



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING June 10, 2020

Call to Order **6:00 PM**
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor J. Conway
<input type="checkbox"/>	<input type="checkbox"/>	Councilor T. Tierney
<input type="checkbox"/>	<input type="checkbox"/>	Councilor H. Kennedy
<input type="checkbox"/>	<input type="checkbox"/>	Councilor R. Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilor B. Fritz

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation:

Schedule of Meeting:

125-2020 A Resolution to Approve Meeting Minutes

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

WHEREAS, the minutes of the regular Town Board Meeting held on May 20, 2020 have been presented; and

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

now, therefore, be it

RESOLVED, that the minutes of the regular Town Board Meeting held on May 20, 2020 are hereby approved as submitted.

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

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

126-2020 A Resolution Proclaiming June as Pride Month in East Greenbush

WHEREAS, the Town Board of East Greenbush supports the rights, freedoms, and equality of persons who are lesbian, gay, bisexual, transgender, and queer (LGBTQ); and

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this has been long in coming for many Americans; and

WHEREAS, in the movement toward equal rights for lesbian, gay, bisexual, transgender, and queer people a historic turning point occurred on June 28, 1969 in New York City with the onset of the Stonewall Riots; and

WHEREAS, throughout the country, LGBTQ Pride Month is celebrated each year in the month of June to honor the 1969 Stonewall Uprising in Manhattan; and

WHEREAS, East Greenbush has a diverse LGBTQ community that includes people of all ethnicities, religions, and professions; and

WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity, or sexual orientation;

now therefore be it

RESOLVED, on behalf of all residents of East Greenbush, the Town Board of the Town of East Greenbush does hereby proclaim June 2020 as Pride Month in East Greenbush and urges all residents to respect and honor our diverse community, and to celebrate and build a culture of inclusiveness and acceptance.

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:

127-2020 A Resolution to Authorize a Public Auction of Surplus DPW Vehicle and Equipment

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

One 1985 Ford Utility Van, VIN Number: 1FCNR74N2FVA40067

One Gasoline Tank, 500 Gallon with Transfer Pump, Serial Number: 1206

WHEREAS, said vehicle and gasoline tank is not suited for any other Town department; 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 said vehicle and gasoline tank listed are hereby declared as surplus; and be it further

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

The foregoing resolution was duly moved by Councilor 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:

128-2020 A Resolution Authorizing Cured-In-Place Pipe Lining Repairs to Storm Drains on Spruce Run, Hemlock Lane, and Barber Drive

WHEREAS, the Commissioner and Deputy Commissioner of Public Works conducted a camera inspection of the storm drains on Spruce Run in April of 2019 which showed that the galvanized pipes in the storm drain system were failing due to corrosion of the pipes; and

WHEREAS, a sinkhole developed on the culvert pipe on Hemlock Lane and Huntswood Lane on May 19, 2020 indicating an impending storm drain failure; and

WHEREAS, it was noted during the outfall inspections of storm sewers in July 2019 by then Commissioner Gallerie, that the outfall pipe between 2 and 4 Barber Drive was severely rusted through and at risk of collapsing; and

WHEREAS, of the two options available to the Department of Public Works, slip lining the pipes with a cured-in-place pipe liner is much less costly than excavating and replacing the existing pipes, and has an expected service life of a minimum of 50 years; and

WHEREAS, Precision Trenchless LLC has been awarded the Onondaga County Bid for installing cured in place pipe liners and the Bid has been made available to other political subdivisions state-wide; and

WHEREAS, the Department of Public Works requested \$100,000.00 in the 2020 budget for lining of storm drains; and

WHEREAS, the Town of East Greenbush Purchasing Policy requires purchases of \$10,000 or more to be approved by the Town Board; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$87,256.00 from the Highway Department account 5110.4.2 for this expense; now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to execute a contract with Precision Group, LLC to install 1,076 feet of Cured-In-Place Pipe Lining under Spruce Run, 36 feet under Hemlock Lane, and 158 feet under Barber Drive at a cost not to exceed \$87,256.00.

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

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

129-2020 A Resolution to Appoint a Temporary Seasonal Laborer in the Parks Department

WHEREAS, the Department of Public Works has a need for Temporary Seasonal Laborers in the Parks Department during the summer months to assist in addressing the backlog of seasonal maintenance; and

WHEREAS, the Public Works Commissioner has selected this individual based on his prior experience with the Town Recreation Department and his strong work ethic; and

WHEREAS, Mason Albert has demonstrated the ability to work independently and efficiently; and

WHEREAS, the Town Comptroller has confirmed that these appointment can be funded with the 2020 budget Parks 71104.01; now, therefore, be it

RESOLVED, that the Town Board confirms the appointment for hours worked, hours paid of Mason Albert effective June 1st, 2020, at the rate of \$12.00 per hour with no benefits. The total amount of this resolution is not to exceed \$5,000.00 as reflected in the 2020 Budget. All appointments will be ended not later than October 15th, 2020 per the CSEA Collective Bargaining 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:

130-2020 A Resolution Authorizing Purchase of a 18” Cold Planer for the Department of Public Works

WHEREAS, the Highway, Water, and Sewer Departments require milling of asphalt for road paving, and water and sewer line repairs; and

WHEREAS, pricing to have the milling work sub contracted is currently \$33.00 per square yard under the Rensselaer County Contract; and

WHEREAS, It would be far more cost effective to perform the milling in-house using the previously purchased Kubota SVL 75 Skid Steer; and

WHEREAS, three quotes were obtained for a Bradco HP450 18” high flow cold planer as required by Town of East Greenbush Purchasing Policy; and

WHEREAS, the lowest quote was obtained from Abele Tractor and Equipment in the amount of \$17,452.00; and

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

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution would not exceed \$17,452.00 from Highway General Repairs, Consolidated Water Transmission and Distribution and Sanitary Sewers:

Fund	Amount
Highway General Repairs (5110.4.02)	\$5,817.34
Water Transmission & Distribution (8340.4.05)	\$5,817.33
Sanitary Sewer (8120.4.07)	\$5,817.33

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase a Bradco HP450 18” high flow cold planer at a cost not to exceed \$17,452.00.

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

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

131-2020 A Resolution to Settle a Tax Certiorari Case

WHEREAS, JMA Properties and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by JMA Properties, LLC in the Town of East Greenbush; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

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

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

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2019 tax certiorari proceeding filed by JMA Properties, LLC in which the 2019 assessed value of the subject property shall be reduced as follows:

Tax Map No.	Address	2019 Assessment	Revised Assessment
155.-4-3	4 Middle Mannix Road	\$1,390,400	\$650,000

Real Property Tax Law §727 shall apply;

and be it further

RESOLVED that JMA Properties, LLC shall be entitled to a refund of excess taxes,

waiving statutory interest, paid based upon the above revision;
and be it further

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

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:

132-2020 A Resolution to Schedule a Public Hearing to Receive Public Comment on a Traffic Safety Project to Construct Improvements at the Intersection of US Route 4 and the I-90 Westbound Ramps and Certain Traffic Impact Mitigation Projects Required in Connection with Regeneron’s Tempel Lane Campus Development

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

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

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

WHEREAS, upon receipt of an approved design from Regeneron, NYSDOT has agreed to advance the construction phase of its Safety Project together with the following Traffic Impact Mitigation Projects: 1) NYS Route 151 and Tempel Lane, 2) Couse Corners Roundabout, and 3) Route 4 and Hotel Access Road (the “Phase 1 Traffic Impact Mitigation Projects”); and

WHEREAS, NYSDOT and Regeneron have gathered base mapping, environmental, and other data; coordinated with each other; have consulted with the Town and other stakeholders; and have developed proposed preliminary design concepts outlining the nature and location of the improvements to be constructed as part of the aforementioned projects; and

WHEREAS, the Town Board desires to receive public comment on the aforementioned Safety Project and Phase 1 Traffic Mitigation Projects together and jointly, given that the projects collectively involve important transportation corridors in the Town; the construction timelines are anticipated to overlap; it is anticipated that construction phase management will be performed by NYSDOT for the projects noted; the Town and NYSDOT have contemplated entering into a Betterment Agreement in order that Phase 1 Traffic Impact Mitigation Projects

might be advanced by NYSDOT with Regeneron funding; and the fact that such public comment is 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 or by virtual means on the 8th day of July at 5:30 pm to accept public comment on the proposed preliminary design concepts advanced by both NYSDOT and Regeneron for the aforementioned projects.

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:

133-2020 A Resolution Designating Dalia Szarowicz as Stormwater Local Public Contact

WHEREAS, pursuant to state and federal requirements, the Town of East Greenbush operates a municipal separate storm sewer systems (MS4); and

WHEREAS, discharges from the Town’s MS4 are authorized pursuant to New York’s State Pollutant Discharge Elimination System (SPDES) and a permit, known as the General Permit for Stormwater Discharges from MS4s GP-0-15-003 (“MS4 General Permit”), issued in accordance with Environmental Conservation Law (ECL); and

WHEREAS, the in partial fulfillment of the public involvement/participation requirements, the Town must designate a Local Stormwater Public Contact to serve as a local point of contact for public concerns regarding stormwater management and compliance with the MS4 General Permit, as required under Part VIII.A.2.c of the MS4 General Permit; and

WHEREAS, in the role of Planner in the Planning and Zoning Department, Dalia Szarowicz carries out certain tasks relating to implementing the Town’s stormwater management program (SWMP) plan, including tasks relating to erosion and sediment control and stormwater management from construction sites and other land development activity, and currently serves as the Stormwater Management Officer in accordance with the Town’s Comprehensive Zoning Law; and

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

now, therefore, be it

RESOLVED, Dalia Szarowicz is hereby appointed as Local Stormwater Public Contact in accordance with the MS4 General Permit and the Town’s SWMP;

and be it further

RESOLVED, that the name or title of this contact and the telephone number must be published in public outreach and public participation materials and kept updated with the NYSDEC on the required annual reporting forms.

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:

134-2020 A Resolution to Reschedule the Public Hearing in Relation to a Proposed Extension of the Water District

WHEREAS, Lawrence E. Sanders and Clara Ines Sanders filed a petition for an extension of the water district to property owned by them on 90 Ridge Road, consisting of 24.358± acres; and

WHEREAS, at a meeting of the East Greenbush Town Board held on May 20, 2020, the Town Board passed a resolution to adopt an order pursuant to § 193(1)(a) of the Town Law, setting a date and time for the Town Board to consider said petition for extension of the water district; and

WHEREAS, pursuant to the terms and conditions of that order, the hearing was scheduled for June 17th at 6:45 p.m.; and

WHEREAS, notice of such public hearing was not able to be properly noticed in the Town designated newspaper in a timely fashion, as required by the Town Law; and

WHEREAS, the Town Board wishes to reschedule the public hearing set in said order; 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 hearing scheduled by said order adopted by resolution on May 20th is rescheduled for July 8, 2020 at 6:45 p.m. at 225 Columbia Turnpike in the Town of East Greenbush, or by virtual means if necessary.

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:

135-2020 A Resolution to Reschedule a Public Hearing in Relation to a Proposed Extension of the General Sewer District for Pheasant Hollow Project

WHEREAS, Hartland Associates, Inc. and 1560 Skyline Drive, Inc. filed a petition for an extension of the general sewer district to property owned by them and others; and

WHEREAS, at a meeting of the East Greenbush Town Board held on May 26, 2020, the Town Board passed a resolution to adopt an order pursuant to § 193(1)(a) of the Town Law, setting a date and time for the Town Board to consider said petition for extension of the water district; and

WHEREAS, pursuant to the terms and conditions of that order, the hearing was scheduled for June 17th at 6:45 p.m.; and

WHEREAS, the notice of such public hearing was able to be properly noticed in the Town designated newspaper in a timely fashion, as required by the Town Law, but subsequently the Town received the details of the Governor’s Executive Order extending the prohibition on public hearings conducted in public meeting places from June 7, 2020 to July 7, 2020 which made it impossible to conduct the hearing as originally scheduled; and

WHEREAS, the Town Board wishes to reschedule the public hearing set in said order; 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 hearing scheduled by said order adopted by resolution on May 20th is rescheduled for July 8, 2020 at 6:30 p.m. at 225 Columbia Turnpike in the Town of East Greenbush, or by virtual means if necessary.

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

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

136-2020 A Resolution to Settle a Tax Certiorari Case with 1070 Luther Road, LLC

WHEREAS, 1070 Luther Road, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by 1070 Luther Road, LLC in the Town of East Greenbush, and

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

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

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

now, therefore, be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2018 and 2019 tax certiorari proceedings filed by 1070 Luther Road, LLC in which the 2018 and 2019 assessed value of the subject property shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2018	155.-7-3.111	\$14,952,900	\$13,000,000	\$1,952,900
2019	155.-7-3.111	\$14,952,900	\$13,000,000	\$1,952,900

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2020, 2021 and 2022 assessment rolls.

and it is further

RESOLVED that 1070 Luther Road, LLC shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;

and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between 1070 Luther Road, LLC and the Town of East Greenbush as to the above referenced assessment.

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

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

ADJOURNMENT

Motion to adjourn is made by Supervisor Conway seconded by Councilor Matters and brought to a vote resulting as follows:

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