



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144
<https://www.eastgreenbush.org>

TOWN BOARD MINUTES October 20, 2021

To view a recording of the full meeting, please visit Town Hall Streams link below:
https://townhallstreams.com/stream.php?location_id=119&id=40472

The following is a summary of the Town Board Meeting as recorded by the Town Clerk.

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

Members of Town Board

| Present | Absent | |
|---------|--------|--|
|---------|--------|--|

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

Communications/Announcements/Reports

Town Board Members provided their individual comments, community-related information, and announcements.

Open Public Privilege

Members of the public were provided an opportunity to address the Town Board.

Resolutions and Proposals by Town Board Members:

239-2021 A Resolution to Approve Special 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 Special Meeting held on September 8, 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 Special Meeting held on September 8, 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: YES |
| Councilor B. Fritz | VOTED: YES |
| Supervisor J. Conway | VOTED: YES |
| Councilor T. Tierney | VOTED: YES |
| Councilor H. Kennedy | VOTED: YES |

240-2021 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 September 15, 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 September 15, 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: YES |
| Councilor B. Fritz | VOTED: YES |
| Supervisor J. Conway | VOTED: YES |
| Councilor T. Tierney | VOTED: YES |
| Councilor H. Kennedy | VOTED: YES |

241-2021 A Resolution Recognizing November, 2021 as “Adoption Awareness Month” and November 20, 2021 as “Adoption Awareness Day”

WHEREAS, each year November is recognized as National Adoption Awareness Month. While all adoption-related issues are important, National Adoption Month is about spreading awareness. It is a month to encourage others to learn about adoption, and to acknowledge the people in this country whose lives have been impacted by adoption. The mission of National Adoption Month is to celebrate the families who have grown through adoption, and to recognize the many children who are still waiting for forever families; and

WHEREAS, in the United States, the first major adoption related effort occurred in 1976 in the state of Massachusetts. Then Governor Michael Dukakis proclaimed the first week of November “Adoption Week”, to promote the need for more adoptive families to care for the large number of children in the foster care system. In 1984 President Ronald Regan made Adoption Week a national event; and

WHEREAS, by 1995 the week had become so widely recognized there were too many events to fit into seven days so President Bill Clinton extended the week-long event into National Adoption Awareness Month, which is what we celebrate today; and

WHEREAS, National Adoption Awareness Day also occurs during National Adoption Awareness Month. Typically held on a Saturday, National Adoption Awareness Day is observed across the country in court hearings where thousands of adoptions are finalized simultaneously; and

WHEREAS, there are an estimated 122,000 children in the United States still waiting in foster care for an adoptive family; and

WHEREAS, the average wait is 4 years for a child in foster care to be adopted; now, therefore, be it

RESOLVED, that the Town Board declares November to be Adoption Awareness Month and November 20, 2021 to be Adoption Awareness Day.

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

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

242-2021 A Resolution Proclaiming October 2021 as Bullying Prevention Month in the Town of East Greenbush

WHEREAS, bullying is physical, verbal, sexual, or emotional harm intimidation intentionally directed at a person or group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and via social media; and

WHEREAS, various researchers have concluded that bullying is the most common form of violence, affecting millions of children and adolescents annually within the United States, including New York state and the town of East Greenbush, who are victims of bullying; and

WHEREAS, students who are victims of bullying are more likely to acquire physical,

emotional, and learning-related problems and often fear such activities as riding the bus, going to school, and attending community activities, all of which can lead to life-long trauma, debilitation, and even suicide; and

WHEREAS, children who witness bullying often feel less secure, more fearful, and intimidated; and

WHEREAS, bullying prevention activities in October include #BlueUp, Make Friends with Someone You Don't Know and Challenge Others to Be Kind, Stand Up for Others, and Start Conversations: Change the Culture;

now, therefore, be it

RESOLVED, that the Town of East Greenbush proclaims October as Bullying Prevention Month;

and be it further

RESOLVED, that residents in East Greenbush are encouraged to engage in awareness and prevention activities so that we can work together to make our community safer and more peaceful for all children and adolescents.

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

243-2021 A Resolution to Adopt the Preliminary Budget for 2022

WHEREAS, the Supervisor submitted the 2022 Tentative Budget to the Town Clerk on September 30, 2021 and the Town Board met on October 4, 2021 so that the Town Clerk could distribute copies of the Tentative Budget to the members of the Town Board; and

WHEREAS, the Town Board has had time to review the Tentative Budget and seek additional information by meeting and asking questions of Town staff, and suggest revisions and additions to the Tentative Budget; and

WHEREAS, based on this review the Tentative Budget has been reviewed to produce the Preliminary Budget that is appended hereto and made a part of this agenda; and

WHEREAS, the 2022 Preliminary Budget will be subject to a public hearing on November 4, 2021 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144; and

WHEREAS, the Town Comptroller asserts the resolution for adopting the 2022 Preliminary Budget will have revenue offset by appropriations and use of fund balance; now, therefore, be it

RESOLVED, that the Town Board adopts the 2022 Preliminary Budget as appended hereto and directs the Town Clerk to keep copies in her office for public review and post it on the Town website.

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

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|----------------------|------------|
| Supervisor J. Conway | VOTED: YES |
| Councilor T. Tierney | VOTED: YES |

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

244-2021 A Resolution to Approve the Appointment of a Part-time Police Dispatcher

WHEREAS, the Town currently retains the services of Part-time Police Dispatchers in the Emergency Communications Center; and

WHEREAS, this individual currently meets the presumptive, non-competitive qualifications for this title as established by the Rensselaer County Civil Service Commission and whose name is listed and attached hereto; and

WHEREAS, the Town Comptroller confirms that the provisions of this resolution were planned for in the current Budget and will have no material impact on the Town Finances; now, therefore, be it

RESOLVED, that on the recommendation of the Chief of Police, the individuals so listed below, and the same hereby is appointed to the position of Part-time Police Dispatcher, consistent with all terms and conditions as previously set forth by the Town Board, for a term to expire at the Town's next organizational meeting, or otherwise at the pleasure of the Town Board;

Kara Blakeman

and be it further

RESOLVED, that said part-time dispatcher be compensated as set forth in the appropriate Collective Bargaining Agreement.

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

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

245-2021 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 as to form by the Attorney for the Town.

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

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

246-2021 A Resolution Approving the Renewal of the CDPHP Medicare Advantage Plan as One of the Health Insurance Options Offered for Retired Employees

WHEREAS, the Finance Department has worked closely with the Town's Insurance Agent, Amsure, in recent months to collect data and obtain quote information for a CDPHP Medicare Advantage Plan in order to analyze the benefits of a Preferred Provider Organization (hereinafter PPO) Plan; and

WHEREAS, the Town currently offers the CDPHP Medicare Advantage PPO Plan at a monthly premium of \$294.90, and which the Town can renew for the 2022 calendar year with no monthly increase in premium for the third consecutive year; and

WHEREAS, offering the CDPHP Medicare Advantage PPO Plan in 2022 would continue to provide the Town a cost savings and would provide enrollees with the many benefits that are associated solely with PPO Plans, including out of state coverage and the ability to obtain specialized medical services without the need for a referral and/or plan approval; and

WHEREAS, the Town Comptroller confirms that this resolution was adequately budgeted for in the 2022 Preliminary Budget;
now, therefore, be it

RESOLVED, that the Town Board does hereby approve the renewal of the proposed CDPHP Medicare Advantage PPO Plan to the Health Insurance Options offered for Retired Employees.

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

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

247-2021 A Resolution Authorizing the Town to Renew the Annual Contract with Everbridge, Inc. Nixle Alert Notification System

WHEREAS, the Town of East Greenbush implemented the Nixle Alert Notification System in August 2017 and has utilized it since; and

WHEREAS, the system provides simple text message alerts with a link to more detailed information, and the messages can be broadcast on the Town Website as well as social media pages. The system also allows for reverse 9-1-1 calls for landline phones in the event of a State of Emergency in the Town; and

WHEREAS, the Town most commonly uses the Nixle alerts to provide residents with information about Snow Emergencies, paving projects, summer camp updates, and other Town events, this September we were able to utilize all of the ways to reach residents during the Water Main Break; and

WHEREAS, Town employees were closely monitoring the Town’s Facebook page while also receiving feedback via emails and phone calls, we were able to modify the alert approach to increase the reach of message by adding in phone calls via the reverse 9-1-1 calls to land lines and cell phone numbers that have been entered by residents; and

WHEREAS, this system has proved to be a valuable resource for reaching residents and continuing the annual contract would be beneficial to the Town and all residents; and

WHEREAS, the annual contract amount of \$5,500.00 has been budgeted for 2022 under the 16804.01 - Data Processing Contractual Expense line; and

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to enter into an agreement with Everbridge, Inc. Nixle Solutions Core Platform system for their alert notification system for the year 2022.

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

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

248-2021 A Resolution to Schedule a Public Hearing for the Approval of a Cable Television Agreement between Spectrum Northeast, LLC and the Town of East Greenbush

WHEREAS, the Town Comptroller confirms that this resolution will not have a material negative 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 on the 10th day of November 2021, at 5:45 p.m., at the Town Hall, 225 Columbia Turnpike, in said Town, regarding granting a cable television franchise agreement by and between the Town of East Greenbush and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications. The purpose of the hearing is to consider a new Franchise Agreement with Spectrum Northeast, LLC and the Town of East Greenbush and which would approve Spectrum Northeast, LLC cable television franchise for fifteen (15) years and shall take effect and be in full force from and after the issuance of a Certificate of Conformation/order of approval by the PSC. The Agreement, if approved by the Town Board, shall not take effect without prior approval of the New York State Public Service Commission. A copy of the Franchise Renewal agreement will be available for public inspection at the Town Clerk’s Office during normal business hours. At such public hearing, all persons will be given the opportunity to be heard. Written and oral statement will be taken at this time. Time limitations may be imposed for each oral statement, if necessary. Interested persons may file comments or objections with the New York State Public Service Commission, Three Empire Plaza, Albany, New York 12223

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

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

249-2021 A Resolution to Appoint Matthew Walsh to the Position of Laborer in the Department of Public Works

WHEREAS, the Department of Public Works has an existing vacancy for the position of Laborer in the Highway Department; and

WHEREAS, the Commissioner of Public Works solicited applications for the position; and

WHEREAS, applications were received and reviewed, and an interview conducted by the Town Supervisor, Commissioner of Public Works, Deputy Commissioner of Public Works, Highway General Foreman, and the Secretary to the Commissioner of Public Works; and

WHEREAS, Matthew Walsh was unanimously selected as the most qualified candidate for the position based on his experience and background; and

WHEREAS, the Town Comptroller has confirmed that this appointment can be funded with the 2021 budget code 5110.1.02;

now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of Matthew Walsh to the position of Laborer in the Department of Public Works, Highway Department, at the rate of \$21.5511 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment will be effective as of 12 October 2021.

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

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

250-2021 A Resolution to Authorize the Town Board Request to act as Lead Agency for the 4 Onderdonk LLC Immanuel Church Major Site Plan (PZD ID 20-18)

WHEREAS, Hart Engineering on behalf of 4 Onderdonk LLC located at 164B Columbia Turnpike Rensselaer NY 12144, has submitted a site plan review application for a project to construct a 10,000 square foot single-story church, parking for two hundred cars, and related site improvements known as “Immanuel Church Site Plan,” located at 4 Onderdonk Avenue and identified on the Town’s Tax Roll as Tax Parcel No. 155.17-16-1 (the “Project”); and

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

WHEREAS, at a meeting duly held on July 14, 2021, the Town Planning Board recommended that the Town Board seek lead agency status in connection with a coordinated review under SEQR of the Project; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of this unlisted action; 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 Project, which is hereby classified as an unlisted action, will require review under the State Environmental Quality Review Act (“SEQRA”);

and be it further

RESOLVED, that the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project;

and be it further

RESOLVED, that the Town Board hereby directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation of the Town Board as lead agency for SEQR review of the Project.

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

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

251-2021 A Resolution to Authorize the Director of Planning and Zoning to Sign a Task Order Agreement with Colliers Engineering and Design to Conduct MS4 Training for Dept. of Public Works Personnel

WHEREAS, the Town of East Greenbush operates a municipal separate storm sewer system (MS4) regulated under the NYSDEC state pollutant discharge elimination system (SPDES) and, in partial fulfillment of the requirements of the Town’s SPDES permit, must conduct training for staff involved in regulated MS4-related duties; and

WHEREAS, Town Dept. of Public Works (DPW) staff are involved with the operation and maintenance of critical elements of the Town’s MS4 program, including Town facilities, catch basins, stormwater ponds, and other stormwater conveyances and, therefore, require training designed to address these duties; and

WHEREAS, Wayne Bonesteel, P.E., of Colliers Engineering and Design (“Colliers”), is a former Rensselaer County Engineer and, in this official capacity, provided similar training to both County public works staff as well as staff from other County municipalities; and

WHEREAS, Mr. Bonesteel’s training, experience, and prior delivery of MS4-related training to public works staff uniquely qualifies himself and his firm, Colliers, to provide MS4 training services to DPW staff; and

WHEREAS, Colliers has submitted a scope of services and budget in accordance with a task order request prepared by the Director of Planning and Zoning, in coordination with the

Commissioner of Public Works, and pursuant to the executed term services agreement between the Town and Colliers; and

WHEREAS, the Town Comptroller confirms that this resolution was included in the MS4 budget and expenses incurred must be charged to 81404 - Storm Sewer CE (MS4 Training – Officials);

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to execute a task order with Colliers to provide the above-described MS4 training services and in accordance with the scope and budget of \$XXXX.XX provided by Colliers and the aforementioned executed term services agreement.

Councilor Tierney made the motion to amend the above RESOLVED

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to execute a task order with Colliers to provide the above-described MS4 training services and in accordance with the scope and budget of \$1,480.00 provided by Colliers and the aforementioned executed term services agreement.

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

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

252-2021 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

WHEREAS, this resolution, which was passed at the August 18, 2021 Town Board meeting but, due to a procedural matter, the public hearing scheduled for September 8, 2021 at 6:30 p.m. was unable to be conducted, is re-presented in order to reschedule said public hearing; and

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 LSSSES installations to a maximum of 2.5 acres in size; and

WHEREAS, solar technology, New York State policy, and solar development incentives relating to LSSSES 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, 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 on November 10, 2021 at 6:15 p.m. or by remote means.

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

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

253-2021 A Resolution to Schedule a Public Hearing to Receive Public Input on the Revised Final Draft Gilligan Road Complete Streets Enhancements Feasibility Study

WHEREAS, on June 9, 2021, the Town Board held a public hearing to receive public comment on a first draft of the Gilligan Road Complete Streets Enhancements Feasibility Study (the “Study”); and

WHEREAS, at the aforementioned public hearing a number of favorable comments from those in attendance were received; and

WHEREAS, among the comments received were from representatives of the East Greenbush Central School District, which owns the Goff Middle School property and is a key landowner, stakeholder, and partner, and it was decided that additional technical discussion and stakeholder engagement with the District was needed to finalize the Study; and

WHEREAS, since June 9, 2021, several meetings were held between Town and District officials and consultants, including a presentation to the District’s BRAC, and the Town’s Planning and Zoning Department and consultant on this project, GPI, are in the process of making final revisions to the concept alignment, technical specifications, and Study which incorporate items discussed and decisions made during these meetings; and

WHEREAS, the Town Board desires to hold a second public hearing to receive public input on the final draft Study, which is currently being revised; 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 schedules a Public Hearing to receive public input on the draft Gilligan Road Complete Streets Enhancements Feasibility Study to be held at the East Greenbush Town Hall, 225 Columbia Turnpike Rensselaer, NY 12144 on November 10, 2021, at 6:00 p.m., or by remote means, and directs the Town Clerk to publish and post notice of such hearing;

and be it further

RESOLVED, that the revised final draft of the Study must be provided to the Town Board and posted on the Town's website by 4:30 pm on Friday, October 29, 2021.

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

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

254-2021 A Resolution to Authorize the Director of Planning and Zoning to Sign a Task Order Agreement with Colliers Engineering and Design to Conduct MS4 Training for Planning Board Members

WHEREAS, the Town of East Greenbush operates a municipal separate storm sewer system (MS4) regulated under the NYSDEC state pollutant discharge elimination system (SPDES) and, in partial fulfillment of the requirements of the Town's SPDES permit, must conduct training for staff involved in regulated MS4-related duties; and

WHEREAS, members of the Town's Planning Board, in their role reviewing land development application proposals, perform a unique role in the administration of the Town's MS4 program and help make important decisions about the design of projects that will become part of the Town's MS4 and, therefore, require training designed to address these duties (the "training services"); and

WHEREAS, in accordance with the Town's Comprehensive Zoning Law as well as NYS law, Planning Board members must receive a certain number of hours of training each year; and

WHEREAS, the Director of Planning and Zoning, in coordination with members of the Planning Board, issued a task order request to the list of seven pre-qualified consulting firms ("mini-bid") seeking training services, to be provided under the term services agreement executed with each firm; and

WHEREAS, the Town received five (5) negative responses from the pre-qualified firms and one (1) positive response, negative responses indicating that firms are not interested in the opportunity and positive responses indicating interest in the opportunity and provision of a scope and budget; and

WHEREAS, Colliers Engineering and Design submitted the only positive response, including a scope of services and budget, and Wayne Bonesteel, P.E., whom Colliers proposes to provide the training services, is qualified to provide the training services based on prior service to the County as County Engineer and the County’s MS4 program, as well as having provided town-designated engineer services to towns, including to planning boards; and

WHEREAS, the Town Comptroller confirms that this resolution was included in the MS4 budget and expenses incurred must be charged to 81404 - Storm Sewer CE (MS4 Training – Officials);

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to execute a task order with Colliers to provide the above-described MS4 training services and in accordance with the scope and budget of \$XXXX.XX provided by Colliers and the aforementioned executed term services agreement.

Councilor Tierney made the motion to amend the above RESOLVED

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to execute a task order with Colliers to provide the above-described MS4 training services and in accordance with the scope and budget of \$1,480.00 provided by Colliers and the aforementioned executed term services agreement.

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

255-2021 A Resolution Amending Resolution 95-2021 Regarding Paving of Lakeview Avenue

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 Rensselaer County bid for Conventional Asphalt Paving was awarded on March 9, 2021 until December 31st, 2021, and the results of the bid were made available to all municipalities and school districts in the State of New York, and

WHEREAS, Resolution 95-2021 authorized the expenditure of \$15,000.00 to install a hot mix asphalt overlay on Lakeview Avenue as a restoration measure after the replacement of the water main at that location; and

WHEREAS, the Commissioner of Public Works has reviewed the project with Evolution Paving, a contractor available to perform the work based on the results of the Rensselaer County bid for Conventional Asphalt Paving, and has determined that Lakeview Avenue needs to be milled and profiled prior to paving to maintain the current elevation and for proper drainage; and

WHEREAS, the Commissioner of Public Works states that the estimates for the paving plus the additional work will not exceed \$32,000.00; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a \$17,000.00 impact in budget line 83204.03.04.60;

now, therefore, be it

RESOLVED, that Resolution 95-2021 is amended as follows:

As reads: Lakeview Avenue (Water Project) Overlay \$15,000

Amended to read: Lakeview Avenue (Water Project) Mill and Overlay \$32,000

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

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

256-2021 A Resolution to Authorize the Refund of the Filing Fee for the Small Claims Assessment Hearing

WHEREAS, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 13, 2021 and was subsequently presented to the Town Board on October 20, 2021; and

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

WHEREAS, the award may not exceed THIRTY DOLLARS, (\$30.00) and the Comptroller is directed to issue the refund in the amount of \$30.00 to the persons appearing below; and

WHEREAS, the Town Comptroller has confirmed that this resolution can be funded by Account A.1355.4;

now, therefore, be it

RESOLVED, that the Town of East Greenbush will refund \$30.00 to the following Petitioners:

Robert & Ute Lindberg
14 Rockefeller Blvd. Rensselaer, NY 12144

Michelle Slovak
1470 Best Rd., East Greenbush, NY 12106

Kevin Prockup
11 Country Ln., East Greenbush, NY 12061

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

| | |
|----------------------|------------|
| Supervisor J. Conway | VOTED: YES |
| Councilor R. Matters | VOTED: YES |
| Councilor T. Tierney | VOTED: YES |

Councilor H. Kennedy
Councilor B. Fritz

VOTED: YES
VOTED: YES

257-2021 A Resolution to Appoint Members to the Zoning Law and Subdivision Regulations Update Steering Committee

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 13, 2021 and was subsequently presented to the Town Board on October 21, 2021; and

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 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 members:

Jeffrey Pangburn;
Matthew Mastin;
Jack Conway;

and be it further

RESOLVED, that Jeffrey Pangburn and Matthew Mastin be compensated at the rate of \$80.00 per meeting for attendance on this committee;

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.

Councilor Tierney made the motion to change the above WHEREAS

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 13, 2021 and was subsequently presented to the Town Board on October 20, 2021; and

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

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

258-2021 A Resolution to Schedule a Special Meeting for October 27, 2021

WHEREAS, this resolution was not able to be submitted in time to be considered at the Regularly scheduled pre-board meeting of October 13, 2021 and was subsequently presented to the Town Board on October, 20, 2021; and

WHEREAS, the Town Board wishes to hold an executive session to consult with its Labor Attorney and Attorney to the Town prior to commencing negotiations on two new Union contracts; and

WHEREAS, the Town Board has already scheduled two public hearings for the evening of October 27 so the members are already gathered; 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 October 27, 2021 at 6:30 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush and/or by virtual means to conduct an executive session to discuss Union contract negotiations and any other business that may be brought to the Board's attention.

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

ADJOURNMENT – 8:01 PM

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

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

DRAFT