



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES October 19, 2022

To view a recording of the full meeting, please see Town Hall Streams link below:
https://townhallstreams.com/stream.php?location_id=119&id=48161

Or visit Town of East Greenbush Facebook page:
<https://www.facebook.com/TownofEG/videos/todays-live-video/2953957968231890>

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 B Fritz
Councilor E. Nestler

Communications/Announcements/Reports

Town Board members provided their individual comments, community-related information, and/or announcements.

Open Public Privilege:

Resident, David Terpening, presented his comments to the Town Board.

Resolutions and Proposals by Town Board Members:

236-2022 A Resolution to Approve Public Hearing Minutes

WHEREAS, the minutes of Town Board meeting, 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 Hearing held on September 14, 2022 at 6:00pm have been presented to the Town Board; 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 Hearing held on September 14, 2022 at 6:00pm are hereby approved as submitted.

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

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

237-2022 A Resolution to Approve Meeting Minutes

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

WHEREAS, that the minutes of the Town Board Meeting held on September 21, 2022 have been presented; and

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

now, therefore, be it

RESOLVED, that the minutes of the Town Board Meeting held on September 21, 2022 are hereby approved as submitted.

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

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

238-2022 A Resolution Recognizing November, 2022 as “Adoption Awareness Month” and November 20, 2022 as “Adoption Awareness Day”

WHEREAS, each year November is recognized as National Adoption Awareness Month. While all adoption-related issues are important, National Adoption Month is about spreading awareness. It is a month to encourage others to learn about adoption, and to acknowledge the people in this country whose lives have been impacted by adoption. The mission of National Adoption Month is to celebrate the families who have grown through adoption, and to recognize the many children who are still waiting for forever families; and

WHEREAS, in the United States, the first major adoption related effort occurred in 1976 in the state of Massachusetts. Then Governor Michael Dukakis proclaimed the first week of November “Adoption Week”, to promote the need for more adoptive families to care for the large number of children in the foster care system. In 1984 President Ronald Regan made Adoption Week a national event; and

WHEREAS, by 1995 the week had become so widely recognized there were too many events to fit into seven days so President Bill Clinton extended the week-long event into National Adoption Awareness Month, which is what we celebrate today; and

WHEREAS, National Adoption Awareness Day also occurs during National Adoption Awareness Month. Typically held on a Saturday, National Adoption Awareness Day is observed across the country in court hearings where thousands of adoptions are finalized simultaneously; and

WHEREAS, there are an estimated 114,000 children in the United States still waiting in foster care for an adoptive family; and

WHEREAS, the average wait is 3 years for a child in foster care to be adopted; now, therefore, be it

RESOLVED, that the Town Board declares November to be Adoption Awareness Month and November 20, 2022 to be Adoption Awareness Day.

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

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

239-2022 A Resolution Proclaiming October 2022 as Bullying Prevention Month in the Town of East Greenbush

WHEREAS, bullying is physical, verbal, sexual, or emotional harm intimidation intentionally directed at a person or group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and via social media; and

WHEREAS, various researchers have concluded that bullying is the most common form of violence, affecting millions of children and adolescents annually within the United States, including New York State and the Town of East Greenbush, who are victims of bullying; and

WHEREAS, students who are victims of bullying are more likely to acquire physical, emotional, and learning-related problems and often fear such activities as riding the bus, going

to school, and attending community activities, all of which can lead to life-long trauma, debilitation, and even suicide; and

WHEREAS, children who witness bullying often feel less secure, more fearful, and intimidated; and

WHEREAS, bullying prevention activities in October include #BlueUp, Make Friends with Someone You Don't Know and Challenge Others to Be Kind, Stand Up for Others, and Start Conversations: Change the Culture;

now, therefore, be it

RESOLVED, that the Town of East Greenbush proclaims October as Bullying Prevention Month;

and be it further

RESOLVED, that residents in East Greenbush are encouraged to engage in awareness and prevention activities so that we can work together to make our community safer and more peaceful for all children and adolescents.

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

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

240-2022 A Resolution to Adopt the Preliminary Budget for 2023

WHEREAS, the Supervisor submitted the 2023 Tentative Budget to the Town Clerk on September 30, 2022 and the Town Board met on October 5, 2022 so that the Town Clerk could distribute copies of the Tentative Budget to the members of the Town Board; and

WHEREAS, the Town Board has had time to review the Tentative Budget and seek additional information by meeting and asking questions of Town staff, and suggest revisions and additions to the Tentative Budget; and

WHEREAS, based on this review the Tentative Budget has been reviewed to produce the Preliminary Budget that is appended hereto and made a part of this agenda; and

WHEREAS, the 2023 Preliminary Budget will be subject to a public hearing on November 10, 2022 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144; and

WHEREAS, the Town Comptroller confirms the resolution for adopting the 2023 Preliminary Budget will have revenue offset by appropriations and use of fund balance; now, therefore, be it

RESOLVED, that the Town Board adopts the 2023 Preliminary Budget as appended hereto and directs the Town Clerk to keep copies in her office for public review and post it on the Town website.

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

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

Councilor B. Fritz VOTED: YES
Councilor E. Nestler VOTED: YES

241-2022 A Resolution to Schedule a Special Meeting of the East Greenbush Town Board for October 26, 2022 at 6:00 p.m.

WHEREAS, the Town Board is committed to the proper and adequate staffing of the Police Department; and

WHEREAS, recruitment in police departments has suffered from recent, adverse publicity about police work on the national level; and

WHEREAS, we have taken significant steps to overcome the difficulty involved in recruitment with the preparation of a professional video advertising the Department, and a new three-year contract for our Officers; 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 schedules a Special Meeting for October 26, 2022 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush to conduct an interview or interviews with candidates for a lateral transfer in the East Greenbush Police Department in Executive Session and attend, in open session, to any other business matters that may be brought to the Board's attention.

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

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

242-2022 A Resolution to Authorize a Public Auction of Surplus Equipment

WHEREAS, the Town Board has received a request from the Chief of Police to declare the following Town property to be surplus equipment;

One (1) model year 2015 FORD Explorer Suburban (Vin # 1FM5K8AR6FGC51743)

WHEREAS, said equipment is not suited for any other Town department; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material effect on Town finances as long as the Town receives the material best value from the sale;
now, therefore, be it

RESOLVED, that said property be and hereby is declared to be surplus;
and be it further

RESOLVED, that the Chief of Police be authorized to conduct a public auction or sale or otherwise to lawfully dispose of said surplus equipment now owned by and in the custody of the East Greenbush Police Department.

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

Councilor T. Tierney VOTED: YES
Councilor E. Nestler VOTED: YES

Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

243-2022 A Resolution to Issue a Negative Declaration of Environmental Significance and Major Site Plan Approval for Immanuel Church (PZD File #20-18)

WHEREAS, Immanuel Church has submitted an application for a major site plan and lot line adjustment by 4 Onderdonk LLC (“Owner”) and Hart Engineering, authorized representative of the Owner, to construct an approximately 12,000 square foot building, dependent on funding, at minimum to construct a 9,600 square foot building, for use as a church and related improvements (“the Project”) located at 4 Onderonk Ave., Town of East Greenbush, New York. Tax Parcel No. SBL: 155.17-16.1; and

WHEREAS, on October 20, 2021, the Town Board passed Resolution 250-2021 and classified the proposed major site plan as an unlisted action under the State Environmental Quality Review Act and declared its intent to seek lead agency in connection with a coordinated review under SEQRA; and

WHEREAS, the Town Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Immanuel Church” 17 sheets in total as prepared by Hart Engineering dated January 1, 2022 and most recently revised August 24, 2022; and

WHEREAS, the Town Board has also reviewed the Long EAF and accompanying correspondence and reports addressing potential environmental impacts of the project; and

WHEREAS, the Planning Board carefully considered the comments of and recommendation of its Town Designated Engineer, Stantec, as well as the responses to those comments and recommendations provided by the Applicant and recommended on September 28, 2022 that the Town Board issue a negative declaration under SEQRA and approve the major site plan; and;

WHEREAS, the Town Board had a duly noticed public hearing on August 10, 2022 on the application and carefully considered all comments received; and

WHEREAS, the project was referred to Rensselaer County as required by the General Municipal Law and the County determined that local consideration shall prevail; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby declares itself lead agency in connection with a coordinated review under SEQRA;

and be it further

RESOLVED, that the Town Board hereby issues a negative declaration finding that the proposed application for major site plan and lot line adjustment for the Immanuel Church Project, an unlisted action, will not result in any significant adverse environmental impacts;

and be it further

RESOLVED, that the Town Board hereby approves the major site plan application as set forth in the Site Plan entitled, “Immanuel Church” 17 sheets in total as prepared by Hart Engineering dated January 1, 2022 and most recently revised August 24, 2022, subject to the following conditions:

1. Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town's Planning and Zoning Department.
2. The applicant has stated that the Town will have an access easement across the whole parcel for the Town to perform stormwater practice inspections and/or maintenance if the Town deems the owner to be negligent of maintenance responsibilities. The easements shall be provided to the Town Attorney for review and approval prior to issuance of a building permit.
3. The Onderdonk Ave driveway or 'hammerhead' measuring a 34' x 40' easement shall be provided and approved by the Town Attorney prior to issuance of a building permit.
4. Prior to issuance of a building permit, final review and sign off from New York State Parks, Recreation & Historic Preservation ("SHPO") is required to be provided to the Town's Planning and Zoning Department. SHPO's review letter, dated September 14, 2022, determined that the project will have no adverse impact on historic resources with the condition that the Division for Historic Preservation and Office of Parks, Recreation and Historic Preservation have another chance to review the project when architectural details become available.
5. Prior to issuance of a building permit, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town.
6. The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
7. A Town of East Greenbush Department of Public Works (DPW) highway work permit must be obtained for all work within the Town's right-of-way.
8. A DPW Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town's sanitary and/or water supply systems.
9. The DPW has reviewed the layout of the large diameter water service. Any adjustments to the diameter of this water service shall be coordinated with DPW and requested as part of the water service application.
10. A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.
11. Construction access shall be through the new driveway entrance located on Columbia Turnpike. Construction access through Onderdonk Ave shall be restricted to local work being performed in this area.
12. Site development must be in accordance with US Fish and Wildlife Service and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year restrictions for the removal of trees between April 1 and October 31.
13. Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
14. Prior to issuance of a Certificate of Occupancy, the property owner or 4 Onderdonk LLC must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.

15. The overflow parking area shall not be constructed without obtaining an additional building permit with justification to disturb this area. Future disturbance will require additional erosion and sediment controls.
16. Areas shown to be dedicated to adjacent landowners are optional to the adjoining residents. If these residents do not wish to obtain the additional lands as shown on plan sheet X020, the lands shall remain within the bounds of the existing parcel boundary.

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

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

244-2022 A Resolution Granting Limited Immunity to Fire District #1 of the Town of East Greenbush for a Building Located at 65 Sherwood Ave, for the Proposed Interior and Site Plan Improvements of the Existing Non-Conforming Use

WHEREAS, the East Greenbush Town Board is in receipt of an application by the Chairman of the Board of Fire Commissioners, Seth Tracey, representing Fire District #1 of the Town of East Greenbush (the “Owner”) with Weston and Sampson, professional design consultants, for a minor site plan approval under Section 274-A of the New York State Town Law, for a project located at 65 Sherwood Avenue, East Greenbush, NY (Tax Map I.D. SBL: 155.13-4-5); and

WHEREAS, currently Fire District #1 of the Town of East Greenbush includes two companies, Community Hose, with a building at 65 Sherwood Avenue, and Bruen Hose, with a building at 207 Columbia Turnpike; and

WHEREAS, the proposal includes interior demolition, renovation, and reconstruction of portions of the existing Community Hose fire house building with the intention to improve ADA accessibility and increase capacity for fire apparatus bays; and

WHEREAS, the proposal includes exterior site work including traffic circulation improvements, and pedestrian improvements to accommodate the new construction, landscape improvements and a new memorial garden; and

WHEREAS, the proposed interior and site work improvements are proposed in conjunction with improvements to corresponding Bruen Hose building located at 207 Columbia Turnpike, East Greenbush, NY (Tax Map I.D. SBL:155.13-18-2) a proposal that includes addition of ADA parking and expansion of parking area and a transition of apparatus storage to Community Hose in order to expand training and meeting space; and

WHEREAS, the Community Hose building is in the Residential District R-2, and the use was determined to be ‘civic; public facility, bank or government office’ which is not an allowed use in the R-2 district; and

WHEREAS, the Community Hose building was determined to be an existing non-conforming use and in accordance with Section 3.12.1 E., a non-conforming use shall not be enlarged, and the buildings or premises or portion of such non-conforming use shall not be altered, unless such enlarged or altered portion shall be changed to accommodate a conforming use and in conformity with Town bulk and area regulations; and

WHEREAS, the proposed site plan is for the expansion of a non-conforming use which would require Fire District #1 of the Town of East Greenbush to seek relief from the Zoning Board of Appeals in the form of a Use Variance for 65 Sherwood Avenue; and

WHEREAS, the proposed site plan is not in conformance with Town bulk and area regulations for the R-2 district as the minimum side yard setback in the R-2 district is 8', the proposed side yard setback is +/- 4.8' and +/- 11.5', which would require Fire District #1 of the Town of East Greenbush to seek relief from the Zoning Board of Appeals in the form of an area variance; and

WHEREAS, the proposed site plan is not in conformance with Town bulk and area regulations for the R-2 district as the minimum rear yard setback in the R-2 district is 25', the proposed rear yard setback is +/- 4.8', which would require Fire District #1 of the Town of East Greenbush to seek relief from the Zoning Board of Appeals in the form of an area variance; and

WHEREAS, the proposed site plan is not in conformance with Town bulk and area regulations for the R-2 district as the maximum lot coverage in the R-2 district is 25%, the proposed lot coverage is 82%, a reduction from the existing lot coverage of 85%, which would require Fire District #1 of the Town of East Greenbush to seek relief from the Zoning Board of Appeals in the form of an area variance; and

WHEREAS, the proposed site plan is not in conformance with Town internal landscape regulations as there is a minimum 5% landscape area of total parking area, therefore 14,053 sq. ft. parking lot area requires minimum 703 sq. ft. internal landscape area and 0 sq. ft. landscape area is existing and 0 sq. ft. internal landscape area is proposed, which would require Fire District #1 of the Town of East Greenbush to seek relief from the Planning Board; and

WHEREAS, the proposed site plan is not in conformance with Town internal landscape regulations as there is a minimum 1 tree required for every 200 sq. ft. of landscape area, therefore 703 sq. ft. landscape area requires 4 trees and 0 trees are existing and 0 trees are proposed, which would require Fire District #1 of the Town of East Greenbush to seek relief from the Planning Board; and

WHEREAS, certain acts of government may be exempt, or "immune" from complying with local zoning and land use laws, immunity falls under three categories of absolute, statutory and limited immunity, as this use is a firehouse, this is a limited immunity consideration; and

WHEREAS, in making a determination as to whether the actions of Fire District #1 of the Town of East Greenbush for the Community Hose building are "exempt" from local zoning regulations the New York Court of Appeals in the 1988 case of *Matter of County of Monroe v City of Rochester*, 72 N.Y.2d 338, 533 N.Y.S.2d 702, established a method for resolving such disputes using the "balancing of public interests" analytic approach, also known as 'the Monroe test'; and

WHEREAS, using the Monroe test approach, the host community, Town of East Greenbush, shall consider nine factors to determine whether or not it is in the public interest to subject the Community Hose building to its land use regulations, those factors are as follows;

1. The nature and scope of the instrumentality seeking immunity;
2. The encroaching government's legislative grant of authority;
3. The kind of function or land use involved;
4. The effect local land use regulation would have upon the enterprise concerned;
5. Alternative locations for the facility in less restrictive zoning areas;
6. The impact upon legitimate local interests;
7. Alternative methods of providing the proposed improvements;
8. The extent of the public interest to be served by the improvements; and

9. Intergovernmental participation in the project development process and an opportunity to be heard; and

WHEREAS, the East Greenbush Town Planning Board (Planning Board) did classify this action a Type II action, Chapter 6 Part 617.5(C)(2) of the Codes, Rules, and Regulations of the State of New York, “replacement, rehabilitation or reconstruction of a structure or a facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part” on December 8, 2021; and

WHEREAS, the Planning Board determined that in accordance with Section 4.3.1 B.03.b, the project requires full site plan review and accepted the sketch plan dated, December 1, 2021, prepared by Weston & Sampson for the proposed minor site plan on December 8, 2021; and

WHEREAS, the Town Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Community Hose Fire Company, Inc.”, 13 sheets in total as prepared by Weston & Sampson and last revised September 19, 2022; and

WHEREAS, the Town Board has carefully considered the comments and recommendation of the Town Planning Board’s Town Designated Engineer, JMT, as well as those comments and recommendations provided by the Applicant; and

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

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby determines, using the Monroe test approach, it is in the public interest to grant limited immunity to Fire District #1 of the Town of East Greenbush for the Community Hose building located at 65 Sherwood Ave from the Town’s land use regulations for the proposed interior and site work improvements of the existing non-conforming use;

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush, considered the following nine factors of the Monroe test approach;

1. The nature and scope of the instrumentality seeking immunity;
 - a. The nature and scope of firehouses expressly serve the public interest and safety to protect people and property from the danger and damage of fire
2. The encroaching government’s legislative grant of authority;
 - a. The encroaching government, Fire District #1 of the Town of East Greenbush, has authority to assess taxes.
3. The kind of function or land use involved;
 - a. The function of a firehouse is to serve the public interest and safety to protect people and property from the danger and damage of fire.
 - b. The land use is somewhat disruptive to adjacent residential uses considering noise nuisance of sirens but in general the firehouse use is conducive to adjacent residential uses.
4. The effect local land use regulation would have upon the enterprise concerned;
 - a. Local land use regulation would require a use variance, multiple area variances for side yard setback, rear yard setback and maximum lot coverage. Zoning Board of Appeals are limited in their discretion to award use variances.
5. Alternative locations for the facility in less restrictive zoning areas;

- a. ‘Civic; public facility, bank or government office’ is a permitted use in B-1 (General Business Mixed Use), B-2 (General Business), O (Corporate Office Only), OC (Corporate Office/Regional Commercial) and OI (Corporate Office/Light Industrial) districts.
 - b. Presumably, given the desire to proceed with improvements to the existing building rather than moving locations, the existing Community Hose building is in a desirable location to quickly and efficiently reach constituents in the fire district and an alternative location may be less desirable.
6. The impact upon legitimate local interests;
- a. It is unclear the extent of the impact on local interests if Fire District #1 of the Town of East Greenbush was unable to complete proposed interior and site improvements however it is likely that there would, in general, be a positive impact on local interests upon the completion of said improvements.
7. Alternative methods of providing the proposed improvements;
- a. Fire District #1 of the Town of East Greenbush could conduct normal maintenance and repair of the non-conforming building but the non-conforming use shall not be enlarged.
8. The extent of the public interest to be served by the improvements; and
- a. Interior and site plan improvements are proposed in conjunction with improvements to the corresponding Bruen Hose building located at 207 Columbia Turnpike. Transition of apparatus storage to the Community Hose building will expand training and meeting space.
9. Intergovernmental participation in the project development process and an opportunity to be heard; and
- a. Town staff, representatives of the Clinton Heights Fire Department and members of their professional design consultants have communicated regularly throughout the approval process thus far. It is worth noting that Sherwood Ave is a Rensselaer County roadway, a referral for the project was forwarded to the Rensselaer County Economic Development and Planning Office for review in compliance with Sections 239m of Article 12-B of the General Municipal Law for the State of New York was sent on December 15, 2021. A response from the County was received December 15, 2021 determining that the proposal does not have a major impact on County plans and that local consideration shall prevail;

and be it further
RESOLVED, that the Town Board of the Town of East Greenbush hereby requires continuation of the site plan approval process through the Town of East Greenbush Planning Board for the proposed interior and site work improvements of the existing non-conforming use.

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

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

245-2022 A Resolution Declaring a Department of Public Works Vehicle and Equipment as Surplus and Authorize the Auctioning of Same

WHEREAS, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare the following items as surplus,

- 2010 Chevrolet Equinox VIN 2CNFLCEW0A6270687
- (18) 265/55/R18 Tires;
- (8) 235/55/R17 Tires;
- 2004 Sewer Camera and Mechanical Reel;
- Hitch for a Pickup Truck;
- Hydraulic Hose Reel;
- Tailgate & Rear Bumper including some Miscellaneous items, as surplus; and

WHEREAS, the above listed equipment is surplus to the Department of Public Work’s needs and is not economically repairable; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material effect on Town finances as long as the Town receives the material best value from the sale; now, therefore, be it

RESOLVED, that above listed equipment is hereby declared as surplus; and be it further

RESOLVED, that the Commissioner of Public Works be authorized to conduct a public auction, sale or lawfully dispose of said surplus vehicle now owned by and in the custody of the East Greenbush Public Works Department.

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

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

DPW has informed the Town Comptroller that a Town Comptroller opinion is not allowed by NYS DOT for 246-2022

246-2022 A Resolution Authorizing the Implementation, and Funding in the First Instance 100% of the Federal-aid Eligible Costs, of a Transportation Federal-aid Project, and Appropriating Funds Therefore

WHEREAS, a Project US 9 and 20 Sidewalk Construction P.I.N. 1043.58 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction and Construction Incidentals.

NOW, THEREFORE, the Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of East Greenbush to pay in the first instance 100% of the federal and non-federal share of the cost of Construction and Construction Incidental work for the Project or portions thereof; and it is further

RESOLVED, that the additional sum of \$117,000.00 is hereby appropriated from budget code 51124.03.004.103, appropriated pursuant to and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Town Supervisor of the Town of East Greenbush be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of East Greenbush with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately

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

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

247-2022 A Resolution Authorizing the Commissioner of Public Works to Upgrade Certain Software Used by the Water Department

WHEREAS, the Water Department is currently using N-Sight software for meter reading and Software Consulting Associates (SCA) software for billing and these products now require updating; and

WHEREAS, Ti-SALES has proposed that the Department upgrade the N-Sight software to Neptune 360 Advanced Module which would allow for a more seamless meter reading and data migration for each billing cycle; and

WHEREAS, upgrading the software to the Neptune 360 Advanced Module would allow the Water Department to receive clear and accurate reads from all the meters in Town, reducing the frequency for the Water Department to have to go back out and review the readings for locations; and

WHEREAS, Ti-SALES is the Sole Source vendor for the meters and software that the Town currently uses for the Water Department; and

WHEREAS, in addition to updating the N-Sight software, the SCA software will also need to be updated so that the programs can communicate with one another. The approximate

cost of the N-Sight software update is expected to be \$13,107.00 and the update to the SAC software is expected to be approximately \$2,000.00; and

WHEREAS, the Town Comptroller confirms that this resolution has no material impact on Town finances charged half to 83104.05.04 Water Administration CE and half to 81104.07.04 Sewer Administration CE;;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Commissioner to upgrade the Water Department Software.

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

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

248-2022 A Resolution to Authorize a Text Correction to Resolution 163-2021

WHEREAS, Resolution 163-2021 contained a typographical error listing the year as 20218 instead of 2018; and

WHEREAS, *a correction needs to be made in the second Resolved clause of Resolution ~~163-2022~~ 163-2021 listing the date as November 20, 2018; and*

WHEREAS, the Town Board of the Town of East Greenbush authorizes the Town Clerk to make the necessary correction to Resolution 163-2021; and

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

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Clerk to make the above correction to Resolution 163-2021 and to certify such amended copy.

Supervisor Conway made the motion to amend the above recital to read:

WHEREAS, *a correction needs to be made in the second Resolved clause of Resolution 163-2021 listing the date as November 20, 2018; and*

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

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

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

Supervisor J. Conway	VOTED: YES
Councilor B. Fritz	VOTED: YES
Councilor T. Tierney	VOTED: YES

Councilor H. Kennedy VOTED: YES
Councilor E. Nestler VOTED: YES

249-2022 A Resolution to Authorize a Text Correction to Resolution 234-2022

WHEREAS, Resolution 234-2022 contained a typographical error listing the year as 20218 instead of 2018; and

WHEREAS, a correction needs to be made in the fifth WHEREAS clause of Resolution 234-2022 listing the date as November 20, 2018; and

WHEREAS, the Town Board of the Town of East Greenbush authorizes the Town Clerk to make the necessary correction to Resolution 234-2022; 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 authorizes the Town Clerk to make the above correction to Resolution 163-2021 and to certify such amended copy.

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

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

250-2022 A Resolution Approving the Contribution of the 2021 Volunteer Ambulance Work Service Award Program to Penflex Actuarial Services, LLC.

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 12, 2022 and was subsequently presented to the Town Board on October 18, 2022; and

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 of East Greenbush’s program contribution due in 2022 to the Volunteer Ambulance Work Trust Fund is \$6,651; and

WHEREAS, the Town Comptroller confirms that this was planned for in the 2022 Town Budget charged to account code 45408.13;

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the contribution of \$6,651 be made for the 2021 Volunteer Ambulance Work Service Award Program to Penflex Actuarial Services, LLC.

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

Supervisor J. Conway VOTED: YES
Councilor T. Tierney VOTED: YES

Councilor H. Kennedy VOTED: YES
Councilor B. Fritz VOTED: YES
Councilor E. Nestler VOTED: YES

251-2022 A Resolution to Schedule a Public Hearing on the Water and Sewer Tax Levy and Consumption Charges for 2023

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 12, 2022 and was subsequently presented to the Town Board on October 18, 2022; and

WHEREAS, following upon the consolidation of the two water districts into a single Consolidated General Water District and the consolidation of the four sewer districts into a single Consolidated General Sewer District two local laws were passed that allow the water and sewer rates to be set as part of the Town’s annual budget process. These Local Laws are Local Law #6 of 2021, which addresses water and Local Law #7 of 2021, which addresses sewer. Both were adopted on December 15, 2021; and

WHEREAS, both laws require that a public hearing, separate from the hearing on the Budget, be held on the proposed rates for 2023; and

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

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby schedules a public hearing on the proposed water and sewer tax levy and consumption charges for 2023 for Thursday, November 10, 2022 at 6:30 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush.

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

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

252-2022 A Resolution Authorizing the Renovation to the Town Hall Women’s Restroom

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of October 12, 2022 and was subsequently presented to the Town Board on October 18, 2022; and

WHEREAS, the Town Hall Women’s Restroom requires updates and renovations to improve the facilities for Town employees and Town Hall visitors; and

WHEREAS, the Town solicited bids for Preventive Maintenance and Emergency Services for General Contracting, HVAC, Electrical and Plumbing (Under \$35,000) in RFB 21-04 at the end of 2021; and

WHEREAS, Sam Greco Construction Inc., was selected as the lowest responsible bidder for the General Contracting contract with the following rates:

Markup/Cost of Materials: 10%
Price per Standard Hour: \$85
Price per Emergency Hour: \$110; and

WHEREAS, the Commissioner of Public Works and Sam Greco Construction Inc., met to discuss the scope of work involved with renovating the Town Hall Women’s Restroom and the Town received a Materials Quote for \$17,550 which includes the updating of the bathroom partitions, millwork, the updates to the ceiling tile and grid, floor epoxy and painting; and

WHEREAS, the labor will be performed in accordance with the General Contracting Contract that Sam Greco Construction Inc., has with the Town of East Greenbush; and

WHEREAS, due to the nature of the project and the need for the Women’s Restroom to remain open during the work day, renovations will take place after hours or on the weekend; and

WHEREAS, the Town Comptroller confirms that this resolution was budgeted to account 16204.01.04 Buildings CE in 2022;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the contract with Sam Greco Construction Inc. for the Renovation of the Town Hall Women’s Restroom and authorizes the Commissioner of Public Works to coordinate the renovations with the Contractor and the Building Manager for Town Hall.

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

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

ADJOURNMENT

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

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

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

Approved: November 16, 2022