



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING August 12, 2020

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 R. Matters
Councilor B. Fritz

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:

159-2020 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, the minutes of the regular Town Board Meeting held on July 15, 2020 have been presented; and

WHEREAS, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

RESOLVED, that the minutes of the regular Town Board Meeting held on July 15, 2020 are hereby approved as submitted.

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

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

160-2020 A Resolution Recognizing Ava K. Johnson for Having Been Selected to Represent the Town of East Greenbush as a Delegate at the 79th American Legion Auxiliary Girls State Conference

WHEREAS, the American Legion Auxiliary Girls State Conference (“Conference”), initiated in 1937 and regarded as a premier leadership conference and one of the most respected and coveted experiential learning programs presented in the United States, provides a valuable, unique, and outstanding government-in-action learning opportunity to a select group of young women who represent communities all across the county during a weeklong conference; and

WHEREAS, the Conference epitomizes the American Legion Auxiliary’s mission to honor those whose sacrifices have delivered unto us our freedom by and through our enduring commitment to develop young women as future leaders who are grounded in patriotism, civic duty, and the American rule of law; and

WHEREAS, through the development of delegates’ leadership skills, confidence, and action-based understanding of public administration, the Conference is designed to instill the ideals and principles of American government and citizenship, resulting in their edification of processes attendant to our democratic republic that will serve as a lasting foundation for their empowerment and success, both personally and professionally; and

WHEREAS, selection by the American Legion Auxiliary to participate at the Conference is predicated upon a competitive and rigorous vetting of candidates who are adjudged against high standards of leadership, moral character, and academic performance; and

WHEREAS, Ava K. Johnson, an upcoming senior at Columbia High School who, in addition to her scholastic achievement, has been proactive in school activities and community service, including Future Business Leader of America, Amnesty International, and Girl Scouts of America (Troop 1474);

now, therefore, be it

RESOLVED, that Ava K. Johnson be, and the same hereby is, proudly recognized by the East Greenbush town board (“Town Board”) for having been selected to represent the town of East Greenbush as a delegate to the 79th American Legion Auxiliary Girls State Conference which was held virtually on June 28, 2020 through July 4, 2020 in Brockport, New York;

and be it further

RESOLVED, that, on behalf of the residents of the town of East Greenbush, the Town Board congratulates Ms. Johnson upon her participation at the Conference and wishes her continued success in all of her future endeavors.

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

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

161-2020 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2021 Tentative Budget to the Town Board

WHEREAS, the Town Clerk of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2021 Tentative Budget to the Town Board as is required by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action 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 shall conduct a Special Meeting on Tuesday, October 1, 2021 at 5:00 p.m., at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer, State of New York for the Town Clerk to present the 2020 Tentative Budget to the Town Board;

and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Special Meeting as required by law.

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

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

162-2020 A Resolution Authorizing the Execution of a Settlement Agreement in the Matter of Rudolf P. Schlegel, Inc. V. the Zoning Board of Appeals of the Town of East Greenbush and Adam Yagelski, Director of Planning and Zoning

WHEREAS, by petition and notice of petition dated January 8, 2020, a proceeding pursuant to Article 78 of the Civil Practice Law and Rules was brought by Rudolph P. Schlegel, Inc., against the Zoning Board of Appeals of the Town of East Greenbush and Adam Yagelski, as Director of Planning and Zoning; and

WHEREAS, Rudolf P. Schlegel, Inc. is the owner of certain property located at 103 Columbia Turnpike, and a separate parcel directly behind 103 Columbia Turnpike; and

WHEREAS, said Article 78 proceeding challenged a certain determination by the East Greenbush Zoning Board of Appeals, dated December 13, 2019, denying Schlegel’s application for a use variance to allow the rear vacant lot to be used as accessory parking to the automotive and repair business at 103 Columbia Turnpike; and

WHEREAS, upon service of such petition and notice of petition, the Town respondents and the attorney for the petitioner entered into discussions about possible resolutions of the matter, thereby avoiding the need for the Town to expend funds for legal representation; and

WHEREAS, the Town representatives and the petitioner have reached a proposed Settlement Agreement, providing that the premises at 103 Columbia Turnpike can continue to be used for automotive service and repair operations, and that the petitioner and/or a new tenant of the property may use the property for such purposes; that such use shall not be considered discontinued pursuant to the Comprehensive Zoning Law of the Town of East Greenbush

(provided such use is commenced within one year from the date the agreement is executed by all parties); and

WHEREAS, said agreement also provides that the Town never abandoned the original Catskill Avenue right-of-way in the Town of East Greenbush, so that the rear parcel located behind 103 Columbia Turnpike continues to have uninterrupted direct access to Catskill Avenue; and

WHEREAS, it appears to both parties to this litigation that this resolution resolves the Petitioner's concerns, while maintaining consistent Town enforcement of its zoning and planning laws; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Jeffrey Pangburn, the Chair of the Zoning Board of Appeals of the Town of East Greenbush, and Adam Yagelski, Director Planning and Zoning, to execute said Settlement Agreement on behalf of the Town.

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

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

163-2020 A Resolution to Authorize Base Percentages, Current Base Percentages, Current Base Proportions, and Certificate of Adjusted Base Proportions for the East Greenbush Central School District and the Town of East Greenbush for the 2020-21 year.

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

now, therefore, be it

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

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

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

Certificates of Base Percentages, Current Percentages and Current Base Proportions Pursuant to Article 19 RPTL, for the Levy of Taxes on the 2020 Assessment Roll

Homestead Class	East Greenbush Central School District	Non Homestead Class
	67.72170	32.27830
	Town of East Greenbush	
	67.0959	32.9041

Certificates of Adjusted Base Proportions, Pursuant to Article 19, RPTL, for the Levy of Taxes on the 2020 Assessment Roll

Homestead Class	East Greenbush Central School District	Non Homestead Class
	67.89751	32.10249
	Town Of East Greenbush	
	67.15988	32.84012

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

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

164-2020 A Resolution Authorizing Tree Removal by Allmark Tree and Crane Service

WHEREAS, the Highway Department is responsible for removal of dangerous or dead trees in the Town Highway Right of Way; and

WHEREAS, the Highway General Foreman has identified some of these trees that are outside of the Highway Department's ability to safely remove without risk to employees or property; and

WHEREAS, the Rensselaer County bid for Tree and Stump Removal was awarded on August 1, 2019 and is in effect until July 31st, 2022, and the results of the bid were made available to all municipalities and school districts in Rensselaer County, and

WHEREAS, Allmark Tree and Crane Service is the selected contractor on the Rensselaer County Bid; and

WHEREAS, the Town of East Greenbush Purchasing Policy requires purchases of \$10,000 or more require approval by the Town Board; and

WHEREAS, the Town Comptroller confirms the financial impact of this resolution can be funded for the not exceed \$13,000.00 from Budget Line 51404.02.04 Brush and Weeds now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to contract with Allmark Tree and Crane Service to remove the trees as specified on the estimate attached at a cost not to exceed \$13,000.00.

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

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

165-2020 A Resolution Authorizing Cured-In-Place Pipe Lining to the Sewer Main Located on Parkview Drive

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

WHEREAS, on August 5th at 2:00 p.m., the Commissioner of Public Works was notified of a blockage in the sewer main in the vicinity of 14 Parkview Drive; and

WHEREAS, the Commissioner of Public Works had Wm. J. Keller and Sons Construction Corp. conduct the initial repair, then had the remainder of the sewer main video inspected to determine the extent of the problem; and

WHEREAS, the video inspection showed that there was significant root intrusion on each joint in the clay tile sewer main; and

WHEREAS, Precision Trenchless LLC has been awarded the Onondaga County Bid to install cured-in-place pipe lining and the Bid has been made available to other political subdivisions state-wide; and

WHEREAS, the Commissioner of Public Works has determined that the most cost effective solution to rebuilding the sewer main at that location is to install cured-in-place pipe lining; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$19,095.68 from the Sewer Fund charge code 8120.4.07;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to enter into a contract with Precision Trenchless LLC to install the lining in the sewer main at Parkview Drive for a price not to exceed \$19,095.68.

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

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

166-2020 A Resolution Authorizing Landscaping at the Waste Water Treatment Plant

WHEREAS, a landscaping project was scheduled as part of the final phase of the Waste Water Treatment Plant upgrade project to improve the appearance of the facility and contribute to the beautification of Columbia Turnpike; and

WHEREAS, in accordance with the Town of East Greenbush Purchasing Policy three quotes for this landscaping project were solicited, with the lowest responsible quote being submitted by Brad Rose Landscaping, Inc.; and

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

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$29,135.60 from the Special Items charge code 1960.4.1.

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to enter into a contract with Brad Rose Landscaping, Inc. to perform the landscaping project in an amount not to exceed \$29,135.60.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

167-2020 A Resolution Authorizing Installation of Control Valves and Flow Meters at the Corliss Pump Station Using GEIS Funds

WHEREAS, the Town Board in Resolution 194-2018 authorized the solicitation of bids for the upgrade of the Corliss Pump Station using GEIS Sewer/Water Funds; and

WHEREAS, as part of the upgrade project it is necessary to install new control valves and flow meters to restore the functionality of the one million gallon equalization tank; and

WHEREAS, H.V. LaBarba solicited quotes for both control valves and flow meters and submitted a justification for a sole source purchase; and

WHEREAS, H.V. LaBarba estimated that three different contractors would be required for the specialty tasks of installing the valves at an approximate cost of \$25,000.00 each, and

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

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$75,929.21 from the General Sewer Fund for this expense;

Fund	Transfer in	Transfer out
GEIS Water & Sewer Fund Balance 915		\$75,929.21
81204.07 Treatment Disposal CE	\$75,929.21	

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to execute a contract with DynaTech Control Solutions Inc. to purchase the Flow Meters in an amount not to exceed \$10,210.00 and to contract R.M. Headlee Valves and Controls to purchase two control valves in an amount not to exceed \$33,219.21, and be it further

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to contract with the appropriate mechanical, electrical, and instrumentation contractors in accordance with the Town’s procurement policy to install the above instruments at a cost not to exceed \$32,500.00 as outlined in H.V. LaBarba’s Justification for Sole Source Purchase.

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

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

168-2020 A Resolution Authorizing Emergency Repairs to the Sewer Main Located on Parkview Drive

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

WHEREAS, on August 5th at 2:00 p.m., the Commissioner of Public Works was notified of a blockage in the sewer main in the vicinity of 14 Parkview Drive; and

WHEREAS, the Commissioner of Public Works assessed the situation, and determined that immediate action was required to prevent additional damage to the residence at 14 Parkview Drive; and

WHEREAS, the Sewer Department attempted to clear the blockage with no success; and

WHEREAS, based on their past experience with sewer and water main emergency repairs and the depth of this section of sewer main, Wm. J. Keller and Sons Construction Corp. was called in to immediately excavate and stabilize the site so that repairs could be made by the East Greenbush Sewer Department; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$5,688.00 from the Sewer Fund charge code 8120.4.07;

now, therefore, be it

RESOLVED, that the Town Board ratifies the payment of \$5,688.00 to Wm. J. Keller and Sons Construction Corp. for emergency repairs to the sewer main on Parkview Drive.

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 R. Matters	VOTED:

169-2020 A Resolution to Approve the Appointment of One Part-time Police Dispatcher

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

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

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

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

Michelle Merola

and be it further

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

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 R. Matters	VOTED:

170-2020 A Resolution to Approve the Addition of an Office Pet Policy to the Employee Handbook

WHEREAS, the Human Resources Manager has written and distributed to staff an approved text of an Office Pet Policy; and

WHEREAS, the Town Board wishes to have this policy formally incorporated into the Employee Handbook; and

WHEREAS, the text of this policy reads as follows:

Town of East Greenbush Office Pet Policy

“The Town of East Greenbush is responsible for assuring the health and safety of all employees. In keeping with this objective, the Town of East Greenbush does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals, particularly dogs. In addition, the Town of East Greenbush wishes to prevent pets from fouling the office space or damaging company property.

An employee who requires the assistance of a service animal (defined by 28 CFR 36.104 as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability”) will be permitted to bring a service animal to the office, provided that the animal’s presence does not create a danger to others and does not impose an undue hardship upon the organization.”

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 approves the addition of the Office Pet Policy, in the form of the text cited above, to the Employee Handbook and directs the Human Resources Manager to oversee its inclusion.

This 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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

ADJOURNMENT

Motion to adjourn is made by Councilor Tierney seconded by Councilor Matters and brought to a vote resulting as follows:

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