



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD Minutes February 19, 2020

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

Members of Town Board

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

Communications/Announcements/Reports

Supervisor Conway stated no presentations tonight.

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.

Resident, Dave Terpening – asked questions on Resolution 40-2020; insurance liability; and Temple Lane regarding Regeneron.

Councilor Kennedy – extended congratulations to our new police officers, Ryan Buell and Anthony Belardo. Also congratulated Judge Jessica Mocerine.

Councilor Matters – Welcomed everyone and also the Best Luther Fire Department for being present for their annual contract approval.

Councilor Fritz – Welcomed everyone and was pleased with the turnout to be able to share what’s going on in town.

Supervisor Conway – Commended Lisa Borst, Human Resources Manager, for her extraordinary work and thanked her.

Resolutions and Proposals by Town Board Members:

33-2020 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, the minutes of the regular Town Board Meeting held on December 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 December 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: YES
Councilor B. Fritz	VOTED: YES
Supervisor J. Conway	VOTED: YES
Councilor T. Tierney	VOTED: ABSENT
Councilor H. Kennedy	VOTED: YES

34-2020 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, the minutes of the regular Town Board Meeting held on January 22, 2020 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 January 22, 2020 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: ABSENT
Councilor H. Kennedy	VOTED: YES

35-2020 A Resolution to Approve Special Meeting Minutes

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

WHEREAS, the special meeting minutes of a Town Board Meeting held on February 3, 2020 have been presented; and

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

now, therefore, be it

RESOLVED, that the minutes of the Special Town Board Meeting held on February 3, 2020 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: ABSENT
Councilor H. Kennedy	VOTED: YES

36-2020 A Resolution Designating March as WOMEN’S HISTORY MONTH

WHEREAS, American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and

WHEREAS, American women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home; and

WHEREAS, American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation; and

WHEREAS, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, American women have served our country courageously in the military; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, including the peace movement, which help create a more fair and just society for all; and

WHEREAS, despite these contributions, the role of American women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history;

now, therefore, be it

RESOLVED by the Town Board that March is hereby designated as Women’s History Month in the Town of East Greenbush.

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

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

Supervisor Conway – Stated the importance of this Resolution and is very pleased to support it.

37-2020 A Resolution to Proclaim the Town of East Greenbush a PURPLE HEART TOWN

WHEREAS, the people of East Greenbush have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and this community in the Armed Forces; and

WHEREAS, our veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm’s way for the protection of us all; and

WHEREAS, the contributions and sacrifices of the men and women from the Town of East Greenbush who have served, or are serving, in the Armed Forces have been vital in maintaining freedom and our way of life; and

WHEREAS, the first Purple Heart Medal was awarded on February 22, 1932 which was the 200th birthday of George Washington; and

WHEREAS, many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS, many of our residents have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and

WHEREAS, the Town Board believes it is critical to remember and recognize veterans who are recipients of the Purple Heart Medal;

now, therefore, be it

RESOLVED, that the Town Board hereby proclaims the Town of East Greenbush to be a Purple Heart Town, honoring the service and sacrifice of our nation’s men and women in uniform who were wounded or killed by the enemy in the course of defending the freedom we enjoy today;

and be it further

RESOLVED, that the Town Board proclaims February 22, 2020 as Purple Heart Medal Day in the Town of East Greenbush to recognize the date that the first Purple Heart Medal was awarded - February 22, 1932, the 200th birthday of George Washington.

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: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor R. Matters	VOTED: YES

38-2020 A Resolution Authorizing the Town Supervisor to Sign a Renewed Contract with Best-Luther Fire Department for the Furnishing of Fire Protection for the Best-Luther Fire Protection District

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a Public Hearing on February 12, 2020 to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Best-Luther Fire Protection District; and

WHEREAS, all those present were allowed to speak and no objections to the renewal of the contract were communicated to the Town Board; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2020 Town budget;

now, therefore, be it

RESOLVED, that the Town Supervisor be and hereby is authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. for the year 2020 in a sum not to exceed \$128,529.00

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: ABSENT
Councilor R. Matters	VOTED: YES

Supervisor Conway – stated how they are part of a really important function in our town and do their work so well. Very pleased to vote yes and thanked them for their service.

Councilor Fritz – very proud to move this Resolution and understands the commitment of our first responders and volunteers.

Councilor Matters – appreciative of their fire protection within this town and their unique challenges in the part of our rural town where they're located.

39-2020 A Resolution Authorizing the Town Supervisor to Sign a Renewed Contract with Best-Luther Fire Department for the Furnishing of Fire Protection for the Third Avenue Fire Protection District

WHEREAS, the Town Board of the Town of East Greenbush, County of Rensselaer, State of New York, held a public hearing on February 12, 2020, to consider renewal of the contract with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District; and

WHEREAS, all those present were allowed to speak and no objections to the renewal of the contract were communicated to the Town Board; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2020 Town budget;

now, therefore, be it

RESOLVED, that the Town Supervisor be and hereby is authorized to renew the contract for Fire Protection with the Best-Luther Fire Department, Inc. on behalf of the Third Avenue Fire Protection District for the year 2020 in a sum not to exceed \$10,061.00

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

Supervisor Conway – Thanked Best Luther again, and for protecting two districts.

Councilor Kennedy – Honored to move this Resolution. Extended her thanks for their hard work and commitment. Stated residents and the Town Board are very appreciative for the work they do.

40-2020 A Resolution to Authorize the Settlement of a Tax Certiorari Case

WHEREAS, 103 Troy Road, LLC and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by 103 Troy Road, 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; and

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

RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2019 tax certiorari proceeding filed by 103 Troy Road, LLC in which the 2019 assessed value of the subject property shall be reduced as follows:

Tax Map No.	Address	2019 Assessment	Revised Assessment
155.-3-5	103 Troy Road	\$315,000.00	\$239,000.00

Real Property Tax Law §727 shall apply;
and be it further

RESOLVED that 103 Troy Road, LLC shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision;
and be it further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between 103 Troy Road, LLC and the Town of East Greenbush as to the above referenced assessment.

The foregoing 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: ABSENT

Councilor H. Kennedy VOTED: YES
Councilor B. Fritz VOTED: YES

41-2020 A Resolution Modifying the Authorized Personnel Positions for the Department of Public Works

WHEREAS, the Department of Public Works operates and maintains the Town’s Highway, Water, Waste Water Systems; Parks, Transfer Station and Buildings; and

WHEREAS, the Commissioner of Public Works has determined that the authorized personnel positions as depicted in the attached Organization Chart are the minimum required to operate and maintain the abovementioned systems; and

WHEREAS, the Commissioner of Public Works requests that the Town Board approve the authorized personnel positions of the Public Works Department as described; and

WHEREAS, the Town Comptroller has confirmed that this resolution will have no material impact on the Town’s finances charged though out the Department of Public Works PS; now, therefore, be it

RESOLVED, that the Town Board approves the authorized personnel positions of the Public Works Department as described on the attached Organizational Chart.

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

Supervisor Conway – indicated this is a small change in a position. This is to approve the attached Table of Organization.

42-2020 A Resolution Granting the State of New York Authority to Perform the Adjustment for the Owner and Agreeing to Maintain Facilities Adjusted Via State-let Contract

WHEREAS, the New York State Department of Transportation proposes the construction, reconstruction, or improvement of Rt. 9&20 ADA Compliance SFY 19 in the Town of East Greenbush located in Rensselaer County, PIN 1810.29; and

WHEREAS, the State will include as part of the construction, reconstruction, or improvement of the above mentioned project the adjustment to sanitary sewer facilities and appurtenances, pursuant to Article II, Section 10, Subdivision 24, of the NY State Highway Law, as shown on the contract plans relating to the project and meeting the requirements of the owner; and

WHEREAS, the service life of the relocated and or replaced utilities has not been extended; and

WHEREAS, the State will provide for the reconstruction of the above-mentioned work, as shown on the contract plans relating to the above mentioned project; and

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

now, therefore, be it

RESOLVED, that the Town of East Greenbush approves the relocation of and adjustment to their sewer manholes appurtenances and the above mentioned work performed on the project and shown on the contract plans relating to the project and that the Town of East Greenbush will own and maintain or cause to be maintained the adjusted facilities performed as above stated and as shown on the contract plans;

and be it further

RESOLVED that the Town Board authorizes Daniel Fiacco, Commissioner of Public Works, to sign, with the concurrence of the Town Board and the Town Comptroller, any and all documentation that may become necessary as a result of this project as it relates to the Town of East Greenbush, including the Signature Page that must accompany this resolution for submission to DOT, which is appended to this resolution and incorporated into the public record;

and be it further

RESOLVED: that the clerk of the Town of East Greenbush is hereby directed to transmit five (5) certified copies of the foregoing resolution to the New York State Department of Transportation, including five (5) Signature Pages referred to hereinabove.

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: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

Supervisor Conway – regarding DOT sidewalk work on 9&20, manholes will be reconstructed as needed. This Resolution gives DOT permission to do that and also obligates the town to maintain them, as we currently are.

43-2020 A Resolution to Appoint Michael A. Martin to the Position of Recreation Supervisor in the Community and Recreation Department

WHEREAS, the Community and Recreation Department is essential to the work of our Town government as it entails coordinating activities for youths, senior citizens, teens and adult residents; coordinating internal Town events and special activities; managing the Town’s Summer Camp program; coordinating the Music in the Park series and summer’s end festival; arranging holiday parties, including the Easter Egg Hunt, children’s Halloween party, and the Christmas tree lighting; acting as liaison to external entities for the planning of parades and other activities; and serving on the Generic Environmental Impact Statement (GEIS) committee; and

WHEREAS, the Town advertised in local newspapers seeking someone to supervise and lead the Community and Recreation Department and posted the job notice on the Town website, received sixteen applications, and conducted in-person interviews with five candidates for the position; and

WHEREAS, Michael A. Martin possesses all of the minimum qualifications for the job and his appointment has been approved by the Rensselaer County Civil Service Commission as a permanent appointment in a non-competitive class; and

WHEREAS, the Town Comptroller confirms that this position was budgeted in the 2020 budget charged to account 71401.01 Community and Recreation;

now, therefore, be it

RESOLVED, that Michael A. Martin is hereby appointed to the position of Recreation Supervisor in the Community and Recreation Department as a permanent appointment in a non-competitive class for the period of February 19, 2020 through December 31, 2021 at an annual salary of \$40,000.00;

and be it further

RESOLVED, that this appointment is effective as of March 2, 2020.

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

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

Supervisor Conway – Introduced Mike Martin who was present. Stated 16 applications were received and 5 were interviewed. Mr. Martin stood out and had a great interview. Very happy to move this Resolution and have this addition to our town workforce. This is a quality person and hire.

Councilor Matters – Stated how much of a help Lisa Borst, town’s Human Resources Manager, was with this appointment and worked closely with the Supervisor. Very gratified to be a part of this Board and have the opportunity to serve with them.

Councilor Fritz – Very excited for this appointment and thinks Mike will be an excellent addition to the town workforce, bring new energy, and excited to see where we can go.

Councilor Kennedy – offered her congratulations and very happy he applied for this position.

44-2020 A Resolution Authorizing the Town of East Greenbush to Pay Music Licensing Fees to ASCAP (American Society of Composers, Authors and Publishers)

WHEREAS, the Town of East Greenbush Community and Recreation Department hosts a Music in the Park summer concert series each year, and

WHEREAS, music licensing is required to be obtained by all venues hosting live music, or playing music of any kind that might prevent royalties from being paid to the original artists, and

WHEREAS, the Town of East Greenbush is required to obtain licensing through ASCAP for the Music in the Park series for 2020; and

WHEREAS, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances and will be charged to account 71404.01 Community and Recreation CE;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute the ASCAP License agreement, and authorize payment not to exceed \$500.00.

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

45-2020 A Resolution Authorizing the Town of East Greenbush to Pay Movie Licensing Fees to Swank Motion Pictures

WHEREAS, the Town of East Greenbush Community and Recreation Department hosts a Movie in the Park summer concert series each year; and

WHEREAS, movie licensing is required to be obtained by all venues showing motion pictures, so as not to prevent royalties from being paid to the original artists; and

WHEREAS, the Town of East Greenbush is required to obtain licensing for Movie in the Park events for 2020; and

WHEREAS, the Town Comptroller has confirmed that this resolution will not have a material impact on the Town’s finances and will be charged to account 71404.01 Community and Recreation CE;

now, therefore, be it

RESOLVED, that the Town Board authorizes the Town Supervisor to execute the Swank Motion Picture License agreement, and authorize payment not to exceed \$500.00,

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

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

Chief Chuck Milkiewicz of Best Luther Fire Department mentioned for Mike Martin to contact him about bringing fire trucks to Summer Camp.

46-2020 A Resolution to Engage Web Instinct to Conduct a Americans with Disability Act (ADA) Compliance Review of the Town Website

WHEREAS, the Americans with Disabilities Act of 1990 established that disabled individuals have a civil right to enjoy access to the same things as able-bodied individuals. While most frequently applied to physical spaces, this law also applies to websites, such as the Town’s website; and

WHEREAS, the standards set to make a website accessible are found in the Web Content Accessibility Guidelines (WCAG), which outline dozens of specific use cases and how a website must meet them. There are currently three levels of WCAG Standards that offer three levels of accessibility: Level A (the most lenient), Level AA, and Level AAA (the most stringent); and

WHEREAS, the Director of Finance has been working with Web Instinct, our website management company, and they recommend that the Town complete a Level AA WCAG Remediation for ADA Compliance; and

WHEREAS, Level AA WCAG Remediation will provide a page by page review of www.eastgreenbush.org using automated tools that point out WCAG violations and fix violations that encompass three types – Global, Individual Page and Content Changes; and

WHEREAS, the cost of WCAG Remediation is \$5,500.00 which will include a page by page review, all code mitigation and training to website administrators. This does not include the Professional Review which has been proposed at an additional \$5,000.00 that, pending the results of the WCAG Remediation, should be considered for following year; and

WHEREAS, approximately \$3,500.00 was budgeted in the 1680.4 Data Processing CE for the ADA Compliance Review based on initial discussions, but due to the volume of information contained on our website, the official proposal submitted came in at \$5,500.00; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a non material impact on the Town’s finances charging an amount not to exceed \$2,000.00 to account code 16804.01.04 Data Processing over the budget estimate of \$3,500.00 the following budgetary transfer will be made:

Fund	Transfer in	Transfer out
19904.01.04 Contingency		\$2,000.00
16804.01.04 Public Works Admin CE	\$2,000.00	

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Town Supervisor to engage Web Instinct to perform the Americans with Disability Act Web Content Accessibility Guidelines Level AA review of www.eastgreenbush.org to begin to address any potential violations and make sure that our website is accessible to all at a cost not to exceed \$5,500.00.

This 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: ABSENT
Councilor R. Matters	VOTED: YES

47-2020 A Resolution Approving the Professional Services Agreement with New York Municipal Insurance Reciprocal (NYMIR)

WHEREAS, the Town, through its insurance broker Rose & Kiernan, Inc., received a proposal for Insurance Coverage for the period of March 1, 2020 – March 1, 2021, as follows:

Carrier	2019-2020 Expiring	2020-2021 Renewal Quote

New York Municipal Insurance Reciprocal	\$187,546.16	\$195,255.56
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WHEREAS, the Town has contracted with New York Municipal Insurance Reciprocal (NYMIR) since 2013 and this has proved to be an invaluable resource through providing training, webinars and seminars to employees, safety inspections, and other services in addition to insurance coverage; and

WHEREAS, increases have been seen by all municipalities covered by NYMIR as a result of an increase in claim activity; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2020 Town budget charged to account codes 19104.01.04, 51104.02, 83104.05, 81104.7/8/9/10;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush does hereby approve the renewal of the agreement with New York Municipal Insurance Reciprocal (NYMIR) for the policy year March 1, 2020 –March 1, 2021 for the amount of \$195,255.56.

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: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

Supervisor Conway – stated this is about a 4.4% increase in our municipal insurance coverage. We’ve been told due to a lot of claims; very fortunate most not against us, however, cost still goes up. Still the best deal and get our money’s worth.

48-2020 A Resolution to Authorize Kevin Hitchcock to Attend the Northern Adirondack Code Enforcement Officials Association Education Conference

WHEREAS, the Town Comptroller has confirmed that the provisions of this resolution were planned for in the 2020 Town Budget in account 36204.01 Safety Inspection CE; now, therefore, be it

RESOLVED, that the following person be authorized by the Town of East Greenbush to attend the annual Northern Adirondack Code Enforcement Officials Association Education Conference March 1, 2020 to March 5, 2020:

Kevin Hitchcock

and be it further

RESOLVED, the Town will pay lodging expense and conference attendance expense for this employee from March 1, 2020 through March 5, 2020. Attendee shall advance the cost for transportation and meals and maintain an expense report accompanied by appropriate receipts to be submitted to the Comptroller following the meeting for reimbursement.

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

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

49-2020 A Resolution Authorizing the Town Supervisor to Sign an Agreement with Greenman-Pederson, Inc. (GPI) to Provide Professional Services in Connection with the Construction of the Tempel Lane Extension and Certain Related Improvements

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; and

WHEREAS, these improvements include the extension of the existing Tempel Lane to a point of intersection with Third Avenue Extension and associated stormwater, water supply, sanitary sewer improvements and items related to this proposed roadway extension (the “Project”); and

WHEREAS, the public need for such improvements has been established in the following documents: Amended SEQRA Findings Statement for Regeneron Pharmaceuticals, Inc. Tempel Lane Campus (November 20, 2018); Western East Greenbush Final Generic Environmental Impact Statement (July 2009); Town of East Greenbush Town Board Village at Tempel Farm Resolution (24-2008) for Conditional Site Plan Approval (January 9, 2008); Route 4 Corridor Study (2006); and Final Generic Environmental Impact Statement Mill Creek Commerce Park (February 14, 2002); and

WHEREAS, the Amended SEQRA Statement of Findings issued in November of 2018 by the Town Board as lead agency addressed both the Regeneron Tempel Lane Campus and the extension of Tempel Lane to 3rd Avenue Extension; and

WHEREAS, the Town Board in its resolution 132-2019 authorized the Town Supervisor to execute an Agreement with Regeneron Pharmaceuticals (“Development Agreement”) under which the Town agreed to advance the Project and Regeneron agreed to supply funding to implement the Project, which is estimated to be \$9,200,000.00 according to the Development Agreement; and

WHEREAS, the Town has received and accepted in its Resolution 132-2019 \$2.0 million in grant funding from Empire State Development in order to implement infrastructure projects with a total cost of \$10,637,200.00 aimed at supporting the Town’s need to address growth and support economic development in the Tempel Lane Corridor (collectively the “Program”), which includes funding the Project; and

WHEREAS, in order to advance the Program, the Town Board in its resolution 181-2019 authorized the Director of Planning and Zoning to solicit proposals from qualified consultants for the aforementioned services needed to advance the aforementioned Program, including the Tempel Lane Extension project; and

WHEREAS, on November 27, 2019, the Town issued RFP 19-10 seeking consultant services for the Tempel Lane Extension Project: Utility, Roadway Design, Bid Support, and Construction Inspection, which will advance this portion of the Program; and

WHEREAS, the Town received five (5) proposals from firms qualified to provide services in connection with RFP 19-10 to advance the Project; and

WHEREAS, a selection committee evaluated the proposals received, created a short list of three (3) firms, conducted interviews with the short-listed firms, and has recommended that the Town Board select GPI/Greenman-Pederson, Inc., pursuant to their proposal submitted in response to RFP 19-10, to provide the requested services to advance the Project; and

WHEREAS, the Town Comptroller has confirmed that the financial impact of this resolution cannot be determined until Regeneron places the funding in escrow;

now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into a contract with GPI/Greenman-Pederson, Inc. to provide services to advance the Project following approval of said contract as to form by the Town Attorney;

and be it further

RESOLVED, that prior to the Supervisor signing the aforementioned contract with GPI/Greenman-Pederson, Inc., Regeneron must provide the Town funding in the amount of \$9,200,000.00 to be placed into escrow in accordance with paragraph 1 and Exhibit A of the Development Agreement.

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: ABSENT
Councilor H. Kennedy	VOTED: YES
Councilor B. Fritz	VOTED: YES

Supervisor Conway – clarified something said from last meeting, regarding developer’s agreement with Regeneron and the money to go into escrow. Made statement that the deal was done. This caused a little panic among four home owners at end of Old Mannix Road who could be directly affected, depending on design of road. Clarifying that not a single thing has happened in the last two years. Working really hard to find a way that this doesn’t affect them the way they fear.

50-2020 A Resolution Acknowledging the Receipt of the Annual Audit and Examination of Records of the Town Justices for the Year Ending December 31, 2019

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires every justice of a village or town to submit his/her records and docket to the auditing board of said village or town; and

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that Justice Court records shall be examined and audited by said auditing board; and

WHEREAS, the East Greenbush Town Board directed the Comptroller to perform the required audit and examination of the records of the East Greenbush Town Justices for the year ending December 31, 2019; and

WHEREAS, the Town Comptroller has completed his audit of the records of the Town Justices for 2019; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have not have a material impact on the Town’s finances;

now, therefore, be it

RESOLVED that the finds of said audit and examination were presented to and accepted by the Town Board of the Town of East Greenbush.

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

Supervisor Conway – commended Stephanie Hicks and Laura Ingoldsby and how hard they’re working, even with new rules and procedures this year.

51-2020 A Resolution to Appoint Taylor E. Tibbetts to the Position of Recreation Assistant in the Community and Recreation Department

WHEREAS, this resolution was not able to be submitted in time for consideration at the regularly scheduled pre-board meeting of February 12, 2020 and was subsequently presented to the Town Board on February 18, 2020; and

WHEREAS, the Community and Recreation Department is responsible for the operation of the Summer Camp and the coordination of many activities such as Music in the Park, the Town Festival, holiday parties such as the Easter Egg Hunt, Halloween Party and the Christmas Tree lighting, and many other activities that serve our community; and

WHEREAS, the workload of the Community and Recreation Department has increased in the past two years with the construction of the Red Barn and the implementation of new program initiatives; and

WHEREAS, in prior years the Town employed two part-time recreation assistants but with the increased workload of the department and the difficulty in recruiting and maintaining people for these part-time positions, the Town Board has now decided to combine the two part-time jobs to staff a new full-time position of Recreation Assistant; and

WHEREAS, we received sixteen applications from candidates who sought to lead the Community and Recreation Department and interviewed five candidates for that position; and

WHEREAS, Taylor E. Tibbetts interviewed for that position and impressed the Town Board with her experience, skill and commitment; 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 appoints Taylor Tibbetts to the position of Recreation Assistant in the Community and Recreation Department as a permanent appointment in a non-competitive class at an annual salary of \$32,000.00;
and be it further

RESOLVED, that this appointment shall be effective as of February 24, 2020.

This resolution has been 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: ABSENT

Councilor H. Kennedy
Councilor R. Matters

VOTED: YES
VOTED: YES

Supervisor Conway – commented on her strong interview and how passionate she was for this position. Happy to vote on this and welcomed Taylor.

Councilor Fritz – Very excited for how well Taylor interviewed and for her teaming with Mike Martin. Extended her congratulations.

Councilor Kennedy and Councilor Matters – Welcomed Taylor.

52-2020 A Resolution Authorizing the Addition of Cyber Liability through Beazley to the Town’s Insurance Renewal

WHEREAS, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of February 12, 2020 and was subsequently presented to the Board on February 18, 2020; and

WHEREAS, upon meeting with the Town’s insurance representative from Rose & Kiernan, Inc., it was recommended that the Town add a Cyber Liability Policy to the Town’s current insurance package; and

WHEREAS, a Cyber Liability policy covers financial losses that result from data breaches and other cyber events, which is a growing concern for municipalities and businesses; and

WHEREAS, Rose & Kiernan, Inc., presented the Town with a cyber liability policy from NYMIR (the Town’s current liability insurance provider) and four (4) options from Beazley, one of the top rated Cyber Liability Insurance providers, recommending Option #1 from Beazley as a recommended coverage for the Town of East Greenbush; and

WHEREAS, the insurance coverages compare as follows:

Coverage	NYMIR
Security Breach & Network Liability Limits Per Occurrence	\$250,000.00
Security Breach & Network Liability Limits Annual Aggregate Limit	\$250,000.00
Deductible	\$1,000.00
NYMIR Policy Cost	\$2,612.50
Coverage	Beazley
Policy Aggregate Limit of Liability	
Liability	\$1,000,000.00
eCrime	\$250,000.00

Criminal Reward	\$50,000.00
Beazley Policy Cost	\$5,710.00

WHEREAS, Beazley is one of the leading insurers of data breach risk and is recommended over NYMIR at this time as NYMIR is relatively new to cyber risk liability and coverage is limited considering the scope of information handled by the Town of East Greenbush; and

WHEREAS, the Town Comptroller believes at this time that this resolution will have a non material impact on the Town’s finances charging an amount not to exceed \$5,710.00 to account code 19104.01.04 Insurance over the budget estimate and the following budgetary transfer will be made:

Fund	Transfer in	Transfer out
19904.01.04 Contingency		\$5,710.00
19104.01.04 Insurance CE	\$5,710.00	

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the addition of Beazley Cyber Liability Option #1 to the Town of East Greenbush’s General Liability Binder for the plan year of March 1, 2020 through March 1, 2021 for an amount not to exceed \$5,710.00.

The foregoing resolution was 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: ABSENT
Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

53-2020 A Resolution to Schedule a Public Hearing on the Effects of the Dunn Landfill on the Residents of East Greenbush

WHEREAS, this resolution was not able to be submitted in time for consideration at the regularly scheduled pre-board meeting of February 12, 2020 and was subsequently presented to the Town Board on February 19, 2020; 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, 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, within the Town of East Greenbush, residents living on Capital Place, Rockefeller Boulevard, Plaza Avenue, and Rosebud Court and other areas, 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; 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 schedules a public hearing for March 11, 2020 at 6:00 p.m. at Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, to consider public input on the problems and potential solutions to the negative issues created by the Dunn Landfill for the residents of the Town.

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

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

Supervisor Conway – stressed we've had enough. No jurisdiction, just a negative impact. Department of Environmental Conservation and NYS Department of Health need to step in. Giving residents an outlet to express their concerns by holding a Public Hearing.

Councilor Kennedy – seconded Supervisor Conway's comments.

Councilor Matters – stressed how local government needs to act proactively. Stated concerns about our residents being affected by this. Agrees with the Supervisor on this Resolution.

Councilor Fritz – agreed with the rest of the Board's comments. Stressed we need to be heard as this is affecting some of our residents and to share this Resolution regarding Public Hearing.

ADJOURNMENT

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

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

Respectfully,

Ellen Pangburn
East Greenbush Town Clerk

Approved: March 18, 2020