



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING June 8, 2022

Call to Order 6:00 PM
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

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

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation:

Schedule of Meeting:

143-2022 A Resolution to Approve the Public Hearings 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 two Public Hearings held on May 11, 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 two Public Hearings held on May 11, 2022 are hereby approved as submitted.

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

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

144-2022 A Resolution to Approve Town Board 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 May 18, 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 May 18, 2022 are hereby approved as submitted.

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

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

145-2022 A Resolution to Approve the Special Meeting Minutes

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

WHEREAS, a Special Meeting of the Town Board was held on June 1, 2022; and

WHEREAS, that the minutes of the Special Meeting Minutes held on June 1, 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 Special Meeting held on June 1, 2022 are hereby approved as submitted.

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

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

146-2022 A Resolution Proclaiming June 2022 as Pride Month in East Greenbush

WHEREAS, the Town Board of East Greenbush supports the rights, freedoms, and equality of persons who are lesbian, gay, bisexual, transgender, and queer (LGBTQ); and

WHEREAS, our nation was founded on the principle of equal rights for all people, but the fulfillment of this has been long in coming for many Americans; and

WHEREAS, in the movement toward equal rights for lesbian, gay, bisexual, transgender, and queer people a historic turning point occurred on June 28, 1969 in New York City with the onset of the Stonewall Riots; and

WHEREAS, throughout the country, LGBTQ Pride Month is celebrated each year in the month of June to honor the 1969 Stonewall Uprising in Manhattan; and

WHEREAS, East Greenbush has a diverse LGBTQ community that includes people of all ethnicities, religions, professions and color; and

WHEREAS, everyone should be able to live without fear of prejudice, discrimination, violence and hatred based on race, religion, gender identity, or sexual orientation;

now, therefore, be it

RESOLVED, on behalf of all residents of East Greenbush, the Town Board of the Town of East Greenbush does hereby proclaim June 2022 as Pride Month in East Greenbush and urges all residents to respect and honor our diverse community, and to celebrate and help build a culture of inclusiveness and acceptance.

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

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

147-2022 A Resolution to Authorize the Comptroller to Upgrade the Enhanced Business Systems Accounting Software

WHEREAS, the Town of East Greenbush recognizes the accounting software is in need of an upgrade; and

WHEREAS, the Town's Comptroller recommended the upgrade of the Enhanced Business Systems Accounting Software currently in use; and

WHEREAS, the Town's 2022 Budget planned for this upgrade of \$3,350 at:

\$2,500 Software Upgrade;

\$750 Enhanced scrub of data;

\$100 for increased licensing annual fee; and

WHEREAS, Enhanced Business Systems has hundreds of municipalities in NY using its accounting software successfully; and

WHEREAS, the Town Comptroller confirms this resolution can be charged to account 13154.01.04 Comptroller CE;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Town Comptroller to upgrade the Town accounting software with Enhanced Business Systems, at a cost not to exceed \$3,350.00.

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

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

148-2022 A Resolution to Authorize the Town Of East Greenbush to Contract with Flock Safety for the Purchase of Five Stationary License Plate Readers

WHEREAS, the Town Board authorized the East Greenbush Police Department to conduct a trial period to test and evaluate Flock Safety Stationary License Plate Readers and at the end of said trial period the police department has concluded that there is a need and necessity for this type of technology, and the stationary license plate readers have been instrumental in solving numerous crimes that may have otherwise gone unsolved without this technology; and

WHEREAS, a quote has been provided by Flock Safety for Five Stationary License Plate Readers for the initial startup sum of \$13,750.00 and then an annual recurring cost of \$12,500.00 after the first year; and

WHEREAS, the Town Board recognizes and supports the efforts of the East Greenbush Police Department and recognizes that this technology will aid in locating missing persons, stolen vehicles, identifying suspects and suspect vehicles, and much more; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material unbudgeted negative impact on the Town's finances charged to Police CE account code 31204.01;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush approves the contract and use of Five Flock Safety Stationary License Plate Readers at an initial startup cost of \$13,750.00 and an annual reoccurring cost of \$12,500.00 after the first year.

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

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

149-2022 A Resolution Authorizing the Use of Forfeiture Funds for the Purchase of Two GETAC V110 Rugged Laptops and Two Gamber Johnson Docking Stations

WHEREAS, the Chief of Police has recommended to the Town Board the purchase of two (2) GETAC V110 Rugged Laptops and two (2) Gamber Johnson Docking Stations as necessary equipment that will assist the East Greenbush Police Department in enforcing the Vehicle and Traffic Laws of New York State, in accessing the e-justice portal in the patrol units and in apprehending violators of the laws of the State of New York, all the while helping to make the residents of the Town of East Greenbush safer; and

WHEREAS, the Town Board agrees with the Chief of Police that these are important factors in realizing its commitment to public safety in the Town of East Greenbush; and

WHEREAS, the Town of East Greenbush requested a quote through its contracted Information Technology (IT) vendor, Diagnostic Services & Installations, LLC. for two (2) GETAC Rugged Laptops and two (2) Gamber Johnson Docking Stations; and

WHEREAS, quote #4066 was submitted by Diagnostic Services & Installation, LLC. in the amount of \$11,616.00; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution is \$11,616 from police forfeiture 2626.01; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the expenditure of \$11,616.00 to purchase two (2) Laptops and two (2) Docking Stations as described above.

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

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

150-2022 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 during the summer months to assist in addressing the backlog of preventative maintenance and mowing; and

WHEREAS, the Public Works Commissioner has selected two individuals based on their prior experience with seasonal positions and demonstrated potential; and

WHEREAS, William Clum has had prior experience working with the Town of East Greenbush and has demonstrated the ability to work independently and efficiently; and

WHEREAS, Jack Romer has had prior experience mowing as a Seasonal Laborer in the Parks Department and will be assigned to the Sewer Department; and

WHEREAS, the Town Comptroller has confirmed that these appointments can be funded with the 2022 Parks Budget Line 71104.01 and 2022 Sewer Budget Line 81201.07; now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of William Clum, effective July 5th, 2022 and Jack Romer, effective June 16th, 2022 in the Department of Public Works at the rate of \$13.50 per hour with no benefits. All appointments will be ended not later than October 15th, 2022 as per the CSEA Collective Bargaining Agreement.

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

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

151-2022 A Resolution Authorizing the Director of Finance to Sign a One Year Contract Extension with County Waste & Recycling of Clifton Park for Hauling and Disposal of Cake Sludge from the Waste Water Treatment Plant

WHEREAS, the Town received bids for the hauling and disposal of cake sludge from the Waste Water Treatment Plant in December of 2019; and

WHEREAS, the lowest responsible bidder was County Waste & Recycling of Clifton Park, NY at \$130.00 per ton; and

WHEREAS, the Town of East Greenbush passed resolution 17-2020 awarding County Waste & Recycling of Clifton Park the Hauling and Disposal of Cake Sludge from the Waste Water Treatment Plant; and

WHEREAS, the Town has seen a drastic increase in supplies and materials due to the rising fuel costs and other inflationary issues; and

WHEREAS, the Town has already experienced an increase in solid waste tipping charges associated with the Transfer Station; and

WHEREAS, County Waste & Recycling of Clifton Park will need to increase the tonnage charge to \$162.00 per ton to perform the same service that the Town currently receives; and

WHEREAS, on page 23, section 5, letter C of the bid document states that the contract may be renewed on an annual basis up to five years; and

WHEREAS, the extension letter has a term from July 1st, 2022 to June 30th, 2023; and

WHEREAS, the Commissioner of Public Works is recommending that the Town Board authorize the Director of Finance to sign the extension letter for the one year term; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a major material impact on the Town's finances from account 81304.07;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Director of Finance to sign a contract extension with County Waste & Recycling of Clifton Park for the one year term ending on June 30th, 2023.

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

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

152-2022 A Resolution to Settle a Tax Certiorari Case With Regal Cinemas/Rensselaer County Plaza Association

WHEREAS, Regal Cinemas/Rensselaer County Plaza Association and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Regal Cinemas/Rensselaer County Plaza Association in the Town of East Greenbush; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on this year’s budget but will have an impact included in the 2023 Town Budget; and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town;

now, therefore be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2021 tax certiorari proceeding filed by Regal Cinemas/Rensselaer County Plaza Association in which the 2021 assessed value of the subject property shall remain the same and the 2022 assessment will be set as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>2022 Assessed Value</u>
2022	144.-4-42.2	\$1,680,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2023, 2024 and 2025 assessment rolls;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Regal Cinemas/Rensselaer County Plaza Association and the Town of East Greenbush as to the above referenced assessment.

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

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

153-2022 A Resolution to Settle a Tax Certiorari Case With Target Store #1796

WHEREAS, Target #1796 and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Target #1796 in the Town of East Greenbush; and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

WHEREAS, the Town Comptroller confirms that this resolution will not have a material impact on this year's budget but will have an impact included in the 2023 Town Budget; and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town;

now, therefore be it

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2021 tax certiorari proceeding filed by Target #1796 in which the 2021 assessed value of the subject property shall remain the same and the 2022 assessment will be set as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>2022 Assessed Value</u>
2022	144.-4-13.1	\$11,250,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for the 2023, 2024 and 2025 assessment rolls;

and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Target #1796 and the Town of East Greenbush as to the above referenced assessment.

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

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

154-2022 A Resolution to Accept the Resignation of Adam Yagelski From the Position of Director of Planning and Zoning

WHEREAS, Adam Yagelski was appointed to the position of Director of Planning and Zoning with Resolution 225-2017 which took effect on December 17, 2017; and

WHEREAS, for four-and-a-half years Adam Yagelski served the Town of East Greenbush with class, professionalism and great skill; and

WHEREAS, Mr. Yagelski has now accepted a position with Delaware Engineering, D.P.C.; 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 accepts the resignation of Adam Yagelski from the position of Director of Planning and Zoning, effective June 17, 2022;

and be it further

RESOLVED, that the Town Board wishes to thank Adam Yagelski for his superior work performance, significant accomplishments, and overall contribution to the work of Town government and the betterment of the Town of East Greenbush.

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

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

155-2022 A Resolution to Appoint Anna Feltham to the Position of Director of Planning and Zoning

WHEREAS, Adam Yagelski has submitted his resignation from the position of Director of Planning and Zoning; and

WHEREAS, the Planning and Zoning Department is one of the Town's busiest departments, with an unprecedented level of land use reviews and administrative projects, including the \$800 million Regeneron development on Tempel Lane and the update of the Town's Zoning Map and Subdivision Regulations, among many other responsibilities; and

WHEREAS, Anna Feltham was appointed to the position of Planner with Resolution 112-2021 and has spent more than a year in the position; and

WHEREAS, Ms. Feltham has excelled in her role as Planner and impressed the Town Board with her intelligence and professionalism and the quality of her work; and

WHEREAS, Anna Feltham has assisted the outgoing Director of Planning and Zoning in all of the major projects currently underway and has a sure understanding of the progress and processes involved with maintaining the Town's responsibilities; 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 appoints Anna Feltham to the position of Director of Planning and Zoning at an annual salary of \$70,000.00;

and be it further

RESOLVED, that this appointment is effective as of June 13, 2022.

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

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

156-2022 A Resolution Authorizing the Town Supervisor to Sign Change Order No. 1 with Greenman-Pedersen, Inc. With Regard to Design Phase Services Rendered and to Provide Additional Construction Phase Services in Connection with the Tempel Lane Extension Project

WHEREAS, in connection with growth and development along NYS Route 4 and the Tempel Lane corridor, the Town, through its planning documents and SEQRA determinations, has identified the public need to extend Tempel Lane from its existing endpoint to Third Avenue Extension (the “Tempel Lane Extension project”); and

WHEREAS, the Town Board adopted Resolution 49-2020 authorizing the Town Supervisor to sign a professional services agreement with Greenman-Pedersen, Inc. (“GPI”) to provide final design, bidding, and construction phase consulting services to implement the Tempel Lane Extension project; and

WHEREAS, during the final design phase, changes to the scope of the Tempel Lane Extension project as initially conceived occurred, including the following: adding to the Tempel Lane Extension project other mitigation projects required by the Town Board in its amended SEQRA statement of findings, including, but not limited to the following: 1) the addition of a center turning lane on Third Avenue Extension at its intersection with the future Tempel Lane Extension; 2) the addition of a southbound left turning lane on Tempel Lane at the Regeneron Pharmaceuticals, Inc. driveway; and 3) additional design and other work related to acquisition of ROW and to stormwater and other technical issues; and

WHEREAS, GPI is requesting an increase in their budget in the amount of \$299,564.38, which will be processed as an amendment to the existing agreement between the Town and GPI (“Change Order #1”), in order to address the following: 1) extra work performed by GPI during the final design phase; 2) extra work performed by GPI during the bid phase in order to add a separate tree clearing construction bid solicitation to this phase; and 3) extra work to be performed by GPI during the construction phase, as set forth in GPI’s letter proposal dated May 27, 2022; and

WHEREAS, as set forth in the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., the cost of the Tempel Lane Extension project will be paid by Regeneron Pharmaceuticals, Inc.; and

WHEREAS, Regeneron Pharmaceuticals, Inc., has previously provided funding to the Town in an amount sufficient to cover the Town’s contract obligations entered into in connection with the Tempel Lane Extension project contract obligations, but the previously provided funding is not sufficient to cover Change Order #1; and

WHEREAS, the Town Comptroller confirms that the cost of this resolution is not funded unless the new contribution are received from Regeneron prior to contract award;
now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that Change Order #1 is an eligible use of funds in accordance with the Regeneron Development Agreement, and stipulates that Change Order #1 costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into Change Order #1 with GPI, in an amount not to exceed \$299,564.38, to provide the additional design, bid, and construction phase services, as set forth herein, following deposit of the aforementioned amount of \$299,564.38 by Regeneron Pharmaceuticals, Inc. with

the Town, in accordance with the aforementioned Development Agreement, and approval of said contract amendment as to form by the Town Attorney.

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

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

ADJOURNMENT

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

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