEREAS**, the Town Comptroller confirms that this resolution can be funded with the following transfer:

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
81404.07 – Storm Sewer CE	\$39,000.00	
SS915 Sewer Fund Balance		\$39,000.00

now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the Commissioner of Public Works to contract with Next Generation Services WSL LLC to complete the Donnelly Drive Drainage Project in an amount not to exceed \$39,000.00.

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:

**171-2023 A Resolution to Designate No Parking on Lake Shore Drive**

**WHEREAS**, the Town Board (Resolution 137-2022) approved in accordance with recommendations outlined in the Lakeshore Drive Complete Streets Traffic Study (the “Study”), prepared with assistance from Stantec Consulting Services, adopted by the Town Board August 18, 2021 (Resolution 210-2021), the Commissioner of Public Works requested the conversion of Lake Shore Drive into a One Way Road by installing a walking path and new signage, as set forth in the aforementioned Study; and

**WHEREAS**, the Town Board approved the Town to contract with Peter Luizzi & Bros Contracting for the Lake Shore Drive improvements, which involve turning Lake Shore Drive into a One Way Road year-round with the vehicle traffic to flow in a clockwise pattern. The contractor will complete the striping, signage and the two crosswalks at the two intersections with Hampton Avenue; and

**WHEREAS**, with these changes the Commissioner of Public Works is recommending that the Town Board designate that no parking be allowed on Lake Shore Drive for the safety of pedestrians and traffic; and

**WHEREAS**, pursuant to §20-2 of East Greenbush Town Code, the Town Board of the Town of East Greenbush may designate highways within the Town, except state highways maintained by the state therein, on which vehicles may not be parked or on which vehicles may not be parked on one side or the other. The designation of such street or streets shall be made in writing under the signature of a majority of the members of the Town Board and such designation when so made and completed shall be filed in the office of the Town Clerk of the Town of East Greenbush. Any highway thus designated shall be marked by conspicuous signs which shall be visible at all times; and

**WHEREAS**, such designation, when so made and completed, shall be filed in the office of the Town Clerk;

now, therefore, be it

**RESOLVED**, that the Town Board does hereby designate that there shall be no parking on either side of Lake Shore Drive;

and be it further

**RESOLVED**, that the Commissioner of Public Works shall arrange that Lake Shore Drive be marked by conspicuous signs to this effect which will be visible at all times.

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

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

## **ADJOURNMENT**

Motion to adjourn 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: