



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA August 18, 2021

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 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

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:

198-2021 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 21, 2021 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 21, 2021 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:

199-2021 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2022 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 2022 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 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 shall conduct a Special Meeting on Monday, October 4, 2021 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 2022 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:

200-2021 A Resolution to Adjust the Classification and Salary of the Position of Clerk Assigned to the Assessor’s Office Currently Held by Ellen Schwab

WHEREAS, Ellen Schwab is currently in the non-union position of Clerk and is assigned to the Assessor’s Office on a full-time basis with an annual salary of \$35,525.00 and has been in this position since March 18, 2020; and

WHEREAS, it has recently come to the Town’s attention that the “Agreement By and Between the Town of East Greenbush and CSEA, Local 1000 AFSCME, AFL-CIO” includes the following provision in Article II, Section 2 “Recognition and Bargaining Unit”: “The bargaining unit shall include full time employees of the Department of Public Works, the clerical staff of the Water and Sewer Department, the Assessor’s Office and Building Inspector’s Office and shall exclude the Commissioner of Public Works, Deputy Commissioner of Public Works, the Building Inspector, elected officials, appointed officials, temporary, seasonal and part-time employees”; and

WHEREAS, the Town believes that Ellen Schwab should be afforded the Union protections intended for her position and that reclassifying her position as a Union job is consistent with the terms of the CSEA contract; and

WHEREAS, the CSEA contract sets the base pay rate for a clerk at \$37,191.64; 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 full time position of Clerk assigned to the Assessor's Office is hereby reclassified as a Union position covered by the CSEA contract;

and be it further

RESOLVED, that Ellen Schwab is hereby appointed to said Union position at an annual salary of \$37,191.64;

and be it further

RESOLVED, that Ms. Schwab will be compensated for the differential in salary (\$2,224.99) and medical buyout (\$833.58) minus union dues (\$989.40) for the period between March 18, 2020 and August 23, 2021 for a net total of \$2,069.17;

and be it further

RESOLVED, that this appointment shall take effect on August 23, 2021.

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

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

201-2021 A Resolution to Increase the Fee for Pistol Permit Applications

WHEREAS, the Town Board is required to establish rates that are to be charged by the East Greenbush Police Department for the Town of East Greenbush; and

WHEREAS, the fees have been reviewed and updated by the East Greenbush Police Department; and

WHEREAS, the current fee of \$30.00 was established in January 1, 2013 and has not been increased since; and

WHEREAS, the new fee schedule increasing the Pistol Permit application fee from \$30.00 to \$40.00 was submitted to the Town Board for their review and approval; and

WHEREAS, going forward the fees will be reviewed annually and submitted to the Town Board with recommendations for changes when needed; 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 increased fee schedule for the East Greenbush Police Department is hereby approved and will go into effect immediately.

The foregoing resolution was 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:

202-2021 A Resolution to Authorize a Public Auction of Surplus Equipment

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

One (1) model year 1983 Wells Cargo Utility Trailer VIN # 1WC200F23D1029572
(Town ID #391)

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

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

now, therefore, be it

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

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

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

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

203-2021 A Resolution Authorizing the Replacement of the Air Conditioner Unit for the Emergency Communications Department

WHEREAS, this resolution was not submitted on time to be considered on the regularly scheduled pre-board meeting of August 11, 2021 and was subsequently presented to the Town Board on August 12, 2021; and

WHEREAS, the air conditioner unit that currently cools the Emergency Communications Center is beginning to fail; and

WHEREAS, this unit is critical to maintaining a cool environment for the computers and systems that run 24 hours a day, 7 days a week within the Emergency Communications pod; and

WHEREAS, BPI Mechanical, the Town contracted HVAC and Plumbing contractors have been out to service the unit on July 7th and August 3rd and needed to replace refrigerant in the unit and advised that this may be a temporary fix and it would be best to start looking to replace the unit; and

WHEREAS, the Finance Office solicited sealed quotes for a replacement unit and the lowest responsible and responsive quote that we received was from Tibbitts Heating & Cooling LLC in the amount of \$7,700 for complete HVAC design and installation – including material and equipment, 10 year warranty and one year maintenance; 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 does hereby approve the replacement of the Air Conditioner Unit for the Emergency Communications Department from Tibbitts Heating & Cooling LLC in the amount of \$7,700.00.

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

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

204-2021 A Resolution to Settle a Tax Certiorari Case with North Greenbush Associates, LCC

WHEREAS, North Greenbush Associates, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to properties owned by North Greenbush Associates, 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; and

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

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2020 tax certiorari proceeding filed by North Greenbush Associates, LLC in which the assessment of \$1,523,900 on Parcel 144.2-5-3 shall not be reduced and the assessed value of 144.-4-13.2 shall be reduced as follows:

Year	Parcel No.	Prior Assessed Value	Revised Assessed Value	Reduction
2020	144.-4-13.2	\$467,500	\$250,000	\$217,500

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2021, 2022 and 2023 assessment rolls;

and be it further

RESOLVED, that North Greenbush Associates, 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 North Greenbush Associates, LLC 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 Tierney and brought to a vote resulting as follows:

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

205-2021 A Resolution Authorizing the Purchase of Repair Couplings for the Water Department

WHEREAS, on July 20th, 2021, the Commissioner of Public Works was advised that our supply of Hymax clamps for repairs on our larger, high pressure, water mains is getting low; and

WHEREAS, these clamps are a special order item and it is estimated that it will take two to three weeks for them to be shipped to us; and

WHEREAS, in accordance with our Procurement Policy, multiple quotes for these items were obtained and the low quote for the 36” and 24” clamps was from Core and Main at \$11,666.87, and the low quote for the 16” clamp was from Albany Winwater at \$854.80; and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is \$12,521.67 from the Consolidated General Water Fund charge code 8340.4.05 Transmission Distribution CE;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase the required clamps from the respective suppliers in an amount not to exceed \$12,521.67.

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

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

206-2021 A Resolution Declaring a Department of Public Works Vehicle as Surplus and Authorize Auctioning of Same

WHEREAS, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare one 2003 Ford F-250 Utility Body Pickup, VIN 1FDNF20L03EA64505 as surplus; and

WHEREAS, the above listed equipment is surplus to the DPW’s needs and is not economically repairable; 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 above listed equipment is 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 vehicle 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:

207-2021 A Resolution to Authorize Paving of Lois Lane

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, Lois Lane, a Town Highway in the August Gate development is in need of paving; and

WHEREAS, the Commissioner of Public Works desires to add this street to the 2021 paving program so that the entire August Gate development is paved, and that DPW will not have to return to the neighborhood in the near future to pave Lois Lane, and that this project can be paid for by cost savings on other highway paving projects; and

WHEREAS, the Commissioner of Public Works estimates that the cost of the work will not exceed \$17,260.00; and

WHEREAS, the Town Comptroller believes at this time that this resolution can be funded by 2021 budget line 51104.02;
now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve expenses not to exceed \$17,260.00 for the paving of Lois Lane.

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

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

208-2021 A Resolution for the Disbursement of Shortfall Funding for Maintenance-Related Expenses to Greenbush Cemetery Association, Inc.

WHEREAS, the Greenbush Cemetery Association, Inc. (referred to hereinafter as “GCA”), a public cemetery corporation duly created, existing, and currently operating pursuant to article fifteen of the New York Not-for-Profit Corporation Law, currently has proprietary, operational, and maintenance-related charge over real property known as Greenbush Cemetery, located at 264 Columbia Turnpike in the town of East Greenbush, county of Rensselaer, and state of New York (referred to hereinafter as the “Premises”); and

WHEREAS, not unlike other public cemetery corporations, GCA derives its operating

income from the sale of gravesites, collection of interment fees, and receipt of investment interest/dividends associated with the operation of the Premises; and

WHEREAS, notwithstanding the board of trustees of GCA having faithfully and responsibly discharged their fiduciary duties, financial and otherwise, in accordance with GCA’s bylaws, rules, and regulations, GCA’s income has, of late, been insufficient to cover its recurring, maintenance-related expenses (to wit: mowing and headstone trimming) with its contractor, due largely to the relatively low investment yields precipitated by a sluggish economy over approximately the last fifteen years, along with a reduction in the demand for the sale of gravesites; and

WHEREAS, pursuant to New York General Municipal Law section 165-a, which provides for a municipal corporation to disburse funding and/or to provide goods and/or services to a public cemetery corporation, GCA has requested, via its letter dated June 10, 2021 to Supervisor John J. Conway (a copy of which is attached hereto and made a part hereof), that the Town of East Greenbush (referred to hereinafter as “Town”) supplement the shortfall of its 2021 budget with a disbursement thereto in the amount of \$10,000.00 to cover its maintenance -related expenses; and

WHEREAS, pursuant to New York Town Law section 291, subd. 1, the responsibility and expenses for the maintenance of the Greenbush Cemetery would pass to the Town if GCA were to be unable to continue with the maintenance thereof; and

WHEREAS, the Town Comptroller confirms that the requested amount of disbursement will have a material impact upon Town finances inasmuch as it was unplanned, in account 88104.01 Cemetery CE, but that the Town’s contingency fund currently contains a positive balance that is sufficient to cover such disbursement;

now, therefore, be it

RESOLVED, that the Supervisor be, and the same hereby is, authorized to enter into a contract with GCA for a period of three years, to provide for an annual disbursement in an amount not to exceed \$10,000.00, subject to: (a) an annual audit conducted by the Town Comptroller of GCA’s financial records, as reasonably requested by the Town Comptroller, that is deemed by the Supervisor to satisfactorily substantiate each year’s disbursement prior thereto, and (b) any other provisions that the attorney to the town may deem to be in the best interests of the Town.

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:

209-2021 A Resolution to Set a Public Hearing on the Town Center Planned Development District Phase 1 Major Site Plan (PZD #17-19a)

WHEREAS, on January 2, 2020 (Resolution 2-2020), the Town Board, after adopting a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA) for this type 1 project, adopted Local Law No. 1 of 2020 establishing the Town Center PDD (the “PDD”); and

WHEREAS, 580 Columbia Turnpike LLC., has submitted an application for major site plan approval for the development of Town Center PDD Phase 1, which consists of a total of 78 residential units and approximately 19,000 square footage of commercial space in three (3) structures, and associated sewer, water and stormwater utilities and parking and accessways located on Columbia Turnpike, identified on the Town’s Tax Roll as Tax Parcel No’s. 166.-7-5, 166.-7-3.5, and 166.-7-6.51 (the “Project”); and

WHEREAS, on September 23, 2020 the Town Planning Board approved a minor amendment to the PDD in accordance with Section 2.9.12 of the Town’s Comprehensive Zoning Law, which amendment allows first floor commercial space of approximately 9,500 square feet and up to 24 residential units in the upper floors, with the 24 residential units to be reallocated to the Future Development Pad area from other phases of the PDD, and, therefore, resulting in no change to the previously approved 275 total number of residential units; and

WHEREAS, on October, 14, 2020 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering, dated August 15, 2020, with conditions, for a major site plan to be known as Town Center PDD Phase 1; and

WHEREAS, on August 11, 2021, the Town of East Greenbush Planning Board recommended to the Town Board that the Town Board 1) find that the Project is consistent with the Town Board’s previously-issued negative declaration and 2) approve the major site plan with conditions; 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 directs that a public hearing be noticed by the Town Clerk as required by law on the proposed Town Center PDD Phase 1 major site plan with the public hearing to be held at Town Hall at 225 Columbia Turnpike on September 8, 2021 at 6:00 p.m. or by remote means.

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

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

210-2021 A Resolution to Adopt the Lakeshore Drive Complete Streets Traffic Study

WHEREAS, the Town desires to begin a multi-phase effort to transform Lakeshore Drive permanently into a one-way street and implement complete streets enhancements in accordance with the Town’s complete streets policy (the “Project”), the first phase of which is preparing a traffic engineering study to evaluate the proposed Project (the “Study”); and

WHEREAS, the Town Board held a public hearing on June 9, 2021 at 6:30 p.m. to hear a presentation from Stantec on the first draft of the Study and to provide the public an initial opportunity for comment on the Project, and the Town Board held a second public hearing dedicated to receiving public input on the Project on July 14, 2021 at 6:00 p.m.; and

WHEREAS, the Study involved a Stakeholder Meeting, held on April 27, 2021 and led by the Town’s Designated Engineer for the Study, Stantec Consulting Services, Inc. (“Stantec”), at which stakeholders from East Greenbush Central School District, Clinton Heights Fire

Department as well as Town staff, including from the Department of Public Works and East Greenbush Police Department, were engaged to provide input on the Project; and

WHEREAS, the Town has received the final draft of the Study, dated July 9, 2021, prepared by Stantec; and

WHEREAS, the Town Board has reviewed the final draft of the Study, which, after an engineering analysis of three (3) one-way alternatives (i.e., No-Build, one-way in the clockwise direction, and one-way in the counter-clockwise direction), recommends transforming Lakeshore Drive into a one-way street in the clockwise direction (i.e., Alternative 2); and

WHEREAS, the Town Board has further reviewed the Study's recommended four (4) alternative levels of improvements along the roadway, ranging from the addition of signing to maintain one-way vehicular circulation, to adding striping to the existing pavement to delineate a pedestrian path or creating a physical buffer between vehicular and pedestrian traffic; and

WHEREAS, the Town Board has also considered the public input received during the two (2) public hearings on the Project and the Stakeholder Meeting; and

WHEREAS, the Town Comptroller confirms this resolution has no immediate material financial impact on Town finances;

now, therefore, be it

RESOLVED, that the Town Board hereby accepts and adopts the Study, which is attached hereto and made a part hereof, and hereby endorses its recommendation that Lakeshore Drive be transformed into a one-way street with travel in the clockwise direction;

and be it further

RESOLVED, that the Town Board directs that the Study become a part of the Town's official planning documents to guide planning, capital programming, and implementation of the complete streets enhancements outlined in the Study;

and be it further

RESOLVED, that the Town Board directs the Commissioner of Public Works to provide recommendations to the Town Board concerning the budget and schedule to implement the recommendations outlined in the Study, including four (4) levels of alternatives.

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:

211-2021 A Resolution Scheduling a Public Hearing on a Proposed Local Law Imposing a Moratorium on Applications for Permits, Site Plans or Other Land Use Approvals for Large-Scale Solar Energy Systems

WHEREAS, by passage of Local Law No. 1 of 2017 and the amendments included in Local Law No. 3 of 2017 (collectively, the "Solar Energy Law"), the Town Board amended the Comprehensive Zoning Law (CZL) to authorize the installation of large-scale solar energy systems (LSSSES) within the R-OS, A-R, O, OC, OI, and CI zoning districts; and

WHEREAS, the Solar Energy Law limited LSSES installations to a maximum of 2.5 acres in size; and

WHEREAS, solar technology, New York State policy, and solar development incentives relating to LSSES installation have changed since 2017, when the Solar Energy Law was enacted, and in May 2021, the Town Board adopted the 2021 Comprehensive Plan, which provides a future land use vision for the Town; and

WHEREAS, among the statements of purpose and legislative intent made by the Town Board with passage of the Solar Energy Law are that the law is intended to “[take] advantage of a safe, abundant, renewable, and non-polluting energy resource” and “[increase] employment and business development in the region by furthering the installation of solar energy systems,” and the Town Board, in view of these benefits, desires to ensure continued support for solar energy development by updating the Solar Energy Law to address the 2.5 acre size limit and provide a uniform siting standards for LSSES; and

WHEREAS, with resolution 164-2021 the Town Board assigned the Conservation Advisory Council (CAC) to review and make recommendations to the Town Board with regard to assessing the environmental quality, biological integrity, natural beauty and other conservation factors of solar energy in Town with the understanding that the CAC will report back to the Town Board within ninety (90) days; and

WHEREAS, the Town Board wishes to solicit public comment on a proposal to supersede and suspend all of Article 16 of the New York State Town Law Sections Sections 261-285 of the New York State Town Law, as well as jurisdiction of the ZBA to grant relief from the moratorium, in order to preserve the status quo while affording the Town Board sufficient time to adequately study and consider the CZL and the Solar Energy Law as they relate to LSSES within the various zoning districts in the town; and

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

now, therefore, be it

RESOLVED, that the Town Board directs that a public hearing be noticed by the Town Clerk as required by law on the a proposed local law imposing a moratorium on applications for permits, site plans or other land use approvals for large-scale solar energy systems with the public hearing to be held at Town Hall at 225 Columbia Turnpike in the Town of East Greenbush on September 8, 2021 at 6:30 p.m. or by remote means.

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

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

212-2021 A Resolution to Appoint Members to the Zoning Law and Subdivision Regulations Update Steering Committee

WHEREAS, on May 19, 2021 (Resolution 136-2021), the Town Board, after adopting a negative declaration pursuant to the State Environmental Quality Review Act (SEQRA), adopted the 2021 Comprehensive Plan; and

WHEREAS, in accordance with New York State Town Law Section 272-a, all Town land use regulations must be in accordance with the Town’s adopted comprehensive plan; and

WHEREAS, the Town’s current Comprehensive Zoning Law (CZL) was first adopted by the Town Board in 2008, and the Land Subdivision Regulation were first adopted by the Town Board in 1986 (and subsequently amended in 1987 and 1999) and, therefore, are land use regulations that must be updated in order to align with the 2021 Comprehensive Plan; and

WHEREAS, the Town Board has retained (Resolution 117-2018) a consultant team led by M.J. Engineering and Land Surveying, P.C. to assist with the update of Town’s Comprehensive Plan, Zoning, and Western Generic Environmental Impact Statement (GEIS); and

WHEREAS, the Town Board desires to appoint a committee of Town residents and other stakeholders to assist the Town Board with the zoning law and subdivision regulations update process; and

WHEREAS, the Town Board, after due consideration and deliberation, has reviewed a list of potential appointees to said committee; 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 does hereby authorize creation of a five-person Town of East Greenbush Zoning and Subdivision Regulation Update Steering Committee to assist the Town Board with the zoning law and subdivision regulations update process and approves the appointment of the following first two members:

Joshua Wainman, representing the development community;

Tina Tierney, representing the Town Board

and be it further

RESOLVED, that the Town Board does not delegate any of its statutory authority to this committee, whose role is advisory only;

and be it further

RESOLVED, that this committee shall be dissolved after the zoning and subdivision regulation updates have been completed, as determined by the Town Board;

and be it further

RESOLVED, that all meetings of the Town of East Greenbush Zoning and Subdivision Regulation Update Steering Committee shall be open to the public, with prior notice given consistent with the NY State Open Meetings Law.

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:

213-2021 A Resolution Authorizing Purchase of Two (2) Pickup Trucks, One (1) for the Sewer Department and One (1) for Building Department from NYS OGS Mini Bid

WHEREAS, Resolution 104-2021 authorized the Finance Office to solicit bids for purchase of a pickup truck for the Sewer Department of the Department of Public Works; and

WHEREAS, the Town of East Greenbush requested publication of a Mini-Bid through the New York State Office of General Services for one Ton Pickup Truck; and

WHEREAS, the lowest responsible bid that met the bid specification was submitted by Beyer Ford for a 2022 Ford F150 Reg Cab XL Pick-up Truck in the amount of \$35,800.00; and

WHEREAS, the Building Inspector indicated in his 2022 Department Budget Submission that the Building Department would need to replace the Jeep Liberty and the Finance Office confirmed that this price would extend to two vehicles; and

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

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$35,800.00 from the Sewer Fund Balance for the purchase of the Sewer Truck allocated as follows:

Fund	Transfer in	Transfer out
SW-915 Consolidated General Water Fund Balance		\$35,800.00
8340.4 – Transmission/ Distribution CE	\$35,800.00	

WHEREAS, the pickup truck for the Building Department will be budgeted for \$35,800.00 in the 2022 Town Budget as delivery is expected in the second quarter of 2022; now, therefore, be it

RESOLVED, that the Town Board authorizes the Finance Office to purchase two (2) 2022 Ford F150 Regular Cab XL from Genesse Valley Ford per the results of Mini Bid # 7615 in an amount not to exceed \$71,600.00.

This 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

214-2021 A Resolution Authorizing the Solicitation of Bids and the Use of GEIS Funds for Final Design, Development of Bid Specifications, Construction Inspection and Administration Services for Upgrades to Certain Portions of the Couse and General Sewer Districts

WHEREAS, the Town Board, by passing resolution 224 of 2019, authorized the Solicitation of Bids and the use of GEIS Funds for a Feasibility and Preliminary Design Report for upgrades to the Couse Sewer District and General Sewer District, as applicable, as identified in the Capacity Report, including upgrades to the Luther Road Pump Station, Commons Pump

Station; Hideaway Pump Station, and associated portions of the conveyance system, and the Director of Finance subsequently issued RFP 20-08; and

WHEREAS, pursuant to RFP 20-08, the Town Board authorized entering into an agreement with Adirondack Mountain Engineering PC (AME), subject to approval as to form by the Town Attorney, to prepare a feasibility study and preliminary design engineers report as detailed in RFP 20-08; and

WHEREAS, after staff review, AME prepared and submitted a final draft of the Couse and General Sewer District Upgrades Engineering Report (the “Engineer’s Report”), dated July 2021; and

WHEREAS, the Engineer’s Report develops three (3) alternatives to determine the best opportunities for the Town to continue operation and maintenance of the sewer system, based on an analysis of present operating conditions of the above-mentioned pump stations and approximately 25,000 lineal feet of gravity sewers serving the Couse and General Sewer Districts, and it recommends implementation of a program of projects known as Alternative #2 with an estimated cost of \$2.35 million as the preferred alternative, due primarily to economic considerations; and

WHEREAS, it is estimated that Final Design, Development of Bid Specifications, Construction Inspection and Administration Services will cost approximately 15%, or \$352,500.00 of the estimated cost of the Project; and

WHEREAS, Town staff have circulated the Engineer’s Report to involved reviewing agencies for their consideration and comment, and the Engineer’s Report has been made available to sponsors of land development projects connecting to those portions of the sanitary sewer system addressed by the Engineer’s Report; and

WHEREAS, the Town Comptroller confirms that this resolution has no material impact at this time because it is merely requesting the authority to solicit proposals; now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Finance to solicit proposals for Final Design Report, Development of Bid Specifications, Construction Inspection and Administration services for upgrades to the Couse Sewer District and General Sewer District, as applicable, as identified in the Engineer’s Report;

and be it further

RESOLVED, that the Town Board approves the use of GEIS Water and Sewer fees for this project as recommended by the GEIS Committee.

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

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

215-2021 A Resolution Authorizing the Procurement of Engineering Services for Upgrades and Replacements at Cross Street Pump Station Via a Mini-Bid

WHEREAS, the Town of East Greenbush has a number of residential and commercial developments pending approval by the Planning and Zoning Board of Appeals; and

WHEREAS, Town Water Department Personnel have observed that, at high demand periods during 2020, the Cross Street pump station which provides water to the General Water system in the Town of East Greenbush and the City of Rensselaer ran continuously to keep up with demand; and

WHEREAS, the Town Board passed resolution 15-2021 authorizing a Water System Capacity Analysis Report by Stantec Consulting Services which analyzed the ability of the water system to provide adequate water for future growth; and

WHEREAS, the Water System Capacity Analysis Report (“Report”) found that Pump #3 at Cross Street Pump Station is showing several of the six major signs that the pump might need to be replaced and said Report recommends upgrading the Cross Street Pump Station by placing all mechanical equipment and instrumentation on the SCADA system, as well as providing a separate Variable Frequency Drive for each pump, and replacement of Pump #3 in addition to other operational recommendations; and

WHEREAS, the Department of Public Works and Department of Planning and Zoning are in agreement with the recommended upgrades laid out in the Report; and

WHEREAS, pending approval of residential and commercial developments has increased the urgency for recommended upgrades at Cross Street Pump Station; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to solicit proposals to carry out the final design and construction engineering services for upgrades and replacements at Cross Street Pump Station from the approved list of Town Designated Engineers via a “mini-bid.”

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:

216-2021 A Resolution Proposing the Dissolution of the Best-Luther Fire Protection District (FD009) and the Third Avenue-Mannix Road Fire Protection District(FD010) Pursuant to General Municipal Law Article 17-A and Scheduling Public Hearings

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of August 11, 2021 and was subsequently presented to the Town Board on August 11, 2021; and

WHEREAS, Title 3 of Article 17-A General Municipal Law authorizes the town board of a town upon its own resolution to dissolve a local governmental entity including a fire protection district; and

WHEREAS, on July 21, 2021, the Town Board of the Town of East Greenbush determined that the establishment of a fire district was in the public interest of the residents and

property owners in an area of the Town and thereby established the Best-Luther Fire District (“B-LFD”); and

WHEREAS, upon the establishment of B-LFD, the pre-existing Best-Luther Fire Protection District and Third Avenue-Mannix Road Fire Protection District were rendered no longer necessary for purposes of providing taxing jurisdictions for the levying of fire protection taxes as that obligation and function was transferred to B-LFD; and

WHEREAS, as the Best-Luther and Third Avenue-Mannix Road Fire Protection Districts no longer serve a viable purpose for the Town in the provision of fire and emergency services, they may be dissolved.

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush determines that the Proposed Plans of Dissolution of the Best-Luther Fire Protection District and Third Avenue-Mannix Road Fire Protection District be submitted for consideration and Public Hearings on the Proposed Plans of Dissolution be scheduled for October 13, 2021 as required by law;

and be it further

RESOLVED, that the Town Clerk is directed to publish such notices as required by General Municipal Law §776 for Public Hearings on the Proposed Dissolution Plans which are scheduled to be held on October 13, 2021 commencing at 6:30 PM at the Town of East Greenbush Town Hall, 225 Columbia Turnpike Rensselaer, NY 12144

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

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

217-2021 A Resolution Designating the Town of East Greenbush as Lead Agency Pursuant to Part 617 of the State of New York Environmental Quality Review Act (SEQRA) ; Declaring that the Proposed Sewer District Consolidation is a Type II Action Under SEQRA and Authorizing the Supervisor to Execute a Short Environmental Assessment Form (EAF) with Respect to the Proposed Consolidation of Four Sewer Districts and Related to Sewer District Extensions, to wit: General Sewer District; Third Avenue Sewer District; Couse Sewer District; and Hampton Manor Sewer District into One Consolidated Sewer District Subject to the Completion of Proceedings Pursuant to Article 17-A of the General Municipal Law of the State of New York

WHEREAS, the Town of East Greenbush has heretofore established the following four sewer districts and related extensions, to wit: General Sewer District; Third Avenue Sewer District; Couse Sewer District and Hampton Manor Sewer District and the said Town of East Greenbush on behalf of the four existing sewer districts and related sewer district extensions wishes to consolidate the aforementioned four sewer districts and related extensions into the Consolidated General Sewer District, a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17-A of the General Municipal Law of the State of New York: and

WHEREAS, a map, plan and report has been prepared in such manner and in such detail as has heretofore been authorized by the Town Board of the Town of East Greenbush relating to the consolidation of the Town of East Greenbush's aforementioned four sewer districts and related extensions; and

WHEREAS, such map, plan and report was prepared by Delaware Engineering, D.P.C., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Consolidated General Sewer District, the general plan of the Consolidated General Sewer District, and the various expenses to be charged for real property located within the Consolidated General Sewer District; and

WHEREAS, in connection with the consolidation of the aforementioned four sewer districts and related extensions, the Town of East Greenbush will need to review the environmental impacts, if any, associated with the proposed consolidation and will need to comply with the provisions of the Environmental Conservation Law of the State of New York and the regulations of the State Environmental Quality Review Act, 6 NYCRR Part 617; 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 as the only involved agency be designated as lead agency with respect to the environmental review associated with the consolidation of the four aforementioned sewer districts and related extensions pursuant to Part 617 of the State Environmental Quality Review Act;

and it is further

RESOLVED, that the Town Board of the Town of East Greenbush as lead agency has determined that the consolidation of the four aforementioned sewer districts and related extensions is a Type II Action according to 6 NYCRR Part 617.5(c)(26);

and it is further

RESOLVED, that the Town of East Greenbush supervisor is authorized to sign any and all documents including the Short Environmental Assessment Form (SEAF) associated with the environmental review of the consolidation of the aforementioned four sewer districts and related extensions pursuant to Part 617 of the State Environmental Quality Review Act;

and it is further

RESOLVED, that based on its examination of the SEAF, the criteria set forth in Sections 617.6 and 617.7 of the SEQRA regulations, and such further investigations as the Town Board has deemed appropriate, consent to proceed with the consolidation of the proposed consolidation will not cause a significant adverse impact on the environment, and the Town Board will not require the preparation of an environmental impact statement.

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:

218-2021 A Resolution Authorizing the Acceptance of the Base Percentages, Current Base Percentages, Current Base Proportions, Certificates of Adjusted Base Proportions for East Greenbush Central School District and the Town of East Greenbush for the 2021-22 Year

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of August 11, 2021 and was subsequently presented to the Town Board on August 17, 2021; and

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

East Greenbush Central School District
29 Englewood Ave., East Greenbush, NY 12061

Carey O'Neill, NYS Department of Tax & Finance WA
Harriman Campus, Bldg. 8-A, Albany, NY 12227

Certificates of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 19 RPTL, for the Levy of Taxes on the 2021 Assessment Roll

<u>Homestead Class</u>		<u>Non Homestead Class</u>
66.29239	East Greenbush Central School District	33.70761
65.592	Town of East Greenbush	34.4080

Certificates of Adjusted Base Proportions, Pursuant to Article 19 RPTL, for the Levy of Taxes on the 2021 Assessment Roll

<u>Homestead Class</u>		<u>Non Homestead Class</u>
65.51250	East Greenbush Central School District	34.48750
65.01000	Town of East Greenbush	34.99000

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

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

ADJOURNMENT

Motion to adjourn 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: