



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES July 19, 2017

Call to Order 7:00 PM
Pledge of Allegiance
Town Board Meeting:
Held at the Town Garage on Gilligan Rd. East Greenbush, NY 12061

Members of Town Board

Present

Absent

Supervisor Conway
Councilor DiMartino
Councilor Matters
Councilor Grant
Councilor Tierney

Communications/Announcements/Reports

Supervisor Conway introduced *Commissioner Scott Gallerie and thanked him for hosting the meeting at the Town Garage.*

Commissioner Gallerie explained *that he had spoken to the Board previously, and thought it would be a good idea since his department takes up so much of the budget, to have a meeting at the garage so everyone could see where that money goes. He spoke about the condition of some of the old trucks, and showed off some of the new trucks and explained the condition of the fleet.*

Councilor DiMartino made the following announcements:

- *The Movie night has been rescheduled to this Friday evening starting at 6:00 due to inclement weather last Friday evening.*
- *Document shredder day will be held at Schodack Town Hall on July 22nd from 9:00am till 12:00pm*
- *August 11 will be the last day of Summer Camp and it is completely full. We have had a successful program thus far.*
- *The Community and Recreation Department are seeking cars for the car show on 8/26/2017. If you have a car that you would like to show off please register on line.*

For further information about Town Events please go to www.eastgreenbush.org to the Community and Recreation Department.

Councilor Matters mentioned that Good Buy Books looked like they were closing up. She thanked them for their time in East Greenbush and said that it will be sad to see them go.

Councilor Grant made mention of the new sidewalks on Luther Rd, and thanked Scott Gallerie and Tina for all of their dedication with this project.

Councilor Tierney stated that she was very excited to see the sidewalk project under way.

Supervisor Conway thanked Scott Gallerie for hosting the meeting at the Town Garage this evening. He explained that this Department is a critical part of our Town Government and we are very proud of it.

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

E. Grant – Thanked Scott for having the meeting at the Town Garage. She also mentioned that she did not feel that Candidates for Public Office should be introduced at a Town Meeting. There was further discussion on this with the public and Town Board members.

P. Stenson – discussed some of the resolutions on the agenda and explained that he missed the meeting last month and congratulated the Board on the Covenant they passed last month with the emergency services.

L. Cookson had information on a phone system for people with disabilities that he will get to Jessica Lansing in case anyone is interested. He discussed the minutes that were not on the web site.

Todd D’Alleva, Kathryn Schaffer, and Susan Kalafut introduced themselves Rensselaer County Legislature candidate. Rob Bayly introduced himself as a current member of the Rensselaer County Legislature and a candidate for next year as well.

F. Maguire asked if neighbors would be notified before they started work on Maryland Ave E. and Scott Gallerie confirmed that they would be.

Resolutions and Proposals by Town Board Members:

132-2017 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 April 19, 2017 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 April 19, 2017, are hereby approved as submitted.

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

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

133-2017 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 May 17, 2017 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 May 17, 2017, are hereby approved as submitted.

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

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

Councilor Tierney

VOTED: YES

134-2017 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 June 21, 2017 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 June 21, 2017, are hereby approved as submitted.

Councilor Matters made a motion to table the resolution because she did not get the minutes until that afternoon and did not get to review them, and the motion was seconded by Councilor DiMartino and brought to a vote resulting as follows:

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

135-2017 A Resolution Recognizing the Excellence of East Greenbush Police Officers in the Area of Traffic Enforcement

WHEREAS, according to the National Highway Transportation Safety Administration, the American Automobile Association and the Governor’s Traffic Safety Committee, traffic enforcement by the police continues to be a core element of New York State’s Strategic Highway Safety Plan; and

WHEREAS, effective vehicle and traffic law investigations achieve numerous law enforcement objectives and have a deterrent effect by promoting voluntary compliance with the law; and

WHEREAS, the work of the Police Officers cited below resulted in 2,127 Traffic Court Citations and 59 DWI arrests, thus making our Town a safer place in which to operate a motor vehicle;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush recognizes the excellence of the following East Greenbush Police Officers in the area of traffic enforcement:

Officer Edward Ashley	Officer Peter Lavin
Detective Michael Guadagnino	Officer Nicholas Peter

Officer Mark Herrington	Sergeant Ernest Tubbs
Officer Michael Herrington	Officer Matthew Wyld

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

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

136-2017 A Resolution Authorizing the Purchase of a Dump Truck Body from Oneida County Contract

WHEREAS, Resolution 41-2017 authorized the Commissioner of Public Works to solicit bids for purchase of Vehicles and Equipment; and

WHEREAS, Oneida County solicited Bids for Various Truck Body & Snow Plow Equipment on March 8th, 2017; and

WHEREAS, the Oneida County bid was awarded on April 13, 2017 and the results of the bid were made available to all municipalities and school districts in the State of New York; and

WHEREAS, the Town of East Greenbush authorized the purchase of a cab and chassis for the Water Department per resolution 121-2017 and requires a dump body and accessories for said dump truck; and

WHEREAS, prices for this dump body were obtained from Zwack Inc. based on the Oneida County Contract; 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 \$45,995.00 from the Water Capital Project Fund for this expense;

Fund	Transfer in	Transfer out
H-917 - Equipment Bond		\$45,995.00
5130.3 – Capital Project	\$45,995.00	

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase a dump body and associated equipment as detailed on Quote #17144 from Zwack Inc. from Oneida County Bid #1889 in an amount not to exceed \$45,995.00.

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

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

137-2017 A Resolution to Appoint Temporary Seasonal Laborers in the Department of Public Works

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

WHEREAS, the Public Works Commissioner has selected three individuals based on prior experience with the Town; and

WHEREAS, William Clum, Tanner Chester, and William Malone have had prior experience working with the Town of East Greenbush and/or have demonstrated the ability to work independently; and

WHEREAS, the Town Comptroller has confirmed that this appointment can be funded with the 2017 budget prorated as needed within the 2017 Budgets for Parks 71104.01 and Sewer 81201.07/08/09/10;

now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of William Clum, Tanner Chester, and William Malone to the position of Temporary Seasonal Laborers in the Department of Public Works at the rate of \$12.00 per hour with no benefits and total expense not to exceed \$15,000.00.

now, therefore, be it further

RESOLVED, that the hiring of Willard Clum on 6/26/2017, Tanner Chester on 6/29/2017 and William Malone of 6/20/2017 is retroactive to said dates.

Councilor Matters made a motion to amend the foregoing resolution adding the hire dates in a further resolved recital as shown above, the amendment was seconded by Councilor Grant and brought to a vote resulting as follows:

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

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

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

138-2017 A Resolution Authorizing Purchase of Truck Bodies and Plows from Onondaga County Contract

WHEREAS, resolution 41-2017 authorized the Commissioner of Public Works to solicit bids for purchase of Vehicles and Equipment; and

WHEREAS, the Town of East Greenbush must purchase integrated sander bodies and plows for the two new single axle cab and chassis plow trucks purchased per resolution 125-2017; and

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$20,000.00 require Town Board approval; and

WHEREAS, the Onondaga County Bid was awarded on June 26, 2013 for a period from June 24, 2013 to June 25, 2018 to Everest Equipment Inc., and the results of the bid were made available to all counties and other political subdivisions in the State of New York; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$159,990.00 from the Highway Fund for this expense;

Fund	Transfer in	Transfer out
H-917 - Equipment Bond		\$159,990.00
5130.3 – Highway Capital Project Fund	\$159,990.00	

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase dump bodies and plows as detailed on Quote #17148 from Zwack Inc. from Onondaga County Bid #7832 in an amount not to exceed \$159,990.00.

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

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

139-2017 A Resolution Authorizing the Expenditure to Replace the Carpets in Town Hall

WHEREAS, the appearance of Town Hall is the first impression people form of the work and services provided by Town Hall staff; and

WHEREAS, the carpets in Town Hall are subject to constant foot traffic and are worn and stained and need to be replaced; and

WHEREAS, the appearance of Town Hall, and especially the carpets, has been a source of numerous negative comments from residents who visit Town Hall and staff who work there; and

WHEREAS, there is a need to replace the carpet with carpet tiles so that sections of the carpet can be replaced without the need to replace the whole carpet; and

WHEREAS, the project of re-carpeting Town Hall can be accomplished in two phases, the first of which would re-carpet the Supervisor’s Suite, the length of the hallway and the Community Room; and

WHEREAS, \$30,000.00 was budgeted for building improvements in the form of security windows for the Town Clerk's and Receiver of Tax's offices but for various reasons those efforts will not be accomplished this year; and

WHEREAS, the Town Comptroller has confirmed that this redeployment within account code 16204.01 Building funds will be covered by the 2017 Budget;
now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to spend up to \$30,000.00 on the project to replace carpeting in Town Hall.

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

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

140-2017 A Resolution Awarding Engagement to Perform Audit Services for 2016 and 2017 Financials Audit

WHEREAS, the Town Board of the Town of East Greenbush wishes to retain the services of a qualified independent auditor for purposes of conducting a full audit of the financial and related records of the town (hereinafter, "Financial Audit") and of the books and records of the Town of East Greenbush for the fiscal years 2016 and 2017; and

WHEREAS, the Town Comptroller in 2016 invited seven firms to present proposals, has provided a summary of the four submitted proposals to the Board and made available to the Supervisor copies of the two peer-reviewed eligible quotes that show this represents a no cost increase from the 2015 Financial Statement Audit already completed; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is Budgeted in 2017 for account 13204.01 Independent Auditing and Accounting CE.at approximately \$25,000.00 and will be budgeted in 2018;
now, therefore be it

RESOLVED, that the Town Board authorizes the Supervisor to retain services from UHY, LLP to conduct the 2016 Financial Audit at a cost not to exceed \$22,500.00 and the 2017 Financial Audit at an additional cost not to exceed \$22,500.00.

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

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

141-2017 A Resolution Authorizing the Supervisor to Accept Engagements with Municipal Solutions, Inc (Municipal Financial Advisors), and H.V. Labarba (Engineering) to Facilitate the Refinancing Acquisition with NYS Environmental Facility Corporation (EFC) to Replace Rensselaer County Water Sewer Authority Debt (RCWSA)

WHEREAS, the Town Board of East Greenbush authorized Resolution 128-2017 to begin the process of refinancing acquisition with EFC debt retiring previously issued debt by the RCWSA in 2008 ; and

WHEREAS, Municipal Solutions, Inc (municipal financial advisors), and H.V. Labarba (engineering services) are required to facilitate the refinancing acquisition of this debt; and

WHEREAS, the Town Comptroller in consultation with EFC financial advisors believes over the life of the debt, the resolution will have a positive material impact on Town’s finances; now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Supervisor to sign to accept the engagements with Municipal Solutions, Inc (municipal financial advisors), and H.V. Labarba (engineering services) to facilitate the refinancing acquisition of the RCWSA debt.

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

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

142-2017 A Resolution to Adopt Local Law No. 1 of 2017 – Solar Energy Law for the Town of East Greenbush

WHEREAS, the Town Board of the Town of East Greenbush believes it is in the public interest to take advantage of a safe, abundant, renewable, and non-polluting resource of solar energy; and

WHEREAS, the Board is interested in decreasing the cost of energy to the owners of commercial and residential properties by allowing solar collectors to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected; and

WHEREAS, the Board believes that facilitating the installation of solar energy systems can increase employment and business development in the region; and

WHEREAS, solar energy is a relatively new and rapidly growing form of power and the Town’s Code and Zoning Law are silent on the subject; and

WHEREAS, a work group comprised of the Director of Planning, the Code Enforcement Officer, the Chairperson of the Zoning Board of Appeals, the Chairperson of the Planning Board, the Attorney for the Zoning Board of Appeals, the Attorney for the Planning Board, and two members of the Town Board drafted the Solar Energy Law for the Town of East Greenbush; and

WHEREAS, the Solar Energy Law is based on the NYS Model Solar Energy Law developed by Sustainable CUNY of the City University of New York, Pace Law School’s Land Use Law Center, and the NYSolar Smart Planning and Zoning Working Group and was designed

to assist communities in New York State in adopting zoning provisions that promote solar energy systems while protecting community character and the environment; and

WHEREAS, a Public Hearing was held on Wednesday June 21st, 2017 at 6:15 pm at the East Greenbush Town Hall, 225 Columbia Turnpike to receive public comment on this proposed Local Law and the Board has considered the comments made; 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 enactment of Local Law No. 1 of 2017 – Solar Energy Law for the Town of East Greenbush, pursuant to Home Rule Law 20 be, and the same hereby is, approved, and be it further

RESOLVED, that the Town Clerk shall file the Local Law with the New York Secretary of State.

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

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

143-2017 Resolution Authorizing the Supervisor to Execute an Agreement and Release with Forest Pointe, LLC

WHEREAS, by deed dated May 29, 2007, the town accepted a deed conveying certain real property from TDT Realty Corp, conveying property on which was located the Forest Pointe Waste Water Pumping Station Site; and

WHEREAS, since that date, the pumping station there has been a part of the Town’s sewer district service, and the power provided to that pumping station has served the Town waste water facilities; and

WHEREAS, in December, 2016, the town was advised by employees of Forest Pointe that Forest Pointe, LLC, had been paying National Grid (National Mohawk Power Corporation) for the power being provided to that pump station since 2007, although the cost of such power was a town responsibility; and

WHEREAS, Forest Pointe, LLC, has provided to the town documentation showing its power costs expended over the three years prior to the account being transferred to the Town; and

WHEREAS, the Town wishes to resolve any claims arising out of this situation; and

WHEREAS, the Town Comptroller has confirmed that the negative financial impact of this resolution is \$10,454.00 from the Town General Sewer Fund for this expense;

Fund	Transfer in	Transfer out
SS1-917 – General Sewer Fund		\$10,454.00
81204.07.04 – Sanitary Sewers	\$10,454.00	

now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign on behalf of the Town an agreement and release with Forest Pointe, LLC, in a form approved by the attorney to the town, providing that the Town shall pay to Forest Pointe, LLC, the sum of \$10,453.48 in full satisfaction of any claims of Forest Pointe, LLC, against the Town, and such agreement will further provide that Forest Pointe, LLC shall pay one-half of that amount back to the Town of East Greenbush, as a contribution to the Town's park fund.

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

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

144-2017 Resolution Authorizing the Supervisor to Sign a Revised and Restated Municipal Cooperation Agreement with the Town of North Greenbush

WHEREAS, the New York Independent System Operator, Inc. (NYISO) a not-for-profit corporation, maintains its headquarters building and other buildings on real property located at 10 Krey Blvd, a facility which lies in both North Greenbush and East Greenbush, while the original headquarters building was only within the Town of North Greenbush; and

WHEREAS, NYISO upgraded its facilities in 2011, adding additional square footage, and the headquarters building now lies 81% in North Greenbush and 19% in East Greenbush; and

WHEREAS, on March 16, 2011, North Greenbush and East Greenbush entered into a Municipal Cooperation Agreement, to establish each town's responsibilities over the headquarters building, which agreement expired five years later, on March 16, 2016; and

WHEREAS, both North Greenbush and East Greenbush wish to revise and restate the original Municipal Cooperation Agreement, with certain changes and amendments; and

WHEREAS, the Town Comptroller has determined 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 execute on behalf of the town the revised and restated Municipal Cooperation Agreement, upon approval by the attorney to the town as to the form of said agreement.

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

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

145-2017 Resolution Authorizing the Supervisor to Execute a Storm Water Management System Maintenance and Easement Agreement with New York Independent System Operator. INC

WHEREAS, the New York Independent System Operator (“NYISO”), Inc. is the owner of certain real property located in the Town of East Greenbush; and

WHEREAS, NYISO has been mandated to construct on that property a new shipping and receiving center, for security reasons, for mail and package deliveries; and

WHEREAS, in connection with the construction of that project NYISO has requested that the existing storm water management system maintenance and easement agreement, as entered into between the town and NYISO, dated February 2, 2011 be amended; and

WHEREAS, NYISO has proposed certain changes to said prior agreement, and the town board believes that such changes would be in the Town’s best interest; and

WHEREAS, the Town Comptroller has determined 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 execute the said storm water management system maintenance and easement agreement, upon approval by the Attorney to the Town as to form.

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

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

146-2017 A Resolution Authorizing the Supervisor to Sign the Host Community Agreement with the University at Albany Bioscience Development Corporation

WHEREAS, the University at Albany Bioscience Development Corporation (“UABDC”) was formed to advance the educational and research mission of the State University of New York (“SUNY”) and the University at Albany (the “University”) by acquiring and holding title to facilities in which scientific research and scholarly programs for the benefit of faculty, visiting scholars, and students and staff can be conducted, thereby advancing SUNY’s and the University’s missions and enhancing their ability to attract public and private funds to further such research and scholarly studies; and

WHEREAS, in furtherance of these purposes UABDC is the owner of certain real property in the Town of East Greenbush located at 3-17 University Place, 1 University Place, and 1 Discovery Drive, designated on the assessment rolls of the Town as tax map parcels 154.-1-1, 154.-1-2, and 155.-1-4.11 (the “Property”); and

WHEREAS, UABDC’s use of the Property is for the exclusive purpose of creating a commercial life science, research and technology cluster in an environment in which new and technologically innovative business can develop, and research can be translated, into commercially viable high technology all for the benefit of the University, SUNY, and the People of the State of New York; and

WHEREAS, consistent with the foregoing, UABDC is organized and its operations are conducted exclusively for educational and charitable purposes within the meaning of Real Property Tax Law (“RPTL”) Section 420-a; and

WHEREAS, UABDC duly and timely filed applications with the Town Assessor for exemption from real property taxation of the Property on the Town’s 2017 assessment roll pursuant to RPTL Section 420-a; and

WHEREAS, the Town, through its Assessor, has recognized and agreed that pursuant to that section the Property is entitled to exemption from real property taxation on the assessment roll of the Town; and

WHEREAS, by virtue of that exemption, UABDC is not obligated to pay any real property taxes with respect to the Property, which exemption extends to special ad valorem levies and special assessments to the extent provided by RPTL Section 490; and

WHEREAS, UABDC recognizes that, because the Property is not physically associated with other facilities of the University, UABDC must therefore rely on the provision of governmental and other ancillary services by the Town, including but not limited to police and fire protection, rescue and emergency services, and infrastructure maintenance and improvements; and

WHEREAS, notwithstanding the exemption from taxation, UABDC is willing, in recognition of the valuable services and benefits provided by the Town to and for the Property, to make certain contributions to or for the benefit of the Town; and

WHEREAS, the Town Comptroller confirms that this resolution should have a positive impact on the Town’s finances; and

WHEREAS, in consideration of the mutual covenants herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the parties hereto agree as follows:

1. On or before January 31, 2018, or the date by which payments of Town taxes for the then current fiscal year are due without penalty or interest, UABDC will make a contribution (“Benefit Contribution”) to the Town of \$121,380. Of the Benefit Contribution \$88,607.40 may be utilized or expended by the Town, at its sole and absolute discretion, for any lawful purpose. The remaining \$32,772.60 of the Benefit Contribution is expressly designated by UABDC as in recognition of fire protection and emergency services provided by the Clinton Heights Fire Department and rescue and emergency services provided by the W. F. Bruen Rescue Squad (the “Emergency Services Organizations”). Of that \$32,772.60, \$9,710.40 shall be distributed to the Bruen Rescue Squad, and \$23,062.20 to the Clinton Heights Fire Department, which allocation is intended to be proportionate to the 2017 special district charges that would have been levied by the Town for the Emergency Services Organizations were the Property not exempt from taxation.
2. UABDC will annually hereafter during the term of this Agreement, and within 30 days prior to the March 1 taxable status date for real property assessments in the Town, certify to the Town Assessor that as of the date of certification neither UABDC’s organizational purposes nor its use of the Property has changed in any way material to an entitlement to exemption for the Property pursuant to RPTL Section 420-a, which certification may be provided on forms published by the New York

State Office of Real Property Tax Services for such purposes or in such other form as the Town Assessor may reasonably request (“Annual Certification”).

3. Subject to the provisions of paragraphs numbered (3) and (4) of this Agreement, it is the intention of the parties that this Agreement have a ten-year term. Provided the Town maintains UABDC’s exemption of the Property from taxation on the 2018 assessment roll of the Town, UABDC shall, on or before January 31, 2019, make a Benefit Contribution of \$123,807.60, reflecting a two percent (2%) increase in the amount of the preceding Benefit Contribution. UABDC shall thereafter make annual Benefit Contributions, similarly increased by 2% over the preceding year’s contribution, on or before January 31 of each of the subsequent seven years during the term of this Agreement in which the Town assessment roll maintains the property as exempt pursuant to RPTL 420-a. Thereafter, in the next (ninth) year of this Agreement (specifically, on January 31, 2026), the Benefit Contribution shall be increased by an additional \$30,000 in recognition of the December 31, 2025 termination of a payment in lieu of taxes agreement dated as of July 1, 2004 relating to a portion of the Property. That increase, which will also be subject to a 2% increase in the final year of this Agreement, may be utilized or expended by the Town, at its sole and absolute discretion, for any lawful purpose. Except as otherwise stated herein for the ninth and tenth years of the Agreement, the Benefit Contributions for each year of this Agreement shall be allocated among the Town and the Emergency Services Organizations consistent with the proportions reflected in paragraph 1 of this Agreement. For clarity and convenience, a schedule of the Benefit Contributions, including the portion of each payment intended for the Town, the Bruen Rescue Squad, and the Clinton Heights Fire Department, is annexed as Schedule A.
4. This Host Community Agreement shall terminate February 28, 2027 or at UABDC’s election at any time prior to that date if (1) the Town or the Town Assessor takes any action to revoke the exemption of the Property, in whole or in part, or (2) UABDC ceases to hold title to the Property in whole or in part.

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to enter into this agreement with The University at Albany Bioscience Development Corporation, *subject to the approval of the Town Attorney.*

Councilor Matters made a motion amend the RESOLVED recital to read as shown above, the amendment was seconded by Councilor Grant and brought to a vote resulting as follows:

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

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

Supervisor Conway	VOTED: YES
Councilor DiMartino	VOTED: YES
Councilor Matters	VOTED: YES

Councilor Grant VOTED: YES
Councilor Tierney VOTED: YES

147-2017 Resolution to Authorize the Reappraisal of all Properties within the Boundaries of the Town of East Greenbush

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 13, 2017; and

WHEREAS, the Town of East Greenbush has passed a resolution authorizing the Department of Assessment to send out bids for contractual services on reappraising the real property lying within the boundaries of the Town of East Greenbush; and

WHEREAS, the Office of Real Property Tax Services, a division of Taxation and Finance is scheduled to complete a Market Data Analysis of our Town for the purpose of new equalization rates for 2018 but has identified that the revaluation by the Town should be completed prior to the analysis; and

WHEREAS, the State does not want to prepare the analysis for the new 2018 equalization rate, since it is a duplication of the process they have to do once the revaluation is complete; and

WHEREAS, the Town Comptroller confirms that this resolution will have a negative material impact on the Town's finances that will either need to be budgeted in 2018 or authorized use of Fund Balance in 2017;

now, therefore, be it

RESOLVED, that the Town of Board of the Town of East Greenbush, hereby authorizes, that the revaluation program start immediately after the bid is awarded,

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

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

148-2017 A Resolution to Concur With the Decision of the Planning Board To Waive Specific Improvements and Modifications of Specific Requirements for the Rensselaer Rural Cemetery and Regeneron Pharmaceuticals' Major Three-Lot Subdivision

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 14, 2017; and

WHEREAS, the Rensselaer Rural Cemetery and Regeneron Pharmaceuticals have proposed a 3-lot subdivision on the south side of Third Avenue Extension. Lot #1 is a 77.5+ acre parcel with 2,000 + feet of frontage on Third Avenue Extension; Lot 2 is a 11.0+ acre parcel

with approximately 100 feet of frontage on Third Avenue Extension; Lot 3 is a 9.9+ acre parcel which does not have frontage on an accessible highway; and

WHEREAS, the applicants have requested a Modification of Specific Requirements to approve Lot #2 despite it failing the Specific Requirement of a 400-foot minimum lot width requirement, and to approve Lot #3 despite it not having any frontage on an accessible highway due to special circumstances; and

WHEREAS, the Town’s Planning Board approved a “Motion for Waiver of Specific Improvements and Modifications of Specific Requirements and Referral to Town Board for Concurrence” on Regeneron Pharmaceuticals Major 3-Lot Subdivision (Planning Board Project 15-20A) and referred the issue to the Town Board; and

WHEREAS, the Planning Board’s resolution contained five conditions as part of the approval; 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 concurs with the decision of the Planning Board to waive Specific Improvements and approve modifications of Specific Requirements for the Rensselaer Rural Cemetery and Regeneron Pharmaceuticals Major three-lot subdivision;

and, be it further

RESOLVED, that the Town Board also concurs with the following five conditions listed in the Planning Board resolution that referred this project to the Town Board:

- Proposed Lot #2 shall be restricted to the use of transportation and utilities. The transfer of land between the Cemetery and Applicant shall include a deed restriction to that effect. In addition, the Cemetery shall be granted an easement on proposed Lot #2 to access proposed Lot #3.
- Proposed Lot #3 shall be restricted to its current use as a Cemetery or limited to incorporation into a conforming adjacent lot.
- All remaining fees associated with a major subdivision are paid to the Town.
- No development of the proposed transportation and utility corridor shall occur until all reported environmental impacts contained within the Environmental Impact Statement of the Regeneron Tempel Lane Campus have been remedied.
- Should development of the proposed transportation and utility corridor occur, the Applicant shall install the required improvements as contained within Article V of the Town’s Land Subdivision Regulations in accordance with the standards, specification, and procedures acceptable to the appropriate Town Boards and Departments.

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

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

149-2017 A Resolution Authorizing a Blood Drive in Conjunction with the American Red Cross at Town Hall

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 14, 2017; and

WHEREAS, the American Red Cross finds that someone in the United States needs blood every two seconds, and more than 41,000 blood donations are needed every day; and

WHEREAS, 90% of the American Red Cross workforce are volunteers, and Red Cross staff and volunteers work to deliver vital services such as disaster relief, blood donation, and training and certification programs; and

WHEREAS, the Town of East Greenbush’s staff, including members of the Police Department, Department of Public Works, and Town Hall want to make a contribution to their community by hosting a blood drive and thereby aid the American Red Cross to better fulfill its mission of ensuring the availability of a safe and reliable blood supply; and

WHEREAS, the American Red Cross has agreed to co-sponsor a blood drive at the East Greenbush Town Hall; 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 authorizes Mary Hendrick to be the coordinator for a public blood drive hosted in partnership with the American Red Cross on August 15, 2017 from 1:00 p.m. – 6:00 p.m..

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

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

150-2017 A Resolution Authorizing Repairs to Malibu Hill Storm Drains

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 18, 2017; and

WHEREAS, the Town of East Greenbush has identified that the storm sewer on Malibu Hill is failing due to a deteriorated storm drain pipe, and

WHEREAS, the Town of East Greenbush published a Request for Quote for repairs to the storm drain on Malibu Hill as depicted on the repair prepared by H.V. LaBarba, P.E.; and

WHEREAS, the lowest responsible quote that met the Engineers specification was Valley Paving, Inc. in the amount of \$19,800.00; 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 has confirmed that the negative financial impact of this resolution is \$19,800.00 from the Town Highway Fund for this expense;

Fund	Transfer in	Transfer out
DA-917 –Highway Fund		\$19,800.00
51104.02.04 – Highway General Repairs	\$19,800.00	

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to contract with Valley Paving Inc. to perform the repairs to the Malibu Hill Storm Drain as designed in an amount not to exceed \$19,800.00.

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

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

151-2017 A Resolution to Clarify the SEQR Resolution for the Refinancing of Its Water Service Agreement with the Rensselaer County Water and Sewer Authority Previously Adopted on June 21, 2017

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 18, 2017; and

WHEREAS, the Town Board (the “Board”) of the Town of East Greenbush (the “Town”) is proposing the acquisition from the Rensselaer County Water And Sewer Authority of Water Facilities, including, but not limited to, an emergency bypass pump and generator at the Cross Street pumping station, water tanks, two (2) new master meters, and related appurtenances (the “Purpose”); and

WHEREAS, the proposed Purpose entails the purchase of equipment, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials; and

WHEREAS, on June 21, 2017, the Board adopted a resolution (the “SEQRA Resolution”) and determined, based upon the record before it, and the general, specific and detailed knowledge of the Board of the proposed Purpose and under the applicable standards of New York State Environmental Quality Review Act (“SEQRA”) and 6 NYCRR Part 617.5, that the Purpose is a Type II Action, and that no further action is required to satisfy the requirements of the New York State Environmental Quality Review Act; and

WHEREAS, the Board desires to clarify the SEQRA Resolution to specify the

applicable section of 6 NYCRR Part 617.5 that pertains to the Purpose; 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, based upon the record before it, and the general, specific and detailed knowledge of the Board of the proposed Purpose and under the applicable standards of SEQRA and 6 NYCRR Part 617.5, hereby determines that the Purpose is a Type II Action as it involves the purchase of equipment pursuant to 6 NYCRR Part 617.5(c)(25), and that no further action is required to satisfy the requirements of the New York State Environmental Quality Review Act.

and be it further

RESOLVED, that this resolution takes effect immediately.

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

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

152-2017 A Resolution to Reschedule the Public Hearing on Amendments to the Zoning Law

WHEREAS, this resolution was not able to be submitted in time to be considered on the regularly scheduled pre-board meeting of July 12, 2017 and was subsequently presented to the Town Board on July 19, 2017; and

WHEREAS, the Town Board of the Town of East Greenbush via Resolution 106-2017 had previously scheduled a public hearing to hear comments on certain changes to the Comprehensive Zoning Law for June 21, 2017 at 6:45 p.m.; and

WHEREAS, the Town Board of the Town of East Greenbush via Resolution 130-2017 had rescheduled the public hearing to hear comments on certain changes to the Comprehensive Zoning Law from June 21, 2017 to July 19, 2017 at 6:45 p.m.; and

WHEREAS, subsequent review of the proposed changes resulted in the need for further consideration and the July 19, 2017 public hearing had to be postponed; and

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

now, therefore, be it

RESOLVED, that the Town Board reschedules the public hearing to hear comments on certain changes to the Comprehensive Zoning Law from July 19, 2017 to August 16, 2017 at 6:30 p.m.

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

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

153-2017 A Resolution Authorizing the Settlement of the Claim of Jessica E. Pastore against the Town of East Greenbush

WHEREAS, there is presently pending in the United States District Court for the Northern District of New York a case brought by Jessica E. Pastore against the Town of East Greenbush, arising out of her termination as a probationary police officer for the Town; and

WHEREAS, the plaintiff in that action has offered to settle this lawsuit, and release the Town from any and all claims relating to the causes of action set forth in said lawsuit, for the payment by the Town's insurance carrier of \$26,000.00 with the Town's reimbursing insurance for the \$10,000 deductible; and

WHEREAS, the Town Board, in consultation with the attorneys representing the Town in this litigation, has determined that this settlement is in the best interests of the Town; and

WHEREAS, the Comptroller believes the funds are available in the 2017 budget in account code 19304.01 Judgement and Claims to pay the \$10,000 insurance deductible; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the settlement agreement and other relevant documents in connection with this settlement.

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

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

A motion to go into Executive Session AT 8:15pm for the purpose of discussing ongoing litigation in a current case the Town is in was made by Supervisor Conway and seconded by Councilor DiMartino and brought to a vote resulting as follows:

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

ADJOURNMENT

Motion to adjourn by Supervisor Conway at 9:22 pm and seconded by Councilor Grant and brought to a vote as follows:

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

TOWN OF EAST GREENBUSH

**PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2017 ENACTING THE
SOLAR ENERGY LAW FOR THE TOWN OF EAST GREENBUSH**

BE IT ENACTED by the Town Board of the Town of East Greenbush as follows:

Section 1. SOLAR ENERGY LAW

1. Title

This local law shall be known as the Solar Energy Law for the Town of East Greenbush.

2. Authority

This local law is adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of East Greenbush to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefore.” This local law shall amend the Town of East Greenbush Comprehensive Zoning Law.

3. Statement of Purpose and Legislative Intent

This local law is adopted to advance and protect the public health, safety, and welfare of the Town of East Greenbush, including:

- 1) Taking advantage of a safe, abundant, renewable, and non-polluting energy resource; and
- 2) Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses, by allowing solar collectors, unless part of a large-scale solar energy system, to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, provided however, that nothing contained in this local law shall be construed to prohibit “collective solar” installations or the sale of excess power through a “net billing”, “net-metering”, or “bill credit” arrangement in accordance with New York Public Service Law or any other similar state or federal statute; and
- 3) Increasing employment and business development in the region by furthering the installation of solar energy systems.

4. Definitions:

For purposes of this local law, and where not inconsistent, terms, phrases, words, abbreviations, and their derivations, shall have the meaning given in this section. The word “shall” is mandatory and not merely directory.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A solar energy system, either ground-mounted or roof-mounted, that produces energy primarily for the purpose of offsite sale or consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both solar panels and solar energy equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

5. Applicability

The requirements of this law shall apply to all solar energy systems installed or modified after its effective date, excluding general maintenance and repair, and Building-Integrated Photovoltaic Systems.

6. Permitting

A. All applicants for solar energy systems shall submit the New York State Unified Solar Permit at the time of submitting the building permit application.

B. Roof-Mounted Solar Energy Systems.

- 1) Roof-mounted solar energy systems that primarily use the electricity onsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- 2) Building permits shall be required for the installation of all roof-mounted solar energy systems.
- 3) Height solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- 4) Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate the following design requirements:
 - a. Panels facing the front yard on an angled roof must be mounted parallel to the surface of the underlying roof with a maximum distance of 18 inches between the roof and highest edge of the system.
 - b. Panels installed on a flat roof or at an angle not parallel to the underlying roof shall be screened from any adjacent streets or neighboring properties.
 - c. All solar energy equipment, excluding the panels and immediate mounting brackets, shall be screened from view. Exterior mounting of the solar energy equipment to the building shall not be visible from the ground (all solar energy equipment shall be located under the panels, interior to the building, or hidden from view behind a parapet wall or similar architectural screening).
- 5) Roof-mounted solar energy systems that use the energy onsite and are installed parallel to the underlying roof shall be exempt from site plan review under the Comprehensive Zoning Law or other land use regulations but shall meet the conditions stated within this section.

C. Ground-Mounted Solar Energy Systems.

- 1) Ground-mounted solar energy systems that use the electricity primarily onsite and are no larger than 160 square feet are permitted as accessory structures in all districts.
- 2) Ground-mounted solar energy systems that use the electricity primarily onsite and are larger than 160 square feet require a special use permit in all districts. These systems shall be screened from the view of neighboring properties.
- 3) Building permits shall be required for the installation of all ground-mounted solar energy systems.
- 4) Ground-mounted solar energy systems when oriented at a maximum vertical tilt shall be no higher than 8 feet in residential districts and 15 feet in other districts.
- 5) All components of ground-mounted solar energy systems of 160 sf or less shall comply with the setback requirements of accessory structures in the underlying zoning district. All other

ground-mounted solar energy systems shall comply with the setback requirements established for a primary structure.

- 6) Lot Coverage. Systems are limited to 10%. The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
- 7) All such systems in residential districts shall be installed in the side or rear yards. Installation in any front yard is prohibited. When mounted in a side yard, the system shall be screened from any adjacent street or neighboring property by a solid fence or sufficient landscaping to shield the installation from view.
- 8) Ground-mounted solar energy systems that use the electricity primarily onsite and are no larger than 160 square feet shall be exempt from site plan review under the Comprehensive Zoning Law or other land use regulations.

7. Approval Standards for Large-Scale Solar Systems as a Special Use Permit

- A.** Large-scale solar energy systems are limited to a maximum of 2.5 acres in size and are permitted through the issuance of a special use permit within the A-R, O, OC, OI, and CI districts, subject to the requirements set forth in this section, including site plan approval. Applications for the installation of a large-scale solar energy system shall be reviewed by the Zoning Enforcement Officer and referred, with comments, according to Section 3.11 of the Code for its review and action, which can include approval, approval on conditions, or denial.
- B.** Special Use Permit Application Requirements. For a special use permit application, the site plan application is to be used as supplemented by the following provisions:
 - 1) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be filed with the Town Building Department.
 - 2) Construction drawings showing the layout of the solar energy system signed by a licensed professional engineer or registered architect shall be required. The plans shall also include work necessary for connection to the electric grid.
 - 3) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - 4) Property operation and maintenance plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, and upkeep of the visual screening.
 - 5) Decommissioning Plan. To ensure the proper removal of large-scale solar energy systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The decommissioning plan must specify that after the large-scale solar energy system can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional

engineer or contractor. Cost estimations shall take into account inflation. Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan. If the large-scale solar energy system is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

C. Special Use Permit Standards.

- 1) Height and Setback. Large-scale solar energy systems shall adhere to the height and setback requirements of the underlying zoning district. Ground-mounted systems when oriented at a maximum vertical tilt shall be no higher than 8 feet in residential districts and 15 feet in other districts.
- 2) Lot Size. Large-scale energy systems shall be located on lots with a minimum lot size of 1 Acre.
- 3) Lot Coverage. A large-scale solar energy system that is ground-mounted shall not exceed 10% of the lot on which it is installed. The surface area covered by solar panels shall be included in total lot coverage. When installed over a parking lot or building, the coverage is only counted once.
- 4) All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The large-scale solar energy system shall also be further screened by landscaping and/or earth berms to avoid adverse aesthetic impacts from any street frontage or neighboring property.
- 5) No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.
- 6) The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the large-scale solar energy system. On-site power lines shall, to the maximum extent practicable, be placed underground.
- 7) Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the Comprehensive Zoning Code that, in the judgment of the Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review.
- 8) The Planning Board may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

8. Safety

- B.** Prior to operation, electrical connections must be inspected by the Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- C.** Any connection to the public utility grid must be approved by the appropriate public utility.
- D.** Roof-mounted solar energy systems shall meet New York's Uniform Fire Prevention and Building Code standards.
- E.** If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.

9. Abandonment and Decommissioning

- A.** Large-scale solar energy systems are considered abandoned after 6 months without electrical energy generation and must be removed from the property within 90 days of written notice from the Code Enforcement Officer. In order to confirm continual operation, the property owner shall submit annually, on the anniversary of the Certificate of Occupancy, documentation from the Utility Company showing electricity produced by the large-scale solar energy system. Failure to submit the proper documentation shall constitute evidence of abandonment of the large-scale solar energy system. Applications for time-extensions for technical reasons are reviewed by the Code Enforcement Officer for a period of 3 months.
- B.** Any special use permit issued as part of this law shall expire 2 years from the date of approval if the applicable solar energy system is not constructed within the 2 year period.

10. Enforcement

Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the Comprehensive Zoning Code of Town of East Greenbush.

11. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision or phrase, which shall remain in full force and effect.

Section 2. This local law shall take effect immediately.