



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES SPECIAL MEETING October 5, 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=55506

Or visit Town of East Greenbush Facebook page:

<https://www.facebook.com/TownofEG/videos/todays-live-video/970858424018031>

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

Call to Order 5:00 PM
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

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

Schedule of Meeting:

The Special Meeting of the East Greenbush Town Hall, scheduled for Monday, October 2, 2023, is postponed until Thursday, October 5, 2023 at 5:00 p.m. The meeting will still be held at East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, for the purpose of having the Town Clerk distribute the 2024 Tentative Budget to members of the Town Board, make an appointment in the Department of Public Works, and attend to any other business that may be brought to the attention of the Town Board.

Communications/Announcements/Reports

Councilor Kennedy and Supervisor Conway provided their individual comments, community-related information, and/or announcements.

Open Public Privilege: None.

Distribution of 2024 Tentative Budget to Members of the Town Board by the Town Clerk.

220-2023 A Resolution to Appoint Alexander J. Yacobucci to the Position of Deputy Commissioner for Water and Sewer in the Department of Public Works

WHEREAS, Gene Hutchings was appointed to the position of Deputy Commissioner of Water and Sewer in the Department of Public Works at a Special Meeting held on August 9, 2023 (Resolution 175-2023) and subsequently submitted his resignation, effective October 12, 2023; and

WHEREAS, since the retirement of our Chief Wastewater Treatment Plant Operator, we have been struggling to meet the requirements of our NYSDEC permit, which requires a Treatment Plant Operator with at least a Grade 3A Operator’s License; and

WHEREAS, the Town Code permits the Town to hire a Deputy Commissioner for Water and Sewer; and

WHEREAS, the Town has done three searches for a new Wastewater Treatment Plant Operator and has finally found the outstanding candidate required to run such a complex operation; and

WHEREAS, Alexander J. Yacobucci applied for the position of Deputy Commissioner of Water and Sewer in the Department of Public Works; and

WHEREAS, Alexander J. Yacobucci possesses the Grade 3A license required to run our Wastewater Treatment Plant, has a Bachelor of Technology, Environmental and Energy Technology from the State University at Cobleskill, and has worked at the Saratoga County treatment plant as a Senior Operator; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances using the previous funding from resolution 175-2023 described below;

Fund	Transfer In	Transfer Out
A917 General Fund Balance		\$40,000
14901.01.001.00 Public Works Admin	\$40,000	

now, therefore, be it

RESOLVED, that Alexander J. Yacobucci is hereby appointed to the position of Deputy Commissioner of Water and Sewer in the Department of Public Works at an annual salary of \$100,000.00;

and be it further

RESOLVED, that this appointment will take effect on October 13, 2023.

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

221-2023 A Resolution to Authorize the Supervisor to Enter Into a Development Agreement and a Construction Agreement with CLDZ, LLC for Improvements Related to the Carver Court Major Cluster Subdivision

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, the Planning Board, has classified the Project as an unlisted action, initiated a coordinated review pursuant to SEQRA, and upon receiving no correspondence to the contrary for potential involved agencies, on July 8, 2020 declared itself lead agency; and

WHEREAS, the Planning Board, in its capacity as lead agency, after reviewing a development proposal and conceptual master plan and a full Environmental Assessment Form for the Project, determined in accordance with Title 8 of the Environmental Conservation Law and 6 NYCRR Part 617, issued a conditioned negative declaration on January 26, 2022, finding certain conditions are necessary in order to eliminate or reduce the identified potentially significant adverse impact(s) to a non-significant level and that, upon satisfaction of SEQRA conditions, there will be no significant adverse environmental impacts as a result of the action; and

WHEREAS, in connection with the development of the Project, a development agreement and construction agreement (the “Agreements”) were negotiated by the Developer and the Town and are attached hereto; and

WHEREAS, the Developer intends to construct and install, in accordance with all applicable Town specifications, certain roadways, and sewer and water improvements, including the off-site sewer improvements (the “Work”); and

WHEREAS, in Resolution 216 - 2023 the Town Board adopted findings which determined that the Developer’s performance of certain off-site Work qualifies as a “single source” procurement for the purposes of the Town’s Procurement Policy; and

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

WHEREAS, the Developer has requested a GEIS fee abatement of \$187,000 out of the Water & Sewer GEIS mitigation fees category for the consideration of the GEIS Committee and Town Board to account for certain costs related to the Work; and

WHEREAS, the GEIS Committee has recommended to the Town Board that the requested abatement is appropriate for the purposes of completing the off-site 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 hereby approves the attached Development Agreement and Construction Agreement and authorizes the Town Supervisor to execute the attached Agreements with CLDZ, LLC.

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

Councilor T. Tierney	VOTED: YES
Councilor E. Nestler	VOTED: YES

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

222-2023 A Resolution to Assume Lead Agency and Initiate Coordinated Review Under SEQRA for the Miller Road Solar LLC and Miller Road Solar West LLC Large Scale Solar Installation (PZD 23-17)

WHEREAS, Miller Road Solar, LLC and Miller Road Solar West, LLC have submitted two site plan review applications, two special use permit applications and one lot line adjustment application for a project to construct two 4.975 MW solar installations and related improvements encompassing 51.1 acres of total physical disturbance located at 405 Miller Road and identified on the Town of East Greenbush’s Tax Roll as Tax Parcels Nos. 167.-4-36 and 167.-4-37 (herein after the “Project”); and

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

WHEREAS, at a meeting duly held on August 23, 2023, the Town of East Greenbush Planning Board recommended that the Town Board seek lead agency status in connection with a coordinated review under SEQRA of the Project; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with the coordinated SEQR review of this Type 1 action; 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 Project, which is hereby classified as a Type 1 action, will require review under the State Environmental Quality Review Act (“SEQRA”);

and be it further

RESOLVED, that the Town Board declares its intent to be lead agency in connection with the coordinated SEQR review of the Project;

and be it further

RESOLVED, that the Town Board hereby directs that a lead agency coordination letter be sent to all involved agencies requesting their consent to designate the Town Board as lead agency for SEQRA review of the Project.

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

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

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
Councilor H. Kennedy
Councilor B. Fritz
Councilor E. Nestler

VOTED: YES
VOTED: YES
VOTED: YES
VOTED: YES

Respectfully submitted,

Ellen Pangburn
East Greenbush Town Clerk

DRAFT