



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA December 15, 2021

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

### Members of Town Board

Present

Absent

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

### 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. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

### Resolutions and Proposals by Town Board Members:

#### 288-2021      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 17, 2021 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 17, 2021 are hereby approved as submitted.

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

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

**289-2021 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 Meetings held on October 27, 2021 and November 4, 2021 have been presented; and

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

now, therefore, be it

**RESOLVED**, that the minutes of the Special Town Board Meetings held on October 27, 2021 and November 4, 2021 are hereby approved as submitted.

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

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

**290-2021 A Resolution to Approve Public Hearing 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 Public Hearings held by the Town Board held on the following days have been presented:

October 20, 2021  
October 27, 2021  
October 27, 2021  
November 4, 2021; 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 Public Hearings held by the Town Board in October and November, 2021 are hereby approved as submitted.

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

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

**291-2021      A Resolution Honoring the Class AA Section II Champion and Regional Champion Columbia High School Boys' Volleyball Team**

**WHEREAS**, the athletic programs at Columbia High School contribute to the learning experiences of the athletes who participate, teaching important lessons in teamwork, discipline and sportsmanship; and

**WHEREAS**, the Columbia High School Varsity Volleyball team capped a successful season of 20 wins and only 1 loss by winning the Class AA Section II Championship by defeating Shenendehowa by a score of 3-1; and

**WHEREAS**, the Volleyball team defeated Liverpool 3-1 to win the Sub-Regional Tournament match, defeated Clarkstown North 3-0 to win the Regional Tournament, and finished 3<sup>rd</sup> in New York State in the Championship Tournament; and

**WHEREAS**, the Volleyball team's success brought excitement, pride, and a heightened sense of community for the residents of East Greenbush; and

**WHEREAS**, the Volleyball team is led by Head Coach Tyler Rose and Assistant Coaches Greg Jette and Curtis Sankey; and

**WHEREAS**, the members of the 2021 Volleyball team are:

Carter Albano	Kyle Blake
William Conboy	Carter Durivage
Jeremy Garrigan	Henry Heeps
Brendan Kurimsky	Dylan Pierce
Justin Sapienza	Colin Smith
Gabe Tucker	Peyton Walters

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby honors the Columbia High School Varsity Boys' Volleyball team for their successful season and congratulates them for winning the Class AA Section II Championship, the New York State Regional Championship, and for their strong showing in the New York State Championship Tournament.

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

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

**292-2021 A Resolution Authorizing the Supervisor to send a Letter to the S. A. Dunn & Company, LLC Urging them to Terminate and Withdraw any Application for an Enhanced Renewal Operating Permit**

**WHEREAS**, the S. A. Dunn & Company, LLC located on Partition Street Extension in Rensselaer, NY possesses a Mined Land Reclamation Permit for operation of an existing 73-acre sand and gravel mine, and a Solid Waste Management Permit authorizing conversion of the mine to a construction and demolition disposal site; and

**WHEREAS**, the Dunn Landfill received a Department of Environmental Conservation (DEC) permit to operate in August 2014 and began accepting debris for disposal in January 2015; and

**WHEREAS**, in December 2018 DEC started to receive an increasing number of complaints and concerns associated with the landfill, including: odors and air quality impacts from landfill gas, such as the “rotten egg” smell associated with hydrogen sulfide gas; dust, debris, and particulate matter due to construction and general operations and from the truck traffic to and from the facility; and the facility’s proximity to the City of Rensselaer public school campus and neighboring homes; and

**WHEREAS**, within the Town of East Greenbush, residents living within close proximity of the Dunn Landfill have expressed concern about significant dust settling on their windowsills and outdoor furniture; have reported a pungent odor similar to rotten eggs that is so unbearable that they cannot remain outside; and have stated that the noise from trucks has disrupted their quality of life; and

**WHEREAS**, in August 2018 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during January and February 2018; in February 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during October 2018; in June 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during April 2019; in October 2019 the DEC issued a Department Initiated Modification (DIM) to include specific and stringent conditions to protect public health and safety that The Dunn facility must undertake in order to continue operating; and

**WHEREAS**, the DIM conditions include installing and operating a robust gas collection system, covering disposed waste daily, constructing a berm before the construction of a new waste cell, and establishing a hotline to report complaints; and

**WHEREAS**, in response to community concerns and to ensure the facility operates within its strict permit conditions the DEC: conducts air monitoring at the school campus and other nearby locations to measure air quality impacts, including measuring levels of hydrogen sulfide and particulates; conducts routine inspections of operations at the landfill; requires the facility to fund a full-time monitor to provide daily oversight of the landfill operations; modifies the facility’s permit to improve collection and management of gas, cover of waste on a daily basis, and establishes mandatory complaint investigation protocols; and

**WHEREAS**, the residents of East Greenbush assume health, safety, environmental, and substantial and significant quality of life risks associated with the continued and ongoing operations of the Dunn Landfill; and

**WHEREAS**, the current operating permit for the landfill expires on July 19, 2022, and the operators of the landfill must apply for an Enhanced Renewal Operating Permit from the Department of Environmental Conservation (DEC) by January 20, 2022;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to send a Letter to the S. A. Dunn & Company, LLC urging them to terminate and withdraw any application for an Enhanced Renewal Operating Permit.

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

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

**293-2021      A Resolution Commending Scott McNeff from Bruen Rescue, Ron Yeates and Michael Benson from the East Greenbush Police Dispatch Center and Griffin Hotaling and Edward Ashley from the East Greenbush Police Department for Responsive Actions During a Crisis**

**WHEREAS**, on Saturday, November 20, 2021, the East Greenbush Dispatch received a 911 call indicating there was no nursing staff at Rosewood Gardens nursing staff leaving 70 residents without access to medications, medical supervision, and medical care; and

**WHEREAS**, Scott McNeff from Bruen Rescue set up an Incident Command, directed the on-site facilities, food service and aide staff, and obtained physician coverage from Albany Medical Center and the Rensselaer County Medical Director for the patients; and

**WHEREAS**, Ron Yeates and Michael Benson from the East Greenbush Dispatch helped Bruen Rescue coordinated a multi-agency response by engaging the New York State Department of Health, Mohawk Ambulance, and the Rensselaer County EMS; and

**WHEREAS**, Griffin Hotaling and Edward Ashley from the East Greenbush Police Department coordinated on-site family reunification, access to the building, maintained external scene security and assisted Bruen Rescue in assuring the safety of the residents;

now, therefore, be it

**RESOLVED**, the Town Board of the Town of East Greenbush would like to commend Scott McNeff from Bruen Rescue, Ron Yeates and Michael Benson from the East Greenbush Dispatch, and Griffin Hotaling and Edward Ashley from the East Greenbush Police for their responsive actions during this crisis and for mitigating the impact of the incident on Rosewood Gardens residents.

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

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

**294-2021      A Resolution to Schedule the 2022 Organizational Meeting**

**WHEREAS**, the Town Board of the Town of East Greenbush is required to schedule an Organizational Meeting for 2022; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush shall conduct the 2022 Organizational Meeting at 6:00 PM on Monday, January 3, 2022 at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York and/or by remote means;

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 Councilor Fritz and seconded by Councilor Matters and brought to a vote resulting as follows:

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

**295-2021 A Resolution Adopting Local Law No. 9 of 2021 Opting out Of On-Site Cannabis Consumption Sites in the Town of East Greenbush as Authorized Under Cannabis Law Article Four**

**WHEREAS**, the Cannabis Law enacted by the State of New York permits municipalities such the Town of East Greenbush to adopt a local law having the effect of prohibiting on-site cannabis consumption sites within the jurisdiction of such municipality; and

**WHEREAS**, after the introduction of a proposed local law opting out of on-site cannabis consumption sites in the Town of East Greenbush, a public hearing was held by the Town Board on December 2, 2021; and

**WHEREAS**, the Town Board, having received public comment on proposed Local Law, has decided to adopt such Local Law; and

**WHEREAS**, said Local Law is subject to a referendum on petition in accordance with Cannabis Law Section 131 and the procedures outlined in Municipal Home Rule Law Section 24; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby adopts proposed Local Law No. 9 of 2021, titled “A Local Law opting out of on-site cannabis sites in the Town of East Greenbush as authorized under Cannabis Law Article Four”.

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

Supervisor Conway	VOTED:
Councilor Tierney	VOTED:
Councilor Matters	VOTED:
Councilor Kennedy	VOTED:
Councilor Fritz	VOTED:

**296-2021 A Resolution Authorizing the Supervisor to Sign a 2022 Animal Shelter Agreement with Mohawk and Hudson River Humane Society**

**WHEREAS**, the Town has certain statutory obligations relating to dogs, pursuant to the Agricultural and Markets Law; and

**WHEREAS**, such duties include the obligation to seize certain dogs, and to assure that the dogs are properly sheltered, fed and watered; and

**WHEREAS**, the Town of East Greenbush desires to enter into an agreement for such services for 2022 with the Mohawk Hudson Humane Society; and

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

now, therefore, be it

**RESOLVED**, that the Supervisor is authorized to enter into an agreement for services in 2022 with the Mohawk Hudson Humane Society, upon approval as to form by the attorney to the Town.

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

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

**297-2021 A Resolution to Approve a Cable Television Agreement between Spectrum Northeast, LLC and the Town of East Greenbush**

**WHEREAS**, Spectrum Northeast, LLC requested a special franchise agreement with the Town of East Greenbush to provide cable television and related services to the residents of certain areas of the Town; and

**WHEREAS**, a public hearing on the approval of a Cable Television Agreement with Spectrum Northeast, LLC had been scheduled and was conducted on December 8, 2021 at 5:45 p.m.; and

**WHEREAS**, all those present had an opportunity to be heard; and

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

now, therefore, be it

**RESOLVED**, that the Town Supervisor is authorized to execute the cable franchise agreement with Spectrum Northeast, LLC on behalf of the Town of East Greenbush.

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

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

**298-2021 A Resolution to Approve the Annual Appointment of Part-time Police Dispatchers**

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

**WHEREAS**, these individuals currently meet the presumptive, non-competitive qualifications for this title as established by the Rensselaer County Civil Service Commission and whose names are listed and attached hereto; and

**WHEREAS**, the Town Comptroller confirms that this resolution was planned for in the current Budget and will not have a material impact on the Town Finances; now therefore be it

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

Michael J. Benson	Daniel P. Farnan
Robert G. Lehmann	Jeffrey G. Tooker
Jakeb Boniface	Paige Moore

and be it further

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

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

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

**299-2021 A Resolution to Make a Conditional Job Offer to Kara M. Blakeman to the Position of Provisional Full Time Police Dispatcher**

**WHEREAS**, public safety in the Town is a priority concern of this Town Board; and

**WHEREAS**, the Board intends to maintain adequate staffing of the Town’s Police and Emergency Communications Center, by appointing qualified individuals to replace positions that become vacant, and a position has become vacant; and

**WHEREAS**, the Town Comptroller confirms that this position was anticipated in the current 2022 Town budget; and

**WHEREAS**, Kara M. Blakeman, a 2016 graduate of Columbia High School in East Greenbush, New York who earned a Bachelor’s Degree in Criminal Justice in 2020 from Castleton University in Castleton, Vermont, and who is currently serving as a part-time dispatcher in the Town’s Emergency Communications Center and who meets the presumptive qualifications for this position established by the Rensselaer County Civil Service Commission; now, therefore, be it



**RESOLVED**, that Kara M. Blakeman, be, and hereby is, offered a conditional appointment to the position of Provisional Full Time Police Dispatcher, subject to the examination, testing and final eligibility leading to the position of Permanent Full Time Police Dispatcher as determined by the Rensselaer County Civil Service Commission, as well as compliance with the Rules and Regulations of the Town including successful completion of the Dispatcher Training Program;

and be it further

**RESOLVED**, that this conditional offer be valid for a period of 30 days, to be affirmed by said appointee by executing the oath of office as administered by the Town Clerk;

and be it further

**RESOLVED**, that said conditional position shall be subject to a probationary period of one (1) year; be compensated according to the appropriate collective bargaining agreement, and, that upon the administration of the oath of office shall become effective immediately.

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

Supervisor Conway	VOTED:
Councilor Tierney	VOTED:
Councilor Matters	VOTED:
Councilor Kennedy	VOTED:
Councilor Fritz	VOTED:

**300-2021 A Resolution Approving the Contribution of the 2020 Volunteer Ambulance Work Service Award Program to Penflex Actuarial Services, LLC.**

**WHEREAS**, the Town of East Greenbush in the County of Rensselaer, State of New York, is the sponsor of a service award program for the volunteer ambulance workers of W. F. Bruen Emergency Squad, Inc., the Town's contracted provider of emergency medical service for the East Greenbush Ambulance District, pursuant to New York General Municipal Law Article 11-AAA; and

**WHEREAS**, the Town Board in Resolution 47-2021, confirmed that no volunteer ambulance workers designated as Program participants qualified for service credit for fiscal year 2020; and

**WHEREAS**, the Town of East Greenbush's program contribution due in 2021 to the Volunteer Ambulance Work Trust Fund is \$6,203; and

**WHEREAS**, the Town Comptroller confirms that this was planned for in the 2021 Town Budget charged to account code 4508.13;

now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the contribution of \$6,203 be made for the 2020 Volunteer Ambulance Work Service Award Program to Penflex Actuarial Services, LLC.

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

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

**301-2021 A Resolution Authorizing Grinding of Wood and Brush**

**WHEREAS**, the Town of East Greenbush Transfer Station receives wood and brush from the residents and from the City of Rensselaer; and

**WHEREAS**, the wood and brush must be ground and removed from the Town of East Greenbush Transfer Station when deemed necessary by the Commissioner of Public Works; and

**WHEREAS**, the City of Rensselaer is responsible to pay for half of the cost of grinding and hauling this material away; and

**WHEREAS**, the Town solicited bids and received one bid submission from Troy Sand and Gravel in the amount of \$54,000.00; and

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

**WHEREAS**, the Town Comptroller confirms that the financial impact of this resolution is \$54,000 from the Transfer Station account code 81604.01 for this expense, with an anticipated \$27,000.00 in revenue from the City of Rensselaer for their half of the cost;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to contract with Troy Sand and Gravel to grind the wood and brush, and remove it from the Transfer Station to a permitted dump site in an amount not to exceed \$54,000.00.

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

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

**302-2021 A Resolution Approving a List of Approved Contractors for Preventative Maintenance, General Repairs and Emergency Services for Various Projects Involving HVAC, General Construction and Electrical**

**WHEREAS**, the Town periodically needs immediate repair and replacement of parts and systems in Town facilities and is seeking the best prices in those contingency situations; and

**WHEREAS**, the Town Board authorized the Finance Office to solicit bids for various general construction, electric, HVAC and plumbing through Resolution 128-2021; and

**WHEREAS**, bids were opened and read aloud in a public forum by the Purchasing Clerk on November 22, 2021; and

**WHEREAS**, the lowest responsible bidders per item are:

Greco Construction	General Construction
John Coyne Electrical Contracting Inc.	Electric
BPI Mechanical Service	HVAC and Plumbing; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Finance Office to send award letters to the foregoing lowest responsible bidders for Request For Bids 21-04.

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

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

**303-2021 A Resolution Authorizing Procurement of a Rubber Tracked Excavator for the Water Department**

**WHEREAS**, primary excavation capability for the Water Department consists of a 2003 JCB 214 Backhoe; and

**WHEREAS**, since 2016, the Department has invested approximately \$30,000 in repairs to this piece of equipment, and the operational reliability of this backhoe has degraded to a point where we are considering investing a similar amount of money to perform additional repairs to keep it running; and

**WHEREAS**, the Commissioner of Public Works has determined that the Town would be better served by the procurement of a medium size, rubber track excavator which is capable of safely operating in the extreme environment of a water main break, and excavating through frost and other conditions encountered, especially, in winter months than a backhoe; and

**WHEREAS**, the Town of East Greenbush is a member of the Sourcewell procurement consortium (formerly NJPA) whereby we can obtain the most competitive prices for goods and services; and

**WHEREAS**, Abele Tractor, the authorized Kubota dealer on Sourcewell contract, provided a price for a Kubota KX080 of \$100,529.34 which includes a Sourcewell discount of \$30,746.40; and

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

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$100,529.34 from the General Consolidated Water Fund for this expense;

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
Consolidated General Water Fund Balance (05) SW-915		\$100,529.34
8340.2.5 Consolidated General Water Fund Transmission/Distribution Equipment	\$100,529.34	

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Town Supervisor to issue a Purchase Order to Abele Tractor for a Kubota KX080 in an amount not to exceed \$100,529.34.

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

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

**304-2021 A Resolution Authorizing the Purchase of Diesel Fuel from New York State OGS Contract**

**WHEREAS**, the Public Works Department requires Ultra Low Sulfur Diesel Fuel to operate its trucks and heavy equipment; and

**WHEREAS**, the New York State Office of General Services has obtained bids for Ultra Low Sulfur Diesel Fuel; and

**WHEREAS**, the State of New York has awarded the bid for Premium Ultra Low Sulfur Diesel Fuel – On Road for two years (August 27, 2021 to August 24<sup>th</sup>, 2023) (Group Number 05602, Contract Number PC 23236) to Main Brothers at a cost of \$2.1649 per gallon, subject to monthly fuel price adjustment; and

**WHEREAS**, an essential component of the contracts entered into by New York State Office of General Services provides that said commodities and respective bid prices received by the Office shall be available to local governments and political subdivisions of New York State; and

**WHEREAS**, the Town Comptroller confirms that none of the provisions of this proposed Board action shall pose a negative impact on Town Finances to account code 51304.02.04, Machinery CE, as long the Town’s Budget for the respective years is not exceeded or is covered by reimbursement offset;

now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to purchase Premium Ultra Low Sulfur Diesel Fuel from the above contract as required for operating trucks and equipment subject to the limits of DPW Budget.

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

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

**305-2021 A Resolution Authorizing the Purchase of Road Salt from New York State OGS Contract**

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

**WHEREAS**, the State of New York has extended the award for one additional year (September 1<sup>st</sup>, 2021 to August 31<sup>st</sup>, 2022), a contract for the purchase of road salt, treated salt,

and emergency standby road salt – (Group Number 01800, Contract Number PC 68228) from Apalachee , LLC at a cost of \$58.25 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 none of the provisions of this proposed Board action shall pose a negative impact on Town Finances to account code 51424.02.04, Snow Removal CE, as long the Town’s Budget for the respective years is not exceeded or is covered by reimbursement offset;

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 Kennedy seconded by Councilor Matters brought to a vote resulting as follows:

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

**306-2021 A Resolution Approving the Urgent Sewer Repair to Pinehurst Avenue Sewer by Wm. J. Keller & Sons**

**WHEREAS**, Pinehurst Ave was one of the sewer main sections identified for Cured-In-Place pipe lining by Precision Trenchless LLC via Resolution 159-2021; and

**WHEREAS**, during the preparation process it was discovered that an 8” section collapsed with a blockage on a lateral of the resident at 247 Pinehurst needing urgent repairs; and

**WHEREAS**, based on their past experience with these types of repairs, Wm. J. Keller and Sons Construction Corp. was called in to perform the urgent repairs needed to the lateral and main prior to Precision Trenchless LLC mobilizing to the job site to complete the pipe lining; and

**WHEREAS**, Wm. J. Keller & Sons performed the work from November 8-10, 2021 at a cost of \$17,171.00; and

**WHEREAS**, the Town Comptroller confirms this resolution will have a material negative impact on the sewer fund; now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the payment of the urgent sewer repairs to Pinehurst Avenue Sewer by Wm. J. Keller & Sons in the amount of \$17,171.00 from the sewer fund 81204.07/.08/.09/.10.

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

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

**307-2021 A Resolution to Appoint Logan Speed to the Position of Laborer in the Department of Public Works**

**WHEREAS**, the 2022 Budget has added a Laborer position within the Highway Department of the Department of Public Works; and

**WHEREAS**, the Commissioner of Public Works solicited applications for the position; and

**WHEREAS**, applications were received and reviewed, and an interview conducted by a panel that consisted of the Town Supervisor, Commissioner of Public Works, Deputy Commissioners of Public Works, Highway General Foreman, Human Resources Manager and the Secretary to the Commissioner of Public Works; and

**WHEREAS**, Logan Speed was unanimously selected as the most qualified candidate for the position based on his experience and background; and

**WHEREAS**, the Town Comptroller confirms that this appointment can be funded with the 2022 budget code 5110.1.02;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment of Logan Speed to the position of Laborer in the Department of Public Works, Highway Department, at the rate of \$21.5511 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment will be effective as of January 3, 2022, and is contingent upon the results of the pre-hiring drug screening.

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

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

**308-2021 A Resolution to Accept the Resignation of David DeBacco from the Position of Police Dispatcher in the Emergency Communications Center**

**WHEREAS**, David J. DeBacco was hired as a full-time Police Dispatcher on February 15, 2017 with Resolution 35-2017; and

**WHEREAS**, David J. DeBacco has now tendered his resignation from this position with an effective date of December 31, 2021; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby accepts the resignation of David J. DeBacco from the full-time position of Police Dispatcher, effective December 31, 2021;

and be it further

**RESOLVED**, that the Town Board thanks Mr. DeBacco for his service to the Town and wishes him well in his future endeavors.

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

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

**309-2021 A Resolution to Establish a Security Deposit for all Red Barn Rentals**

**WHEREAS**, the Red Barn, built in 2018, is a state of the art building and hosts our summer camp program as well as multiple park rentals throughout the year; and

**WHEREAS**, in 2021, the Red Barn witnessed record growth in terms of facility usage and underwent more than just routine wear and tear; and

**WHEREAS**, equipping all rentals with a refundable security deposit would allow parks staff to inform the Recreation Supervisor if any structural or cosmetic damage was done to the building during a rental; and

**WHEREAS**, if any kind of damage to the building is done during the process of a rental, the security deposit would not be refunded fully and would in turn be used to repair any cosmetic damage caused by the renter; and

**WHEREAS**, this practice is used by other local municipalities and has been shown to reduce the vandalism and cosmetic damages to their facilities; and

**WHEREAS**, the determination of applicable damages and cost of repair would be determined by the Commissioner of Public Works, Parks Staff, and the Recreation Supervisor; and

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

now, therefore, be it;

**RESOLVED**, that the Community and Recreation Department shall apply a \$250.00 refundable Security Deposit to all Red Barn rentals;

and be it further;

**RESOLVED**, this policy will go into effect on December 16<sup>th</sup>, 2021 following approval of the 2022 facility rentals rates.

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

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

**310-2021 A Resolution to Establish Community and Recreation Department Fees for 2022**

**WHEREAS**, the Town Board of the Town of East Greenbush is required to establish rates charged by the Community and Recreation Department; and

**WHEREAS**, the attached rates for facility rentals and the summer camp program have been established and reviewed by the Recreation Supervisor; and

**WHEREAS**, these fees are vital as they are the main source of revenue for the Community and Recreation department and allows the town to continue to bring exemplary recreational opportunities to all its residents; and

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

**2022 Summer Camp Fees:**

Prices Are Per Week	Resident Camp Tuition	Non-Resident Camp Tuition
Full Day	\$160.00	\$190.00
½ Day	\$110.00	\$140.00
After Care Per Child	\$80.00	\$80.00
Half Day Add on 1 Field Trip	\$30.00	\$30.00
Flat Fees		
Withdrawal Fee PRIOR to June 1 <sup>st</sup> (After June 1 <sup>st</sup> , NO refunds)	50.00	50.00
Discounts:		
Each Additional Child	10% off each child= 145.00	10% off each child= \$175.00

**Facility Rental Fees:**

<b>Community and Recreation Department Fees 2022</b>						
	Resident Weekend	Non Resident Weekend	Resident Weekday	Non Resident Weekday	School Groups or Community Youth Groups	
					Weekday	Weekend
Red Barn	\$450.00	\$700.00	\$350.00	\$600.00	\$100.00	\$225.00
Lower Pavilion Add on Fee	\$100.00	\$100.00	\$100.00	\$100.00	-	-
Upper Pavilion	\$250.00	\$400.00	\$150.00	\$350.00	\$75.00	\$200.00
Onderdonk Pavilion	\$150.00	\$250.00	\$100.00	\$200.00	\$50.00	\$50.00
Hampton Manor Beach House	\$100.00	\$200.00	\$75.00	\$150.00	\$50.00	\$50.00
Softball Field at Town Park	No fee but reservation needed					



Alcohol Permit	\$50.00	\$50.00	\$50.00	\$50.00	n/a	n/a
Each hour after 8PM	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
Cancellation Fee if 2 weeks or more prior	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00
Security Deposit (Red Barn ONLY)	300.00	300.00	300.00	300.00		
<b>No Refunds for Events cancelled less than 2 weeks prior to the event.</b>						
Certificate of Insurance required for all rentals.						
50% deposit due at time of reservation.						

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

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

**311-2021      A Resolution to Adopt the Final Draft Gilligan Road Complete Streets Enhancements Feasibility Study**

**WHEREAS**, the Town Board held public hearings on June 9, 2021 and December 15, 2021 to receive public comment on first and final drafts, respectively, of the Gilligan Road Complete Streets Enhancements Feasibility Study (the “Study”), and a revised final draft, dated April 2021, and last revised October 2021, has been posted to the Town’s Complete Streets homepage; and

**WHEREAS**, the final draft reflects and incorporates input received as part of a substantial public engagement effort, including coordination with key stakeholders like the East Greenbush Central School District, as well as technical design work, and it was developed with significant technical assistance from the Capital District Transportation Committee (CDTC) and Capital District Regional Planning Commission (CDRPC); and

**WHEREAS**, the Study recommends installation of a separate facility for non-motorized roadway users travelling the Gilligan Rd corridor, sets forth a proposed alignment and cross section for a sidepath, and also recommends implementation of related complete streets enhancements along the corridor, like upgraded crossings, as well as offers a vision for the future of the corridor by identifying potential connections to future planned or potential trails; and

**WHEREAS**, the Town Board previously (resolution 278 of 2021) supported an application to be made to CDTC for federal grant funding as part of the 2022 to 2027 TIP for the Gilligan Road Complete Streets Enhancements project, as outlined in the Study, and determined the project is eligible for use GEIS Traffic mitigation fees, and Town staff successfully submitted the above-referenced application for federal grant funding to CDTC; and

**WHEREAS**, the Study and its recommendations are consistent with the Town’s Complete Streets Policy, established by Town Board resolution 243 of 2019, as safe and efficient accommodation of bicyclists, pedestrians are addressed, and the Study will help provide and support the promotion of bicycling and walking for health, fitness, transportation, and recreation through events, programs, and other educational activities which benefit residents, students, businesses and visitors of all ages and abilities; and

**WHEREAS**, the Town Comptroller confirms that this resolution if funded will have a material negative impact on Town finances if awarded and accepted of \$420,000 in GEIS and first instance funds of approximately \$1.6 million;

now, therefore, be it

**RESOLVED**, that the Town Board hereby adopts the Final Draft Gilligan Road Complete Streets Enhancements Feasibility Study, dated April 2021, and last revised October 2021 and directs that a hard copy filed in the Town Clerk’s office and posted online to the Town’s website.

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

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

**312-2021      A Resolution to Authorize the Commissioner of Public Works to Authorize a Task Order with Greenman-Pederson, Inc. (GPI) to Study Drainage in a Portion of the Huntswood Neighborhood and Make Recommendations Related Thereto**

**WHEREAS**, the first phase of the Huntswood development was approved by the Town’s Planning Board in 1986 and, proceeding through subsequent phases and other land subdivision activity, has been built out since that time; and

**WHEREAS**, since its development, the Town has undertaken various maintenance activities and capital improvements to the publicly-owned storm sewer drainage infrastructure serving portions of Huntswood, and Town officials involved in the Town’s municipal separate storm sewer system (MS4) program have also addressed drainage issues raised by concerned property owners and residents; and

**WHEREAS**, on April 25, 2018, the Town Planning Board approved a minor subdivision, known as the “Bolt Minor 2-Lot Subdivision,” which would create a new buildable lot at 1.5 Hartfield Court and for which the Town subsequently received a building permit application in the year 2020, and the Developer submitted plans and a drainage report prepared by a licensed engineer showing a grading and drainage plan addressing potential increase in stormwater runoff in the contributing upstream drainage area; and

**WHEREAS**, the Town’s designated engineer for this application, GPI, has recommended that further analysis be conducted of the downstream drainage system, and the Commissioner of Public Works confirms the need to study and develop recommendations, as appropriate, with respect to the capacity, condition, and other relevant aspects of the downstream stormwater drainage system; and

**WHEREAS**, GPI has submitted a proposed, which is attached hereto, to develop and deliver to the Town the drainage study; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material negative impact on the Town finances of \$12,250.00;

now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to sign a Task Order in accordance with the previously approved Term Services Agreement with GPI in order to conduct a drainage study and analysis and provide recommendations for the Town's stormwater drainage system downstream of 1.5 Hartfield Ct. to its point of discharge to surface waters, and authorizes expenditures in connection with this Task Order in an amount not to exceed \$12,250.00.

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

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

**313-2021 A Resolution to Adopt Local Law No. 6 of 2021 Repealing Chapter 46B in its Entirety, Local Law No. 7 of 2004 and Local Law No. 4 of 2021 and Replacing Them with a New Chapter 46B to Apply to the Consolidated General Water District**

**WHEREAS**, the Town Board of the Town of East Greenbush ("Board") is considering the adoption of Local Law No. 6 of 2021, which, if adopted as proposed, repeals Chapter 46B, Local Law No. 7 of 2004 and Local Law No. 4 of 2021 in their entirety and replaces them with a new Chapter 46B to apply to the Consolidated General Water District; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 6 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 6 of 2021 is a necessary and proper exercise of authority by the Board; and

**WHEREAS**, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

**WHEREAS**, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 6 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on December 8, 2021, at the East Greenbush Town Hall; and

**WHEREAS**, the Board has considered the public comments made at the public hearing; and

**WHEREAS**, the Board serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

**WHEREAS**, after thorough review and deliberation, the Board proposes to adopt Local Law No. 6 of 2021; and

**WHEREAS**, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

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

now, therefore, be it

**RESOLVED**, that the Board hereby adopts Local Law No. 6 of 2021, which repeals the laws as stated above;

and be it further

**RESOLVED**, that the Board adopts and authorizes the filing of a negative declaration according to the State Environmental Quality Review Act;

and be it further

**RESOLVED**, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

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

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

**314-2021      A Resolution to Adopt Local Law No. 7 of 2021 Repealing Chapter 34 of the Code of the Town of East Greenbush and Local Law No. 5 of 2021 of the Town of East Greenbush in Their Entirety and Replacing Them with a New Chapter 34 of the Code of the Town of East Greenbush to Apply to the East Greenbush Consolidated General Sewer District**

**WHEREAS**, the Town Board of the Town of East Greenbush (“Board”) is considering the adoption of Local Law No. 7 of 2021, which, if adopted as proposed, repeals Chapter 34 of the Code of the Town of East Greenbush and Local Law No. 5 of 2021 in their entirety and replaces them with a new Chapter 34 to apply to the East Greenbush Consolidated General Sewer District; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 7 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 7 of 2021 is a necessary and proper exercise of authority by the Board; and

**WHEREAS**, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

**WHEREAS**, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 7 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on December 8, 2021, at the East Greenbush Town Hall; and

**WHEREAS**, the Board has considered the public comments made at the public hearing; and

**WHEREAS**, the Board serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

**WHEREAS**, after thorough review and deliberation, the Board proposes to adopt Local Law No. 7 of 2021; and

**WHEREAS**, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

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

now, therefore, be it

**RESOLVED**, that the Board hereby adopts Local Law No. 7 of 2021, which repeals the law as stated above;

and be it further

**RESOLVED**, that the Board adopts and authorizes the filing of a negative declaration according to the State Environmental Quality Review Act;

and be it further

**RESOLVED**, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

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

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

**315-2021      A Resolution to Adopt Local Law No. 8 of 2021 Amending Section 3317A of Local Law No. 3 of 1981 of the Town of East Greenbush**

**WHEREAS**, the Town Board of the Town of East Greenbush ("Board") is considering the adoption of Local Law No. 8 of 2021, which, if adopted as proposed amends Section 33-17A of Local Law No. 3 of 1981 of the Town of East Greenbush; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 8 of 2021 is in the best interest of the Town and it is necessary to provide for the health, safety and welfare of Town residents and property owners; and

**WHEREAS**, the Board finds that the adoption of Local Law No. 8 of 2021 is a necessary and proper exercise of authority by the Board; and

**WHEREAS**, the authority for the enactment of this local law is found in Section 10(1)(i) of the Municipal Home Rule Law; and

**WHEREAS**, pursuant to Section 20 of the Municipal Home Rule Law, a public hearing on the proposed adoption of Local Law No. 8 of 2021 was properly noticed in the newspaper and posted, and was duly conducted on December 8, 2021, at the East Greenbush Town Hall; and

**WHEREAS**, the Board has considered the public comments made at the public hearing; and

**WHEREAS**, the Board serving as lead agency for this Unlisted action under SEQRA, reviewed a short environmental assessment form and determined that the action does not present any adverse environmental impacts; and

**WHEREAS**, after thorough review and deliberation, the Board proposes to adopt Local Law No. 8 of 2021; and

**WHEREAS**, the Attorney for the Town has prepared the necessary documents for filing this local law with the Secretary of State including the text of the law itself;

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

now, therefore, be it

**RESOLVED**, that the Board hereby adopts Local Law No. 8 of 2021, which amends Section 33-17A of Local Law No. 3 of 1981;

and be it further

**RESOLVED**, that the Board adopts and authorizes the filing of a negative declaration according to the State Environmental Quality Review Act;

and be it further

**RESOLVED**, that the Board hereby authorizes the Town Clerk and the Attorney for the Town to make such minor modifications to the local law documents as they deem necessary and thereafter are directed to execute and file the said documents as required by law and to take all of the necessary action for the promulgation thereof.

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

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

**316-2021      A Resolution to Appoint Denise Ferrari to the Position of Clerk in the Water and Sewer Billing Office on a Provisional Basis**

**WHEREAS**, the position of Clerk in the Water and Sewer Billing Office became vacant when Colleen Lallier accepted an appointment to the position of Director of Finance as of November 1, 2021; and

**WHEREAS**, the Water and Sewer Billing Office requires the services of two clerks, the vacant position was advertised and applications solicited; and

**WHEREAS**, twenty-two applications were received and reviewed by the Human Resources Manager, Town Supervisor and Director of Finance with three candidates selected to be invited for an interview; and

**WHEREAS**, the interviews were conducted by the Human Resources Manager, Town Supervisor, Director of Finance and the Deputy Commissioner of Public Works; and

**WHEREAS**, all three candidates did an excellent job in the interviews, one candidate stood out because of her direct experience with billing and other relevant administrative responsibilities; and

**WHEREAS**, the Town Comptroller confirms that this position was included in the 2022 budget;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby appoints Denise Ferrari to the position of Clerk in the Water and Sewer Billing Office; and be it further

**RESOLVED**, that this appointment will be effective as of December 16, 2021 and will be compensated at the rate specified in the CSEA contract.

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

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

**317-2021 A Resolution to Issue a SEQRA Determination on the Project to Construct the Tempel Lane Extension and Certain Other Roadway Improvements**

**WHEREAS**, on November 20, 2018, the Town Board of the Town of East Greenbush, as SEQRA lead agency, adopted an Amended SEQRA Statement of Findings for the development of Regeneron’s Tempel Lane Campus project, finding that certain mitigation measures were necessary to address the potential for significant adverse environmental impacts as a result of the aforementioned development; and

**WHEREAS**, the necessary mitigation measures included the extension of the existing Tempel Lane to a point of intersection with Third Avenue Extension; intersection improvements along Third Avenue Extension and on Tempel Lane, at Regeneron’s Tempel Lane Campus driveway; and other related improvements related to this proposed roadway extension (the “Project”); and

**WHEREAS**, the public need for the Project has also been established in the following documents: the Town’s 2021 Comprehensive Plan; Western East Greenbush Final Generic Environmental Impact Statement (July 2009); Town of East Greenbush Town Board Village at Tempel Farm Resolution (24-2008) for Conditional Site Plan Approval (January 9, 2008); Route 4 Corridor Study (2006); and Final Generic Environmental Impact Statement Mill Creek Commerce Park (February 14, 2002); and

**WHEREAS**, Regeneron previously developed 60% Design Plans to specify necessary improvements in accordance with the Town Board’s SEQRA findings and the Regeneron Development Agreement, and subsequently, the Town’s consultant responsible for final design of the necessary improvements, GPI/Greenman-Pederson, Inc. (“GPI”), has produced a Final Design for the Project but not bid documents; and

**WHEREAS**, a proposed plan set and a long environmental assessment form (LEAF) for the Project have been developed; and

**WHEREAS**, the Town intends to purchase from the Capital City Cemetery Corp. (the “Cemetery”) approximately 1.57 acres of land along the proposed alignment of Tempel Lane Extension that is necessary for the Project, and the acquisition of the 1.57 acres of land to be used as right-of-way for the Project and a temporary area of approximately 0.84 acres to be used during construction of the Project has been negotiated with and agreed to in principal by the Cemetery and which includes monetary compensation and other measures to address potential impacts to the Cemetery and its operations, subject to NYS Cemetery Board approval; and

**WHEREAS**, the Project is a mitigation measure itself and is necessary to accommodate increased traffic from the Regeneron project and is consistent with recommendations outlined in the Town’s 2021 Comprehensive Plan and 2009 Western East Greenbush Generic Environmental Impact Statement (GEIS); and

**WHEREAS**, the Town Board, has carefully reviewed the plans and reports associated with the Project and LEAF Parts 1 and 2, in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617, to determine if there are any potential significant adverse environmental impacts as a result of the action; and

**WHEREAS**, the Town Board has compared the proposed action against the aforementioned Amended Statement of Findings issued pursuant to SEQRA for Regeneron’s Temple Lane Campus; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby finds that the proposed Tempel Lane Extension Project is consistent with the above referenced amended SEQRA Statement of Findings and that no Supplemental Environmental Impact Statement is necessary because the Project remains within the impact thresholds and mitigation established in the Amended SEQRA Statement of Findings and, moreover, no new significant adverse environmental impacts will result from this Project.

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

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

**318-2021 A Resolution to Approve an Agreement for the Purchase of Approximately 1.57 Acres from the Capital City Cemetery Corporation and to Authorize the Supervisor to Execute An Agreement Related Thereto**

**WHEREAS**, the Town is implementing a project to extend the existing Tempel Lane to a point of intersection with Third Avenue Extension; intersection improvements along Third Avenue Extension and on Tempel Lane, at Regeneron’s Tempel Lane Campus driveway; and other related improvements related to this proposed roadway extension (the “Project”); and

**WHEREAS**, the Project is among the necessary mitigation measures the Town Board, in its capacity as SEQRA lead agency, identified in connection with Regeneron’s Tempel Lane Campus Development, and is also identified in the Development Agreement between the Town and Regeneron; and

**WHEREAS**, approximately 1.57 acres of land, situated off of Third Avenue Extension, is necessary to construct the Project must be acquired from the Capital City Cemetery Corp. (the “Cemetery”), and acquisition of a temporary construction easement of approximately 0.84 acres of land will be also be needed; and

**WHEREAS**, the Town and the Cemetery have negotiated an agreement (the “Agreement”), which is attached hereto and made a part hereof; and



**WHEREAS**, the Town’s consideration as set forth in the Agreement is to be funded by Regeneron; and

**WHEREAS**, in accordance with NYS law, the Sale or disposition of cemetery lands by the Cemetery and, therefore, the transfer to the Town of the subject 1.57 acres of land and 0.84 acres of land for a temporary construction easement, as set forth in the Agreement, is subject to approval by the NYS Cemetery Board; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the Agreement between the Town and the Cemetery, and other materials as may be necessary to support the aforementioned acquisition of the Cemetery property, subject to the payment of the consideration by Regeneron, the approval NYS Cemetery Board, and approval of the Town Attorney as to form of the Agreement and other materials.

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

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

**319-2021 A Resolution to Approve the Acquisition of Approximately 0.28 Acres from the Capital City Cemetery Corporation and to Authorize the Supervisor to Execute an Agreement Related Thereto**

**WHEREAS**, the Town is implementing a project to upgrade the Third Avenue Pump Station and Barracks Road Pump Station, and on June 16, 2021 the Town Board of the Town of East Greenbush passed Resolution 163-2021 issuing a negative declaration in connection with a coordinated review under the State Environmental Quality Review Act (SEQRA); and

**WHEREAS**, the Project is among the necessary mitigation measures the Town Board, in its capacity as SEQRA lead agency, identified in connection with Regeneron’s Tempel Lane Campus Development, and is also identified in the Development Agreement between the Town and Regeneron; and

**WHEREAS**, approximately 0.28 acres of land adjacent to the existing Third Avenue Pump Station that is necessary for the planned upgrade of the Third Avenue pump Station must be acquired from the Capital City Cemetery Corp. (the “Cemetery”); and

**WHEREAS**, the Planning Board and the Zoning Board of Appeals have issued the necessary approvals for the minor subdivision of the 0.28 acres from the lands of the Cemetery, and the minor subdivision plat is attached hereto; and

**WHEREAS**, Regeneron has entered into a purchase and sales agreement with the Cemetery, which is attached hereto and made a part hereof; and

**WHEREAS**, upon execution of the aforementioned purchase and sales agreement, Regeneron intends to assign its rights, limited to the transfer of the deed only, under the agreement to the Town of East Greenbush, at no cost to the Town; and

**WHEREAS**, Regeneron will pay the consideration to the Cemetery on behalf of the Town, including but not limited to the purchase price of the property, directly to the Cemetery, and the Cemetery will transfer the deed to the property to the Town; and

**WHEREAS**, the aforementioned assignment is necessary for and will support the Town's implementation of the upgrades to the Third Avenue Pump Station; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush agrees to accept the assignment of its rights, limited to the transfer of the deed only, from Regeneron of the acquisition of the aforementioned 0.28 acres from the Cemetery, pursuant to Regeneron's purchase and sale agreement with the Cemetery, and the Town Supervisor is authorized to sign, upon approval as to form by the Town Attorney, the agreement to effectuate the assignment, with the understanding that neither the assignment nor the purchase will result in any costs to the Town, and that Regeneron will pay the consideration to the Cemetery on behalf of the Town, including but not limited to the purchase price of the property, directly to the Cemetery.

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

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

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

**320-2021      A Resolution Authorizing the Purchase of a Patch Box to Assist the Department of Public Works with Pothole Repairs**

**WHEREAS**, the Commissioner of Public Works has identified the need for a new mechanism to repair potholes; and

**WHEREAS**, a patch box is used for storing, hauling and dispensing cold or hot asphalt for year round pot hole repair; and

**WHEREAS**, the Town currently uses one of the Ford F550 dump trucks to transport the asphalt which leads to the cold patch cooling too quickly and hardening in the back of the dump truck before all the potholes are repaired; and

**WHEREAS**, the Commissioner has received quotes from vendors for a new Patch Box that will assist in the pot hole repairs, and the lowest responsible quote received was from PatchBox LLC in the amount of \$9,439.90; and

**WHEREAS**, the Town Comptroller confirms this resolution can be funded in the 2021Budget account code 51104.02 General Repairs

now, therefore, be it

**RESOLVED**, that the Commissioner of Public Works is authorized to purchase the new Patch Box from PatchBox LLC in the amount of \$9,439.90.

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

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

**321-2021 A Resolution to Accept the Resignation of Paige M. Moore from the Position of Provisional Full Time Police Dispatcher in the Emergency Communications Center**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of December 8, 2021 and was subsequently presented to the Board on December 14, 2021; and

**WHEREAS**, Paige M. Moore was hired as a provisional full-time Police Dispatcher on January 01, 2020 with Resolution 254-2019; and

**WHEREAS**, Paige Moore has tendered her resignation from this position with an effective date of December 27, 2021 at 11:00PM; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby accepts the resignation of Paige M. Moore from the full-time position of Police Dispatcher, effective December 27, 2021 at 11:00PM;

and be it further

**RESOLVED**, that the Town Board thanks Ms. Moore for her service to the Town and wishes her well in her future endeavors.

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

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

**ADJOURNMENT**

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

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