



less than 45 days. In pending criminal cases where the defendant is incarcerated the cases have been adjourned 30 days.

Accordingly, all court appearances scheduled in March and April have been adjourned.

All non-essential functions of the town court are postponed.

At this time please do not visit town hall to pay any court imposed fines and surcharges. Payments can be sent by mail.

The Town Court Judges continue to be available to hear essential court matters including arraignments and issuing orders of protections.

If you have any questions regarding a pending court matter please contact town court staff or the visit the town website regarding the court.

\*Easter Egg Hunt has been canceled.

\*Senior programs have been canceled.

\*Summer Camp registration will continue. If it is canceled, full refunds will be given. Call 518.477.2005 or go on Town website to register.

Today at 5:00 PM Supervisor Conway declared a local state of emergency. This is not something that will be used to change things. If a curfew is implemented it will be at the state level.

Supervisor has had several calls with Rensselaer County Executive Steve McLaughlin and County Director of Operations Rich Crist. Supervisor has been asked “Do you need anything?” Politics aside, they are doing the business. County Legislator Tom Grant has been in touch. Supervisor has been communicating with other Town Supervisors. We all share the same concerns.

Yesterday, March 17th, Supervisor Conway and the Chief of Police, Elaine Rudzinski, had their first weekly phone meeting with Superintendent, Jeff Simons, Executive Director of the YMCA, Shannon Romanowski, and the Director of Library, Jill Hughes.

Councilor Tierney - thanked Supervisor Conway for keeping us informed and for his leadership. Also thanked the public for altering their lifestyle for providing a careful response to this pandemic. East Greenbush School District has had to make some very difficult decisions and have had an exemplary response. We will not forget recognizing our youth in the community and Science Olympiad Teams. Hopeful for national recognition for Regeneron’s work.

Councilor Kennedy – thanked Supervisor Conway for his help and leadership during this difficult time. Reassured residents that the Town Board is all in agreement and working together with other departments to keep our town safe and protected during this public health crisis. Focus at this time is to keep business running, yet maintain our public health. Positive vibes coming out of our community. Our Recreation Department is still accepting Summer Camp registration and also have put together activities on our website for kids to participate in. East Greenbush School District has their Backpack Program for food items. Donations can be dropped off at designated times at Columbia HS. Very fortunate to be living in our East Greenbush community.

Councilor Matters – East Greenbush is the most populace town in Rensselaer County. Hoping this will not be a crisis. All hands on deck with everyone with this significant challenge. Thanked Supervisor for dealing with this crisis as well as carrying on administration of the town. Believes the way the Supervisor is handling this challenge will instill a level of assurance to the residents of our town.

Councilor Fritz – thanked Supervisor for his leadership and appreciative of his continued work at Town Hall and reaching out to other officials. Provides comfort to receive any necessary information. Reminded public to touch base with neighbors and those that may be in need of help.

Community and Recreation Department, Mike Martin and Taylor Tibbetts, are compiling a list of restaurants in town that will be doing take-out. This will be posted on our town website and Facebook page. Supervisor stated to shop local and shop small, in support of our small local businesses in town.

Supervisor Conway mentioned Commissioner of Public Works, Dan Fiacco, Town Clerk, Ellen Pangburn, and Chief of Police, Elaine Rudzinski, are part of the rock that is the Town of East Greenbush and wanted to publically acknowledge them and thank them.

Town staff every day at 2:00 briefly gather in Community Room to tell a joke. Supervisor is concerned with psychological aspect of what’s going to happen. Thanked Town staff, including Stephanie Scheibly and our dispatchers for everyone pitching in.

Open Public Privilege: N/A - No comments as the public was not able to attend in-person. Town Board Meeting was live streamed on Facebook and the Town website.
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**Resolutions and Proposals by Town Board Members:**

**54-2020 A Resolution to Approve Meeting Minutes**

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

**WHEREAS**, the minutes of the regular Town Board Meeting held on February 19, 2020 have been presented; and

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

now, therefore, be it

**RESOLVED**, that the minutes of the regular Town Board Meeting held on February 19, 2020 are hereby approved as submitted.

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

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

Councilor T. Tierney  
Councilor H. Kennedy

VOTED: YES  
VOTED: YES

Councilor Tierney – thankful for very thorough Minutes, and for being timely and accurate.

**55-2020      A Resolution Urging the Department of Environmental Conservation to Revoke the Operating Permit for the Dunn Landfill**

**WHEREAS**, the S. A. Dunn & Company, LLC located on Partition Street Extension in Rensselaer, NY possesses a Mined Land Reclamation Permit for operation of an existing 73-acre sand and gravel mine, and a Solid Waste Management Permit authorizing conversion of the mine to a construction and demolition disposal site; and

**WHEREAS**, the Dunn Landfill received a Department of Environmental Conservation (DEC) permit to operate in August 2014 and began accepting debris for disposal in January 2015; and

**WHEREAS**, in December 2018 the DEC started to receive an increasing number of complaints and concerns associated with the landfill, including: odors and air quality impacts from landfill gas, such as the “rotten egg” smell associated with hydrogen sulfide gas; dust, debris, and particulate matter due to construction and general operations and from the truck traffic to and from the facility; and the facility’s proximity to the City of Rensselaer public school campus and neighboring homes; and

**WHEREAS**, within the Town of East Greenbush, residents living within close proximity of the Dunn Landfill have expressed concern about significant dust settling on their windowsills and outdoor furniture; have reported a pungent odor similar to rotten eggs that is so unbearable that they cannot remain outside; and have stated the noise from trucks has disrupted their quality of life; and

**WHEREAS**, in August 2018 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during January and February 2018; in February 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during October 2018; in June 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during April 2019; and

**WHEREAS**, on October 10, 2019 the DEC issued a Department Initiated Modification (DIM) to include specific and stringent conditions to protect public health and safety that the Dunn facility must undertake in order to continue operating; and

**WHEREAS**, the DIM conditions include installing and operating a robust gas collection system, covering disposed waste daily, constructing a berm before the construction of a new waste cell, and establishing a hotline to report complaints; and

**WHEREAS**, in response to community concerns and to ensure the facility operates within its strict permit conditions the DEC: conducts air monitoring at the school campus and other nearby locations to measure air quality impacts, including measuring levels of hydrogen sulfide and particulates; conducts routine inspections of operations at the landfill; requires the facility to fund a full-time monitor to provide daily oversight of the landfill operations; modifies the facility’s permit to improve collection and management of gas, requires cover of waste on a daily basis, and establishes mandatory complaint investigation protocols; and

**WHEREAS**, Resolution 230-2019 urged the Department of Environmental Conservation to hold the Dunn landfill operators responsible for implementing controls to prevent dust, odors, and truck noise, to ensure that residents in East Greenbush are not exposed to any potential

health or safety hazards, and to recognize that failure of the facility to comply with the DIM should result in DEC revocation of the facility’s permits; and

**WHEREAS**, the Town Board scheduled a public hearing via Resolution 53-2020 for March 11, 2020 at 6:00 p.m. at Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, to consider public input on the problems and potential solutions to the negative issues created by the Dunn Landfill for the residents of the Town; and

**WHEREAS**, while the progressive actions enacted by the DEC have been responsive to the community concerns, the residents of East Greenbush assume health, safety, environmental, and quality of life risks associated with the continued and ongoing operations of the Dunn Landfill, and residents have indicated that the responsive actions have not resulted in a reduction of dust, odor, or truck noise impacting their quality of life;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush urges the DEC, responsible for protecting public health and safety and for the protection of air resources, to immediately revoke the facility’s operating permits;

and be it further

**RESOLVED**, that the Town Board directs the Town Clerk to send a certified copy of this resolution to Governor Andrew M. Cuomo and Basil Seggos, Commissioner of the Department of Environmental Conservation.

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

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

Supervisor Conway – mentioned to Town Board of a change, based on a comment at the Public Hearing, in the first ‘Resolved’ says “immediately” revoke the facilities operating permit. Excellent point brought up at hearing, and the point the Town Board was trying to make. Supervisor attended Press Conference on Saturday, representing the people of East Greenbush who are suffering the effects of this and also to stand in solidarity for Rensselaer residents. Silver lining of the coronavirus is that these kids don’t have to go to school and deal with such poor effects.

Councilor Tierney – very upsetting to hear a week ago at the Public Hearing of so many disturbing descriptions of how people are living. Any operating permit that requires daily monitoring is disagreed upon.

Councilor Matters – mentioned this is not just going to be circular dialog. Hopes that we will not have to wait until the expiration of this permit. Commended on the articulation in this resolution and amounts to true relief for everyone.

Supervisor Conway added that he and Commissioner of DPW attended Press Conference and stated that it is stunning how much room they still have.

**56-2020 A Resolution Authorizing the Supervisor to Request, on Behalf of the Town Board, that Governor Andrew M. Cuomo Withdraw from the Proposed 2020-2021 New York State Budget Legislation the Provision for the Accelerated Renewable Energy Growth and Community Benefit Act**

**WHEREAS**, the Town of East Greenbush (hereinafter, the “Town”), as a unit of Local Government in New York, is provided with a bill of rights under Article IX of the New York State Constitution (hereinafter, the “Constitution”) which are further codified statutorily pursuant to New York Municipal Home Rule Law (hereinafter, “MHRL”) to provide the Town, via its governing board, with authority to exercise discretion, through the enactment of Local Law and the adoption of resolutions, in the oversight and administration of its property, operations, and business and transactional affairs, so long as such oversight and administration do not transgress, or are not inconsistent with, the provisions of the Constitution or any general law and do not extend beyond its purview, interests, and purpose as a unit of Local Government; and

**WHEREAS**, part of Governor Andrew M. Cuomo’s proposed 2020-2021 New York State budget bill amendments (Senate/Assembly bill nos. S.7508-A and A.9508-A; hereinafter, “Budget Legislation”) provide for the enactment of the Accelerated Renewable Energy Growth and Community Benefit Act (hereinafter, the “Act”) which would dramatically alter the permitting, construction, and regulatory purview of renewable energy projects throughout the state, including within the Town; and

**WHEREAS**, the provisions of the Act would supplant the current safeguards under Article 10 of New York Public Service Law (hereinafter, “PSL”) with a radically new method for siting renewable energy projects that, among other particulars, would provide for no siting-board representation for the Town; and

**WHEREAS**, the Act would effectively remove any substantive input from Town residents, local environmental groups, and community businesses in the way of scientific data and/or expert testimony regarding the siting and regulation of renewable energy projects, thus disenfranchising such local parties; usurping from the Town its authority over a host of issues, including, but not necessarily limited to, those related to planning, the environment, and possible property-value reduction; and relegating the Town to: (1) providing only token input during a relatively brief 60-day comment period, and (2) the nominal and ministerial role of indicating whether or not such a project meets local code compliance; and

**WHEREAS**, such disenfranchising of local parties and usurpation of authority from the Town is further exacerbated by the Act’s: (1) virtually ineffective mandate that applicants confer with the New York State Energy Research and Development Authority without having to comply with its findings, and (2) creation of an application process for proposed renewable energy projects, to be overseen by a new state Office of Renewable Energy Siting, that ostensibly circumvents the deliberation, safeguards, and prudence currently realized by the Town under the PSL and MHRL; and

**WHEREAS**, the relevance of such disenfranchising of local parties and usurpation of authority from the Town is even more pronounced when considering that the municipality is the most appropriate unit of government to reconcile the benefits of renewable energy projects with the detriments of such projects relative to the industrialization of the landscape and corresponding area and intensity of land use that result from their development and operation; and

**WHEREAS**, the Act’s provision for the state to own and/or operate renewable energy facilities further increases the negative impact to the Town by limiting, if not virtually

eliminating, its ability to plan the siting and regulate the operation of renewable energy projects; and

**WHEREAS**, the Town Comptroller attests that the provisions of this resolution shall pose no adverse impact to the Town's finances; now, therefore, be it

**RESOLVED**, that the Supervisor is hereby authorized to request, on behalf of the Town Board, that Governor Andrew M. Cuomo: (1) withdraw from the Budget Legislation the provision for the Act, (2) defer to municipalities pursuant to the spirit of MHRL, and (3) allow municipalities to exercise their own discretion and police power regarding the siting and regulation of renewable energy projects.

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

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

Supervisor Conway – thanked Councilor Matters for this precision resolution, stating this is a very complex issue.

Councilor Tierney – as a Board we have taken a clear pro renewal energy stance. Clarified supporting and understanding the importance of reducing our carbon footprint.

**57-2020      A Resolution Designating April 2020 as National Donate Life Month and April 17, 2020 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 2020 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 2020 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 17, 2020 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES

Councilor H. Kennedy  
Councilor R. Matters

VOTED: YES  
VOTED: YES

**58-2020 A Resolution Authorizing the Supervisor to Sign the 2020 STOP-DWI Enforcement Agreement with Rensselaer County**

**WHEREAS**, the County of Rensselaer and the Town of East Greenbush share a mutual interest in enforcing existing Driving While Intoxicated (DWI) laws and in decreasing the number of alcohol-related motor vehicle accidents through special countermeasure enforcement programs; and

**WHEREAS**, this goal can be accomplished by increasing public awareness of the dangers of impaired driving by maintaining high visibility in the law enforcement area, by increasing enforcement to deter the motoring public from driving while impaired, and by enforcing alcohol laws as they relate to minors; and

**WHEREAS**, the County will grant an amount not-to-exceed \$4,500.00 to fund STOP-DWI Enforcement Crackdown Patrols, which will be reimbursed in a lump sum at the termination of the patrols; and

**WHEREAS**, the Town of East Greenbush agrees that special DWI patrols and underage drinking enforcement will be implemented by the Town throughout the calendar year with such patrols staffed by officers who have completed basic training and have experience on road patrols, in particular apprehending and charging impaired drivers; and

**WHEREAS**, the Town of East Greenbush acknowledges and agrees that the services to be provided pursuant to the terms of this agreement are provided as an independent contractor and not as an agent or as employees of Rensselaer County, and agrees to indemnify and hold harmless the County of Rensselaer from and against any and all claims or causes of action; and

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

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to execute this agreement with Rensselaer County;  
and be it further

**RESOLVED**, that the term of the contract shall apply retroactively from January 1, 2020 to December 31, 2020.

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

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

**59-2020 A Resolution Authorizing the Supervisor to Sign the 2020 STOP-DWI Enforcement Crackdown Agreement with Rensselaer County**

**WHEREAS**, the County of Rensselaer and the Town of East Greenbush share a mutual interest in enforcing existing Driving While Intoxicated (DWI) laws and in decreasing the

number of alcohol-related motor vehicle accidents through special countermeasure enforcement programs; and

**WHEREAS**, this goal can be accomplished by increasing public awareness of the dangers of impaired driving by maintaining high visibility in the law enforcement area, by increasing enforcement to deter the motoring public from driving while impaired, and by enforcing alcohol laws as they relate to minors; and

**WHEREAS**, the County will grant an amount not-to-exceed \$4,000.00 to fund STOP-DWI Enforcement Crackdown Patrols, which will be reimbursed in a lump sum at the termination of the patrols; and

**WHEREAS**, the Town of East Greenbush agrees that special DWI patrols will be implemented by the Town with such patrols staffed by officers who have completed basic training and have experience on road patrols, in particular apprehending and charging impaired drivers; and

**WHEREAS**, the special patrols will coincide with the following NYS-recognized DWI Enforcement Dates:

Halloween	October 31- November 3, 2019
Thanksgiving	November 27- December 1, 2019
Holiday Season	December 11- January 1, 2020
Super Bowl	January 31- February 3, 2020
St. Patrick's Day	March 13-18, 2020
Memorial Day	May 22-26, 2020
Fourth of July	July 3-6, 2020
Labor Day	August 19- September 7, 2020

**WHEREAS**, the Town of East Greenbush acknowledges and agrees that the services to be provided pursuant to the terms of this agreement are provided as an independent contractor and not as an agent or as employees of Rensselaer County, and agrees to indemnify and hold harmless the County of Rensselaer from and against any and all claims or causes of action; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to execute this agreement with Rensselaer County;

and be it further

**RESOLVED**, that the term of the contract shall apply retroactively from October 31, 2019 to September 7, 2020.

This 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 R. Matters	VOTED: YES

#### **60-2020 A Resolution to Authorize a Public Auction of Surplus Equipment**

**WHEREAS**, the Town Board has received a request from the Chief of Police to declare the following Town property to be surplus equipment;

One (1) model year 2007 Jeep Grand Cherokee VIN 1J8GR48K7C650245  
(Town ID #311)

**WHEREAS**, said equipment is not suited for any other Town department; and

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

**RESOLVED**, that said property be and hereby is declared to be surplus;  
and be it further

**RESOLVED** that the Chief of Police is authorized to conduct a public auction or sale or otherwise to lawfully dispose of said surplus equipment now owned by and in the custody of the East Greenbush Police Department.

The foregoing resolution was duly moved by Supervisor Conway seconded by Councilor Fritz and voted as follows:

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

**61-2020 A Resolution Authorizing the Chief of Police to Enter into an Agreement for the Use of Subscription Material between Lexipol, LLC and the East Greenbush Police**

**WHEREAS**, the East Greenbush Police Department has recognized the need for the outsourcing of administrative services provided by Lexipol, LLC; and

**WHEREAS**, the utilization of Lexipol, LLC would provide the knowledge and assistance required for the implementation of challenging and ever changing state and federally mandated laws, regulations, court decisions, and evolving best practices; and

**WHEREAS**, Lexipol, LLC will assist with the development of legally defensible, up to date policies which are the foundation for consistent, safe public safety operations and are key to lowering liability and risk; and

**WHEREAS**, Lexipol's daily scenario-based training bulletins are tied to real-world implications and allow officers to apply the agency's policy content through 2 minute training exercises, thereby providing the agency with on-going training to fulfill accreditation standards; and

**WHEREAS**, Lexipol, LLC has provided a contract that offers services to assist the East Greenbush Police Department, which would allow for on-site and remote (telephone and e-mail) consulting services to address the specific needs of the East Greenbush Police Department; and

**WHEREAS**, the fee for the Lexipol, LLC annual subscription would be \$8,997.00 for the period of March 1, 2020 through December 31, 2020 and a one-time fee of \$13,153.00 for implementation support; and

**WHEREAS**, Fleury Risk Management, who has partnered with Lexipol, LLC, has granted the East Greenbush Police Department a \$5,200.00 award to contribute towards the implementation costs of the subscription; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were budgeted in 31204.01 for \$10,000, plus a grant of \$5,200 from Fleury Risk Management; and the balance from police forfeiture 2626.01 offset

now, therefore, be it

**RESOLVED**, that the Town Board does hereby authorize the Chief of Police to enter into the Agreement for Use of Subscription Material between Lexipol, LLC and the East Greenbush Police Department.

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

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

**62-2020      A Resolution to Appoint Ellen B. Schwab to the Position of Clerk in the Assessor’s Office on a Provisional Basis**

**WHEREAS**, the Sole Appointed Assessor requires a full-time Clerk to assist in the work of the Office; and

**WHEREAS**, Ellen B. Schwab has been a part-time Clerk in the Assessor’s Office since January 4, 2016 and has learned all of the routine daily and annual tasks of the Office, and has excelled in all aspects of the job; and

**WHEREAS**, the difficulty in finding other part-time Clerks to work in the Assessor’s Office has led the Office to be understaffed at key points in the calendar; and

**WHEREAS**, Ellen B. Schwab has consistently filled in when other part-timers are not available and has been working nearly 30 hours per week in a part-time capacity; and

**WHEREAS**, it is a priority of this Town Board that the Assessor’s Office be adequately staffed at all times to ensure that the public is served in an efficient and timely manner; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush appoints Ellen B. Schwab to the position of full-time Clerk in the Assessor’s Office on a provisional basis at an annual salary of \$35,000.00.

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

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

**63-2020      A Resolution Appointing Jessica J. Moore to the Position of Accounts Payable Clerk – Part Time in the Town Comptroller’s Office**

**WHEREAS**, the position of Accounts Payable Clerk – Part Time is an essential position within the Comptroller’s Office as the person in this position must work closely with the Town

Comptroller, Department Heads and Town Supervisor on a daily basis reviewing submitted invoices and vouchers and confirming information prior to inputting invoices into the Town's accounting software; and

**WHEREAS**, the Town advertised in local newspapers seeking an Accounts Payable Clerk – Part Time in the Town Comptroller's Office, received four applications and conducted in-person interviews with two candidates for the position; and

**WHEREAS**, the Town Comptroller confirms this was included in the 2020 budget: now, therefore, be it

**RESOLVED**, that Jessica J. Moore is hereby appointed to the position of Accounts Payable Clerk – Part Time in the Town Comptroller's Office at an hourly rate of \$17.00. per hour.

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 R. Matters	VOTED: YES

**64-2020      A Resolution to Close Town Hall on April 24, 2020 for a Staff Development Day**

**WHEREAS**, the Town Hall of the Town of East Greenbush is open from 8:30 a.m. until 4:30 p.m. Monday through Friday; and

**WHEREAS**, the Town is required to conduct a series of training programs for Town staff on an annual basis and would like to present other materials as well in an effort to keep Town employees up-to-date on the programmatic requirements necessary to conduct Town business; and

**WHEREAS**, in the daily round of activities, work at Town Hall must by its nature be interrupted on a regular basis as residents bring their issues and concerns to various departments, and the practice has been to stop what we're doing to address those residents' concerns; and

**WHEREAS**, the difficulty in gathering the entire Town Hall workforce together for training or team-building exercises has proved otherwise insurmountable; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the Supervisor's proposal to close Town Hall on Friday, April 24, 2020 so that Town Hall staff can participate in a Staff Development Day;

and be it further

**RESOLVED**, that all Town Hall staff are directed to report to the Red Barn at the Town Park at 8:30 a.m. on April 24, 2020.

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

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

Councilor R. Matters            VOTED: YES  
Councilor B. Fritz                VOTED: YES

**65-2020        A Resolution to Schedule a Special Workshop Meeting of the East Greenbush Town Board**

**WHEREAS**, the Town is in the process of updating its Comprehensive Plan and the Town’s Natural Resources Work Group (NRWG) completed, and the Town Board adopted, a Natural Resources Inventory (NRI) which was done in part to inform the updated Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan Steering Committee, in consultation with our consulting planners, MJ Engineering, and our Department of Planning and Zoning, has drafted a map and definitions for Future Land Uses; and

**WHEREAS**, the Natural Resources Inventory and the map and definitions of Future Land Uses are two of the key components of the completed Comprehensive Plan; and

**WHEREAS**, the draft Comprehensive Plan will ultimately have to be reviewed and adopted by the Town Board, which until now has not begun its discussions of the complex issues and information surrounding the Plan; 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 will hold a Special Workshop Meeting on March 23, 2020 at 6:00 p.m. at Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144 to consider how the Natural Resource Inventory can be assimilated into the Comprehensive Plan update and to review the draft of Future Land Uses.

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

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

**66-2020        A Resolution Granting a Residency Waiver to Michael A. Martin**

**WHEREAS**, Michael A. Martin has been hired by the Town in the position of Recreation Supervisor and does not currently reside in the Town of East Greenbush; and

**WHEREAS**, the Town’s Employee Handbook states that “Employees may apply for a Residency Waiver, which may be granted by the Town Board and reviewed annually;” and

**WHEREAS**, Michael A. Martin has requested a Residency Waiver; 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 grants a Residency Waiver to Michael A. Martin until December 31, 2020.

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

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

**67-2020      A Resolution to Schedule a Public Hearing on a Local Law to Create a Conservation Advisory Council (CAC) for the Town of East Greenbush**

**WHEREAS**, Resolution 42-2018 established the East Greenbush Natural Resources Work Group (NRWG) which was tasked with preparing a “Town of East Greenbush Natural Resources Inventory” to assist the Town in identifying and evaluating important resources located within the Town; and

**WHEREAS**, a Public Hearing was held on June 12, 2019 for the Town Board to consider comments and questions before having to render a decision to accept and adopt the Natural Resources Inventory; and

**WHEREAS**, after hearing comments and questions, the Town Board adopted the Natural Resources Inventory with Resolution 134-2019 on June 19, 2019; and

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

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

**WHEREAS**, the Natural Resources Work Group has recommended that the Town consider the adoption of a Local Law to create a Conservation Advisory Council (CAC) which can conduct research, advise on environmental and preservation matters, update the Natural Resources Inventory, and serve as a resource for the Town Board and Planning Board; and

**WHEREAS**, the Town Board believes that a CAC should be an essential part of our steadfast commitment to understanding and protection of our natural resources; and

**WHEREAS**, the Town Board accepts and concurs with the recommendation of the NRWG to establish a Conservation Advisory Council; 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 schedules a Public Hearing for April 8 ,2020 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144 to hear comments on a Local Law to create a Conservation Advisory Council.

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

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

**68-2020 A Resolution Authorizing an Agreement with Muncicity Software Consulting Associates for SCA Utility Billing On-Line Payment System**

**WHEREAS**, the Water and Sewer Billing Department has received a large number of requests for an online payment option to pay the Town’s Water and Sewer bills; and

**WHEREAS**, Muncicity Software Consulting Associates offers a web-based utility payment which would allow Town residents to view their account status and pay their bill online. The payment information is then seamlessly posted through to the Town’s in-house SCA Utility Billing System; and

**WHEREAS**, the bill payer (resident) would have the option to pay their bill with a credit card or electronic check (ACH) and the associated fees of processing credit cards and ACH would be charged as an additional fee based on the software package selection the Town chooses; and

**WHEREAS**, the fees based on the current software package the Town utilizes would be:

<u>Payment Method</u>	<u>Fee</u>
Credit/Debit Cards	2.95%/\$5 minimum charge
Electronic Check	\$4 per transaction

**WHEREAS**, the cost to add an online payment option to this current level of the Town’s software would be an additional \$300 per year; and

**WHEREAS**, the cost to most residents would be \$5.00 to pay their Water and Sewer Bill with a credit or debit card using this method, a residents Water and Sewer Bill would have to be \$169.50 or more to exceed the \$5.00 charge; and

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

**RESOLVED**, that the Town Board does hereby approve the agreement with Muncicity Software Consulting Associates for web based payments for Water and Sewer Bills.

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 R. Matters	VOTED: YES
Councilor T. Tierney	VOTED: YES

**69-2020 A Resolution to Accept the Resignation of Daniel K. Smith from the Zoning Board of Appeals**

**WHEREAS**, Daniel K. Smith was appointed to the Zoning Board of Appeals in January, 2018 to complete the term of Joyce Lapham which ran through December 31, 2019; and

**WHEREAS**, Mr. Smith was appointed to a new term on January 2, 2020, one that would run through December 31, 2024; and

**WHEREAS**, Daniel K. Smith has now submitted a letter of resignation; 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 accepts the resignation of Daniel K. Smith from the Zoning Board of Appeals, thanks him for his service, and wishes him well in his future endeavors.

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

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

**70-2020 A Resolution Dissolving Resolutions 101-2019 and 102-2019 Due to a Word Change Required by the Bridge NY Program**

**WHEREAS**, Resolutions 101-2019 and 102-2019 contained an error that was discovered during the submission to the Commissioner of Transportation which required the Town to dissolve the original Resolutions and create new ones with the proper wording; and

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

**RESOLVED**, that Resolution 101-2019 and 102-2019 are now dissolved and will be replaced with Resolutions 71-2020 and 72-2020.

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

**71-2020 A Resolution Authorizing the Implementation and Funding of the Costs of 100% of the Costs of a Transportation Project, Which May be Eligible for Federal-Aid and/or State-Aid, or Reimbursement From Bridge NY Funds.**

**WHEREAS**, a project for the BRIDGE NY/Culvert, Replace culvert on Mannix Road over Mill Creek, Town of East Greenbush, Rensselaer County, P.I.N. 1761.11 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

**WHEREAS**, the Town of East Greenbush will design, let and construct the Project; and

**WHEREAS**, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof;  
now, therefore, be it

**RESOLVED**, that the Town Board of East Greenbush, duly convened does hereby approve the above-subject Project;  
and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby authorizes the payment of 100% of the cost of Design and Construction phases of work for the Project or portions thereof,

with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds;

and be it further

**RESOLVED**, the Town Comptroller confirms that the prefunded financial impact prior to reimbursement is the sum of \$517,942.00 is hereby appropriated from Prefunded A-917 fund balance reimbursed thru revenue account code 3089.03.00.102 Mannix Culvert and appropriated pursuant to expense account code 51124.03.04.102 Mannix Culvert and made available to cover the cost of participation in the above phase(s) of the Project;

and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby agrees that the Town of East Greenbush shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to Town of East Greenbush;

and be it further

**RESOLVED**, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof;

and be it further

**RESOLVED**, that the Town of East Greenbush hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months;

and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby authorizes the Town Supervisor to execute on behalf of the Town of East Greenbush all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of East Greenbush's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible;

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 any necessary Agreement in connection with the Project;

and be it further

**RESOLVED**, this resolution shall take effect immediately.

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

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

**72-2020      A Resolution Authorizing the Implementation and Funding of the Costs of 100% of the Costs of a Transportation Project, Which May be Eligible for Federal-Aid and/or State-Aid, or Reimbursement From Bridge NY Funds.**

**WHEREAS**, a project for the BRIDGE NY/Culvert, Replace culvert on Morner Road over Mill Creek, Town of East Greenbush, Rensselaer County, P.I.N. 1761.10 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and

**WHEREAS**, the Town of East Greenbush will design, let and construct the Project; and

**WHEREAS**, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the costs of the work for the Project or portions thereof; now, therefore, be it

**RESOLVED**, that the Town Board of East Greenbush, duly convened does hereby approve the above-subject Project;

and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby authorizes the payment of 100% of the cost of Design and Construction phases of work for the Project or portions thereof, with the understanding that qualified costs may be eligible for federal-aid, state-aid, or reimbursement from Bridge NY funds;

and be it further

**RESOLVED**, the Town Comptroller confirms that the prefunded financial impact prior to reimbursement is the sum of \$496,720.00 is hereby appropriated from Prefunded A-917 fund balance reimbursed thru revenue account code 3089.03.00.101 Morner Culvert and appropriated pursuant to expense account code 51124.03.04.101 Morner Culvert and made available to cover the cost of participation in the above phase(s) of the Project;

and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby agrees that the Town of East Greenbush shall be responsible for all costs of the Project which exceed the amount of federal-aid, state-aid, or NY Bridge funding awarded to Town of East Greenbush;

and be it further

**RESOLVED**, that in the event the Project costs not covered by federal-aid, state-aid, or NY Bridge funding exceed the amount appropriated above, the Town Board of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof;

and be it further

**RESOLVED**, that the Town of East Greenbush hereby agrees that construction of the Project shall begin no later than twenty-four (24) months after award and the construction phase of the Project shall be completed within thirty (30) months;

and be it further

**RESOLVED**, that the Town Board of East Greenbush hereby authorizes the Town Supervisor to execute on behalf of the Town of East Greenbush all necessary agreements, certifications or reimbursement requests for federal-aid and/or state-aid with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Town of East Greenbush's funding of Project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible;

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 any necessary Agreement in connection with the Project;

and be it further

**RESOLVED**, this resolution shall take effect immediately.

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

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

**73-2020      A Resolution Authorizing Repairs to the Recycling Trailer at the Transfer Station**

**WHEREAS**, the 1985 East Trailer at the Transfer Station that is used to haul recycled materials to a recycling company has become unserviceable due to corrosion on the trailer frame; and

**WHEREAS**, in accordance with the Town of East Greenbush purchasing policy, the Commissioner of Public Works solicited three quotes for the repair or replacement of the trailer frame, axles and hydraulic cylinder, and was able to obtain two quotes as other companies in this geographical area are not able to perform the type of work required including replacement of the hydraulic cylinder; and

**WHEREAS**, the lowest responsible quote was from Fleet Pride Truck and Trailer Parts in the amount of \$29,926.74 to install a new trailer frame, axles and hydraulic cylinder; and

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

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$29,926.74 from the Transfer Station charge code A8160.4 hopefully offset by increased revenue and decreased costs but if not depleting fund balance;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to contract with Fleet Pride Truck and Trailer Parts to install a new trailer frame, axles and hydraulic cylinder in an amount not to exceed \$29,926.74.

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 R. Matters	VOTED: YES

**74-2020 A Resolution to Authorize a Public Auction of Surplus DPW Vehicle**

**WHEREAS**, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare the following DPW Vehicle as surplus:

One 1990 GMC 7000 Sewer Jet Truck, VIN Number: 1GDP701Y8KV518915

**WHEREAS**, said vehicle is not suited for any other Town Department; and

**WHEREAS**, the Town Comptroller asserts this resolution will have no negative financial impact;

now therefore, be it

**RESOLVED** that said vehicles listed are hereby declared as surplus;

and be it further

**RESOLVED** that the Commissioner of Public Works be authorized to conduct a public auction, sale or lawfully dispose of said surplus vehicles now owned by and in the custody of the East Greenbush Public Works Department.

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

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

**75-2020 A Resolution Authorizing the Town Supervisor to Sign an Agreement with H2M Architects and Engineers to Provide Professional Services in Connection with the Construction of Upgrades to the Third Avenue and Barracks Road Pump Stations**

**WHEREAS**, in connection with growth and development along the Tempel Lane corridor, including the construction of Regeneron’s Tempel Lane Campus, the Town has identified the public need for the construction of certain improvements to the sanitary sewer collection and conveyance system; and

**WHEREAS**, these improvements include upgrades to the existing pump stations known as the Third Avenue Pump Station and the Barracks Road Pump Station (hereinafter “the pump stations”); and

**WHEREAS**, the public need for such improvements has been established in the agreement with Regeneron Pharmaceuticals, Inc. (the “Regeneron Development Agreement”) and the Amended SEQRA Findings Statement for Regeneron Pharmaceuticals, Inc. Tempel Lane Campus (November 20, 2018), both of which specify undertaking a number of important mitigation measures related to the development of Regeneron’s Tempel Lane Campus, including replacement of the pump stations; 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 replacing the pump stations; and

**WHEREAS**, the Town Board in its Resolution 132-2019 authorized the Town Supervisor to execute the Agreement with Regeneron Pharmaceuticals (“Development Agreement”) under which the Town agreed to advance the Project and Regeneron agreed to supply funding to implement the Project, which is estimated to be \$9,200,000.00 according to the Development Agreement; and

**WHEREAS**, the Town has received and accepted (Resolution 132-2019) \$2.0 million in grant funding from Empire State Development in order to implement infrastructure projects with total cost of \$10,637,200 aimed at supporting the Town’s need to address growth and support economic development in the Tempel Lane Corridor (collectively the “Program”), which includes funding for replacing the pump stations; and

**WHEREAS**, in accordance with a recommendation from the Town’s GEIS Policy Committee, the Town Board previously authorized the use of a portion of the SEQRA mitigation fees paid to the Town by Regeneron for these mitigation projects (Resolution 132-2019), including replacement of the pump stations, as set forth in the Regeneron Development Agreement; and

**WHEREAS**, in order to advance the Program, the Town Board in its Resolution 181-2019 authorized the Director of Planning and Zoning to solicit proposals from qualified consultants for the aforementioned services needed to advance the aforementioned Program, including replacement of the pump stations; and

**WHEREAS**, on December 4, 2019, the Town issued RFP 19-11 seeking consultant services for the Third Avenue and Barracks Pump Station Upgrade, which will advance this portion of the Program; and

**WHEREAS**, the Town received six (6) proposals from firms qualified to provide services in connection with RFP 19-11 to advance the Project; and

**WHEREAS**, a selection committee evaluated the proposals received, created a short list of three (3) firms, conducted interviews with the short-listed firms, and has recommended that the Town Board select H2M Architects and Engineers, pursuant to their proposal submitted in response to RFP 19-11, to provide the requested services to advance the Project; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will be funded by GEIS fees as per the development agreement with Regeneron, now, therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into a contract with H2M Architects and Engineers to provide services to advance the pump station replacement following approval of said contract as to form by the Town Attorney; and

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

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

**76-2020      A Resolution Appointing Dalia Szarowicz as Stormwater Management Officer**

**WHEREAS**, pursuant to Section 402 of the Clean Water Act (CWA), operators of small municipal separate storm sewer systems (small MS4s), located in urbanized areas, are unlawful unless they are authorized by a National Pollutant Discharge Elimination System (NPDES) permit or by a state permit program. New York’s State Pollutant Discharge Elimination System (SPDES) is a NPDES-approved program with permit issued in accordance with Environmental Conservation Law (ECL); and

**WHEREAS**, under this permit the Town of East Greenbush is determined to be a small MS4 that is regulated under EPA's Phase II Stormwater Rule and has implemented a stormwater management program (SWMP); and

**WHEREAS**, in partial fulfillment of requirements under the SWMP and the SPDES permit, the Town's Comprehensive Zoning Law includes "Section 3.13 Erosion, Sediment Control and Stormwater Management," which has been certified by the Town's Special Counsel as consistent with the NYSDEC model local law for stormwater discharges as required under the MS4 General Permit; and

**WHEREAS**, Section 3.13 broadly gives certain powers relating to stormwater management to Town personnel, including, at Section 3.13.16(C)(01), the "Town of East Greenbush Stormwater Management Officer"; and

**WHEREAS**, in the role of Planner in the Planning and Zoning Department, Dalia Szarowicz carries out certain tasks relating to implementing the Town's SWMP, including tasks relating to erosion and sediment control and stormwater management from construction sites and other land development activity; and

**WHEREAS**, Dalia Szarowicz possesses qualifications to perform in the role of Stormwater Management Officer, including knowledge of land development having majored in environmental design at the University at Buffalo, specific experience in this domain having served previously as the Stormwater Management Officer for the Town of Ballston and the Town of Malta, and certification in the principles and practices of erosion and sediment control having successfully completed the NYSDEC-endorsed Four-Hour Erosion and Sediment Control Training;

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

now therefore be it

**RESOLVED**, that Dalia Szarowicz is hereby appointed as Stormwater Management Officer in accordance with Town code.

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

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

**77-2020      A Resolution Authorizing the Town Supervisor to Sign a Trail Manager Maintenance Agreement with the Greenway Conservancy for the Hudson River Valley in Connection with the Albany Hudson Electric Trail**

**WHEREAS**, the Greenway Conservancy for the Hudson River Valley ("Greenway") is leading an effort to construct the Albany Hudson Electric Trail ("AHET"), an approximately 36-mile multi-use path connecting the City of Rensselaer in Rensselaer County with the Town of Greenport in Columbia County with a portion of the Trail is situated in the Town of East Greenbush; and

**WHEREAS**, being a host community of the AHET is associated with public benefits, such as increasing accessibility of destinations by walking and by bicycling, additional recreation opportunities, and promotion of health associated with physical activity and green open space, and will be an element of the Town's Complete Streets network; and

**WHEREAS**, support within the Town for the AHET has existed since 2011, when the Town caused preparation of the “Albany-Hudson Electric Trail Feasibility Study – Final Report October 2011;” and

**WHEREAS**, the AHET is a part of the Empire State Trail and provides a key link between the Capital Region and the Mid-Hudson Valley; the Empire State Trail, when completed in 2020, will create a 750-mile biking and walking trail from New York City to Canada and from Albany to Buffalo; and

**WHEREAS**, the Town has been coordinating with the Greenway throughout the AHET design process and will continue to coordinate during the construction phase, which is anticipated to begin this month and end in November of this year; and

**WHEREAS**, as a host community, and in accordance with prior discussions with the Greenway, the Town will need to perform certain maintenance activities as outlined in the final Albany-Hudson Electric Trail – Trail Maintenance Plan, dated December 30, 2019 (“Maintenance Plan”) and the Maintenance Agreement, which is attached hereto, as Trail Manager; and

**WHEREAS**, the Trail maintenance activities described in the Maintenance Plan and in the Maintenance Agreement apply only to off-road sections of the AHET trail, as maintenance of on-road sections of the AHET route remain the responsibility of the agency which owns the specific road section; and

**WHEREAS**, the Greenway has requested that the Town maintain a roughly 1,600’ segment of off-road trail in the Town of Schodack from approximately the Town of Schodack and Town of East Greenbush boundary to Old Miller Rd in the Town of Schodack, as the Town’s DPW forces can efficiently and with reasonable added marginal cost extend operations along this continuous off-road trail corridor; and

**WHEREAS**, the Department of Public Works possesses the skilled personnel and equipment, generally, to complete the maintenance activities as described in the Maintenance Plan, which equipment will be augmented by donation of lawn mowing equipment to be provided by the Greenway; and

**WHEREAS**, the Town Comptroller is unsure of the financial impact of this resolution now therefore be it

**RESOLVED**, that the Town Supervisor is hereby authorized to sign the attached Maintenance Agreement upon approval as to form by the Town Attorney; and be it further

**RESOLVED**, the Commissioner of Public Works is hereby authorized to cause to be maintained the aforementioned 1,600’ off-road trail segment situated within the Town of Schodack, as requested by the Greenway; and

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

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

**78-2020      A Resolution Authorizing the Town Supervisor to Sign a Grant of Permanent Easement in Connection with Construction of the Albany Hudson Electric Trail**

**WHEREAS**, the Greenway Conservancy for the Hudson River Valley (“Greenway”) is leading an effort to construct the Albany Hudson Electric Trail (“AHET”), a portion of which is situated in the Town of East Greenbush; and

**WHEREAS**, the Town acknowledges the public benefits to be provided by the AHET, the AHET’s importance to the regional and statewide trail system, and has supported the AHET, construction of which the Greenway will complete this November, since at least 2011; and

**WHEREAS**, a portion of the AHET within the Town of East Greenbush is situated in lands owned by National Grid but which bisect lands held, variously, by TDT Realty Corp and Corellis Holding, LLC, lands which are currently used as a trucking terminal, creating the potential for conflicts among different modes as well as potential discomfort for trail users and operational challenges for the trucking business; and

**WHEREAS**, the Greenway has identified a proposed alternative alignment which bypasses the trucking terminal business (“AHET bypass realignment”), a map of which is attached hereto; and

**WHEREAS**, the proposed AHET bypass realignment must use a portion of lands of TDT Realty Corp and may use lands of other landowners as may be identified by the Greenway as necessary to implement the AHET bypass realignment; and

**WHEREAS**, the Greenway requires a permanent easement with any property owner(s) involved in the proposed AHET bypass realignment, a draft copy of which is attached hereto; and

**WHEREAS**, the Greenway has requested, in order to facilitate progress constructing the AHET, that the Town be named the grantee of the rights necessary for construction of the AHET bypass realignment as identified in the permanent easement to be provided by the Greenway; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances because the Greenway Conservancy for the Hudson River Valley has agreed to pay for the approximately \$10,000.00 cost of the easement.

now therefore be it

**RESOLVED**, that the Town Supervisor is hereby authorized to accept a grant of permanent easement with any landowners involved in the aforementioned AHET bypass realignment to be provided by the Greenway upon approval as to form by the Town Attorney; and

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

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

**79-2020 A Resolution to Establish an Ambulance District Fee Schedule for 2020**

**WHEREAS**, the East Greenbush Town Board, on behalf of the East Greenbush Ambulance District, is required to approve flat fees and rates to be charged by the District for ambulance and emergency-medical services rendered by the District’s service provider, W.F. Bruen Emergency Squad, Inc.; and

**WHEREAS**, the W.F. Bruen Emergency Squad has submitted a recommended for the Town Board’s consideration; and

**WHEREAS**, the recommendation to the Town Board includes the following Fee Schedule:

Basic Life Support	\$900.00
Advanced Life Support	\$1,100.00
Advanced Life Support II	\$1,300.00
Mileage	\$20.00/mile

**WHEREAS**, the Town Comptroller is unsure of the financial impact of this resolution now, therefore, be it

**RESOLVED**, that the Fee Schedule recommended by the W.F. Bruen Emergency Squad is accepted and approved by the Town Board of the Town of East Greenbush.

Councilor Matters made a motion to table the foregoing resolution was seconded by Supervisor Conway and brought to a vote resulting as follows:

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

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

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

**80-2020 A Resolution Authorizing Certain Town Officials to Sign a Certain Confidentiality Agreement**

**WHEREAS**, this resolution was not able to be submitted in time for consideration at the regularly scheduled pre-board meeting of March 11, 2020 and was subsequently presented to the Town Board on March 18, 2020; and

**WHEREAS**, the Town Assessor and the Town’s Consultant, Laurence Farbstein are engaged in discussions and negotiations with Beechwood, Inc. and Hawthorne Ridge, Inc., in relation to the appropriate assessment for a facility owned by said corporations in the Town of East Greenbush; and

**WHEREAS**, in order to appropriately determine the value of that property, it may be necessary for the Assessor and Mr.Farbstein to obtain specific information from the owners,

relating to the facility’s income stream, including proprietary information filed with New York State by the owners; and

**WHEREAS**, the owners, through their Attorney, have requested that the Town and the Assessor and the Consultant enter into a certain confidentiality agreement providing for nondisclosure of such information; and

**WHEREAS**, that confidentiality agreement will not unfairly burden the 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 Supervisor, the Sole Appointed Assessor, and the Consultant, Laurence Farbstein, are authorized to sign said confidentiality agreement, subject to the Town Attorney’s review as to form.

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

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

**81-2020 A Resolution Awarding Mercado Consulting Group LLC with the Town Hall Carpet Replacement Project**

**WHEREAS**, this resolution was not able to be submitted in time for consideration at the regularly scheduled pre-board meeting of March 11, 2020 and was subsequently presented to the Town Board on March 18, 2020; and

**WHEREAS**, the 2020 Annual Budget encumbered \$30,000.00 for carpets as approved by Resolution 139-2017 and an additional \$40,000.00 was put into the 16204.01 – Buildings CE budget for Town Hall Updates; and

**WHEREAS**, the Director of Finance solicited bids for the Town Hall Carpet Replacement Project and only one bid was received, that from Mercado Consulting Group LLC, the same company that bid on the Court Room Renovation Project in 2019 and finished the upgrades to the Court Room and Community Room; and

**WHEREAS**, the prices submitted for the bid were as follows:

<b>Project Description</b>	<b>Price</b>	<b>Estimate based on 7,500 sq ft.</b>
Removal & Disposal	\$0.35 per sq. ft	\$2,625.00
Installation	\$4.90 per sq. ft	\$29,250.00
Baseboard Replacement (Black Rubber)	\$1.80 per sq. ft	\$13,500.00
Baseboard Replacement (White wood)	\$9.20 per sq. ft	
Contingency 1 – Furniture removal/replacement	\$80.00 per hour	

Contingency 2 – Sub Floor Repair	\$1.50 per sq. ft	
Approximate Removal & Installation Total		\$45,375.00

**WHEREAS**, the current plan is to have members of the Department of Public Works assist with furniture movement and replacement to help reduce costs, however, in the event that an urgent matter were to develop where the Department of Public Works employees become unavailable, there is a contingency rate for removal and replacement of furniture; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2020 Town Budget in account 16204.01.04 Building CE now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the awarding of the Town Hall Carpet Replacement Project to Mercado Consulting Group LLC for an amount not to exceed \$50,000.00.

This 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 R. Matters	VOTED: YES

**ADJOURNMENT**

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

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

Adjourned: 8:09 PM

Respectfully,

Ellen Pangburn  
East Greenbush Town Clerk

Approved: April 15, 2020