



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD MINUTES August 17, 2022

To view a recording of the full meeting, please visit Town Hall Streams or Facebook link below:

[https://townhallstreams.com/stream.php?location\\_id=119&id=47101](https://townhallstreams.com/stream.php?location_id=119&id=47101)

<https://www.facebook.com/TownofEG/videos/462420095739864>

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

**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 B Fritz  
Councilor E. Nestler

### Communications/Announcements/Reports

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

### Open Public Privilege:

Residents addressed their comments to the Town Board.

### Resolutions and Proposals by Town Board Members:

#### 190-2022 A Resolution to Approve Public Hearing Minutes

**WHEREAS**, the minutes of Town Board meeting, 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 Hearing held on July 13, 2022 at 5:47pm; 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 Hearing held on July 13, 2022 at 5:47pm are hereby approved as submitted.

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

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

**191-2022 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 July 20, 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 July 20, 2022 are hereby approved as submitted.

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

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

**192-2022 A Resolution Accepting the Retirement of Sergeant Michael F. Condo**

**WHEREAS**, Michael F. Condo was proudly sworn in as a police officer with the East Greenbush Police Department on July 8, 1985; and

**WHEREAS**, the Town Board has received a letter of retirement from Sergeant Michael F. Condo of the East Greenbush Police Department effective July 22, 2022, having completed over 37 years of dedicated service to the Town of East Greenbush and the surrounding communities; and

**WHEREAS**, Sergeant Condo has served in many roles in the East Greenbush Police Department, to include, an original member of the Community Emergency Response Team now known as the Shared Services Response Team, Assistant Police Chief, the Detective Division, Firearms Instructor, Field Training Officer, Accident Investigator, Chemical Agent Instructor, and most recently the School Resource Officer at Columbia High School; and

**WHEREAS**, the Town Comptroller confirms that the provisions of this resolution will not have a material impact on the Town Finances;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush accepts the retirement of Sergeant Michael F. Condo and wishes him an enjoyable and extremely well earned retirement, and many congratulations on a professional career, at which he greatly impacted his fellow officers, and will be greatly missed.

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

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

**193-2022 A Resolution Scheduling a Special Meeting for the Town Clerk to Present the 2023 Tentative Budget to the Town Board**

**WHEREAS**, the Town Clerk of the Town of East Greenbush wishes to schedule a Special Meeting to present the 2023 Tentative Budget to the Town Board as is required by §62 of the New York State Town Law (see Opinion of the State Comptroller No. 82-145); 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 shall conduct a Special Meeting on Wednesday, October 5, 2022 at 6:00 p.m., at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer, State of New York for the Town Clerk to present the 2023 Tentative Budget to the Town Board and to address any other matters that may be brought to the Board's attention;

and be it further

**RESOLVED**, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Special Meeting as required by law.

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

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

**194-2022 A Resolution to Settle a Tax Certiorari Case With Greenbush Hospitality, Inc.**

**WHEREAS**, Greenbush Hospitality Inc. and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by Greenbush Hospitality Inc. in the Town of East Greenbush; and

**WHEREAS**, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting; and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have an likely immaterial impact on this year's budget once it is calculated and billed and will have an impact included in the 2023 Town Budget; and

now, therefore be it

**RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2018 and 2019 tax certiorari proceedings filed by Greenbush Hospitality Inc. in which the 2018 and 2019 assessed value of the subject property shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2020	155.-7-1.12	\$5,200,000	no change	\$0
2021	155.-7-1.12	\$5,200,000	\$4,000,000	\$1,200,000
2022	155.-7-1.12	\$5,200,000	\$4,000,000	\$1,200,000

Real Property Tax Law 727 shall not apply, and starting in 2023. Petitioner would be required To provide the Town, on or before March 1, 2023, with the STR reports from 2022 as well as an Income Expense statement from year ending 2022. If the REVPAR is equal to or greater than \$60.00 than the assessment would remain at \$4,000,000. The same would apply for 2024 and 2025.

and it is further

**RESOLVED**, that Greenbush Hospitality Inc. shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;

and it is further

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between Greenbush Hospitality Inc. and the Town of East Greenbush as to the above referenced assessment.

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

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

### **195-2022 A Resolution to Settle a Tax Certiorari Case With ROCO-Greenbush Station, LLC**

**WHEREAS**, ROCO-Greenbush Station, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by ROCO-Greenbush Station, LLC in the Town of East Greenbush; and

**WHEREAS**, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the

East Greenbush Town Board at its regular monthly meeting; and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties; and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town;

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on this year's budget but will have an impact included in the 2023 Town Budget; and now, therefore, be it

**RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2020, 2021 and 2022 tax certiorari proceedings filed by ROCO-Greenbush Station, LLC in which the 2020 and 2021 assessed value of the subject property shall not be reduced and the assessment for 2022 shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>Revised Assessed Value</u>	<u>Reduction</u>
2020	177.8-7-15	\$9,046,900	no change	\$0
2021	177.8-7-15	\$9,046,900	no change	\$0
2022	177.8-7-15	\$9,046,900	\$8,000,000	\$1,046,900

Real Property Tax Law §727 shall apply to the 2022 assessment year; and it is further

**RESOLVED** that ROCO-Greenbush Station, LLC shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision; and it is further

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between ROCO-Greenbush Station, LLC and the Town of East Greenbush as to the above referenced assessment.

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

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

**196-2022 A Resolution Authorizing the Acceptance of the Base Percentages, Current Base Percentages, Current Base Proportions, Certificates of Adjusted Base Proportions for East Greenbush Central School District and the Town of East Greenbush for the 2022-23 Year**

**WHEREAS**, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York is required to provide the certified Current Base Percentages, Current Base Proportions and the Adjusted Base Proportions for the Homestead and Non-Homestead Classes, that have been approved by the State of New York, pursuant to Section 1905 of the Real Property Tax Law, and the Town hereby directs the Town Clerk to transmit a certified copy of this Resolution and Certificates to:

East Greenbush Central School District  
29 Englewood Ave., East Greenbush, NY 12061

Mr. Carey O'Brian, NYS Department of Tax & Finance  
W.A. Harriman Campus, Bldg. 8A, Albany, NY 12227

Certificates of Base Percentages and Current Base Proportions, Pursuant to Article 19, of the Real Property Tax Law, for the levy of taxes on the 2022 Assessment Roll:

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

**EAST GREENBUSH CENTRAL SCHOOL DISTRICT**

**Homestead Class.**

65.15019

65.6311

**Non-Homestead Class.**

33.84981

34.3689

**TOWN OF EAST GREENBUSH**

Certificates of Adjusted Base Proportions, Pursuant to Article 19 of the RPTL, for the Levy of the taxes on the 2022 Assessment Roll

**EAST GREENBUSH CENTRAL SCHOOL DISTRICT**

**Homestead Class**

65.54979

**Non-Homestead Class**

34.45021

**TOWN OF EAST GREENBUSH**

**HOMESTEAD CLASS**

65.41743

**NON-HOMESTEAD CLASS**

34.58257

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

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

**197-2022 A Resolution to Accept the Resignation for Purposes of Retirement of Stacey Crain**

**WHEREAS**, Stacey Crain has been a valued employee of the Town of East Greenbush since October 22, 2007, working for many years as the Senior Clerk in the Water and Sewer Billing Office; and

**WHEREAS**, Stacey Crain has submitted her letter of resignation for purposes of retirement, the letter being submitted on July 22, 2022 and specifying August 22, 2022 as her last 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 for purposes of retirement of Stacey Crain;  
and be it further

**RESOLVED**, that the Town Board thanks Stacey Crain for her years of tireless, effective service for Town residents and wishes her the best in all of her future endeavors;  
and be it further

**RESOLVED**, that this resignation for purposes of retirement is effective as of August 22, 2022.

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

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

**198-2022 A Resolution Authorizing the Supervisor to Execute a Certain Conflict Waiver Letter From Whiteman Osterman & Hanna LLP**

**WHEREAS**, the Town of East Greenbush has employed the law firm of Whiteman Osterman & Hanna LLP in a number of significant legal matters relating to Town affairs; and

**WHEREAS**, the Town desires to hire that firm to negotiate and draft an inter- municipal agreement between the Town and the City of Rensselaer; and

**WHEREAS**, Whiteman Osterman & Hanna LLP has provided to the Supervisor a “conflict waiver” letter from Attorney Randell S. Beach, dated August 5, 2022, advising that Whiteman Osterman & Hanna LLP has previously represented the City of Rensselaer with respect to bonding work; and

**WHEREAS**, that letter recites that “the factual and legal issues likely to arise in the work that you have asked the firm to do appear to be unrelated to the work we have been asked to or appear likely to do for the City”; 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 authorizes the Supervisor to execute the conflict waiver letter on behalf of the Town.

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

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

**199-2022 A Resolution to Accept the Proposed Sketch Plan and Schedule a Public Hearing in Connection with the East Light Partners Major Site Plan (PZD# 22-06)**

**WHEREAS**, East Light Partners (“ELP”) on behalf of Herbert Binck, has submitted site plan review, special use permit and minor two-lot subdivision applications for a project located at 13 Morner Road., and identified on the Town’s Tax Roll as Tax Parcel No. 145.-2-2 to construct a large-scale solar energy facility and related improvements (“the Project”); and

**WHEREAS**, the Project as proposed on the above parcel in the Town of East Greenbush consists of an access road and approximately nine utility poles, with all proposed solar arrays being on Tax Parcel No. 145.-8-19 within the town of North Greenbush; and

**WHEREAS**, the Town Board adopted Local Law Number 3 of 2022 on July 20, 2022 amending portions of Local Law 1 of 2017 relating to large-scale solar energy systems and other solar facilities; and

**WHEREAS**, Local Law Number 3 of 2022, Section 4 (4) establishes that all large-scale solar energy facilities shall be reviewed as a major site plan; and

**WHEREAS**, Local Law Number 3 of 2022, Section 4 (2), establishes that large-scale solar energy facilities are allowed in the R-OS District by Special Use Permit; and

**WHEREAS**, the Project includes a proposed two-lot subdivision intended to separate an existing single-family dwelling from the portion of the parcel on which the access road and utility poles are proposed thereby creating a 13.12-acre parcel ('Lot No. 1') with the existing dwelling to be maintained by the current property owner and a 24.79 acre parcel ('Lot No. 2') to be purchased by ELP; and

**WHEREAS**, the Town of East Greenbush Planning Board has recognized the Town of North Greenbush Planning Board as lead agency on this Project, having received notice to this effect and having no objection, the North Greenbush Planning Board did classify the action as Type 1 under SEQRA and issued a negative declaration on June 27, 2022; 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 February 1, 2022, last revised June 22, 2022, prepared by Environmental Design Partnership, LLP 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 September 14<sup>th</sup>, at 6:00 p.m. 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: YES
Supervisor J. Conway	VOTED: YES
Councilor H. Kennedy	VOTED: ABSENT
Councilor B. Fritz	VOTED: YES
Councilor E. Nestler	VOTED: YES

**200-2022      A Resolution Authorizing the Purchase of a Lime Feeder System for the Sludge Belt Press at the Waste Water Treatment Plant**

**WHEREAS**, the Waste Water Treatment Plant processes sludge into a dry cake granular solid; and

**WHEREAS**, the current system involves the employees to spread granular lime on top of the cake as it is processed into a roll off container; and



**WHEREAS**, the process involves spreading one 50 pound bag for every 8,000 gallons of sludge processed; and

**WHEREAS**, this process doesn't mix the lime into the cake consistently to achieve the odor control that is intended; and

**WHEREAS**, new technology has been created to automatically inject the lime into the Belt Press auger system allowing a consistent mixture to achieve the odor stabilization of the cake; and

**WHEREAS**, on July 19<sup>th</sup>, 2022 the Commissioner of Public Works and the Waste Water Treatment Plant Operator met with County Waste representatives to address the odor complaints from the landfill where the cake is sent to; and

**WHEREAS**, the Commissioner of Public Works contacted BDP Industries (Belt Press Manufacturer) to inquire about an automatic lime feeding system; and

**WHEREAS**, BDP Industries has been designing and installing these systems over the past 5 plus years; and

**WHEREAS**, the lime feeding systems have been operational at other existing Waste Water Treatment Plants and are working the way that they are designed to work; and

**WHEREAS**, this process allows the lime to stabilize the odor for a long period of time because of the consistency of the mixture; and

**WHEREAS**, BDP Industries is a sole source provider for this unit and will build it to fit in the location necessary to operate properly; and

**WHEREAS**, the Commissioner of Public Works is constantly looking for ways to reduce odor at the Waste Water Treatment Plant and is recommending that the Town Board authorize the purchase of a Lime Feeder System from BDP Industries; and

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

<b>Fund</b>	<b>Transfer In</b>	<b>Transfer Out</b>
<b>SW – General Sewer Fund</b>		\$78,500.00
<b>81304.07.04 – Treatment/Disposal CE</b>	\$78,500.00	

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Commissioner of Public Works to Purchase a Lime Feeder System from BDP Industries for the purpose of odor control in the Sludge/Cake process at the Waste water Treatment Plant.

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

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

**201-2022 A Resolution Authorizing the Town of East Greenbush to Solicit Bids for the Hampton Manor Park Improvements Necessary to Convert Lake Shore Drive into a One Way Road with a Pedestrian Pathway and Effect Improvements to the Basketball and Tennis Courts**

**WHEREAS**, Stantec Consulting Services Inc. completed the Lakeshore Drive Complete Street Study in July of 2021; and

**WHEREAS**, on May 18<sup>th</sup>, 2022 the Town of East Greenbush passed resolution 137-2022 authorizing Stantec Consulting Services Inc. to perform design improvements to the Hampton Manor Park area along with converting Lakeshore Drive into a One Way Road with a pedestrian lane for Walking and Cycling; and

**WHEREAS**, Lakeshore Drive has been identified as a heavy pedestrian walking and cycling area for residents; and

**WHEREAS**, there is a large desire by residents to convert Lakeshore Drive into a One Way Road with a designated pedestrian lane for walking and cycling; and

**WHEREAS**, the Hampton Manor Park is in need of repairs to the Basketball Court, Tennis Court and Parking area; and

**WHEREAS**, the Town has had many requests from residents to install Pickle Ball courts; and

**WHEREAS**, the Stantec Consulting design is converting the current Tennis Courts to Pickle Ball Courts as a cost effective way to use the existing area; and

**WHEREAS**, the Commissioner of Public Works, Deputy Commissioner, Supervisor and Director of Planning reviewed the 60% engineering submission and made certain cost effective modifications to advance the design to the 100% completed submission; and

**WHEREAS**, the Town Comptroller confirms that the provisions of this proposed Board action will not have a material impact on the Town's finances; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Commissioner of Public Works to solicit bids for the Hampton Manor Park upgrades along with converting Lakeshore Drive into a One Way Road with a Pedestrian Pathway.

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

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

**202-2022 A Resolution to Accept the Offer of Certain Required Improvements Constructed in Connection with the Temporary Bypass of the Third Avenue Pump Station**

**WHEREAS**, in accordance with the Town Board's Amended SEQRA Statement of Findings for development of the Regeneron Pharmaceuticals, Inc. ("Regeneron") Tempel Lane Campus development and the Development Agreement between the Town and Regeneron, the Town is upgrading the sanitary sewer pump station and conveyance infrastructure serving a portion of the Town that includes Regeneron's Tempel Lane Campus development; and

**WHEREAS**, upgrades include replacement of the existing pump stations known as the Third Avenue Pump Station, the Barracks Road Pump Station as well as approximately 1,450 lineal feet of sanitary sewer forcemain connecting the Third Avenue Pump Station to the downstream gravity sewer system (the “Project”); and

**WHEREAS**, the final plans have been approved by NYSDEC, Rensselaer County Department of Health and NYSDOT, and the final plans include a design and specifications for installation of a Temporary Bypass of the Third Avenue Pump Station in order that additional flow can be accepted during construction of the upgrades; and

**WHEREAS**, the Temporary Bypass involves, inter alia, installation of the approximately 1,450 lineal feet of new 10” forcemain in order to reduce the total dynamic head such that the pumping capacity of the existing pumps can be increased; and

**WHEREAS**, Adirondack Mountain Engineering, P.C. (“AME”), in its capacity as the Town Designated Engineer for the Project, conducted a review of the Temporary Bypass design, including an evaluation of the health and status of the existing pumps in order to confirm that they might successfully be used for the Temporary Bypass; and

**WHEREAS**, AME’s technical memorandum summarizing the evaluation recommended the installation of variable frequency drives (VFDs) and related components in order to control flows from the Third Avenue Pump Station while the Temporary Bypass is installed; and

**WHEREAS**, Regeneron paid for costs associated with the Temporary Bypass, including the VFDs and related components, in accordance with the Development Agreement between the Town and Regeneron; and

**WHEREAS**, AME did certify in a letter dated August 5, 2022 that the construction of the Temporary Bypass was completed in substantial conformance to the NYSDEC approved plans, and completed under the direct supervision of AME; and

**WHEREAS**, AME did certify in a letter dated August 5, 2022 that the VFDs have been installed and pump testing shows that the system is capable of pump 686 gallons per minute (gpm) with one pump out of service and all pressure testing has been completed; and

**WHEREAS**, AME in a letter dated August 5, 2022 requested approval from NYSDEC to place the Temporary Bypass system into service until the final improvements to the Third Avenue Pump Station, the Barracks Road Pump Station are completed; 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 Supervisor is hereby authorized to accept the Temporary Bypass from Regeneron pursuant to the Development Agreement and NYSDEC approval.

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

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

**203-2022 A Resolution to Accept Robert Jucha's Resignation From the Board of Assessment Review**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of August 10, 2022 and was subsequently presented to the Town Board on August 15, 2022; and

**WHEREAS**, Robert Jucha was appointed to the Board of Assessment Review on September 16, 2020 with Resolution 176-2020; and

**WHEREAS**, Robert Jucha has served with distinction on the Board of Assessment Review, a performance validated by his colleagues on the Board who elected him to serve as Chair for the last two years; and

**WHEREAS**, Mr. Jucha has now accepted an appointment to the Town of East Greenbush Planning Board; 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 Robert Jucha from the Board of Assessment Review and thanks him for service on that important Board.

and be it further

**RESOLVED, that this resolution will take effect on October 10, 2022.**

Supervisor Conway made the motion to add a voice recital to now read:

**RESOLVED, that this resolution will take effect on October 10, 2022.**

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

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

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

**204-2022 A Resolution to Appoint Robert Jucha to the Town of East Greenbush Planning Board**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of August 10, 2022 and was subsequently presented to the Town Board on August 15, 2022; and

**WHEREAS**, Robert Jucha submitted his resignation from the Board of Assessment Review to the Town Supervisor on August 15, 2020; and

**WHEREAS**, the Town Supervisor was informed on April 24, 2022 that Noreen Gill had submitted a letter resigning her seat on the Planning Board, and had indicated that May 12, 2022 would be her last Planning Board meeting; and

**WHEREAS**, Robert Jucha was interviewed by the Town Board and found to have experience and expertise relevant to the important work of the Planning Board; 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 Robert Jucha is hereby appointed to the Town of East Greenbush Planning Board for a term to expire on December 31, 2022.

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

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

#### **205-2022 A Resolution to Fund an Electric Vehicle Charging Station at Town Hall**

**WHEREAS**, this resolution was not able to be submitted in time to be considered at the regularly scheduled pre-board meeting of August 10, 2022 and was subsequently presented to the Town Board on August 16, 2022; and

**WHEREAS**, the Town Board is interested in installing an Electric Vehicle Charging Station at Town Hall, and after doing the research on prices, arrived at a total cost for the project of \$19,465.00; and

**WHEREAS**, National Grid will provide an incentive grant of \$10,800.00 to defray the cost of the project; and

**WHEREAS**, the Town was awarded a \$5,000.00 grant from the New York State Energy Research and Development Authority (NYSERDA) that must be used on a clean energy initiative; and

**WHEREAS**, the Town Board believes that the most effective use of this grant would be to also help defray the cost of installing an Electric Vehicle Charging Station at Town Hall; and

**WHEREAS**, as Plugin Stations Online, LLC had the lowest price to provide and install the charging station at \$8,665.00, and it was determined that this was the best vendor for this project; and

**WHEREAS**, this would require the Town to supplement the National Grid incentive and the NYSERDA grant with a payment of \$3,665.00; and

**WHEREAS**, the Town Comptroller confirms that this \$8,665.00 expense can be charged to 16204.01 Building CE offset when the \$5,000.00 is reimbursed by NYSEDA;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush approves the use of the \$5,000.00 NYSERDA grant to pay for an Electric Charging Station at Town Hall;

and it is further

**RESOLVED**, that the Town Board approves the expenditure of an amount not to exceed \$3,665.00 to supplement the NYSERDA grant to pay for the Electric Charging Station;

and it is further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute an agreement with Plugin Stations Online LLC in the amount of \$8,665.00.

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

### **ADJOURNMENT**

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

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