



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA November 15, 2017

Call to Order **7:00 PM**
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor Conway
<input type="checkbox"/>	<input type="checkbox"/>	Councilor DiMartino
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Grant
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Tierney

Communications/Announcements/Reports

Open Public Privilege: NOTE – Each speaker may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their desire to actively participate in the decision making process. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

Resolutions and Proposals by Town Board Members:

206-2017 A Resolution to Approve Special Meeting Minutes

WHEREAS, the minutes of the Special Meeting held on September 13, 2017, 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 Special Meeting held on September 13, 2017 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 Special Meeting held on September 13, 2017, are hereby approved as submitted.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

207-2017 A Resolution to Approve Special Meeting Minutes

WHEREAS, the minutes of the Special Meeting held on October 2, 2017, 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 Special Meeting held on October 2, 2017 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 Special Meeting held on October 2, 2017, are hereby approved as submitted.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

208-2017 A Resolution to Approve Public Hearing Meeting Minutes

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 15, 2017; and

WHEREAS, the minutes of the Public Hearing held on October 18, 2017, 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 October 18, 2017 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 Public Hearing held on October 18, 2017, are hereby approved as submitted.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

209-2017 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, that the minutes of the regular Town Board Meeting held on October 18, 2017 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 October 18, 2017, are hereby approved as submitted.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

210-2017 A Resolution for Town Board Request to act as Lead Agency for the Town Center Planned Development District and Major Site Plan Application

WHEREAS, 580 Columbia Turnpike LLC., has submitted a Planned Development District (PDD) and major site plan review application for the development of commercial and multi-family residential units located on Columbia Turnpike identified on the Town’s Tax Roll as Tax Parcel No’s. 166.-7-5, 166.-7-3.5, portion of 166.-7-3.4, 166.-7-6.51 & portion of 166.-7-6.111; and

WHEREAS, the application was accompanied by a proposed site plan, PDD application, a Full Environmental Assessment Form and other submittals; and

WHEREAS, staff has reviewed the application and determined the project to be a Type I action in accordance with the State Environmental Quality Review Act; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQRA review of the Project; and

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

now, therefore, be it

RESOLVED, as follows:

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)
2. The following are or may be:

Involved agencies under SEQRA:
 East Greenbush Planning Board
 NYS Department of Environmental Conservation
 Rensselaer County Health Department
 NYS Department of Transportation
 Rensselaer County Office of Economic Development and Planning

Interested agencies under SEQRA:
 East Greenbush Fire District #3
 W. F. Bruen Rescue Squad
 East Greenbush Department of Public Works
 New York State Office of Parks, Recreation & Historic Preservation
 East Greenbush Central School District
 Capital District Transportation Authority
 Capital District Transportation Committee
 U. S Army Corp of Engineers

3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project.

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

Councilor Grant	VOTED:
Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

211-2017 A Resolution to Adopt a Conditioned Negative Declaration Pursuant to the State Environmental Quality Review Act (SEQRA) for the Proposed Sun Oil Road Asphalt Plant at 19 Sun Oil Road

WHEREAS, 19 Sun Oil Road, LLC (the “Applicant”), filed an application for site plan review and establishment of a planned development district, together with Part I of a full Environmental Assessment Form (“EAF”) and other relevant information; and

WHEREAS, the Applicant proposes to develop, at a site in the Town of East Greenbush, an asphalt manufacturing facility (the “Project”); and

WHEREAS, the Town Board of the Town of East Greenbush (the “Town Board”) indicated to other potentially involved agencies its intention to act as lead agency for the environmental review of the Project as an “unlisted action” pursuant to the State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, collectively, “SEQRA”); and

WHEREAS, the other potentially involved agencies concurred with the Town Board serving as SEQRA lead agency or did not respond within the relevant time frame; and

WHEREAS, the Town Board and its consultants have reviewed the application and related materials, completed Parts II and III of the EAF, and reviewed the requirements of SEQRA and other information in the record with respect to the Project; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby declares itself SEQRA lead agency for the review of the Project;

and be it further

RESOLVED, that the Town Board hereby determines that the Project, with the imposition of the conditions set forth in the SEQRA Conditioned Negative Declaration annexed hereto and made a part hereof, will not have a significant adverse environmental impact requiring the preparation of a Draft Environmental Impact Statement (“DEIS”);

and be it further

RESOLVED, that the Town Board hereby adopts the annexed SEQRA Conditioned Negative Declaration and directs that it be filed and distributed in accordance with applicable provisions of law;

and be it further

RESOLVED, pursuant to SEQRA, a public comment period on the Conditioned Declaration is hereby established, to run through the close of business on December 22, 2017, and notice thereof shall be published and filed in accordance with applicable provisions of law.

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

Councilor Tierney VOTED:
Councilor Grant VOTED:
Supervisor Conway VOTED:
Councilor DiMartino VOTED:
Councilor Matters VOTED:

**212-2017 A Resolution to Authorize the Refund of the Filing Fee
For the Small Claims Assessment Hearing**

WHEREAS, Section 730 of the New York State Real Property Tax Law authorizes the Small Claims Assessment Hearing Officer to award to the petitioner, the cost of the filing fee that was paid to the County of Rensselaer; and

WHEREAS, the Small Claims Assessment Hearing Officer may make awards not exceeding \$30.00 (thirty dollars); and

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

now, therefore, be it

RESOLVED that the Town of East Greenbush will refund to the following Petitioner not exceeding \$30.00;

Mark Taratus
8 Castleton Avenue
East Greenbush, New York 12061
\$30.00 Refund

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

213-2017 A Resolution Authorizing the Waiver of Certain Mitigation Fees to Be Imposed Relating to the Rysedorph Cluster Subdivision

WHEREAS, the owners of a project known as the Rysedorph Cluster Subdivision, a 27-lot single family residential project located off Olcott Lane, received Final Plat and Pre-Construction approval on December 9, 2015; and

WHEREAS, as part of the approval for such project, the developers are required to install two off-site pressure reducing valves and vaults, one near Roberts Lane, and the other on Route 151 west of Olcott Lane; and

WHEREAS, the developer has advised that the installation estimates for both valves total \$115,000.00, with the two valves costing an additional \$73,500.00; and

WHEREAS, although the installation of these valves will serve the developer’s project, they will also provide a significant benefit to the Town’s water infrastructure, since the installation will allow a tie-in of two existing loops which are presently shut off from each other; and

WHEREAS, the present Generic Environmental Impact Statement (GEIS) fees for water and sewer mitigation to be imposed under the Town code total \$111,537.00 for sewer mitigation and \$26,163.00 for water mitigation and the developers are seeking a credit of \$73,500.00 (the cost of the valves) against those fees; and

WHEREAS, the Planning Board has not been able to rule on this request, because certain members have conflicts of interest, and there has been the absence of a quorum without those members, and resulting in the Planning Board forwarding this fee reduction request to the Town Board; and

WHEREAS, the Town Board, after consulting with its consulting engineer and the Town Commissioner of Public Works has determined that the installation of the pressure reducing valves and vaults will have a beneficial effect on the Town’s water system; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances; now, therefore, be it

RESOLVED, that the GEIS mitigation fees which would otherwise be imposed upon the developers of this project pursuant to the Town Code shall be reduced in the amount of \$26,163.00, representing the sum total of the water mitigation fees upon proof acceptable to the DPW Commissioner of the cost of such valves.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

214-2017 A Resolution Authorizing the Expenditure of Funds to Purchase a SMART 800 Radar Speed Trailer With Traffic Data Recording System and Solar Panel

WHEREAS, the Chief of Police has recommended the purchase of a Radar Speed Trailer to the Town Board as a mechanism that informs and educates motorists, reduces traffic speeds, helps to make neighborhoods quieter and safer, and provides statistical analysis enabling targeted enforcement; and

WHEREAS, the Town Board agrees with the Chief of Police that these are important factors in realizing its commitment to public safety in the Town of East Greenbush; and

WHEREAS, the requirement in our Purchasing Policy to obtain three quotes is waived if the preferred vendor is on a State contract; and

WHEREAS, the vendor Kustom Signals, Inc. is covered by New York State contract #PC66498 and has submitted a price of \$9,676.00 for a SMART 800 Radar Speed Trailer with Traffic Data Recording System and Solar Panel, a piece of equipment that satisfies the needs of our police department; and

WHEREAS, the Town Comptroller confirms that this purchase was included in the 2017 Town Budget;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the expenditure of \$9,676.00 to purchase a SMART 800 Radar Speed Trailer with Traffic Data Recording System and Solar Panel from Kustom Signal, Inc.

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

Councilor Grant	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Tierney	VOTED:

215-2017 A Resolution Accepting Corellis Drive as a Town Road

WHEREAS, a land area, commonly known as “Corellis Drive”, located within the Town of East Greenbush, has been utilized and maintained by the Town of East Greenbush since 2002; and

WHEREAS, the area is described by the Rensselaer County tax map no. 166.-3-6.135; and

WHEREAS, the Town of East Greenbush owns and maintains a sewage pump station along Corellis Drive; and

WHEREAS, the Town of East Greenbush provided heavy highway road base and asphalt pavement of Corellis Drive for a heavy highway rating of H-20 which meets Town Standards; and

WHEREAS, by verbal agreement between the Supervisor, Town of East Greenbush, Mr. Robert Angelini and Mr. Thomas Corellis, land owner, the Town of East Greenbush will accept transfer of ownership of Corellis Drive; and

WHEREAS, the Town of East Greenbush has maintained this roadway since completed in 2002; and

WHEREAS, incorporating this roadway officially in the Town’s highway system may potentially increase the yearly funding from the State through the Consolidated Local Street and Highway Improvement Program (CHIPS); and

WHEREAS, acceptance of this roadway has been recommended by the Commissioner of Public Works, the previous Town Engineer, and the Town Attorney; and

WHEREAS, tax levies previously assessed on said property will be removed from Thomas Corellis upon acceptance of ownership by the Town; and

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

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush, County Of Rensselaer, State of New York, does hereby accept the described roadway, as Town of East Greenbush Highways; and

- Directs the Commissioner of Public Works to direct the Attorney to the Town to file the necessary paperwork with Rensselaer County for the roadway; and
- Directs the Commissioner of public works to record this roadway as part of the yearly highway inventory report to DOT; and
- Directs the Town Clerk to record this roadway in the Town Highway inventory file

and be it further

RESOLVED, that this transaction is subject to the approval of all documents by the Attorney to the Town.

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

Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

216-2017 A Resolution Authorizing the Purchase of Road Salt from New York State OGS Contract

WHEREAS, the Public Works Department requires Road Salt (mineral crushed rock) for winter road maintenance; and

WHEREAS, the State of New York has awarded for one year, a contract for the purchase of road salt, treated salt, and emergency standby road salt – (Group Number 01800, Contract Number PC 66658) at a cost of \$58.79 per ton, subject to fuel price adjustment; and

WHEREAS, an essential component of the contracts entered into by the State of New York provides that said materials and respective bid prices received by the State shall be available to local governments of New York State; and

WHEREAS, the Town Comptroller confirms that this purchase was included in the 2017 Town Budget;

now, therefore be it

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to purchase road salt from the above contract as required for treating snow and ice on Town Highways and Town Owned Facilities subject to the limits of DPW Budget Line DA 5142.4.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

217-2017 A Resolution Authorizing Paver Placed Surface Treatment on Riverview Terrace

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$20,000 require Town Board approval; and

WHEREAS, as part of the Waste Water Treatment Plant Outfall Project, Riverview Terrace needed to be resurfaced after the construction vehicles used it as the construction entrance; and

WHEREAS, NYS Office of General Services solicited bids for Liquid Bituminous Materials including installation; and

WHEREAS, the NYS Office of General Services bid was awarded on April 1, 2016 and the results of the bid were made available to all municipalities and school districts in the State of New York; and

WHEREAS, the Commissioner of Public Works obtained a quote for Paver Placed Surface Treatment for Riverview Terrace; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town's finances; however, pending NYS Environmental Facilities Corporation approval it will be covered by the waste water treatment plant project;

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve installation of Paver Placed Surface Treatment on Riverview Terrace at a cost of \$35,524.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

218-2017 A Resolution Authorizing Payment of Retroactive Bills to Main Care Inc. for Gasoline

WHEREAS, the Town Comptroller was contacted by Main Care Inc. on or about January 2017, who informed him the Town of East Greenbush had an outstanding balance of \$11,944.99 dating from February 2011 to June 2012 for gasoline that was delivered to the Department of Public Works; and

WHEREAS, the Town Comptroller brought this issue to the attention of the previous Commissioner of Public Works in February, 2016 and again brought to the attention of the current Commissioner of public Works on 21, 2017; and

WHEREAS, the Commissioner of Public Works conducted an investigation into the matter by questioning Mr. David VanWormer, then Commissioner of Public Works, and Mr. Richard Williams, the Highway Foreman during these same dates; and

WHEREAS, both Mr. VanWormer and Mr. Williams have indicated that, to the best of their knowledge, Main Care Inc. had delivered the gasoline as shown on the invoices, and neither were aware of any extenuating circumstances why the bills should not have been paid; and

WHEREAS, the Commissioner of Public Works recommends that the Town pay the outstanding invoices for gasoline that was received by the Town of East Greenbush and used in the conduct of Town business; and

WHEREAS, the Town Comptroller confirms this resolutions has a negative material impact on Town finances; and requires the following budgetary transfer;

Fund	Debit	Credit
51304.02 – Machinery - CE	\$11,944.99	
DA-917 Fund Balance		\$11,944.99

and, the reasonable basis for payment is that sufficient documentation proving that the town took delivery of the fuel and that payment to Main Care for the 16 month period January 2011 - April 2012, in the amount of \$11,944.99, is just, due and owing, is available for inspection upon request;

now therefore, be it

RESOLVED, that the Town Board authorizes the payment of retroactive bills to Main Care Inc. for gasoline received in an amount not to exceed \$11,944.99, contingent on obtaining a signed release from Main Care Inc. certifying that the amount paid is in full satisfaction of any claims outstanding against the Town of East Greenbush.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

219-2017 A Resolution Honoring Lawrence Glander for Seventy Years of Service to the Best-Luther Fire Department

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 9, 2017; and

WHEREAS, the brave members of the Best-Luther Fire Department protect the lives and property of the people of East Greenbush through fire prevention, fire response and public education and do so on a volunteer basis; and

WHEREAS, they respond to calls regarding building collapses, structure fires, hazardous material incidents, vehicle accidents, water main breaks, utility emergencies and other non-fire situations; and

WHEREAS, firefighters bravely face possible injury and even death in the performance of their duties, sometimes working long and straining hours to protect members of our community; and

WHEREAS, Lawrence Glander has been a member of the Best-Luther Fire Department for seventy years; and

WHEREAS, Mr. Glander has served the Department in the following capacities:

Member of Board of Directors

Lieutenant

Captain

Engineer

Fire Police Officer

Safety Officer

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush honors Lawrence Glander for his seventy years of service to the Best-Luther Fire Department and wishes him continued good fortune in the substantial contribution he makes to our community.

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

Supervisor Conway	VOTED:
Councilor Tierney	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

220-2017 A Resolution Approving the Adoption of the Annual Budget for Fiscal Year 2018

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 9, 2017; and

WHEREAS, pursuant to New York Town Law § 106, subd. 2, the East Greenbush Town Supervisor duly filed a Tentative Budget and budget message in the Office of the Town Clerk on September 29, 2017 (referred to hereinafter as the “Tentative Budget”); and

WHEREAS, the Tentative Budget provided for a 0.94% increase in the Town’s Real Property Tax Levy for fiscal year 2018; and

WHEREAS, pursuant to New York Town Law § 106, subd. 4, the East Greenbush Town Board, at a special meeting held on November 1, 2017 duly approved a preliminary budget which was duly filed in the office of the Town Clerk on November 2, 2017 (referred to hereinafter as the “Preliminary Budget”); and

WHEREAS, pursuant to New York Town Law § 108, the East Greenbush Town Board duly conducted a public hearing on November 9, 2017 on 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, pursuant to New York Town Law § 109, subd. 1, the Preliminary Budget be, and the same hereby is, duly adopted as the Annual Budget for fiscal year 2018 (referred to hereinafter as the “Adopted Budget”);

and be it further

RESOLVED, that the Town Clerk shall cause a copy of the Adopted Budget to be duly filed in her office, forthwith, following receipt thereof from the Comptroller;

and be it further

RESOLVED, that, pursuant to New York Town Law § 109, subd. 3, the Supervisor, Director of Finance, Comptroller, Receiver of Taxes, and Assessor take all respective action required and/or appropriate relative to the implementation of the Adopted Budget.

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

221-2017 A Resolution Authorizing Solicitation of Pricing from Siemens for an Energy Performance Contract Utilizing the Rensselaer County Contract

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 9, 2017; and

WHEREAS, Article 9 of the New York State Energy Law authorized municipalities and school districts to enter into contracts (“Energy Performance Contracts”) for the provision of energy services including but not limited to, electricity, heating, ventilation, cooling, steam or hot water, in which a person agrees to install, maintain, or manage energy systems or equipment to improve the energy efficiency of, or produce energy in connection with a building or facility in exchange for a portion of the energy savings or revenues; and

WHEREAS, Rensselaer County issued a Contract to Siemens on February 11, 2014 for execution of the Energy Performance Contract and made the results available to any political subdivision within Rensselaer County; and

WHEREAS, the Town of East Greenbush owns four municipal buildings and fourteen sewer pump stations and could realize a significant energy use reduction and an associated financial benefit from the utilization of an Energy Performance Contract; and

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

now, therefore be it

RESOLVED, that the Town Board authorizes the Town Supervisor to solicit a proposal from Siemens for the execution of an Energy Performance Contract utilizing the terms of the Rensselaer County Contract in place for this purpose.

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

Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

222-2017 A Resolution to Approve Local Law No. 3 of 2017 – Solar Energy Law for East Greenbush as an Amendment to Local Law No. 1 of 2017

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 13, 2017; and

WHEREAS, the Town Board of the Town of East Greenbush adopted Local Law No.1 - 2017 Solar Energy Law for the Town of East Greenbush via Resolution 142-2017; and

WHEREAS, section 3.14.4 of the Solar Law regarding Approval Standards for Large-Scale Solar Systems as a Special Permit use specified that Large-Scale Solar Energy Systems are limited to a maximum of 2.5 acres in size and are permitted through the issuance of a special permit within the A-R, O, OC, OI, and CI Districts, subject to the requirements set forth in this Section, including site plan approval; and

WHEREAS, subsequent review of proposed large-scale solar systems indicate that Residential Open Space (R-OS) districts should be included in the permitted zoning districts; and

WHEREAS, a public hearing was held on October 18, 2017 at 6:45 p.m. to hear public comments on the proposed amended Local Law: and

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

now, therefore, be it

RESOLVED, that enactment of Local Law No. 3 of 2017- Amending Local Law No. 1 of East Greenbush - Solar Energy Law of the Town of East Greenbush, and the same hereby is, approved,

and be it further

RESOLVED, that the Town Clerk shall file the Local Law with the New York Secretary of State.

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

Councilor Tierney	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

223-2017 A Resolution Appointing Nancy Kupiec to the Planning Board of the Town of East Greenbush

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of November 8, 2017 and was subsequently presented to the Town Board on November 14, 2017; and

WHEREAS, there are currently two vacancies on the Planning Board, making it difficult to reach a quorum for meetings and votes; and

WHEREAS, Paul DiMascio resigned from a term on the Planning Board that was to run until December 31, 2020; and

WHEREAS, Nancy Kupiec applied for a position on the Board and was found to be well-qualified; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no material effect on the Town's finances;

now, therefore, be it

RESOLVED, that Nancy Kupiec is appointed to the Planning Board of the Town of East Greenbush to finish the term vacated by Paul DiMascio and is appointed from the time when this resolution is passed until December 31, 2020.

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

Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

ADJOURNMENT

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

Town of East Greenbush Town Board
State Environmental Quality Review
CONDITIONED NEGATIVE DECLARATION
Notice of Determination of Non-significance

Date: November 15, 2017

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively, "SEQRA").

The Town of East Greenbush Town Board (the "Town Board"), as the lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and that a draft environmental impact statement will not be prepared.

Name of Action:	Proposed Asphalt Manufacturing Plant
Applicant:	19 Sun Oil Road, LLC
SEQR Status:	Unlisted
Conditioned Negative Declaration:	Yes
Description of Action:	

The applicant, 19 Sun Oil Road, LLC ("the Applicant"), seeks site plan approval and establishment of a planned development district to construct and operate an asphalt manufacturing plant (the "Project") on an approximately 10.75-acre Site (the "Project Site") in the Town of East Greenbush. The Project Site is located in the Town's Coastal Industrial ("CI") zoning district. As proposed, the plant will mix aggregates and liquid asphalt to produce Hot Mix asphalt. The Project would consist of various components, including:

- Cold feed bins. Aggregates at ambient temperatures would be loaded into these bins, metered out through the bottom and delivered by conveyor to the drum.
- RAP/RAS bins (hoppers). Recycled asphalt pavement ("RAP") and recycled asphalt shingles ("RAS") would be loaded into bins, crushed and metered out through the bottom and delivered by conveyor to the drum.
- Drum. The drum is a cylinder that slowly rotates. Aggregates would be fed into the drum and heated to dry them. Aggregates move through the center of the drum and are heated, while the RAP and/or RAS are introduced into an isolated mixing chamber. Liquid asphalt is metered into the drum in the mixing area before the aggregate/RAP and/or RAS/liquid asphalt mixture is removed from the drum via a conveyor to the hot storage silos..
- Hot Storage Silos/Discharge Area. A truck would pull onto the scale under the three 200-ton hot asphalt storage and loadout silos to be loaded. The appropriate mix is dropped via chute into the waiting truck. When full, the truck would pull out, be covered and leave the Site. The silos are heated to keep the asphalt from hardening.
- Baghouse. The emissions from the drum will be collected and fed back in a closed loop to the burner for ignition to prevent blue smoke and odors. The exhaust emissions will be fed by enclosed duct to the baghouse. As air is circulated through the hanging bags, particulates adhere to the bags and are collected by a conveyor that moves the dust to a collection silo. The collection silo is periodically emptied and the contents stored on-site. The baghouse is

designed to remove approximately 99.94 percent of particulate matter. Most of the dust is reincorporated into the asphalt.

- Control Building. The plant is highly automated. The plant operator works in this building, sets the plant to produce the desired asphalt mixes and prints the ticket for each load.
- Liquid Asphalt Cement Storage. Liquids used in the manufacture of asphalt will be stored in two vertical 20,000-gallon double-wall tanks located within impermeable secondary containment. Trucks delivering the liquid asphalt cement park on an impermeable concrete pad to offload the asphalt cement.
- Spray Bars and Truck Racks. Automated spray bars spray the bed of trucks with a release agent required by the New York State Department of Transportation (“DOT”) to prevent the asphalt from sticking. This process is automated and is controlled by the plant operator. The truck racks after the plant allow truck drivers to cover the asphalt prior to leaving the Site. The spray bars are located on an impermeable pad.

The tallest building will be the Control Building, which will be approximately 11 feet high (the tallest of the existing buildings on site are 30 feet high). The tallest structures will be the three asphalt storage silos, which will be approximately 54 feet high, with adjacent appurtenances (e.g., drag conveyors) that will be approximately 75 feet high.

Aggregates, shingles and RAP will be delivered to the Site in trucks. The shingles will continue to be processed (into RAS) at a dedicated area located east of the Project. The aggregate, RAP and RAS will be stored in open piles in a stockpile area on the Site. The stockpile area will be bermed along its perimeter and graded to direct stormwater towards the stormwater management area. The floor of the stockpile area will be covered with crushed stone or paved.

The Site, which the Applicant owns, consists of approximately 10.75 acres. It is bordered on the west side by Riverside Avenue Extension, on the east side by Amtrak railroad tracks and River Road (Route 9-J) and is bisected on the north by Sun Oil Road. Properties in the immediate vicinity include a truck terminal to the north, marine oil storage terminals to the west and southwest, and a recycled asphalt storage and processing facility to the south. The nearest residential areas are predominantly across the railroad tracks and Route 9-J to the east. Potential receptors include a residence approximately 550 feet to the northeast of the Site, a residence approximately 600 feet to the southeast, and a residence approximately 1,000 feet to the east.

The Site is zoned for industrial use in the Coastal Industrial (CI) zoning district. The Site currently contains a partially occupied office building, a maintenance garage leased to a trucking company, and a temporarily closed asphalt shingle recycling facility. The Site has previously been disturbed, and much of it is covered with a layer of gravel. A secondary growth of trees and brush covers the southern perimeter of the Site. The Site is currently lit by a number of building-mounted lights in the northern and eastern portions of the property, with a light pole at the entrance to the Site.

Reasons Supporting This Determination:

For the reasons discussed below, the Town Board concludes that, with the imposition of the conditions set forth in this Negative Declaration, the proposed asphalt manufacturing plant will not have any significant adverse environmental impacts.

A. Noise

The area surrounding the Site is industrial in nature and no potential sensitive receptors are located near the Site. To assess potential impacts to receptors, sound levels were measured at an existing fully operating “sister” plant in Uxbridge, Massachusetts, on April 11, 2017. Based on the results of these measurements and information provided by the plant manufacturer (ADM), no continuous noise measured at the Lot Line will exceed 80 db during the normal hours of operation (6:30 am to 5:00 pm Monday through Saturday), and no continuous noise measured at the Lot Line will exceed 75 db outside the normal hours of operation (daily, 5:00 pm to 6:30 am and Sunday 6:30 am to 5:00 pm). To minimize any impacts, the Town Board has determined that the following best management practices will be required as conditions of approval:

- Equipment, including noise control mufflers, must be kept in good repair.
- Speed limits on the Site must be 15 miles per hour or less.
- The proposed entrance/perimeter access road shall be paved to reduce road noise.
- Loadout from the stockpiles should be from the interior of the piles, leaving the bulk of the piles as a sound barrier between equipment and potential off-site receptors.
- The proposed through traffic patterns will minimize the need for heavy equipment to operate in reverse.
- Truck drivers shall be instructed to use jake brakes only in emergency situations.
- Truck drivers shall be instructed not to slam tailgates when emptying loads of RAP, RAS, or aggregate.
- The processing of RAP and RAS shall be limited to the hours of 8:00 am to 5:00 pm Monday through Saturday.
- All RAP processed on-site shall be used only on-Site.

B. Natural Resources

There are no wetlands on the Site. The Site does not contain a designated significant natural community or any species of plant or animal listed by New York State as rare or as a species of special concern. The overall regional area has been identified in the New York Nature Explorer as habitat for several species of endangered bats and for the New England Cottontail. In addition, the regional area adjacent to the Hudson River is shown on the Environmental Resource Mapper as a location for communities of rare plants. However, because the Project Site is located in a heavy industrial area and has been previously developed, none of these resources have been observed and/or are expected to be present on the Project Site. No significant impacts to natural resources were identified. The potential impacts of the project on existing or potentially eligible historical resources in the surrounding community were researched. No significant impacts were determined to occur to historical resources. Concurrence on this point has been received from the Office of Parks, Recreation and Historic Preservation (“OPRHP”) in a letter dated June 30, 2017.

C. Lighting

The Project will need, at times, to operate when outdoor lighting may be poor at the beginning or end of the work day, and at night for public road work projects that are conducted overnight for the convenience of the motoring public. Therefore, the Site will be equipped with lights for night operations. The Applicant has proposed lighting that is consistent with the Town’s exterior lighting standards (Zoning Law, Section 3.2.6). In addition, the distance of the Site from any residential receptors makes it unlikely for there to be any adverse lighting impacts

from the Project. With respect to the lighting of the Project's buildings and other structures, the Town Board establishes the following condition:

- Lighting on the buildings and other structures on the Site shall be consistent with the requirements of the Town's exterior lighting standards (Zoning Law, Section 3.2.6).
- Pole mounted lighting shall not exceed 25 feet in height and shall be a cut-off style fixture.

D. Traffic

Employee vehicles and most delivery trucks will travel south and west on the Port Expressway to Riverside Avenue to access the Site. The nearest liquid asphalt cement distributor is Gorman Brothers located near the Site in the Port of Rensselaer, so it is expected that liquid asphalt cement deliveries will come via Riverside Avenue from the north. Trucks leaving the Port of Rensselaer from the Site will use NYS Route 9-J and US Route 20. The potential impact of project generated traffic was assessed in a Traffic Evaluation dated February 13, 2017, that was prepared by Creighton Manning Engineers and reviewed by the Town Board's consultant. Based on this evaluation, the facility is estimated to generate a peak traffic flow of approximately 44 trucks (22 entering and 22 exiting) during the a. m. peak hour and approximately 14 truck trips (7 entering and 7 exiting) during the p. m. peak hour at maximum production. The evaluation concluded that the Project would not cause a significant increase in existing delays at intersections, including the intersection of Columbia Turnpike (Routes 9&20) and South Street (Route 9-J). It found that the current level of service ("LOS") of the South Street approach to the westbound Columbia Turnpike ramp during the peak morning traffic hour would continue to be "F". The Town Board determines that the following conditions are appropriate:

- The Town Board will submit a copy of the traffic study and all supplemental submissions to DOT.
- Based upon the results of DOT's review, the Town Board will take measures to place an intersection improvement project on the Regional Transportation Improvement Plan ("TIP"), and the Applicant shall support such inclusion.
- The Applicant shall schedule deliveries of aggregate, RAP/RAS and other raw materials so that the empty returning trucks do not leave the Site during the peak (8 am to 9 am) traffic period.

E. Air Emissions/Odors

The Applicant proposes to build a project that will utilize a drum mix plant with a rated capacity of 325 tons per hour of asphalt. The asphalt drum will be fired primarily by natural gas and, in the future, possibly No. 2 fuel oil. In accordance with the air permit, annual asphalt production will be capped at 350,000 tons per year, which includes up to 300,000 tons of asphalt per year when firing natural gas and 50,000 tons per year when firing No. 2 fuel oil. The Applicant has indicated that it expects to only produce 300,000 tons of asphalt per year and will use natural gas as its primary fuel. Emissions from the asphalt drum will be controlled using fabric filters (baghouse).

The Applicant has submitted an air permit application to the Department of Environmental Conservation ("DEC"). The Applicant has stated that the Project will produce less than 50 tons of regulated air pollutants per year and less than 25 tons of volatile organic compounds, less than 5 tons of any single hazardous air pollutant and less than 12.5 tons of any

combination of hazardous air pollutants. DEC has issued a draft air permit. The Town Board determines that the following conditions are appropriate:

- The Applicant shall provide to the Town's Code Enforcement Officer a copy of the final air permit from DEC and copies of all future correspondence or reports submitted to DEC, including the results of any stack tests or other sampling.
- The Applicant shall not exceed the thresholds for emissions set forth in the air permit.
- If the Applicant subsequently wishes to alter/expand its operations in a manner that would result in greater emissions than are set forth in the air permit, it must submit a new environmental assessment form and site plan application to the Town Board.
- The Applicant shall not allow trucks to idle on the Site while parked at the Site for loading, waiting, etc.
- The drum operation and other stationary air sources shall not be closer to the Site's property lines than shown on the existing site plan submitted by the Applicant.
- Production of asphalt shall be limited to 350,000 tons per year.
- The Applicant shall apply water or other appropriate material to roadways on the Site as necessary to minimize dust.

F. Stormwater

Currently, stormwater drains from the Site toward the south to an existing basin; a small portion drains toward Sun Oil Road and a series of catch basins that collect runoff and pipe it north toward an existing drainage swale. As reflected in the Applicant's proposed site plan, the perimeter of the Site will be bermed to control run-on to the Site and to prevent stormwater runoff from leaving the site. The stock pile area will have a wall on three sides to confine material and protect stormwater control features. Runoff from the plant area, parking and stockpile location and will be directed to a stormwater management area on the Site, where it will enter a vegetated swale, a sediment trap and an infiltration basin or detention pond before being discharged to the existing stormwater system. The Town Board finds that the following conditions are appropriate:

- The stormwater management system on the Site shall be constructed in accordance with the plans submitted by the Applicant as part of its site plan application, as the same may be approved by the Town Board.
- During construction, weekly inspection reports of stormwater runoff control measures shall be submitted to the Town's Code Enforcement Officer.
- Where feasible, the Applicant shall evaluate the use of green infrastructure for stormwater control

- **Visual Impacts**

The Applicant conducted a visual impact evaluation by photographing the views from the six residences closest to the Project Site. These photographs showed that large, almost 50-foot oil tanks neighboring the Site were not visible from the residences. In addition, the Site is located in the midst of a large industrial area and across the Hudson River from similar industrial uses. Accordingly, the Project will not have any significant adverse visual impacts.

G. Groundwater

The Applicant's plans call for the construction of a new on-site septic system to handle the sanitary needs of the Applicant's employees for the proposed asphalt plant. This will require approval from the Rensselaer County Department of Health ("RCDOH"). In addition, the petroleum products that will be stored on-Site will be stored in areas with impervious pavement and secondary containment. The Town Board adopts the following condition:

- The Applicant shall receive approval from the RCDOH for the new septic system and submit same to the Town Planning Board prior to issuance of a certificate of occupancy.

H. Community Resources

The local police and fire officials were contacted with respect to the Project, and they indicated that their departments had sufficient resources to serve the Project.

Summary of Conditions

The following is a summary of the previously discussed conditions:

Noise

- Equipment, including noise control mufflers, must be kept in good repair.
- Speed limits on the Site must be 15 miles per hour or less.
- The proposed entrance/perimeter access road shall be paved to reduce road noise.
- Loadout from the stockpiles should be from the interior of the piles, leaving the bulk of the piles as a sound barrier between equipment and potential off-site receptors.
- The proposed through traffic patterns will minimize the need for heavy equipment to operate in reverse.
- Truck drivers shall be instructed to use jake brakes only in emergency situations.
- Truck drivers shall be instructed not to slam tailgates when emptying loads of RAP, RAS, or aggregate.
- The processing of RAP and RAS shall be limited to the hours of 9:00 am to 5:00 pm Monday through Saturday.
- All RAP processed on-site shall be used only on-Site.

Lighting

- Lighting on the buildings and other structures on the Site shall be consistent with the requirements of the Town's exterior lighting standards (Zoning Law, Section 3.2.6).
- Pole mounted lighting shall not exceed 25 feet in height and shall be a cut-off style fixture.

Traffic

- The Town Board will submit a copy of the traffic study and all supplemental submissions to the New York State Department of Transportation ("DOT").
- Based upon the results of DOT's review, the Town Board will take measures to place an intersection improvement project on the Regional Transportation Improvement Plan ("TIP"), and the Applicant shall support such inclusion.
- The Applicant shall schedule deliveries of aggregate, RAP/RAS and other raw materials so that the empty returning trucks do not leave the Site during the peak (8 a.m. to 9 a.m.) traffic period.

Air Emissions/Odors

- The Applicant shall provide to the Town's Code Enforcement Officer a copy of the final air permit from DEC and copies of all future correspondence or reports submitted to DEC, including the results of any stack tests or other sampling.
- The Applicant shall not exceed the thresholds for emissions set forth in the air permit.
- If the Applicant subsequently wishes to alter/expand its operations in a manner that would result in greater emissions than are set forth in the air permit, it must submit a new environmental assessment form and site plan application to the Town Board.
- The Applicant shall not allow trucks to idle on the Site while parked at the Site for loading, waiting, etc.
- The drum operation and other stationary air sources shall not be closer to the Site's property lines than shown on the existing site plan submitted by the Applicant.
- Production of asphalt shall be limited to 350,000 tons per year.
- The Applicant shall apply water or other appropriate material to roadways on the Site as necessary to minimize dust.

Stormwater Management

- The stormwater management system on the Site shall be constructed in accordance with the plans submitted by the Applicant as part of its site plan application, as the same may be approved by the Town Board.
- During construction, weekly inspection reports of stormwater runoff control measures shall be submitted to the Town Code Enforcement Officer.
- Where feasible, the Applicant shall evaluate the use of green infrastructure for stormwater control.

Groundwater

- The Applicant shall receive approval from the RCDOH for the on-site septic system and submit same to the Town Planning Board prior to issuance of a certificate of occupancy.

For Further Information:

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