

Supervisor Conway – Mentioned copies of the final version of 2020 audit will be distributed to the Town Board soon. Stated this is the 6th year in a row that the town has received an independent audit. Congratulated George Phillips, our comptroller, in that we did well.

Town Board Workshop – Discuss a Moratorium on Large-Scale Solar Energy Systems

Supervisor Conway – Mentioned the question is whether we should impose a moratorium on a large scale solar energy developments. Noted we have a Local Law from 2017 that is good, yet limits solar development to 2.5 acres. Pointed out proposal currently before the Zoning Board of Appeals for solar system of 8.5 acres (of panels) on site that is 26 acres total. Owner looking for variance. Supervisor, Town Board, Adam Yagelski, and Dave Gruenberg further discussed and commented on moratorium for large scale solar energy. Councilor Tierney clarified that the average residential customer who wants to put solar energy on their homes will not be affected by this. In amending current Local Law, it was mentioned to take into consideration our newly revised Comprehensive Plan along with our Conservation Advisory Committee (CAC), and maybe also outside expertise.

A voice resolution was made to schedule at August Pre-Board Meeting the Public Hearing on the Moratorium in September.

Open Public Comment

Member of the public, resident David Terpening, was provided an opportunity to address the Town Board.

Resolutions and Proposals by Town Board Members:

172-2021 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 June 16, 2021 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 June 16, 2021 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor H. Kennedy	VOTED: YES

173-2021 A Resolution to Appoint Justin T. Snide to the Position of Light Equipment Operator (LEO) in the Department of Public Works

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

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

WHEREAS, applications were received and reviewed, and an interview conducted by the Town Supervisor, Commissioner of Public Works, Deputy Commissioner of Public Works and the Secretary to the Commissioner of Public Works; and

WHEREAS, Justin T. Snide was unanimously selected as the most qualified candidate for the position based on his experience and background; and

WHEREAS, the Town Comptroller confirms that this appointment can be funded with the 2021 budget code 5110.1.02;

now, therefore, be it

RESOLVED, that the Town Board confirms the appointment of Justin Snide to the position of Light Equipment Operator (LEO) in the Department of Public Works, Highway Department, at the rate of \$22.0911 per hour as specified by the CSEA Collective Bargaining Agreement. This appointment will be effective as of June 28, 2021.

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

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

174-2021 A Resolution Authorizing Purchase of an XFP 101 G VX Curve 6 Vortex Impeller Pump for the Wastewater Treatment Plant

WHEREAS, one of the two recycled water pumps at the Waste Water Treatment Plant has failed due to excessive wear from pumping water with a high amount of grit from waste particles; and

WHEREAS, the recycled water pumps have had to be rebuilt at least annually due to the amount of grit in the recycled water that they are pumping; and

WHEREAS, the Commissioner of Public Works and Chief Waste Water Treatment Plant Operator in consultation with JP Enterprises has determined that a Vortex Pump would be a more durable alternative to the existing pump system resulting in lower operating costs and increased reliability; and

WHEREAS, the Town of East Greenbush requested a price for a replacement pump from Shrier-Martin Process Equipment who is a sole-source dealer for the specified pump in order to avoid the cost of replacing the entire recycled water system; and

WHEREAS, the quote from Shrier-Martin Process Equipment for the new pump is \$16,420.00; and

WHEREAS, the Town of East Greenbush Purchasing Policy requires that purchases of \$10,000 or more must be approved by the Town Board, and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is \$16,420.00 from the Sewer Fund allocated across budget lines 8130.4.7/8/9/10 for this expense;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to purchase a new XFP 101 G VX Curve 6 Vortex Impeller Pump from Shrier-Martin Process Equipment in an amount not to exceed \$16,420.00.

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

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

175-2021 A Resolution Authorizing Change Orders to the Town Park Restroom Project

WHEREAS, Resolution 192-2020 authorized the use of GEIS funds for the construction of an ADA compliant restroom in the Town Park using Bunkoff General Contractors in the amount of \$273,000.00; and

WHEREAS, during the construction phase of the project, additional change orders were necessary to accommodate items that were required due to conditions on the ground and to support the site work performed by the Department of Public Works and as a result incurred costs that require further Town Board approval; and

WHEREAS, a breakdown of charges and allocations is provided below on the project Expenditure and Revenue Summary attached; and

WHEREAS, this resolution requires Town Board approval for the additional \$26,335.75 that was expended on change orders, site work done by the Town work force, and engineering costs; and

WHEREAS, the GEIS Committee has recommended to the Town Board that this is an appropriate use of GEIS Recreation funds; and

WHEREAS, the Town Comptroller confirms this action will have a \$3,015.04 impact on the GEIS Recreation Funds (Budget Code 80304.01.04.04) and a \$23,320.71 impact on the General Fund Balance (Budget Code 71104.01);

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the use of General Fund Balance and GEIS Recreation Funds in the total amount of \$26,335.75 to cover these additional expenses related to the Restroom Project at Town Park.

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: YES
Councilor H. Kennedy	VOTED: YES
Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

176-2021 A Resolution Authorizing the Solicitation of Bids for a Sidewalk Clearing Machine

WHEREAS, the New York State Department of Transportation is in the process of constructing new sidewalks from the intersection of Troy Road and Columbia Turnpike to the intersection of Columbia Turnpike and Hays Road; and

WHEREAS, the Town of East Greenbush is managing a project through the Capital District Transportation Committee to construct new sidewalks from the intersection of Columbia Turnpike and Discovery Drive to the Rensselaer City Line; and

WHEREAS, the Town of East Greenbush Public Works Department will be responsible for the maintenance of the new sidewalks, including the removal of snow and ice; and

WHEREAS, the Commissioner of Public Works has developed specifications for a sidewalk clearing machine that is capable of clearing snow and ice from the additional sidewalks; and

WHEREAS, the Town Comptroller confirms this resolution has no material impact at this time because it is requesting the authority to solicit bids;

now, therefore, be it

RESOLVED, that the Town Board Authorizes the Finance Officer to solicit bids for procurement of a new Sidewalk Machine for the Highway Department.

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

177-2021 A Resolution Authorizing the Paving of the Access Road to the HANYS Pump Station

WHEREAS, the access road to the sewer pump station road at HANYS is a gravel road and is susceptible to erosion from rain events; and

WHEREAS, the access road needs to be paved to eliminate the need to repair it after every major rain event; and

WHEREAS, the Highway Department has a list of additional paving projects that must be done; and

WHEREAS, the Commissioner of Public Works estimates the cost to pave the access road at \$12,000; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a \$12,000 impact on the Sanitary Sewer Budget Line 8120.4.10;

now, therefore, be it

RESOLVED, that the Commissioner of Public Works is hereby authorized to enter into a contract for the paving of the HANYS Pump Station access road in an amount not to exceed \$12,000.00.

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
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Councilor T. Tierney VOTED: YES
 Councilor H. Kennedy VOTED: YES
 Councilor R. Matters VOTED: YES
 Councilor B. Fritz VOTED: YES

178-2021 A Resolution Modifying the Paving Budget and Authorizing Additional Highway Paving

WHEREAS, the Town of East Greenbush 2021 Final Budget reflected an amount of \$166,000.00 in Highway Revenue Line DA3501 State Aid/CHIPs; and

WHEREAS, actual revenues allocated from New York State under the CHIPs, Extreme Winter Recovery (EWP) and PAVE-NY Programs for FY-2021 total \$261,831.99 which is a net total of \$95,831.99 of additional funding for this fiscal year; and

WHEREAS, the Highway Department has a list of additional paving projects that must be completed; and

WHEREAS, the Commissioner of Public Works estimates that the following additional highways can be paved for the amounts indicated: and

ROAD NAME	PROCESS	ESTIMATED COST	ROAD NAME	PROCESS	ESTIMATED COST
Highland Drive	Mill & Overlay	\$44,000	Morgan Road	T&L, Chipseal	\$37,000
Vermont Avenue	Mill & Overlay	\$14,831			

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

now, therefore, be it

RESOLVED, that the 2021 Final Budget for the Town of East Greenbush is amended as follows:

Fund	As Reads	Amended to Read
DA3501 State Aid/CHIPs	\$166,000.00	\$261,831.99
DA5112.4.02 Permanent Improvement CE	\$166,000.00	\$261,831.99

and be it further

RESOLVED, that the Commissioner of Public Works is hereby authorized to approve the additional paving projects in an amount not to exceed \$95,831.00.

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

179-2021 A Resolution Authorizing Chip Sealing of the Roadways and Parking Lot at the Transfer Station

WHEREAS, the parking areas and the roadway to the brush pile which is used frequently by town residents while using the Transfer Station have not been paved in many years; and

WHEREAS, the Commissioner of Public Works has estimated various methods of paving and surfacing of these areas and determined that a Double Chip Seal at the Transfer Station would preserve the existing pavement and add an asphaltic surface to the unloading area's, parking lot, and access road to the brush pile for approximately 40% of the cost of repaving the same areas; and

WHEREAS, the Rensselaer County Bid for Cold Mix Bituminous Paving, Equipment Rental, and Calcium Chloride RFB 21-11, was awarded on April 1, 2021 and remains in effect until December 31st, 2021 and the results of the bid were made available to all municipalities and school districts in the State of New York; and

WHEREAS, the Commissioner of Public Works obtained a quote for this project from the Gorman Group based upon the results of RFB 21-11; and

WHEREAS, the Town of East Greenbush Purchasing Policy requires that purchases of \$10,000 or more must be approved by the Town Board; and

WHEREAS, the Town Comptroller confirms that the financial impact of this resolution is \$40,000.00 from the Transfer Station charge code A8160.4;
now, therefore, be it

RESOLVED, that the Town Board authorizes the Commissioner of Public Works to contract with the Gorman Group for Chip Sealing of the Roadways and Parking Lot at the Transfer Station in an amount not to exceed \$40,000.00.

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

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

180-2021 A Resolution Declaring DPW Equipment as Surplus and Authorize Auction of Same

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

WHEREAS, said equipment consists of the following:

One (1) 500 Gallon Fuel Tank with Transfer Pump

One (1) 2009 Canon Image Runner 20221 Photocopier

WHEREAS, above listed equipment is surplus to the DPW's needs and cannot be used in another department; 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 above listed equipment is hereby declared as surplus;
and be it further

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

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

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

181-2021 A Resolution Authorizing the Adjustment to the Hourly Rate for the Secretary of the Board of Assessment Review

WHEREAS, members of the Board of Assessment Review are paid at a rate of \$25.00 per hour in an amount not to exceed \$500 for the year; and

WHEREAS, the hourly rate of the Secretary of the Board of Assessment Review has been set at \$15.00 per hour, similar to Part-Time Clerks; and

WHEREAS, the Secretary works with the members of the Board of Assessment Review to properly document all discussions and meetings and should be compensated at the same rate; and

WHEREAS, the Town Comptroller confirms that this resolution has no material impact on Town finances;

now, therefore, be it

RESOLVED, that the Town Board does hereby confirm that the hourly rate for the Secretary of the Board of Assessment Review be adjusted to \$25.00 per hour;

and be it further

RESOLVED, that this resolution is effective retroactively to May 1, 2021.

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

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

182-2021 A Resolution Awarding the Contract for House Demolition – 10 Smith Lane

WHEREAS, the Town Board approved the Finance Office to solicit bids via Resolution 171-2021 for the House Demolition of 10 Smith Lane; and

WHEREAS, the Invitation to Bid Bidders Notice was published on July 14, 2021 and the Town held the bid opening on Wednesday, July 21, 2021 at 11:00 AM and five (5) bidders responded to the bid; and

WHEREAS, the responsive low-bidder is Cristo Demolition, Inc. in the amount of \$24,759.00 for Demolition, Removal and Disposal of the Structure and \$1,500 for the Septic Tank prep of pump out and fill for a total of \$26,259.00; and

WHEREAS, in addition to the cost for the demolition of the house, it is the Town's responsibility to obtain an Asbestos Variance and Air Monitoring for the time of the demolition and clean-up of the site; and

WHEREAS, the Town has secured quotes for the services required and the lowest responsible quote from Alpine Environmental Services was selected to provide the Town Wide Variance Application in the amount of \$1,100.00, which will provide the Town with the variance approval for up to two years and the cost for NYS Certified Asbestos Air Monitoring will be \$425/Full 8 hour day or \$350/Half Day; and

WHEREAS, the Town Comptroller confirms that this will have a material impact on the Town's Finances;

now, therefore, be it

RESOLVED, that pursuant to section 44-5 of the East Greenbush Town Code, the property at 10 Smith Lane is, by the Town Board, hereby: (1) determined to be unsafe, and (2) ordered to be duly razed and removed following notice being duly served upon the owners of the property;

and be it further

RESOLVED, that the Town Board does hereby approve Alpine Environmental Services to provide the Town Wide Variance and NYS Certified Asbestos Air Monitoring;

and be it further

RESOLVED, that the Town Board does hereby approve the award of the contract for House Demolition at 10 Smith Lane to Cristo Demolition, Inc. in the amount of \$26,259.00, and contract with Alpine Environmental Services for Variance and air monitoring.

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

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

183-2021 A Resolution Authorizing the Vincelette Law Firm to Execute Joint Legal Defense Agreement with the East Greenbush Central School District

WHEREAS, the Town of East Greenbush was sued, in a tax certiorari proceeding, by Empire Realty Investors I, LLC, Horizon Ridge, LLC, Forrest Pointe, LLC, Forrest Pointe II, LLC and Forrest Pointe III, LLC in proceedings challenging assessment of certain real property owned by them in the Town of East Greenbush for the 2018-19 through 2020-21 tax years; and

WHEREAS, a trial was held in the Rensselaer County Supreme Court in relation to these proceedings; and

WHEREAS, the court issued a decision adverse to the Town after this trial; and

WHEREAS, the Town, after consultation with its counsel, believes that an appeal from that decision would be a sound move to follow; and

WHEREAS, the cost of that appeal will include the cost of filing, copying and reproducing the record and the briefs; and

WHEREAS, the East Greenbush Central School District is offering to pay 50% of those particular costs of the appeal; and

WHEREAS, the Town Comptroller confirms that this will have a material impact on the Town's Finances;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes its attorneys, the Vincelette Law Firm, to execute such joint defense agreement with the East Greenbush Central School District.

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

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

184-2021 A Resolution Determining an "Unlisted Action" Under SEQRA in Connection with the Establishment of the Best-Luther Fire District

WHEREAS, the Town Board of the Town of East Greenbush (hereinafter "Town") in the, County of Rensselaer, State of New York having duly considered the establishment of a new fire district comprised of the properties currently comprising the Best-Luther and Third Avenue-Mannix Road Fire Protection Districts; and,

WHEREAS, the Town is cognizant that such proposed action establishing a new fire district may affect the environment; and

WHEREAS, the Town by operation of law is the lead agency authorized to perform a review under the State Environmental Quality Review Act (hereinafter "SEQRA") pursuant to Article 8 of the Environmental Conservation Law and undertook such a review of the proposed action as to the classification of nature of the proposed action for purposes of SEQRA; and

WHEREAS, a comprehensive review of the proposed action has been completed by the Town; 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 proposed action is classified as an "Unlisted Action"; and
and be it further

RESOLVED, that based upon the classification as noted above no further action is required by the Town to comply with SEQRA.

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

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

**185-2021 A Resolution and Order Establishing the Best-Luther Fire District in
the Town of East Greenbush**

THIS RESOLUTION AND ORDER OF THE TOWN BOARD OF THE TOWN OF EAST GREENBUSH approving the establishment and operation of a fire district comprised of and encompassing the entirety of the existing Best-Luther Fire Protection District (FD009) and Third Avenue-Mannix Road Fire Protection District (FD010) within the Town of East Greenbush, provides as follows:

WHEREAS, the Town Board of the Town of East Greenbush, conducted a Public Hearing on July 14, 2021 to hear all persons regarding the establishment of a new fire district encompassing the entirety of the Best-Luther Fire Protection District and Third Avenue-Mannix Road Fire Protection District in the Town of East Greenbush; and

WHEREAS, the Town Comptroller confirms that this 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 determines that the new proposed fire district shall be named and hereinafter be referred to as the "Best-Luther Fire District";

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush determines that the Notice of Public Hearing for the establishment of the proposed Best-Luther Fire District was properly published, posted, and served; and

and be it further

RESOLVED, that prior to the publication of the Notice of Public Hearing the Town Board of the Town of East Greenbush caused to be prepared and filed with the Town Clerk, and available for public inspection, a detailed explanation as to how the estimated rate of assessment for the proposed fire district was computed;

and be it further

RESOLVED, that the Notice of Public Hearing contained: 1. a description of the proposed fire district; 2. a statement as to the estimated rate per thousand dollars of assessed valuation, based on the aggregate assessed valuation of the taxable property of the proposed fire district shown in the 2020 final assessment roll and; 3. a statement specifying the time and place where the Town Board met to consider the establishment of a fire district and to hear all person interested in the subject concerning same;

and be it further

RESOLVED, that such Public Hearing was duly held pursuant to the aforesaid Notice of Hearing on July 14, 2021;

and be it further

RESOLVED, that establishment of proposed Best-Luther Fire District is in the public interest;

and be it further

RESOLVED, that all of the property, owners of property, and interested persons within the proposed Best-Luther Fire District are benefited by the establishment of the fire district;

and be it further

RESOLVED, that all of the benefited property and property owners are located within the proposed Best-Luther Fire District;

and be it further

RESOLVED, that the establishment of the Best-Luther Fire District is hereby approved as provided by law;

and be it further

RESOLVED, that upon the establishment of the Best-Luther Fire District, the dissolution of the Best-Luther Fire Protection District and Third Avenue-Mannix Road Fire Protection District are hereby authorized as provided for by Title 3 of Article 17-A of the General Municipal Law of the State of New York;

and be it further

RESOLVED, that the Town of East Greenbush has complied with the provisions of the State Environmental Quality Review Act (SEQRA) and by separate resolution, has determined that the establishment of the Best-Luther Fire District is an “unlisted action” requiring no further action by the Town to comply with SEQRA with regard to the establishment of the Best-Luther Fire District;

and be it further

RESOLVED, that the boundaries of said Best-Luther Fire District shall be identical to the boundaries of the consolidated boundaries of the Best-Luther Fire Protection District and the Third Avenue-Mannix Road Fire Protection District and comprised of those parcels of land identified by tax map number as set forth in the attached Schedule A;

and be it further

RESOLVED, that the said Best-Luther Fire District shall be governed by a Board of Fire Commissioners comprised of five (5) residents of the Best-Luther Fire District and the initial Board of Fire Commissioners and Fire District Treasurer shall be appointed;

and be it further

RESOLVED, that the said commissioners and the treasurer of the Best-Luther Fire District shall be elected in the manner described in Town Law Article 11 and that the initial appointments of the commissioners and the treasurer provided for in Town Law §174 (1) shall be made by the Town Board in consultation with the Best-Luther Fire Department, Inc.;

and be it further

RESOLVED, that the following residents of the Best-Luther Fire District are hereby appointed as Commissioners to the Board of Fire Commissioners of the Best-Luther Fire District effective October 2, 2021 for the term expiring on December 31, 2022:

Mark Bodner
~~Christopher Glander~~
Christian Glander
David Milkiewicz
Jean Schweigert
John Schweigert

and be it further

RESOLVED, that the Town of East Greenbush Town Clerk is directed to notify each of the appointees to the office of Fire District Commissioner of their respective appointments to such office and that the Board of Fire Commissioners shall conduct its First Organizational Meeting on October 2, 2021 at 1:00 p.m. at the Best-Luther Fire Station located at 303 Old Best Road West Sand Lake New York or at such alternate date or time which date shall be within 10 days of the foregoing appointments;

and be it further

RESOLVED, that the provisions of Town Law §173(2) pertaining to the acquisition of real property or easement shall not apply;

and be it further

RESOLVED, that the costs for the establishment of the Best-Luther Fire District and the costs for the dissolution of the Best-Luther Fire Protection District and the Third Avenue-Mannix Road Fire protection District are properly chargeable costs of the Best-Luther Fire District once established and are to be reimbursed by the Fire District in 2022 or as soon thereafter as practicable;

and be it further

RESOLVED, that the Town of East Greenbush Town Clerk is authorized and directed to publish and post a notice of adoption of these Resolutions and Order; and

and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is authorized and directed to cause to be recorded a certified copy of this Resolution and Order establishing the Best-Luther Fire District with the Rensselaer County Clerk, and that when such resolutions are so recorded, they shall be presumptive evidence of the regularity and validity of the creation and establishment of the Best-Luther Fire District and of the acts of the Town Board related to the establishment thereof;

and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is authorized and directed to file a certified copy of this Resolution and Order establishing the Best-Luther Fire District with the office of the State Comptroller, Department of Audit and Control in Albany, New York.

Council Matters made the motion to correct the names listed in the resolution and this motion was seconded by Supervisor Conway to amend the above resolution to now read:

Mark Bodner

Christian Glander

David Milkiewicz

Jean Schweigert

John Schweigert

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

Councilor R. Matters VOTED: YES

Supervisor J. Conway VOTED: YES

Councilor T. Tierney VOTED: YES

Councilor H. Kennedy VOTED: YES

Councilor B. Fritz VOTED: YES

186-2021 A Resolution Authorizing the Implementation and Funding in the First Instance of 100% of the Federal-Aid Eligible Costs of the Construction Phase of a Partially Federally-Funded Transportation Project to Construct Sidewalks from Bruen Court to the City of Rensselaer Line

WHEREAS, a Project US 9 and 20 Sidewalk Construction P.I.N. 1043.58 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of East Greenbush desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design, ROW Incidentals and Construction/CI; and

WHEREAS, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances charged to 51124.03.04.103 offsetting GEIS traffic fees charged to 2189.01.00.02;

now, therefore, be it

RESOLVED, that the Town Board hereby approves the above-subject project; and be it further

RESOLVED, that the Town Board hereby authorizes the Town of East Greenbush to pay in the first instance 100% of the federal and non-federal share of the cost of Design, ROW Incidentals and Construction/CI work for the Project or portions thereof;

and be it further

RESOLVED, that the sum of \$164,233.00 has been appropriated from 51124.03.04.103, appropriated pursuant to the Town’s 2019 Final Budget (Town Board Resolution 20-2019); and made available to cover the cost of participation in the above phases of the Project;

and be it further

RESOLVED, that the additional sum of \$680,516.00 hereby appropriated from 51124.03.04.103, appropriated pursuant to the Town’s 2021 Final Budget and made available to cover the cost of participation in the above phases of the Project;

and be it further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of East Greenbush shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof;

and be it further

RESOLVED, that Town Supervisor of the Town of East Greenbush be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of East Greenbush with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible;

and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project;

and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

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

187-2021 A Resolution Approving the Award of a Contract with Callanan Industries, Inc. to Provide Construction Services for a Partially Federally-Funded Transportation Project to Construct Sidewalks from Bruen Court to the City of Rensselaer Line

WHEREAS, the Town Board authorized the Director of Finance to solicit bids in connection with 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"), by passing Resolution 73-2021, dated March 17, 2021; and

WHEREAS, the Town advertised, accepted bids, and completed the award process, in accordance with state and federal requirements, for the construction contract for the Project; and

WHEREAS, the Town received three (3) bids and, upon review by the Town's design consultant, CHA Consulting, Inc., and Town staff, the lowest responsible bidder was Callanan Industries, Inc., as outlined in the Director of Planning and Zoning's July 9, 2021 Award Package transmission to New York State Department of Transportation (NYSDOT); and

WHEREAS, the Town Board authorized the implementation of and first instance funding for the Construction-related phases of the Project and appropriated funds therefor by passing Resolution 186-2021, dated July 21, 2021;

WHEREAS, the Town Comptroller confirms that this resolution has a material negative impact on the Town's finances charged to 51124.03.04.103 offsetting GEIS traffic fee 2189.01.00.02;

now, therefore, be it

RESOLVED, that the Town Board approves the award of the Construction Contract for the Project to Callanan Industries, Inc. in an amount not to exceed \$594,832.35 and authorizes, upon approval as to form by the Town Attorney, the Town Supervisor of the Town of East Greenbush to execute the aforementioned Construction Contract with Callanan Industries, Inc.

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

188-2021 A Resolution Approving an Agreement with CHA Consulting, Inc. to Provide Construction Inspection Services for a Partially Federally-Funded Transportation Project to Construct Sidewalks from Bruen Court to the City of Rensselaer Line

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 for Design-related phases by passing Resolution 20-2019; and

WHEREAS, the Town Board also authorized the execution of an agreement with CHA Consulting Inc. ("CHA") to provide to provide Preliminary Design, Final Design, and Right-of-Way Incidentals, and Right-of-Way Acquisition services in connection with the Project; and

WHEREAS, the Town has received Supplemental Agreement #1 for Construction Inspection Services for the Project; and

WHEREAS, the Town Board authorized the implementation of and first instance funding for the Construction-related phases of the Project and appropriated funds therefor by passing Resolution 186-2021, dated July 21, 2021; and

WHEREAS, the Town Comptroller confirms that this resolution has a material negative impact on the Town's finances charged to 51124.03.04.103 offsetting GEIS traffic fee 2189.01.00.02;

now, therefore, be it

RESOLVED, that the Town Board approves Supplemental Agreement #1 for Construction Inspection Services; US 9 and 20 Sidewalk Construction from Bruen Court to Rensselaer City Line; Town of East Greenbush, with CHA Consulting in an amount not to exceed \$88,100.00;

and be it further

RESOLVED, that, upon approval as to form by the Town Attorney, the Town Supervisor of the Town of East Greenbush be and is hereby authorized to execute the aforementioned Supplemental Agreement #1 for Construction Inspection Services with CHA Consulting Inc.

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

189-2021 A Resolution Authorizing the Director of Planning and Zoning to Request a Use and Occupancy Permit From the New York State Department of Transportation (NYSDOT) for Improvements to be Situated on NYSDOT Lands in Connection with Upgrades to the Third Avenue and Barracks Road Pump Stations

WHEREAS, the Town is upgrading the existing pump stations known as the Third Avenue Pump Station and the Barracks Road Pump Station (hereinafter "the Project"); and

WHEREAS, certain improvements to be installed in connection with the Project will be situated within right-of-way lands owned by NYSDOT, which improvements include utility connections, access driveways, upgraded forcemain, and pump station equipment; and

WHEREAS, the improvements will be owned and operated by the Town of East Greenbush; and

WHEREAS, in order to allow these improvements to exist and remain in the NYSDOT right-of-way lands, NYSDOT requires a use and occupancy permit; 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 Town Board of the Town of East Greenbush hereby approves and endorses the request for a use and occupancy permit from NYSDOT for improvements to be situated on NYSDOT lands in connection with the Project;

and be it further

RESOLVED, that the Town Board hereby authorizes the Director of Planning and Zoning to submit an application to NYSDOT to obtain a use and occupancy permit in connection with the Project.

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: YES
Councilor R. Matters	VOTED: YES

190-2021 A Resolution Authorizing the Town Supervisor to Sign Contract Amendment No. 5 with H2M Architects and Engineers to Provide Additional Subsurface Investigation Services in Connection with the Third Avenue & Barracks Road Pump Station Upgrades

WHEREAS, in connection with growth and development along the Tempel Lane corridor, including the construction of Regeneron's Tempel Lane Campus, the Town has identified the public need for the construction of certain improvements to the sanitary sewer collection and conveyance system; and

WHEREAS, Resolution 75-2020 was adopted on March 20, 2020 authorizing the Town Supervisor to sign an agreement with H2M Architects and Engineers ("H2M") to provide detailed design consulting services to design the necessary improvements to the subject pump stations to accommodate the projected increased flow resulting from the Regeneron's Tempel Lane Campus; and

WHEREAS, the Town Board on January 20, 2021 authorized (16-2021) the Supervisor to sign contract Amendment No. 1 with H2M Architects and Engineers to provide additional professional services; on January 27, 2021 authorized (34-2021) the Supervisor to sign contract Amendment No. 2 with H2M Architects and Engineers to provide geotechnical services according to optional Task 5 included in H2M's proposal and existing agreement with the Town; on April 21, 2021 authorized (113-2021) the Supervisor to enter into contract Amendment No. 3 with H2M Architects and Engineers to provide the additional subsurface investigation services to

advance the pump station replacement; and on May 19, 2021 (137-2021) authorized the Supervisor to enter into contract Amendment No. 4 with H2M Architects and Engineers to provide an additional day of subsurface investigation fieldwork to advance the pump station replacement; and

WHEREAS, H2M is requesting approval of Additional Design Services in the amount of \$31,250.00, which will be processed as a fifth amendment to the existing agreement between the Town and H2M (“Amendment No. 5”), in order to address the following issues: 1) a 6-inch diameter natural gas main was installed within the proposed pump station substructure, requiring a pipeline protection system to be included into the project’s final bid and contract documents and 2) to design a deep foundation system necessary to support the pump station substructures due to the presence of soft to stiff silt and clay soils at both pump station sites, soils which are prone to settlement; and

WHEREAS, in accordance with a recommendation from the Town’s GEIS Policy Committee, the Town Board previously authorized the use of a portion of the SEQRA mitigation fees paid to the Town by Regeneron for these mitigation projects (Resolution 132-2019), including replacement of the pump stations, as set forth in the Regeneron Development Agreement; and

WHEREAS, the total amount of the contract with H2M Architects and Engineers, as amended, will exceed \$800,000, the amount of SEQRA mitigation fees budgeted for this phase of the project as set forth in Town Board resolution 132-2019 and the Regeneron Development Agreement; and

WHEREAS, in accordance with Town Board resolution 132-2019 and the Regeneron Development Agreement, Regeneron will fund the balance of project costs that exceed the \$800,000 committed by the Town, and Regeneron has established and funded an escrow account with the Town in accordance with the Regeneron Development Agreement, which account presently carries a balance sufficient to fund the contract with H2M as amended; and

WHEREAS, the Town Comptroller confirms that this resolution will have material impact on Town finances charged to account 51124.03.04.104 offset by Temple Lane Infrastructure Regeneron escrow funds;

now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into contract Amendment No. 5 with H2M Architects and Engineers to provide an additional day of subsurface investigation fieldwork to advance the pump station replacement, following approval of said contract amendment as to form by the Town Attorney; and be it further

RESOLVED, that the Town Board of the Town of East Greenbush affirms that contract Amendment No. 5 is an eligible use of funds in accordance with the Regeneron Development Agreement and stipulates that contract Amendment No. 5 costs be funded from the escrow account established pursuant to the Regeneron Development Agreement.

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

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

191-2021 A Resolution Authorizing the Chief of Police to Enter into a Contract with Mountain Eagle Media, LLC to Prepare a Promotional Video/Media Package for the Police Department

WHEREAS, this resolution was not submitted on time to be considered on the regularly scheduled pre-board meeting of July 14, 2021 and was subsequently presented to the Town Board on July 19, 2021; and

WHEREAS, the East Greenbush Police Department, like many police departments in the Capital Region, is having some difficulty finding qualified candidates for the position of Police Officer; and

WHEREAS, due to social developments in the last two years, the perception of police work as a fulfilling career objective has diminished and many fewer people are stepping forward to take the Rensselaer County Civil Service exam for Police Officers; and

WHEREAS, the number of law enforcement professionals applying for a lateral transfer into our department has also declined; and

WHEREAS, the Chief of Police has recommended to the Town Board that we engage Mountain Eagle Media, LLC to produce a promotional video and media package of a kind they have produced for other departments to great effect for a cost not to exceed \$4,250.00; and

WHEREAS, the Town Comptroller confirms that this resolution has a not to exceed \$4,250.00 cost impact on the Police CE budget 31204.1; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush authorizes the Chief of Police to enter into a contract with Mountain Eagle Media, LLC to prepare a promotional video and media package for a price not to exceed \$4,250.00.

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

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

192-2021 A Resolution to Adjust the Hourly Compensation Rate for the Position of Real Property Appraisal Aide in the Assessor's Office

WHEREAS, this resolution was not submitted on time to be considered on the regularly scheduled pre-board meeting of July 14, 2021 and was subsequently presented to the Town Board on July 20, 2021; and

WHEREAS, discussions with the Sole Appointed Assessor, Susan McCarthy, concerning the compensation paid to the Real Property Appraisal Aide, Patrice Burek, revealed that the conditions of her employment changed significantly with the Covid-19 pandemic as people became more guarded about letting someone on their property to measure and photograph changes in individual properties; and

WHEREAS, Ms. Burek is currently being compensated at the rate of \$17.00 per hour, which is the starting rate for Clerks; and

WHEREAS, Patrice Burek has worked for the Town since January 4, 2016 and done a good job of fulfilling the responsibilities of a Real Property Appraisal Aide; and

WHEREAS, the Town Comptroller confirms this resolution will not have a material impact on the Town finances charged to account 13551.01;
now, therefore, be it

RESOLVED, that the compensation rate for Patrice Burek in the position of Real Property Appraisal Aide is increased to \$20.00 per hour, effective July 26, 2021.

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

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

193-2021 A Resolution Authorizing the Town Supervisor to Sign the Separation Agreement with a Certain Employee

WHEREAS, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of July 14, 2021 and was subsequently presented to the Town Board on July 21, 2021; and

WHEREAS, the Town and a certain employee have determined that it's in their respective best interests to enter into an agreement in full and final disposition of all matters in dispute between them; and

WHEREAS, both parties have agreed to a Separation Agreement that establishes the conditions under which the employee will end his working relationship with the Town; and

WHEREAS, the Town Comptroller confirms this resolution has a material impact on Town finances;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute the Separation Agreement with a certain employee after approval as to form and content by the Attorney to the Town and the Town's Labor Attorney.

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

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

Executive Session - Ended 9:44; moved by Supervisor Conway, seconded by Councilor Kennedy, 5-0 vote.

ADJOURNMENT

Motion to adjourn was duly moved by Supervisor Conway and seconded by Councilor Kennedy and brought to a vote resulting as follows:

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

Councilor T. Tierney
Councilor R. Matters
Councilor B. Fritz

VOTED: YES
VOTED: YES
VOTED: YES

Respectfully,

Ellen Pangburn
East Greenbush Town Clerk