



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MEETING MINUTES February 15, 2023

To view a recording of the full meeting, please see Town Hall Streams link below:
https://townhallstreams.com/stream.php?location_id=119&id=51204

Or visit Town of East Greenbush Facebook page:
<https://www.facebook.com/TownofEG/videos/744090260373792>

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

Members of Town Board

Present

Absent

<input checked="" type="checkbox"/>	<input type="checkbox"/>	Supervisor J. Conway
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor T. Tierney
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Councilor H. Kennedy
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor B Fritz
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Councilor E. Nestler

Communications/Announcements/Reports

Councilor Tierney - Congratulated Officer Griffin Hotaling as he was assigned by Chief Elaine Rudzinski as a new detective, effective February 19th, 2023. She also encouraged all residents to take the Route 4 Corridor Study survey. She noted the Town of East Greenbush and the Town of North Greenbush are in partnership with the Capital District Transportation Committee (CDTC) with this collaborative study, that will result in recommendations for the future of the corridor.

Councilor Fritz – Updated residents on DPW work and to take note of new 25 MPH speed limit signs going up.

Councilor Nestler – Mentioned the HERO Banner Program that was recently announced at Honor-A-Vet ceremony. Noted website www.egmilitarybanners.com soon will have further information as well as application.

Supervisor Conway – Updated the Town Board on meeting with Rick Matters, Chair of Ethics Board and Jennifer Massey, Integra HR, as they will do Ethics Training for Town staff in March.

Open Public Privilege:

Residents presented their comments to the Town Board.

Resolutions and Proposals by Town Board Members:

21-2023 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 January 18, 2023 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 January 18, 2023 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT

22-2023 A Resolution Promoting Trevor J. LaGrave to the Position of Police Sergeant in the Police Department

WHEREAS, this Town Board intends to maintain adequate supervisory staff within the Town Police Department; and

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

WHEREAS, the Rensselaer County Civil Service Commission has established minimum standards of merit and fitness for this position; has administered a written testing for the position; and now has a certified list of eligible candidates who are qualified for the position; and

WHEREAS, these candidates have previously been canvassed and interviewed by this Board in accordance with Town Law and Civil Service Law; and

WHEREAS, Officer Trevor J. LaGrave been so examined; having given over 5 years of satisfactory service to the Town and meeting the high standard of merit and fitness as prescribed by the Rensselaer County Civil Service Commission; and, after due deliberation by this Board;

now, therefore, be it

RESOLVED, that Sergeant Trevor J. LaGrave be and hereby is appointed to the position of Police Sergeant of the East Greenbush Police Department, contingent on final certification by Rensselaer County Civil Service, and upon successful completion of the Basic police Supervisory School of the Bureau for Municipal Police;

and be it further

RESOLVED, that said appointment shall have the full force and the same effect as each and every other Police Sergeant of the East Greenbush Police Department, as this position is further described in the Rules and Regulations of the Police Department, the Collective Bargaining Agreement, and the Laws of the State of New York;

and be it further

RESOLVED, that this resolution shall take effect immediately, and said Appointment shall take effect upon the Appointee taking the Oath of Office administered by the Town Clerk or her designee;

and be it further

RESOLVED, that upon completion of all said conditions and stipulations, said appointment to the rank of Police Sergeant shall be, and hereby is made permanent.

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

Town Board members each extended their respective comments and congratulations to Sergeant Trevor J. LaGrave.

Elaine Rudzinski, Chief of Police, welcomed everyone for joining tonight. She stated she had the pleasure of presenting at the promotion ceremony for now Sergeant Trevor J. LaGrave as well as sharing his prior career duties. Extended her thanks to new Sergeant for his time and investment to our department and the community.

Judge Jessica Mocerine administered the oath of office to Sergeant Trevor J. LaGrave.

Police Chaplin, Bishop Dr. Norman R. Macklin gave the blessing.

23-2023 A Resolution Accepting Grant Funding From the New York State Department of Criminal Justice Services (DCJS) to Purchase Body-Worn Cameras for the East Greenbush Police Department

WHEREAS, in September of 2022, the NYS DCJS was seeking applications from law enforcement agencies to fund Body-Worn Cameras (BWCs), and applicable equipment and software for local law enforcement agencies outside of NY City; and

WHEREAS, the East Greenbush Police Department applied for said funding to purchase Body-Worn Cameras and was awarded \$60,000.00 to purchase BWCs and related software and equipment; and

WHEREAS, the purchase and implementation of BWCs will satisfy guidelines set forth by the Criminal Justice Reform Collaborative Plan therefore enhancing public safety;

WHEREAS, the Town Comptroller confirms that this resolution should not have a material impact on the Town’s finances if the grant covers the cost to account code 31204.01 Police CE;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush accepts the NYS DCJS Body-Worn Camera Funding Grant in the amount of \$60,000.00 to purchase and implement BWCs for the police department.

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

24-2023 A Resolution to Settle a 2021 Tax Certiorari Case

WHEREAS, Mannix Road Associates, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Mannix Road Associates, LLC 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 2024 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 and 2022 tax certiorari proceedings filed by Mannix Road Associates, LLC in which the 2021 and 2022 assessed value of the subject property will be set as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Assessed Value</u>	<u>Revised Assessed Value</u>
2021	155.-4-7.1	\$6,606,200	\$5,000,000
2022	155.-4-7.1	\$6,606,200	\$5,000,000

and be it further

RESOLVED, that 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 Mannix Road Associates, LLC 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 Fritz and brought to a vote resulting as follows:

Councilor E. Nestler	VOTED: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES

Councilor T. Tierney
Councilor H. Kennedy

VOTED: YES
VOTED: ABSENT

25-2023 A Resolution Authorizing the Town Supervisor to Sign Change Order No. 1 with W.M. J. Keller & Sons Construction Corp. With Regard to BID #22-07, in Connection with Third Ave and Barracks Rd Pump Station Project

WHEREAS, on February 9th, 2022 the Town Board passed Resolution 40-2022 authorizing the Commissioner of Public Works to solicit Bids for the construction of upgrades to the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, in accordance with the Town Board’s Amended SEQRA Statement of Findings for development of the Regeneron Pharmaceuticals, Inc. (“Regeneron”) Tempel Lane Campus development and the Development Agreement between the Town of East Greenbush (“Town”) and Regeneron, the Town is upgrading the sanitary sewer pump station and conveyance infrastructure serving a portion of the Town that includes Regeneron’s Tempel Lane Campus development; and

WHEREAS, upgrades include replacement of the existing pump stations known as the Third Avenue Pump Station and the Barracks Road Pump Station as well as approximately 1,450 lineal feet of sanitary sewer force main connecting the Third Avenue Pump Station to the downstream gravity sewer system (the “Project”); and

WHEREAS, the Town Board passed Resolution 78-2022 authorizing the Town Supervisor to enter into a Contract with Adirondack Mountain Engineering, P.C. (“AME”) to provide Bid-and Construction-Phase Services for a project to upgrade the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, the Town Board passed Resolution 234-2022 authorized the award of BID #22-07 for the Third Avenue and Barracks Road Sewer Pump Station Upgrades to W.M. J. Keller & Sons Construction Corp, Stilsing Electric, Inc. and John W. Danforth Company for the amounts stated in said resolution and authorized AME to issue award letters to each firm; and

WHEREAS, W.M. J. Keller & Sons Construction Corp is requesting an additional \$68,089.08 which will be processed as an amendment to the existing agreement between the Town and W.M. J. Keller & Sons Construction Corp (“Change Order #1”), in order to address the following: additional pile and slicing at the Barracks Road pump station site per addendum number three (3), response three (3) “Contractors shall assume that all piles will be drive to a depth of 100 feet for bid purposes. If piles are required to be over 100 feet a negotiated price will be developed” as set forth in W.M. J Keller & Sons Construction Corp letter proposal dated January 23, 2023; and

WHEREAS, as set forth in the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., Regeneron has agreed to pay for the certain improvements necessary to accommodate the flows from the Tempel Lane Campus which includes the new construction of the Third Avenue and Barracks Road Pump Stations; and

WHEREAS, there is sufficient contingency in funds received from Regeneron Escrow account (81204.03.004.109) for the amount of \$68,089.08 for Change Order #1 that additional fund do not need to be requested from Regeneron at this time; and

WHEREAS, the Town Comptroller confirms that the use of contingency is available but will need to monitor any further use;
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 W.M. J. Keller & Sons Construction Corp, in an amount not to exceed \$68,089.08 for additional pile and slicing at the Barracks Road pump station site per addendum number three (3), response three (3), following approval of said contract amendment as to form by the Town Attorney.

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

26-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for a New Plow Truck

WHEREAS, the Commissioner of Public Works has identified the need for new plow trucks for the Department of Public Works due to the age and condition of the fleet of trucks the Department is currently operating; and

WHEREAS, the Commissioner is working with staff and the General Foreman of the Water Department to build the truck specifications and review current bids that may be available for the Town to piggyback from; and

WHEREAS, per New York State procurement laws, expenditures for vehicles and equipment that exceed \$20,000 are subject to competitive bidding; and

WHEREAS, the Town Comptroller hereby confirms that soliciting bids will not have a material impact on the Town's finances;

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the Commissioner of Public Works to Solicit Bids for a new plow truck according to specifications approved by the Commissioner of Public Works.

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: ABSENT
Councilor E. Nestler	VOTED: YES

27-2023 A Resolution Awarding the Contract for the Grinding of Wood and Brush From the Transfer Station

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

WHEREAS, the wood and brush must be ground and removed from the Town of East Greenbush Transfer Station when on a regular basis by the Commissioner of Public Works; and

WHEREAS, the Town solicited bids and received four bid submissions (as shown below) with the lowest responsible bidder being SM Gallivan LLC in the amount of \$36,300.00;

<u>Contractor</u>	<u>Bid Amount</u>
SM Gallivan	\$36,300.00
Advantage Tree Service	\$44,495.00
Troy Sand & Gravel	\$65,000.00
Denali Water	\$290,240.00

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

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is \$36,300.00 from the Transfer Station account code 81604.01 for this expense; now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to contract with SM Gallivan LLC to grind the wood and brush, and remove it from the Transfer Station to a permitted dump site in an amount not to exceed \$36,300.00.

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: ABSENT

28-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for Materials for the Renovation of Old Troy Road Bridge

WHEREAS, on June 21st, 2022 the Town of East Greenbush received a Red Flag from New York State Department of Transportation Region #1; and

WHEREAS, on June 22nd, 2022 the Commissioner of Public Works contacted one of the Town designated engineers that specializes in Traffic and Highway construction; and

WHEREAS, on July 6th, 2022 members of Town staff including the Town Supervisor, the Commissioner of Public Works, the Deputy Commissioner of Public Works and the Town Director of Planning met with FCM Engineering, PLLC to discuss the Bridge closure plan and recommendation for repairing the required items listed in the Red Flag Report from NYSDOT; and

WHEREAS, W.M. J Keller Construction Corp. performed the required repairs as listed on the NYSDOT Red Flag Report based on a time and material basis and the work was inspected by A.S. Bell Engineering, PC; and

WHEREAS, the Red Flag Notice was removed by NYSDOT on September 2nd, 2022 and the Bridge was reopened on September 9th, 2022; and

WHEREAS, the Town Board held two (2) Public Hearings for residents to address the Town Board about their concerns on Old Troy Road Bridges; and

WHEREAS, Town Designated Engineer for this project, FCM Engineering PLLC and A.S. Bell Engineering, PC presented the proposed renovation of the Old Troy Road Bridge to the Commissioner and Deputy Commissioner of Public Works; and

WHEREAS, in order to obtain an estimated price for the bridge renovation project, it would be in the Town's best interest to solicit bids for (1) the steel materials, (2) the timber deck panels for the materials of the project and then utilize the County Contract with Town and Country Bridge and Rail for the installation and renovation of the bridge; and

WHEREAS, the Town Comptroller confirms that the act of soliciting bids does not have a material impact on the Town's 2023 Budget;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush does hereby authorize the Commissioner of Public Works to solicit bids for the materials for the Old Troy Road Bridge Renovation Project to complete the price estimate for the project.

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

29-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for the Upper Pavilion Renovation Project

WHEREAS, the Upper Pavilion is one of the largest structures and busiest rentals at East Greenbush Town Park; and

WHEREAS, the Commissioner of Public Works has identified a number of repairs and updates that are needed to keep the Upper Pavilion safe and accessible for residents and renters to use; and

WHEREAS, the Commissioner and Purchasing Clerk have identified that breaking out each identified piece of project into its own bid will allow for timely and cost effective repairs and upgrades to the Upper Pavilion – as listed here:

- Replace Roof Shingles;
- Paint entire building;
- Remove and Replace Bathrooms to make ADA Compliant;
- Replace Deck with Composite Decking and Vinyl Railing;
- Remove Stairs to playground; and

WHEREAS, the Upper Pavilion is not only an important structure for rentals throughout the summer, it is also a critical facility for our Town Summer Camp Program, and it is important that the renovations or repairs are either completed in a timely manner before summer camp or timed to be completed after camp in the early fall; and

WHEREAS, the Comptroller confirms that soliciting bids and/or request for quotes will not have a material impact on the Town Finance's;

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to solicit bids and/or quotes for the renovation and repair of the Upper Pavilion at East Greenbush Town Park.

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

30-2023 A Resolution Authorizing the Commissioner of Public Works to Engage H.V. LaBarba and Associates for the Planning and Development of Water Projects and Main Replacement for the 2023 Construction Season

WHEREAS, the Commissioner of Public Works and Water Department General Foreman have identified a number of Water Lines within the Town’s infrastructure that need to be replaced and upgraded; and

WHEREAS, H.V. LaBarba is very familiar with the Town’s infrastructure, both water and sewer, and often referred to as the Institutional Knowledge of the Water & Sewer System of the Town; and

WHEREAS, H.V. LaBarba would assist the Town in developing the bid specifications for the replacements and review of the bid submissions with the Commissioner; and

WHEREAS, the following roads have been identified as candidates for water main replacement:

Ridge Road (approximately 3500 feet of 8 & 6 inch pipe),
Mountain View Ave (approximately 1380 feet of 6 inch pipe),
Oak Street (approximately 800 feet of 6 inch pipe),
Poplar Street (approximately 800 feet of 6 inch pipe)
Phillips Road (approximately 1700 feet of 8 inch) to connect Hays Road to an existing line south of Wyatt Circle; and

WHEREAS, annual water main replacement projects are critical to maintaining infrastructure, eliminate many breaks that occur on roads annually and supply additional connections for water in case of breaks that occur; and

WHEREAS, the engineering portion of this project would be funded by the General Water Fund (W917); and

WHEREAS, the Town Comptroller believes that the projects listed above will have a material impact on the Town’s finances that is yet to be determined;
now, therefore, be it

RESOLVED, that the East Greenbush Town Board authorizes H.V. LaBarba and Associates to develop engineering plans and provide bid specifications for the water main replacement projects listed above.

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: ABSENT

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

31-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for a New Sewer Jet Truck

WHEREAS, the Commissioner of Public Works has identified the need for a new Sweeper Truck for the Department of Public Works due to the current Sewer Jet Truck being a 1997 Ford F800 Jet Truck; and

WHEREAS, the Commissioner is working with the Sewer Department to build the Sewer Jet Truck specifications and review available purchase options through cooperatives such as Sourcewell; and

WHEREAS, per New York State procurement law, expenditures for vehicles and equipment that exceed \$20,000 are subject to competitive bidding; and

WHEREAS, the Town Comptroller confirms that soliciting bids will not have a material impact of the 2023 Town Budget;

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the Commissioner of Public Works to solicit bids for a new Sewer Jet truck.

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

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

32-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for a New Sweeper Truck

WHEREAS, the Commissioner of Public Works has identified the need for a new Sweeper Truck for the Department of Public Works due to the current sweeper being a 1996 Elgin Sweeper; and

WHEREAS, the Commissioner is working with General Foreman of the Water Department to build the sweeper specifications and review available purchase options through cooperatives such as Sourcewell; and

WHEREAS, per New York State procurement expenditures for vehicles and equipment that exceed \$20,000 are subject to competitive bidding; and

WHEREAS, the Town Comptroller confirms that soliciting bids will not have a material impact on the 2023 Town Budget;

now, therefore, be it

RESOLVED, that the Town Board hereby approves the Commissioner of Public Works to solicit bids for a new sweeper truck.

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

33-2023 A Resolution Authorizing the Commissioner of Public Works to Engage FCM Engineering, PLLC for the Planning and Development of Large Drainage Projects

WHEREAS, FCM Engineering PLLC, was selected as one of the Town’s designated engineering firms and has experience in drainage and storm water management design; and

WHEREAS, the Commissioner of Public Works would like to review the current areas where drainage is presenting a considerable problem to neighborhoods:

- Olcott Lane to Oriel Lane;
- Donnelly Drive Culvert Extension;
- Hudson Ave West;
- Any other significant drainage project that may develop this year; and

WHEREAS, these drainage issues would require a full evaluation, easements and drainage mapping with bid specifications to be drafted by FCM Engineering PLLC; and

WHEREAS, as a Town Designated Engineer, FCM Engineering PLLC would provide services based on the rate schedule in the term services agreement between the Town and FCM Engineering PLLC; and

WHEREAS, the Town Comptroller believes that this will have a material impact on the Town’s finances that is yet to be determined;
now, therefore, be it

RESOLVED, that the East Greenbush Town Board authorizes FCM Engineering, PLLC to provide engineering services for the drainage issues listed above.

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

34-2023 A Resolution Authorizing the Supervisor to Execute an Inter-Municipal Agreement With the City of Rensselaer for Repairs and Upgrades to the Cross Street Pump Station

WHEREAS, the Town Board tabled the original resolution 207-2022 in September 2022; and

WHEREAS, pursuant to New York State General Municipal Law Article 5-G the Town of East Greenbush is authorized to participate in and approve Municipal Cooperation Agreements with nearby municipalities for joint cooperative Multi-Jurisdictional Projects, and has approved such agreements in the past, in the best interests of the residents of the Town of East Greenbush; and

Tabled

WHEREAS, the Town of East Greenbush has carefully reviewed the attached Inter-Municipal Agreement with the City of Rensselaer for repair and upgrades to the jointly owned Cross Street Pump Station servicing the Joint Water District of the Municipalities, and believes approval of same is in the best interests of the residents of the Town of East Greenbush; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material financial impact that is yet to be determined;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby approves and ratifies the attached Inter-Municipal Agreement with the City of Rensselaer, and authorizes the Town Supervisor to execute such agreement on behalf of the Town of East Greenbush.

Supervisor Conway made the motion to table the resolution and was 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: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

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

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

35-2023 A Resolution to Accept Adam Tobey's Resignation from the Conservation Advisory Council (CAC)

WHEREAS, on May 27th, 2020 the Town Board (Resolution 124-2020) approved the adoption of Local Law No. 2 of 2020, repealing Local Law No. 1 of 1971 replacing certain provisions to create a Conservation Advisory Council (CAC); and

WHEREAS, Adam Tobey was appointed to the CAC by the Town Board (Resolution 26-2021) on January 20, 2021; and

WHEREAS, Adam Tobey has also served as a member of the Zoning and Subdivision Update Steering Committee as a representative of the CAC; and

WHEREAS, Adam Tobey submitted a note of resignation on January 17, 2023 as he has moved to another municipality; and

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

RESOLVED, that the Town Board of the Town of East Greenbush hereby accepts the resignation of Adam Tobey from the Conservation Advisory Council and thanks him for stellar work on both the CAC and the Zoning and Subdivision Update Steering Committee.

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

36-2023 A Resolution to Accept the Board of Ethics' 2022 Annual Report

WHEREAS, inasmuch as the East Greenbush Town Board of Ethics (hereinafter, "BOE") was created and charged by the Town Board with the responsibility to engage in certain activities relative to the mandates contained in the Town's Code of Ethics, the BOE has a reciprocal obligation, pursuant to § 23 of such Code of Ethics, to be accountable to the Town Board by annually submitting thereto a report detailing such activities in which it has engaged (hereinafter, "Annual Report"); and

WHEREAS, the BOE, at its meeting held on January 26, 2023, duly approved, for submission to the Town Board, its Annual Report for the year 2022; and

WHEREAS, the Town Comptroller confirms that none of the provisions of this resolution shall pose a material impact to the town's finances; now, therefore, be it

RESOLVED, that the BOE's Annual Report for the year 2022 be, and the same hereby is, accepted by the Town Board of the Town of East Greenbush; and be it further

RESOLVED, that a copy of the 2022 BOE Annual Report shall be posted on the town's website.

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: ABSENT

37-2023 A Resolution to Authorize Colleen Lallier to Attend the Association of Towns Annual Meeting and Training School

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2023 Town Budget in charge code 13104.01 Director of Finance CE; now, therefore, be it

RESOLVED, that the following person be authorized by the Town of East Greenbush to attend the Association of Towns Annual Meeting and Training School to be held at the New York Marriott Marquis:

Colleen Lallier

and be it further

RESOLVED, the Town will pay lodging expense and conference attendance expense for this employee on February 19, 2023 through February 22, 2023. Attendee shall advance the cost for transportation and meals and maintain an expense report accompanied by appropriate receipts to be submitted to the Comptroller following the meeting for reimbursement.

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

38-2023 A Resolution to Effect a Budget Transfer to Provide Clerical Coverage for the Assessor’s Office

WHEREAS, in December, 2022, pursuant to Section 467 of the Real Property Tax Law, the Governor directed all municipalities to send notification to all residential parcels informing them that they may be eligible for a partial tax exemption for aged persons; and

WHEREAS, this directive arrived after the 2023 Final Town Budget was adopted, the need for additional clerical staff had not been identified; and

WHEREAS, there are approximately 5,800 residential parcels in Town and each received a postcard informing them of a possible partial tax exemption thus dramatically increasing the foot and phone traffic in the Assessor’s Office as residents seek to understand the eligibility requirements; and

WHEREAS, money was included in the 2023 budget in the amount of \$15,000 to fund a part-time Clerk in the Finance Office, a position that we have not moved forward to fill; and

WHEREAS, the Assessor estimates that she will need someone for 20 hours per week until June so if we fund a part-time Clerk at \$20.00/hour for that time period it will cost the Town approximately \$5,500.00; and

WHEREAS, the Director of Finance recommends that we transfer some of the money budgeted for her part-time Clerk to pay for a part-timer for the Assessor’s Office, resulting in the following budget transfer;

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is covered by the following budgetary transfer;

Fund	Transfer in	Transfer out
13101.01.01 Director of Finance PS		\$5,500.00
13551.01.01 Assessor PS	\$5,500.00	

now, therefore, be it

RESOLVED, that the Town Board approves the Budget Transfer enumerated above to provide additional clerical coverage to the Assessor’s Office at the rate of \$20.00/hour.

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

Councilor E. Nestler	VOTED: YES
Supervisor J. Conway	VOTED: YES

Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor B. Fritz	VOTED: YES

39-2023 A Resolution to Add Two Property Class Codes to the Units of Assessment Used to Set the Water and Sewer Tax Rates

WHEREAS, the consolidation of four sewer districts into a single Consolidated General Sewer District and the consolidation of two water districts into a single Consolidated General Water District resulted in a new methodology for determining the tax rate and use charges for each district; and

WHEREAS, the tax rate is calculated according to a methodology that works as follows: all entities, residential and non-residential, have been assigned a property code that divides the tax burden into Debt Units (DUs) based on the average amount of usage for that class. Thus, a single family home is 1 Debt Unit, while a large retail store is 47 DUs and an office building is 10 DUs. The amount of money needed to pay the debt service obligations of either the water or sewer tax is divided by the total number of Debt Units assigned to all classes to arrive at the tax amount that must be paid for a single Debt Unit; and

WHEREAS, the Assessor has added two property class codes to the list for sewer and water and these need to be added to the official list of property class codes; and

WHEREAS, these two codes, 581 and 582, need to be added to the Property Type “Recreation and Entertainment” so that a new project in Town can be included in the tax rates; 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 approves the addition of two Property Class Codes, Numbers 581 and 582, to the Property Type “Recreation and Entertainment” for the purpose of ensuring a fair and equitable distribution of the tax burden for water and sewer.

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

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

40-2023 A Resolution to Appoint Lisa O’Brien to the Position of Recreation Supervisor

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of February 8, 2023 and was subsequently presented to the Town Board on February 10, 2023; and

WHEREAS, Lisa O'Brien has worked for the Town of East Greenbush for eight years as Administrative Assistant to the Supervisor, and has served two Supervisors with excellent results; and

WHEREAS, in 2022, Lisa was appointed to oversee the Recreation Supervisor's office and due to the departure of the individual in that position, stepped in and did the work of the Recreation Supervisor in addition to her duties as Administrative Assistant to the Supervisor; and

WHEREAS, the Town Board is committed to having an effective Community and Recreation department with strong year-round programming and the best Summer Camp in the area; and

WHEREAS, Lisa O'Brien has proven that she has the ability and experience to implement the Community and Recreation program and operate an excellent Summer Camp (last summer's Camp received rave reviews from parents, children and counselors); and

WHEREAS, Lisa O'Brien has the character and personality required of someone who will work with all demographics, ranging from the toddlers who attend the Halloween Party to the children and counselors at camp to the adults and seniors who take part in our Community and Recreation programs; and

WHEREAS, Lisa O'Brien will also continue to handle certain administrative responsibilities for the Town Supervisor; and

WHEREAS, the Town Comptroller confirms that this appointment 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 Lisa O'Brien to the position of Recreation Supervisor and she will continue to handle certain administrative responsibilities for the Supervisor at an annual salary of \$63,000.00;

and be it further

RESOLVED, that this appointment is effective as of February 6, 2023.

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

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

41-2023 A Resolution to Adjust the Hourly Rate for Officers of the East Greenbush Police Department to Work the Court Security Detail

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of February 8, 2023 and was subsequently presented to the Town Board on February 10, 2023; and

WHEREAS, there has been a longstanding tradition of members of East Greenbush Police Officers working as court security on the nights of Traffic, Civil and Criminal Court to supplement and strengthen the security provided by lay attendants; and

WHEREAS, the Town Board recognizes that Officers should be properly compensated for the job that they do protecting the Court and the risks that they face in the performance of their duties; and

WHEREAS, the hourly rate for such work has been set at \$30.00/hour for years and this figure is no longer sufficient to attract Officers to sign up for such duty since their hourly and overtime rates are often higher than this; and

WHEREAS, the Town Board has received a request from Officer Edward Ashley, Secretary of the East Greenbush Police Officer's Union, on behalf of the Union, for this hourly rate to be increased; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby authorizes adjusting the hourly rate for Officers of the East Greenbush Police Department to \$40.00 per hour, effective immediately upon passage of this resolution.

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

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

42-2023 A Resolution to Adjust the Salary of the Typist to the Chief of Police

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of February 8, 2023 and was subsequently presented to the Town Board on February 10, 2023; and

WHEREAS, the Chief of Police has requested that the salary of the Typist to the Chief of Police be adjusted to reflect the long years of service and the heavy workload the Typist to the Chief of Police performs; and

WHEREAS, the Chief of Police has requested that the Typist to the Chief of Police salary be adjusted from \$60,000.00 per year to \$65,000.00 per year with the salary adjustment to be retroactive to January 1, 2023; and

WHEREAS, the Town Board agrees with the request and recognizes the extraordinary work and dedication of Stephanie Scheibly, who has worked for the Town of East Greenbush for more than forty-four years, and performed her professional duties with the utmost skill and professionalism; 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 adjusts the salary of the Typist to the Chief of Police to \$65,000.00 per year retroactive to January 1, 2023.

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: ABSENT

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

43-2023 A Resolution to Appoint Corneil Smith to the Position of Planner in the Department of Planning and Zoning

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of February 8, 2023 and was subsequently presented to the Town Board on February 13, 2023; and

WHEREAS, the position of Planner has been vacant since Anna Feltham was promoted to the position of Director of Planning and Zoning in June, 2022 with Resolution 155-2022; and

WHEREAS, the Town’s Human Resources Department led the recruitment effort which included the receipt of eight (8) applications, phone screening of three applicants, Zoom interviews with two candidates, and one interview with the full Town Board; and

WHEREAS, Corneil Smith holds a B.A. in Environmental Studies and an M.S. in Sustainable Communities from Binghamton University, State University of New York, and is employed by the Wilton Land Conservation Trust; and

WHEREAS, Corneil Smith excelled in both interviews and has the technical background to contribute immediately to the work of the Department of Planning and Zoning; and

WHEREAS, the Town Comptroller confirms that this resolution was planned for in the 2023 Town Budget;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby appoints Corneil Smith to the position of Planner in the Department of Planning and Zoning at an annual salary of \$50,000.00;

and be it further

RESOLVED, that this appointment will take effect on March 6, 2023.

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

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

CHS Student Seniors/SADD Club (Students Against Destructive Decisions)/Reality Check – Harini Conji and Joann Pole each presented their respective Youth Talking Points to the Town Board. Please see attached their comments addressed to the board attached.

ADJOURNMENT – 7:01

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
Councilor B. Fritz
Councilor E. Nestler

VOTED: ABSENT
VOTED: YES
VOTED: YES

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

Approved: March 15, 2023