



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES September 20, 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=55013

Or visit Town of East Greenbush Facebook page:
<https://www.facebook.com/TownofEG/videos/todays-live-video/3717234351898848>

The following is a summary of the Town Board Meeting as recorded by the Town Clerk.

Call to Order **6:07 PM**
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

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

Communications/Announcements/Reports

Town Board members provided their individual comments, community-related information, and/or announcements.

Open Public Privilege:

Residents presented their respective comments to the Town Board.

Presentation: Seaboard Solar – Presentation to the Town Board on the Miller Road Solar Project ended at 6:22 PM.

Resolutions and Proposals by Town Board Members:

199-2023 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 August 16, 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 August 16, 2023 are hereby approved as submitted.

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: YES

200-2023 A Resolution to Approve Special 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 Special Meeting held on August 23, 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 Special Meeting held on August 23, 2023 are hereby approved as submitted.

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: YES

201-2023 A Resolution Recognizing September as “CHILDHOOD CANCER AWARENESS MONTH” and September 29, 2023 as “East Greenbush Goes Gold Day”

WHEREAS, the American Cancer Society reports that cancer is the leading cause of death by disease among United States children between infancy and age 15, and estimates that more than 10,000 children will be diagnosed with cancer each year; and

WHEREAS, although progress has been made in combating pediatric cancer, approximately 1,050 children younger than 15 years old will lose their battle with cancer; and many infants, children and teens will suffer from long-term side effects of comprehensive treatment, including secondary cancers; and

WHEREAS, there is significant progress that still must be made with regard to childhood cancer treatment; progress towards an effective treatment is painfully slow with dramatically fewer new FDA approved treatments for childhood cancer approved each year than for cancer in adults; and

WHEREAS, the designation of September as “Childhood Cancer Awareness Month” could increase the rate of early detection, lead to newer and improved treatments, and an overall higher survival rate for children diagnosed with the condition; and

WHEREAS, the Town of East Greenbush wishes to support the fight against childhood cancer in any way possible so that we may give any child afflicted with cancer the best chance possible; and

WHEREAS, “East Greenbush Goes Gold” is an initiative intended to raise awareness of the issue of childhood cancers, and this Board would like to support such a campaign to help raise awareness in honor of young patients, their loved ones, and all those who support them; now, therefore, be it

RESOLVED, that September 2023 is designated "Childhood Cancer Awareness Month" in the Town of East Greenbush to promote awareness of pediatric cancer and to support the brave children who battle cancer every day;

and be it further

RESOLVED, that the Town Board encourages participation in Go Gold in September by designating Friday, September 29, 2023 as “East Greenbush Goes Gold” Day.

and be it further

RESOLVED, that the September 29, 2023 designation of “East Greenbush Goes Gold” Day will be in memory of Sean Jucha.

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

202-2023 A Resolution Recognizing October as “BREAST CANCER AWARENESS MONTH” and Friday October 13, 2023 as “East Greenbush Goes Pink Day”

WHEREAS, the American Cancer Society estimates that approximately 297,790 women will receive a diagnosis of breast cancer in 2023, making this disease the most frequently diagnosed cancer among women other than skin cancers; and

WHEREAS, the 2.3 million breast cancer survivors living in the United States today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and

WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer; and

WHEREAS, the efforts of various organizations have made a major contribution to spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the lifesaving message of early detection and the importance of having annual mammograms; and

WHEREAS, throughout the month of October, organizations, health care practitioners, and municipalities throughout New York are encouraged to use this opportunity to promote awareness about breast cancer and proper breast health, and to observe the month with appropriate activities and programs that encourage annual mammograms; and

WHEREAS, the Town of East Greenbush recognizes the importance of working together and supporting events such as Breast Cancer Awareness Month;

now, therefore, be it

RESOLVED, that the Town of East Greenbush does hereby recognize October as Breast Cancer Awareness Month and has designated October 13, 2023 as “East Greenbush Goes Pink” Day.

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

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

203-2023 A Resolution Recognizing October as “DOMESTIC VIOLENCE AWARENESS MONTH” and October 20, 2023 as “East Greenbush Goes Purple Day”

WHEREAS, domestic intimate partner violence is violence or aggression that occurs in a close relationship including current and former spouses and dating partners; and

WHEREAS, data from the CDC’s National Intimate Partner and Sexual Violence Survey indicate approximately 1 in 3 women and nearly 1 in 4 men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime; and

WHEREAS, many of the 10 million women and 5 million men who reported experiencing this violence also indicated that they first experienced these or other forms of violence by that partner before the age of 18; and

WHEREAS, domestic violence takes many forms, including physical violence, sexual assault, economic control, psychological/emotional abuse, or a combination of more than one of these and violence and can vary in frequency and severity and occurs on a continuum, ranging from one episode to chronic and severe episodes over a period of years; and

WHEREAS, the Town of East Greenbush wishes to support Domestic Violence Awareness Month by raising awareness of the prevalence and dangers of domestic violence between intimate partners;

now, therefore, be it

RESOLVED, that to shine light on the subject of domestic violence and potentially reduce the number of acts each year the Town Board recognizes October to be Domestic Violence Awareness Month;

and be it further

RESOLVED, that the Town Board encourages participation in the Unity House Domestic Violence Program by designating October 20, 2023 as “East Greenbush Goes Purple” Day in memory of victims, and in honor of survivors throughout our community.

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

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

204-2023 A Resolution Recognizing September as “MUSCULAR DYSTROPHY AWARENESS MONTH”

WHEREAS, each year, September is recognized as Muscular Dystrophy Awareness Month an annual observance that raises awareness and critical funds for families across the nation who are living with Muscular Dystrophy, ALS, Myotonic Dystrophy and related neuromuscular diseases; and

WHEREAS, events throughout the month support MDA’s mission to empower the neuromuscular disease community that the organization serves to live longer, more independent lives while accelerating research and advancing care; and

WHEREAS; these disorders are thought to affect more than 300,000 U.S. families; and

WHEREAS, muscular dystrophy is a group of diseases that weakens the muscles of the body, some types of muscular dystrophy form during childhood, while others begin to appear later in life. These disorders make it difficult to move and often result in the loss of the ability to walk; and

WHEREAS, currently there is no cure available to stop or reverse the effects of these conditions;

now, therefore, be it

RESOLVED, that the Town Board declares September to be Muscular Dystrophy Awareness Month.

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

205-2023 A Resolution Authorizing the Department of Assessment to Solicit Bids for the “In-House” Reassessment or Systematic Analysis for the 2024 Assessment Roll

WHEREAS, the Town of East Greenbush has identified the need to continue with the State of New York’s 4-Year Plan with regards to Cyclical Reassessments; and

WHEREAS, the need to conduct the “in-house” reassessment of the Town was identified by the Town Board after several years of decline in our equalization rate; and

WHEREAS, an “in house” reassessment will improve equity in assessments for tax payers and can contribute to an improved bond rating. Municipalities that keep assessments up-to-date are also likely to have fewer tax certiorari cases; and

WHEREAS, the Town Comptroller states that if a reassessment is to be done, then it will be budgeted for in 2024 and advertising for bids will have no material impact at this time on the Town finances;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Department of Assessment, with assistance from the Finance Office to solicit sealed bids to conduct the Reassessment for 2024.

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: NO
Councilor B. Fritz	VOTED: NO
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: NO
Councilor E. Nestler	VOTED: NO

206-2023 A Resolution Authorizing the Acceptance of Additional Grant Money for The Arts Center of the Capital Region “Arts in the Parks”

WHEREAS, The Arts Center of the Capital Region offered the Town of East Greenbush a Community Arts Grant in the amount of \$3,700, which was accepted by the Town Board on June 21, 2023; and

WHEREAS, East Greenbush resident, Dr. Lisa D’Adamo-Weinstein, will continue to run the program on the Town’s behalf and will offer a series of community-based free arts and culture experiences in several parks in Town; and

WHEREAS, the Community & Recreation Department will coordinate this grant to serve the residents of East Greenbush through art programs for residents of all ages; and

WHEREAS, on August 18, 2023 the Town received a second check from The Arts Center of the Capital Region for \$1,300.00 to be used for the “Arts in the Parks” Program here in East Greenbush; and

WHEREAS, this money will be used to host Art Classes in the Community as well as purchasing easels and art supplies for the classes and that will be scheduled from account 71404.01, Community & Rec CE; 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 the East Greenbush Community & Recreation Department to accept this additional grant money from The Arts Center of the Capital Region in the amount of \$1,300.00.

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

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

207-2023 A Resolution Authorizing the Solicitation of Bids for Information Technology Services for the Town of East Greenbush

WHEREAS, the Town of East Greenbush currently utilizes Diagnostic & Installation Services, LLC for all of our information technology needs; and

WHEREAS, the Town of East Greenbush must solicit bids from time to time to ensure that we have a qualified vendor to provide Information Technology Services at a reasonable price; 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 authorizes the Director of Finance to solicit Bids from qualified Managed IT Services Providers and recommend a single organization to provide managed IT services to the Town.

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

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

208-2023 A Resolution Authorizing the Purchase of a Six (6”) Inch Portable Pump for the Sewer Department

WHEREAS, the Deputy Commissioner for Water and Sewer has identified the need to purchase a six (6”) inch portable diesel-powered pump for the Sewer Department; and

WHEREAS, the Sewer Department has rented portable pumps in the past and has recommended that one be purchased to have available for maintenance and emergencies at both the Waste Water Treatment Plant and for the Pump Stations; and

WHEREAS, three quotes were solicited and received as follows:

Godwin Pumps	\$40,183.00
Pump Services and Supply	\$58,908.00
Walter Pratt	\$86,229.00

WHEREAS, the Sewer Department has averaged spending approximately \$4,000.00 each time they have needed to rent a portable pump and it will be cost effective to purchase one at the cost of \$40,183.00 from Godwin Pumps; and

WHEREAS, the Comptroller confirms that this will have a material impact on the budget code 81304.07 Transmission /Distribution CE; now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the purchase of the 6” portable Pump from Godwin Pumps in the amount of \$40,183.00 from the 81304.07 Treatment/Disposal CE Budget line.

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

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

209-2023 A Resolution Authorizing the Town to Solicit Bids for the Upgrade to the Cross Street Pump Station

WHEREAS, the Town of East Greenbush (the “Town”), in partnership with the City of Rensselaer (the “City”), sought proposals from qualified engineering consulting firms to provide various engineering, bidding, and construction-phase services for the design and construction of the upgrades to the Cross Street Pump Station as outlined in the “Water Capacity Analysis” Report prepared by Stantec Consulting Services dated May 5, 2021. Adirondack Mountain Engineering was selected as the lowest responsible bidder; and

WHEREAS, the Town and the City each operate the separate water supply and delivery systems to supply their customers. Together and jointly, the Town and City own and operate a distribution system consisting of a pump station, mains, two (2) 5 MG water tanks, and related infrastructure (the “distribution system”) that, in turn, supplies each municipality’s separate delivery systems; and

WHEREAS, the Cross Street Pump Station is a key element of the distribution system that provides water to both the Town and the City through an inter-municipal agreement with the City of Troy. The Cross Street Pump Station was constructed in 1966 and placed in service in 1968. There are three pumps which currently have variable frequency drives (VFDs) to modulate the speed of the pumps; and

WHEREAS, there is a need for additional capacity as a result of planned development and increased existing user needs. The Owners’ Water Department personnel observed that, at high demand periods during 2020, the Cross Street Pump Station ran continuously to keep up

with demand. The Owners wish to complete upgrades and replacements at Cross Street Pump Station to serve existing water customers and meet future demands. In addition, since being placed into service over fifty years ago, there is a need to address operational issues and make related station improvements in accordance with contemporary best management practices and operational demands; and

WHEREAS, Adirondack Mountain Engineering has completed the design and bid documents and the Town is ready to solicit bids for the project; and

WHEREAS, the costs for this stage of the project are to be split with the City at 50% as the original Inter-Municipal Agreement between the Town and City states that Capital Projects shall be divided equally between the two municipalities; and

WHEREAS, the Town of East Greenbush will be the Project Manager for this project and will provide regular updates and monthly invoices to the City for the cost of the project; and

WHEREAS, the Town Comptroller confirms that the solicitation of bids 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 authorizes the Town solicit bids for the Upgrade of the Cross Street Pump Station.

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

210-2023 A Resolution Authorizing the Payment to Clean Harbors Environmental Services, Inc. for the Chlorine Spill at the Waste Water Treatment Plant

WHEREAS, on August 3, 2023, the Commissioner of Public Works was notified of a Chlorine Spill in the area of the Chlorine storage tank at the Waste Water Treatment Plant by Sewer Department employees; and

WHEREAS, during the time of the spill there was approximately 1.5” of chlorine on the floor and due to the hazardous nature of the chemical, the Commissioner advised the personnel working at the plant to contact a chemical cleanup company to come to the plant to do the cleaning; and

WHEREAS, the plant personnel contacted Clean Harbors Environmental Services, Inc. and they were available to assist with cleanup immediately and the cleanup took a number of hours to complete; and

WHEREAS, the total cost of Emergency Response for the Chlorine Spill at the Waste Water Treatment Plant was \$13,432.92 for labor, mobilization, demobilization and use of materials and equipment; and

WHEREAS, the Comptroller confirms this will have a material impact on the budget code 81304.07 Treatment/Disposal CE;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush does hereby authorize the payment of the invoice for Clean Harbors Environmental Services, Inc. for the chlorine spill at the Waste Water Treatment Plant.

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: YES

211-2023 A Resolution to Purchase a Western 8’6” MVP3 S/S Snow Plow from T&T Sales, Inc. off the Sourcewell Contract

WHEREAS, the Commissioner of Public Works has identified the need for a new plow for the Highway General Foreman’s pickup truck; and

WHEREAS, the General Foreman solicited a quote from T&T Sales, Inc., for a plow from the Sourcewell Contract (062222-DDY) for a Western 8’6” MVPS S/S Snow Plow for the Highway Department; and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is \$9,170.00 and will be funded under budget code 51304.02 Machinery CE;
now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase one Western 8’6” MVPS S/S Snow Plow for the Highway Department from T&T Sales, Inc. for the amount of \$9,170.00.

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

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

212-2023 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for Repair of Clarifier #1 at the Waste Water Treatment Plant

WHEREAS, the Deputy Commissioner for Water and Sewer identified an issue with Clarifier #1 at the Waste Water Treatment Plant and upon review with the Town’s Industrial Mechanic, JP Industrial Services, LLC, a consensus was reached that the tank components need to be removed and at a minimum a new standpipe be installed with the necessary plate to isolate the return sludge from the incoming MLSS; and

WHEREAS, Clarifier #1 is currently down and inoperable; and

WHEREAS, it was determined that the scope was too significant to repair in-house and should be put out to bid; and

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

now, therefore, be it

RESOLVED, that the Town Board does hereby Authorize the Commissioner of Public Works to solicit bids for repair of Clarifier #1 at the Waste Water Treatment Plant.

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

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

213-2023 A Resolution Declaring a Department of Public Works Vehicle and Equipment as Surplus and Authorize Auctioning of Same

WHEREAS, the Town Board of the Town of East Greenbush has received a request from the Commissioner of Public Works to declare the following items as surplus;

- Two (2) Yard Gas Powered Stainless Steel Salter (Bengal Zwack)
- Tenco Eleven (11') Foot Poly Nose Plow
- 1996 Brothers Model 4075CCE Steel Closed Top Ejector Trailer
VIN: 1B9CE4030TM187406
- 1996 Locke Trailer

WHEREAS, above listed equipment is surplus to the Department of Public Work's needs and is not economically repairable; and

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

now therefore, be it

RESOLVED, that the above listed equipment is hereby declared as surplus; and be it further

RESOLVED, that the Commissioner of Public Works be authorized to conduct a public auction, sale or lawfully dispose of said surplus vehicle now owned by and in the custody of the East Greenbush Public Works Department.

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

214-2023 A Resolution Authorizing the Payment for Emergency Water Main Repairs to WM. J. Keller & Sons Construction Corp.

WHEREAS, the Town of East Greenbush was notified by Rensselaer County of a water main break on the main transmission line on Glenmore Road in North Greenbush around 8:00 PM on the night of Tuesday, August 22, 2023; and

WHEREAS, the Water Departments from the Town of East Greenbush and City of Rensselaer quickly responded to the scene and contacted Wm. J. Keller & Sons Construction Corp (Keller) to assist with the repair due to their experience and equipment availability; and

WHEREAS, Wm. J. Keller & Sons Construction Corp submitted an invoice in the amount of \$23,444.21 for the repairs that includes labor, equipment; and

WHEREAS, the water system is jointly owned by the Town of East Greenbush and City of Rensselaer and per the Agreement of Municipal Cooperation for Construction, Financing and Operation of a Joint Water District:

“The cost of operation and maintenance of the joint water system shall be apportioned annual between said City of Rensselaer and said Town of East Greenbush on the ratio of water consumed by each community ... and it is the intent of this agreement that the cost of operation and maintenance shall be shared by Rensselaer and East Greenbush on the ratio of such water consumption.” and;

WHEREAS, the Town of East Greenbush will submit and invoice to the City of Rensselaer for their share of the repair; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the General Water Fund budgeted code 83404.05 Transmission /Distribution CE offset by contribution from the City of Rensselaer;

now, therefore, be it

RESOLVED, the that Town Board does hereby authorize the payment to Wm. J. Keller & Sons Construction Corp for the amount of \$23,444.21 and will submit an invoice to the City of Rensselaer for their share of the repairs.

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

215-2023 A Resolution to Revise the Petty Cash Policy for the Town of East Greenbush

WHEREAS, the Town’s original Petty Cash Policy was passed on March 20, 2019, with Resolution #67-2019, to include Petty Cash for three (3) offices in the Town and we are seeking to include the Transfer Station; and

WHEREAS, in accordance with Section 64 (1-1), of the Town Law of the State of New York, allowing for the establishment of Petty Cash Funds, and to ensure uniformity and internal control for the Town of East Greenbush; and

WHEREAS, the Town Clerk, in conjunction with the DPW Foreman, will establish a daily routine to account for all cash coming in and out of the Transfer Station; and

WHEREAS, the purpose of this fund is the making of change when such is required in the performance of official duties and we are seeking approval to add the Transfer Station to this list; and the dollar amount of the petty cash funds are as follows:

- Receiver of Taxes Not to exceed \$200 [13304.01.004.00]
- Town Clerk Not to exceed \$50 [14104.01.004.00]
- Court Not to exceed \$200 [11104.01.004.00]
- **Transfer Station Not to exceed \$200 [81604.01.004.00]**

WHEREAS, upon approval by the Town Board to establish petty cash funds, a voucher will be submitted to the Comptroller’s Office and a check for the agreed amount will be issued to

the approved Town Employee who will then cash the check into the currency needed and place the monies in a cash register in their office; and

WHEREAS, the Department is responsible for ensuring the maintenance of the full dollar amount of the petty cash fund at all times. If upon audit there is less than the original dollar amount received to establish the fund, it becomes the responsibility of the Town Employee to replenish the fund to its full amount or the difference will be withheld from his or her salary and paid back into the petty cash fund per New York State Town Law Section 64 (1-a); and

WHEREAS, an annual accounting of each Petty Cash Fund shall be given to the Comptroller by January 15th of each year; 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 this addition to the Petty Cash Policy is presented to and accepted by the Town Board of the Town of East Greenbush.

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

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

216-2023 A Resolution to Adopt the Finding that the Procurement of Certain Services from CLDZ, LLC Meets the Criteria to Qualify as a Single Source Procurement Under the Town’s Procurement Policy and that the Town is Willing to Accept the Benefit Therefrom

WHEREAS, CLDZ, LLC (the “Developer”) has received preliminary plat approval from the Town of East Greenbush (the “Town”) Planning Board (the “Planning Board”) for a major cluster subdivision off Mannix Road (the “Project”), as shown on a certain subdivision map prepared by Brett Steenburgh PLLC comprising sheets 1 through 32, as set forth on sheet 1 (SP-1) entitled “Overall Plan CLDZ, LLC, Carver Court, Town of East Greenbush County of Rensselaer State of New York” dated February 15, 2021 and last revised January 26, 2022 (the “Subdivision Plan”); and

WHEREAS, as a condition of approval, the Developer must construct and install, in accordance with all applicable Town specifications, certain improvements to the Town’s existing water and sewer mains, which directly service the Town (the “Work”); and

WHEREAS, the Town Board acknowledges that the Developer’s performance of the Work may amount to a “Public Service” for the purposes of the General Municipal Law; and

WHEREAS, the Developer desires to perform such Work, at no direct cost to the Town, and the Town desires to receive the benefit of the Work; and

WHEREAS, the Town has in place a procurement policy, as most recently amended by Resolution 132 of 2023 dated as of May 17, 2023 (the “Procurement Policy”), which Procurement Policy exempts from public bidding certain contracts for goods and services which the Town finds meet the criteria and follow the process for a “single source” procurement; and

WHEREAS, in accordance with the Procurement Policy, the Town Board has evaluated the Developer’s proposed performance of the Work, including the circumstances leading to the selection of the Developer, including the alternatives considered, the Town’s rationale for selecting the Developer, and the basis upon which the Town determined the cost was reasonable and how that conclusion was reached; and

WHEREAS, the Town Board finds that the Developer, based upon (i) its construction and development of the Project which will also benefit from the Work, is uniquely positioned to perform the Work; (ii) its previous experience as a contractor performing similar work for the Town pursuant to a competitive procurement; and

WHEREAS, after consideration of the alternatives, including contracting with different developers, the Town Board finds that the Developer is the only practical choice to perform the Work; and

WHEREAS, the Town Board finds that its selection of the Developer to perform the Work is reasonable based upon the Developer’s agreement to perform the Work, at no cost to the Town, in accordance with all applicable Town specifications; and

WHEREAS, based on the foregoing, the Town Board determines that the Developer’s performance of the Work qualifies as a “single source” procurement under the Procurement Policy and therefore such procurement is exempt from the public bidding requirements of the Procurement Policy; and

WHEREAS, the Town Board approves of the Work and the Town Board and Developer shall endeavor to negotiate (i) a development agreement pursuant to which the Developer shall undertake the Project; and (ii) a construction agreement pursuant to which Developer (or its affiliate) perform the Work and which shall provide all protections the Town would have if the Town were directly performing such Work and Developer had been selected as contractor pursuant to competitive bidding (the “Development Agreement/Construction Agreement”).

now, therefore, be it

RESOLVED, that the Town Board hereby approves of the Developer for performance of the Work; and

and be it further

RESOLVED, that, in accordance with the Procurement Policy, the Town Board hereby adopts the following findings:

1. The Developer, based upon its construction and development of the Project and experience performing work for the Town, is uniquely positioned to perform the Work;
2. The Town has considered the alternatives (which would involve a significantly greater expense to the Town) and determined that the opportunity to acquire the Work at Developer’s cost is most beneficial;
3. The selection of the Developer to perform the Work is reasonable based upon the Developer’s agreement to perform the Work, at no cost to the Town, in accordance with all applicable Town specifications;
4. After consideration of the alternatives, the Developer is the practical choice to perform the Work and all three enumerated criteria set forth in the Procurement Policy for determining that “single source” procurement is appropriate and in the best interests of the Town, have been met relative to the Work; and
5. The Developer’s performance of the Work qualifies as a single source procurement for the purposes of the Town’s Procurement Policy and the Developer may be awarded the

Development Agreement/Construction Agreement upon agreement with the Town as to terms of the Agreements on the findings made herein without public bidding.

The foregoing 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: YES
Councilor B. Fritz	VOTED: YES

217-2023 A Resolution to Re-Schedule a Public Hearing for the Consideration of the Extension of the Water District for the Carver Court Subdivision

WHEREAS, this public hearing was previously scheduled for September 13, 2023 (Resolution 197-2023) but due to a delay in having the materials for the hearing prepared and published on time, the public hearing has to be re-scheduled; and

WHEREAS, a residential subdivision known as Carver Court Major 110-lot Cluster Subdivision, located within the Residential Buffer (R-B) Zoning District located off Upper Mannix Road (Tax Map I.D. SBL:155.-5-4 and 145.-1-21) (hereinafter, the “Project”) was reviewed and conditionally approved by the Town of East Greenbush Planning Board on the 16th day of February, 2023, after the issuance of a conditioned negative declaration; and

WHEREAS, one lot comprising the Project, Tax Map I.D. 155.-5-4 (hereinafter, the Property) is not currently encompassed within the Town of East Greenbush Consolidated General Water District; and

WHEREAS, a petition has been submitted by CLDZ, LLC (hereinafter, the “Petitioner”), for the Extension of the Town Consolidated Water District to encompass the Property; and

WHEREAS, the Petitioner has provided Maps, Plans and Reports to extend, at the Petitioner’s expense, the Town Consolidated General Water District to encompass the Property; and

WHEREAS, the Petition, Maps, Plans and Reports are attached hereto and are on file at the Town of East Greenbush Town Clerk’s office; and

WHEREAS, the Town Board must set public hearings (the “Hearings”) to provide the general public with an opportunity to object to and discuss the petition to extend the Town Consolidated General Water District;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a public hearing on the 11th day of October, 2023, at 5:45 p.m. in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in said East Greenbush, New York;

and be it further,

RESOLVED, that the Town Board directs the Town Clerk to publish a notice of hearing at least ten and no more than twenty days in advance of the public hearing pursuant to New York State Town Law 209-d regarding adoption of the order to extend the water district for the Carver Court Subdivision and such notice shall include a copy of the order reciting the following:

1. A description of the boundaries of the proposed district or extension in a manner sufficient to identify the lands included therein as a deed of conveyance, and
2. The improvements proposed, and
3. The maximum amount proposed to be expended for this improvement, and
4. The estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property, and
5. The fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and
6. Specifying the time when and the place where said Board will meet and hold a public hearing to hear all persons interested in the subject thereof, concerning the same.

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

218-2023 A Resolution to Re-Schedule a Public Hearing for the Consideration of the Extension of the Sewer District for the Carver Court Subdivision

WHEREAS, this public hearing was previously scheduled for September 13, 2023 (Resolution 198-2023) but due to a delay in having the materials for the hearing prepared and published on time, the public hearing has to be re-scheduled; and

WHEREAS, a residential subdivision known as Carver Court Major 110-lot Cluster Subdivision, located within the Residential Buffer (R-B) Zoning District located off Upper Mannix Road (Tax Map I.D. SBL:155.-5-4 and 145.-1-21) (hereinafter, the "Project") was reviewed and conditionally approved by the Town of East Greenbush Planning Board on the 16th day of February, 2023, after the issuance of a conditioned negative declaration; and

WHEREAS, one lot comprising the Project, Tax Map I.D. 155.-5-4 (hereinafter, the "Property") is not currently encompassed within the Town of East Greenbush Consolidated General Sewer District; and

WHEREAS, a petition has been submitted by CLDZ, LLC (hereinafter, the "Petitioner"), for the Extension of the Town Consolidated Sewer District to encompass the Property; and

WHEREAS, the Petitioner has provided Maps, Plans and Reports to extend, at the Petitioner's expense, the Town Consolidated General Sewer District to encompass the Property; and

WHEREAS, the Petition, Maps, Plans and Reports are attached hereto and are on file at the Town of East Greenbush Town Clerk's office; and

WHEREAS, the Town Board must set public hearings (the "Hearings") to provide the general public with an opportunity to object to and discuss the petition to extend the Town Consolidated General Sewer District;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a public hearing on the 11th day of October, 2023, at

6:00 p.m. in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in said East Greenbush, New York;

and be it further,

RESOLVED, that the Town Board directs the Town Clerk to publish a notice of hearing at least ten and no more than twenty days in advance of the public hearing pursuant to New York State Town Law 209-d regarding adoption of the order to extend the water district for the Carver Court Subdivision and such notice shall include a copy of the order reciting the following:

1. A description of the boundaries of the proposed district or extension in a manner sufficient to identify the lands included therein as a deed of conveyance, and
2. The improvements proposed, and
3. The maximum amount proposed to be expended for this improvement, and
4. The estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property, and
5. The fact that a map, plan and report describing the same are on file in the Town Clerk's office for public inspection, and
6. Specifying the time when and the place where said Board will meet and hold a public hearing to hear all persons interested in the subject thereof, concerning the same.

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: YES

219-2023 A Resolution to Authorize the Supervisor to Sign An Agreement with a Certain Employee

WHEREAS, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of September 13, 2023 and was subsequently presented to the Town Board on September 19, 2023; and

WHEREAS, a certain Town employee requires physical rehabilitation and may not be able to return to work even though the employee is less than two years from retirement; and

WHEREAS, the Town Board wishes to support this employee to the maximum extent possible and so an agreement was reached with the employee and approved by the Union; 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 authorizes the Supervisor to sign an agreement with a certain employee.

This 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: YES
Councilor E. Nestler VOTED: YES

ADJOURNMENT 6:58 PM – To Executive Session for the purpose of conducting an interview for Waste Water Treatment Plant Operator. Supervisor Conway asked the board’s indulgence to invite Dan Fiacco (Commissioner of Public Works), Meaghan Hart (Deputy Commissioner of Public Works), and Colleen Lallier (Director of Finance) into the interview.

Motion to adjourn to Executive Session by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote as follows:

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

Executive Session ended at 7:42 PM; Supervisor Conway moved it and Councilor Tierney seconded. 5-0 votes.

Adjourned at 7:42 PM; Supervisor Conway moved it and Councilor Tierney seconded. 5-0 votes.

ADJOURNMENT

Motion to adjourn 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: YES
Councilor B. Fritz VOTED: YES
Councilor E. Nestler VOTED: YES

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk