



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA October 16, 2019

**Call to Order** **7:00 PM**  
**Pledge of Allegiance**  
**Town Board Meeting:**

### Members of Town Board

Present

Absent

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

### Communications/Announcements/Reports

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

### TOWN BOARD WORKSHOP – Town Center Planned Development District (PDD)

### Resolutions and Proposals by Town Board Members:

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#### 202-2019 A Resolution to Approve Meeting Minutes

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

**WHEREAS**, that the minutes of the regular Town Board Meeting held on September 18, 2019 have been presented; and

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

now, therefore, be it

**RESOLVED**, that the minutes of the regular Town Board Meeting held on September 18, 2019 are hereby approved as submitted.

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

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

**203-2019      A Resolution Recognizing November as “Adoption Awareness Month” and November 23, 2019 as “Adoption Awareness Day”**

**WHEREAS**, each year, November is recognized as National Adoption Awareness Month. While all adoption-related issues are important, National Adoption Month is about spreading awareness. It is a month to encourage others to learn about adoption, and to acknowledge the people in this country whose lives have been impacted by adoption. The mission of National Adoption Month is to celebrate the families who have grown through adoption, and to recognize the many children who are still waiting for forever families; and

**WHEREAS**, in the United States, the first major adoption related effort occurred in 1976 in the state of Massachusetts. Then Governor Michael Dukakis proclaimed the first week of November “Adoption Week”, to promote the need for more adoptive families to care for the large number of children in the foster care system. In 1984 President Ronald Regan made the Adoption Week a national event; and

**WHEREAS**, by 1995 the week had become so widely recognized there were too many events to fit into seven days so President Bill Clinton extended the week-long event into National Adoption Awareness Month, which is what we celebrate today; and

**WHEREAS**, National Adoption Awareness Day also occurs during National Adoption Awareness Month. Typically held on a Saturday, National Adoption Awareness Day is observed across the country in court hearings, where thousands of adoptions are finalized simultaneously; and

**WHEREAS**, there are an estimated 114,500 children in the United States awaiting in foster care for an adoptive family; and

**WHEREAS**, the average wait is 3 years for a child in foster care to be adopted; now, therefore, be it

**RESOLVED**, that the Town Board declares November to be Adoption Awareness Month and November 23, 2019 to be Adoption Awareness Day.

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

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

**204-2019 A Resolution to Adopt the Preliminary Budget for 2020**

**WHEREAS**, the Supervisor submitted the 2020 Tentative Budget to the Town Clerk on September 30, 2019 and the Town Board met on October 1, 2019 so that the Town Clerk could distribute copies of the Tentative Budget to the members of the Town Board; and

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

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

**WHEREAS**, this Preliminary Budget will be subject to a public hearing on November 6, 2019 at 6:00 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, Rensselaer, NY 12144; and

**WHEREAS**, the Town Comptroller asserts the resolution for adopting the 2020 Preliminary Budget will have revenue offset by appropriations and use of fund balance; now, therefore, be it

**RESOLVED**, that the Town Board adopts the 2020 Preliminary Budget as appended hereto and directs the Town Clerk to keep copies in her office for public review and post it on the Town website.

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

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

**205-2019 A Resolution to Authorize the Refund of the Filing Fee for the Small Claims Assessment Hearing**

**WHEREAS**, Section 730 of the Real Property Tax Law authorizes the Small Claims Assessment Hearing Officer's to award back to the petitioner the cost to the filing fee that was paid to the County of Rensselaer and;

**WHEREAS**, the Small Claims Assessment Hearing Officer may make awards not exceeding \$30.00 (Thirty Dollars and no cents) and;

**WHEREAS**, the Town Comptroller has confirmed that this resolution will have no material impact on Town finances charged to Assessor CE 13554.01; now, therefore, be it

**RESOLVED** that the Town of East Greenbush will refund to the Petitioner not exceeding \$30.00,

Steven M. Presti  
3 Fairlawn Avenue  
Rensselaer, NY 12144

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

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

**206-2019      A Resolution Accepting the Resignation of Scott F. Gallerie as Commissioner of Public Works**

**WHEREAS**, Scott F. Gallerie was appointed to the East Greenbush Public Works Department as Commissioner of Public Works on August 23, 2016; and

**WHEREAS**, Scott F. Gallerie has submitted a letter of resignation to the Town Board expressing a desire to retire effective October 26<sup>th</sup>, 2019; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will have no material impact on Town finances;  
now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush accepts the resignation of Scott F. Gallerie and wishes him the best as he begins his retirement.  
and be it further

**RESOLVED**, that the Town Board thanks Commissioner Gallerie for his outstanding record as Commissioner of Public Works.

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

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

**207-2019      A Resolution Appointing Daniel Fiacco as Commissioner of Public Works**

**WHEREAS**, the Town of East Greenbush is in need of a full time Commissioner of Public Works due to the upcoming retirement of Commissioner Scott Gallerie; and

**WHEREAS**, the Commissioner of Public Works is a vital role in the current and future growth of the Town as it oversees and manages the operations of the Department, oversees the budget for the Highway, Water, Sewer, Parks, Town Facilities and the Transfer Station, and plans and coordinates with the Planning and Zoning and Building Departments on infrastructure and MS-4 issues; and

**WHEREAS**, residents and businesses in Town rely on the Department of Public Works to provide effective and timely maintenance on all of the Town’s infrastructure and the Commissioner to effectively address resident’s complaints and requests, working closely with the men and women of the Department; and

**WHEREAS**, Daniel Fiacco has demonstrated superior knowledge of, and dedication to, East Greenbush’s Public Works Operation, obtained by three and one half years in the capacity of Deputy Commissioner of Public Works; and

**WHEREAS**, the Town Comptroller has confirmed that this appointment can be funded with the 2019 budget;

now therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush appoints Daniel Fiacco to the position of Commissioner of Public Works for the Town of East Greenbush at an annual salary of \$85,000, effective October 26<sup>th</sup>, 2019, pending approval of the Rensselaer County Civil Service Commission.

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

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

**208-2019      A Resolution Appointing Scott F. Gallerie as Deputy Commissioner of Public Works**

**WHEREAS**, the Town of East Greenbush is in need of a Deputy Commissioner of Public Works due to the upcoming appointment of Dan Fiacco as Commissioner; and

**WHEREAS**, the Deputy Commissioner of Public Works is an important role in the operation of the Public Works Department as it provides support to the Commissioner in overseeing the budget and operations for the Highway, Water, Sewer, Parks, Town Facilities, and the Transfer Station, and planning and coordinating with the Planning and Zoning and Building Departments on infrastructure and MS-4 issues; and

**WHEREAS**, Scott F. Gallerie has demonstrated competence in running East Greenbush’s Public Works Operation as Commissioner since August 2016 and has been identified as the most qualified person to fill this role on a less than full-time basis; and

**WHEREAS**, the Town Comptroller has confirmed that this appointment can be funded within the 2019 budget charged to the various DPW allocated accounts;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush appoints Scott F. Gallerie to the position of Deputy Commissioner of Public Works for the Town of East Greenbush at an hourly rate of \$40.00, not to exceed \$35,000 annually, effective October 27<sup>th</sup>, 2019, pending approval of the Rensselaer County Civil Service Commission.

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

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

**209-2019 A Resolution to Appoint Marc E. Tobio to the Position of Motorized Equipment Operator Light (MEOL) in the Department of Public Works**

**WHEREAS**, the Department of Public Works has an existing vacancy for the position of Motorized Equipment Operator Light (MEOL) in the Highway Department; and

**WHEREAS**, the Public Works Commissioner advertised for an MEOL in the Town's Official Newspaper and on the Town's website; and

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

**WHEREAS**, Marc E. Tobio was unanimously selected as the most qualified candidate for the position from a field of four applicants; and

**WHEREAS**, the Town Comptroller has confirmed that this appointment can be funded with the 2019 budget charged to the various DPW allocated accounts;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment of Marc E. Tobio to the position of Motorized Equipment Operator Light (MEOL) in the Department of Public Works, Highway Division, at the rate of \$21.1552 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment is effective as of October 14<sup>th</sup>, 2019.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**210-2019 A Resolution Authorizing the Repair of the Salt Shed at the Department of Public Works**

**WHEREAS**, the foundation on the southwest side of the Salt Shed is failing due to age and the deteriorated condition of the reinforcing rod inside the concrete wall; and

**WHEREAS**, this condition compromises the structural integrity of the building and could cause a collapse in the event of a heavy snow load; and

**WHEREAS**, Deputy Commissioner Fiacco has determined that the most economic approach would be to repair the foundation by pouring a new six inch thick wall inside of the salt shed to reinforce the existing wall; and

**WHEREAS**, in accordance with the Town of East Greenbush Procurement Policy, three quotes were obtained for the project; and

**WHEREAS**, Speedcor Industries has been identified as the lowest qualified quote for this project; and

**WHEREAS**, the Town Comptroller asserts this resolution will have a \$10,900 financial impact on the Town's finances in Account 51324.02 Snow Removal CE;

now therefore, be it

**RESOLVED**, that the Town Board authorizes the Commissioner of Public works to enter into a contract with Speedcor Industries to repair the Salt Shed in an amount not to exceed \$10,900.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**211-2019 A Resolution Authorizing the Town to Utilize GovtPortal as an integrated Debit and Credit Card Program for Accepting Card Payments**

**WHEREAS**, the Community and Recreation Department is in the process of implementing software that will allow for online registration of programs and rentals called RecDesk; and

**WHEREAS**, RecDesk will offer the Community and Recreation Department as well as residents a user friendly system that will allow them to complete required paperwork online as well as accept payments; and

**WHEREAS**, RecDesk has partnered with GovtPortal, a payment technology company that works specifically with over 600 local and county governments in the United States specifically; and

**WHEREAS**, through discussions with GovtPortal, the Town will have the ability to add debit and credit card processing through other departments that have compatibility with their software, such as the Water and Sewer Billing Office; and

**WHEREAS**, payments accepted through GovtPortal would assess a fee to the cardholder (resident) of a maximum of 3.0%, this fee is currently under negotiation due to contract review with Software Consultant Associates (currently working for a 2.7% fee); and

**WHEREAS**, the Town Comptroller has confirmed that this resolution will have no material impact on Town finances;  
now, therefore, be it

**RESOLVED**, that the Town Supervisor is authorized to complete any paperwork and applications needed to implement GovtPortal payment processing within Town Departments for accepting Credit Card payments from residents.

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

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

**212-2019 A Resolution Authorizing a Family and Medical Leave Act Request**

**WHEREAS**, the Town is in receipt of a request for Family and Medical Leave (FMLA);  
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 designated employee has submitted a request for leave to commence on or about October 8, 2019, and to continue for a period up to twelve weeks; and be it further

**RESOLVED**, that the request for leave of absence under the Family Medical Leave Act, submitted by the designated employee, commencing on or about October 8, 2019, is hereby granted.

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

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

**213-2019 A Resolution Authorizing a Family and Medical Leave Act Request**

**WHEREAS**, the Town is in receipt of a request for intermittent Family and Medical Leave (FMLA); 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 designated employee has submitted a request for intermittent leave under the Family Medical Leave Act to commence on or about October 7, 2019 and to continue intermittently for a period not to exceed twelve months; and be it further

**RESOLVED**, that the request for leave of absence under the Family Medical Leave Act, submitted by the designated employee, commencing on or about October 7, 2019, is hereby granted.

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

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

**214-2019 A Resolution Approving the CDPHP Medicare Advantage Plan as One of the Health Insurance Options Offered for Retired Employees**

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

**WHEREAS**, the Town currently offers the CDPHP Medicare Advantage PPO Plan at a monthly premium of \$294.90, and which the Town could renew for the 2020 calendar year at a no monthly increase in premium; and



**WHEREAS**, offering the CDPHP Medicare Advantage PPO Plan in 2020 (monthly premium of \$294.90) would continue to provide the Town a cost savings and would provide enrollees with the many benefits that are associated solely with PPO Plans, including out of state coverage and the ability to obtain specialized medical services without the need for a referral and/or plan approval; and

**WHEREAS**, the Town Comptroller confirms that this resolution was adequately budgeted for in the 2020 Tentative Budget;

now, therefore, be it

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

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

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

**215-2019      A Resolution to Schedule a Public Hearing to Consider the Future of the Town of East Greenbush Transfer Station**

**WHEREAS**, the Town operates a Transfer Station on Ridge Road so that residents may have an affordable way to dispose of garbage and recyclables; and

**WHEREAS**, a careful analysis conducted during the preparation of the Town's 2020 Tentative Budget concluded that revenue from the Transfer Station is not covering operating costs and that the shortfall is significant; and

**WHEREAS**, the Transfer Station is a public benefit for the people of East Greenbush so some shortfall is acceptable, the current situation results in an unfair tax burden on people who don't use the Transfer Station; and

**WHEREAS**, the cost of landfills and recycling have dramatically increased and some of the major equipment at the Transfer Station will need to be replaced in the short term; and

**WHEREAS**, the Town is interested in maintaining the service provided to residents by the operation of the Transfer Station but must consider all options when assessing the future of a facility that is not covering its own costs, including a significant increase in the cost of permits and punch cards, the contracting out of the operation, and the closing of the Transfer Station, among other options; and

**WHEREAS**, the Town Board is interested in eliciting views from residents about the best path forward for the Transfer Station; 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 schedules a public hearing to consider the Future of the Town's Transfer Station on November 20, 2019 at 6:30 p.m. at East Greenbush Town Hall, 225 Columbia Turnpike, East Greenbush, New York; and be it further

**RESOLVED**, that the Town Clerk should post the appropriate notices for the Public Hearing.

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 R. Matters	VOTED:
Councilor B. Fritz	VOTED:

**216-2019 A Resolution Appointing Kevin Hitchcock to the Position of Building Inspector on a Permanent Basis**

**WHEREAS**, Kevin Hitchcock has been employed as Building Inspector/Code Enforcement Officer in the Town of East Greenbush Building Department since January, 2005 (with a two-and-one-half year interruption working for the City of Rensselaer); and

**WHEREAS**, upon his return to Town employment in 2016 Mr. Hitchcock assumed only the title of Code Enforcement Officer; and

**WHEREAS**, his responsibilities have grown by assuming management responsibility for the Building Department and the volume of work in the department has increased significantly with the advent of Regeneron's Tempel Lane expansion; and

**WHEREAS**, due to these factors, the Town petitioned the Rensselaer County Civil Service Commission to reinstate Kevin Hitchcock to the position of Building Inspector on a permanent basis; and

**WHEREAS**, the Supervisor received a letter from the Rensselaer County Civil Service Commission, dated September 19, 2019, informing him that the Commission had unanimously agreed to reinstate Mr. Hitchcock to the title of Building Inspector on a permanent basis; 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 Kevin Hitchcock is appointed to the position of Building Inspector on a permanent basis at an annual salary of \$60,000.00;

and be it further

**RESOLVED**, that this appointment will take effect as of October 7, 2019.

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

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

**217-2019 Resolution Authorizing the Creation and Filling of Two (2) Part-Time Assistant Building Inspectors Positions Within the Building Department**

**WHEREAS**, the Town's Building Department, currently staffed with a Code Enforcement Officer as the head of such department and a full-time Assistant Building Inspector, is in need of additional, qualified staff in order to ensure that: (1) existing staff are not overtaxed,

(2) work under the charge of the department is completed in a timely manner via the availability of adequate resources, and (3) that the town meets all of its obligations under, and adheres to all provisions of, relevant statutory, regulatory, and local law, including, but not necessarily limited to, the New York State Uniform Fire Prevention and Building Code, the New York State Energy Conservation Construction Code, and the East Greenbush Town Unsafe Buildings Law; and

**WHEREAS**, the Town’s recent incurrence of code-compliance work relative to Regeneron Pharmaceuticals, Inc. and 3+-unit apartment complexes, as well as additional local code compliance anticipated to be undertaken and enforced by the Town in the near future, underscore the need for additional staff at this time; and

**WHEREAS**, based upon the relatively low number of candidates who are currently eligible for a full-time position in the competitive classification under New York Civil Service Law, it would be appropriate to create the two positions in the non-competitive classification, thereby retaining the standard of fitness of candidates via minimum qualifications attendant to such non-competitive classification; and

**WHEREAS**, it is anticipated that the appointees to the subject positions may require certain code-compliance training to supplement their current qualifications; and

**WHEREAS**, the Town Comptroller confirms that the financial impact of provisions of this resolution have been planned in the town’s 2020 annual budget;

now, therefore, be it

**RESOLVED**, that, pursuant to § 138 of New York Town Law, two (2) part-time Assistant Building Inspector positions, each in the non-competitive classification pursuant to § 42 of the New York Civil Service Law, be, and the same hereby are, created;

and be it further

**RESOLVED**, that the appointees to such positions shall be deemed to be hourly employees, to be compensated at a rate of \$20.00 per hour;

and be it further

**RESOLVED**, that the expense for any supplemental training that may be required for either of the two appointees, in accordance with standards set forth by the New York State Department of State, shall be paid in its entirety by the town;

and be it further

**RESOLVED**, that the Supervisor be, and the same hereby is, authorized to fill either or both of the subject positions on a schedule that shall be at his discretion.

The foregoing resolution was duly moved by Councilor Matters seconded by Supervisor Conway and was voted upon as follows:

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

**218-2019      A Resolution to Amend Resolution 195-2019 to Direct Certain Mitigation Fees Received in Connection with the Single Family Home Development at 57 Lona Lane and 59 Lona Lane to the GEIS Water/Sewer Fund**

**WHEREAS**, on September 18, 2019 the Town Board directed the “Remaining I&I Fee” of \$2,000/lot to the GEIS Water/Sewer account by passing resolution 195-2019; and

**WHEREAS**, the Town of East Greenbush received an applications for building permits to construct single family residences at 57 Lona Lane and 59 Lona Lane (the “Project”); and

**WHEREAS**, on March 14, 2007 the Town of East Greenbush Planning Board issued Conditional Approval of the Final Plat for the Birch Lane/Railroad Avenue Major 27-lot Subdivision (aka “Birch Haven Estates” or “the Project”); and

**WHEREAS**, the Planning Board, as a condition of approval, required that the developer pay fees associated with the project; and

**WHEREAS**, on March 7, 2007, the Town issued a “Schedule of Outstanding Fees and Payment” for the Project, which schedule included a “Sewer Connection Fee” of \$2,500/lot in addition to the “Remaining I&I Fee” of \$2,000/lot as identified in Resolution 195-2019 to be paid prior to obtaining each building permit; and

**WHEREAS**, Town policy is that land development mitigation fees be paid to the Town in accordance with the Western East Greenbush Generic Environmental Impact Statement (“GEIS”) and Local Law No. 5 of the year 2018 in order to mitigate the impact of development in Town, including impacts to the Town’s Water/Sewer infrastructure; and

**WHEREAS**, Local Law No. 5 of the year 2018 created a series of segregated accounts into which land development mitigation fees collected by the Town are to be deposited and among these accounts is the GEIS Water/Sewer account; and

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

now therefore be it

**RESOLVED**, that the Town Board finds that the fees assessed in 2007 were collected to mitigate impacts associated with the Town’s Water/Sewer infrastructure, that collection of these fees is consistent with the GEIS and the policy outlined in Local Law 5 of 2018, and hereby amends Resolution 195-2019 to direct that the \$5,000.00 in “Sewer Connection Fees” be deposited into the GEIS Water/Sewer account in addition to the \$4,000 of “Remaining I&I Fees,” bringing the total fees required in connection with the Project to be directed to the GEIS Water/Sewer account to \$9,000.

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

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

**219-2019      A Resolution Authorizing the Town Supervisor to Execute a Master Contract with NYSDEC for a Grant Received from the Water Quality Improvement Program (WQIP) for MS4 Mapping and Authorizing the Use of GEIS Funds**

**WHEREAS**, the Town applied for NYSDEC Water Quality Improvement Program (WQIP) funding support for necessary outfall and storm sewer system mapping activities (CFA Application #81710) and was selected to receive up to \$57,000 in WQIP funding for MS4 mapping purposes in December 2018; and

**WHEREAS**, the WQIP grant funding will be used to create a comprehensive, up-to-date GIS-based mapping system to record locations of stormwater management infrastructure and to

procure and implement GIS mapping software and mobile tablet computer devices for field use (the “Project”), which Project is necessary to partially fulfill current MS4 requirements, will allow the Town to address anticipated new MS4 permit requirements, and will provide a GIS foundation for a variety of spatial data and related data collection and data maintenance workflows; and

**WHEREAS**, total project costs are estimated to be \$76,000 of which total cost \$57,000 is WQIP grant funding and \$19,000 is the local portion; and

**WHEREAS**, the Town Board in its resolution 87-2019 authorized the Director of Planning and Zoning to solicit consultant services to carry out the mapping activities as part of the WQIP award; and

**WHEREAS**, on October 4, 2019, the Town issued RFP 19-09 seeking consultant services for a MS4 Mapping Upgrade Project, which will advance this portion of the Project; and

**WHEREAS**, in accordance with the terms of the Master Contract with NYSDEC for the Project the Town will receive quarterly reimbursement of up to \$57,000 in WQIP grant funds expended to implement the project; and

**WHEREAS**, the GEIS Committee voted to approve expenditure of \$4,607.90 GEIS Land Use & GIS funds; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution has a material financial impact of \$19,000 local portion, in addition the Town must provide first instance Funding that should be reimbursed upon project completion charged to 80204.01 Planning CE off setting cash and equity;

now, therefore be it

**RESOLVED**, that the sum of \$4,607.90 GEIS Land Use & GIS funds is hereby obligated for the purposes of implementing the Project;

and be it further

**RESOLVED**, that the Town Board hereby appropriates the sum of \$76,000.00 in funds to implement the Project of which \$57,000 will be the WQIP share first instance funding, \$4,607.90 is GEIS Land Use & GIS funds, and \$14,392.10 is General Fund equity;

and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to sign the Master Contract for Grants with NYSDEC for the Project (NYSDEC Contract Number: DEC01-C00880GG-3350000) following the approval as to form by the Town Attorney;

and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized to delegate signatory authority to the Director of Planning and Zoning for the purposes of contract execution in the New York State Grants Gateway electronic grant administration platform;

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

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

**220-2019 A Resolution to Authorize the Supervisor to Sign a New Contract with the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees. AFL-CIO, Town of East Greenbush Unit #8257 of the Rensselaer County Local #842**

**WHEREAS**, the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees. AFL-CIO, Town of East Greenbush Unit #8257 of the Rensselaer County Local #842 has been without a contract since the current contract expired on December 31, 2018; and

**WHEREAS**, the Town of East Greenbush, County of Rensselaer, State of New York is in receipt of a proposed CSEA contract for the years 2019, 2020, and 2021; and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is material and budgeted in 2019 & 2020; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush does hereby enter into the Contract as agreed with the Civil Service Employees Association, Inc., Local 1000, American Federation of State, County and Municipal Employees. AFL-CIO, Town of East Greenbush Unit #8257 of the Rensselaer County Local #842 with all the terms and conditions agreed by the parties;

and be it further,

**RESOLVED**, that the Town Board does hereby authorize the Supervisor to enter into and sign the aforesaid Contract by and on behalf of the Town Board.

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

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

**221-2019 A Resolution to Approve as to Form a Template Agreement for Post-Construction Stormwater Management Facilities (SWMFs) Maintenance in Accordance with NYSDEC General Permit for Stormwater Discharges from Construction Activity and in Furtherance of the Town’s Municipal Separate Storm Sewer (MS4) Program and Related Requirements**

**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**, those undertaking certain land development activities which are 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, must install Post-Construction Stormwater Management Facilities (SWMFs); and

**WHEREAS**, in situations where such SWMFs are to be privately owned, GP-0-15-002 Part V.A.5.c and CZL Section 3.13.11.U requires that the owner or operator must ensure that a

mechanism is in place which requires operation and maintenance of the facilities(s) in accordance with the operation and maintenance plan, such as a deed covenant in the owner or operator's deed of record; and

**WHEREAS**, the Town Board recognizes that a standardized approach to the aforementioned NYSDEC and CZL requirements for privately owned SWMF maintenance as well as in furtherance of the Town's MS4 requirements under GP-0-15-003 is desirable and necessary to increase procedural efficiency, reduce risk and uncertainty for those undertaking regulated land development activities, and reduce the expenditure of staff resources, the MS4 Coordinator has developed a Template Stormwater Management Facilities Maintenance and Easement Agreement (the "Template Agreement"), which is attached hereto; and

**WHEREAS**, the Town's SEQRA Special Counsel and the Town Attorney have assisted in the development of and approved as to form the attached Template Agreement; and

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

now, therefore be it

**RESOLVED**, that the Town Board hereby approves as to form the attached Template Agreement, which must be executed in accordance with NYS regulations, the Town's MS4 General Permit, and the CZL when a deed covenant in the owner or operator's deed of record is required for privately owned SWMFs; and

and be it further

**RESOLVED**, that the MS4 Coordinator and/or Director of Planning and Zoning is hereby directed to provide the Template Agreement as early as is practicable in the land development review process to those whose land development projects may be required to install privately owned SWMFs in accordance with NYS regulations, the Town's MS4 General Permit; and the CZL;

and be it further

**RESOLVED**, that the requirement set forth in section 8 of the attached Template Agreement for security for the maintenance and continuation of SWMFs (e.g., a letter of credit) be applied at the discretion of the MS4 Coordinator;

and be it further

**RESOLVED**, that the Town Board recognizes that circumstances arising in connection with individual land development projects may necessitate making modifications to the approved Template Agreement and, under those circumstances, hereby directs that the Town Attorney approve any modifications.

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

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

**222-2019 A Resolution to Authorize the Town Supervisor to Sign an Agreement for Post-Construction Stormwater Management Facilities (SWMFs) Maintenance Installed in Connection with the Greenbush Associates 33 Tech Valley Drive Project (PZD File #05-49b)**

**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**, Greenbush Associates undertook the 33 Tech Valley Drive project in the East Greenbush Technology Park Part 2 (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**, Greenbush Associates is the owner or operator of the Project and SWMFs (SPDES Permit Number NYR11D869) and has submitted to the Town a partially executed Stormwater Management Facilities Maintenance and Easement Agreement (the “Agreement”), which is attached hereto; and

**WHEREAS**, the attached Agreement contains modifications from the Town’s approved Template Agreement; and

**WHEREAS**, the MS4 Coordinator and Town Attorney have reviewed the attached Agreement and approve of the Agreement, including the changes to the Town’s Template Agreement, as consistent with the project specifics and applicable requirements; and

**WHEREAS**, the Town Comptroller confirms this resolution will have no 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.

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

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

**223-2019 A Resolution Authorizing the Use of Additional GEIS Funds to Fund an Amendment to the Agreement with Tighe & Bond to Prepare a Feasibility Study and Preliminary Design Report**

**WHEREAS**, on April 17, 2019, the Town Board passed Resolution 94-2019 which authorized the Town Supervisor to enter into an agreement with Tighe & Bond to prepare a feasibility study and preliminary design report for an amount not to exceed \$14,800.00 for the replacement of the Third Avenue and Barracks Road Pump Stations (the “Agreement”); and

**WHEREAS**, Tighe & Bond recommended that the Agreement be amended in the amount of \$9,300 in order to add to the Agreement 1) collection of additional sanitary sewer



flow monitoring data and 2) engineering services necessary to review, analyze, incorporate the additional information into the feasibility study and preliminary design report (collectively, the “Amendment”); and

**WHEREAS**, the Deputy Commissioner of Public Works has approved the Amendment as Project Manager, the Town Supervisor has approved the additional expenditure identified in the Amendment, and Tighe & Bond have commenced work relating to the Amendment; and

**WHEREAS**, in accordance with a recommendation from the Town’s GEIS Policy Committee, Town Board Resolution 44-2019 authorized the use of GEIS Funds for a Feasibility and Preliminary Design Report for Upgrades to the Third Avenue and Barracks Road Pump Stations; and

**WHEREAS**, the Town’s GEIS Policy Committee authorized the use of \$9,300 in GEIS Water/Sewer Funds for the Amendment and recommended that the funding obligation from the GEIS Water/Sewer account be proportionate to the Sewer portion, which is 81%, of the GEIS Water/Sewer account, as identified in the 2009 Western East Greenbush Generic Environmental Impact Statement; and

**WHEREAS**, the Town Comptroller confirms this resolution will have a material impact on the Town’s finances and will be, in part, funded by a total GEIS Water/Sewer budgetary transfer;

now therefore be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the use of an additional \$9,300 in GEIS Water/Sewer funds to be obligated at the rate of 81% for the aforementioned Amendment bringing the total Water/Sewer GEIS funding authorization under the aforementioned agreement to \$24,100, as amended.

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

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

**224-2019      A Resolution Authorizing the Solicitation of Bids and the Use of GEIS Funds for a Feasibility Study and Preliminary Design Report for Upgrades to the Luther Road, Commons, and Hideaway Pump Stations and Associated Conveyance System**

**WHEREAS**, since 2016, the Town has been reviewing various land development proposals situated within an area served by the Couse Sewer District and General Sewer District and has prepared an engineering report (the “Capacity Report”), with a final revision date of April 29, 2019, to evaluate comprehensively the sanitary sewer system capacity status of the portion of the system from the Luther Road Pump Station to the Town’s Wastewater Treatment Plant, which serves this area; and

**WHEREAS**, on July 17, 2019 the Town Board passed Resolution 44-2019 declaring the use of GEIS funds to address upgrades to the sanitary sewer system identified in the Capacity Report to be consistent with the Western East Greenbush Final Generic Environmental Impact Statement (GEIS) and noted that, as discussed in the Capacity Report, improvements to this portion of the Town’s sanitary sewer system are necessary to increase the capacities of

conveyance and treatment facilities to handle flow increases and provide for increased reliability, efficiency, and sustainability of system components that are presently stressed, and are expected to be stressed further by future growth and development; and

**WHEREAS**, the Department of Public Works has conducted television camera investigations of approximately 6,200 lineal feet of sanitary sewer pipes in the portion of the system identified in the Capacity Report and is in the process of analyzing the results and mapping condition status of the sanitary sewer pipes investigated; and

**WHEREAS**, the GEIS Committee has voted to recommend approval of the use of GEIS funds to conduct a feasibility study and preliminary design report to advance improvements identified in the Capacity Report; and

**WHEREAS**, the Town Comptroller confirms this resolution has no material impact at this time because it is merely requesting the authority to solicit proposals; now therefore be it

**RESOLVED**, that the Town Board Authorizes the Solicitation of Bids and the use of GEIS Funds for a Feasibility and Preliminary Design Report for upgrades to the Couse Sewer District and General Sewer District, as applicable, as identified in the Capacity Report, including upgrades to the Luther Road Pump Station, Commons Pump Station; Hideaway Pump Station, and associated portions of the conveyance system.

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

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

**225-2019      A Resolution Authorizing the Solicitation of Bids from the Approved List of Town Designated Engineers and the Use of GEIS Funds to Prepare an Existing Conditions Survey and Title Search of the Commons Pump Station Site**

**WHEREAS**, since 2016, the Town has been reviewing various land development proposals situated within an area served by the Couse Sewer District and General Sewer District and has prepared an engineering report (the “Capacity Report”), with a final revision date of April 29, 2019, to evaluate comprehensively the sanitary sewer system capacity status of the portion of the system from the Luther Road Pump Station to the Town’s Wastewater Treatment Plant, which serves this area; and

**WHEREAS**, the Capacity Report indicates that the Commons Pump Station, constructed circa 1979, is operating at 81% of its design capacity, and is recommended to be considered for replacement in the near term; and

**WHEREAS**, the Commons Pump Station is a submersible pump design and the Deputy Commissioner of Public Works has determined that the Commons Pump Station should be evaluated for replacement due to operational issues associated with this design; and

**WHEREAS**, on July 17, 2019 the Town Board passed Resolution 44-2019 declaring the use of GEIS funds to address upgrades to the sanitary sewer system identified in the Capacity Report to be consistent with the Western East Greenbush Final Generic Environmental Impact Statement (GEIS); and

**WHEREAS**, the GEIS Committee has voted to recommend approval of the use of GEIS funds to conduct an existing conditions boundary and topographic survey of the site, including preparing a title report; and

**WHEREAS**, the Town Board on July 17, 2019 passed Resolution 147-2019 authorizing the Town Supervisor to enter into Term Services Agreements with consulting firms (“Town Designated Engineers”) to provide engineering services, and required the solicitation of “mini-bids” for task orders from the consulting firms unless deemed impractical by the Director of Planning and Zoning; and

**WHEREAS**, the Town Comptroller confirms this resolution has no material impact at this time because it is merely requesting the authority to solicit mini-bids;  
now therefore be it

**RESOLVED**, that the Town Board hereby authorizes use of GEIS Water/Sewer Funds to be obligated at the rate of 81% of Sewer funding, which rate is indicated in the GEIS for Sewer mitigation projects, to prepare an existing conditions survey and title search of the Commons Pump Station site; and

be it further

**RESOLVED**, that the Town Board hereby directs the Director of Planning and Zoning to solicit at least three (3) bids (“mini-bid”) from the Town Designated Engineers for the aforementioned existing conditions survey and title search of the Commons Pump Station site

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

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

**226-2019      A Resolution Authorizing the Solicitation of Proposals to Prepare Final Design and Bid Specifications and Provide Construction Inspection Services for Replacement of the Third Avenue Pump Station and Barracks Road Pump Station**

**WHEREAS**, on June 19, 2019 the Town Board of the Town of East Greenbush passed Resolution 132-2019 authorizing the Supervisor to enter into an agreement with Regeneron Pharmaceuticals, Inc. (the “Regeneron Development Agreement”) which specifies the undertaking of a number of important mitigation measures related to traffic and to sewer facilities in the Town, including replacement of the Third Avenue Pump Station and Barracks Road Pump Station; and

**WHEREAS**, on April 17, 2019, the Town Board passed Resolution 94-2019 which authorized the Town Supervisor to enter into an agreement with Tighe & Bond to prepare a feasibility study and preliminary design report for the replacement of the Third Avenue Pump Station and Barracks Road Pump Station; and

**WHEREAS**, Tighe & Bond have presented a draft feasibility study and preliminary design report to Town staff and are in the process of preparing a final draft to be submitted to the Town for final approval; and

**WHEREAS**, the GEIS Committee voted on February 11, 2019 to recommend that once a contractor has been chosen for the Construction phase of the project to replace the Third Avenue

and Barracks Road Pump Stations, the Town Board should vote on a resolution approving Construction Inspection services to be paid from GEIS water/sewer account; and

**WHEREAS**, in accordance with a recommendation from the Town’s GEIS Policy Committee, the Town Board passed Resolution 44-2019 authorizing the use of GEIS Funds for a Feasibility and Preliminary Design Report for Upgrades to the Third Avenue and Barracks Road Pump Stations and resolution 132-2019 authorizing the use of a portion of the SEQRA mitigation fees paid to the Town by Regeneron for these mitigation projects, including replacement of the Third Avenue Pump Station and Barracks Road Pump Station, as set forth in the Regeneron Development Agreement; and

**WHEREAS**, the Town Comptroller has confirmed that the provisions of this proposed Board action will have a material impact on the Town’s finances by utilizing GEIS Funds; now therefore be it

**RESOLVED**, that the Town Board authorizes the solicitation of proposals to prepare Final Design and Bid Specifications and to provide Construction Inspection Services for the replacement of the Third Avenue Pump Station and Barracks Road Pump Station.

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

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

**227-2019 A Resolution Authorizing the Town Supervisor to Enter Into an Agreement With Meridian IT Inc. for Phone System Maintenance and Support**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15, 2019; and

**WHEREAS**, the Town recently upgraded their phone system throughout Town Hall (including the Police Department and Emergency Communications Center), the Waste Water Treatment Plant and the Public Works Garage (Fiber upgrade still pending); and

**WHEREAS**, it has been recommended by all parties involved in the phone upgrade project that the Town enter into a Phone System Maintenance and Support Agreement with Meridian IT Inc., for an annual support contract; and

**WHEREAS**, this agreement would provide 24-7 technical support for the hardware and software of the phone, including, but not limited to, remote monitoring and network self-checks with escalating alarms if something were detected, preventative maintenance, as well as reduced rates for additional work or installations (non-routine maintenance); and

**WHEREAS**, the annual cost of the agreement is \$4,226.00 per year for a three year term contract; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town’s finances and will be charged to 16204.01 Building CE using fund balance;

<b>Fund</b>	<b>Transfer in</b>	<b>Transfer out</b>
General Fund balance A917(1)		\$4,226.00

Buildings CE Budget Line 16204.01	\$4,226.00	
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now, therefore, be it

**RESOLVED**, that the Town Board does hereby authorize the Town to enter into an agreement with Meridian IT Inc., for Phone System Maintenance and Support upon review and approval by the Attorney for the Town.

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

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

**228-2019 A Resolution Authorizing the Supervisor to Enter an Agreement for Annual Avaya Manufacturers Support**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, the Town recently upgraded the phone system throughout all departments to an Avaya phone system; and

**WHEREAS**, public safety and the maintenance of important Town records demand that the phone system and attendant recording devices be kept in sound working order; and

**WHEREAS**, it has been recommended by support consultants to purchase the Avaya Manufacturers Support Agreement to cover any software issues and updates that may be needed in the system; and

**WHEREAS**, with the Avaya Manufacturers Support Agreement and the Meridian IT Maintenance/Managed Services Agreement, Meridian IT will be able to provide software updates as well as any needed patches and fixes to the system on our behalf; and

**WHEREAS**, the cost of this agreement is \$1,044.00, which is \$348.00 per site which will cover Town Hall, the Waste Water Treatment Plant and the Public Works Garage; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material financial impact and will be charged to 16204.01 CE using fund balance;

Fund	Transfer in	Transfer out
General Fund balance A917(1)		\$1,044.00
Buildings CE Budget Line 16204.01	\$1,044.00	

now, therefore, be it

**RESOLVED**, the Town Supervisor is hereby authorized to sign the agreement for Annual Avaya Manufacturers Support.

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

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

**229-2019 A Resolution Approving the Implementation of Live Streaming and Recording of Town Hall Meetings and Authorizing the Supervisor to Enter Into an Agreement with Town Hall Streams**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, the Director of Finance, at the request of the Town Supervisor, has reviewed options for live streaming and recording of Town Board meetings, Zoning Board of Appeals meetings and Planning Board meetings within the Court Room at Town Hall; and

**WHEREAS**, Town Hall Streams presented the best option for both the Town and residents for ease of use and viewing; and

**WHEREAS**, Town Hall Streams will provide a system that will provide real time viewing as well as on demand playback of any meetings. All equipment will be supplied, installed and maintained by Town Hall Streams with a full warranty for as long as we continue our service with Town Hall Streams; and

**WHEREAS**, the annual cost for Town Hall Streams is \$305 per month which includes the following features: and

<b>FEATURE</b>	<b>COST</b>
Streaming	\$250.00/month
PIP	\$30.00/month
Facebook Live	\$25.00/month
<b>MONTHLY TOTAL</b>	<b>\$305.00/MONTH</b>

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances and will be charged to 16804.01 Data Processing CE budget cost; now, therefore, be it

**RESOLVED**, that the Town Board does hereby approve the implementation of Town Hall Streams for Live Streaming of Town Board and other meetings in the Court Room and authorizes the Supervisor to sign an agreement with Town Hall Streams.

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

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

**230-2019 A Resolution Urging the Department of Environmental Conservation to hold the Dunn Landfill Operators Responsible for Implementing Controls to Prevent Dust, Debris, Odors, and Truck Noise**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, the S. A. Dunn & Company, LLC located on Partition Street Extension in Rensselaer, NY possesses a Mined Land Reclamation Permit for operation of an existing 73-acre sand and gravel mine, and a Solid Waste Management Permit authorizing conversion of the mine to a construction and demolition disposal site; and

**WHEREAS**, the Dunn Landfill received a Department of Environmental Conservation (DEC) permit to operate in August 2014 and began accepting debris for disposal in January 2015; and

**WHEREAS**, in August 2018 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during January and February 2018; in February 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during October 2018; in June 2019 the DEC issued an Order on Consent to the Dunn Landfill for inspection violations during April 2019; and

**WHEREAS**, on October 10, 2019 the DEC issued a Department Initiated Modification (DIM) to include specific and stringent conditions to protect public health and safety that the Dunn facility must undertake in order to continue operating; and

**WHEREAS**, the DIM conditions include installing and operating a robust gas collection system, covering disposed waste daily, constructing a berm before the construction of a new waste cell, and establishing a hotline to report complaints; and

**WHEREAS**, the DIM indicated the DEC will continue to closely monitor operations and air quality conditions at the facility and surrounding community and will strictly oversee the implementation of the corrective actions and modifications to ensure public health and the environment are protected to the fullest extent under the law; and

**WHEREAS**, within the Town of East Greenbush, residents living on Capital Place, Rockefeller Boulevard, Plaza Avenue, and Rosebud Court, all within close proximity to the Dunn Landfill, have expressed concern about significant dust settling on their windowsills and outdoor furniture; have reported a pungent odor similar to rotten eggs that is so unbearable that they cannot remain outside; and have stated the noise from trucks has disrupted their quality of life; and

**WHEREAS**, residents of East Greenbush assume health, safety, and quality of life risks associated with the Dunn Landfill;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush declares the effects of the Dunn Landfill on residents of East Greenbush to be unacceptable and demands that the Department of Environmental Conservation take concrete steps to ensure that its Department Initiated Modifications be closely monitored and assessed as to whether it is sufficient to solve the problems the Landfill has created;

and be it further

**RESOLVED**, that the Town Board urges the Department of Environmental Conservation, responsible for protecting public health and safety and for the protection of air

resources, to hold the Dunn landfill operators responsible for implementing controls to prevent dust, odors, truck noise;  
and be it further

**RESOLVED**, that to ensure that residents in East Greenbush are not exposed to any potential health or safety hazards, the Town Board of the Town of East Greenbush urges the Department of Environmental Conservation to recognize that failure of the facility to comply with the DIM should result in DEC revocation of the facility's permits.

**RESOLVED**, that the Town Board directs the Town Clerk to send a certified copy of this resolution to Basil Seggos, Commissioner of the Department of Environmental Conservation.

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

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

**231-2019      A Resolution Designating the Town Board as Lead Agency, Classifying the Action as an Unlisted Action, and Adopting a Negative Declaration Under the State Environmental Quality Review Act (SEQRA) for the Proposed Construction of Sidewalks Along US 9 and 20 Sidewalk from Bruen Court to the City of Rensselaer Line**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, the Town Board authorized the implementation of and first instance funding for a transportation federal-aid project for the construction of sidewalks and certain related improvements along Columbia Turnpike (i.e., US 9 and US 20) from Bruen Court to the Rensselaer City Line NYSDOT P.I.N. 1043.58 (the "Project") and appropriated funds by passing Resolution 20-2019; and

**WHEREAS**, the primary objective of the Project is to construct a new ADA-compliant sidewalk with curb and new pedestrian ramps in the existing right-of-way to enhance pedestrian safety, including: a new 5 ft. concrete sidewalk, as needed, along the existing concrete curb line; a new 5 ft. concrete sidewalk and curb located in the existing paved, uncurbed shoulder; additions to the existing closed drainage system in order to transfer rain accumulation from the roadway along the new curb line; and

**WHEREAS**, the Town's consultant, CHA Inc., has conducted an environmental review in accordance with NYSDOT federal-aid project development standards; and

**WHEREAS**, the Western East Greenbush Final Generic Environmental Impact Statement (GEIS) specifically recommends for this segment of US Routes 9 & 20 that sidewalk capital improvements be implemented in order to provide sidewalk connectivity on both sides of Routes 9 & 20 as a mitigation measure to mitigate the traffic effects of the projected land use development within the Town; and



**WHEREAS**, on September 11, 2019 the Town of East Greenbush Town Board held a public hearing to receive comments from the public on the Project; and

**WHEREAS**, the Town of East Greenbush has completed the State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form (EAF) for the proposed Project;

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

now therefore be it

**RESOLVED**, that the Town Board hereby classifies the proposed action as an unlisted action under SEQRA, declares itself lead agency for the review of the action under SEQRA, and adopts a negative declaration under SEQRA.

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

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

**232-2019 A Resolution to Issue a Negative Declaration of Environmental Significance and Major Site Plan Approval for the Mabey’s Realty Storage & Commercial Building Project (PB File # 19-02)**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, Mabey’s has submitted an application for major site plan development for its Project known as Mabey’s Realty Storage & Commercial Building (“Mabey’s Project” or “Project”) located at 486 3<sup>rd</sup> Avenue Extension, Town of East Greenbush, New York. The project would be phased, with Phase 1 consisting of two storage buildings: one 3-story 48,000 square feet climate controlled building and a one story 16,000 square feet building. Subsequent phases are to consist of a one story, 16,250 square feet retail/commercial building and a one story, 5460 square feet retail/commercial building—all with associated sewer, water and stormwater utilities and parking and accessways; and

**WHEREAS**, on January 23, 2019 the Town Planning Board accepted the proposed sketch plan prepared by Hart Engineering for the proposed major site plan; and

**WHEREAS**, on February 20, 2019 the Town Board passed Resolution 37-2019 and classified the proposed major site plan as an unlisted action and declared its intent to seek lead agency in connection with a coordinated review under SEQRA; and

**WHEREAS**, the Town Board of the Town of East Greenbush has reviewed the application and related materials, including the site plan entitled “Mabey’s Realty Storage and Commercial Building”, 24 sheets in total as prepared by Hart Engineering and last revised September 4, 2019; and

**WHEREAS**, the Town Board has also reviewed the Short EAF and accompanying correspondence and reports addressing the potential environmental impacts of the project; and

**WHEREAS**, the Town Planning Board carefully considered the comments and recommendation of its Town Designated engineers, MJ Engineering Inc, as well as the responses

to those comments and recommendations provided by the Applicant and recommended on October 9, 2019 that the Town Board issue a negative declaration under SEQRA and approve the major site plan; and

**WHEREAS**, the Town Board had a duly noticed public hearing on October 16, 2019 on the application and carefully considered all comments received; and

**WHEREAS**, the Project was referred to Rensselaer County as required by the General Municipal Law and the County determined that local consideration shall prevail;

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

now, therefore, be it

**RESOLVED**, that the Town Board hereby declares itself lead agency in connection with a coordinated review under SEQRA;

and be it further

**RESOLVED**, that the Town Board hereby issues a negative declaration finding that the proposed application for major site plan application for the Mabey's Project, an unlisted action, will not result in any significant adverse environmental impacts;

and be it further

**RESOLVED**, that the Town Board hereby approves Mabey's major site plan application as set forth in the Site Plans entitled, "Mabey's Realty Storage and Commercial Building: 24 sheets in total as prepared by Hart Engineering and last revised September 4, 2019", subject to the following conditions:

- Prior to issuance of a building permit, the Applicant must address any remaining technical comments from the Town's designated engineer and Town Planning and Zoning Department.
- Prior to issuance of a building permit, all remaining fees and escrow must be paid to the Town, including land development mitigation fees required in connection with the Western East Greenbush Generic Environmental Impact Statement (GEIS) as detailed in the GEIS fee statement provided by the Town prior to commencing construction.
- The plans must be signed by the Planning Board Chairperson and the Commissioner of Public Works.
- The landscaping plan must be revised to include landscaping required by the Planning Board and/or Comprehensive Zoning Law along the Third Avenue Extension frontage for the Phase 1 development.
- The plans are subject to conditions of the Special Use Permit approval by the Planning Board, if any, and must be modified accordingly. The plans must also include a note stating the date of Planning Board Special Use Permit approval and any conditions required as part of this approval.
- Prior to issuance of a Certificate of Occupancy for Phase 1, the mitigation measures identified in the Traffic Study must be implemented.
- A NYSDOT highway work permit must be obtained for all work within the NYS right-of-way.
- A Department of Public Works Utility Permit, as determined by the Commissioner of Public Works, must be obtained for any work involving connection to the Town's sanitary and/or water supply systems.
- Site development must be in accordance with USFWS and NYSDEC guidelines for the conservation and protection of the northern long eared bat, including time-of-year

restrictions for the removal of trees between April 1 and October 31. Therefore, tree cutting must occur between November 1 and March 31.

- Prior to issuance of a Certificate of Occupancy, the property owner must enter into a Stormwater Facility Maintenance Agreement with the Town to ensure proper maintenance of all stormwater facilities in perpetuity.
- Prior to site work and/or issuance of a building permit, all storm water pollution prevention permits must be obtained. Required periodic Storm Water Pollution Prevention Plan (SWPPP) inspections must be performed during the permit term by the design engineer or other qualified individual in accordance with the GP-0-15-002, the approved SWPPP, and the Town’s Comprehensive Zoning Law.
- Phase 2 development, provided the Phase 2 development proposal is substantially similar to that which is shown on the approved site plan, is subject to further Planning Board approval as a site plan modification. The Applicant must address pedestrian accommodations at that time, including sidewalks.

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

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

**233-2019 A Resolution to Authorize the Supervisor to Sign a New Contract with the East Greenbush Emergency Communications Association, Local 3708, Council 82, AFSCME, AFL-CIO**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of October 9, 2019 and was subsequently presented to the Town Board on October 15; and

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, is in receipt of a Proposed Contract with our Emergency Communications Association for the years 2020, 2021 and 2022; and

**WHEREAS**, the Town Board believes it to be imperative that our unionized employees always have a fair contract in place; and

**WHEREAS**, the bargaining unit approved this contract in a formal vote; and

**WHEREAS**, the Town Board recognizes the outstanding work of the East Greenbush Emergency Communications Association in helping to keep our community safe by coordinating the efforts of all of our first responders; and

**WHEREAS**, the Town Comptroller confirms there is adequate provision in the 2020 budget to fund this resolution;

now, therefore, be it

**RESOLVED**, that the Town Board does hereby enter into the Contract with the East Greenbush Emergency Communications Association, Local 3708, Council 82, AFSCME, AFL-CIO for the period of January 1, 2020 through December 31, 2022;

and be it further

**RESOLVED**, that the Town Board does hereby approve the Contract and authorizes the Supervisor to enter into and sign the aforesaid Contract by and on behalf of the Town Board.

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

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

**ADJOURNMENT**

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

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