

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

144-2022 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 May 18, 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 May 18, 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:

145-2022 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 June 1, 2022; and

WHEREAS, that the minutes of the Special Meeting Minutes held on June 1, 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 June 1, 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:
Councilor B. Fritz	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor E. Nestler	VOTED:

146-2022 A Resolution Proclaiming June 2022 as Pride Month in East Greenbush

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

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

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

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

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

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

now, therefore, be it

RESOLVED, on behalf of all residents of East Greenbush, the Town Board of the Town of East Greenbush does hereby proclaim June 2022 as Pride Month in East Greenbush and urges all residents to respect and honor our diverse community, and to celebrate and help build a culture of inclusiveness and acceptance.

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

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

147-2022 A Resolution to Authorize the Comptroller to Upgrade the Enhanced Business Systems Accounting Software

WHEREAS, the Town of East Greenbush recognizes the accounting software is in need of an upgrade; and

WHEREAS, the Town's Comptroller recommended the upgrade of the Enhanced Business Systems Accounting Software currently in use; and

WHEREAS, the Town's 2022 Budget planned for this upgrade of \$3,350 at:

\$2,500 Software Upgrade;

\$750 Enhanced scrub of data;

\$100 for increased licensing annual fee; and

WHEREAS, Enhanced Business Systems has hundreds of municipalities in NY using its accounting software successfully; and

WHEREAS, the Town Comptroller confirms this resolution can be charged to account 13154.01.04 Comptroller CE;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Comptroller to upgrade the Town accounting software with Enhanced Business Systems, at a cost not to exceed \$3,350.00.

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:

148-2022 A Resolution to Authorize the Town Of East Greenbush to Contract with Flock Safety for the Purchase of Five Stationary License Plate Readers

WHEREAS, the Town Board authorized the East Greenbush Police Department to conduct a trial period to test and evaluate Flock Safety Stationary License Plate Readers and at the end of said trial period the police department has concluded that there is a need and necessity for this type of technology, and the stationary license plate readers have been instrumental in solving numerous crimes that may have otherwise gone unsolved without this technology; and

WHEREAS, a quote has been provided by Flock Safety for Five Stationary License Plate Readers for the initial startup sum of \$13,750.00 and then an annual recurring cost of \$12,500.00 after the first year; and

WHEREAS, the Town Board recognizes and supports the efforts of the East Greenbush Police Department and recognizes that this technology will aid in locating missing persons, stolen vehicles, identifying suspects and suspect vehicles, and much more; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material unbudgeted negative impact on the Town's finances charged to Police CE account code 31204.01;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush approves the contract and use of Five Flock Safety Stationary License Plate Readers at an initial startup cost of \$13,750.00 and an annual reoccurring cost of \$12,500.00 after the first year.

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:

149-2022 A Resolution Authorizing the Use of Forfeiture Funds for the Purchase of Two GETAC V110 Rugged Laptops and Two Gamber Johnson Docking Stations

WHEREAS, the Chief of Police has recommended to the Town Board the purchase of two (2) GETAC V110 Rugged Laptops and two (2) Gamber Johnson Docking Stations as necessary equipment that will assist the East Greenbush Police Department in enforcing the Vehicle and Traffic Laws of New York State, in accessing the e-justice portal in the patrol units and in apprehending violators of the laws of the State of New York, all the while helping to make the residents of the Town of East Greenbush safer; and

WHEREAS, the Town Board agrees with the Chief of Police that these are important factors in realizing its commitment to public safety in the Town of East Greenbush; and

WHEREAS, the Town of East Greenbush requested a quote through its contracted Information Technology (IT) vendor, Diagnostic Services & Installations, LLC. for two (2) GETAC Rugged Laptops and two (2) Gamber Johnson Docking Stations; and

WHEREAS, quote #4066 was submitted by Diagnostic Services & Installation, LLC. in the amount of \$11,616.00; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$11,616 from police forfeiture 2626.01;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the expenditure of \$11,616.00 to purchase two (2) Laptops and two (2) Docking Stations as described above.

This 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:

150-2022 A Resolution to Appoint Temporary Seasonal Laborers in the Department of Public Works

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

WHEREAS, the Public Works Commissioner has selected two individuals based on their prior experience with seasonal positions and demonstrated potential; and

WHEREAS, William Clum has had prior experience working with the Town of East Greenbush and has demonstrated the ability to work independently and efficiently; and

WHEREAS, Jack Romer has had prior experience mowing as a Seasonal Laborer in the Parks Department and will be assigned to the Sewer Department; and

WHEREAS, the Town Comptroller has confirmed that these appointments can be funded with the 2022 Parks Budget Line 71104.01 and 2022 Sewer Budget Line 81201.07; now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of William Clum, effective July 5th, 2022 and Jack Romer, effective June 16th, 2022 in the Department of Public Works at the rate of \$13.50 per hour with no benefits. All appointments will be ended not later than October 15th, 2022 as per the CSEA Collective Bargaining Agreement.

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

151-2022 A Resolution Authorizing the Director of Finance to Sign a One Year Contract Extension with County Waste & Recycling of Clifton Park for Hauling and Disposal of Cake Sludge from the Waste Water Treatment Plant

WHEREAS, the Town received bids for the hauling and disposal of cake sludge from the Waste Water Treatment Plant in December of 2019; and

WHEREAS, the lowest responsible bidder was County Waste & Recycling of Clifton Park, NY at \$130.00 per ton; and

WHEREAS, the Town of East Greenbush passed resolution 17-2020 awarding County Waste & Recycling of Clifton Park the Hauling and Disposal of Cake Sludge from the Waste Water Treatment Plant; and

WHEREAS, the Town has seen a drastic increase in supplies and materials due to the rising fuel costs and other inflationary issues; and

WHEREAS, the Town has already experienced an increase in solid waste tipping charges associated with the Transfer Station; and

WHEREAS, County Waste & Recycling of Clifton Park will need to increase the tonnage charge to \$162.00 per ton to perform the same service that the Town currently receives; and

WHEREAS, on page 23, section 5, letter C of the bid document states that the contract may be renewed on an annual basis up to five years; and

WHEREAS, the extension letter has a term from July 1st, 2022 to June 30th, 2023; and

WHEREAS, the Commissioner of Public Works is recommending that the Town Board authorize the Director of Finance to sign the extension letter for the one year term; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a major material impact on the Town's finances from account 81304.07;
now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Finance to sign a contract extension with County Waste & Recycling of Clifton Park for the one year term ending on June 30th, 2023.

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

152-2022 A Resolution to Settle a Tax Certiorari Case With Regal Cinemas/Rensselaer County Plaza Association

WHEREAS, Regal Cinemas/Rensselaer County Plaza Association and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Regal Cinemas/Rensselaer County Plaza Association in the Town of East Greenbush; and

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

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

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on this year’s budget but will have an impact included in the 2023 Town Budget; and

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

now, therefore be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2021 tax certiorari proceeding filed by Regal Cinemas/Rensselaer County Plaza Association in which the 2021 assessed value of the subject property shall remain the same and the 2022 assessment will be set as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>2022 Assessed Value</u>
2022	144.-4-42.2	\$1,680,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2023, 2024 and 2025 assessment rolls;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Regal Cinemas/Rensselaer County Plaza Association and the Town of East Greenbush as to the above referenced assessment.

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

153-2022 A Resolution to Settle a Tax Certiorari Case With Target Store #1796

WHEREAS, Target #1796 and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Target #1796 in the Town of East Greenbush; and

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

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

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on this year’s budget but will have an impact included in the 2023 Town Budget; and

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

now, therefore be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2021 tax certiorari proceeding filed by Target #1796 in which the 2021 assessed value of the subject property shall remain the same and the 2022 assessment will be set as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>2022 Assessed Value</u>
2022	144.-4-13.1	\$11,250,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2023, 2024 and 2025 assessment rolls;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Target #1796 and the Town of East Greenbush as to the above referenced assessment.

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

154-2022 A Resolution to Accept the Resignation of Adam Yagelski From the Position of Director of Planning

WHEREAS, Adam Yagelski was appointed to the position of Director of Planning and Zoning with Resolution 225-2017 which took effect on December 17, 2017; and

WHEREAS, for four-and-a-half years Adam Yagelski served the Town of East Greenbush with class, professionalism and great skill; and

WHEREAS, Mr. Yagelski has now accepted a position with Delaware Engineering, D.P.C.; 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 accepts the resignation of Adam Yagelski from the position of Director of Planning [and Zoning], effective June 17, 2022;

and be it further

RESOLVED, that the Town Board wishes to thank Adam Yagelski for his superior work performance, significant accomplishments, and overall contribution to the work of Town government and the betterment of the Town of East Greenbush.

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:

155-2022 A Resolution to Appoint Anna Feltham to the Position of Director of Planning

WHEREAS, Adam Yagelski has submitted his resignation from the position of Director of Planning; and

WHEREAS, the Planning Department is one of the Town's busiest departments, with an unprecedented level of land use reviews and administrative projects, including the \$800 million Regeneron development on Tempel Lane and the update of the Town's Zoning Map and Subdivision Regulations, among many other responsibilities; and

WHEREAS, Anna Feltham was appointed to the position of Planner with Resolution 112-2021 and has spent more than a year in the position; and

WHEREAS, Ms. Feltham has excelled in her role as Planner and impressed the Town Board with her intelligence and professionalism and the quality of her work; and

WHEREAS, Anna Feltham has assisted the outgoing Director of Planning in all of the major projects currently underway and has a sure understanding of the progress and processes involved with maintaining the Town's responsibilities; 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 appoints Anna Feltham to the position of Director of Planning at an annual salary of \$70,000.00;

and be it further

RESOLVED, that this appointment is effective as of June 13, 2022.

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:

156-2022 A Resolution Authorizing the Town Supervisor to Sign Change Order No. 1 with Greenman-Pedersen, Inc. With Regard to Design Phase Services Rendered and to Provide Additional Construction Phase Services in Connection with the Tempel Lane Extension Project

WHEREAS, in connection with growth and development along NYS Route 4 and the Tempel Lane corridor, the Town, through its planning documents and SEQRA determinations, has identified the public need to extend Tempel Lane from its existing endpoint to Third Avenue Extension (the “Tempel Lane Extension project”); and

WHEREAS, the Town Board adopted Resolution 49-2020 authorizing the Town Supervisor to sign a professional services agreement with Greenman-Pedersen, Inc. (“GPI”) to provide final design, bidding, and construction phase consulting services to implement the Tempel Lane Extension project; and

WHEREAS, during the final design phase, changes to the scope of the Tempel Lane Extension project as initially conceived occurred, including the following: adding to the Tempel Lane Extension project other mitigation projects required by the Town Board in its amended SEQRA statement of findings, including, but not limited to the following: 1) the addition of a center turning lane on Third Avenue Extension at its intersection with the future Tempel Lane Extension; 2) the addition of a southbound left turning lane on Tempel Lane at the Regeneron Pharmaceuticals, Inc. driveway; and 3) additional design and other work related to acquisition of ROW and to stormwater and other technical issues; and

WHEREAS, GPI is requesting an increase in their budget in the amount of \$299,564.38, which will be processed as an amendment to the existing agreement between the Town and GPI (“Change Order #1”), in order to address the following: 1) extra work performed by GPI during the final design phase; 2) extra work performed by GPI during the bid phase in order to add a separate tree clearing construction bid solicitation to this phase; and 3) extra work to be performed by GPI during the construction phase, as set forth in GPI’s letter proposal dated May 27, 2022; and

WHEREAS, as set forth in the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., the cost of the Tempel Lane Extension project will be paid by Regeneron Pharmaceuticals, Inc.; and

WHEREAS, Regeneron Pharmaceuticals, Inc., has previously provided funding to the Town in an amount sufficient to cover the Town’s contract obligations entered into in connection with the Tempel Lane Extension project contract obligations, but the previously provided funding is not sufficient to cover Change Order #1; and

WHEREAS, the Town Comptroller confirms that the cost of this resolution is not funded unless the new contribution are received from Regeneron prior to contract award;
now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that Change Order #1 is an eligible use of funds in accordance with the Regeneron Development Agreement, and stipulates that Change Order #1 costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into Change Order #1 with GPI, in an amount not to exceed \$299,564.38, to provide the additional design, bid, and construction phase services, as set forth herein, following deposit of the aforementioned amount of \$299,564.38 by Regeneron Pharmaceuticals, Inc. with

the Town, in accordance with the aforementioned Development Agreement, and approval of said contract amendment as to form by the Town Attorney.

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:

157-2022 A Resolution to Appoint Michael S. Brown to the Position of Planning Engineer in the Planning Department

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of June 8, 2022 and was subsequently presented to the Town Board on June 14, 2022

WHEREAS, the current incumbent in the position of Planner in the Planning and Zoning Department, Anna Feltham, has accepted a promotion to the position of Director of Planning, thus leaving the her current position vacant; and

WHEREAS, the Planning Department is extremely busy with projects already in progress with the expectation of more to come; and

WHEREAS, Michael S. Brown has applied for the job of Planning Engineer and a review of his resume shows that he served as Assistant Director of Planning for the City of Rensselaer from 2015-2018, Engineering Aide for the City from 2012-2014, and is a vastly experienced construction inspector who has been doing the inspections on the two biggest developments in Town, Regeneron's Tempel Lane Campus development and the Town Center Planned Development District, and has experience with MS4 programs and is certified to review and approve Storm Water Pollution Prevention Plans; and

WHEREAS, Michael Brown was interviewed by the Town Board and separately by the Town Supervisor, Director of Finance, Commissioner of Public Works, and Director of Planning and all agreed with the selection of Mr. Brown for this position; 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 appoints Michael S. Brown to the position of Planning Engineer in the Planning Department at an annual salary of \$65,000.00;

and be it further

RESOLVED, that this appointment will take effect on July 11, 2022.

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

158-2022 A Resolution Authorizing the Conservation Advisory Council to Review and Make Recommendations to the Town Board on the Issue of Restoring Hampton Lake to Good Health

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of June 8, 2022 and was subsequently presented to the Town Board on June 14, 2022; and

WHEREAS, the Town Board established the East Greenbush Conservation Advisory Council (CAC) in 2020 and tasked it with advising the Town Board on matters affecting the preservation, development and use of natural and human made resources, features and conditions within the Town of East Greenbush, particularly as they relate to environmental quality, biological integrity, natural beauty and other conservation factors and, in relation to human activities and development, the CAC would advise the Town Board on major threats posted to environmental quality; and

WHEREAS, the CAC shall provide the Town Board, Planning Board and Zoning Board of Appeals, developers and residents with a source of information about natural resources and potential environmental impacts; create checklists and best practice guidelines as a planning tool for improvement projects; and carry out other duties as may be assigned from time to time by the Town Board; and

WHEREAS, Hampton Lake is an important resource and amenity for Town residents but has been experiencing a decline in health for many years and for many reasons; and

WHEREAS, one indicator of the health of a lake concerns the animal and plant populations that reside in and around it, and though no formal longitudinal study has been conducted of natural populations, Hampton Lake is still home to a variety of flora and fauna, indicating that the lake is declining, not dead; and

WHEREAS, numerous residents have expressed their concern about the need to improve the water quality and usability of the lake; 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 requests and authorizes the Conservation Advisory Council to review and make recommendations for improving the health of Hampton Lake so that water quality and usability can be improved and Hampton Lake's important position as a Town amenity can be preserved and enhanced.

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:

159-2022 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, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of June 8, 2022 and was subsequently presented to the Town Board on June 14, 2022; and

WHEREAS, the Town Board of the Town of East Greenbush has adopted a moratorium on the acceptance and review of applications for large scale solar energy system (LSSSES) development (Resolution 28-2022) 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 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 Board held a duly noticed public hearing on June 8, 2022 to give the public an opportunity to review and comment on the proposed local law to amend certain provisions of the Solar Energy Law; and

WHEREAS, after review of comments submitted in writing and at the public hearing, discussions among Town Board members and the advice of the Attorney to the Town it was clear that the draft Local Law needed to be amended, necessitating the production of a new draft of the Local Law and a new Public Hearing; 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 local law to amend certain provisions of the Solar Energy Law, at 5:45 p.m. on July 13, 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:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor T. Tierney	VOTED:
Councilor R. Nestler	VOTED:

160-2022 A Resolution Enacting a Proposed Mobile Food Vending Demonstration Program

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of June 8, 2022 and was subsequently presented to the Town Board on June 14, 2022; and

WHEREAS, the Town Board finds that food trucks have proliferated in recent years, due in part to consumer demand, and 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, the Town Board held a public hearing on a proposed Mobile Food Vending Local Law on June 8, 2022, at which time members of the public were invited to speak either in favor of, or in opposition to this subdivision application; and

WHEREAS, the Town is currently undergoing an update to the comprehensive zoning law which may address mobile food vending within the context of changes to allowed uses, and zoning district requirements; and

WHEREAS, the Planning Department in coordination with the Building and Codes Department has developed preliminary food truck demonstration program guidelines, which are appended to this agenda, to allow permitted mobile food vendors to operate within the Town of East Greenbush utilizing private properties, as authorized by private property owner(s); and

WHEREAS, Section 319 of the 2020 Fire Code of New York State requires mobile food preparation vehicles that are equipped with appliances that produce smoke or grease-laden vapors to comply with said section, and Section 319.2 requires permits as set forth in Section 105.6 of the 2020 Fire Code of New York State; and

WHEREAS, Section 105.6 of the 2020 Fire Code of New York State does require an operating permit; and

WHEREAS, the procedures for applying for, issuing, revoking, and suspending operating permits is set forth in 19 CRR-NY Part 1203 – Compliant Code Enforcement Program; and

WHEREAS, 19 CRR-NY 1203.3(g) does require operating permits for “Mobile Food Preparation Vehicles”, operating a mobile food preparation vehicle; and

WHEREAS, in accordance with 19 CRR-NY 1203.3(g)(4) the Code Enforcement Officer shall perform an inspection of the premises prior to the issuance or renewal of an operating permit; and

WHEREAS, the Code Enforcement Officer or equivalent shall establish provision for operating permits to remain in effect until reissued, renewed, or revoked not to exceed one year, in accordance with 19 CRR-NY 1203.3(g) (6); and

WHEREAS, the intent of the Food Truck Demonstration Program is to permit food trucks that operate as an accessory use or principal use and is not intended to change existing permitting of food trucks for temporary use or special events; and

WHEREAS, accessory use is defined as a mobile food business which is incidental and subordinate to the principal use, occupancy or tenancy, and located on the same lot or premises; and

WHEREAS, principal use is defined as the main or primary purpose or purposes for which land and/or mobile food business may be occupied or maintained; and

WHEREAS, temporary use is defined as an accessory or transient use whether on public or private property that operates as a mobile food business during approved hours of operation for a period of time not exceeding one (1) day; and

WHEREAS, special event is defined as an accessory or transient use whether on public or private property that operates as a mobile food business at a specified occurrence and for a period of time determined to be temporary; and

WHEREAS, a Food Truck Demonstration Program in the Town of East Greenbush can and will be established administratively, subject to adoption of this resolution; and

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

now, therefore, be it

RESOLVED, that the East Greenbush Town Board hereby;

1. Establishes a Food Truck Demonstration Program which is authorized in the Town of East Greenbush, subject to all applicable state and local laws, regulations, and administrative processes;
2. Food truck operators shall be required to comply with all East Greenbush administrative requirements;
3. Food truck operators shall comply with Food Truck Demonstration Program Guidelines, which are attached in Exhibit A, '2022 Food Truck Demonstration Program; Guidelines and Permit Requirements', to allow permitted mobile food vendors to operate within the Town of East Greenbush in an accessory use and principal use capacity.
4. Food Truck Demonstration Program shall be effective on June 15, 2022 and will expire on December 31, 2022

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

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

ADJOURNMENT

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

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

VOTED:
VOTED:
VOTED:
VOTED:
VOTED:

**TOWN OF EAST GREENBUSH
2022 FOOD TRUCK DEMONSTRATION PROGRAM
GUIDELINES AND PERMIT REQUIREMENTS**

FOOD TRUCK DEMONSTRATION PROGRAM

The Food Truck Demonstration Program was enacted by the Town Board of the Town of East Greenbush on June 15, 2022 for a period of time not to exceed end of calendar year 2022. This is an interim demonstration program and it may not be repeated next year, or there may be significant changes to the program in the future. For the purposes of this Food Truck Demonstration Program, there is a limit of five (5) total permits to be issued within the Town of East Greenbush, a maximum of three (3) permits of these five (5) permits to be issued along Columbia Turnpike. Food truck operators shall be required to comply with food truck demonstration program guidelines to allow permitted vendors to operate within the Town of East Greenbush. The Food Truck Demonstration Program is intended to permit food trucks that operate as an accessory use or principal use and is not intended to change existing permitting of food trucks for temporary use or special events. Definitions below:

- **Accessory Use:** A mobile food business which is incidental and subordinate to the principal use, occupancy or tenancy, and located on the same lot or premises as the principal use;
- **Principal Use:** The main or primary purpose or purposes for which land and/or mobile food business may be occupied or maintained;
- **Special Event:** An accessory or transient use whether on public or private property that operates as a mobile food business at a specified occurrence and for a period of time determined to be temporary;
- **Temporary Use:** An accessory or transient use whether on public or private property that operates as a mobile food business during approved hours of operation for a period of time not exceeding one (1) day.

APPLICANT INFORMATION:

Mobile Food Vendor/Food Truck Name: _____

Mobile Food Vendor Owner/Operator Name: _____

Owner Phone Number: _____ Owner Email: _____

Owner Driver's License or State ID Number: _____

Contact Person, if different, Phone Number: _____ Email: _____

6/9/2022

PROPERTY OWNER INFORMATION:

Property Owner Name: _____

Property Owner Phone Number: _____ Property Owner Email: _____

FOOD TRUCK LOCATION INFORMATION:

Address: _____

Location Parcel Number: _____

Attach a detailed drawing or site sketch, that shows the following:

- The proposed location of the mobile food vending unit and any other associated activity;
- Existing public improvements adjacent to the site, such as fire hydrants, bus shelters, etc.;
- Adjacent driveways, sidewalks, property entrances/exits etc.;
- The nature of the existing property surfaces (e.g. asphalt, gravel, etc.);
- The location of parking and number of spaces;
- Location of existing and proposed trash receptacles;
- Existing buildings;
- Existing site lighting.

Include as much detail as you can to fully illustrate how your operation will work on the site.

Attach an additional detailed drawing or site sketch that identifies existing restaurants, or an establishment that is open to the public and where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution or any other known mobile food vending operations within buildings and any other known mobile food vending operations within three hundred (300) feet.

Feel free to use an aerial photo from a mapping service as the base for either site sketch.

FOOD TRUCK OPERATIONS:

Additional required attachments:

1. Current photo of food truck
2. Copies of all required health department license(s) and permit(s).
3. Copies of current required insurance(s).

Trash Receptacles – please provide a description of how trash and other waste will be handled:

Hours & Days of Operation – Opening hours are between 7:00AM and 9:00PM. Food truck operations permitted under the Food Truck Demonstration Program must occur as an accessory use or a principal use, definitions above. There shall be no overnight parking of food trucks at any permitted location.

What are your proposed operating hours?

Operating Hours

Sundays: _____

Mondays: _____

Tuesdays: _____

Wednesdays: _____

Thursdays: _____

Fridays: _____

Saturdays: _____

ACKNOWLEDGEMENT AND SIGNATURE

1. Complete applications will be processed beginning June 16, 2022 on a first come – first served basis. Complete applications are those that include all necessary information for staff to conduct required evaluation and make an informed decision. For the purposes of this Food Truck Demonstration Program, there is a limit of five (5) total permits to be issued within the Town of East Greenbush, a maximum of three (3) permits of these five (5) permits to be issued along Columbia Turnpike.
2. Food Truck Demonstration Program permit will not be issued until the \$250.00 permit fee is received.
3. The Food Truck Demonstration Program permit will be valid from date of issuance through the end of the last day of the Food Truck Demonstration Program.
4. This is an interim demonstration program and it may not be repeated next year, or there may be significant changes to the program in the future. There is no guarantee, expressed or implied, regarding continuation outside of the dates included herein.
5. Food trucks shall not be located within any public street right-of-way, or in any way block a public sidewalk or pathway, fire lane or otherwise impeded pedestrian or vehicular movements.

6. If allowed by the property owner, the food truck may park and operate on private property during business hours. Food truck operator shall provide written authorization by property owner.
7. Food trucks shall not be located within three hundred (300) feet of existing restaurants, or an establishment that is open to the public and where ready-to-eat food is prepared, cooked, wrapped, packaged, processed or portioned for service, sale, or distribution or any other known mobile food vending operations within buildings and any other known mobile food vending operations.
8. Food trucks must be self-contained and are prohibited from using water from public hydrants and disposing of liquid wastes, including but not limited to grease, into storm drains or sanitary sewers.
9. If a generator is used, it may not produce sound that is in violation of Comprehensive Zoning Law section 3.6.1 H, table below.

Zoning District	Maximum Allowable Decibel Level Measured at Lot Line
All Residential Districts, PPB, PDD, B-1	50 db
B-2	60 db
O, OC	65 db
OI	70 db
CI	75 db

10. Power cables, extension cords or similar devices may not extend across any street, sidewalk, or pathway.
11. Trash receptacles shall be provided for use by patrons of food trucks. Trash shall be removed by food truck operator from site each day.
12. No banners, streamers, flags, flashing or blinking lights are permitted on any portion of the site where the food truck is parked.
13. Proper insurance, including vehicle and liability, must be maintained.
14. Compliance with all State and local health department requirements must be maintained, including all necessary inspections and food safety requirements.
15. The Food Truck Demonstration Program permit and county health department permit(s) must be displayed.
16. I, the undersigned mobile food vendor operator, will comply with any other conditions placed on the Food Truck Demonstration Program permit as issued by the Town Board of the Town of East Greenbush that are determined necessary to protect health, safety, and welfare.
17. Failure to comply could result in revocation of the Food Truck Demonstration Program permit.

Signature of Authorized Representative: _____ Date: _____

Printed Name: _____

Title: _____