



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING MINUTES October 18, 2023

To view a recording of the full meeting, please see Town Hall Streams link below:
https://townhallstreams.com/stream.php?location_id=119&id=55557

Or visit Town of East Greenbush Facebook page:
<https://www.facebook.com/TownofEG/videos/todays-live-video/1513623109373464>

The following is a summary of the Town Board Meeting as recorded by the Town Clerk.

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

Communications/Announcements/Reports

Town Board members provided their individual comments, community-related information, and/or announcements.

Open Public Privilege:

Residents – David Terpening, Floyd Hunt, Kathy Robinson, and Lee Cookson each presented their respective comments to the Town Board.

Presentation: 2024 Tentative Budget - Supervisor, Director of Finance and Comptroller

Resolutions and Proposals by Town Board Members:

223-2023 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 September 20, 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 September 20, 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: YES
Councilor E. Nestler	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

224-2023 A Resolution to Approve Public Hearing 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 Public Hearing held on September 20, 2023 at 6:00pm have been presented to the Town Board; 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 Public Hearing held on September 20, 2023 at 6:00pm are hereby approved as submitted.

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

225-2023 A Resolution Proclaiming October 2023 as Bullying Prevention Month in the Town of East Greenbush

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or

intimidation intentionally directed at a person or group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and via social media; and

WHEREAS, various researchers have concluded that bullying is the most common form of violence, affecting millions of children and adolescents annually within the United States, including New York State and the Town of East Greenbush residents, who are victims of bullying; and

WHEREAS, students who are victims of bullying are more likely to acquire physical, emotional, and learning-related problems and often fear such activities as riding the bus, going to school, and attending community activities, all of which can lead to life-long trauma, debilitation, and even suicide; and

WHEREAS, children who witness bullying often feel less secure, more fearful, and intimidated; and

WHEREAS, bullying prevention activities in October include #BlueUp, Make Friends with Someone You Don't Know and Challenge Others to Be Kind, Stand Up for Others, and Start Conversations: Change the Culture;

now, therefore, be it

RESOLVED, that the Town of East Greenbush proclaims October as Bullying Prevention Month;

and be it further

RESOLVED, that residents in East Greenbush are encouraged to engage in awareness and prevention activities so that we can work together to make our community safer and more peaceful for all children and adolescents.

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

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

226-2023 A Resolution Recognizing November, 2023 as “Adoption Awareness Month” and November 18, 2023 as “Adoption Awareness Day”

WHEREAS, each year November is recognized as National Adoption Awareness Month. While all adoption-related issues are important, National Adoption Month is about spreading awareness. It is a month to encourage others to learn about adoption, and to acknowledge the people in this country whose lives have been impacted by adoption. The mission of National Adoption Month is to celebrate the families who have grown through adoption, and to recognize the many children who are still waiting for forever families; and

WHEREAS, in the United States, the first major adoption related effort occurred in 1976 in the state of Massachusetts. Then Governor Michael Dukakis proclaimed the first week of November “Adoption Week”, to promote the need for more adoptive families to care for the large number of children in the foster care system. In 1984 President Ronald Regan made Adoption Week a national event; and

WHEREAS, by 1995 the week had become so widely recognized there were too

many events to fit into seven days so President Bill Clinton extended the week-long event into National Adoption Awareness Month, which is what we celebrate today; and

WHEREAS, National Adoption Awareness Day also occurs during National Adoption Awareness Month. Typically held on a Saturday, National Adoption Awareness Day is observed across the country in court hearings where thousands of adoptions are finalized simultaneously; and

WHEREAS, there are an estimated 114,000 children in the United States still waiting in foster care for an adoptive family; and

WHEREAS, the average wait is 3 years for a child in foster care to be adopted; now, therefore, be it

RESOLVED, that the Town Board declares November to be Adoption Awareness Month and November 18, 2023 to be Adoption Awareness Day.

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

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

227-2023 A Resolution to Schedule a Special Meeting of the Town Board of the Town of East Greenbush

WHEREAS, the Town Board needs adequate time to review the 2024 Tentative Budget in order to prepare the 2024 Preliminary Budget; and

WHEREAS, the Supervisor and Director of Finance will make a presentation on the 2024 Tentative Budget for the Town Board at the October 18, 2023 Town Board meeting; and

WHEREAS, the Preliminary Budget must be published before the November 9, 2023 Public Hearing, it is necessary to schedule a Special Meeting of the East Greenbush Town Board to adopt the Preliminary Budget; 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 schedules a special meeting for October 25, 2023 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush to adopt the 2024 Preliminary Budget and address any other matters that may be brought to the Board's attention.

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

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

228-2023 A Resolution to Adopt the Preliminary Budget for 2024

WHEREAS, the Supervisor submitted the 2024 Tentative Budget to the Town Clerk on September 29, 2023 and the Town Board met on October 5, 2023 so that the Town Clerk could distribute copies of the Tentative Budget to the members of the Town Board; and

WHEREAS, the Town Board has had time to review the Tentative Budget and seek additional information by meeting and asking questions of Town staff, and suggest revisions and additions to the Tentative Budget; and

WHEREAS, based on this review the Tentative Budget has been reviewed to produce the Preliminary Budget that is appended hereto and made a part of this agenda; and

WHEREAS, the 2024 Preliminary Budget will be subject to a public hearing on November 9, 2023 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144; and

WHEREAS, the Town Comptroller confirms that the resolution for adopting the 2024 Preliminary Budget will have revenue offset by appropriations and use of fund balance; now, therefore, be it

RESOLVED, that the Town Board adopts the 2024 Preliminary Budget as appended hereto and directs the Town Clerk to keep copies in her office for public review and post it on the Town website.

Supervisor Conway made the motion to table the above resolution and was 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 B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

The foregoing tabled 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 B. Fritz	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Nestler	VOTED: YES

229-2023 A Resolution Authorizing the Town of East Greenbush to Retain Municipal Solutions, Inc. for Continuing Disclosure

WHEREAS, the Town of East Greenbush is required to complete continuing disclosures pursuant to provisions of Security Exchange Commission (SEC) Rule 15c2-12; and

WHEREAS, the Town is continuing to retain the working relationship for professional services on the debt offering for these disclosures with Municipal Solutions, Inc.; and

WHEREAS, the Town Comptroller confirms that the fiscal impact of this resolution to the Town of East Greenbush shall not exceed \$2,715.00 (comprised of a \$2,100 fee for the Full Disclosure filing required for the Town and the remaining \$615 for contingencies reporting that

may or may not occur) and that it can be funded by the 2024 Town Budget account 13154.01 Comptroller CE and allocated as per the 2024 Budget;

now, therefore, be it

RESOLVED that the Town Board does hereby authorize the Town Supervisor to contract with Municipal Solutions, Inc. to assist the Town with the continuing disclosure requirements in an amount not to exceed \$2,715.

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

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

230-2023 A Resolution Authorizing the Purchase of Trucks for the Department of Public Works

WHEREAS, the Town Board authorized the Commissioner to solicit bids through the New York State Vehicle Marketplace for (1) Ram 5500 Crew Cab Dump Truck for the Parks Department and (2) Ram 5500 Regular Cab Dump Truck for the Water and Sewer Departments; and

WHEREAS, the Purchasing Clerk and Deputy Commissioner worked on building the specifications and posting the bids to the NYS Vehicle Marketplace and have reviewed all the submissions to confirm which bids met the specifications; and

WHEREAS, the bids submitted by Sawyer Motors met the specifications as noted below:

Bid Info	Dealership	Total Price
Bid 14398 – (2) Trucks	Sawyer Motors	\$208,322.00
Bid 14395 – (1) Truck	Sawyer Motors	\$105,129.00

the bids include the Dodge Ram 5500 6.7 Liter Cummins Diesel Engine with all the safety features, 9’x 96” 3-4 cubic yard dump body, Western Snow Plow 9’6” V-Plow Stainless, Western Poly Spreader (salter for the Parks truck) and light package; and

WHEREAS, the estimated delivery time is six (6) months from date of award; and

WHEREAS, the Comptroller confirms the purchase can be funded as:

Fund		Transfer In	Transfer Out
SW915 Water Fund	Truck – Water Dept		\$104,161.00
8340.4 Transmission & Distribution		\$104,161.00	
SS915 Sewer Fund	Truck- Sewer Dept		\$104,161.00
8120.4 Sanitary Sewer CE		\$104,161.00	
A917 General Fund Balance	Truck – Parks Dept		\$105,129.00
7110.4 Parks CE		\$105,129.00	

now, therefore, be it

RESOVLED, that the Town Board does hereby approve the purchase of three trucks from Sawyer Motors for the Parks, Water and Sewer Departments.

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 B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

231-2023 A Resolution Authorizing the Purchase of a Copier for the Police Department

WHEREAS, the Police Department leased a Kyocera Taskalfa 6002i Black & White Copier in 2014 and the Town has fulfilled the leasing contract; and

WHEREAS, Police Dept. employees are increasingly encountering difficulties with the operation of the machine, slowing down work and affecting productivity; and

WHEREAS, the quote also includes the removal of the Kyocera Taskalfa 6002i when installing new copier Kyocera Taskalfa 6004i; and

WHEREAS, the Finance Office received a quote through State Contract No. Omnia Contract #R191102 for National Business Technologies (current vendor) to replace the Kyocera with a new model:

KYOCERA MITA Taskalfa 6004i \$7,319.07

WHEREAS, the Town Comptroller confirms this purchase can be charged to 31204.01 [Police & Constable CE];

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the purchase of the new copier for the Police Dept. and removal of the old copier.

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: YES
Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

232-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for the Upper Pavilion Renovation Project

WHEREAS, the Upper Pavilion is one of the largest structures and busiest rentals at East Greenbush Town Park; and

WHEREAS, the Commissioner of Public Works has identified a number of repairs and updates that are needed to keep the Upper Pavilion safe and accessible for residents and renters to use; and

WHEREAS, the Commissioner and Purchasing Clerk have identified that breaking out each identified piece of project into its own bid will allow for timely and cost-effective repairs and upgrades to the Upper Pavilion – as listed here:

- Paint entire building;

- Remove and Replace Bathrooms to make ADA Compliant;
- Replace Deck with Composite Decking and Vinyl Railing;
- Remove Stairs to playground; and

WHEREAS, the Upper Pavilion is not only an important structure for rentals throughout the summer, it is also a critical facility for our Town Summer Camp Program, and it is important that the renovations or repairs are either completed timely before summer camp or timed to be completed in the early fall; and

WHEREAS, the Comptroller confirms that soliciting bids and/or request for quotes will have no impact on the Town’s Finances;

now, therefore, be it

RESOLVED, that the Commissioner is hereby authorized to solicit bids and/or quotes for the renovation and repair of the Upper Pavilion at East Greenbush Town Park.

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

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

233-2023 A Resolution to Adopt Local Law No. 5 of the Year 2023, Entitled “A Local Law Making the Provisions of Certain Sections of the Vehicle and Traffic Law Enforceable in Parking Lots Within the Town of East Greenbush”

WHEREAS, the East Greenbush Police Department has expressed concern that since many traffic signs have been put in place by property owners rather than through the formal legal process of Town approvals it is impossible for an officer on duty to know which traffic signs are enforceable and which are not; and

WHEREAS, the Town Board recognizes that police officers must have accurate knowledge of the enforceability of stop signs, flashing signals, yield signs, traffic control signals, and other traffic-control devices and of one-way, stopping, standing, parking and turning regulations in parking lots in Town; and

WHEREAS, the Town Board held a Public Hearing on this proposed Local Law on September 20, 2023 and heard all opinions offered by residents; 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 adopts Local Law No. 5 of the Year 2023, entitled “A Local Law Making the Provisions of Certain Sections of the Vehicle and Traffic Law Enforceable in Parking Lots Within the Town of East Greenbush”

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 B. Fritz
Councilor E. Nestler

VOTED: YES
VOTED: YES

234-2023 A Resolution to Extend the General Sewer District to Include Certain Premises Related to the Carver Court Subdivision

WHEREAS, a residential subdivision known as Carver Court Major 110-lot Cluster Subdivision, located within the Residential Buffer (R-B) Zoning District located off Upper Mannix Road (Tax Map I.D. SBL: 155.-5-4 and 145.-1-21) (hereinafter, the “Project”) was reviewed and conditionally approved by the Town of East Greenbush Planning Board on the 16th day of February, 2023, after the issuance of a conditioned negative declaration; and

WHEREAS, one lot comprising the Project, Tax Map I.D. 155.-5-4 (hereinafter, the “Property”), is not currently encompassed within the Town of East Greenbush Consolidated General Sewer District; and

WHEREAS, a petition has been submitted by CLDZ, LLC (hereinafter, the “Petitioner”), for the Extension of the Town Consolidated Sewer District to encompass the Property; and

WHEREAS, the Petitioner has provided Maps, Plans and Reports to extend, at the Petitioner’s expense, the Town Consolidated Sewer District to encompass the Property; and

WHEREAS, the Petition, Maps, Plans and Reports are on file at the Town of East Greenbush Town Clerk’s office; and

WHEREAS, a hearing on such petition, notice of which was duly published and posted, was held by the Town Board on October 11, 2023, at which the public had the opportunity to comment on such petition; 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 determines as follows:

FIRST, that the petition referenced above was signed and acknowledged as required by law and is otherwise sufficient;

SECOND, that all of the property and property owners within the proposed extension are benefited thereby;

THIRD, that all of the property and property owners benefited are included within the limits of the proposed extension;

FOURTH, that it is in the public interest to grant in whole the relief sought in the petition;

and be it further

RESOLVED, that the Board having determined in the affirmative all of the questions set forth in §194(1) of the Town Law that the extension of the District, to include the certain premises related to the Carver Court Subdivision (Tax Map I.D. 155.-5-4), and as more fully described at Exhibit “A” annexed to said petition, is approved.

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: YES
Councilor H. Kennedy	VOTED: YES
Supervisor J. Conway	VOTED: YES

Councilor T. Tierney
Councilor B. Fritz

VOTED: YES
VOTED: YES

235-2023 A Resolution to Extend the General Water District to Include Certain Premises Related to the Carver Court Subdivision

WHEREAS, a residential subdivision known as Carver Court Major 110-lot Cluster Subdivision, located within the Residential Buffer (R-B) Zoning District located off Upper Mannix Road (Tax Map I.D. SBL: 155.-5-4 and 145.-1-21) (hereinafter, the “Project”) was reviewed and conditionally approved by the Town of East Greenbush Planning Board on the 16th day of February, 2023, after the issuance of a conditioned negative declaration; and

WHEREAS, one lot comprising the Project, Tax Map I.D. 155.-5-4 (hereinafter, the “Property”), is not currently encompassed within the Town of East Greenbush Consolidated General Water District; and

WHEREAS, a petition has been submitted by CLDZ, LLC (hereinafter, the “Petitioner”), for the Extension of the Town Consolidated Water District to encompass the Property; and

WHEREAS, the Petitioner has provided Maps, Plans and Reports to extend, at the Petitioner’s expense, the Town Consolidated Water District to encompass the Property; and

WHEREAS, the Petition, Maps, Plans and Reports are on file at the Town of East Greenbush Town Clerk’s office; and

WHEREAS, a hearing on such petition, notice of which was duly published and posted, was held by the Town Board on October 11, 2023, at which the public had the opportunity to comment on such petition; 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 determines as follows:

FIRST, that the petition referenced above was signed and acknowledged as required by law and is otherwise sufficient;

SECOND, that all of the property and property owners within the proposed extension are benefited thereby;

THIRD, that all of the property and property owners benefited are included within the limits of the proposed extension;

FOURTH, that it is in the public interest to grant in whole the relief sought in the petition;

and be it further

RESOLVED, that the Board having determined in the affirmative all of the questions set forth in §194(1) of the Town Law that the extension of the District, to include the certain premises related to the Carver Court Subdivision (Tax Map I.D. 155.-5-4), and as more fully described at Exhibit “A” annexed to said petition, is approved.

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: YES

Councilor E. Nestler

VOTED: YES

Supervisor J. Conway

VOTED: YES

Councilor T. Tierney
Councilor B. Fritz

VOTED: YES
VOTED: YES

236-2023 A Resolution to Appoint Daniel Rodriguez to the Position of Planner

WHEREAS, the position of Planner became vacant on April 21, 2023 when Corneil Smith submitted his resignation on April 7, 2023 to take effect on said date; and

WHEREAS, the Human Resources Manager directed a search for a new Planner, and after reviewing and screening applicants, interviews were conducted with potential candidates; and

WHEREAS, Daniel Rodriguez was determined to be the best candidate based on his excellent interviews, his Bachelor's Degree in Urban Studies and Planning from the University at Albany, and his experience working in state government for the New York State Division of Budget, New York State Assembly, and New York State Department of Health; and

WHEREAS, the Town Comptroller confirms that this position was planned for in the 2023 Final Budget;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby appoints Daniel Rodriguez to the position of Planner at an annual salary of \$55,000.00; and be it further

RESOLVED, that this appointment will take effect on October 21, 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

237-2023 A Resolution Authorizing the Town Supervisor to Enter into a Contract with Adirondack Mountain Engineering, P.C. to Provide an Audit of the Wastewater Treatment Plant [WWTP] Operations and Monthly Reports

WHEREAS, Adirondack Mountain Engineering specializes in wastewater operations and has a Licensed 4A Operator on staff who will assist in performing an audit and review of treatment plant operations and monthly reports; and

WHEREAS, recent employee transitions have raised concerns and potential maintenance issues within the plant and Adirondack Mountain Engineering will assist with the review and bid specification creation to fix any problem uncovered in the review; and

WHEREAS, Adirondack Mountain Engineering is a Town Designated Engineer and based on their fee schedule, the quote for services is \$15,000; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material financial impact yet to be determined and charged to account 81304.07;

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 \$15,000 to provide an audit of the WWTP operations and monthly reports.

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

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

238-2023 A Resolution to Schedule a Public Hearing on the Town’s 2024 Preliminary Budget

WHEREAS, the Town’s 2024 Tentative Budget is in the hands of the Town Board and their reflections and analysis of the Tentative Budget will result in the preparation of the 2024 Preliminary Budget; and

WHEREAS, New York State Law requires that a Public Hearing be held on the Thursday after Election Day so that members of the public have a chance to question and recommend changes in the Preliminary Budget; and

WHEREAS, the Public Hearing on the 2024 Preliminary Budget will also include the chance for the public to comment on the 2024 water and sewer user rates and tax charges which are part of the Preliminary Budget; and

WHEREAS, any changes that result from the Public Hearing will be incorporated in the 2024 Final Budget; 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 schedules a Public Hearing on the Town’s 2024 Preliminary Budget for November 9, 2023 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 Supervisor Conway and seconded by Councilor Nestler and brought to a vote resulting as follows:

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

239-2023 A Resolution to Settle a Tax Certiorari Case with Anthony Servidone

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 11, 2023 and was subsequently presented to the Town Board on October 16, 2023; and

WHEREAS, Anthony Servidone and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Anthony Servidone in the Town of East Greenbush, and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the

East Greenbush Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on this year’s budget but will have to be included in future Town budgets;

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2022 and 2023 tax certiorari proceeding filed by Anthony Servidone in which the 2022 and 2023 assessed value of the subject property will be set as follows:

<u>Parcel No.</u>	<u>Assessed Value</u>	<u>Revised Assessed Value</u>
166.-5-7.32	\$750,000	\$660,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2024, 2025 and 2026 assessment rolls.

and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Anthony Servidone and the Town of East Greenbush as to the above referenced assessment.

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

240-2023 A Resolution Authorizing the Conveyance of a Small Parcel of Land Constituting a Spur off Bloomingdale Avenue in the Town of East Greenbush

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 11, 2023 and was subsequently presented to the Town Board on October 16, 2023; and

WHEREAS, Bloomingdale Avenue in the Town of East Greenbush has a spur off the side of the road between lots owned by Prestipino and DeMarco, said spur consisting of approximately 5,173 square feet +/-; and

WHEREAS, the spur of land contains water and sewer improvements owned by the Town of East Greenbush; and

WHEREAS, on the tax map of this street, it is not clear that the Town has marketable title to said spur of land; and

WHEREAS, an owner adjacent to said spur, Alissa Prestipino, has offered to purchase said property from the Town; and

WHEREAS, the Town has received an appraisal report for this property from Caryn Zeh Appraisals, LLC, setting the value of the property at \$1,000.00; and

WHEREAS, pursuant to Section 64(2) of the Town Law, such resolution is subject to a permissive referendum by the voters of the Town of East Greenbush; and

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

now, therefore, be it

RESOLVED, that this resolution is subject to a permissive referendum, pursuant to Section 64(2) of the Town Law, and Sections 90 and 91 of the Town Laws;

and it is further

RESOLVED, that the Supervisor of the Town of East Greenbush is hereby authorized to execute a Quit Claim Deed to said property, in a form to be approved by the Attorney to the Town, to Alissa Prestipino, for the consideration of \$1,000.00, no earlier than thirty days after the adoption of this resolution by the Town Board, provided that no proper petition for a permissive referendum on this resolution has been submitted to the Town Clerk in a timely fashion;

and it is further

RESOLVED, that within ten days of the adoption of this resolution, the Town Clerk shall post and publish a notice which sets forth the date of the adoption of this resolution, reciting that the resolution was adopted subject to a permissive referendum.

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 B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

~~241-2023~~ A Resolution Authorizing the Town Supervisor to Sign Change Order #1 with Greenman-Pedersen, Inc. in Connection with the Tempel Lane Extension Project

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 11, 2023 and was subsequently presented to the Town Board on October 18, 2023; and

WHEREAS, on November 27, 2019, the Town issued RFP 19-10 seeking consultant services for the Tempel Lane Extension Project: Utility, Roadway Design, Bid Support, and Construction Inspection, which will advance this portion of the Program; and

WHEREAS, Greenman-Pedersen, Inc. (GPI), selected pursuant to RFP 19-10 and Town Board Resolution 49-2020, is providing the Town engineering and other services, including bid support, for the Tempel Lane Extension Roadway Project; and

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 of East Greenbush ("Town") and Regeneron, the Town is constructing certain roadway improvements that are required as part of Regeneron's Tempel Lane Campus development; 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, *Regeneron has consulted with the Town regarding the proposed addition of a ~~3,800 linear foot~~ pull-off area to be constructed along Tempel Lane Extension at the expense of Regeneron; and*

WHEREAS, *in response to said proposal, the Town has instructed GPI to complete a Change Order Request and a set of plans, which are attached hereto, for the inclusion of the proposed addition of ~~3,800 linear feet~~ of new roadway and the widening of 1,600 linear feet of existing improvements; and*

WHEREAS, GPI, in the Change Order Request attached hereto, has determined the additional cost for the proposed improvement to be in the amount of \$35,480.50; and

WHEREAS, GPI, in the letter attached hereto, has determined that the work requested will be completed in areas which have been previously disturbed and that no work performed will affect environmental restrictive or protected areas; and

WHEREAS, the proposed addition is within the scope of disturbance covered by the above referenced negative declaration and SEQRA Statement of Findings; and

WHEREAS, there is sufficient contingency in funds received from Regeneron Escrow account (51124.03.004.104) for the amount of \$35,480.50 for the Change Order Request and additional funds do not need to be requested from Regeneron at this time; and

WHEREAS, the Town Comptroller confirms that the use of contingency is available but will need to monitor any further use;
now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that the Change Order Request is an eligible use of funds in accordance with the Regeneron Development Agreement, and stipulates that the Change Order Request costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;
and be it further

RESOLVED, that the Town Board, in its continued capacity as Lead Agency under SEQR, finds that the proposed Change Order will not give rise to any significant adverse environmental impacts as it is within the area disturbed by the Tempel Lane project;
and be it further

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into the Change Order with Greenman Pedersen, Inc., in an amount not to exceed \$35,480.50 for the inclusion of the proposed addition of ~~3,800 linear feet of new roadway and the widening of 1,600 linear feet of existing improvements.~~

Supervisor Conway made the motion to amend the above Resolution to now read:

241-2023 A Resolution Authorizing the Town Supervisor to Sign Change Order #1 with Greenman-Pedersen, Inc. in Connection with the Tempel Lane Extension Project

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 11, 2023 and was subsequently presented to the Town Board on October 18, 2023; and

WHEREAS, on November 27, 2019, the Town issued RFP 19-10 seeking consultant services for the Tempel Lane Extension Project: Utility, Roadway Design, Bid Support, and Construction Inspection, which will advance this portion of the Program; and

WHEREAS, Greenman-Pedersen, Inc. (GPI), selected pursuant to RFP 19-10 and Town Board Resolution 49-2020, is providing the Town engineering and other services, including bid support, for the Tempel Lane Extension Roadway Project; and

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 of East Greenbush ("Town") and Regeneron, the Town is constructing certain roadway improvements that are required as part of Regeneron's Tempel Lane Campus development; 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, Regeneron has consulted with the Town regarding the proposed addition of a **3,300 square foot** pull-off area to be constructed along Tempel Lane Extension at the expense of Regeneron; and

WHEREAS, in response to said proposal, the Town has instructed GPI to complete a Change Order Request and a set of plans, which are attached hereto, for the inclusion of the proposed addition of **3,300 square feet to the linear feet of new roadway and the widening of 1,600 linear feet of existing improvements**; and

WHEREAS, GPI, in the Change Order Request attached hereto, has determined the additional cost for the proposed improvement to be in the amount of \$35,480.50; and

WHEREAS, GPI, in the letter attached hereto, has determined that the work requested will be completed in areas which have been previously disturbed and that no work performed will affect environmental restrictive or protected areas; and

WHEREAS, the proposed addition is within the scope of disturbance covered by the above referenced negative declaration and SEQRA Statement of Findings; and

WHEREAS, there is sufficient contingency in funds received from Regeneron Escrow account (51124.03.004.104) for the amount of \$35,480.50 for the Change Order Request and additional funds do not need to be requested from Regeneron at this time; and

WHEREAS, the Town Comptroller confirms that the use of contingency is available but will need to monitor any further use;
now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that the Change Order Request is an eligible use of funds in accordance with the Regeneration Development Agreement, and stipulates that the Change Order Request costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;
and be it further

RESOLVED, that the Town Board, in its continued capacity as Lead Agency under SEQRA, finds that the proposed Change Order will not give rise to any significant adverse environmental impacts as it is within the area disturbed by the Tempel Lane project;
and be it further

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into the Change Order with Greenman Pedersen, Inc., in an amount not to exceed \$35,480.50 for the inclusion of the proposed addition of **3,300 square feet to the 3,800 linear feet of new roadway and the widening of 1,600 linear feet of existing improvements.**

Supervisor Conway made the motion to amend the resolution and was 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 B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

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

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

ADJOURNMENT – 7:29PM

Motion to adjourn by Supervisor Conway 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 B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk