



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING January 11, 2023

Call to Order 6:00 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

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

Presentation:

Schedule of Meeting:

01-2023 A Resolution to Approve the 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, a Special Meeting of the Town Board was held on December 14, 2022; and

WHEREAS, that the minutes of the Special Meeting Minutes held on December 14, 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 Meeting held on December 14, 2022 are hereby approved as submitted.

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

02-2023 A Resolution to Approve 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 December 21, 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 December 21, 2022 are hereby approved as submitted.

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

03-2023 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 Town's 2023 Organizational Meeting held on January 3, 2023 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's 2023 Organizational Meeting held on January 3, 2023 are hereby approved as submitted.

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:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:

04-2023 A Resolution Honoring Alexander Manning Upon Completion of His Eagle Scout Project Within the East Greenbush Town Park

WHEREAS, Alexander Manning, through his diligence and rigorous efforts, has completed his Eagle Scout project within the East Greenbush Town Park, thus securing scouting's highest and most prestigious rank, Eagle Scout; and

WHEREAS, Boy Scouts of America and its members are dedicated to the development of character and leadership in the youth of this Nation; and

WHEREAS, the highest achievement of leadership in Scouting, earned by approximately five percent of all Boy Scouts, is the distinguished rank of Eagle Scout; and

WHEREAS, this outstanding young man has been involved in Scouting for many years, has lived up to Scouting's ideals and has attained all necessary achievements, including completion of a community service project, which was successfully planned, developed and executed; and

WHEREAS, for his project, Alexander Manning successfully repaired trails and markings along the trails at the East Greenbush Town Park; and

WHEREAS, Alexander Manning also built a kiosk to identify the trails within the East Greenbush Town Park; and

WHEREAS, his dedication to the safety, well-being and health of the citizens of East Greenbush is represented through his project and demonstrates his devotion to both community and commitment to others; and

WHEREAS, Alexander Manning's perseverance in rising through the ranks to Eagle Scout is a strong indication of his ability to master difficult tasks; his accomplishment will enable him to emerge as a leader, fully equipped to meet the challenges of today's complex society; and

WHEREAS, this new Eagle Scout is a credit to his family, his school, his community, his State and his Nation, and no doubt his future will be filled with accomplishments of equal importance;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush is proud to award this proclamation to Alexander Manning, for his excellent work and commitment to this project and congratulates and honors Alexander Manning on successfully completing his Eagle Scout project;

and be it further

RESOLVED, that a copy of this proclamation be presented to or transmitted to Alexander Manning.

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

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

05-2023 A Resolution to Recognize February as AFRICAN AMERICAN HISTORY MONTH in the Town of East Greenbush

WHEREAS, in 1926 the Association for the Study of Negro Life and History announced that the second week of February would be ‘Negro History Week’ because it coincided with the birthdays of Abraham Lincoln (February 12) and Frederick Douglass (February 14); and

WHEREAS, with the Civil Rights movement and a growing awareness of black identity fostered by the work of our Civil Rights pioneers; and

WHEREAS, from these origins the celebration of the contributions of African Americans to American society increased on an annual basis leading the Black United Students at Kent State University to propose in 1969 that the celebration be expanded to encompass the entire month of February, a proposal that was implemented at Kent State in 1970; and

WHEREAS, within six years Black History Month was being celebrated in educational institutions and community centers all over the country; and

WHEREAS, President Gerald Ford officially recognized Black History Month during the celebration of the United States Bicentennial in 1976 urging his fellow Americans to “seize the opportunity to honor the too-often neglected accomplishments of black Americans in every area of endeavor throughout our history;” and

WHEREAS, the month-long celebration, now known as African American History Month, has been officially recognized at the Federal, State and Local levels of government; and

WHEREAS, the contributions of African Americans from all walks of life and their endeavors to learn, thrive and contribute throughout history makes it imperative that we recognize the unforgettable marks made by African American artists, scientists, educators, business people, influential thinkers, members of the faith community, athletes, and political and governmental leaders who have contributed so much to the greatness of America;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush recognizes February, 2023 as African American History Month in the Town of East Greenbush, and encourages everyone to acknowledge and learn about the contributions of African Americans to our Town, State and Nation;

and be it further

RESOLVED, that the Town Board dedicates African American History Month to the memory of Edmonia Lewis, a 19th century Greenbush native and a woman who struggled with racial and gender discrimination to go on to become a world famous sculptor.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

06-2023 A Resolution Recognizing February 3, 2023 as National GO RED FOR WOMEN DAY in the Town of East Greenbush

WHEREAS, the Town Board of the Town of East Greenbush seeks to continue to recognize and support National Go Red For Women Day in support of women’s heart health; and

WHEREAS, the Go Red for Women campaign is designed to advocate for more research and swifter action for women’s heart health issues; By wearing red and donating to this campaign we help support educational programs to increase women’s awareness and critical research to discover new scientific knowledge about cardiovascular health;

now, therefore, be it

RESOLVED, that The Town Board of the Town of East Greenbush hereby officially recognizes February 3, 2023 as National Go Red for Women Day in the Town of East Greenbush

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

07-2023 A Resolution Approving the Renewal of Membership Fees for the New York State Recreation and Park Society

WHEREAS, the Town Board of the Town of East Greenbush seeks to continue having a representative of the Community & Recreation Department as a member of the New York State Recreation and Park Society; and

WHEREAS, the New York State Recreation and Park Society connects Parks and Recreation professionals across the state as it seeks to further the advancement of recreational opportunities for all New Yorkers; and

WHEREAS, the Town Board of the Town of East Greenbush will select the appropriate person to continue representing the Town of East Greenbush in said organization; and

WHEREAS, the membership fee of \$125 will be paid to the New York State Recreation and Park society; 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 Community and Recreation Department file the appropriate paperwork to renew its membership in the New York State Recreation and Park Society.

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 E. Nestler	VOTED:

08-2023 A Resolution Authorizing the Town of East Greenbush to Pay Music Licensing Fees to ASCAP (American Society of Composers, Authors and Publishers)

WHEREAS, the Town of East Greenbush Community and Recreation Department hosts a Music in The Park summer concert series each year; and

WHEREAS, music licensing is required to be obtained by all venues hosting live music, or playing music of any kind that might prevent royalties from being paid to the original artists; and

WHEREAS, the Town of East Greenbush is required to obtain licensing through ASCAP for the Music in the Park series for 2023; 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 authorizes the Town Supervisor to execute the Swank Motion Picture License agreement, and authorize payment not to exceed \$500.00.

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 E. Nestler	VOTED:

09-2023 A Resolution to Accept the Resignation for Purposes of Retirement of David B. Williams

WHEREAS, David Williams has been a valued employee of the Town of East Greenbush since July 3rd, 1986, and has worked in the Highway Department, Water Department, Sewer Department and, most recently, the Parks Department; and

WHEREAS, David Williams has submitted his letter of resignation for purposes of retirement specifying January 27th, 2023 as his last day of work; 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 accepts the resignation for purposes of retirement of David B. Williams;

and be it further

RESOLVED, that the Town Board thanks David B. Williams for his 36 years of service and wishes him the best in all of his future endeavors;

and be it further

RESOLVED, that this resignation for purposes of retirement is effective as of January 28th, 2023.

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

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

10-2023 A Resolution Accepting the Resignation of Scott Roy

WHEREAS, Scott Roy has been an employee of the Town of East Greenbush Department of Public Work since February 19th, 2019; and

WHEREAS, Mr. Roy has submitted a letter of resignation to the Town Board effective January 9th, 2023; and

WHEREAS, the Town Comptroller believes at this time 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 accepts the resignation of Scott Roy effective January 9th, 2023.

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 E. Nestler	VOTED:

11-2023 A Resolution Accepting the Resignation of Mathew R. Middleton

WHEREAS, Mathew R. Middleton has been an employee of the Town of East Greenbush Public Works Department since January 3rd, 2020; and

WHEREAS, Mr. Middleton has submitted a letter of resignation to the Town Board effective January 9th, 2023; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have no material impact on the Town’s finances;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush accepts the resignation of Mathew R. Middleton effective January 9th, 2023.

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 E. Nestler	VOTED:

12-2023 A Resolution Authorizing the Use of American Rescue Plan Act (ARPA) Funds for the Cross Street Pump Station Upgrade Project

WHEREAS, Adirondack Mountain Engineering was awarded the contract for the bid design and construction-phase services to construct the Project at \$158,000 for Tasks 1-6 as identified in RFP 22-06 Cross Street Pump Station Upgrades in Resolution 208-2022; and

WHEREAS, together and jointly, the Town of East Greenbush and City of Rensselaer own and operate a distribution system consisting of a pump station, mains, two (2) 5 MG water tanks, and related infrastructure (the “distribution system”) that, in turn, supplies each municipality’s separate delivery systems; and

WHEREAS, the Cross Street Pump Station is a key element of the distribution system that provides water to both the Town and the City through an inter-municipal agreement with the City of Troy. The Cross Street Pump Station was constructed in 1966 and placed in service in 1968. There are three pumps which currently have variable frequency drives (VFDs) to modulate the speed of the pumps; and

WHEREAS, the costs for this stage of the project are to be split with the City at 50% as the original Inter-Municipal Agreement between the Town and City states Capital Projects shall be divided equally between the two municipalities; and

WHEREAS, the Town of East Greenbush will be the Project Manager and will provide regular updates and monthly invoices to the City of Rensselaer for the cost of the project as per the updated Inter-Municipal Agreement with the City of Rensselaer for the Repairs and Upgrades to the Cross Street Pump Station; and

WHEREAS, the Town would like to utilize the American Rescue Plan Funds (ARPA) for the contract amount approved in Resolution 208-2022 Adirondack Mountain Engineering, P.C. in the amount of \$158,000.00 to provide the needed Bid- and Construction-Phase Services in order to construct the Project; and

WHEREAS, the Town Comptroller has identified account code 51324.03.04.108 ARPA Water CE offset by revenue code 3089.03.000.108 ARPA Water 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 hereby authorizes the use of American Rescue Plan Act (ARPA) funds to pay for the contract with Adirondack Mountain Engineering in the amount of \$158,000.00.

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

13-2023 A Resolution Authorizing the Town of East Greenbush to Solicit Bids for the Hampton Manor Park Improvement Projects

WHEREAS, the Town Board authorized the Commissioner of Public Works to solicit bids for converting Lake Shore Drive into a One Way Road with a Pedestrian Pathway and Effect Improvements to the Basketballs and Tennis Court in Resolution 201-2022; and

WHEREAS, bids were received and were significantly higher than the projected budget. As it was late in the construction season, it was determined that it would be best to re-write the bid and put it out for early spring for completion before summer; and

WHEREAS, the Commissioner and Deputy Commissioner of Public Works are re-writing the bid into two bids that would treat the project as two smaller projects, (1) Convert Lakeshore Drive into a One Way Road with Pedestrian Pathway, and (2) Hampton Manor Park Improvements to the Basketball and Tennis Courts; and

WHEREAS, the Town Comptroller confirms that soliciting bids 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 authorizes the Commissioner of Public Works to solicit bids to (1) Convert Lakeshore Drive into a One Way Road with Pedestrian Pathway, and (2) Undertake Improvements in Hampton Manor Park to the Basketball and Tennis Courts.

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

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

14-2023 A Resolution Acknowledging the Receipt of the Annual Audit and Examination of Records of the Town Justices for the Year Ending December 31, 2022

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his/her records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board; and

WHEREAS, the East Greenbush Town Board directed the Town Comptroller to perform the required audit and examination of the records of the East Greenbush Town Justices for the year ending December 31, 2022; and

WHEREAS, the Town Comptroller has completed his audit of the records of the Town Justices for 2022; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have not have a material impact on the Town’s finances;

now, therefore, be it

RESOLVED that the findings of said audit and examination were presented to and accepted by the Town Board of the Town of East Greenbush.

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:
Councilor B. Fritz	VOTED:
Councilor T. Tierney	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:

15-2023 A Resolution to Adopt Local Law No. 1 of 2023 to Provide for the Codification of the Local Laws, Ordinances and Certain Resolutions of the Town of East Greenbush Into a Municipal Code to be Designated the “Code of East Greenbush”

WHEREAS, a public hearing was held 14th day of December, 2022 by the Town Board of the Town of East Greenbush, notice of which was given as required by the Municipal Home Rule Law, the Open Meetings Law and the Town Law of the State of New York; and

WHEREAS, at said public hearing the Town Board considered the enactment of proposed Local Law No. 1 of 2023, entitled A Local Law to Provide for the Codification of the Local Laws, Ordinances and Certain Resolutions of the Town of East Greenbush Into a Municipal Code to be Designated the “Code of East Greenbush”; and

WHEREAS, all interested persons were given an opportunity to be heard with respect to the enactment of said Local Law; 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 Local Law No. 1 of 2023 be adopted by the Town Board of the Town of East Greenbush.

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

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

16-2023 A Resolution to Re-Schedule a Public Hearing on a Proposal to Reduce the Speed Limit to 25 MPH on Certain Town Roads

WHEREAS, Article 41 of the New York State Vehicle and Traffic Law now allows Suburban Towns to reduce the speed limit on some Town Roads from 30 mph to 25 mph; and

WHEREAS, the Town Board is committed to doing everything within its power to ensure public safety and has received complaints about drivers exceeding the speed limit from nearly every neighborhood in Town; and

WHEREAS, the Town has retained FCM Engineering, PLLC to consider the following variables in making decisions about lowering speed limits: roadway functionality, types of development in the area, the number of access points (including intersections and driveways) on a road, roadway characteristics, pedestrian traffic generators, and current operating speeds; and

WHEREAS, the input of Town residents is crucial to the decision-making process; and
WHEREAS, in order to effect changes a Local Law is being drafted and a Public Hearing must be held so that we can hear from residents; 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 for February 15, 2023 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush to hear comments from the public on a proposal to lower the speed limit to 25 mph on certain Town roads.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

17-2023 A Resolution to Amend the Employee Handbook to Add a Health and Wellness Payment for Non-Union Employees

WHEREAS, Town employees have long enjoyed a Sick Leave incentive that rewards employees who use little or no sick leave; and

WHEREAS, the Covid-19 Pandemic rendered the Sick Leave incentive obsolete in that employers can no longer provide an incentive for people to come to work when they’re not feeling well, a practice which can happen with a formal Sick Leave incentive; and

WHEREAS, the Town Board still wants to promote health and wellness among Town employees; and

WHEREAS, the following language will be added to the Employee Handbook: “An annual Health and Wellness Payment of \$500.00 will be provided to employees upon receipt of documentation that the employee has undergone a complete physical examination with a qualified medical professional. The physical exam must be conducted on the employee’s own time.”; and

WHEREAS, the Town Comptroller confirms that the 2023 Town Budget has projected a non-material financial impact from this change;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby approves an amendment to the Employee Handbook that adds language, as referenced herein, for an annual Health and Wellness Payment of \$500.00 upon submission of documentation for non-Union employees.

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 E. Nestler	VOTED:

ADJOURNMENT

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

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

DRAFT