



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA PRE-BOARD MEETING February 13, 2019

**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 R. Matters  
Councilor B. Fritz

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: Larry Regan, Regan Development Corp.**  
**Workshop: Proposed Zoning Amendment**

### Schedule of Meeting:

#### 22-2019 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 January 16, 2019 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 January 16, 2019 are hereby approved as submitted.

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

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

**23-2019           A Resolution Designating March as Women’s History Month**

**WHEREAS**, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

**WHEREAS**, American women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

**WHEREAS**, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

**WHEREAS**, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

**WHEREAS**, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

**WHEREAS**, American women have served our country courageously in the military; and

**WHEREAS**, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

**WHEREAS**, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;

now, therefore, be it

**RESOLVED** by the Town Board that March is hereby designated as Women’s History Month in the Town of East Greenbush.

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 R. Matters         VOTED:  
Councilor B. Fritz            VOTED:

**24-2019      A Resolution Authorizing a Blood Drive in Conjunction with the American Red Cross at Town Hall**

**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 delivery vital services such as disaster relief, blood donations 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 coordinate a public blood drive hosted in partnership with the American Red Cross on August 23, 2019 from 1:00 PM – 6:00 PM.

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

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

**25-2019      A Resolution Authorizing the Town Supervisor to Sign a Renewed Contract with Best-Luther Fire Department for the Furnishing of Fire Protection for the Best-Luther Fire Protection District**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 20, 2019 to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Best-Luther Fire Protection District; and

**WHEREAS**, all those present were allowed to speak and no objections to the renewal of the contract were communicated to the Town Board; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2019 Town budget;

now, therefore, be it

**RESOLVED**, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. for the year 2018 in a sum not to exceed \$114,520.00.

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

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

**26-2019      A Resolution Authorizing the Town Supervisor to Sign a Renewed Contract with Best-Luther Fire Department for the Furnishing of Fire Protection for the Third Avenue Fire Protection District**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a public hearing on February 20, 2019, to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District; and

**WHEREAS**, all those present were allowed to speak and no objections to the renewal of the contract were communicated to the Town Board; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2019 Town budget;

now, therefore, be it

**RESOLVED**, that the Town Supervisor be and is hereby authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District for the year 2019 in a sum not to exceed \$9,070.00.

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

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

**27-2019      A Resolution to Appoint Scott Roy as a Heavy Equipment Operator in the Department of Public Works**

**WHEREAS**, the Department of Public Works has an existing vacancy for the position of Heavy Equipment Operator at the Transfer Station; and

**WHEREAS**, the Public Works Commissioner posted the vacancy announcement as required by the CSEA Collective Bargaining Agreement with no applicants from within the Bargaining Unit; and

**WHEREAS**, the Public Works Commissioner advertised for a Heavy Equipment Operator in the Town’s Official Newspaper and on the Town’s website; and

**WHEREAS**, applications were received and reviewed, and interviews conducted by the Town Supervisor, the Commissioner of Public Works, Deputy Commissioner of Public Works, and the Highway Department Foreman; and

**WHEREAS**, Scott Roy was unanimously selected as the most qualified candidate for the position; and

**WHEREAS**, the Town Comptroller has confirmed that this appointment is funded in the 2019 budget;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment of Scott Roy to the position of Heavy Equipment Operator in the Department of Public Works Transfer Station at the rate of \$22.0927 per hour as required by the CSEA Collective Bargaining Agreement. This appointment is effective as of February 19<sup>th</sup>, 2019.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**28-2019 A Resolution Acknowledging the Receipt of the Annual Audit and Examination of Records of the Town Justices for the Year Ending December 31, 2018**

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his/her records and docket to the auditing board of said village or town; and

**WHEREAS**, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board; and

**WHEREAS**, the East Greenbush Town Board directed the Comptroller to perform the required audit and examination of the records of the East Greenbush Town Justices for the year ending December 31, 2018; and

**WHEREAS**, the Town Comptroller has completed his audit of the records of the Town Justices for 2018; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no material impact on the Town’s finances;

now, therefore, be it

**RESOLVED** that the findings of said audit and examination were presented to and accepted by the Town Board 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:

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

**29-2019 A Resolution to Authorize Kevin Hitchcock and Nick Petramale to Attend the Northern Adirondack Code Enforcement Officials Association Education Conference**

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2019 Town Budget;  
now, therefore, be it

**RESOLVED**, that the following persons be authorized by the Town of East Greenbush to attend the Annual Northern Adirondack Code Enforcement Officials Association Education Conference March 3, 2019 to March 7, 2019:

Kevin Hitchcock  
Nick Petramale

and be it further

**RESOLVED**, the Town will pay lodging expense and conference attendance expense for these employee on March 3, 2019 through March 7, 2019. 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 Councilor Matters and seconded by Councilor Kennedy and brought to a vote as follows:

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

**30-2019 A Resolution Approving the Professional Services Agreement with New York Municipal Insurance Reciprocal (NYMIR)**

**WHEREAS**, the Town, through its insurance broker Rose & Kiernan, Inc., received a proposal for Insurance Coverage for the period of March 1, 2019 – March 1, 2020, as follows:

Carrier	2018-2019 Expiring	2019-2020 Renewal Quote
New York Municipal Insurance Reciprocal	\$179,801.70	\$180,148.00

**WHEREAS**, the Town has contracted with New York Municipal Insurance Reciprocal (NYMIR) since 2013 and this has proved to be an invaluable resource through providing training, webinars and seminars to employees, safety inspections, as well as their assistance throughout the Waste Water Treatment Plant Sludge Spill of 2014; and

**WHEREAS**, increases have been seen by all municipalities covered through NYMIR as a result of an increase in claim activity; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2018 Town budget;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby approve the renewal of the agreement with New York Municipal Insurance Reciprocal (NYMIR) for the policy year March 1, 2019 –March 1, 2020 for the amount of \$ 180,148.00.

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

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

**31-2018 A Resolution Authorizing the Supervisor to Sign the 2019 STOP-DWI Enforcement Crackdown Agreement with Rensselaer County**

**WHEREAS**, the County of Rensselaer and the Town of East Greenbush share a mutual interest in enforcing existing DWI laws and in decreasing the number of alcohol-related motor vehicle accidents through special countermeasure enforcement programs; and

**WHEREAS**, this goal can be accomplished by increasing public awareness of the dangers of impaired driving by maintaining high visibility in the law enforcement area, by increasing enforcement to deter the motoring public from driving while impaired, and by enforcing alcohol laws as they relate to minors; and

**WHEREAS**, the County will grant an amount not-to-exceed \$3,000.00 to fund STOP-DWI Enforcement Crackdown Patrols, which will be reimbursed in a lump sum at the termination of the patrols; and

**WHEREAS**, the Town of East Greenbush agrees that special DWI patrols will be implemented by the Town with such patrols staffed by officers who have completed basic training and have experience on road patrols, in particular apprehending and charging impaired drivers; and

**WHEREAS**, the special patrols will coincide with the following NYS-recognized DWI Enforcement Dates:

Super Bowl	February 1-4, 2019
St. Patrick's Day	March 15-19, 2019
Memorial Day	May 24-28, 2019
Fourth of July	July 3-7, 2019
Labor Day	August 14- September 2, 2019
Halloween	October 30- November 4, 2019
Thanksgiving	November 21-25, 2019
Holiday Season	December 13, 2019- January 1, 2020; and

**WHEREAS**, the Town of East Greenbush acknowledges and agrees that the services to be provided pursuant to the terms of this agreement are provided as an independent contractor and not as an agent or as employees of Rensselaer County, and agrees to indemnify and hold harmless the County of Rensselaer from and against any and all claims or causes of action; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Town Supervisor to execute this agreement with Rensselaer County;

and be it further

**RESOLVED**, that the term of the contract shall apply retroactively from October 30, 2018 to October 29, 2019.

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

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

**32-2019          A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for a Household Hazardous Waste Event**

**WHEREAS**, based on a number of resident inquiries, expressing a need to dispose of household chemicals, automotive supplies, and compact fluorescent bulbs which are not allowed at the Transfer Station under our NYS DEC Operating Permit; and

**WHEREAS**, there is no permanent, registered Household Hazardous Waste collection facility that services the Town of East Greenbush; and

**WHEREAS**, NYS DEC allows Towns to conduct a Household Hazardous Waste collection day with proper permitting and the possibility of partial reimbursement through a grant program during the subsequent fiscal year; and

**WHEREAS**, the Commissioner of Public Works recommends that the Town Board considers holding a Household Hazardous Waste Collection Event, perhaps partnering with another Town on this initiative; and

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

**RESOLVED**, that the Town Board authorizes the DPW Commissioner to solicit bids or pricing to have an authorized, duly licensed contractor conduct a Household Hazardous Waste Collection Event contingent upon NYS DEC approval.

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

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

**33-2019          A Resolution Authorizing Grinding of Wood and Brush**

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

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

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

**WHEREAS**, the lowest quote received was from Troy Sand and Gravel Co. Inc in the amount of \$24,900.00; and

**WHEREAS**, the Town of East Greenbush Purchasing Policy requires purchases of \$10,000.00 or more to be approved by the Town Board; and



**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$24,900.00 from the Transfer Station account for this expense and it should not have a material negative impact on the Town's finances;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public Works to contract with Troy Sand and Gravel Company Inc. to grind the wood and brush, and remove it from the Transfer Station to a permitted dump site in an amount not to exceed \$24,900.00.

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

**34-2019            A Resolution to Schedule a Public Hearing for Proposed Changes to the East Greenbush Sewer Code**

**WHEREAS**, the Town of East Greenbush's current Sewer Code needs to be modified to reflect changes in materials and procedures for sewer installation and repairs, and to ensure compliance with current New York State Department of Environmental Conservation Laws and Regulations; and

**WHEREAS**, the Town Board desires that a Public Hearing be held to solicit comment regarding proposed changes to the Sewer Codes; and

**WHEREAS**, a copy of the proposed changes to the Sewer Code will be on file for review at the Town Clerk's Office and the Town of East Greenbush web site; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York on the 13th day of March, 2019 at 5:45 PM to consider adoption of the Town's Updated Sewer Code.

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

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

**35-2019 A Resolution to Authorize the Refund of Application Fees for 2 Area Variances on Undersized Lot 23 St. Clair Avenue (PZD ID 2018-06)**

**WHEREAS**, an Applicant for Zoning Board of Appeals (ZBA) relief, Mr. Richard McLean, has written to the Planning and Zoning Department (PZD), in a letter dated April 10, 2018, to request a refund in the amount of \$438.44 in fees paid to the Town in connection with an application for two (2) area variances relating to construction of a single family home at 23 St. Clair Avenue; and

**WHEREAS**, PZD records indicate that the Applicant did pay a total of \$438.44 to the Town in connection with this application, which payment included application fees for two (2) area variances in the amount of \$225.00 and certified mailings to thirty-two (32) property owners within 200 feet of the subject property in the amount of \$213.44; and

**WHEREAS**, the ZBA held a public hearing on May 8, 2018 but took no further action; and

**WHEREAS**, the Code Enforcement Officer determined that the lot in question was a buildable lot under Section 2.5.1.A of the Comprehensive Zoning Law, having received a property deed demonstrating compliance with said Section; a building permit was issued on August 24, 2018 for the construction of a single family home; and the Applicant subsequently withdrew the ZBA application; and

**WHEREAS**, the Director of Planning and Zoning has recommended that the Applicant's refund request of \$438.44 in fees paid to the Town be granted; and

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

now therefore be it

**RESOLVED**, that the Town of East Greenbush will refund the Applicant's fees paid in connection with ZBA Application 2018-06 in an amount not to exceed \$438.44.

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

**36-2019 A Resolution Requesting that the Town Board Act as Lead Agency for the Covered Bridge Village Planned Development District (PZD ID 13-09)**

**WHEREAS**, Arico Associates on behalf of Covered Bridge Partners, LLC; located at 450 Loudon Rd. Loudonville, NY 12211, has submitted a planned development district application and site plan review application for a project consisting of approximately 48.7+/- acres of land located on the easterly side of Michael Road in the Town of East Greenbush, Rensselaer County, New York, approximately 700 feet south of the intersection of Luther Road (NYS Rt. 151), and identified on the Town's Tax Roll as Tax Parcel No. 156.-6-18.125; and

**WHEREAS**, the application was accompanied by a proposed site plan, Full Environmental Assessment Form Part 1, and other submittals; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no material impact on the Town's finances; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of this Type 1 Action;

now, therefore, be it

**RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)
2. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project.
3. The Director of Planning and Zoning will initiate the coordinated review and distribute a lead agency coordination letter to all the involved agencies requesting their consent to designate the Town Board as lead agency for SEQR review of the Project.

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

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

**37-2019 A Resolution Requesting that the Town Board Act as Lead Agency for the Mabey’s Realty Proposed Storage Warehouse and Retail Buildings Major Site Plan (PZD ID 19-02)**

**WHEREAS**, Hart Engineering on behalf of Mabey’s Realty, Inc., located at 515 3<sup>rd</sup> Avenue Extension, Rensselaer, NY, 12144, has submitted site plan review and special use permit applications for a project located at 486 3<sup>rd</sup> Avenue Extension and identified on the Town’s Tax Roll as Tax Parcel No. 144.-3-6.2; and

**WHEREAS**, the application was accompanied by a proposed site plan, Full Environmental Assessment Form Part 1, and other submittals; and

**WHEREAS**, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of this Unlisted Action; and

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

now, therefore, be it

**RESOLVED AS FOLLOWS:**

1. The Project will require review under the State Environmental Quality Review Act (“SEQRA”)
2. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project.
3. The Director of Planning and Zoning must initiate coordinated review and distribute a lead agency coordination letter to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project.

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

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

**38-2019 A Resolution Authorizing the Solicitation of Requests for Proposals for Town Designated Engineer Services**

**WHEREAS**, the Town of East Greenbush Planning and Zoning Department seeks to develop a short list of qualified consultants, individuals, and/or firms to serve as Town Designated Engineer(s) (TDE) and provide services on a variety of Special Projects on an as-needed basis for Town Departments, including Public Works, Building and Codes, Parks and Recreation, and the Supervisor’s Office; and

**WHEREAS**, the services to be provided include design, inspection and or analysis of the following: Structures; Highway; Hydrology; Storm Water and Drainage; Erosion and Sediment Control; Sanitary; Potable Water Service; Environmental; Traffic; Survey; Planning; Construction; Grant Writing and Applications; Economic Development; Park Design; and Land development project application review; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances;  
now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Director of Planning and Zoning to solicit proposals from qualified consultants, individuals, and/or firms to develop a short list of Town Designated Engineers.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**39-2019 A Resolution Authorizing the Implementation, and Funding in the First Instance of 100% of the Federal-Aid Eligible Costs, of a Transportation Federal-Aid Project, and Appropriating Funds Therefore.**

**WHEREAS**, this resolution is intended to replace resolution number 20-2019, passed by the Town Board on January 16, 2019, in order to address certain New York State requirements; and

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

**WHEREAS**, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design, ROW Incidentals, and ROW Acquisition; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will have a material impact on the Town's finances;

now therefore be it

**RESOLVED**, that the Town Board hereby approves the above-subject project; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town of East Greenbush to pay in the first instance 100% of the federal and non-federal share of the cost of Design, ROW Incidentals, and ROW Acquisition work for the Project or portions thereof;

and be it further

**RESOLVED**, that the additional sum of \$164,233.00 is hereby appropriated from [INSERT FUND SOURCE], appropriated pursuant to [INSERT BUDGET AUTHORIZATION] and made available to cover the cost of participation in the Design and ROW Incidentals phases of the Project;

**RESOLVED**, that the additional sum of \$5,544.00 00 is hereby appropriated from [INSERT FUND SOURCE], appropriated pursuant to [INSERT BUDGET AUTHORIZATION] and made available to cover the cost of participation in the ROW Acquisition phase of the Project;

and be it further

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

and be it further

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

and be it further

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

and be it further

**RESOLVED**, this resolution shall take effect immediately

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

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

**40-2019      A Resolution to Adopt a Negative Declaration Under SEQRA and Approve a Site Plan for an Expansion of Regeneron's Parking Garage on the Discovery Drive Campus (PB File # 15-07c)**

**WHEREAS**, Regeneron Pharmaceuticals, Inc. has submitted to the Town an application for major site plan approval for the expansion of a parking garage at Regeneron's Discovery Drive Campus (SBL 155.00-1-4.22); and

**WHEREAS**, the Planning Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan prepared by Hart Engineering and HCP Architects, LLP dated June 5, 2018 and last revised February 7, 2019; and

**WHEREAS**, the Planning Board has also reviewed the comments of the Town's Designated Engineer, MJ Engineering and Land Surveying, PC., as well as parts 1-3 of the Full Environmental Assessment Form and SEQRA Findings dated February 11, 2019; and

**WHEREAS**, the Planning Board recommended that the Town Board adopt a negative declaration under SEQRA and approve Regeneron's major site plan application on December 12, 2018; and

**WHEREAS**, the Town Comptroller confirms that this resolution has no immediate material impact on the Town's finances;

now, therefore, be it

**RESOLVED**, that the Town Board hereby finds that the site plan and proposed mitigation measures will avoid or minimize adverse environmental impacts to the extent practicable, adopts a negative declaration under SEQRA, and approves Regeneron's major site plan application, subject to the following:

1. Satisfying outstanding technical details as determined by the Town Planning and Zoning Department and Town's Designated Engineer.
2. Prior to issuance of a building permit, all remaining fees are paid to the Town.
3. Prior to issuance of building permit, Regeneron shall establish an escrow account to cover the costs of any necessary third party inspection services as determined by the Town Planning and Zoning Department.
4. Prior to issuance of a building permit, Regeneron shall submit to the Town an approved Stormwater Pollution Prevention Plan (SWPPP).
5. All storm water pollution prevention permits will be obtained prior to commencement of any land development activity and/or site work and regularly scheduled required inspections will be performed and required reports submitted to the Town during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town's Comprehensive Zoning Law.
6. A waiver from the 25' foot vegetative protected federal wetlands buffer (Section 3.13.11(O) of the Town's Comprehensive Zoning Law) shall be granted for disturbances within the required buffer area as shown on the approved site plan.
7. Prior to issuance of a building permit, Regeneron shall apply for and obtain the appropriate wetland impact permits from the New York State Department of Environmental Conservation and Army Corps of Engineers, under a Joint Permit Application, and submit documentation to the Town that the appropriate permits have been obtained.
8. Prior to issuance of a Certificate of Occupancy or Certificate of Compliance, Regeneron shall provide to the Town Planning and Zoning Department a copy of the recorded deed restriction approved by the Army Corps of Engineers and/or NYSDEC.

9. The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the Certificate of Occupancy or Certificate of Compliance.
10. Prior to issuance of a building permit, Regeneron shall obtain all necessary approvals and/or permits required for the project.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**41-2019      A Resolution to Appoint Members to the Steering Committee to Update the Town’s Comprehensive Plan**

**WHEREAS**, the Town of East Greenbush recognizes that the comprehensive plan provides an essential foundation for guiding future development and has demonstrated a commitment to maintaining the comprehensive plan document to effectively guide development in East Greenbush, writing the first Comprehensive Plan in 1970 and performing a complete Comprehensive Plan update in 1993; and

**WHEREAS**, the Town of East Greenbush has experienced changes associated with significant growth within the community and in the region, prompting a need to review the comprehensive plan to ensure that future growth and changes are in harmony with the community’s vision and is undertaking a process to update the comprehensive plan; and

**WHEREAS**, pursuant to N.Y. Town Law § 272-a, the Town Board is responsible for the preparation and adoption of a comprehensive plan setting forth the goals and objectives, principles, guidelines, policies, standards, devices and instruments for the immediate and long-range protection, enhancement, growth, and development of the Town are based; and

**WHEREAS**, upon soliciting and receiving solicited sealed competitive bids from qualified Planning Consultants (RFP 18-03), the Town of East Greenbush selected a consultant team led by M.J. Engineering and Land Surveying, P.C. to assist with the update of Town’s Comprehensive Plan, Zoning, and Western Generic Environmental Impact Statement (GEIS) in Resolution 117-2018; and

**WHEREAS**, the New York State Town Law authorizes the Town Board under Section 272-a to appoint a special board directed to prepare a proposed comprehensive plan or amendment thereto, such board shall, by resolution, recommend such proposed plan or amendment to the town board; and

**WHEREAS**, the Town Board after due consideration and deliberation, has reviewed a list of potential appointees to a special board to assist with preparation of the comprehensive plan; and

**WHEREAS**, the Town Board authorized creation of the Comprehensive Plan Steering Committee (CPSC) as a special board under Section 272-a and appointed seven (7) members to join the CPSC by resolution number 21-2019; and

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

**RESOLVED**, that the Town Board of Town of East Greenbush does approve the appointment of the following additional members to the CPSC:

Victoria Manieri  
Maira Martinez Senick

and be it further

**RESOLVED**, that the Town Board does not delegate any of its statutory authority to this committee, whose role is advisory only;

and be it further

**RESOLVED**, that this committee shall be dissolved after the Comprehensive Plan has been completed as determined by the Town Board;

and be it further

**RESOLVED**, that all meetings of the Comprehensive Plan Committee shall be open to the public, with prior notice given consistent with the NY State Open Meetings Law.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**42-2019      A Resolution Authorizing the Town of East Greenbush to Pay Music Licensing Fees to ASCAP (American Society of Composers, Authors and Publishers)**

**WHEREAS**, the Town of East Greenbush Community and Recreation Department hosts a Music in the Park summer concert series each year, and

**WHEREAS**, Music Licensing is required to be obtained by all venues hosting live music, or playing music of any kind that might prevent royalties from being paid to the original artists, and

**WHEREAS**, the Town of East Greenbush is required to obtain licensing through ASCAP for the Music in the Park series for 2019; and

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

**RESOLVED**, that the Town Board authorizes the Town Supervisor to execute the ASCAP License agreement, and authorize payment not to exceed \$500.00.

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

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



**43-2019      A Resolution Authorizing the Town of East Greenbush to Pay Movie Licensing Fees to Swank Motion Pictures**

**WHEREAS**, the Town of East Greenbush Community and Recreation Department hosts a Movie in the Park summer concert series each year; and

**WHEREAS**, Movie Licensing is required to be obtained by all venues showing motion pictures, so as not to prevent royalties from being paid to the original artists; and

**WHEREAS**, the Town of East Greenbush is required to obtain licensing for the Movie in the Park event for 2019; and

**WHEREAS**, the Town Comptroller has confirmed that none of the provisions of this proposed Board action will have a material impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Town Board authorizes the Town Supervisor to execute the Swank Motion Picture License agreement, and authorize payment not to exceed \$500.00,

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

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

**ADJOURNMENT**

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

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