



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA August 21, 2019

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

### Members of Town Board

Present

Absent

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

### 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 understanding and also 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:

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#### 155 -2019 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 July 17, 2019 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 July 17, 2019 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:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

**156-2019 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2020 Tentative Budget to the Town Board**

**WHEREAS**, the Town Clerk of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2020 Tentative Budget to the Town Board as is required by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no material impact on the Town's finances;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush shall conduct a Special Meeting on Tuesday, October 1, 2019 at 5:00 p.m., at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer, State of New York for the Town Clerk to present the 2020 Tentative Budget to the Town Board;  
and be it further

**RESOLVED**, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Special Meeting as required by law.

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

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

**157-2019 A Resolution to Replenish the Ammunition Supply of the East Greenbush Police Department**

**WHEREAS**, the Town Board intends to provide members of the Town Police Department with sufficient ammunition for their bi-annual training dates and for their daily use;  
and

**WHEREAS**, the current supply of ammunition is depleted and there isn't sufficient ammunition to qualify the police department members for the Spring range, nor the upcoming Fall range; and

**WHEREAS**, the police firearms instructors and the Chief of Police have recommended that we replenish the Federal American Eagle 9mm and Federal Ammo Lake City 5.56mm ammunition stock; and

**WHEREAS**, the Town Comptroller has determined that this resolution will have a material effect on Town finances charged to account 31204.01.04 Police CE;  
now therefore be it

**RESOLVED**, that the Chief of Police be and hereby is authorized to enter into an agreement with Amchar Wholesale Inc. of Rochester New York, under NY State Contract #. PC66331, for the purchase and replenishment of the police ammunition for a total expenditure of \$10,419.04;

and be it further

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

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

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

**158-2019 A Resolution Authorizing the Director of Finance to Solicit Bids through the NYS Vehicle Market Place for One New Unmarked Police Car**

**WHEREAS**, it is important to maintain a fleet of police vehicles that are safe as well as available for the Detective Division of the police department to fulfill their job responsibilities; and

**WHEREAS**, the Chief of Police has reported that the Town's detective department will not have sufficient vehicles once the vacant detective position is filled; and

**WHEREAS**, the NYS Vehicle Marketplace Mini-Bid System allows multiple bidders to bid on each posted bid in an efficient and effective manner; and

**WHEREAS**, the Town Comptroller has determined that this resolution will have a material effect on Town finances charged to account 31204.01.04 Police CE;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Director of Finance to solicit bids utilizing the NYS Vehicle Marketplace mini-bid system to obtain best value pricing on (1) new Police Car in cooperation with the East Greenbush Police Department.

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

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

**159-2019 A Resolution to Authorize Base Percentages, Current Base Percentages, Current Base Proportions and Certificate of Adjusted Base Proportions for 2019-20, of the East Greenbush Central School District and the Town of East Greenbush**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York is required to provide the certified Current Base Percentages, Current Base Proportions and Certificates of Adjusted Base Proportions for the Homestead and Non Homestead parcels appearing on the Final Assessment Roll prepared in 2019; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no material impact on the Town's finances;  
now, therefore, be it

**RESOLVED**, that the following Current Base Percentages, Current Base Proportions and Adjusted Base Proportions for the Homestead and Non Homestead classes have been approved by the State of New York, pursuant to Section 1905 of the Real Property Tax Law, and the Town Board directs the Town Clerk to transmit a certified copy of this Resolution and Certificates to:

East Greenbush Central School District  
29 Englewood Avenue, East Greenbush, NY 12061

Carey O'Neil, NYS Department of Tax & Finance  
WA Harriman Campus, Building 8-A, Albany, NY 12227

**CERTIFICATE OF BASE PERCENTAGES, CURRENT PERCENTAGES**

This certificate measures the market condition of the assessment roll as compared to the 2018 roll against the base year of 1989 and the Assessor has finalized the Homestead Class and the Non Homestead Class portions for net changes due to physical and quantity changes, equalization changes and changes in the level of Assessment

HOMESTEAD CLASS	NON HOMESTEAD CLASS
East Greenbush Central District	
67.70905	32.29025
Town of East Greenbush	
67.3955	32.6045

**CERTIFICATE OF ADJUSTED BASE PROPORTIONS**

The Adjusted Base Proportions are used to determine tax rates by classifying the homestead class (residential parcels) and the Non Homestead Class (commercial parcels.)

HOMESTEAD CLASS	NON HOMESTEAD CLASS
East Greenbush Central School District	
66.93879	33.06122
Town of East Greenbush	
66.87461	33.12539

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

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

**160-2019 A Resolution Approving Attendance at the 2019 New York Assessor's Association Seminar on Assessment Administration**

**WHEREAS**, the New York State Assessor's Association is holding their 2019 seminar on Assessment Administration at Crowne Plaza Lake Placid, from September 22, 2019 to September 25, 2019; and

**WHEREAS**, the Assessor is entitled to receive partial re-imbursement from the State of New York for continuing education, as stated in the Real Property Tax Law; and

**WHEREAS**, the cost to attend the seminar is approximately: and

Registration \$175.00

Room & Meal \$867.00

\$1,042.00 not including mileage

**WHEREAS**, the Town Comptroller confirms that this resolution has no material impact on the Town's finances and will be charged to account 13554.01.04 Assessor CE; now, therefore, be it

**RESOLVED**, that the Assessor is authorized to attend the Seminar on Assessment Administration from September 22, 2019 until September 25, 2019.

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

Councilor R. Matters VOTED:

Councilor B. Fritz VOTED:

Supervisor J. Conway VOTED:

Councilor T. Tierney VOTED:

Councilor H. Kennedy VOTED:

**161-2019 A Resolution Authorizing Emergency Installation of a Curb Stop for 63.5 Phillips Road**

**WHEREAS**, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

**WHEREAS**, Section 46 of East Greenbush Town Code requires the Town to place a curb stop and box at the property line; and

**WHEREAS**, Birch Builders applied for a water connection at a property that they are developing at 63.5 Phillips Road; and

**WHEREAS**, the Town of East Greenbush Water Department attempted to locate the water main at that location, using a vacuum excavator; and

**WHEREAS**, assessment of the dig site revealed that the excavation would have to be between eight and twelve feet deep in unstable soil conditions and would represent an unacceptable safety risk to employees, and that the excavation would require a large excavator with trenching equipment; and

**WHEREAS**, an estimate of \$6,500 was received from Chip Kronau Construction to excavate and stabilize the area using an estimated timeframe of one day, and approval was obtained per the Town's procurement policy, and

**WHEREAS**, the excavation, water line tap, and restoration of the County Road to a safe condition took nearly three days to complete due to the unstable soil conditions and inaccurate and out of date water line mapping and cost a total of \$16,044.00, and

**WHEREAS**, once the excavation work on Phillips Road began, the difficult conditions dictated that the work had to be completed as the site could not be made secure and presented a risk to the travelling public and the water department employees; and

**WHEREAS**, the Town Comptroller confirms this resolution has a negative material impact of \$16,044.00 on Water Fund balance SW917 (5) covered by the following budgetary transfer;

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
Water Fund balance SW917(5)		\$16,044.00
Water Department Budget Line 8340.4.05	\$16,044.00	

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the emergency installation of the curb stop at 63.5 Phillips Road.

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

**162-2019 A Resolution to Authorize Funding for Masonry Repair and the Installation of Concrete Pads for Four HVAC Units at Town Hall**

**WHEREAS**, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

**WHEREAS**, the Deputy Commissioner of Public Works has assessed the need for masonry projects at the Town Hall and determined that a number of the exterior surfaces of the brick façade require repointing, and that there need to be concrete pads poured under four of the new HVAC units in the rear of Town Hall to prevent vegetation from interfering with operations and maintenance of said HVAC units; and

**WHEREAS**, the Deputy Commissioner for Public Works requested quotes from four companies that perform masonry work per the Town Procurement Policy; and

**WHEREAS**, the Town Comptroller believes at this time that the net financial impact of this resolution is not to exceed \$26,800 charged to 16204.01.04 Building CE; which is covered by the following budgetary transfer;

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
19904.01.04 Contingency CE		\$26,800
16204.01.04 Building CE	\$26,800	

now, therefore, be it

**RESOLVED**, that the Deputy Commissioner of Public Works is hereby authorized to contract for masonry repair at the East Greenbush Town Hall with Jason Benamati, Mason, at a price not to exceed \$26,800.

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

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

**163-2019 A Resolution Authorizing Emergency Repairs to the Water Transmission Line Located on Glenmore Road in the Town of North Greenbush**

**WHEREAS**, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

**WHEREAS**, on August 7<sup>th</sup> at 6:30 p.m., the Commissioner of Public Works was notified of a significant break in the Water Transmission Line that provides water to the Town of East Greenbush and the City of Rensselaer located on Glenmore Road in the Town of North Greenbush; and

**WHEREAS**, the Commissioner of Public Works assessed the situation with the Water Department Foreman and determined that immediate action was required to restore the water service to the Town of East Greenbush and the City of Rensselaer; and

**WHEREAS**, based on their past experience with this particular section of water transmission line, Wm. J. Keller and Sons Construction Corp. was called in to immediately excavate and stabilize the site so that repairs could be made by the East Greenbush Water Department;

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$15,027.00 from the Water Fund charge code 8320.4.05, offset by 43% charged back to the City of Rensselaer for its' portion of the bill as determined by the Town Designated Engineer covered by the following budgetary transfer;

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
Water Fund balance SW917(5)		\$8,565.00
Water Department Budget Line 8340.4.05		\$6,462.00
Water Department Budget Line 8340.4.05	\$15,027.00	

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the payment of \$15,027 to Wm. J. Keller and Sons Construction Corp. for emergency repairs to the water transmission line on Glenmore Road with 43% of the cost of the repairs being charged back to the City of Rensselaer.

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

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

**164-2019 A Resolution Approving the Acceptance by the Town of East Greenbush of a Certain Sidewalk Easement Over Property Owned by Hunter Montross, LLC**

**WHEREAS**, the Pinecrest Business Park at 1 Springhurst Drive is being developed pursuant to approvals by the Town Planning Board, and approval by the Town Board of a Planned Development District for this parcel; and

**WHEREAS**, as part of the discussion of that project, the owners and developers of the project agreed to convey to the Town an easement for sidewalk purposes along Springhurst Drive over property owned by Hunter Montross, LLC; and

**WHEREAS**, Hunter Montross, LLC, through its attorneys, have provided to the Town the proposed easement, a copy of a survey showing said proposed easement, and the associated documents required for the transfer of the easement; and

**WHEREAS**, the Town Comptroller has determined that the conveyance of the easement to the Town would have no material negative impact on the Town's Finances; now, therefore, be it

**RESOLVED**, that the Town of East Greenbush hereby accepts said easement, subject to approval by the Town attorney as to its form and content of the deed and other documents conveying said easement to the Town;

and it is further

**RESOLVED**, that the Supervisor is authorized to sign any associated forms required for the recording of this easement.

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

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

**165-2019 A Resolution Authorizing the Town Supervisor to Sign the Online Auction Contract with Auctions International Inc.**

**WHEREAS**, the Department of Public Works and the Police Department currently have accounts with Auctions International, Inc. to auction surplus equipment and vehicles; and

**WHEREAS**, the Director of Finance believes it would be beneficial for the Town to have a generic Auctions International Inc., account to sell any surplus equipment or furniture; and

**WHEREAS**, most municipalities take advantage of this forum to sell surplus equipment



and furniture; 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 Supervisor is hereby authorized to sign the Online Auction Contract with Auctions International, Inc. upon review and approval by the Attorney for the Town.

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

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

**166-2019      A Resolution Authorizing the Expenditure of Funds Collected in Connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as First Instance and Required Match Funding for a Locally Administered Federal Aid Project to Construct Sidewalks Along US 9 and 20 from Bruen Court to the City of Rensselaer Line**

**WHEREAS**, in 2009 the Town of East Greenbush adopted a Final Generic Environmental Impact Statement (GEIS) to address the cumulative impacts of growth and development in a portion of the Town consisting generally of the area between Interstate 90 and NYS Route 9J ("the Study Area"); and

**WHEREAS**, the GEIS evaluated cumulative impacts associated with continued growth in the Study Area on the Town's transportation network, water and sewer infrastructure, stormwater management program, and recreational resource inventory, and provided suitable mitigation to minimize the effect of development; and

**WHEREAS**, the GEIS analyzed multi-modal transportation conditions and operations along a segment of US Routes 9 & 20 between the western Town line and US Route 4 and concluded that improvements to pedestrian amenities should be considered to improve safety as part of each future development proposed; and

**WHEREAS**, the GEIS specifically recommends for this segment of US Routes 9 & 20 that sidewalk capital improvements be implemented in order to provide sidewalk connectivity on both sides of Routes 9 & 20 as a mitigation measure to mitigate the traffic effects of the projected land use development within the Town; and

**WHEREAS**, the Town Board authorized the implementation, and funding in the first instance, of 100% of the Federal-Aid and State "Marchiselli" Program-Aid Eligible Costs, of a transportation federal-aid project for the construction of sidewalks and certain related improvements along Columbia Turnpike (i.e., US 9 and US 20) from Bruen Court to the Rensselaer City Line P.I.N. 1043.58 (the "Project") and Appropriating Funds by passing Resolution 20-2019; and

**WHEREAS**, the GEIS Committee has recommended approval of the use of GEIS Traffic funds for the improvements to be made as part of the Project; and

**WHEREAS**, the Town Comptroller confirms this resolution has a material negative impact on Town Finances charged to 51124.03.04.103; US 9&20 Sidewalk offsetting GEIS Traffic fee 2174.01.00.02;

now therefore be it

**RESOLVED**, that the Town Board finds that the improvements to be constructed in this Project are consistent with mitigation measures included in the GEIS and authorizes the use of GEIS Traffic mitigation funds to finance the local share and first instance funding of the federal share of the Project;

and be it further

**RESOLVED**, that the sum of \$790,527.00 in GEIS Traffic funds is hereby encumbered and made available to cover the cost of participation in all phases of the Project, of which sum \$632,421.60 is the Federal reimbursement share and \$158,105.40 is the local share;

and be it further

**RESOLVED**, that the Town Board directs that the Federal reimbursement share in the amount of \$632,421.60 must be returned to the GEIS Traffic account upon receipt of reimbursement funds.

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

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

**167-2019      A Resolution to Schedule a Public Hearing to Receive Public Comment on a Locally Administered Federal Aid Project to Construct Sidewalks Along US 9 and 20 Sidewalk from Bruen Court to the City of Rensselaer Line**

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

**WHEREAS**, the Town's selected consultant for the Project has gathered base mapping, environmental, and other data; consulted with Town, NYSDOT, and CDTA representatives; and developed a proposed preliminary design concept outlining the nature and location of the improvements to be constructed as part of the Project; and

**WHEREAS**, the Town Board desires to receive public comment on the aforementioned proposed preliminary design concept, such public comment being also integral to the federal-aid project implementation process; and

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

now therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York on the 11th day of September at 5:30 pm to accept public comment on the proposed preliminary design concept.

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

**168-2019      A Resolution to Direct Certain Mitigation Fees Received in Connection with the Pinecrest Plaza Major Site Plan to the GEIS Water/Sewer Fund**

**WHEREAS**, the Town of East Greenbush received an application for a commercial development site plan and Planned Development District (hereinafter “PDD”) amendment submitted by SHS Holdings, LLC – George Shannon located at 1 Springhurst Drive (SBL 177.08-4-11.121) consisting of the construction of two (2) commercial buildings totaling approximately 24,000 square feet and related site improvements (the “Project”); and

**WHEREAS**, the Town Board made a SEQRA determination and approved the PDD major amendment and major site plan for the Project by passing Resolution 131-2019; and

**WHEREAS**, the Town Board as a condition of approval required that the developer pay fees which included \$30,938.00 as set forth in a memorandum from the Town Engineer to the Commissioner of Public Works and Building Inspector dated November 16, 1994 relating to the collection of sewer Inflow and Infiltration mitigation fees (“I&I Fees”); and

**WHEREAS**, Town policy dictates that land development mitigation fees be paid to the Town in accordance with the Western East Greenbush Generic Environmental Impact Statement (“GEIS”) and Local Law No. 5 of the year 2018 in order to mitigate the impact of development in Town, including impacts to the Town’s Water/Sewer infrastructure; and

**WHEREAS**, Local Law No. 5 of the year 2018 created a series of segregated accounts into which land development mitigation fees collected by the Town are to be deposited and among these accounts is the GEIS Water/Sewer account; and

**WHEREAS**, the Town Comptroller confirms this resolution increases actual GEIS Water & Sewer Revenue code 2374.01.00.24 by \$30,938.00; now, therefore, be it

**RESOLVED**, that the Town Board finds that the fees assessed in 1994 were collected to mitigate impacts associated with the Town’s Water/Sewer infrastructure, that these collection of these fees is consistent with the GEIS and the policy outlined in Local Law No.5 of 2018, and hereby directs that the \$30,938.00 required in connection with the Project be deposited into the GEIS Water/Sewer account.

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

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

**169-2019 A Resolution to Affirm Compliance with the State Environmental Quality Review Act (SEQRA) Findings Statement and to Approve the Application for Major Site Plan for the Remainder of Phase 3 on Regeneron’s Tempel Lane Campus (PZD File # 15-20e)**

**WHEREAS**, Regeneron Pharmaceuticals Inc., Inc. has submitted to the Town an application for major site plan approval for the remainder of phase 3 at Regeneron’s Tempel Lane Campus (SBL 144.3-5.1); and

**WHEREAS**, the remainder of phase 3 consists of the following structures as set forth in greater detail in the application materials referenced below: a new Science Building (“Building 27”) and adjacent Parking Garage (“Building 47”), guardhouse site preparation, backup generator yard, surface parking, internal roads, water supply, sanitary sewers, stormwater management, gas, electric, communications, site lighting, and landscaping; and

**WHEREAS**, the Town Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Tempel Lane Campus Building 27, Building 47, and Substation,” prepared by Jacobs Engineering, dated December 21, 2018 and last revised July 15, 2019; and

**WHEREAS**, the Town Planning Board has also reviewed the Amended Statement of Findings prepared pursuant to the State Environmental Quality Review Act (“SEQRA”) for Regeneron’s Tempel Lane Campus, adopted by the Town Board on November 19, 2018 and adopted by the Town Planning Board on February 27, 2019; and

**WHEREAS**, the Town Planning Board has carefully considered the comments and recommendation of its Town Designated engineers, Greenman Pedersen, Inc as well as the responses to those comments and recommendations provided by the Applicant; and

**WHEREAS**, on July 24, 2019 the Town of East Greenbush Planning Board recommended that the application for major site plan approval for the remainder of phase 3 of Regeneron’s Tempel Lane Campus be found to be consistent with the above referenced amended SEQRA Statement of Findings and that the Town Board approve the application for major site plan on July 24, 2019, subject to the conditions set forth in the Town Planning Board resolution recommending approval; and

**WHEREAS**, the Town Board has classified the proposed action as a Type 1 action under SEQRA, declared its intent to seek lead agency status in connection with SEQRA, and accepted the proposed sketch plan for the development of the remainder of phase 3 in its resolution 145-2019; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, that the Town Board declares itself lead agency for the review of the action in connection with SEQRA;

and be it further

**RESOLVED**, that the Town Board finds that the application for major site plan approval for the remainder of phase 3 of Regeneron’s Tempel Lane Campus is consistent with the above referenced amended SEQRA Statement of Findings and that no Supplemental Environmental Impact Statement is necessary because the Project remains within the impact thresholds and mitigation established in the amended SEQRA Statement of Findings as discussed by the Town

Planning Board at its meeting on July 24, 2019 and as described within the memorandum dated July 17, 2019 prepared by GPI;

and be it further

**RESOLVED**, that a waiver is hereby granted from the Town's Comprehensive Zoning Law requirement of a 25-foot buffer from wetlands, in as much as Regeneron has undertaken steps to ensure that there are no adverse impacts to wetlands, subject to the following: Regeneron shall take steps to ensure that snow storage shall not infringe on the areas of the site in which wetland buffer waivers have been granted, subject to Planning and Zoning Department approval.

and be it further

**RESOLVED**, that the Town Board hereby approves Regeneron's major site plan application for the remainder of Phase 3 of the Tempel Lane Campus, subject to the following conditions:

1. Regeneron must address any remaining technical comments from the Town's designated engineer and Town Planning and Zoning Department.
2. Regeneron must implement a traffic monitoring program as outlined in the March 2018 Traffic Impact Study (TIS) prepared by CHA, Consulting and updated July 27, 2018. This would include bi-annual traffic counts at the site to confirm the trip generation after each phase of development as set forth in the previous resolutions of the Town Board for phases 1 and 2 and now with respect to phase 3.
3. The phased traffic mitigation improvements as outlined in Tables 8 and 13 in CHA's July 2018 Revised Phasing Plan letter must be completed as per the Development Agreement, and Regeneron shall supply a schedule for mitigation activities, including the Tempel Lane repaving as set forth in previous resolutions approving phases 1 and 2 of the Tempel Lane Campus.
4. Prior to commencing construction, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town.
5. Prior to issuance of a building permit, Regeneron must establish an escrow account to cover the costs of any necessary third-party inspection services as determined by the Town Planning and Zoning Department.
6. The property owner shall enter into a Stormwater Facility Maintenance Agreement with the Town for the entire Tempel Lane Campus to ensure proper maintenance of all stormwater facilities in perpetuity prior to issuance of a Certificate of Occupancy for phase 3, or, in the alternative, submit documentation to the Town of coverage under the NYSDEC multi-sector general permit.
7. An approved Stormwater Pollution Prevention Plan (SWPPP) for the phase 3 project must be submitted to the Town. The approved SWPPP must include documentation of any nonstandard features.
8. Construction activity at the Tempel Lane Campus project site, including all phases of development, must not disturb greater than five (5) acres of soil at any one time without prior written authorization from the Town.
9. All storm water pollution prevention permits must be obtained prior to site work and/or issuance of a building permit. Regularly scheduled required inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law. Regeneron must include in each required report the acreage of total site

disturbance for all active State Pollution Discharge Elimination System (SPDES) permits involving the project site.

10. Prior to issuance of a building permit, Regeneron must provide the Town with a site engineering report describing the design, installation, and operation of any onsite sanitary sewer conveyance facilities necessary in connection with this site plan approval. This report is subject to Town Department of Public Works and Town Designated Engineer approval.
11. Regeneron must submit to the Town and NYSDEC a Water/Sewer Engineers Report for review and approval. The Town Board recognizes that Regeneron has agreed to install a metering vault on the waterline entering the Regeneron property from 3<sup>rd</sup> Avenue Extension. Regeneron must provide a schedule to complete the meter pit installation.
12. Regeneron must obtain approval from the Department of Public Works that the proposed 221,173 GPD of total water demand confirming that the anticipated increased demand of approximately 2,400 GPD is acceptable without additional improvements to the Town's infrastructure.
13. Regeneron must obtain a Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, for any work involving connection to the Town's sanitary and/or water supply systems.
14. Prior to obtaining a Department of Public Works Utility Permit for connection to the Town's sanitary sewer system for the remainder of phase 3, Regeneron must comply with the Development Agreement approved by the Town Board with respect to the improvements to the 3<sup>rd</sup> Avenue and Barracks Road pump stations.
15. Prior to obtaining a Certificate of Occupancy for the remainder of phase 3, Regeneron must submit to the Town Department of Public Works an Industrial Wastewater Discharge Application for each structure to be connected to the public sewer and must be responsible for any pretreatment standards for the manufacturing building wastewater as required by the Town's assessment of the Industrial Wastewater Discharge Application for the Project.
16. Roofing material on any Buildings must be of a dark gray, brown, or earth tone color, subject to the approval of the Town's Planning and Zoning Department prior to constructing the roof.
17. Regeneron must provide an updated landscaping plan subject to the approval of the Town Planning and Zoning Department and Town Designated Engineer.
18. Regeneron must obtain a NYSDOT highway work permit for any work in the NYS right-of-way.
19. Regeneron must provide a glare analysis to confirm that the proposed solar panels will not reflect light in a way that would negatively impact the Project's surroundings and must implement any mitigation measures such analysis specifies, subject to approval by the Town Planning and Zoning Department.
20. Prior to obtaining a certificate of occupancy for the remainder of phase 3 Regeneron must set forth the status of its actions under the Development Agreement to confirm that it has complied with its obligations under the Agreement.
21. Regeneron is subject to any applicable conditions set forth in the Amended Statement of Findings.
22. Prior to obtaining a building permit, Regeneron shall obtain all required approvals and/or permits for the project, except as provided for in the Development Agreement.

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

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

**170-2019 A Resolution Recognizing September as “Childhood Cancer Awareness Month” and September 18, 2019 as “East Greenbush Goes Gold” Day**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, the American Cancer Society reports that cancer is the leading cause of death by disease among United States children between infancy and age 15, and estimates that more than 11,000 children will be diagnosed with cancer in 2019; and

**WHEREAS**, although progress has been made in combating pediatric cancer, approximately 1,190 children younger than 15 years old will lose their battle; and many infants, children and teens will suffer from long-term side effects of comprehensive treatment, including secondary cancers; and

**WHEREAS**, there is significant progress that still must be made with regard to childhood cancer treatment; progress towards an effective treatment is painfully slow with dramatically fewer new FDA approved treatments for childhood cancer approved each year than for cancer in adults; and

**WHEREAS**, the designation of September as “Childhood Cancer Awareness Month” could increase the rate of early detection, lead to newer and improved treatments, and an overall higher survival rate for children diagnosed with the condition; and

**WHEREAS**, the Town of East Greenbush wishes to support the fight against childhood cancer in any way possible so that we may give any child diagnosed with cancer the best chance possible; and

**WHEREAS**, “East Greenbush Goes Gold” is an initiative intended to raise awareness of the issue of childhood cancers, and this Board would like to support such a campaign to help raise awareness in honor of the young patients, their loved ones, and all those who support them; now, therefore, be it

**RESOLVED**, that September 2019 is designated "Childhood Cancer Awareness Month" in the Town of East Greenbush to promote awareness of pediatric cancer and to support the brave children who battle cancer every day;

and be it further

**RESOLVED**, that the Town Board encourages participation in Go Gold in September by designating Wednesday, September 18, 2019 as “East Greenbush Goes Gold” Day;

and be it further

**RESOLVED**, that the September 18, 2019 designation of “East Greenbush Goes Gold” Day will be in memory of Sean Jucha.

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

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

**171-2019 Resolution to Enact a Local Law to Increase the Town’s Real Property Tax Exemption for Cold-War Veterans**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, the New York Real Property Tax Law provides municipalities with discretion to establish for Cold-War Veterans and their qualified family members who own qualified residential real property, certain levels of exemption from certain real property taxation pursuant to section 458-b thereof (referred to hereinafter as the “Exemption”); and

**WHEREAS**, the Town’s current level of Exemption, which is relevant to the Town’s general and highway levies only, provides for the following amounts: \$8,000 and \$40,000 for non-disabled/Cold-War Veterans and disabled/Cold-War Veterans, respectively, such amounts constituting only 16% of the total, statutorily allowable amounts; and

**WHEREAS**, the Town Board last increased the Exemption level, pursuant to the enactment of East Greenbush Local Law No. 4 of 2008, on October 14, 2008, and acknowledges that, since such date the value of the Exemption at the current level has been diminished and, therefore, needs to be reviewed in order to consider, at a minimum, a restoration of equity via an increase in such level; and

**WHEREAS**, this Town Board acknowledges that, beyond the aforementioned equity-related issue, the honor that we continuously bestow upon our veterans in recognition of, and in appreciation for, their past and continued sacrifices in service to their county, must be substantively demonstrated by considering an increase in the level of the Exemption; and

**WHEREAS**, the Town Board conducted a Public Hearing on the 14<sup>th</sup> day of August 2019 at 5:45 p.m. at Town Hall to duly accept all comments made by members of the public relative to the Town Board’s consideration of the enactment of East Greenbush Local Law No. 3 of 2019 that would increase the level of the Exemption to provide for the following amounts: \$30,000 and \$150,000 for non-disabled/Cold-War Veterans and disabled/Cold-War Veterans, respectively; and

**WHEREAS**, the Town Comptroller attests that the provisions of this resolution may pose a material impact to the Town’s 2020 annual budget;  
now, therefore, be it

**RESOLVED**, that East Greenbush Local Law No. 3 of 2019, a copy of which is attached hereto and made a part hereof, be, and the same shall hereby be, enacted upon its filing by the Attorney to the Town with the New York Secretary of State.

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



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

**172-2019 Resolution to Enact a Local Law to Increase the Town’s Alternative Real Property Tax Exemption for Veterans**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, the New York Real Property Tax Law provides municipalities with discretion to establish for Veterans and their qualified family members who own qualified residential real property, certain levels of exemption from certain real property taxation related to the alternative exemption pursuant to section 458-a thereof (referred to hereinafter as the “Exemption”); and

**WHEREAS**, the Town’s current level of Exemption, which is relevant to the Town’s general and highway levies only, provides for the following amounts: \$27,000, \$45,000, and \$90,000 for Wartime Veterans, Combat Veterans, and Disabled Veterans, respectively, such amounts constituting only 36% of the total, statutorily allowable amounts; and

**WHEREAS**, the Town Board last increased the Exemption level, pursuant to the enactment of East Greenbush Local Law No. 2 of 2007, on March 19, 2007, and acknowledges that, since such date the value of the Exemption at the current level has been diminished and, therefore, needs to be reviewed in order to consider, at a minimum, a restoration of equity via an increase in such level; and

**WHEREAS**, this Town Board acknowledges that, beyond the aforementioned equity-related issue, the honor that we continuously bestow upon our Veterans in recognition of, and in appreciation for, their past and continued sacrifices in service to their county, must be substantively demonstrated by considering an increase in the level of the Exemption; and

**WHEREAS**, the Town Board conducted a Public Hearing on the 14<sup>th</sup> day of August 2019 at 5:45 p.m. at Town Hall to duly accept all comments made by members of the public relative to the Town Board’s consideration of the enactment of East Greenbush Local Law No. 4 of 2019 that would increase the level of the Exemption to provide for the following amounts: \$45,000, \$75,000, and \$150,000 for Wartime Veterans, Combat Veterans, and Disabled Veterans, respectively; and

**WHEREAS**, the Town Comptroller attests that the provisions of this resolution may pose a material impact to the Town’s 2020 annual budget;

now, therefore, be it

**RESOLVED**, that East Greenbush Local Law No. 4 of 2019, a copy of which is attached hereto and made a part hereof, be, and the same shall hereby be, enacted upon its filing by the Attorney to the Town with the New York Secretary of State.

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

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

**173-2019 A Resolution Authorizing Procurement of Hot Mix Asphalt to Complete Repairs to American Oil Road**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, in accordance with Town Procurement Policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

**WHEREAS**, Resolution 142-2019 authorized up to \$50,000 to procure Hot Mix Asphalt to repair American Oil Road; and

**WHEREAS**, the Town of East Greenbush, working with the Rensselaer County Highway Department, installed the quantity of asphalt that was authorized which effectively paved the worst section of American Oil Road; and

**WHEREAS**, upon evaluation of the work performed, it is estimated that the balance of the road could be paved using approximately 320 additional tons of asphalt, thereby averting the annual maintenance cost of over \$20,000 to patch the road in its current state for several years; and

**WHEREAS**, the additional asphalt would be purchased from New Castle Asphalt from the Rensselaer County Bid at a cost not to exceed \$18,000; and

**WHEREAS**, the Town Comptroller believes at this time that this resolution will have a material impact on the Town’s finances charging an amount not to exceed \$18,000 to account code 14904.01.04, the following budgetary transfer will be made:

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
19904.01.04 Contingency		\$18,000
14104.01.04 Public Works Admin CE	\$18,000	

now, therefore, be it

**RESOLVED**, that the Commissioner of Public Works is hereby authorized to complete the paving of American Oil Road at a cost not to exceed \$18,000.

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

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

**174-2019 A Resolution Appointing Donald Panton 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 August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, there is currently a vacancy on the Planning Board, making it difficult to reach a quorum for meetings and votes; and

**WHEREAS**, Michael Bottillo resigned from a term on the Planning Board that was to run until December 31, 2019; and

**WHEREAS**, Donald Panton applied for a position on the Board and was found to be well-qualified, having served thirteen years on the Town of East Greenbush Planning Board; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will not have a material effect on the Town's finances;

now, therefore, be it

**RESOLVED**, that Donald Panton is appointed to the Planning Board of the Town of East Greenbush to finish the term vacated by Michael Bottillo and is appointed from the time when this resolution is passed until December 31, 2019.

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

**175-2019 A Resolution to Schedule a Special Meeting on August 28, 2019**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 16, 2019; and

**WHEREAS**, the Town Board, its advisor and the Chief of Police conducted interviews for two Sergeant positions on August 14, 2019; and

**WHEREAS**, one Sergeant position was vacated when Detective Sergeant Elaine Rudzinski-Miano was promoted to Chief of Police; and

**WHEREAS**, the Town Board also intends to add a second Sergeant; and

**WHEREAS**, it is a priority for the Board that both Sergeant positions be filled as soon as possible; 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 Meeting on August 28, 2019 at 7:00 p.m. at Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144 to appoint a Sergeant in the Police Department and address any other matters that are brought before the Town Board.

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

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

**176-2019 A Resolution Promoting Michael A. Guadagnino to the Position of Sergeant in the Police Department**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of August 14, 2019 and was subsequently presented to the Town Board on August 19, 2019; and

**WHEREAS**, this Town Board intends to maintain adequate supervisory staff within the Town Police Department; and

**WHEREAS**, the position(s) and rank of Police Sergeant is currently vacant and in need of replacement; and

**WHEREAS**, the Town Comptroller has determined that this resolution was planned for in the 2019 Budget; and

**WHEREAS**, the Rensselaer County Civil Service Commission has established minimum standards of merit and fitness for this position; has administered and scored written testing for the position; and has certified a list of eligible candidates who are qualified for the position; and

**WHEREAS**, these candidates have been canvassed and interviewed by this Board in accordance with Town Law and Civil Service Law; and

**WHEREAS**, Officer Michael A. Guadagnino has been so examined; having given 12 years of satisfactory service to the Town and meeting the high standard of merit and fitness as prescribed by the Rensselaer County Civil Service Commission; and, after due deliberation by this Board;

now, therefore, be it

**RESOLVED**, that Officer Michael A. Guadagnino be and hereby is appointed to the position of Police Sergeant of the East Greenbush Police Department, contingent on final certification by Rensselaer County Civil Service, and successful completion of the Basic Police Supervisory School of the Bureau for Municipal Police;

and be it further

**RESOLVED**, that said appointment shall have the full force and the same effect as each and every other Police Sergeant of the East Greenbush Police Department, as this position is further described in the Rules and Regulations of the Police Department, the Collective Bargaining Agreement, and the Laws of the State of New York;

and be it further

**RESOLVED**, that this resolution shall take effect immediately, and said Appointment, shall take effect upon the Appointee taking the Oath of Office administered by the Town Clerk or her designee.

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

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

**ADJOURNMENT**

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

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