



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA December 21, 2016

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

Members of Town Board

Present	Absent	
<input type="checkbox"/>	<input type="checkbox"/>	Supervisor Conway
<input type="checkbox"/>	<input type="checkbox"/>	Councilor DiMartino
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Matters
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Grant
<input type="checkbox"/>	<input type="checkbox"/>	Councilor Tierney

Communications/Announcements/Reports

Open Public Privilege: NOTE – Each speaker may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process locally. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

Resolutions and Proposals by Town Board Members:

228-2016 A Resolution to Approve Meeting Minutes

WHEREAS, the minutes of Town Board meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

WHEREAS, that the minutes of the regular Town Board meeting held on November 16, 2016 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 November 16, 2016, are hereby approved as submitted.

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

229-2016 A Resolution to Approve Special Meeting Minutes

WHEREAS, the minutes of Town Board meetings, as provided in §106 of Article 7 of the New York Public Officers Law, shall be approved by the Board prior to them being finalized, deemed official and disseminated to the public by the Town Clerk; and

WHEREAS, that the minutes of the Special Town Board meeting held on October 24, 2016 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 October 24, 2016 are hereby approved as submitted.

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

Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

230-2016 A Resolution to Schedule Organizational Meeting

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2017; and

WHEREAS, the Town Comptroller has confirmed 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 shall conduct the 2017 Organizational Meeting at 6:00 PM on Tuesday, January 3, 2017, at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York;

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 Organizational Meeting.

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

Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

231-2016 A Resolution to Set the Transfer Station Rates for 2017

WHEREAS, it is required to establish policies and rates for the use of the East Greenbush Transfer Station; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no material impact on the Town’s finances;

now, therefore, be it

RESOLVED, that the attached policies and rates be effective, for the year 2017 with minimal increases being implemented to the cost of disposal of additional items only:

and be it further

RESOLVED, that cash will no longer be accepted as payment at the Transfer Station.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

232-2016 A Resolution Authorizing the Supervisor to Execute a Certain Mutual Community Sharing Plan for High Intensity Law Enforcement Activity

WHEREAS, the Town of East Greenbush previously entered into a certain High Intensity Law Enforcement Activity Agreement with the Town of Schodack, the Town of North Greenbush, the City of Rensselaer and the Village of Nassau; and

WHEREAS, said agreement is scheduled to expire on December 31, 2016; and

WHEREAS, the Town Board wishes to authorize the Supervisor to execute a further similar agreement for the period of January 1, 2017 through December 31, 2020; and

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town’s finances;

now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to enter into the attached mutual community sharing plan for high intensity law enforcement activity, for the period set forth above.

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

Councilor Grant	VOTED:
Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

233-2016 A Resolution to Make a Conditional Job Offer to Vincent M. DeFazio

WHEREAS, this Board intends to maintain adequate staffing within the Town Police Department, by appointing qualified individuals to replace positions that become vacant, and a police officer position has become vacant; and

WHEREAS, the Town Comptroller has confirmed that this position was included in the current budget and will have no material impact on Town finances; and

WHEREAS, Vincent M. DeFazio, who resides in Averill Park, is a graduate of Averill Park High School and Hudson Valley Community College, has made application for said position, has submitted to a background investigation, has been interviewed by the Town Board and has been found to be a qualified candidate according to the Rensselaer County Civil Service Commission; and

WHEREAS, in order to further advance the lawful requirements of the town to obtain medical, psychological and fingerprint clearance consistent with Homeland Security and Human Rights Law;

now, therefore, be it

RESOLVED, that Vincent M. DeFazio be and hereby is offered a conditional appointment to the position of Police Officer, subject to the following conditions and stipulations;

- medical, psychological and drug test results meeting the standards of the Bureau for Municipal Police and the Rensselaer County Civil Service Commission;
- satisfactory fingerprint and background check;
- successful completion of the Bureau for Municipal Police Basic Police School at the Zone 5 Police Training Academy, and, successful completion of the East Greenbush Police Department Field Training Program;

and be it further

RESOLVED, that said job offer be affirmed by said appointee within 10 days by executing the oath of office as administered by the Town Clerk, or after which shall become null and void;

and be it further

RESOLVED, said conditional appointment shall become effective January 9, 2017; shall be subject to a probationary period of one (1) year, and that upon successful completion of all said conditions and stipulations, shall be, and hereby is made permanent.

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

Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

234-2016 A Resolution Amending the Professional Services Agreement Between the Town of East Greenbush and Delaware Engineering, D.P.C. for Engineering Services in connection with the Upgrade to the Wastewater Treatment Plant for Extension of the work of Municipal Solutions

WHEREAS, the Town of East Greenbush entered into a Professional Services Agreement with Delaware Engineering for the permitting, design and construction engineering of improvements to the Town’s Wastewater Treatment Plant to resolve sanitary sewer deficiencies with the Town’s sewer collection and Wastewater Treatment Plant as outlined in a Consent Agreement executed by the Town with NYS Department of Environmental Conservation (NYSDEC); and

WHEREAS, the Professional Services Agreement was amended to incorporate DEC-mandated design of off-site outfall improvements, coordinate the process of receiving approvals from Amtrak which extended the project schedule and MWBE coordination, loan administration and EFC reporting requirements; and

WHEREAS, a fourth amendment is necessary to fund the costs of Municipal Solutions, Inc. to provide MWBE coordination, loan administration and reporting to the EFC; and

WHEREAS, Delaware Engineering and Municipal Solutions have executed a professional services agreement to amend the original agreement which was in the amount of \$24,000 by \$27,000 for a total cost of \$51,000; and

WHEREAS, the Town closed on long term financing for the wastewater treatment plant upgrade project on September 22, 2016 and the costs to be incurred as a result of this resolution are reimbursable to the Upgrade to the Wastewater Treatment Plant Capital Project account 81304.03.004.13; therefore, the Town Comptroller asserts that costs of this resolution will be included in the future principal and interest payments from the budgeted expense of the Sewer Fund;

now, therefore, be it

RESOLVED, that the Town of East Greenbush amends the professional services contract with Delaware Engineering, P.E. for the cost of Municipal Solutions additional work for an amount not to exceed \$27,000.00.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

235-2016 A Resolution to Accept the Supplemental Draft Environmental Impact Statement from Regeneron Pharmaceuticals, Establish a Public Comment Period and Schedule a Public Hearing

WHEREAS, SMRT Architects, on behalf of Regeneron Pharmaceuticals, LLC (the “Applicant”) submitted a site plan review application and related documentation for a project on Tempel Lane in the Town of East Greenbush, consisting of the construction of the Applicant’s Mill Creek Campus, including warehouse, laboratory, and parking facilities (the “Project”); and

WHEREAS, after review of the application and related material and coordination with other potentially involved agencies, by resolution dated March 18, 2016, the Town Board designated itself as lead agency under the State Environmental Quality Review Act (“SEQRA”) for the environmental review of the Project; and

WHEREAS, the Town Board, in its March 18, 2016, resolution, also determined that the Project may have a significant adverse impact on the environment and adopted a SEQRA positive declaration requiring that an environmental impact statement be prepared; and

WHEREAS, in its March 18, 2016, resolution, the Town Board also directed that a draft scoping document be prepared and scheduled a public scoping session and written comment period on the scoping document, which were duly held, and a final scoping document was prepared; and

WHEREAS, the Applicant subsequently submitted a supplemental draft environmental impact statement (the “SDEIS”), which was reviewed by the Town Board, Town staff and the Town’s consulting engineers; and

WHEREAS, the Applicant has revised the SDEIS, responding to various comments by the Town, and has resubmitted the SDEIS to the Town Board; and

WHEREAS, the revised SDEIS has been reviewed by the Town Board and has been determined to be adequate for public review; and

WHEREAS, the Town Comptroller has confirmed that none of the provisions of this proposed Board action will have a material impact on the Town’s finances; now, therefore, be it

RESOLVED, as follows

1. The Town Board hereby accepts the SDEIS for the Project as complete for purposes of public review.
2. The Town Board hereby schedules a public comment period on the SDEIS, to run until 4:00 p.m. on January 24, 2017.
3. The Town Board hereby schedules a public hearing on the SDEIS, to be held on January 11, 2017, at 6:00 p.m., at East Greenbush Town Hall, 225 Columbia Turnpike.
4. The Town Board hereby directs that copies of the SDEIS be made available for public inspection during regular business hours at East Greenbush Town Hall and the East Greenbush Community Library, 10 Community Way, in the Town.
5. The Town Board hereby directs that required notices relating to acceptance of the SDEIS and establishment of the public hearing and comment period be posted and circulated in accordance with applicable provisions of law.

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

Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

236-2016 A Resolution Adopting Highways by Use

WHEREAS, the town highways listed below have been used by the public for a period of ten years or more; and

WHEREAS, the town highways listed below have been maintained and controlled by the Town of East Greenbush; and

WHEREAS, Section 189 of the New York State Highway Law directs that highways that have been used as public roads and maintained and controlled by the municipality for a period of ten years or more shall be a highway with the same force and effect as if it had been duly laid out and recorded as a highway; and

WHEREAS, the Town Comptroller has confirmed this resolution shall pose no material impact to the Town’s finances;

now, therefore, be it

RESOLVED, the Town Board of the Town of East Greenbush does hereby accept the below listed highways as Town of East Greenbush Highways and directs the Commissioner of Public Works to record these roadways as part of the Town’s Official Highway Inventory and file the appropriate forms with the New York State Department of Transportation.

<u>Name of Town Highway</u>	<u>From</u>	<u>To</u>	<u>Width</u>	<u>Length</u>
Meadow Street	Dead End	Orchard Street	12’	475’
Prospect Way	Orchard Street	Dead End	18’	370’
Sydney Avenue	Cliff Avenue	Highland View Avenue	20’	100’
Terrace Avenue	Troy Road	Dead End	12’	530’
Moore Road	Luther Road	Luther Road	20’	2,640’

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

237-2016 A Resolution to Authorize the Purchase of Road Salt from New York State Office of General Services Contract

WHEREAS, the Public Works Department requires Road Salt (mineral crushed rock) for winter road maintenance; and

WHEREAS, The State of New York has awarded for one year, a contract for the purchase of road salt, treated salt, and emergency standby road salt – (Group Number 1800, Contract Number PC 66658) at a cost of \$59.99 per ton, subject to fuel price adjustment; and

WHEREAS, an essential component of the contracts entered into by the State of New York provides that said materials and respective bid prices received by the State shall be available to local governments of New York State; and

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town finances because it is subject to budget limits;

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to purchase Road Salt from the above contract as required for treating snow and ice on Town Highways and Town Owned Facilities subject to the limits of DPW Budget Line DA 5142.4.

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

Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

238-2016 A Resolution to Approve New Parks Rules and Regulations

WHEREAS, the Town Board of the Town of East Greenbush seeks to update the rules and regulations for the Town Parks; and

WHEREAS, the rules and regulations for the Town Parks were lacking order and consistency and did not address critical liability issues, and the pavilion reservation process has been changed to increase efficiency and better serve the public, the Town Board has determined the need for an updated set of rules and regulations, new pavilion rental forms, and a permit system for serving alcohol; and

WHEREAS, the Town Services Coordinator has consulted with the Town's insurance carriers, attorney, and Chief Of Police, and also with all departments involved in the process including the Park's maintenance staff and Town Clerk's office and has submitted the new rules and regulations document and all additional reservation forms, attached hereto, to the Town Board; and

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town finances;
now, therefore, be it

RESOLVED, that the Town Board approves the attached rules and regulations for all Town Parks and such rules shall take effect as of January 1, 2017.

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

Councilperson DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilperson Matters	VOTED:
Councilperson Grant	VOTED:
Councilperson Tierney	VOTED:

239-2016 A Resolution to Approve Park Pavilion Rental Fees

WHEREAS, the Town Board of the Town of East Greenbush seeks to continue to rent the park pavilions and buildings to produce revenue for the upkeep and maintenance of the Town parks; and

WHEREAS, the following fees will be effective for the year 2017 and permanent thereafter up to a time the Town Board of the Town of East Greenbush should wish to change said fees:

Town Parks Rental Fees

UPPER PAVILION-Town Park
(Accommodates up to 150):
East Greenbush residents \$150
Non- Residents - \$210

LOWER PAVILION- Town Park
(Accommodates up to 100):
East Greenbush residents \$125
Non-Residents - \$185

Onderdonk Park Pavilion
(Accommodates up to 50):
East Greenbush residents \$100
Non-Residents - \$175

Hampton Manor Beach House
(Accommodates up to 25)
East Greenbush residents \$100
Non-Residents - \$175

The Non- Profit Rate will remain at \$25
A \$25 alcohol permit rate has been added
A \$50 non-refundable deposit is now required.

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town finances,
now, therefore, be it

RESOLVED, that the Town Board approves these rates for park pavilion rentals for the year 2017.

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

Councilperson DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilperson Matters	VOTED:
Councilperson Grant	VOTED:
Councilperson Tierney	VOTED:

240-2016 A Resolution to Schedule a Public Hearing on the Updated Town Amenities Plan

WHEREAS, the Town of East Greenbush had an Amenities Plan prepared in 2012 by Behan Planning and Design so that the Town could position itself as a more attractive community to both businesses and families, ensuring that it continues to grow as a healthy, attractive and fun place to live; and

WHEREAS, the Town Services Coordinator has recommended that the Town Board update the plan to align with contemporary realities; and

WHEREAS, Behan Planning and Designing was contracted by the Town to update the 2012 Town of East Greenbush Amenities Plan and will submit that plan in draft form to the Town prior to January 1st, and

WHEREAS, the Town Board has determined that a public hearing should be held for public input before the new plan can be adopted; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have material impact on the Town's finances;

now, therefore, be it

RESOLVED, that the Town Board has scheduled a public hearing for January 11th 2017 at 6:30 p.m. at the East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144.

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

Councilor DiMartino	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:
Councilor Tierney	VOTED:

241-2016 A Resolution Appointing Mary Hendrick to the Position of Part-Time Clerk in the Assessor and Receiver of Taxes Offices

WHEREAS, the Assessor's Office is staffed four days per week with a part-time Clerk to assist the Sole Appointed Assessor by answering phone calls, handling resident issues, maintaining files and tracking exemptions and there is a need for this service to be extended to a fifth day; and

WHEREAS, the Receiver of Taxes Office has a variable schedule in which some months are extremely busy while others are not and there is occasionally a need for help during the busier months; and

WHEREAS, Mary Hendrick has 26 years of business experience and possesses the qualifications to work in both offices; and

WHEREAS, the position of part-time Clerk for Purchasing has been vacated and will not be filled; and

WHEREAS, the Town Comptroller confirms that this resolution will have no material impact on the Town finances,
now, therefore, be it

RESOLVED, that Mary Hendrick is hereby appointed to the position of Part-Time Clerk in the Assessor and Receiver of Taxes Offices for a salary rate of \$15.00 per hour. This appointment is effective immediately.

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

242-2016 A Resolution Adopting Investment Policy for Fiscal Year 2016

WHEREAS, General Municipal Law 10(3) (C) (iii) now provides eligibility for collateralization using Municipal Letters of Credit; and

WHEREAS, Pioneer Bank has requested that the Town include this collateralization option to control fees and potentially increase interest revenue for the Town; and

WHEREAS, the Town’s Comptroller’s Office and the Town Board of the Town of East Greenbush have reviewed the “Investment Policy”, for the Town of East Greenbush and have made any necessary changes; and

WHEREAS, the Town Comptroller has confirmed that this resolution shall pose no impact to the Town’s finances;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush, Rensselaer County, State of New York, hereby adopts the “Investment Policy” for the fiscal year 2016

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

Councilor Tierney	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

243-2016 A Resolution Closing Out the Couse and Mannix Roundabout Projects and Paying Off Interfund Borrowing

WHEREAS, The Town has completed the Couse and Mannix Roundabout projects; and

WHEREAS, the cumulative interfund borrowing for overrun cost has not been paid back to the water general fund; and

WHEREAS, the Town General Fund was designated as the source of funds to write off this overrun to on the fund balance page 18 of the 2017 Budget, and

WHEREAS, the Town Comptroller confirms that Town General Fund has adequate funding to write off and retire this interfund borrowing/overrun and cost of capital is immaterial due to the bank account having no interest income; and

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush, Rensselaer County, State of New York, hereby closes out both the Couse and Mannix roundabout capital projects and writes off the overruns of said projects to the Town General Fund to enable the reimbursement of interfund borrowing of \$683,794.29 to the Water General Fund in the fiscal year 2016.

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

Councilor Tierney	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

244-2016 A Resolution to Authorize the Supervisor to Sign a New Contract with the East Greenbush Emergency Communications Association, Local 3708, Council 82, AFSCME, AFL-CIO

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of a Proposed Contract with our Emergency Communications Association for the years 2017, 2018 and 2019; and

WHEREAS, the Town Board believes it to be imperative that our unionized employees always have a fair contract in place; and

WHEREAS, the Town Board recognizes the outstanding work of the East Greenbush Emergency Communications Association in helping to keep our community safe by coordinating the efforts of all of our first responders; and

WHEREAS, the Town Comptroller confirms there is adequate provision in the 2017 budget to fund this resolution;

now, therefore, be it

RESOLVED, that the Town Board does hereby enter into the Contract with the East Greenbush Emergency Communications Association, Local 3708, Council 82, AFSCME, AFL-CIO for the period of January 1, 2017 through December 31, 2019;

and be it further

RESOLVED, that the Town Board does hereby authorize the Supervisor to enter into and sign the aforesaid Contract by and on behalf of the Town Board.

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

Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

**245-2016 A Resolution for Town Board Request to act as Lead Agency for the
L. Browe Asphalt Plant Planned Development District and Major Site Plan
Application**

WHEREAS, L. Browe Asphalt Services has submitted a Planned Development District (PDD) and major site plan review application for the development of an Asphalt Batch Plant located at the intersection of American Oil and Sun Oil Road, identified on the Town's Tax Roll as Tax Parcel No. 165.-1-3.11, 3.12, 3.13; and

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

WHEREAS, staff has reviewed the application and determined the project to be an Unlisted action in accordance with the State Environmental Quality Review Act; and

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

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town's finances;

now, therefore, be it

RESOLVED, as follows:

1. The Project will require review under the State Environmental Quality Review Act ("SEQRA")
2. The following are or may be:
Involved agencies under SEQRA:
 - East Greenbush Town Board
 - East Greenbush Planning Board
 - NYS Department of Environmental Conservation

Rensselaer County Health Department
NYS Department of Transportation
Rensselaer County Office of Economic Development and Planning

Interested agencies under SEQRA:

East Greenbush Fire District #3
W. F. Bruen Rescue Squad
East Greenbush Department of Public Works
New York State Office of Parks, Recreation & Historic Preservation
East Greenbush Central School District
Capital District Transportation Authority
Capital District Transportation Committee
U. S Army Corp of Engineers

3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project.

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

Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

246-2016 Town Board Request to act as Lead Agency for the Fucillo Ford Automotive Group Inc. Major Site Plan Application, Special Use Permit & Area Variances

WHEREAS, Fucillo Automotive Group Inc. has submitted a major site plan review application for the development of a new 22,000 square foot building located at 634 Columba Turnpike identified on the Town's Tax Roll as Tax Parcel No. 166.-6-4, 6-5; and

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

WHEREAS, staff has reviewed the application and determined the project to be an Unlisted action in accordance with the State Environmental Quality Review Act; and

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

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town's finances;

now, therefore, be it

RESOLVED as follows:

1. The Project will require review under the State Environmental Quality Review Act ("SEQRA")
2. The following are or may be:
Involved agencies under SEQRA:
East Greenbush Town Board
East Greenbush Planning Board
NYS Department of Environmental Conservation
Rensselaer County Health Department

NYS Department of Transportation
 Rensselaer County Office of Economic Development and Planning
 Interested agencies under SEQRA:
 East Greenbush Fire District #3
 W. F. Bruen Rescue Squad
 East Greenbush Department of Public Works
 New York State Office of Parks, Recreation & Historic Preservation
 East Greenbush Central School District
 Capital District Transportation Authority
 Capital District Transportation Committee
 U. S Army Corp of Engineers

3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project.

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

Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

247-2016 A Resolution to Report Standard Work Day for Certain Employees

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

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

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town’s finances;
 now, therefore, be it

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

Title	Name	Standard Work Day (Hrs/Day)	Term Begins/Ends	Participates in Employer's Time Keeping System	Days/Month (based on Record of Activities)
Elected Officials					
Town Supervisor	John J. Conway	8	01/01/2016 - 12/31/2019	Y	n/a
Town Board Member	Mary Ann Matters	6	01/01/2014 - 12/31/2017	N	1.74
Town Board Member	Deborah DiMartino	6	01/01/2014 - 12/31/2017	N	3.5
Town Board Member	Christine C. Tierney	6	01/01/2016 - 12/31/2019	N	10.28
Town Board Member	Thomas P. Grant	6	01/01/2016 - 12/31/2019	N	18.83
Town Justice	Kevin J. Engel	6	01/01/2016 - 12/31/2019	N	4.88
Receiver of Taxes	Antonette Murphy	6	01/01/2016 - 12/31/2019	Y	n/a
Town Clerk	Kimberly Carlock	6	01/01/2016 - 12/31/2019	Y	n/a
Appointed Officials					
Director of Finance	Meaghan L. Hart	7	01/01/2016 - 12/31/2016	Y	n/a
Planning Board Secretary	Allison Lovely	7	01/01/2016 - 12/31/2016	Y	n/a
Dir of Community & Rec	Jessica Lansing	7	01/01/2016 - 12/31/2016	Y	n/a
Comptroller	George Phillips	7	01/01/2016 - 12/31/2016	Y	n/a
Planning Board Chairman	Matthew Mastin	6	01/01/2016 - 12/31/2016	Y	1.73
Planning Board Member	Matthew Polsinello	6	01/01/2016 - 12/31/2016	Y	0.86
Clerk - PT	Lisa Borst	7	01/01/2016 - 07/21/2016	Y	n/a
Human Resource Mgr.	Lisa Borst	7	07/22/2016 - 12/31/2016	Y	n/a
Justice Court Clerk	Stephanie Phillips	7	01/01/2016 - 12/31/2016	Y	n/a
Justice Court Clerk	Eileen Donahue	7	01/01/2016 - 12/31/2016	Y	n/a
Secretary to the Supervisor	Lisa Bulgaro-O'Brien	7	01/01/2016 - 12/31/2016	Y	n/a
Code Enforcement Officer	Kevin Hitchcock	7	01/01/2016 - 12/31/2016	Y	n/a
Typist - PT	Amy Walsh	7	01/01/2016 - 12/31/2016	Y	n/a
Director of Planning	Antonio Manfredi	7	01/01/2016 - 12/31/2016	Y	n/a
Assessor	Judy Goodyer	7	01/01/2016 - 07/29/2016	Y	n/a
Real Property Appraisal Aide	Patrice Burek	6	01/01/2016 - 12/31/2016	Y	4.36
Comm. Of Public Works	Scott Gallerie	8	08/23/2016 - 08/22/2018	Y	n/a

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

248-2016 A Resolution Adopting the Policy Regarding Generic Environmental Impact Statement

WHEREAS, the Town Board prepared the Western East Greenbush Final Generic Environmental Impact Statement (GEIS), dated July 2009, to evaluate the cumulative impacts due to growth within the GEIS study area; mitigation fees were developed for the following critical elements in East Greenbush: GEIS, land use, water/sewer, recreation, and traffic; and

WHEREAS, the intent of Local Law No.1 of 2010 was to provide an equitable means of distributing the cost of improvements by assessing GEIS fees on projects. These fees are assessed and collected based upon the fee schedule contained within Sections 3 and 4 of Local Law No.1 of 2010; and

WHEREAS, It is the intent of the Town of East Greenbush to set forth the Policy Regarding Generic Environmental Impact Statement for administration of the GEIS, including

the establishment of a GEIS Committee to oversee GEIS fee assessment, accounting of GEIS fees, and to make recommendations for disbursement of GEIS funds; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town's finances;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby adopts the attached "Policy Regarding Generic Environmental Impact Statement".

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

Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

249-2016 A Resolution Establishing a Procedure for Determining Just Compensation, and Approving the De Minimis Nature of the Property Acquisitions for the Luther Road Sidewalk Project

WHEREAS, a Project for the Luther Road Sidewalk Construction in the Town of East Greenbush, Rensselaer County, PIN 1757.71 (the "Project") is eligible for federal aid funded through the New York State Department of Transportation; and

WHEREAS, the Town proposes to acquire real property rights from certain properties impacted by the Project; and

WHEREAS, the Town has hired Creighton Manning Engineering, LLP to provide design and right-of-way acquisition services for the Project; and

WHEREAS, said property rights proposed to be acquired for the Project have been appraised by Stropp Appraisal and the appraisals have been reviewed by R.K. Hite & Co., Inc.; and

WHEREAS, pursuant to the federal Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the Town is responsible for establishing the just compensation amount for each proposed acquisition; and

WHEREAS, the just compensation amount will not be less than the approved appraisal amount as provided by R.K. Hite & Co., Inc.; and

WHEREAS, R.K. Hite & Co., Inc. anticipates the combined approved appraisal amounts will not exceed \$9,000 which is less than the amount currently budgeted and approved within the Project; and

WHEREAS, the Town Comptroller confirms that this resolution may result in material financial impact to the Town;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to establish the approved appraisal amounts as just compensation; and be it further

RESOLVED, that the Town Board finds pursuant to Eminent Domain Procedure Law section 206(D) the acquisitions are de minimis in nature so that the public interest will not be prejudiced by the sidewalk Project; therefore, exempt from the public hearing provisions of the Eminent Domain Law, as lands are not being taken for commercial purposes, and takings do not require the removal of any significant structures or interfere with the existing land use;

and be it further

RESOLVED, that the Supervisor of the Town of East Greenbush be and hereby is authorized to execute the compensation determination to be delivered to R.K. Hite & Co., Inc. on behalf of the Town of East Greenbush as well as any contractual documents required to transfer said parcels, and that offers of compensation are authorized in accordance with this resolution, and be it further

RESOLVED, that this resolution shall take effect immediately.

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

Councilor Tierney	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

250-2016 A Resolution Ratifying the Emergency Replacement of a Front Snow Plow

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of December 14, 2016 and was subsequently presented to the Town Board on December 19, 2016; and

WHEREAS, during a snow storm on December 12, 2016, Truck #7 hit a manhole riser and damaged the front snow plow; and

WHEREAS, the Commissioner of Public Works, Scott F. Gallerie, determined that, due to excessive rust and corrosion, the plow could not be repaired and had to be replaced and that the department did not have a serviceable spare plow in inventory; and

WHEREAS, Commissioner Gallerie issued an Emergency Procurement letter to the Town Board on December 13, 2016; and

WHEREAS, the need to keep the roads free of ice and snow creates an emergency situation and it was determined that without a front plow replacement the Town was not in position to ensure the safety of all of its roads; and

WHEREAS, Commissioner Gallerie, in consultation with the Town Supervisor, directed the Senior Mechanic to locate a front snow plow at the best possible price; and

WHEREAS, Zwack, Inc. had a front snow plow on State contract plus a 30% discount for a total price of \$6,500 the Senior Mechanic was authorized to make the purchase; and

WHEREAS, the Town Comptroller confirms that this plow can be purchased within the 2016 budget for account 51304.02.004;
now, therefore, be it

RESOLVED, that the Town Board ratifies the decision made by the Town Supervisor and Commissioner of Public Works to make an emergency replacement of a front snow plow for Truck #7.

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

Councilor DiMartino	VOTED:
Councilor Grant	VOTED:
Supervisor Conway	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:

251-2016 A Resolution Ratifying the Emergency Replacement of the Boiler in the Police Station

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of December 14, 2016 and was subsequently presented to the Town Board on December 19, 2016; and

WHEREAS, the boiler in the police station has been operating in a degraded mode since the beginning of the heating season and finally stopped working altogether at the end of November after the monthly Town Board meeting; and

WHEREAS, after spending \$2,600 in labor and parts to unsuccessfully get the boiler back in operation it was determined by the Commissioner of Public Works, in consultation with the Town Supervisor, that the boiler had to be replaced; and

WHEREAS, the Commissioner of Public Works, Scott F. Gallerie, notified the Town Board in writing on November 22, 2016 that he had obtained quotes to replace the boiler as it was or replace it with a more efficient hot air furnace and, after reviewing the quotes, determined that the best course of action was to replace it with a more efficient hot air furnace; and

WHEREAS, BPI Mechanical Services was selected as the Town’s HVAC repair contractor after a solicitation of bids, the Commissioner of Public Works, in consultation with the Town Supervisor, authorized them to replace the boiler with the more efficient hot air furnace at their estimated price of \$17,465; and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is approximately \$17,465 from the General Fund for this expense;

Fund	Transfer in	Transfer out
A917 – General Fund Balance	--	\$17,465
1620.4– Buildings C/E	\$17,465	

now, therefore, be it

RESOLVED, that the Town Board ratifies the decision made by the Town Supervisor and Commissioner of Public Works to make an emergency replacement of the boiler in the police station for an estimated price of \$17,465.

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

Councilor Grant	VOTED:
Councilor Tierney	VOTED:
Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:

252-2016 A Resolution Approving the Borrowing by the Best-Luther Fire Company from The Bank of Greene County for Improvements to its Existing Firehouse

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of December 14, 2016 and was subsequently presented to the Town Board on December 20, 2016; and

WHEREAS, the Best-Luther Fire Department, Inc. (hereinafter the “Fire Company”) has requested the Town of East Greenbush and its Supervisor to approve borrowing by the Fire Company from The Bank of Greene County in the amount of \$260,000.00 for renovations and improvements for its existing firehouse located at 303 Old Best Road in the Town of East Greenbush; and

WHEREAS, the Fire Company seeks to borrow the sum of \$260,000.00 from The Bank of Greene County for a term of twenty (20) years at an interest rate of 4.49% and secure the loan by giving a mortgage on its premises at 303 Old Best Road, East Greenbush, New York; and

WHEREAS, the Fire Company seeks the approval of such borrowing by the local municipality having jurisdiction, in this case, the Town of East Greenbush; and

WHEREAS, the Town Board wishes to facilitate this borrowing so that the Fire Company can proceed to improve its firehouse and to borrow money to do so at an available interest rate; and

WHEREAS, such improvements will benefit the residents of the Town of East Greenbush and are supported by the Town Board; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town's finances;

now, therefore, be it

RESOLVED, the Town of East Greenbush does hereby approve the borrowing by the Fire Company from The Bank of Greene County for improvements to its existing firehouse located on 303 Old Best Road in the Town of East Greenbush in the maximum amount of \$260,000.00;

and be it further

RESOLVED, that this approval is contingent upon the following requirements:

a. The Town of East Greenbush shall not be a participant in the financing in any manner but rather this approval is made solely in order to facilitate the borrowing by the Fire Company. Accordingly, the Town of East Greenbush shall have no obligations or liabilities in connection with such borrowing.

b. The Town shall have no liability to The Bank of Greene County.

c. The Fire Company shall comply with all applicable laws, rules and regulations in connection with said borrowing and in connection with the contracting for the performance of such renovations and improvements.

d. The Fire Company shall obtain and deliver to the Town of East Greenbush an insurance certificate whereby the Town of East Greenbush is named as an additional insured with respect to this project.

e. The Fire Company shall sign a copy of this Resolution to confirm its agreement to the terms and conditions hereof.

and be it further

RESOLVED that, pursuant to these terms and conditions, the Town Supervisor be and he is hereby authorized to issue a letter of approval.

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

Supervisor Conway	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:
Councilor Grant	VOTED:

**253-2016 A Resolution Changing the Time of the Pre-Board Meeting on
January 11, 2017**

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of December 14, 2016 and was subsequently presented to the Town Board on December 21, 2016: and

WHEREAS, two public hearings have been scheduled for January 11, 2017, one at 6:00 p.m. to consider the Supplemental Draft Environmental Impact Statement submitted by Regeneron Pharmaceuticals, and another at 6:30 p.m. to consider amendments to the Town's Amenities Plan; and

WHEREAS, the normal starting time for pre-board meetings is 6:00 p.m.; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no impact on the Town's finances;

now, therefore, be it

RESOLVED, that the start time for the January 11, 2017 pre-board meeting is changed to 7:00 p.m. to accommodate the two public hearings cited above.

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

Supervisor Conway	VOTED:
Councilor Tierney	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Grant	VOTED:

ADJOURNMENT

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

Supervisor Conway	VOTED:
Councilor Grant	VOTED:
Councilor DiMartino	VOTED:
Councilor Matters	VOTED:
Councilor Tierney	VOTED:



The Town of East Greenbush

EAST GREENBUSH TRANSFER STATION
 Ridge Road, Rensselaer, NY 12144
 (518) 477-7012

2017 Information

Resident- Annual Permit \$85.00 Proof of East Greenbush Residency Required
Non-Resident Annual Permit \$110.00 Proof of Residency Required
Senior – Annual Permit \$40.00 Proof of East Greenbush Residency Required
Commercial Brush Permit \$550.00 Annual Permit for Commercial Landscaping Companies

Anyone electing to use the Transfer Station must have a Permit. Each Permit holder will be issued a sticker for their car and should be placed behind the rear view mirror so it is clearly visible to the attendant. Additional car stickers for multi-vehicle households can be purchased for \$10.00 each.

Permits and Punch Cards may be purchased at:

Town Hall - Monday – Friday with CASH or CHECK.

Transfer Station - Tuesday – Saturday with CHECK only.

Resident – Punch Cards \$75.00 each (Proof of East Greenbush Residency Required)
Non-Resident – Punch Cards \$85.00 each (Proof of Residency Required)

In addition to a permit, a punch card **must** be purchased to avoid a fee each time the facility is used. The punch card will be “punched” by the attendant depending on the quantity of refuse brought to the Transfer Station. The number of “punches” is determined at the discretion of the attendant. Each punch card allows for the disposal of fifty – two (52) bags. Each bag must be 40-gallons or less. You **MUST** bring your punch card with you.

All transactions at the Transfer Station can be paid by check only.

Residents may purchase as many punch cards as necessary. Remaining “punches” at the end of the year are rolled over to the following calendar year. *NO REFUNDS will be granted to anyone who purchases a permit regardless of the time of year or circumstances surrounding such refund request*

With a permit, the following items are accepted at no additional charge:

Tree limbs (less than four inches in diameter)
 Newspaper/Magazines/Cardboard
 Tin Cans
 Household Batteries
 Glass Bottles/Jars
 Plastic Containers

All Residents can bring bagged brush/leaves/grass clippings (in brown, recyclable bags) **at no charge**

COSTS FOR ADDITIONAL ITEMS: Payment may be made by Additional Punches or by Check ONLY

Passenger Vehicle Tires	\$6.00	3 Punches	Propane Tanks	\$6.00	3 Punches
Pool Liners/Covers	\$8.00	4 Punches	Rugs/Carpets (up to 12 x 10)	\$10.00	5 Punches
Chair	\$4.00	2 Punches	Sinks/Toilets	\$8.00	4 Punches
Couch	\$10.00	5 Punches	Wood Furniture	\$10.00	5 Punches
Mattress/Box Spring	\$8.00	4 Punches	All METAL Household Appliances		FREE
Televisions	\$10.00	5 Punches	All Metal		FREE
Commercial Tires – Not Accepted					

*Refrigerators and Air Conditioners still charged with Freon are charged an additional fee of \$15.00

Household construction/demolition debris will be charged \$10.00 per 40-gallon container. All debris must fit into a barrel and cannot contain any of the Prohibited Items listed below:

Prohibited Items:

Commercial Construction/Demolition Debris

Paint

Radioactive Waste

Roof Shingles

Motor Oil

Flammable Liquids

Hazardous Waste

Tree Stumps

In addition, other items may be deemed dangerous or otherwise not acceptable by the facility attendant.

OPERATING HOURS FOR THE TRANSFER STATION ARE:

Monday	CLOSED
Tuesday, Wednesday, Friday	8:30 AM - 4:55 PM
Thursday	8:30 AM - 6:55 PM
Saturday	8:00 AM - 4:00 PM
Sunday	CLOSED

CLOSED ON THE FOLLOWING HOLIDAYS:

New Year's Day	Sunday, January 1, 2017
Independence Day	Tuesday, July 4, 2017
Election Day	Tuesday, November 7, 2017
Thanksgiving Day	Thursday, November 23, 2017
Day After Thanksgiving	Friday, November 24, 2017
Christmas Eve	Sunday, December 24, 2017
Christmas Day	Monday, December 25, 2017

**SPRING/FALL CLEANUP DATES AND THE 2017 AMNESTY WEEK
POSTED ON THE TOWN WEBSITE AND IN THE ADVERTISER ONCE THE DATES HAVE BEEN
DETERMINED**

Please remember the following when bringing items to the Transfer Station:

Household items must be bagged

There are NO overloads on Saturday

Please do not leave trash when the Transfer Station is CLOSED

Absolutely no commercially owned landscaping businesses allowed to utilize facilities
without a permit

No scavenging or "picking" will be allowed on the Transfer Station premises.

**Violation of Transfer Station policies will result in the permit holder
being subject to penalties under Town Law.**

Attachment #2 Mutual Community Sharing Plans For High Intensity Law Enforcement Activity

MUTUAL COMMUNITY SHARING PLANS FOR
HIGH INTENSITY LAW ENFORCEMENT ACTIVITY

This agreement, **effective January 1, 2017 or as otherwise affixed below**, between the Town of East Greenbush, a municipal corporation with its principal place of business at 225 Columbia Turnpike, Rensselaer, NY 12144; the Town of Schodack, a municipal corporation with its principal place of business at 265 Schuurman Road Castleton NY 12033; Town of North Greenbush, a municipal corporation with its principal place of business at 2 Douglas Street, Wynantskill, NY 12198; and the City of Rensselaer, a municipal corporation with its principal place of business at 62 Washington St, Rensselaer, NY 12144, Village of Nassau, a municipal corporation with its principal place of business at 40 Malden Street Nassau N.Y 12123

RECITALS

WHEREAS, Article 5-G, subdivision 3 of Section 119-o of the General Municipal Law permits, municipal corporations to enter into agreements for the performance amongst themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis for the provisions of a joint service; and

WHEREAS, the parties hereto have experienced the need within their jurisdictions a potential need for certain law enforcement missions that require intense effort in order to meet the industry standard for acceptable delivery of service in each case. Typically, this activity is associated with the need for specialized equipment and specially trained employees.

NOW THEREFORE, the parties do mutually agree pursuant to the terms and provisions of this HIGH INTENSITY LAW ENFORCEMENT ACTIVITY AGREEMENT as follows:

ARTICLE ONE
PURPOSE OF THE AGREEMENT

The purpose of this agreement is to:

1. formalize the relationship of the parties, being Town of East Greenbush Police Department, the Town of Schodack Police Department, the Town of North Greenbush Police Department, the City of Rensselaer Police Department and the Village of Nassau Police Department and;
2. Clarify the obligations of the parties; and
3. Make available to each party; the specialized equipment and the specially trained employees among the parties to provide an acceptable and cost effective response to certain high intensity cases.
4. Services to be covered;

Shared Services Emergency Response Team: as described herein at Article XII.

Hostage Negotiators: for those occurrences where skilled negotiators may serve to de-escalate a critical incident.

Accident Investigation: Serious injury or fatal traffic accident investigations

Crime Scene Investigation: Major case forensics, evidence recovery and scene documentation.

Training: In-Service training (i.e.; Legal Updates, Defensive Tactics, and Immediate Rapid Deployment) and other training as needed

Communications: To provide call taking & dispatch services or any other communications need as agreed upon by the agencies.

All-Terrain Vehicles and special vehicles.

ARTICLE TWO
PERSONNEL AND EQUIPMENT

Each party agrees that their Police Department (grantor) may supply personnel, equipment and other available resources to the other (grantee) upon request in the event of an emergency, if their respective Police Chief or chief's panel or their designees, deems it appropriate. The number of personnel, if any and the amount or type of equipment to be dispatched by the grantor agency shall be determined by that agency's Police Chief or Chief's Panel or their designees.

ARTICLE THREE
RETAINED PERSONNEL AND EQUIPMENT

The agencies agree that the grantor agency which is responding to the request of any grantee agency, shall hold back sufficient personnel and equipment to maintain adequate services within the territory of said grantor. Should the need arise, any grantor agency may recall any personnel and equipment or any part thereof. The grantor shall inform the grantee of its intent to withdraw from the situation.

ARTICLE FOUR
COMPENSATION

No participant, as a grantee, shall be obligated to compensate any grantor, for services rendered or for injuries sustained by any grantee, or for the use or damage to the grantor's equipment. Specifically, and without limiting the foregoing, the grantee shall have no obligation for payment of wages or withholding for unemployment, workers compensation, or for the payment of any other benefits to the personnel of the grantor. Each party hereto hereby expressly waives any and all claims to whatever type or nature, except for gross negligence, against the other and its personnel, which may arise out of the performance of this Agreement.

ARTICLE FIVE
CONTROL OF PERSONNEL AND EQUIPMENT

The person in charge of the personnel and equipment of the grantor agencies shall report to the Incident Commander, Tactical Team Leader, Supervisor or other person in charge of the incident in the territory of the grantee agency at the location of the incident. Thereafter, the parties shall devise a plan pertaining to the deployment of the personnel and equipment.

ARTICLE SIX
PRIVILEGES AND IMMUNITIES

To the extent permitted by law, all privileges and immunities from liability which normally attach to the activities of any party while performing its functions within that party's normal geographic area of employment, shall also apply to the activities of that party while acting in the capacity as a grantor agency under the terms and conditions of this agreement.

ARTICLE SEVEN
LINE OF DUTY DEATH or INJURY

The effect of death, injury, or disability to any officer while acting outside their normal geographic area of employment, while participating under the terms and conditions of this agreement, shall be the same as if as if they were killed, injured or were to become disabled while acting within their normal geographic area of employment, and any such injury, disability or death shall be considered to be in the line of duty.

ARTICLE EIGHT
INDEMNIFICATION

No agency or government entity which is a party to this agreement shall be liable for any lost property, damaged property, medical expenses, property replacement, or other damages or any other claim made by any employee of a grantor agency arising out of participation in this agreement.

ARTICLE NINE
ADMINISTRATION

It is the intention of the participants that no separate legal entity be created by this agreement to carry out its provisions. To the extent this Agreement requires administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto acting as joint board. No real or personal property shall be acquired by the participants as a result of this Agreement.

ARTICLE TEN
DISCHARGE OF PUBLIC DUTY

This Agreement shall not relieve any participant of any obligation or responsibility imposed upon it by law except that performance of any grantor may be offered in satisfaction of any such obligation or responsibility to the extent of actual and timely performance thereof by the responding party.

ARTICLE ELEVEN
COMPLIANCE WITH LAWS

Each participant agrees that each will comply with all applicable Federal, State and Local Laws, Rules and Regulations applicable to the respective entities and employees in connection with the performance of this Agreement.

ARTICLE TWELVE
SHARED SERVICES EMERGENCY RESPONSE TEAM

1. **The parties agree to operate a Shared Services Emergency Response Team (TEAM), under the supervision of a Chief's Panel, according to the command and control policies and organizational provisions of the Manual of Standard Operating Guidelines of the TEAM. No separate legal entity is created by this Article nor is any required to carry out the provisions herein.**
2. **No real or personal property shall be acquired through operation of this Agreement.**
3. **The ownership of supplies, material or public property, acquired by any Party hereto in the furtherance of the mission of the TEAM or of this Agreement, shall be retained by said Party and accounted for by said Party pursuant to applicable law.**
4. **An inventory of such supplies, material or public property as described above, and the manner of its acquisition shall be maintained in accordance with industry standard recordkeeping practices.**
5. **The Parties agree to evenly share the cost of supplies, material or public property which is acquired at the direction of the aforesaid Chief's Panel which has established an Annual Contribution to be made in the amount of \$3,750.00 for each party that contributes members to the TEAM. Contributions are due by March 1st of each year. Unused funds will carry over from year to year.**
6. **A central point of purchasing shall coordinate such authorized expenses, including maintaining a journal thereof and evenly distributing said authorized costs to each Party. At this time the Town of East Greenbush will continue to provide a central point of purchasing.**

- 7. To the extent that this Agreement should require administration other than as set forth herein, it shall be administered by the governing bodies or an appointee of the governing bodies hereto, acting as a joint board.**

ARTICLE THIRTEEN

SHARED SERVICES OPERATING ACCOUNT

If the parties to this agreement decide to create a Shared Services Operating Account to cover the costs of supplies, maintenance etc. of shared equipment or any other shared property or materials, those costs will be evenly shared. The amount of funds from each party and the administration of such account will be mutually agreed upon by each Chief or their designee.

ARTICLE FOURTEEN

APPROVAL, DURATION, AND TERMINATION

1. This Agreement shall not be effective until approved by a majority vote, as required by section 119-o of the General Municipal Law, of the governing body of each agency.
2. This Agreement may be changed, modified or amended by written agreement of the participants, subject to the requirements of paragraph 1 of this Article.
3. This Agreement shall terminate on December 31, 2020. The terms herein shall continue, however, until legislative bodies have held their annual Organizational Meetings. At such meeting, this Agreement shall be considered for renewal, and if approved by each legislative body, such renewal shall be made effective as stated in the approval. Any party may terminate any rights and obligations under this Agreement at any time by giving thirty days written notice of its intent to withdraw from this Agreement.
4. All notices shall be provided to:

A. Town of East Greenbush
 Officer of the Town Attorney
 225 Columbia Turnpike
 Rensselaer, NY 12144

 Jack Conway, Supervisor Date

B. Town of Schodack
 Office of the town of Attorney
 265 Schuurman Road
 Castleton, NY 12033

 Dennis Dowds, Supervisor Date

Town of North Greenbush
 Office of the Town Attorney
 2 Douglas Street
 Wynantskill, NY 12198

 Lou Desso, Supervisor Date

C. City of Rensselaer
 Office of City Attorney
 62 Washington Street

Rensselaer, New York

Daniel J. Dwyer, Mayor

Date

D. Village of Nassau
40 Malden Street
Nassau NY 12123

Robert Valenty, Mayor

Date



Town of East Greenbush

Department of Parks & Recreation Rules and Regulations

I. Purpose.

These *Rules and Regulations* shall apply to the use of Town parks and facilities listed in Section II and are intended to provide the fullest enjoyment of the Town park system for its patrons.

II. Town parks and facilities.

The following are the Town parks and facilities covered by these *Rules and Regulations*:

- East Greenbush Town Park- Town Park Rd.
- Onderdonk Park- Hampton Ave.
- Hampton Manor Park- Lakeshore Drive
- Woodland's Eckman Park is located off Phillips and Grant Avenue.
- Prospect Heights Park is located on Neptune Street
- Ontario Park is located on Ontario Avenue

III. General Rules.

The following provisions shall apply:

A. Hours.

Except for special events authorized by the Town and as provided below, park hours are from 8 a.m. until dusk, year around. If a park's entrance is blocked or the gate is locked, entry to and use of the park is prohibited.

B. Fees.

Any fee for use shall be determined on an annual basis by the Town Board.

C. Use.

Park facilities are available for public use on a first-come, first-served basis except those areas that are reserved as provided in Section V. Patrons shall preserve the peace and tranquility of the parks. Offensive language and undesirable noise amplification is prohibited.

D. Refuse and Trash. Any trash which is a result of legal park use such as picnicking shall be placed in the proper receptacles where provided. Where such receptacles are not provided, all rubbish and trash shall be removed from the park by those who are using the park.

E. Vehicles. All vehicles shall be operated on park roads only and in designated parking areas. Parking on the grass is prohibited. Access and maintenance roads shall remain clear at all times. The maintenance of vehicles, including changing oil and cleaning, is prohibited on park grounds except for emergencies.

F. Fires. Fires are only allowed in cooking grills. Cooking grills are charcoal only and charcoal is not provided by the Town. Portable camp stoves and grills are permissible.

G. Tobacco Free Zones. Playgrounds, playing and athletic fields, dog park, tennis and basketball courts are tobacco free.

H. Assumption of Risk and Loss. All patrons using Town parks and recreational facilities do so at their own risk. The Town assumes no responsibility for loss of personal property.

IV. Prohibited Activities.

Except as authorized by the Department of Parks & Recreation, the following activities are prohibited:

A. Alcohol.

Except as provided under Section VI, the possession or consumption of alcoholic beverages is prohibited.

B. Damage and Removal of Plants and Natural Features.

Damaging, cutting, carving, transplanting or removing trees, vegetation, or plants; picking flowers, injuring bark or removing seeds; digging or disturbing the ground or injuring the natural beauty of the park; damaging or removing soil, rocks, trees, fence posts, or collecting of firewood is all prohibited.

C. Damage to Property and Erection of Structures.

Driving nails or staples into trees, buildings or picnic tables or constructing, installing or erecting any building or structure is prohibited.

D. Disruptive Behavior.

Patrons engaging in disruptive, destructive or hazardous behavior may be directed to stop such behavior by any park employee or enforcement official. Such conduct may result in the expulsion of the patron from the park and at the discretion of the Town official and the issuance of a legal summons.

E. Fireworks.

Fireworks of any type with the exclusion of professional firework companies hired by the Town are prohibited.

F. Group Assembly.

Group assemblies that may conflict with normal park use without prior authorization from Town officials are prohibited.

G. Hunting.

Except for authorized law enforcement personnel, the carrying, possessing, or use of firearms including, but not limited to, bow hunting and trapping devices is prohibited. Shooting into park areas from beyond park boundaries is prohibited and illegal.

H. Litter and dumping.

Dumping, littering, depositing or leaving any bottles, glass, ashes, paper, boxes, cans, dirt, rubbish or other trash is prohibited

I. Motorized vehicles.

All-terrain vehicles, off-road motor bikes, snowmobiles, air-supported vehicles, and overnight parking are prohibited.

J. Overnight camping.

Overnight camping, tents, and enclosures are prohibited.

K. Special devices and activities.

Inflatable slides, slip 'n slides, bouncy bounces, trampolines, and pony rides unless a Certificate of Insurance with the Town of East Greenbush listed as additional insured is provided to the Town by the company are prohibited.

L. Vending, Fundraising and Performances.

Sales, peddling, fundraising, advertising, or staging performances without authorization by Town Officials is prohibited.

M. Wildlife.

Feeding or disturbing wildlife is prohibited.

V. Reservations.

Reservations are required for the use of all Park Pavilions or Hampton Manor Beach House.

- A. All rentals must be reserved through the Department of Community and Recreation. 477-4194.
- B. A facility request form must be completed and submitted with a reservation along with a \$50 non-refundable deposit fee. All requests will receive a reply within five business days of the receipt of the request.
- C. If you would like to provide alcoholic beverages, beer and/or wine to attendees of your event at no cost to them and it is a private, "by invitation only" event (family reunion, company picnic, etc.), you must apply for an alcoholic beverage permit for an additional charge of \$25
- D. The balance of the rental fee after deposit is due no later than two weeks after the reservation has been approved.
- E. Cancellations made less than two weeks in advance of a scheduled event will not be refunded. The \$50 deposit is non-refundable.

VI. Alcohol.

A. Prohibited. Except for a *Beer and Wine Permit* issued under Section VI (B), the possession or consumption of alcoholic beverages is prohibited.

B. Beer and Wine Permit.

Beer and/or wine shall be served under the following conditions:

1. The issuance of *Beer and Wine Permit* by the Department of Parks & Recreation.
2. Beer and/or wine may not be sold or served to persons under the age of 21.
3. Beer and/or wine are the only alcoholic beverages which may be served.
4. Beer and/or wine shall be served from beer balls, kegs, cans or boxes only.
5. Glass bottles and glass containers are prohibited.
6. Beer and/or wine are restricted to the pavilion areas and adjoining softball, diamond, volleyball court and horseshoe pits.
7. The *Beer and Wine Permit* shall be posted at the pavilion.
8. Any violation of these requirements may result in immediate revocation of the *Beer and Wine Permit*.

VII. Animals.

A. Leash. Except as provided in Section VII (B), all animals shall be kept on a leash at all times pursuant to Town of East Greenbush Local Law #4 of 1971. Dog excrement shall be removed immediately and properly disposed of in a sanitary manner.

B. Dog Park.

The use of the dog park shall comply with the following requirements:

- The dog park is restricted to East Greenbush residents with permits. Permits may be obtained at the Town Clerk's Office at Town Hall.
- All dogs **MUST** be leashed outside of the fenced in area.
- Owners must carry a leash and supervise their dog closely at all times inside the dog park.
- Anyone using the dog park will do so at their own risk.

- Dogs must wear NYS Tags.
- The Town of East Greenbush shall have no liability for damage to dogs or people using this park.
- Current Dog License and Usage Permit is required. Dogs must wear a collar with permits.
- Owners must clean up after their dogs and place feces in appropriate containers and receptacles.
- Owners are legally responsible for the actions and behavior of their dogs.
- Dogs with a history of aggressive behavior are prohibited while other dogs are in the park.
- Children under age 10 are NOT permitted.
- Children 10-17 years of age must be accompanied by an adult.
- Children are not permitted to chase or supervise dogs.
- Dogs in heat are prohibited.
- Puppies under 4 months of age are not allowed in the dog park.
- Habitual barking that is disruptive to residents enjoying the park is prohibited.
- Rawhide, dog treats, and food are prohibited.
- Owners must stop their dog from digging and holes must be filled.
- Dog training classes are prohibited.
- No more than two dogs per owner are allowed in the dog park at one time.
- Enforcement of these rules is under immediate supervision of the Animal Control Officer. Violators are subject to removal from the park, revocation of permits, and fines and penalties.
- Comments or concerns regarding the violation or enforcement of park rules can be directed to Animal Control Officer at 951-0213 or the Department of Parks, Community and Recreation at 477-4194
- Comments or concerns regarding the maintenance of the park can be directed to the Public Works Parks Department at 477-6103
- Any incident of a dog bite **MUST** be reported immediately to Animal Control @ 951-0213.
- It is recommended that in the occurrence of any incident between dogs that all information between owners and dogs be exchanged at the time.
- Please note that extremely aggressive behavior and/or dog bites, as well as, owners not abiding to the rules, are all justification for permit revocation.

VIII. Summer Camp. The Town runs a summer camp program at the East Greenbush Town Park for six consecutive weeks during the months of July and August. During this time, the lower pavilion, the restrooms just below the lower pavilion, the open space in the park by the circle and by the water, and the playground areas are restricted for use from 9 a.m. -4 p.m.

Questions in regard to any of the above may be directed as follows:

1. Department of Parks, Community, and Recreation 477-4194
2. Department of Public Works 477-6103
3. Town Clerk's Office 477-7145
4. Town Board- 477-4775

TOWN OF EAST GREENBUSH
POLICY REGARDING GENERIC ENVIRONMENTAL IMPACT STATEMENT

Statement of Purpose: It is the intent of the Town of East Greenbush to set forth this policy for administration of the Western East Greenbush Final Generic Environmental Impact Statement (GEIS), including the establishment of a GEIS Committee to: oversee GEIS fee assessment, accounting of GEIS fees, and to make recommendations for disbursement of GEIS funds. The Town Board prepared the GEIS, dated July 2009, to evaluate the cumulative impacts due to growth within the GEIS study area. Mitigation fees were developed for the following critical elements in East Greenbush: land use/GIS, water/sewer, recreation, and traffic. The intent of Local Law No.1 of 2010 was to provide an equitable means of distributing the cost of improvements by assessing GEIS fees on projects. These fees are assessed and collected based upon the fee schedule contained within Sections 3 and 4 of Local Law No.1 of 2010.

The GEIS Committee shall also make recommendations regarding the need to update policy and program administration including, but not limited to, accounting and auditing. In addition, it is the responsibility of the Town to update the GEIS document every 5-7 years as part of the administration of the GEIS program, and the GEIS Committee will provide any related recommendations to the Town Board.

GEIS Committee

The Town shall establish a GEIS Committee to oversee the GEIS fee assessment and accounting of GEIS fees, and make recommendations for disbursement of GEIS funds. The membership of the GEIS Committee shall consist of the following municipal staff positions:

- Town Supervisor
- Town Services Coordinator
- DPW Commissioner
- Director of Planning
- Town Board member

One GEIS Committee member shall be designated as the Committee Chairperson. The committee shall meet no less than once a month to discuss all actions related to the GEIS program. All committee meetings shall have a quorum of at least four members. A GEIS Committee Meeting Record will serve as documentation of the GEIS Committee meeting, and the Record will be provided to the Town Board by the GEIS Committee Chairperson.

GEIS Fee Assessment

GEIS mitigation fees shall be assessed in accordance with the fee schedule contained within sections 3 and 4 of adopted Local Law No. 1 of 2010 (attached). The GEIS fee schedule, and an estimate of fees (where practicable) will be given at the time of project application. It will be the responsibility of the Director of Planning to issue a fee letter for projects that require the assessment of GEIS fees in accordance with the fee schedule. All fee letters will be issued after a project has received approval from the Planning Board and/or Town Board, and all Planning Board and/or Town Board resolutions will specify that final site plan approval is contingent upon technical review and payment of GEIS fees. Copies of the fee letters will be provided to the GEIS Committee at the monthly committee meeting. Applicant GEIS fees must be paid prior to the issuance of a building permit.

The fee assessment process includes an appeal procedure as outlined in section 4-D of Local Law No. 1 of 2010 for applicants that assert that any assessed fees are inequitable. It is recommended that any applicant disputing the fee charged make an application in writing to the Planning Department. Upon receipt of the application, the applicant will hold a meeting with the Director of Planning and Project Engineer (if any) to determine if empirical evidence exists to dispute the original assessment, and whether said evidence is substantial in nature to cause a recalculation of assessment. If it is determined that the fee was issued in error it shall be the purview of the Planning Director, in consultation with the Town Supervisor, to make appropriate corrections. If the fee was not issued in error, the Planning Director and Project Engineer (if any) will issue the application of appeal to the Planning Board along with their technical opinion. The Planning Board shall therefore upon receipt of written request, setting forth the grounds upon which applicant asserts the fees are inequitable, examine the record and prepare a written response setting forth reasons why the applicants claims are valid or invalid. The Planning Board shall prepare a recommendation within (60) days of appeal and submit it to the Town Board who shall make the determination as to the complaint. Per 6 NYCRR 617.13(f), the appeal procedure shall not interfere with or cause delay in the EIS process or prohibit an action from being undertaken.

The Director of Planning shall maintain a GEIS Fee Assessment spreadsheet tracking all GEIS fees assessed and received. It is the responsibility of the GEIS Committee to review the spreadsheet for accuracy at the monthly committee meeting. In the event that a committee meeting does not occur, the spreadsheet review should be conducted by the Committee Chairperson prior to the subsequent meeting.

Any exceptions to this policy must be requested and justified in writing by the applicant, and should be submitted to the Planning Department prior to the granting of final project approval. All requests for exception will be presented to the Town Board for approval.

GEIS Fee Accounting

GEIS mitigation fees that are collected in accordance with Local Law No.1 of 2010 shall be kept in the subordinate trust accounts not to be intermingled with general municipal funds. Five sub-accounts shall be established as follows:

1. GEIS
2. Land Use and GIS
3. Water/Sewer
4. Recreation
5. Traffic

All GEIS fees shall be received in the form of (5) separate checks based upon the category of mitigation, and shall be deposited into the corresponding account. All fees are received by the Planning Department, and deposited into the appropriate bank accounts by the Town Clerk. A monthly bank statement will be provided to the GEIS Committee by the Town Comptroller. It shall be the responsibility of the Director of Finance to reconcile the GEIS account statements with fee collection deposits and disbursements to verify accuracy. The Director of Finance will provide a statement of account accuracy to the GEIS Committee at the monthly committee meeting. In the event that a monthly committee meeting is not held, it shall be the responsibility of the Committee Chairperson to obtain confirmation of account accuracy from the Director of Finance.

GEIS Fee Disbursement

It shall be the responsibility of the GEIS Committee to determine appropriate action to mitigate growth inducing impacts and when the need for a mitigating capital improvement has been triggered. The GEIS Committee shall be responsible for all recommendations to the Town Board regarding disbursement of GEIS funds in accordance with the GEIS. In alignment with the intent of the GEIS, the GEIS Committee shall provide a formal statement attesting to the validity of all GEIS disbursements. This statement shall read as follows:

In accordance with the GEIS Findings Statement a capital improvement expenditure is required to fund the following project:

Project Description_____ . This capital improvement expenditure will serve as mitigation for the growth inducing impacts caused by development within the Western GEIS Study Area. Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating the aforementioned mitigation in accordance mitigation measures identified in the Western GEIS Statement of Findings.

Upon execution of the statement, the GEIS Committee shall provide a written

recommendation to the Town Board for all GEIS fee disbursements. The statement and written recommendation shall be appended to all Town Board resolutions. The Town Board must approve all GEIS fee disbursements.

GEIS Policy and Program Administration

The GEIS Committee shall be responsible for insuring that the GEIS Impact Statement and any related documents are updated regularly in accordance with maintaining an enforceable document (common practice dictates updating every 5-7 years). When the need to update the GEIS Impact Statement occurs, the GEIS Committee shall make a recommendation to the Town Board to undertake said update and authorize any commensurate expenditure as required. GEIS fees are collected under the GEIS category to cover this cost. The GEIS Committee shall review any proposed updates for consistency with the intent to mitigate growth inducing impacts as they relate to present and future infrastructure needs. Upon satisfaction as to the consistency of the proposed update the Committee shall make a recommendation to the Town Board to ratify said update via Local Law.

Any suggested modifications of this Policy Regarding Generic Environmental Impact Statement shall be prepared by the GEIS Committee and presented to the Town Board for approval.

GEIS Committee Meeting Record

Date of Meeting:	
In Attendance:	
Absent:	
GEIS Fee Assessment	
Copies of Fee Letters provided by the Director of Planning (Y/N and number of letters issued)?	
Committee Comments regarding Fee Letters	
GEIS Fee Assessment spreadsheet provided by Director of Planning (Y/N and Date of Print)?	
Committee comments regarding Fee Assessment spreadsheet	
Verification: Fee Assessment spreadsheet been reviewed for accuracy by the Committee	
GEIS Fee Accounting	
Monthly bank statement provided to Committee (Y/N and Date of Print)?	
Monthly bank statement verified by Director of Finance (Y/N and Date of Verification)?	
Committee Comments	
GEIS Fee Disbursement	

GEIS Fees Requested by:	
Date of Request:	
Amount of Fees Requested:	
Designation:	
Project Description:	
Committee Comments:	
Committee Recommendation:	

GEIS Fee Disbursement

GEIS Fees Requested by:	
Date of Request:	
Amount of Fees Requested:	
Designation:	
Project Description:	
Committee Comments:	
Committee Recommendation:	

NOTES COMPLETED BY:	
----------------------------	--



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

May 28, 2010

Linda M Kennedy
Town clerk
PO Box 309
East Greenbush NY 12061

RE: Town of East Greenbush, Local Law 1, 2010, filed on May 27, 2010

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated.
Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755



Section 1. Statement of Purpose. The Town Board prepared a Generic Environmental Impact Statement (GEIS), dated July 2009, to evaluate the cumulative impacts of potential future development in the Town in order to plan for and mitigate impacts due to growth. The formulation of this GEIS initiated an evaluation of the cumulative impacts associated with continued growth on the Town's transportation network, water and sewer infrastructure and recreational resource inventory. The GEIS was limited to the Western Generic Environmental Impact Statement (GEIS) boundary, the geographic area for which this law is to apply. It is the intent of this law to provide an equitable means of distributing the cost of the improvements identified in the GEIS, requiring developers to contribute their fair share of the development impact without carrying an unnecessary burden often associated with capital improvement costs. It is further the purpose and intent of this law to apply mitigation fees to all development and redevelopment projects within the identified GEIS boundary for which a SEQRA determination has not yet been made, the amount of which shall depend on the time of submittal.

Section 2. Definitions.

"Project" shall be as defined as any action that is subject to the State Environmental Quality Review Act (SEQRA).

"Western Generic Environmental Impact Statement (GEIS) boundary". That geographic area as set forth in the July 2008 Environmental Impact Statement (GEIS).

Section 3. Amount of Mitigation Fees. The mitigation fees for development applications located within the Western Generic Environmental Impact Statement (GEIS) boundary, dated July 2009, shall be calculated and assessed as follows:

<u>Category</u>	<u>Use</u>	<u>Rate</u>	<u>Unit of Measure</u>	<u>Payment Due</u>
GEIS	All	\$52.29 ²	Per Peak PM Trip	Prior to Approval to Commence Construction
Land Use & GIS	All	\$5.67 ²	Per Peak PM Trip	Prior to Approval to Commence Construction
Water/ Sewer	Residential ¹	\$5,100.00	Per Dwelling Unit or per EDU for Multi-family (EDU = 200 gallons per day)	\$500 Per Dwelling Unit or EDU Prior to Approval to Commence Construction; Remaining Balance Prior to Obtaining Each Building Permit
	Non-Residential	\$5,100.00	Per EDU (EDU = 200 gallons per day)	\$500 Per Dwelling Unit or EDU Prior to Approval to Commence Construction; Remaining Balance Prior to Obtaining Each Building Permit
Recreation	Residential	\$1,000.00	Per Dwelling Unit	Prior to Approval to Commence Construction
	Non-Residential	\$0.98	Per Square Foot of Building	Prior to Approval to Commence Construction

Traffic	Residential	\$1,325.00	Per Dwelling Unit	Prior to Approval to Commence Construction
	Retail	\$4.91	Per Square Foot of Building	Prior to Approval to Commence Construction
	Office	\$2.27	Per Square Foot of Building	Prior to Approval to Commence Construction
	Industrial	\$1.42	Per Square Foot of Building	Prior to Approval to Commence Construction
	Other	\$1,310.00	Per Peak PM Trip	Prior to Approval to Commence Construction

Section 4. Amount of Mitigation Fees.

- A. Projects Submitted Subsequent to Effective Date of Law. Such projects shall pay 100% of the fees set forth in the section above.
- B. Previously Submitted Projects For Which No SEQRA Determination Was Made. For previously submitted projects for which no SEQRA determination has been made, mitigation fees shall be assessed in a phased implementation based upon the date on which the development application was formally submitted to the Town for processing. The phased implementation of these fees will be applied as follows:
1. Applications submitted before or during 2005 will be assessed a 16% discount from the total calculated GEIS mitigation fees due to the Town;
 2. Applications submitted during 2006 will be assessed a 12% discount from the total calculated GEIS mitigation fees due to the Town;
 3. Applications submitted during 2007 will be assessed an 8% discount from the total calculated GEIS mitigation fees due to the Town;
 4. Applications submitted during 2008 will be assessed a 4% discount from the total calculated GEIS mitigation fees due to the Town;
 5. Applications submitted during 2009, and thereafter, will be assessed 100% of the total calculated GEIS mitigation fees due to the Town.
- C. Limitation on Fees. Any fee charged via this law shall be capped at, and therefore not exceed, the amounts set forth in 6 NYCRR 617.13.
- D. Appeals Procedure. Should an applicant dispute the amount of fee charged, per 6 NYCRR 617.13(f), the Planning Board is hereby appointed to hear such appeal. The Planning Board shall therefore upon written request, setting forth the grounds upon which applicant asserts the fees are inequitable, examine the record and prepare a written response to the applicant setting forth reasons why the applicant's claims are valid or invalid. The Planning Board shall thereafter within sixty (60) days for a recommendation to the Town Board who shall make the determination as to the complaint. Per 6 NYCRR 617.13(f), the appeal procedure shall not interfere with or cause delay in the EIS process or prohibit an action from being undertaken.

Section 5. Severability Clause. Should any portion of this law be struck, the remaining portions of the law shall remain in full force and effect.

Section 6. Effective Date. This law shall take effect upon filing with the New York State Department of State.

(Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2010 of the (County)(City)(Town)(Village) of East Greenbush was duly passed by the Town Board on May 12, 2010 in accordance with the applicable provisions of law.

~~**E. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__ and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 20 __, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.~~

~~**F. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__ and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20__. Such local law was (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special) (annual) election held on _____ 20__, in accordance with the applicable provisions of law.~~

~~**G. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 20__ and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 20__. Such local law was (Elective Chief Executive Officer*) subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20__, in accordance with the applicable provisions of law.~~

***Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a**

city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

H. (City local law concerning Charter revision by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____, of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon a the (special) (general) election held on _____ 20 ____, became operative.

I. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____, of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 ____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If another authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.



Lyda M. Kennedy

Clerk of the County Legislative body, City, Town or Village Clerk or officer designated by the local legislative body

Date: May 13, 2010

Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF RENNELAER

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the enactment of the local law annexed hereto.

C. M. B.

Signature
ATTORNEY FOR TOWN
Title
TOWN OF EAST GREENBUSH

Date: 5/25/10