



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA PRE-BOARD MEETING July 13, 2022

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

### Members of Town Board

Present

Absent

  
  
  
  
  
  
  
  

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

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

### Presentation: Immanuel Church Update

#### Schedule of Meeting:

#### 161-2022 A Resolution to Approve Special Meeting Minutes

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

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

**WHEREAS**, that the minutes of the Special Meeting Minutes held on June 1, 2022 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

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

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

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

**162-2022 A Resolution to Approve Public Hearing 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 Public Hearings held on June 8, 2022 at 5:45pm, 6:00pm and 6:15pm covering Large Scale Solar Energy Systems, Battery Energy Storage Systems, and Food Trucks 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 Public Hearings held on June 8, 2022 at 5:45pm, 6:00pm and 6:15pm are hereby approved as submitted.

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 E. Nestler VOTED:

**163-2022 A Resolution to Approve Town Board Meeting Minutes**

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

**WHEREAS**, that the minutes of the Town Board Meeting held on June 15, 2022 have been presented; and

**WHEREAS**, the Town Board has reviewed these minutes and any necessary corrections have been made;

now, therefore, be it

**RESOLVED**, that the minutes of the Town Board Meeting held on June 15, 2022 are hereby approved as submitted.

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

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

**164-2022 A Resolution Accepting the Retirement of Sergeant Raymond C. Diaz**

**WHEREAS**, Raymond C. Diaz was sworn in as a police officer with the East Greenbush Police Department on August 11, 1999; and

**WHEREAS**, the Town Board has received a letter of retirement from Sergeant Raymond C. Diaz of the East Greenbush Police Department effective February 17, 2022 having completed nearly 23 years of dedicated service to the Town of East Greenbush and the surrounding communities; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush accepts the retirement of Sergeant Raymond C. Diaz and wishes him the best in his future endeavors and thanks him for his service in helping to protect our community.

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

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

**165-2022 A Resolution Accepting the Resignation of Town of East Greenbush Police Officer Nicholas J. Peter**

**WHEREAS**, Officer Nicholas J. Peter has submitted his resignation on April 26, 2022 in order to accept a new position as a police officer in another agency; and

**WHEREAS**, this Board extends its thanks to Nicholas J. Peter for his 12 years of service to the Town and community, and wishes Nick a safe and prosperous career; 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 resignation of Nicholas J. Peter, effective April 26, 2022 is hereby accepted.

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

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

**166-2022 A Resolution Accepting the Retirement of Officer Donald M. Deitz From the Position of Police Officer**

**WHEREAS**, Donald M. Deitz was sworn in as a police officer with the East Greenbush Police Department on May 11, 2005; and

**WHEREAS**, the Town Board has received a letter of retirement from Officer Donald M. Deitz of the East Greenbush Police Department effective June 25, 2022 after having completed 17 years of dedicated service to the Town of East Greenbush; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush accepts the resignation of Donald M. Deitz from the position of Police Officer and wishes him the best in his future endeavors and thanks him for his service to the Town.

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

**167-2022 A Resolution Approving Susan McCarthy’s Attendance at the 2022 New York State Assessors’ Association Seminar on Assessment Administration**

**WHEREAS**, the New York State Assessor’s Association is holding their 2022 Seminar on Assessment Administration at the Fort William Henry in Lake George, New York during September 18, 2022 through September 21, 2022; and

**WHEREAS**, the State of New York mandates that all Assessors maintain 12 continuing credits each year to hold the position of assessor; and,

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

**WHEREAS**, the Assessor is entitled to receive re-imbursement from the State of New York for continuing education as stated in the Real Property Tax Law; and

now, therefore, be it

**RESOLVED**, that the Assessor, Susan McCarthy, is approved to attend the Seminar on Assessment Administration to be held in Lake George from September 18, 2022 through September 21, 2022.

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

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

**168-2022 A Resolution to Accept the Resignation of Lisa A. Borst from the Position of Human Resources Manager**

**WHEREAS**, Lisa A. Borst was appointed to the newly-created position of Human Resources Manager for the Town of East Greenbush on July 20, 2022 via Resolution 144-2016; and

**WHEREAS**, Lisa Borst has served the Town well for six years, implementing many new initiatives culminating with the recent retention of a firm to provide an Employee Assistance Program (EAP); and

**WHEREAS**, Ms. Borst has been offered, and has accepted, a position with the State of New York, and submitted her letter of resignation to the Town on July 6, 2022, listing July 20, 2022 as her final day of work; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush hereby accepts the resignation of Lisa A. Borst from the position of Human Resources Manager effective July 20, 2022;

and be it further

**RESOLVED**, that the Town Board thanks Lisa for her six years of service as Human Resources Manager and wishes her success and happiness in all of her future endeavors.

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

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

**169-2022 A Resolution for the Town Board to Approve the Use of \$250,000.00 from American Recovery Plan Act (ARPA) Funding to Expand and Complete the Town's 2022 Paving Program**

**WHEREAS**, the Town of East Greenbush was awarded funding from the American Recovery Plan Act (ARPA) in two tranches, each for \$831,843.66; and

**WHEREAS**, the Town Comptroller and Town Supervisor did extensive research into the eligible uses of these funds and concluded that the paving of roads is an eligible expense; and

**WHEREAS**, the Town of East Greenbush has created an inventory of all Town roads and graded each to arrive at the 2022 paving list, based on the idea that roads with the greatest need are paved first; and

**WHEREAS**, in 2022, the cost of labor, equipment and materials for our paving projects has increased dramatically; and

**WHEREAS**, the Town's paving needs far exceed the current budget for paving, the Town Board believes that it would be an effective use of ARPA funding to increase the amount of paving done in Town this year; and

**WHEREAS**, the Town Comptroller has identified account code 51324.03.04.106 ARPA Paving CE offset by revenue code 3089.03.000.106 ARPA Paving funded by ARPA funds charged to 691.01 Deferred Inflows;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the use of \$250,000.00 of funding from the American Recovery Plan Act (ARPA) to expand and complete the 2022 paving program;

and be it further

**RESOLVED**, that the Commissioner of Public Works will prepare a plan for the use of these funds and will submit it to the Town Board for approval at the August business meeting.

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

**170-2022 A Resolution to Issue a SEQRA Determination and to Adopt the Local Law Amending the Solar Energy Law to Provide Requirements for Large Scale Solar Energy Systems and Certain Other Modifications**

**WHEREAS**, on January 19, 2022 the Town Board adopted Local Law No. 1 of 2022 imposing a temporary moratorium on the applications for permits, site plans, or other land use approvals for large-scale solar energy systems (LSES) in order to give the Town Board sufficient time to adequately study and consider the Comprehensive Zoning Law and the Solar Energy Law as they relate to LSES within the various zoning districts in the town; and

**WHEREAS**, the text of a proposed local law amending various sections of the Solar Energy Law (Local Law 1 of 2017, as amended by Local Law 3 of 2017) to provide requirements for LSES and certain other provisions was introduced to the Town Board on May 20, 2022 (the “proposed Solar Energy Law amendments”); and

**WHEREAS**, a Full EAF has been prepared for this type 1 SEQRA application and the Director of Planning and Zoning, on behalf of the Town Board, initiated a coordinated review, indicating that the Town Board is declaring its intent to be lead agency, which the Town Board acknowledged on May 18, 2022 (resolution 131-2022), and has coordinated the lead agency status, receiving no responses to the contrary, and has sought comments from other involved and interested agencies; and

**WHEREAS**, the Town Board conducted a Public Workshop on Large Scale Solar Energy Systems on March 30, 2022 to receive public and industry stakeholder comment on the proposal to modify the Solar Energy Law with regard to LSES and the potential for development in the Town of LSES, more generally; and

**WHEREAS**, the Town Board held a duly noticed public hearing on June 8, 2022 to accept public comment on the proposed Solar Energy Law amendments; and

**WHEREAS**, the Town Board held a second duly noticed public hearing on July 13, 2022 to accept public comment on the proposed Solar Energy Law as amended since the June 8, 2022 public hearing; and

**WHEREAS**, the Town Board considered all comments of the public both for and against the proposed Solar Energy Law amendments expressed during the public hearing on June 8, 2022 and on July 13, 2022; and

**WHEREAS**, the proposed Solar Energy Law amendments were provided to the Town Planning Board to provide the Planning Board with an opportunity to provide an advisory report in accordance with Section 4.4.1.B of the Comprehensive Zoning Law (CZL) concerning the proposed amendment to the CZL; and

**WHEREAS**, the Planning Board at its meeting of May 27, 2022 recommended that the Town Board adopt the proposed Solar Energy Law amendments; and

**WHEREAS**, the proposed Solar Energy Law amendments and accompanying documentation was provided to Rensselaer County Economic Development and Planning (RCEDP) for its review pursuant to the requirements of the NYS General Municipal Law and the RCEDP responded by recommending that local consideration shall prevail; and

**WHEREAS**, the Town Board took into consideration the recommendation of the Town Planning Board and RCEDP; 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 as SEQRA lead agency for the review of this type 1 action has carefully reviewed the SEQRA documents including the EAF Part 1, 2 and 3, and has considered the SEQRA criteria of significance set forth at 6 NYCRR 617.7 (c) and hereby determines to issue the attached negative declaration of environmental significance, finding that no EIS will be prepared for this project because the action will not have a significant adverse impact on the environment;

and be it further

**RESOLVED**, that the Town Board hereby approves Local Law No. 3 of 2022 amending the Solar Energy Law to provide requirements for large-scale solar energy systems and certain other modifications;

and be it further

**RESOLVED**, that the Moratorium on Large Scale Solar Energy Systems is lifted, effective immediately;

and be it further

**RESOLVED**, that Local Law No. 3 of 2022 be filed in accordance with applicable provisions of law.

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 E. Nestler	VOTED:

**171-2022 A Resolution to Issue a SEQRA Determination and to Adopt Local Law No. 4 of 2022 Enacting a Battery Energy Storage Systems Local Law**

**WHEREAS**, in the context of an increase in development of renewable energy sources, including the development of Large-Scale Solar Energy Systems, the Town Board finds that Battery Energy Storage Systems (BESS) installations are likely to become a more frequent component of the electrical grid located in and serving the Town and its residents; and

**WHEREAS**, in this context, and given this finding, the Town Board also desires to balance the need for Battery Energy Storage Systems development with other dimensions of the public interest, including Battery Energy Storage Systems safety, land use, first responder training, and decommissioning, with respect to potential development of Battery Energy Storage Systems in the Town; and

**WHEREAS**, the text of a proposed local law providing requirements for Battery Energy Storage Systems was introduced to the Town Board on May 20, 2022 (the “battery energy storage systems local law”); and

**WHEREAS**, a Full EAF has been prepared for this type 1 SEQRA application and the Director of Planning and Zoning, on behalf of the Town Board, initiated a coordinated review, indicating that the Town Board declare its intent to be lead agency, which the Town Board acknowledged on May 18, 2022 (resolution 132 of 2022), and has coordinated the lead agency status, receiving no responses to the contrary, and has sought comments from other involved and interested agencies; and

**WHEREAS**, the Town Board held a duly noticed public hearing on June 8, 2022 to accept public comment on the proposed Battery Energy Storage Systems Local Law; and

**WHEREAS**, the Town Board considered all comments of the public both for and against the proposed Battery Energy Storage Systems Local Law expressed during the public hearing on June 8, 2022; and

**WHEREAS**, the proposed Battery Energy Storage Systems Local Law was circulated to the Town Planning Board to allow the Planning Board with an opportunity to provide an advisory report in accordance with Section 4.4.1.B of the CZL concerning the proposed amendment to the CZL; and

**WHEREAS**, the Planning Board at its meeting of May 27, 2022 recommended that the Town Board adopt the proposed Battery Energy Storage Systems Local Law; and

**WHEREAS**, the proposed Battery Energy Storage Systems Local Law and accompanying documentation was provided to Rensselaer County Economic Development and Planning (RCEDP) for its review pursuant to the requirements of the NYS General Municipal Law and the RCEDP responded by recommending that local consideration shall prevail; and

**WHEREAS**, the Town Board took into consideration the recommendation of the Town Planning Board and RCEDP; 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 as SEQRA lead agency for the review of this type 1 action has carefully reviewed the SEQRA documents including the EAF Part 1, 2 and 3, and has considered the SEQRA criteria of significance set forth at 6 NYCRR 617.7 (c) and hereby determines to issue a negative declaration of environmental significance, finding that no EIS will be prepared for this project because the action will not have a significant adverse impact on the environment;



and be it further

**RESOLVED**, that the Town Board hereby approves Local Law No. 4 of 2022 enacting a Battery Energy Storage Systems Local Law; and

and be it further

**RESOLVED**, that Local Law No. 4 of 2022 be filed by the Town Clerk in accordance with applicable provisions of law.

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 E. Nestler	VOTED:

**172-2022 A Resolution to Authorize the Town Supervisor to Sign an Agreement for Post-Construction Stormwater Management Facilities (SWMFs) Maintenance Installed in Connection with the Mabey’s Realty Storage & Commercial Building, 486 3<sup>rd</sup> Avenue Extension Project (PZD File # 19-02)**

**WHEREAS**, the Town of East Greenbush is subject to Municipal Separate Storm Sewer System (MS4) Phase II requirements of State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-003 stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES); and

**WHEREAS**, Mabey’s Realty undertook the construction of phase 1 at 486 3<sup>rd</sup> Avenue Extension, storage and commercial building(s) (the “Project”) which is subject to the requirements of NYSDEC General Permit for Stormwater Discharges from Construction Activity (Permit Number GP-0-15-002) and the Town’s Comprehensive Zoning Law (CZL), including Section 3.13 Erosion, Sediment Control and Stormwater Management, and installed Post-Construction Stormwater Management Facilities (SWMFs) which are to be privately owned and operated; and

**WHEREAS**, Mabey’s Realty is the owner or operator of the Project and SWMFs (SPDES Permit Number NYR11G048) and has submitted to the Town a partially executed Stormwater Management Facilities Maintenance and Easement Agreement (the “Agreement”); and

**WHEREAS**, the attached Agreement contains no modifications from the Town’s approved Template Agreement; and

**WHEREAS**, the MS4 Coordinator and Town Attorney have reviewed the Agreement and approve of the Agreement as consistent with the project specifics and applicable requirements; and

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

now, therefore be it

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the attached Agreement for Post-Construction Stormwater Management Facilities with Mabey’s Realty.

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

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

**173-2022 A Resolution to Accept the Proposed Sketch Plan and Schedule a Public Hearing in Connection with the Immanuel Church Major Site Plan (PZD# 20-18)**

**WHEREAS**, Hart Engineering on behalf of Immanuel Church and 4 Onderdonk, LLC located at 4 Onderdonk Ave., Rensselaer, NY, 12144, has submitted site plan review and lot line adjustment applications for a project located at 4 Onderdonk Ave., and identified on the Town’s Tax Roll as Tax Parcel No. 155.17-16.1 to construct an approximately 12,000 square foot building, dependent on funding, at minimum to construct a 9,600 square foot building, for use as a church and related improvements (“the Project”); and

**WHEREAS**, on October 20, 2021 (resolution number 250-2021) the Town Board declared its intent to seek lead agency status in connection with coordinated SEQR review of the Project; and

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby accepts the proposed sketch plan dated March 3<sup>rd</sup>, 2022, last revised June 8<sup>th</sup>, 2022, prepared by Hart Engineering for the proposed major site plan;

and be it further

**RESOLVED**, that the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, will hold a Public Hearing at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York on August 10<sup>th</sup>, at 5:45PM to accept public comment on the proposed major site plan.

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

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

**174-2022 A Resolution to Appoint Jakob Leo Nestler to the Position of Senior Auto Mechanic in the Department of Public Works**

**WHEREAS**, the Department of Public Works has an upcoming vacancy for the position of Senior Auto Mechanic with the imminent retirement of two Mechanics; and

**WHEREAS**, the Commissioner of Public Works solicited applications for the position; and

**WHEREAS**, applications were received and reviewed, and an interview conducted by the Commissioner of Public Works, Town Supervisor, Deputy Commissioner of Public Works, Human Resources Director, and the General Foreman of the Water Department; and

**WHEREAS**, Jakob Leo Nestler was unanimously selected as the most qualified candidate for the position based on his experience and background; and

**WHEREAS**, Jakob Leo Nestler meets the requirements of the position including the successful completion of a background screening and a pre-employment drug test; and

**WHEREAS**, Jakob Leo Nestler has over 2 years of experience working on large trucks and heavy equipment; and

**WHEREAS**, the Town Comptroller has confirmed that this this appointment will be funded by the following budgetary transfer, using the existing vacancy for a Light Equipment Operator in the Highway Department until the official retirement of two Mechanics

Budgetary Code	Transfer Out	Transfer In
51101.02 General Repairs PS	\$16,418.00	
51121.02 Permanent Imp PS	\$14,498.00	
51304.02 Machinery PS		\$30,916.00

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment of Jakob Leo Nestler to the position of Senior Auto Mechanic in the Department of Public Works at the rate of \$23.1018 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment will be effective as of August 15<sup>th</sup>, 2022.

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

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

**175-2022 A Resolution Approving the Purchase of a Sulzer XFP 220 G CB1.2 Return Activated Sludge Pump for the Wastewater Treatment Plant**

**WHEREAS**, the Wastewater Treatment Plant uses two (2) return activated sludge pumps to return sludge back to the aeration tank along with the sludge holding tank; and

**WHEREAS**, the Waste Water Treatment Plant upgrade was completed in 2016 without consideration for a backup return activated sludge pump; and

**WHEREAS**, one of the pumps has failed and is currently being repaired; and

**WHEREAS** the Commissioner of Public Works has contacted the manufacturer to request a quote for a backup pump while one pump can be repaired; and

**WHEREAS**, all Public Works purchases in excess of \$10,000.00 require Town Board approval; and

**WHEREAS**, Shrier Martin Process Equipment has provided a quote of \$20,506.00 for the same pump that we currently use at the Wastewater Treatment Plant; and

**WHEREAS**, the Commissioner of Public Works recommended that the Town have a backup return activated sludge pump on hand for the process of running the Waste Water Treatment Plant; and

**WHEREAS**, the Town Comptroller has confirmed that this purchase may have a material impact from the 2022 budget code line 81304.07.04 Treatment/ Disposal CE; now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to purchase a Sulzer XFP 220 G CB1.2 return activated sludge pump from Shrier Martin Process Equipment for an amount not to exceed \$20,506.00.

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

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

**176-2022 A Resolution Authorizing the Purchase of a New Diamond 22-Foot Rear Cradle Boom Mower Attachment for the 2004 6420 John Deere Road Tractor from Stephenson Equipment, Inc.**

**WHEREAS**, the 2004 6420 John Deere road tractor is used to cut back small trees and grass from the edge of the roads throughout the Town from April to October of each year; and

**WHEREAS**, the current 2004 -6420 John Deere tractor is still in great condition but the arm mower is in need of replacement as parts are no longer available; and

**WHEREAS**, all Public Works purchases in excess of \$10,000.00 require Town Board approval; and

**WHEREAS**, Stephenson Equipment, Inc. has provided an estimate from the Source Well Contract #052417-DMM; and

**WHEREAS**, the current lead time to receive the replacement Diamond Boom Mower is estimated at 8 to 9 months for manufacture and delivery; and

**WHEREAS**, the cost of the New Diamond Boom Mower is \$76,142.67; and

**WHEREAS**, the Commissioner of Public Works recommends that the Town of East Greenbush order the New Diamond Boom Mower now to have it ready to use next year; and

**WHEREAS**, the Town Comptroller has confirmed that this equipment purchase will have a material impact on the 2023 51304.02 – Machinery CE Budget, which will be accounted for in the Department of Public Work’s 2023 Budget Submission this year;

now, therefore, be it

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to purchase a New Diamond 22-Foot Rear Cradle Boom Mower Attachment for the 2004 6420 John Deere Tractor from Stephenson Equipment, Inc. for a cost not to exceed \$76,142.67.

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 E. Nestler	VOTED:

**177-2022 A Resolution Authorizing the Commissioner of Public Works to Retain HDPE Services LLC. to Perform 550 feet of Directional Drilling Services for a New Water Main on a Section of Connecticut Avenue**

**WHEREAS**, the General Foreman of the Water Department and the Commissioner of Public Works confirm that we have experienced a water break on a certain section of Connecticut Avenue in every year since 2014; and

**WHEREAS**, the water main in this section has deteriorated and is in need of replacement; and

**WHEREAS**, the Water Department had attempted to install a new water main and noticed a high level of ground water under the road; and

**WHEREAS**, the Commissioner of Public Works believes that directional drilling of the new main would be the most cost effective way to complete the task while allowing traffic to pass through during construction; and

**WHEREAS**, the Water Department will perform the excavation for the boring pits along with the lateral connections to keep the cost down on the project; and

**WHEREAS**, all Public Works purchases in excess of \$10,000.00 require Town Board approval and this purchase is close enough to that limit that the Town Supervisor required a resolution and Town Board approval; and

**WHEREAS** the Commissioner of Public Works has contacted Directional Drilling Contractors and received 3 quotes and 1 non responsive reply; and

**WHEREAS**, HDPE Services LLC. are the lowest responsible contractor and have previously done this type of work for the Town of East Greenbush under a different name of Drilling Technologies Inc.; and

**WHEREAS**, the Town Comptroller confirms that this project will have a material impact on the General Water Fund SW;

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
<b>SW – Consolidated Water Fund</b>		\$9,900.00
<b>83404.05 – Transmission/Distribution CE</b>	\$9,900.00	

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to sign a contract agreement with HDPE Services LLC. to perform directional drilling and installation of 550 feet of HDPE Pipe for a new Water Main on a section of Connecticut Avenue.

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

**178-2022 A Resolution Authorizing the Purchase of 650 feet of 6 Inch High Density Polyethylene (HDPE) Pipe from F.W. WEBB COMPANY Water Works Division for the Water Main Replacement on Hillview Avenue**

**WHEREAS**, the General Foreman of the Water Department and the Commissioner of Public Works have experienced a water break on a certain section of Hillview Avenue every year since 2018; and

**WHEREAS**, the water main in this section has deteriorated and is in need of replacement; and

**WHEREAS**, the Commissioner of Public Works believes that directional drilling of the new main would be the most cost effective way to complete the task while allowing traffic to pass through during construction; and

**WHEREAS**, the Water Department would perform the excavation for the boring pits along with the lateral connections to keep the cost down on the project; and

**WHEREAS**, the Commissioner of Public Works and the General Water Foreman contacted HDPE Pipe suppliers and the lowest price quoted is \$9.25 a foot from F.W. WEBB COMPANY Water Works Division; and

**WHEREAS**, the Town Comptroller confirms that this project will have a material impact on the General Water Fund SW;

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
<b>SW – Consolidated Water Fund</b>		\$6,475.00
<b>83404.05 – Transmission/Distribution CE</b>	\$6,475.00	

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to Purchase 650 feet of 6 inch High Density Polyethylene (HDPE) pipe from F. W. WEBB COMPANY Water Works Division for the purpose of a water main replacement on Hillview Avenue at a cost not to exceed \$6,475.00.

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

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

**179-2022 A Resolution Approving HDPE Services LLC. to Complete 650 feet of Directional Drilling Services for a New 6 Inch Water Main on a Section of Hillview Avenue**

**WHEREAS**, the General Foreman of the Water Department and the Commissioner of Public Works have experienced a water break on a certain section of Hillview Avenue every year since 2018; and

**WHEREAS**, the water main in this section has deteriorated and is in need of replacement; and

**WHEREAS**, the Water Department experienced a water break on June 19<sup>th</sup>, 2022 on the same section of water main on Hillview Ave; and

**WHEREAS**, the Water Department has been experiencing 2 water breaks a year on a portion of the water main and the main currently has 8 repair clamps on it; and

**WHEREAS**, Hillview Avenue is heavy traveled road as it leads to many neighborhoods off of the 9&20 corridor; and

**WHEREAS**, the Commissioner of Public Works believes that directional drilling of the new main would be the most cost effective way to complete the task while allowing traffic to pass through during construction; and

**WHEREAS**, the Water Department would perform the excavation for the boring pits along with the lateral connections to keep the cost down on the project; and

**WHEREAS** the Commissioner of Public Works has contacted Directional Drilling Contractors and received 3 quotes and 1 non responsive reply; and

**WHEREAS**, HDPE Services LLC. is the lowest responsible contractor and has previously done this type of work for the Town of East Greenbush under a different name of Drilling Technologies Inc.; and

**WHEREAS**, the Town Comptroller confirms that this project will have a material impact on the General Water Fund SW;

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
<b>SW – Consolidated Water Fund</b>		\$26,900.00
<b>83404.05 – Transmission/Distribution CE</b>	\$26,900.00	

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to sign a contract agreement with HDPE Services LLC. to perform Directional Drilling and installation of 650 feet of High Density Polyethylene (HDPE) Pipe for a new Water Main on a section of Hillview Ave.

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

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

**180-2022 A Resolution to Provide Additional Funding for the W.F. Bruen Rescue Squad**

**WHEREAS**, W.F. Bruen Rescue Squad (“Bruen”) has served the Town of East Greenbush in capable fashion for many years; and

**WHEREAS**, Bruen submits its annual budget to the Town so it can be included in the Town’s tax levy and did so for the 2022 budget in an amount that was funded by the Town; and

**WHEREAS**, subsequent to the passage of the Town’s 2022 budget, Bruen entered into labor negotiations with its unionized employees; and

**WHEREAS**, Bruen’s salary proposals were needed to bring Bruen salaries into line with competing ambulance services but included a significant amount of funding that was not included in their 2022 budget submission; and

**WHEREAS**, the Town Board wishes to support Bruen Rescue Squad in its desire to pay fair wages to its employees and supports the mission of the agency; and

**WHEREAS**, the Town Supervisor met with Bruen’s Director of Administration and Operations several times to see how the Town could productively assist Bruen in settling their labor dispute; and

**WHEREAS**, Bruen has now submitted a written proposal describing and justifying the new request for an additional \$50,000.00 for this year and this has been circulated amongst and reviewed by the members of the Town Board; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the award of an additional \$50,000.00 to the W.F. Bruen Rescue Squad for 2022 to cover the increased labor costs agreed in the negotiations between Bruen and their employees.

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

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

**181-2022 A Resolution to Create an Event Rate for Employees in the Community and Recreation Department**

**WHEREAS**, the work of the Community and Recreation Department includes events that occur outside the normal hours of work (8:30 a.m. – 4:30 p.m.) such as the Fishing Derby, Easter Egg Hunt, Music in the Park, Spotlight on Youth, etc.; and

**WHEREAS**, the Community and Recreation staff work their regular hours and must take these off-hour duties as well; and

**WHEREAS**, the Supervisor recommends to the Town Board that these activities should be compensated in the same way as Court Clerks, Court Attendants, the Secretary of Planning and Zoning, or Code Enforcement Officers are when they are required to work in off-hours; and



**WHEREAS**, the number of Community and Recreation events is known in advance for any given year and the funding for this resolution can be accurately budgeted moving forward; and

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

**RESOLVED**, that the Town Board of the Town of East Greenbush approves an Event Rate of \$80.00/event for duly appointed Community and Recreation staff who are required to work on events that occur outside of their normal assigned work hours.

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 B. Fritz	VOTED:
Councilor E. Nestler	VOTED:

**182-2022 A Resolution Authorizing the Supervisor to Enter Into Multiple Service Agreements for Engineering Services**

**WHEREAS**, the Town: (1) periodically receives applications from parties seeking to conduct business with the town related to property development and/or use pursuant to the Town’s Comprehensive Zoning Law, Subdivision Regulations, and Local Law No. 6 of 2004 and (2) periodically undertakes, via its own initiative, special projects of varying nature and magnitude (referred to hereinafter, collectively, as the “Needs”), all of which require the town to retain, on an ad hoc basis, the specialized services (referred to hereinafter as the “Services”) of qualified, professional engineering consultants and related entities (referred to hereinafter as “Firms”) in order to meet the Needs; and

**WHEREAS**, in an effort to streamline and systematize the process by which the Firms may be authorized to provide the Services, the Town Board, via its adoption of resolution no. 38-2019, authorized the Director of Planning and Zoning to solicit proposals from proposers via the issuance of a Request for Proposals (referred to hereinafter as “RFP”); and

**WHEREAS**, following the issuance of RFP no. 22-05 on May 17, 2022, ten qualified proposals were received in response thereto on or before the due date of June 20, 2022; and

**WHEREAS**, such proposals received were subsequently vetted by an evaluation committee composed of Town staff based on certain best-value-related criteria, including, but not limited to, proposers’ respective qualifications and expertise in areas relevant to the Needs; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s finances as long as funding is provided from the budget or other added revenues;

now, therefore, be it

**RESOLVED**, that the following Firms be, and the same hereby are, selected and approved to provide the Services, each under the provisions of a personal services agreement (referred to hereinafter as “Agreement”) that shall be effective for a period of three years with

two, one-year extensions, the substance and form of which shall be recommended by the Attorney to the Town:

- Adirondack Mountain Engineering, P.C.
- FCM Engineering PLLC
- Greenman-Pedersen, Inc.
- JMT of New York, Inc.
- M.J. Engineering and Land Surveying, P.C.
- Stantec Consulting Services, Inc.
- Tighe & Bond

and be it further

**RESOLVED**, that the Supervisor be, and the same hereby is, authorized to execute an Agreement with each of the foregoing Firms;

and be it further

**RESOLVED**, that the Director of Planning and Zoning is hereby authorized to develop, sign, and issue written task orders relative to work assigned to a Firm under its respective Agreement, provided, however, that no such task order shall be issued unless, in whichever case may be applicable: (1) escrowed funds of an applicant have been duly verified as sufficient or (2) budgeted funds for Town-initiated projects have been duly verified as sufficient;

and be it further

**RESOLVED**, that, unless deemed impractical by the Director of Planning and Zoning, no such task orders shall be issued for assigned work unless mini-bids for Services have been sought from the Firms.

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

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

**183-2022 A Resolution Authorizing the Supervisor to Sign a Limited Amendment to the Development Agreement with Regeneron Pharmaceuticals, Inc.**

**WHEREAS**, on June 19, 2019 the Town Board (Resolution 132-2019) approved an agreement with Regeneron Pharmaceuticals, Inc. (“Regeneron” and the “Agreement”) involving development of required mitigation measures and improvements to Town infrastructure in connection with development of Regeneron’s Tempel Lane Campus; and

**WHEREAS**, since execution, Regeneron and the Town have each performed their obligations under the Agreement to be in a position to improve and rebuild Tempel Lane, to increase the capacity of the Town sewage system, including designing the necessary pump stations and other infrastructure to increase the capacity, among other mitigation measures set forth in the Agreement; and

**WHEREAS**, on February 16, 2022, the Town Board (Resolution 54-2022) authorized the Supervisor to sign a limited amendment to said development agreement, confirming that the issuance of a Certificate of Occupancy for Regeneron’s Science Building would not be delayed

by any changes in the completion date for the transportation and sewer project set forth in the limited amendment letter to the development agreement; and

**WHEREAS**, the letter is intended to memorialize certain understandings between the Town and Regeneron in connection with the development agreement, it is attached and made a part hereof; 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 approves the understandings as set forth in the attached Letter;

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Supervisor to execute the Letter, subject to final review and approval as to form by the Town Attorney.

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

**184-2022 A Resolution to Provide an Attendance Bonus for Summer Camp Counselors and Directors**

**WHEREAS**, the Summer Camp staff consists of counselors, directors, lifeguards, medical personnel as required by State Law and County Health Department guidelines; and

**WHEREAS**, the rate of pay for Counselors and Directors was set earlier in 2022 and as inflation and costs continue to skyrocket now seems slightly less than a fully competitive wage; and

**WHEREAS**, it is in the Town's best interest to attract and hold on to talented, responsible staff, and to have them paid a fair wage; and

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

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves a \$75.00 per person bonus for Counselors and Directors who achieve a perfect attendance record, as determined by the Director of Community and Recreation.

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

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

**ADJOURNMENT**

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

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

DRAFT