

Presentation: Natural Resource Inventory Group

The Town Supervisor explained that the Town Planner created this group to lead the Town through the National Resource Inventory

Ingrid Haeckle, Conservation & Land Use Specialist from The Hudson River Estuary Program/Cornell and Nancy Kupiec were here from the NRI. Ingrid gave a presentation on the status of the project thus far. The presentation will be on the Town Web Site and a copy is in the Town Clerk’s Office. Nancy Kupiec explained that there are 24 maps identifying natural resources and Historic sites. She stated that residents should check it out on line, it is a great tool to use.

Supervisor Conway discussed the Joint Consolidation Water Agreement. The Supervisor addressed the following key points.

- Everyone in East Greenbush on Town Water is now on Troy Water.
- single water tax rate for everyone on Town Water.
- The administrative aspects are on a more solid basis.

The Supervisor introduced Marybeth Biancone from Delaware Engineering to explain the consolidation process.

Marybeth explained that the Town is consolidating 2 Water Districts: the Hampton Manor Water District and the General Water District. She went on to explain that there was no rhyme or reason to the rate structure of the Water Districts. General had an old rate and a new rate, and still there was no way to figure the rates out. They basically had to start from the beginning.

The Town Board called an adjournment due to an emergency with the HVAC Unit at 7:40 pm and was seconded by Councilor Tierney.

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

Supervisor Conway reconvened the meeting after the Fire Department came and deemed the building safe and was seconded by Councilor Tierney:

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

Marybeth showed a large map of the Water Districts. She explained the differences in the Hampton Manor and the General, and went on to explain the Old and New. She explained the water charges and added “that it is all very confusing.”

The Old, New, And New Service water customers’ Tax assessment was by front footage. The new assessment Water Tax is based per unit. A Household is 1 unit. Restaurants, Retail and other Businesses will have more than one unit of measure. Depending on the business there is a scale the Town will be using.

Marybeth went on to explain this further using different examples.

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

Liz T- Thanked Marybeth for her presentation, and the Town Board for getting us out of Junk Bond Status. She went on to explain that she feels the kids in Town should have a place to swim. The supervisor explained that we used a grant to do a study of the Town Park Lake. We have to make a decision on whether to proceed down the path to a Public Beach Permit. There would be many steps we would have to take to even start down that path. Liz also stated that Rte 4 should be widened.

Lee C. – had questions for Marybeth on the classifications and Tax rates. He also asked if something new comes along it does not fit into one of the classifications what do we do?

Marybeth explained that the Assessor can assign them a new class, and in the 1st year they will charge them a reasonably close class

Resolutions and Proposals by Town Board Members:

197-2018 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 September 17, 2018 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 September 17, 2018 are hereby approved as submitted.

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

Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT

198-2018 A Resolution Recognizing November as “Men’s Health Awareness Month” and Wednesday, November 14, 2018 as “East Greenbush Goes Light Blue Day”

WHEREAS, “Movember” is an annual campaign that runs throughout the month of November involving the growing of mustaches to "change the face" of men’s health and raise awareness of men’s health issues, such as prostate cancer, testicular cancer, mental health issues, and suicide prevention; and

WHEREAS, significant numbers of male-related health problems could be detected and treated if men’s awareness of these problems was more pervasive. By encouraging men to get involved, Movember aims to increase early cancer detection, diagnosis, effective treatments, and ultimately reduce the number of preventable deaths; and

WHEREAS, men who are educated about the value that preventive health can play in prolonging their lifespan and their role as productive family members will be more likely to participate in health screenings;

now therefore, be it

RESOLVED, that the Town of East Greenbush wishes to support Men’s Health Awareness Month by raising awareness of the dangers of men’s health issues; and be it further

RESOLVED, that the Town Board declares November to be Men’s Health Awareness Month in the Town of East Greenbush; and be it further

RESOLVED, that the Town Board encourages participation Men’s Health Awareness Month by designating November 14, 2018 as East Greenbush Goes Light Blue Day.

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

Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

199-2018 A Resolution Approving the CDPHP Medicare Advantage Plan as One of the Health Insurance Options Offered for Retired Employees

WHEREAS, the Director of Finance has worked closely with the Town's Insurance Agent, Amsure, in recent months to collect data and obtain quote information for a CDPHP Medicare Advantage Plan in order to analyze the benefits of a Preferred Provider Organization (hereinafter PPO) Plan; and

WHEREAS, the Town currently offers the CDPHP Medicare Advantage PPO Plan at a monthly premium of \$294.91, and which the Town could renew for the 2019 calendar year at a proposed monthly premium of \$294.90; and

WHEREAS, offering the CDPHP Medicare Advantage PPO Plan in 2019 (monthly premium of \$294.90) would continue to provide the Town a cost savings and would provide enrollees with the many benefits that are associated solely with PPO Plans, including out of state coverage and the ability to obtain specialized medical services without the need for a referral and/or plan approval; and

WHEREAS, the Town Comptroller confirms this resolution was adequately budgeted for in the 2019 Tentative Budget;

now, therefore, be it

RESOLVED, that the Town Board does hereby approve adding the proposed CDPHP Medicare Advantage PPO Plan to the Health Insurance Options offered for Retired Employees.

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

Councilor G. Warner	VOTED: YES
Councilor R. Matters	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT

200-2018 A Resolution Authorizing the Purchase of Premium Diesel Fuel from New York State OGS Contract

WHEREAS, the Public Works Department requires Ultra Low Sulfur Diesel Fuel to operate its trucks and heavy equipment; and

WHEREAS, the New York State Office of General Services has obtained bids for Ultra Low Sulfur Diesel Fuel; and

WHEREAS, the bid awarded to Main Care Energy for Premium Ultra Low Sulfur Diesel Fuel has been awarded at \$.06 per gallon less than Regular Ultra Low Sulfur Diesel Fuel on the same contract; and

WHEREAS, an essential component of the contracts entered into by New York State Office of General Services provides that said commodities and respective bid prices received by the Office shall be available to local governments and political subdivisions of New York State; and

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

now, therefore be it

RESOLVED, that the Town Board hereby authorizes the Commissioner of Public Works to purchase Premium Ultra Low Sulfur Diesel Fuel from the above contract as required for operating trucks and equipment subject to the limits of DPW Budget.

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

Councilor T. Tierney	VOTED: YES
Councilor G. Warner	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES

201-2018 A Resolution to Adopt the Preliminary Budget for 2019

WHEREAS, the Supervisor submitted the 2018 Tentative Budget to the Town Clerk on September 28, 2018 and the Town Board met on October 1, 2018 so that the Town Clerk could distribute copies of the Tentative Budget to the members of the Town Board; and

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

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

WHEREAS, this Preliminary Budget will be subject to a public hearing on November 8, 2018 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144; and

WHEREAS, the Town Comptroller asserts the resolution for adopting the 2019 Preliminary Budget will have revenue offset by appropriations and use of fund balance; now, therefore, be it

RESOLVED, that the Town Board adopts the 2019 Preliminary Budget as appended hereto and directs the Town Clerk to keep copies in her office for public review and post it on the Town website.

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

Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

202-2018 A Resolution Scheduling a Public Hearing on the Preliminary Budget for 2019

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, has been presented with a copy of the proposed Tentative Town Budget for the fiscal year 2019; and

WHEREAS, the Town Board is required to review the Tentative Budget and make any changes, alterations and revisions it considers advisable; and

WHEREAS, upon completion of the review, the Tentative Budget as modified by the Town Board becomes the Preliminary Budget and must be filed in the Town Clerk's Office, and

WHEREAS, said review and filing should be completed prior to conducting a Public Hearing; and

WHEREAS, the Town Board is required to conduct a Public Hearing on the Preliminary Budget, including all Special Districts and the Water and Sewer rates contained therein, and said Hearing must be conducted on or before the Thursday following the November general election; and

WHEREAS, passage of this Resolution by the Town Board is not a statement of agreeing or disagreeing with any of the numbers nor tax rates contained therein, and binds no Board Member to vote for or against it, that changes affecting any rates can occur after said Public Hearing is held; and

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

now therefore, be it

RESOLVED, that the Town Board shall conduct a Public Hearing at 6:00 PM on November 8, 2018 at the East Greenbush Town Hall, located at 225 Columbia Turnpike, Rensselaer, New York 12144, for the purpose of receiving public input on the proposed Preliminary Budget for the fiscal year 2019, including all Special Districts contained therein; and be it further

~~**RESOLVED**, that if the Town Board does not meet and approve modifications by October 17, 2018, the 2019 Tentative Budget shall be accepted as the 2019 Preliminary Budget for the Public Hearing at 6:00 PM on November 8, 2019.~~

Councilor Warner made a motion to amend the above resolution to change the last recital, it will now read:

RESOLVED, that if the Town Board does not meet and approve modifications by October 17, 2018, the 2019 Tentative Budget shall be accepted as the 2019 Preliminary Budget for the Public Hearing at 6:00 PM on November 8, 2018.

The foregoing motion to amend the resolution was duly oved by Councilor Warner and seconded by Supervisor Conway and brought to a vote resulting as follows:

Councilor G. Warner	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES

The foregoing amended 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

203-2018 A Resolution Designating the Town of East Greenbush as Lead Agency Pursuant to Part 617 of the State Environmental Quality Review Act with Respect to the Consolidation of Two Water Districts and any Related Water District Extensions, To Wit: East Greenbush General Water District and Hampton Manor-Hillview Water District No.4 into One Consolidated Water District Subject to the Completion of Proceedings Pursuant to Article 17A of the General Municipal Law of the State of New York

WHEREAS, the Town of East Greenbush has heretofore established the following water districts, to wit: East Greenbush General Water District, Hampton Manor-Hillview Water District No. 4 and any related water district extensions and the said Town of East Greenbush on behalf of the existing water districts wishes to consolidate the aforementioned two water districts and any related water district extensions into the Town of East Greenbush Consolidated General Water District, a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17 A of the General Municipal Law of the State of New York; and

WHEREAS, in connection with the consolidation of the aforementioned two water districts and any related water district extensions the Town of East Greenbush will need to review the environmental impact, if any, associated with the consolidation; and

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

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush be designated as lead agency with respect to the environmental review associated with the consolidation of the two aforementioned water districts and any related water district extensions pursuant to Part 617 of the State Environmental Quality Review Act;

and be it further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review of the consolidation of the aforementioned two water districts and any related water district extensions pursuant to Part 617 of the State Environmental Quality Review Act.

This 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

204-2018 A Resolution Authorizing the Endorsement and Execution of a Proposed Joint Consolidation Agreement Pursuant to Sections 751 2(a) and 752 of the General Municipal Law Consolidating Two Town of East Greenbush Water Districts and Any Related Water District Extensions, To Wit: East Greenbush General Water District and Hampton Manor-Hillview Water District No. 4 into One Consolidation Water District Subject to the Completion of Proceeding Pursuant to Article 17A of the General Municipal Law of the State of New York

WHEREAS, the Town of East Greenbush has heretofore established the following Town of East Greenbush Water Districts, to wit: East Greenbush General Water District, Hampton Manor-Hillview Water District No. 4 and any related water district extensions and the said Town of East Greenbush on behalf of both the existing water districts and the related water district extensions wishes to consolidate all of such areas into the Town of East Greenbush Consolidated General Water District, a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17 A of the General Municipal Law of the State of New York and;

WHEREAS, the Town Board by and through its Supervisor is desirous of endorsing and subsequently entering into the annexed proposed Joint Consolidation Agreement consolidating the two original water districts and the related water district extensions into one consolidated water district serving those areas of the East Greenbush General Water District, Hampton Manor-Hillview Water District No. 4 and the related water district extensions; and

WHEREAS, the new Consolidated General Water District will assume jurisdiction over all areas previously served by the two original water districts and the related water district extensions; and

WHEREAS, in order to consolidate the two original water districts and the related water district extensions it is necessary that the Town of East Greenbush comply with all the provisions of Article 17A of the General Municipal Law of the State of New York; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on Town's Finances; of a to be determined value; charged to 83104.05.04 offset by SW-915 Water Fund Balance;

now, therefore, it is

RESOLVED that the Town Board of the Town of East Greenbush acting on behalf of the Town of East Greenbush, the East Greenbush General Water District, the Hampton Manor-Hillview Water District No. 4, and the related water district extensions hereby endorses the attached proposed Joint Consolidation Agreement and authorizes the Town Supervisor to execute the Joint Consolidation Agreement;

and be it further

RESOLVED, that Town personnel and officers shall undertake the steps required under the aforesaid Article 17A of the General Municipal Law of the State of New York to comply with the provisions thereof to effect such consolidation.

Councilor Tierney made the motion to amend the Consolidation Agreement so that on page 4 the figure for the minimum gallons is changed from 10,000 to 10,500.:

The foregoing motion to amend the 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

The foregoing amended 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

205-2018 A Resolution to Reschedule the November 21, 2018 Town Board Meeting to November 19, 2018

WHEREAS, the regular monthly Town Board meeting is scheduled to be held on November 21, 2018; and

WHEREAS, the regularly scheduled date of November 21, 2018 is the night before Thanksgiving; and

~~**WHEREAS**, the Town Board must adopt the final budget prior to November 20, 2018;~~
and

WHEREAS, by changing the date of the meeting the Town Board will have the opportunity to vote and approve the Final Budget of 2019, which may include necessary changes or amendments from the 2019 Preliminary Budget; and

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

now, therefore, be it

RESOLVED, that the November monthly meeting of the Town Board of the Town of East Greenbush is re-scheduled and will be held on Monday, November 19, 2018 at 7:00 p.m. at the East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144.

Councilor Matters made the motion to amend the above resolution to now read:

WHEREAS, the Town Board must adopt the final budget no later than November 20, 2018;

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

Councilor R. Matters	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor G. Warner	VOTED: YES

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

Councilor R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT

206-2018 A Resolution to Make a Determination of a GEIS Fee Appeal

WHEREAS, Greenbush Associates (the “Applicant”) has appealed the Town of East Greenbush’s determination of Generic Environmental Impact Statement (“GEIS”) mitigation fees to be imposed in connection with the Applicant’s East Greenbush Technology Park expansion project; and

WHEREAS, consistent with the local law authorizing such mitigation fees, the Planning Board reviewed such appeal and made a recommendation to the Town Supervisor and Town Board; and

WHEREAS, the Town Board has considered the record, including the appeal and the recommendation of the Planning Board; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact of \$34,891.56 in discounted GEIS revenue on the Town’s finances;

now, therefore, be it

RESOLVED, as follows:

1. The Town Board hereby makes a determination of Applicant’s appeal as set forth in Attachment A, annexed hereto.
2. The Town Board hereby authorizes the Supervisor to transmit such determination to the Applicant.

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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

207-2018 A Resolution Authorizing the Schedule of a Public Hearing, Consolidating the Town of East Greenbush Water Districts, To Wit: East Greenbush General Water District and the Hampton Manor-Hillview Water District No.4 into One Consolidated Water District Subject to the Completion of Proceedings Pursuant to Article 17A of the General Municipal Law of the State of New York

WHEREAS, there exists within the Town of East Greenbush two water districts, to wit: East Greenbush General Water District and Hampton Manor-Hillview Water District No. 4, and any related water district extensions; and,

WHEREAS, the aforesaid water districts have been created for a similar purpose; and,

WHEREAS, the Town Board is desirous of conducting a Public Hearing pursuant to the provisions of Article 17A of the General Municipal Law for the purpose of hearing all persons upon the question of consolidating the Town of East Greenbush General Water District and the Hampton Manor-Hillview Water District No. 4 into one consolidated water district subject to the completion of proceedings pursuant to Article 17A of the General Municipal Law of the State of New York; and,

~~**WHEREAS**, in the event of consolidation, all expenses for debt repayment, water usage rates and for operation and maintenance of the Town of East Greenbush Consolidated General Water District shall be equally distributed among the existing water districts and any future debts shall be based upon a per unit basis of assessment, and that consumption charges shall be based upon a dollar amount per 1000 cubic feet or per 1000 gallons within the Town of East Greenbush Consolidated General Water District.~~

now, therefore, be it

RESOLVED that the Town Board of the Town of East Greenbush shall meet and hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, Rensselaer, New York, at 7:00 o'clock p.m. on the 28th day of November, 2018, to consider the consolidation of the two Town of East Greenbush Water Districts and any related extensions, to wit: Town of East Greenbush General Water District and Hampton Manor-Hillview Water District No. 4 into a single Consolidated Water district, known as the Town of East Greenbush Consolidated General Water District and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as shall be required or authorized by law,

and it is further,

RESOLVED, that the Joint Consolidation Agreement proposes to consolidate the Town of East Greenbush General Water District and Hampton Manor-Hillview Water District No. 4 and any related water district extensions pursuant to the provisions of Article 17A of the General Municipal Law and that as of January 1, 2019 it is proposed to consolidate the Town of East Greenbush General Water District and Hampton Manor-Hillview Water District No. 4 located within the Town of East Greenbush pursuant to Article 17A of the General Municipal Law of the State of New York.

The proposed Joint Consolidation Agreement is on file in the Town of East Greenbush, Town Clerk's Office at 225 Columbia Turnpike, Rensselaer, New York. A copy of the proposed Joint Consolidation Agreement and a summary thereof are displayed upon and available for public inspection on the Town of East Greenbush Town Clerk's Bulletin Board, at the Town Clerk's Office at the Town of East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, New York, and on the Town of East Greenbush website.

Supervisor Conway made a motion to amend the above resolution changing the recital to now read:

WHEREAS, in the event of consolidation, all expenses for debt repayment, water usage rates and for operation and maintenance of the Town of East Greenbush Consolidated General Water District shall be equally distributed among the existing water districts and any future debts shall be based upon a per unit basis of assessment, and that consumption charges shall be based upon a dollar amount per 100 cubic feet or per 1000 gallons within the Town of East Greenbush Consolidated General Water District.

The foregoing motion to amend the 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

The foregoing amended 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 R. Matters	VOTED: YES
Councilor G. Warner	VOTED: YES

208-2018 A Resolution to Preform Emergency Service to HVAC System at Town Hall

WHEREAS, there are problems with the heating system in Town Hall an emergency is required; and

WHEREAS, it is not clear what the scope of such service will be weather to repair or replace the system:

now, therefore, be it

RESOLVED, that the Supervisor in consultation with the Commissioner of Public Works is authorized to take such action and to address the problem.

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

The supervisor explained that due to the Emergency with the HVAC system earlier this Evening that we needed to do an emergency resolution to deal with the furnace that died tonight.

Councilor G. Warner	VOTED: YES
Councilor T. Tierney	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: ABSENT

ADJOURNMENT

Motion to adjourn at 9:19 by Supervisor Conway seconded by Councilor Warner and brought to a vote as follows:

Supervisor J. Conway	VOTED: YES
Councilor G. Warner	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor R. Matters	VOTED: YES

Attachment A

Determination of GEIS Fee Appeal

Greenbush Associates (the “Applicant”) has appealed the Town of East Greenbush’s determination of Generic Environmental Impact Statement (“GEIS”) fees with respect to the East Greenbush Technology Park expansion project (the “Project”). The Applicant contends that the fee assessment by the Town exceeds the limits set forth in the local law that established such fees (the “GEIS Local Law”). The Applicant has also asserted that the Project is entitled to a 16 percent discount in such fees pursuant to the GEIS Local Law. The Town Board has carefully reviewed the record, including the appeal and the recommendation of the Planning Board.

The Project involves the amendment of the Town’s zoning map to establish the “East Greenbush Technology Park, Part 2 Planned Development District” on approximately 53.99 acres (the “PDD”). In addition, the Applicant proposed the subdivision of six lots within the PDD, which could accommodate 381,000 square feet of office/research/light industrial buildings. The Applicant also sought site plan approval for the construction of a 37,000 square foot building on one of the subdivided lots.

With respect to the discount in mitigation fees, the GEIS Local Law, which was enacted in 2010, provides for a graduated scale of discounts for projects that were commenced before the local law was enacted. The largest discount, 16 percent, covers “applications submitted before or during 2005.” The Applicant references several submittals to the Town that were made in 2004 and 2005 “relative to the original submittal that was tabled by the Town due to the Route 4 Corridor Study.” Although the site plan that was ultimately approved in 2018 for the 37,000 square foot building did not precisely match the earlier proposed location and size of the

building, on the earlier submissions, the Applicant asserts that the proposed Part 2 of the Technology Park should be considered as a whole, and relate back to the earliest submissions.

The Town Board believes that the Applicant's position on the discount issue has merit. Since its inception, the consideration of the development proposed for Part 2 of the Technology Park has viewed the Project as encompassing the entire expansion area. For instance, the Final Environmental Impact Statement ("FEIS") and Findings Statement address the potential impacts of the full Project. Accordingly, the Town Board determines that the mitigation shall be adjusted to include the 16 percent discount provided for in the GEIS Local Law.

The conclusion above is also instructive with respect to the Applicant's assertion that the fee caps in the GEIS Local Law have been exceeded. Section 4 (c) of the GEIS Local Law states that "any fee charged via this law shall be capped at, and not exceed, the amounts set forth in 6 NYCRR 617.13", part of the Department of Environmental Conservation ("DEC") regulations implementing the State Environmental Quality Review Act ("SEQRA"). Those regulations provide limits upon what a SEQRA "lead agency" can charge for the review of a draft or final environmental impact statement with respect to a "project." DEC's regulations do not define a project, but the GEIS Local Law does. Section 2 of that law states that a 'Project' shall be defined as any action that is subject to the State Environmental Quality Review Act." As previously noted, the Project as a whole was subject to SEQRA. The FEIS and Findings Statement make clear that they apply to the entire Project. Thus, any caps that would apply under 6NYCRR §617.13 should be calculated on the basis of the entire Project. As such, none of the thresholds in DEC's regulations have been exceeded. Accordingly, the Town Board determines that this portion of the Applicant's appeal must be denied.