

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

65-2021 A Resolution Designating April 2021 as National Donate Life Month and April 16, 2021 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 2021 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 2021 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 16, 2021 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 R. Matters	VOTED:

66-2021 A Resolution to Settle an Article 78 Proceeding and Approve an Easement Agreement

WHEREAS, Barbara Liccardi and Nina Walsh as Co-Executors of the Estate of Oreste F. Orcioli initiated an Article 78 proceeding in Supreme Court, Rensselaer County bearing Index No. 2020-266029 against John Conway, the members of the Town of East Greenbush Zoning Board of Appeals and the Town of East Greenbush Zoning Board of Appeals; and

WHEREAS, the Article 78 proceeding was initiated to overturn and annul the denial by the Town of East Greenbush Zoning Board of Appeals of the Co-Executors' request for area variances pertaining to real property located at 35 Oriel Lane, East Greenbush, New York and designated as Lot # 22 on the Red Mill Knolls Subdivision; and

WHEREAS, the Town of East Greenbush filed an answer to the petition; and
WHEREAS, Judge Raymond J. Elliott, III issued a decision on August 28, 2020, a copy of which is attached, holding in part that the petition be partially granted to the extent that the Zoning Board of Appeals Determination is annulled, and the matter be remanded back to the Zoning Board of Appeals for further proceedings; and

WHEREAS, after having had the decision issued by Judge Raymond J. Elliott, III the parties entered into settlement negotiations and as a result of those negotiations the parties have reached a resolution of the instant dispute whereby the area variances shall be granted and the Town will be granted a surface drainage easement over a portion of a contiguous parcel of real property owned by the Co-Executors;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the settlement of the Article 78 proceeding;

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to execute the Easement Agreement, attached hereto and made a part hereof.

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

67-2021 A Resolution to Authorize a Public Auction of Surplus Equipment

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York has received a request from the Chief of Police to declare equipment as surplus; and

WHEREAS, said equipment includes Obsolete Radio Equipment; See “Attachment A” from Algonquin Communications; and

WHEREAS, the amortization rate of said equipment has far exceeded its life span and is obsolete and not suited for other departments in Town; and

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

Now, therefore, be it

RESOLVED that the equipment listed on “Attachment A” is hereby declared as surplus; and be it further

RESOLVED that the Purchasing Agent is authorized to dispose of said surplus equipment now owned by and in the custody of the East Greenbush Police Department To Algonquin Communications in exchange for services provided including inventory, testing, and de-programming of all radios.

The foregoing resolution was duly moved by Councilor Kennedy 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 H. Kennedy	VOTED:

68-2021 A Resolution Awarding Engagement to Perform Audit Services for the Town's 2020 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 year 2020; and

WHEREAS, the Town Comptroller has noted that the 2020 Financial Statement Audit professional fees represent no fee increase over the prior year; and at this time the costs of a federal or state single audit is not anticipated and therefore not included in this resolution; and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is budgeted in 2021 for account 13204.01 Independent Auditing and Accounting CE at approximately \$23,400.00;

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 2020 Financial Audit at a cost not to exceed \$23,400.00.

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

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

69-2021 A Resolution Authorizing the Supervisor to Sign an Agreement with the City of Troy, the Town of Bethlehem, and MXI Environmental Services, LLC, Relating to the Disposition of Certain Household Hazardous Waste

WHEREAS, the Town of East Greenbush is entering into a Memorandum of Agreement, whereby the Town agrees to share with the City of Troy and the Town of Bethlehem a series of household hazardous waste collection events; and

WHEREAS, said Memorandum of Agreement is contingent upon Bethlehem and East Greenbush entering into a "piggyback" contractual arrangement directly with MXI Environmental Services, LLC ("MXI"), and is also contingent upon the provision of adequate insurance coverage for the Town, including pollution liability during the term of such agreement; and

WHEREAS, MXI is willing to extend the terms and conditions of its existing contract with the City of Troy to Bethlehem and East Greenbush for household hazardous waste collection events to be held in the three municipalities; and

WHEREAS, MXI has agreed to add the Town of East Greenbush as an additional insured on its liability policies, including pollution coverage; 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 authorized to enter into said agreement among the City of Troy, the Town of Bethlehem, the Town of East Greenbush and MXI Environmental Services, LLC, subject to approval as to form by the attorney to 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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

70-2021 A Resolution Appointing Fred Henson to the East Greenbush Conservation Advisory Council

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

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

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

WHEREAS, Fred Henson is a Town resident, has expressed an interest in preservation of natural resources, open space conservation, and the improvement of environmental quality; holds a BS in Natural Resources and Conservation and an MS in Fishing and Fisheries Sciences Management from Cornell University and the University of Minnesota, respectively; and has over two decades professional experience in wildlife management; and

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

RESOLVED, that the Town Board hereby appoints Fred Henson to the East Greenbush Conservation Advisory Council for a term not to exceed one (1) full year.

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

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

71-2021 A Resolution to Authorize the Town Supervisor to Sign an Escrow Agreement with Regeneron Pharmaceuticals, Inc. to Provide Funds to NYSDOT to Construct Certain Traffic Impact Mitigation Projects Required in Connection with Regeneron’s Tempel Lane Campus Development

WHEREAS, the New York State Department of Transportation (NYSDOT) has an active federal aid project known as “Intersection of US Route 4 and I-90: Intersection Safety Improvements” (PIN 1089.79) which would implement intersection safety improvements, including an anticipated roundabout, as well as multi-modal accommodations, at the intersection of US Route 4 and the I-90 Westbound Ramps (the “Safety Project”); and

WHEREAS, the Town Board, adopted an amended statement of findings (ASOF) under SEQRA in connection with Regeneron’s Tempel Lane Campus development, and the ASOF included a program of various mitigation measures required to address the potential for adverse impacts to the Town’s traffic and transportation system in connection with that project proposal (the “Traffic Impact Mitigation Projects”); and

WHEREAS, subsequently the Town and Regeneron entered into a Development Agreement which sets forth financial and project management responsibility for implementing items identified in the ASOF mitigation measures program, including the Traffic Impact Mitigation Projects, a program which is to be partially funded by a grant from Empire State Development; and

WHEREAS, the Town Board held a public hearing on August 12, 2020, which public hearing was continued on September 16, 2020, to receive public comment on the aforementioned Safety Project and Phase 1 Traffic Mitigation Projects together and jointly; and

WHEREAS, Regeneron has submitted an approved design for the Traffic Impact Mitigation Projects, and NYSDOT has agreed to advance the construction phase of its Safety Project together with the following Traffic Impact Mitigation Projects: 1) NYS Route 151 and Tempel Lane, 2) Couse Corners Roundabout, and 3) Route 4 and Hotel Access Road (the “Phase 1 Traffic Impact Mitigation Projects”), with an anticipated letting date of April 22, 2021 for construction to begin in summer 2021; and

WHEREAS, the Town and NYSDOT intend to enter into a Betterment Agreement to fund the Phase 1 Traffic Impact Mitigation Projects (referenced in the Town’s Betterment Agreement with NYSDOT as the non-federal share of the Project), the cost of which is to be solely borne by Regeneron in accordance with the ASOF and the Development Agreement; and

WHEREAS, Regeneron will fund the construction of the Phase 1 Traffic Impact Mitigation Projects (i.e. the non-federal share as referenced in the Betterment Agreement), and the Town and Regeneron desire to enter into an agreement (the “Escrow Agreement”) to enable Regeneron to deposit certain funds with the Town in escrow to be turned over to NYSDOT to be used in accordance with the Betterment Agreement; and

WHEREAS, the Town Comptroller confirms 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 Town Supervisor to sign the Escrow Agreement attached as exhibit A upon its approval 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 R. Matters VOTED:

72-2021 A Resolution Authorizing the Implementation and Funding of a Federal-Aid Transportation Project to Fund the Local Share of Federal- and State-Aid Eligible and Ineligible Project Costs and Obtaining Funds Therefore as Set Forth Below

WHEREAS, a Project known as the US Route 4/I-90 Intersection Safety Enhancements and US Route 4 and State Route 151 Various Intersection Improvements P.I.N. 1089.79 (“the Project”) is eligible for funding under Title 23 U.S Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 55% Federal funds and 45% non-Federal funds; and

WHEREAS, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-Federal share of the costs of Construction for Intersection Improvements of US Route 4/Hampton Inn Entrance, US Route 4/State Route 151, and State Route 151/Tempel Lane using funds provided to the Town by Regeneron Pharmaceuticals, Inc. (“Regeneron”); and

WHEREAS, the Town of East Greenbush Town Board has required that certain traffic mitigation measures be undertaken by Regeneron as a part of the NYS Environmental Quality Review Act process for Regeneron’s projects on the Tempel Lane Campus located in the Town of East Greenbush; and

WHEREAS, the Town of East Greenbush understands that NYSDOT has determined that those certain traffic mitigation measures which intersect with NYSDOT improvements to NYS Route 4 corridor, are equivalent in cost to the non-Federal share of the Project; and

WHEREAS, the Town has agreed to do so subject to the execution and funding of an Escrow Agreement between the Town Board and Regeneron such that Regeneron provides all of the funding of the non-Federal share of the project to the Town of East Greenbush with the Town transferring the funds to the NYSDOT in the manner provided for in the Betterment Agreement; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby approves the Betterment Agreement attached as Exhibit A and the Escrow Agreement attached as Exhibit B finding that the Betterment Agreement can only be executed by the Town Supervisor upon the Escrow Agreement being fully executed and payment to the Town by Regeneron of the sum of \$2,360,913.00 for the Town to provide to NYSDOT, as identified in the Betterment Agreement Schedule A plus an additional 10% contingency to be held by the Town as identified in the Escrow Agreement; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to the Betterment Agreement in connection with the Project;

and be it further

RESOLVED, that this resolution shall take effect immediately.

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

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

73-2021 A Resolution Authorizing the Advertising and Solicitation of Bids for the Construction Phase of a Partially Federally-Funded Transportation Project to Construct Sidewalks from Bruen Court to the City of Rensselaer Line

WHEREAS, the Town Board authorized the implementation of and first instance funding for a transportation federal-aid project for the construction of sidewalks and certain related improvements along Columbia Turnpike (i.e., US 9 and US 20) from Bruen Court to the Rensselaer County Line NYSDOT P.I.N. 1043.58 (the "Project") and appropriated funds by passing Resolution 20-2019; and

WHEREAS, the Town's consultant, CHA Consulting Inc. ("CHA"), on January 18, 2021 submitted to the Plans, Specifications, and Estimates (PSE) to NYSDOT in accordance with NYSDOT federal-aid project development standards in order to request from USDOT Federal Authorization to Advertise; and

WHEREAS, pending USDOT approval, the Town anticipates that NYSDOT will issue the required Federal Authorization to Advertise in the month of March 2021; and

WHEREAS, CHA is in the process of finalizing the construction bid advertisement documents in accordance with NYSDOT, the Town, and other applicable standards; and

WHEREAS, the estimate for total construction phase project costs is \$686,135.00, which is broken down as follows: 1) \$592,415.50 is the federal-aid eligible construction share to be funded at a rate of 80% federal dollars and 20% Town match funding; 2) \$5,620.00 is the "local" construction share to be funded exclusively by the Capital District Transportation Authority (CDTA); and 3) and \$88,100.00 is CHA's construction inspection services cost to be funded at a rate of 80% federal dollars and 20% Town match funding and, further, to be processed as Supplemental Agreement #1 as part of the existing Agreement between the Town and CHA dated March 19, 2019; and

WHEREAS, because the total construction phase project cost represents an anticipated increase of approximately \$73,515.00 as compared to the previously estimated construction phase cost, the Town has requested from Capital District Transportation Committee (CDTC) and NYSDOT a CDTC transportation improvement program (TIP) modification to 1) reallocate unused right-of-way acquisition funds totaling approximately \$19,000.00 to the construction phase and 2) increase programmed construction phase funding by approximately \$48,895.00 to cover estimated total construction phase project costs, and CDTC and NYSDOT have approved this increase; and

WHEREAS, upon receipt and analysis of bids, the Town anticipates making a contract award in accordance with NYSDOT federal aid project development standards and other relevant requirements, at which time the construction cost will be refined based on the awarded bid; and

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

Now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Finance to solicit bids in connection with the Project, in accordance with NYSDOT local project development guidance, and upon receipt of notice from NYSDOT that the project has been granted Federal Authorization to Advertise.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

74-2021 A Resolution Appointing Richard Williams to the Position of Part-Time MS4 Technician

WHEREAS, the Director of Planning and Zoning has requested the appointment of a part-time MS4 Technician due to the volume of erosion and sediment control and storm water management infrastructure inspection, compliance, inventorying, and reporting tasks required under the Town’s municipal separate storm sewer (MS4) permit and stormwater management program plan (SWMP); and

WHEREAS, Richard (Rick) Williams has more than 41 years of experience in the Town of East Greenbush Department of Public Works, retiring in 2021 from the position of Highway General Foreman, has extensive construction and maintenance experience with the Town’s stormwater infrastructure, and is uniquely qualified to handle inspection and other field-based responsibilities associated with the Town’s MS4 program requirements; and

WHEREAS, Rick Williams will be paid via the Town’s payroll software and will continue to submit a bi-weekly timesheet as employees do in accordance with the Town’s Employee Handbook, and will be covered under the Town’s liability insurance while performing official tasks for the Town; and

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

now, therefore, be it

RESOLVED, that the Town Board appoints Richard Williams to the position of part-time MS4 Technician in the Planning and Zoning Department for the term of March 4, 2021 – December 31, 2021 at a rate of \$35.00 per hour.

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

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

75-2021 Resolution to Appoint Thomas White, Jr to the Position of Code Enforcement Officer on a Provisional Basis

WHEREAS, Thomas White, Jr was appointed to the position of Administrative Assistant on a provisional basis on January 27, 2020 (Resolution 14-2020) and was assigned to the Building Department; and

WHEREAS, Thomas White, Jr subsequently took the requisite hours of coursework and passed the exam to become certified as a Code Enforcement Official; and

WHEREAS, the quality of his work in the role of Administrative Assistant has been consistently good and he has been an asset in the Building Department; and

WHEREAS, the workload of the Building Department has increased significantly in the last three years due to the pace of building in Town and the Department is understaffed at present; and

WHEREAS, the Town Comptroller confirms that this resolution was planned for in the 2021 Final Budget;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby appoints Thomas White, Jr to the position of Code Enforcement Officers on a Provisional basis at an annual salary of \$43,391.00

and be it further

RESOLVED, that this resolution shall take effect immediately.

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

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

76-2021 A Resolution to Reschedule a Public Hearing to Receive Public Comment on the Proposed Comprehensive Plan as Modified

WHEREAS, the Town of East Greenbush is currently in the process of updating the comprehensive plan, and on December 16, 2020, the Town Board accepted the proposed Comprehensive Plan prepared by the Comprehensive Plan Steering Committee (CPSC) in accordance with Section 272-a; and

WHEREAS, on January 13, 2021 the Town Board held a public hearing as part of the Town's ongoing efforts to assure full opportunity for citizen participation in the preparation of the Comprehensive Plan and fulfill obligations under New York State Town Law Section 272-A; and

WHEREAS, the Town Board is in the process of carefully reviewing the proposed Comprehensive Plan prepared by the CPSC and, as part of this process, discussed the draft update of the Comprehensive Plan at a Town Board Workshop during Special Meeting held on January 27, 2021; and

WHEREAS, at its February 17, 2021 meeting, the Town Board scheduled (resolution 61 of 2021) a public hearing for 6:00 PM on March 24, 2021 as part of its efforts to continue to assure full opportunity for citizen participation in the preparation of the Comprehensive Plan and

to provide the public the opportunity to comment on any modifications proposed as a result of its review process; and

WHEREAS, because the review process is not complete and a revised draft is not expected to be available in time for the aforementioned March 24, 2021 public hearing, the Town Board desires to reschedule said public hearing in order to provide additional time to complete the review process and make available the modified Comprehensive Plan document; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby cancels the public hearing previously scheduled for 6:00 PM on March 24, 2021 in order to reschedule said public hearing for a later date; and

and be it further

RESOLVED, that the Town Board shall hold a public hearing to receive comment on the proposed Comprehensive Plan as modified at 6:00 PM on April 14, 2021 at the East Greenbush Town Hall located at 225 Columbia Turnpike, Rensselaer, New York or by remote means.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

ADJOURNMENT

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

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