



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MINUTES May 18, 2022

To view a recording of the full meeting, please visit Town Hall Streams or Facebook link below:

[https://townhallstreams.com/stream.php?location\\_id=119&id=45545](https://townhallstreams.com/stream.php?location_id=119&id=45545)

<https://www.facebook.com/TownofEG/videos/316876013929381>

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

Supervisor J. Conway  
Councilor T. Tierney  
Councilor H. Kennedy  
Councilor B Fritz  
Councilor E. Nestler

### Communications/Announcements/Reports

Town Board members, as well as the Town Clerk, provided their individual comments, community-related information, and announcements.

### Open Public Privilege:

Theresa Zubretsky, Community Engagement Coordinator, Capital District Tobacco-Free Communities, extended thanks to the Town Board for their efforts and support on this proposal.

**Resolutions and Proposals by Town Board Members:**

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**117-2022 A Resolution to Approve the Special Joint 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**, a Special Joint Meeting of the Town Board and the Zoning Update Steering Committee was held on April 19, 2022 to consider the future of Columbia Turnpike; and

**WHEREAS**, that the minutes of the Special Joint Meeting Minutes held on April 19, 2022 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 Joint Meeting held on April 19, 2022 are hereby approved as submitted.

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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**118-2022 A Resolution to Approve Town Board Meeting Minutes**

**WHEREAS**, the minutes of the 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 Town Board Meeting held on April 20, 2022 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 Town Board Meeting held on April 20, 2022 are hereby approved as submitted.

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

Councilor E. Nestler	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

**119-2022 A Resolution to Recognize the East Greenbush Central School District for its Award for the Number One School District in the “Best of the Capital Region”**

**WHEREAS**, the East Greenbush Central School District includes seven schools, including five elementary schools, one middle school and one high school; and

**WHEREAS**, the District demonstrates high marks such as a 98% graduation rate, shows growth in Reading and Math on Mid-year assessments, and 22 of Columbia’s varsity Athletic Programs had an average GPA of 90% or better in 2020-21; and

**WHEREAS**, the District has demonstrated excellence in Arts in Education including Goff artwork exhibited at Empire State Plaza and stellar performance by the Columbia High School Players; and

**WHEREAS**, the District has positive relationships with family and a fiercely loyal community; including the students participating in community donations of products and goods for a number of local and international charities; and

**WHEREAS**, the student athletes have won 44 sectional titles and 6 state championships, 8 NYSPHSAA Sportsmanship Awards since 2013; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes the championship distinction given to the East Greenbush Central School District and congratulates the District on winning First Place in the category of Best School District in the Capital District awarded by the Times Union 2022 Best of the Capital Region.

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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**120-2022 A Resolution Honoring the Accomplishments of the Columbia High School Science Olympiad Team and the Goff Middle School Science Olympiad Team**

**WHEREAS**, a science education is integral to the high school curriculum and helps prepare students for the challenges of the 21st century; and

**WHEREAS**, the Columbia High School Science Olympiad Team won the Capital District Regional Science Olympiad Championship in February 2022. In a field of 17 teams from 13 high schools, Columbia’s varsity team won the tournament, earning 22 medals in 23 events; and

**WHEREAS**, the victory marks Columbia’s 28th regional championship in the last 29 competitions and the varsity team advanced to the State Championships held at Le Moyne College in March 2022; and

**WHEREAS**, the Columbia High School Science Olympiad Team won five medals and placed 12<sup>th</sup> at the New York State Science Olympiad Championship; and

**WHEREAS**, the Goff Middle School Science Olympiad team won nine medals at the Capital District Regional Science Olympiad Championship in February 2022, placing second in the regional competition; and

**WHEREAS**, The Goff Middle School Science Olympiad team placed 3rd overall at the New York State Finals held in Syracuse during April 2022 earning medals in 16 out of the 23 events, half of which were in the top 5 in the state; and

**WHEREAS**, the team is comprised of the following team members:

- 9<sup>th</sup> graders: Ariana Baptista, Shreeya Gillela, Joscelyn Huestis, Alyssa Sentz, Umaiza Shah and Sophia Xiao
- 8<sup>th</sup> graders: FNU Abhinav, Ryan Ecker, Piper Gentile, Lilliana Larson, Manyatta Madan, Logan Messina, Jay Meyyan, Kyrialis Rivera Cabrera and Hayaa Shah
- 7<sup>th</sup> graders: Snehaa Gopinath and Lyla Maguffin

**WHEREAS**, the coaching staff is Head Coach Donnamarie Vlieg, and Assistant Coaches John Cirincione, Zach Hutson and Jillian Campos;

now therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes the pride of our entire community and honors the Columbia High School Science Olympiad Team and the Goff Middle School Science Olympiad team for their accomplishments in the National Science Olympiad Championship.

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: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

Town Board commended Goff Middle School Science Olympiad Head Coach, Donnamarie Vlieg, who was present, along with several team members.

#### **121-2022 A Resolution to Correct the Term of Office for Mary Farnan-Dugan on the Board of Assessment Review**

**WHEREAS**, State Law requires that each unit of local government must have a Board of Assessment Review, which shall consist of not less than three or more than five members; and

**WHEREAS**, the Board of Assessment Review is essential to the public process of determining the outcome of resident appeals on the assessed value of their homes; and

**WHEREAS**, the Board of Assessment Review is appointed by the Town Board to serve as an independent decision-making body so that residents may receive a fair hearing on appeals to have their assessments adjusted; and

**WHEREAS**, Mary Farnan-Dugan was appointed to the Board of Assessment Review with Resolution 103-2022 but that resolution listed an incorrect end date for Ms. Farnan-Dugan's term; 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 hereby corrects the end date for Mary Farnan-Dugan on the Board of Assessment Review so that her term expires on September 30, 2026.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

**122-2022 A Resolution to Correct the Term of Office for John Battle on the Board of Assessment Review**

**WHEREAS**, State Law requires that each unit of local government must have a Board of Assessment Review, which shall consist of not less than three or more than five members; and

**WHEREAS**, the Board of Assessment Review is essential to the public process of determining the outcome of resident appeals on the assessed value of their homes; and

**WHEREAS**, the Board of Assessment Review is appointed by the Town Board to serve as an independent decision-making body so that residents may receive a fair hearing on appeals to have their assessments adjusted; and

**WHEREAS**, John Battle was appointed to the Board of Assessment Review with Resolution 114-2022 but that resolution listed an incorrect end date for Mr. Battle's term; 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 hereby corrects the end date for John Battle on the Board of Assessment Review so that his term expires on September 30, 2022.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

**123-2022 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 2017 Ford Explorer VIN 1FM5KAR9HGA04283 (TownID#302)

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

**WHEREAS**, the Town Comptroller has determined that this resolution will not have a material impact on Town 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 and hereby is 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 Nestler and seconded by Councilor Tierney and brought to a vote resulting as follows:

Councilor E. Nestler	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

**124-2022 A Resolution to Approve American Recovery Plan Act (ARPA) Funding for the Purchase of One Police Patrol Vehicle**

**WHEREAS**, the Town Board authorized the Chief of Police to purchase one (1) new 2022 Ford Police Interceptor Utility Vehicle from Beyer Ford LLC at a price set under Westchester County Contract #RFB-WC-19023; and

**WHEREAS**, the Town Comptroller for Resolution acknowledged that the funding for the car in the amount of \$48,118.75 was “to be determined”; and

**WHEREAS**, the 2022 Ford Police Interceptor Utility Vehicle has now arrived so the funding source for the vehicle must be identified before the purchase requisition can be completed and the invoice for the car paid; and

**WHEREAS**, this purchase is an eligible expense under the American Recovery Plan Act (ARPA) as determined by the Town Supervisor (Chief Financial Officer) and Town Comptroller; and

**WHEREAS**, the Town Comptroller has identified account code 51324.03.04.107 ARPA Police Equipment CE offset by revenue code 3089.03.000.107 ARPA Police Equipment funded by ARPA funds charged to 691.01 Deferred Inflows; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the use of American Recovery Plan Act (ARPA) funds to pay for the 2022 Ford Police Interceptor Utility Vehicle from Beyer Ford LLC with a price set under Westchester County Contract #RFB-WC-19023.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

**125-2022 A Resolution to Approve the Appointment of Part-Time Police Dispatcher Jason LaFountain**

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

**WHEREAS**, these individuals currently meet the presumptive, non-competitive qualifications for this title as established by the Rensselaer County Civil Service Commission and whose names are 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, Jason LaFountain is hereby 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, and be it further

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

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

Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

**126-2022 A Resolution to Approve the Appointment of Summer Camp Staff to the Community and Recreation Department**

**WHEREAS**, the Community and Recreation Department advertised for summer camp staff, accepted applications and conducted interviews before deciding to submit the names below to the Town Board; and

**WHEREAS**, the Town Comptroller confirms that this proposed Town Board action has been planned for in the 2022 Budget and will have no material impact to the Town's finances; now, therefore, be it

**RESOLVED**, that the candidates listed below are appointed to serve as Summer Camp Staff for the 2022 season.

Evan Albert	Counselor	\$13.25/hr
Lauren Angelo	Counselor	\$13.25/hr
Max Armando	Counselor	\$13.25/hr
Sara Barno	Counselor	\$13.25/hr
Matthew Beattie	Counselor	\$13.25/hr
Anthony Bisson	Counselor	\$13.25/hr
Ryan Blake	Counselor	\$13.25/hr
Jessica Borst	Counselor	\$13.25/hr
Lucas Church	Counselor	\$13.25/hr
Luke Cioffi	Counselor	\$13.25/hr
Morgan Donnelly	Counselor	\$13.25/hr
Patrick Donnelly	Counselor	\$13.25/hr
Cole Durivage	Counselor	\$13.25/hr
Natalie Fass	Counselor	\$13.25/hr

Joseph Fredericks	Counselor	\$13.25/hr
Julia Harbour	Counselor	\$13.25/hr
Madeline Ingoldsby	Counselor	\$13.25/hr
Jenna Lallier	Counselor	\$13.25/hr
Georgia Mahoney	Counselor	\$13.25/hr
Cameron Mingle	Counselor	\$13.25/hr
Joshua Mosher	Counselor	\$13.25/hr
Kaelyn Pagonis	Counselor	\$13.25/hr
Thomas Rohl	Counselor	\$13.25/hr
Brenna Sambrook	Lifeguard	\$20.00/hr
Gregory Smail	Counselor	\$13.25/hr
Garrett Wagner	Counselor	\$13.25/hr
Emma Walters	Counselor	\$13.25/hr
Peyton Walters	Counselor	\$13.25/hr

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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**127-2022 A Resolution to Establish an Application Fee for the Backflow Prevention Device in the Water and Sewer Department**

**WHEREAS**, the East Greenbush Town Board is responsible for setting fees for the Water and Sewer Departments; and

**WHEREAS**, the Town Board authorized the Commissioner of Public Works to implement the VEPO CrossConnect Software that provides the Town with an automated system to manage and monitor the Town’s commercial backflow device compliance; and

**WHEREAS**, upon implementation of the software it was discovered that the department did not have a fee approved for the application process; and

**WHEREAS**, there are two different types of backflow prevention devices that a commercial account may need to install, a double check valve, which is the most common for lower risk accounts, and a Reduced Pressure Principle Backflow Prevention Device (RPZ) for higher risk accounts such as medical facilities; and

**WHEREAS**, accounts applying for a double check valve device must submit an application to the Town for the Commissioner of Public Works to approve, and a RPZ device requires the application to be submitted to the Town and Rensselaer County for approval; and

**WHEREAS**, the Commissioner of Public Works believes that the Backflow Prevention Device Application fee should be set to \$100.00, similar to the Utility Permit fee that the Department of Public Works charges, and that this fee should be reviewed annually this is a 1 time application fee unless the type of business changes and requires a change in backflow prevention type; 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 Application Fee for Backflow Prevention Device is set to \$100.00 for the Town of East Greenbush.

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

Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

**128-2022 A Resolution Authorizing the Supervisor to Execute a Contract Extension with Colliers Engineering & Design Services (Formerly Known as Maser Consulting) to Perform Engineering and Construction Inspection Services for the Bridge NY Morner Road Culvert Replacement Project PIN#1761.10**

**WHEREAS**, in accordance with Resolutions 72-2020 and 110-2020, the Deputy Supervisor signed the original contract with Colliers Engineering & Design Services (formerly known as Maser Consulting, PA, hereinafter “Colliers”) on July 8<sup>th</sup>, 2020; and

**WHEREAS**, the current contract with Colliers, which included final design, construction administration, and construction inspection, expired on 12-31-2021, and the Morner Road Culvert project was delayed due to the Covid 19 Virus; and

**WHEREAS**, the Town of East Greenbush and Colliers need to extend the current contract to 12-31-2022; and

**WHEREAS**, construction of the project was awarded by resolution # 51-2022 to WM J. Keller Construction Corporation; and

**WHEREAS**, the start date for construction of the project is July 5, 2022 with a completion date projected to be August 31<sup>st</sup>, 2022; and

**WHEREAS**, this contract modification is for a no-cost time extension of the agreement with Colliers, and the cost of the agreement with Colliers, which is being funded by a Bridge-NY grant from New York State, is not anticipated to increase; and

**WHEREAS**, the Town Comptroller believes at this time that this resolution will have no additional material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Town Supervisor to sign a contract extension with Colliers Engineering & Design Services in order to accommodate the construction phase of the Morner Road Bridge NY Culvert Project PIN #1761.10.

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

Councilor E. Nestler	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

**129-2022 A Resolution to Authorize a Public Auction of Surplus Equipment**

**WHEREAS**, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare one 2004 Jeep Liberty,

VIN # 1J4GL48K94W285085 as surplus; and

**WHEREAS**, the above listed equipment was utilized by the Building Department and is not economically repairable; and

**WHEREAS**, the Building Department recently purchased a 2022 Ford F-150 and transferred the surplus vehicle to the Department of Public Works; and

**WHEREAS**, the Department of Public Works and the Police Department are authorized to auction surplus equipment through the Auctions International auction site by Resolution 18-2021 on an annual basis per contract agreement; 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 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 Nestler and seconded by Councilor Tierney and brought to a vote resulting as follows:

Councilor E. Nestler	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

**130-2022 A Resolution to Adopt the Town's 2021-2022 Annual MS4 Report**

**WHEREAS**, the Town of East Greenbush is subject to Municipal Separate Storm Sewer System (MS4) Phase II requirements of SPDES General Permit GP-0-15-003 stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES), for the development and adoption of an Annual Report; and

**WHEREAS**, a copy of the Annual Report has been on file for review at the Town Clerk's Office and the Town of East Greenbush website; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no material financial impact on the Town's finances;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, does hereby adopt of the Town's 2021-2022 Annual Report for Phase II SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4), GP-0-15-003.

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

Councilor E. Nestler	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT

Councilor H. Kennedy  
Councilor B. Fritz

VOTED: YES  
VOTED: YES

**131-2022 A Resolution Setting a Public Hearing Date for a Proposed Local Law Amending the Solar Energy Law to Modify Certain Provisions Relating to Large Scale Solar Energy Systems**

**WHEREAS**, the Town Board of the Town of East Greenbush has (with Resolution 28-2022) adopted a moratorium on the acceptance and review of applications for large scale solar energy system (LSSSES) development as set forth in the Solar Energy Law for the Town of East Greenbush (Local Law 1 of 2017, hereinafter “Solar Energy Law”); and

**WHEREAS**, a draft of the proposed Solar Energy Law amendments was referred to the Planning Board on April 27, 2022 by the Director of Planning and Zoning on behalf of the Town Board; and

**WHEREAS**, the Director of Planning and Zoning has caused the proposed Solar Energy Law amendments to be referred to the Rensselaer County Department of Economic Development and Planning, in accordance with Article 239-m of the NYS General Municipal law, and has initiated a coordinated review of the proposed action in accordance with SEQR; and

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

**RESOLVED**, that the Town Board shall hold a public hearing on a proposed local law to amend certain provisions of the Solar Energy Law, at 5:45 p.m. on June 8, 2022, at the East Greenbush Town Hall located at 225 Columbia Turnpike, Rensselaer, New York;  
and be it further

**RESOLVED**, that any action taken on this local law will be classified as a Type 1 action under SEQRA and that the initiation of the aforementioned SEQR coordinated review is hereby acknowledged.

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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**132-2022 A Resolution Setting a Public Hearing Date for a Proposed Battery Energy Storage Systems Local Law**

**WHEREAS**, the Town Board recognizes that battery energy storage systems (BESS) facilitate the provision of clean, renewable energy that the Town Board intends to accommodate; and

**WHEREAS**, the Town Board finds that there is a need to properly site all types of BESS within the Town to protect residential, business areas, natural resources, and other lands uses, and to preserve the overall character and vision of the Town as set forth in the 2021 Comprehensive Plan; and

**WHEREAS**, the Town Board also finds that there is a corresponding need to promote the effective and efficient use of BESS resources, and that there is an opportunity to consider BESS development regulation conjointly with large scale solar energy system development, which is the subject of a moratorium ([Local Law No. 1 of 2022](#)); and

**WHEREAS**, a draft of the proposed Battery Energy Storage Systems Local Law was referred to the Planning Board on April 27, 2022 by the Director of Planning and Zoning on behalf of the Town Board; and

**WHEREAS**, the Director of Planning and Zoning has referred the proposed Battery Energy Storage Systems Local Law to the Rensselaer County Department of Economic Development and Planning, in accordance with Article 239-m of the NYS General Municipal law, and has initiated a coordinated review of the proposed action in accordance with SEQR; and

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

now, therefore, be it

**RESOLVED**, that the Town Board shall hold a public hearing on the proposed Battery Energy Storage Systems Local Law, at 6:00 p.m. on June 8, 2022, at the East Greenbush Town Hall located at 225 Columbia Turnpike, Rensselaer, New York;

and be it further

**RESOLVED**, that any action taken on this local law will be classified as a Type 1 action under SEQRA and that the initiation of the aforementioned SEQR coordinated review is hereby acknowledged.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

### **133-2022      A Resolution Setting a Public Hearing Date for a Proposed Mobile Food Vending Local Law**

**WHEREAS**, the Town Zoning Board of Appeals (ZBA) recently received an application requesting an interpretation as to whether the use of a food truck is permitted under the Town's Comprehensive Zoning Law as a restaurant use; and

**WHEREAS**, the ZBA issued an interpretation that a food truck is not a restaurant use consistent with the Comprehensive Zoning Law (Appeal No. 2022-01); and

**WHEREAS**, the Town Board finds that food trucks have proliferated in recent years, due in part to consumer demand, that the Town has received interest from multiple proprietors to operate food trucks in the Town, and that there has been significant public interest in the operation of food trucks in Town; and

**WHEREAS**, the Town Board also finds that it is in the best interest of the public health, safety, and welfare that food trucks, or "mobile food vendors," in Town be regulated with regard to proper siting, operations, and other aspects, including addressing potential conflicts with other types of food establishments; and

**WHEREAS**, a draft of the proposed Mobile Food Vending Local Law was referred to the Planning Board on April 27, 2022 by the Director of Planning and Zoning on behalf of the Town Board; and

**WHEREAS**, the Director of Planning and Zoning has referred the proposed Mobile Food Vending Local Law to the Rensselaer County Department of Economic Development and Planning, in accordance with Article 239-m of the NYS General Municipal law, and has initiated a coordinated review of the proposed action in accordance with SEQRA; and

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

now, therefore, be it

**RESOLVED**, that the Town Board shall hold a public hearing on a proposed Mobile Food Vending Local Law, at 6:15 p.m. on June 8, 2022, at the East Greenbush Town Hall located at 225 Columbia Turnpike, Rensselaer, New York;

and be it further

**RESOLVED**, that any action taken on this local law will be classified as a Type 1 action under SEQRA and that the initiation of the aforementioned SEQRA coordinated review is hereby acknowledged.

*Councilor Tierney made the motion to amend the above RESOLVED to now read:*

**RESOLVED**, that the Town Board shall hold a public hearing on a proposed Mobile Food Vending Local Law and the Town Board shall also consider a Pilot program related to the food trucks, at 6:15 p.m. on June 8, 2022, at the East Greenbush Town Hall located at 225 Columbia Turnpike, Rensselaer, New York;

The motion to amend the above 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: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

The amended 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: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

**134-2022      A Resolution to Authorize the Supervisor to Enter Into a One-Year Agreement with Capital EAP for the Provision of an Employees Assistance Program for Town Employees**

**WHEREAS**, the Town of East Greenbush recognizes that the physical, mental and emotional health of its employees is paramount to maintaining a healthy and productive workforce; and

**WHEREAS**, the Town’s Human Resources Manager and Town Supervisor have concluded that an Employee Assistance Program (EAP) is essential to maximize production and provide critical services for employees that are beyond the Town’s ability to provide directly; and

**WHEREAS**, one of the recommendations of the East Greenbush Police Reform and Reinvention Collaborative was to provide this essential service to Police Officers, especially as they deal with the stress of policing and the aftermath of potentially traumatizing experiences; and

**WHEREAS**, providing an Employee Assistance Program is required for the Police Department to maintain its status as an Accredited Police Agency; and

**WHEREAS**, an Employee Assistance Program provides an opportunity to seek professional and confidential help for a wide range of personal issues at no cost to the employee; and

**WHEREAS**, Capital EAP has more than four decades experience in the field, and partners with organization advocates, its institutional executives, human resources professionals and wellness managers to provide a well-rounded menu of services; and

**WHEREAS**, this menu of services includes Health and Wellness programs, Work-Life Balance Counseling, Crisis Services, Employer and HR Assistance, and Education and Training; and

**WHEREAS**, Capital EAP provides these services at the cost of \$28.00 per employee which is a lower rate than any other program we researched; and

**WHEREAS**, the Town currently has ninety-six (96) full-time employees; with potential additions to department rosters the Town would seek to enter this agreement with the thought of funding this program for up to one hundred (100) full-time employees, bringing the total cost to \$2,800.00; and

**WHEREAS**, the Town Comptroller confirms this resolution can be charged to account 90608.01.08 Medical Insurance CE;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to enter into a one-year agreement with Capital EAP for the provision of an Employee Assistance Program at a cost not to exceed \$2,800.00.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

**135-2022      A Resolution to Adopt Local Law #2 of 2022 Prohibiting Smoking, Vaping and the Use of Smokeless Tobacco in All Town Facilities and on All Town Properties**

**WHEREAS**, it has been proven that the public health is preserved and improved by improving the air quality and environmental quality in public areas owned by the Town of East Greenbush; and

**WHEREAS**, the secondary effects of smoking, vaping and the use and disposal of smokeless tobacco pose a threat to the health, safety and wellbeing of the Town’s residents and others who use the facilities; and

**WHEREAS**, a prohibition of these activities will eliminate exposure to second-hand tobacco smoke, cannabis smoke, and the byproducts of smokeless tobacco; and

**WHEREAS**, a public hearing was conducted on May 11, 2022 at East Greenbush Town Hall and all interested parties were heard; 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 hereby adopts Local Law #2 of 2022 prohibiting smoking, vaping and the use of smokeless tobacco in all Town Facilities and on all Town Properties.

This 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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**136-2022 A Resolution to Report Standard Work Day for Certain Employees**

**WHEREAS**, the NYS Comptroller has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System; and

**WHEREAS**, anyone not participating in the Town’s time keeping system has prepared and submitted a log of their work-related activities for three consecutive months; and

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

now, therefore, be it

**RESOLVED**, that the Town of East Greenbush hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activity maintained and submitted by these officials to the clerk of this body.

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer’s Time Keeping System	Not Submitted	Days/Month (based on Record of Activities)
<b>Elected Officials</b>						
Town Board Member	Edward W Nestler Jr	6	01/01/2022 - 12/31/2025	N		3.97

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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT

Councilor T. Tierney  
Councilor E. Nestler

VOTED: YES  
VOTED: YES

**137-2022 A Resolution Authorizing the Commissioner of Public Works to Sign a Task Order with Stantec Engineering Services to Perform Engineering Services to Convert Lakeshore Drive into a One Way Road with a Walking Path and Other Improvements to the Hampton Manor Park**

**WHEREAS**, in accordance with recommendations outlined in the Lakeshore Drive Complete Streets Traffic Study (the “Study”), prepared with assistance from Stantec Consulting Services, adopted by the Town Board August 18, 2021 (Resolution 210-2021), the Commissioner of Public Works is requesting to convert Lakeshore Drive into a One Way Road by installing a walking path and new signage, as set forth in the aforementioned Study; and

**WHEREAS**, the Commissioner of Public Works is recommending that, along with the Lakeshore Drive enhancements, the Town also make certain improvements, as set forth below, to the Hampton Manor Park to leverage efficiencies in the design and construction processes of the enhanced multi-modal accessibility and potential for increased traffic to and activity at Hampton Manor Park; and

**WHEREAS**, the Commissioner of Public Works recommends that these improvements would consist of resurfacing the asphalt for the Basketball Court along with eliminating the Tennis Courts and turning them into 2 Pickle Ball courts with new fencing surrounding the courts and new fencing at the entrance to the park; and

**WHEREAS**, Stantec Engineering Services is one of the Town Designated Engineers, and under the Terms and Services Agreement approved by the Town Board on July 17, 2019 (resolution 147 of 2019), the Town would procure design services for the Lakeshore Drive enhancements and Hampton Manor Park Improvements under this contract; and

**WHEREAS**, for the Lakeshore Drive enhancements, Stantec Engineering Services would create a mapping plan of road signage and striping needed to create the walking path; and for the Hampton Manor Park Improvements, Stantec Engineering Services would provide design plans and specifications for the Hampton Manor Park Improvements (collectively, “the Project”); and

**WHEREAS**, after holding a public hearing on June 9, 2021, the Town Board adopted the Lakeshore Drive Complete Streets Traffic Study, which was developed with stakeholder input from Emergency Services, East Greenbush Central School District, Department of Public Works, Planning and Zoning Department, Town Supervisor and Town residents; and

**WHEREAS**, Stantec Engineering Services has submitted a cost proposal for design services for the Project of \$34,500.00; and

**WHEREAS**, this resolution would be funded through the Town’s General Fund A917; and

**WHEREAS**, the Town Comptroller believes at this time that this resolution will have a material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to sign a Task Order in accordance with the previously approved Term Services Agreement with Stantec Engineering Services at a price not to exceed \$34,500.00 for the Hampton Manor Park and One Way conversion Project.



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: ABSENT
Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

**138-2022 A Resolution Accepting the Resignation of Police Intern Cole Daniels**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of May 11, 2022 and was subsequently presented to the Town Board on May 17, 2022

**WHEREAS**, Part-time Police Intern Cole Daniels, has been offered and accepted a full time position with IBEW, Electrical Workers, and will no longer be able to work at his intern position, and

**WHEREAS**, this Board extends its thanks to Cole Daniels for his service to the Town; and

**WHEREAS**, the Town Comptroller has certified that the provisions of this resolution will have no adverse impacts on the Town Finances; now therefore be it

**RESOLVED**, that the resignation of Cole Daniels, effective May 18, 2022, is hereby accepted.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

**139-2022 A Resolution Celebrating the 30<sup>th</sup> Anniversary of Columbia Tae Kwon Do in the Town of East Greenbush**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of May 11, 2022 and was subsequently presented to the Town Board on May 18, 2022

**WHEREAS**, Columbia Tae Kwon Do opened at 370 Columbia in East Greenbush in 1992 and was founded by Tae Yun; and

**WHEREAS**, in the years that followed the founding of Columbia Tae Kwon Do, the business has provided physical, mental, and spiritual training for people of all ages, genders, and abilities; and

**WHEREAS**, Columbia Tae Kwon Do has continuously provided exceptional service to children and adults alike and is recognized as a premiere martial arts fitness and child development program; and

**WHEREAS**, today, the business has both paid employees and volunteers and has served thousands of students including over 1,300 Black Belt students; and

**WHEREAS**, Columbia Tae Kwon Do could not have set the standard for exemplary care without their world class employees and their shared dedication to excellence;  
now therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush recognizes the positive impact Columbia Tae Kwon Do has had on the Town of East Greenbush for the past 30 years, as congratulates them on their 30<sup>th</sup> anniversary.

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

#### **ADJOURNMENT**

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

Councilor T. Tierney	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor E. Nestler	VOTED: YES

Respectfully submitted,

Ellen Pangburn  
East Greenbush Town Clerk