



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD AGENDA PRE-BOARD MEETING February 14, 2024

Call to Order 6:00 PM
Pledge of Allegiance
Town Board Meeting:

Members of Town Board

Present

Absent

Supervisor J. Conway
Councilor H. Kennedy
Councilor E. Nestler
Councilor R. Matters
Councilor J. McHugh

The resolutions below are provided to the Town Board in advance of the Official Town Board Meeting to allow time for review and research. The purpose of the Pre-Board Meeting is for the Town Board to publicly discuss resolutions and ask any questions, so they may receive information needed to make an informed decision at the Town Board Meeting.

Presentation:

Schedule of Meeting:

26-2024 A Resolution to Approve Meeting Minutes

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

WHEREAS, that the minutes of the Town Board Meeting held on January 17, 2024 have been presented; and

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

now, therefore, be it

RESOLVED, that the minutes of the Town Board Meeting held on January 17, 2024 are hereby approved as submitted.

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

Councilor E. Nestler VOTED:
Councilor H. Kennedy VOTED:
Supervisor J. Conway VOTED:
Councilor R. Matters VOTED:
Councilor J. McHugh VOTED:

27-2024 A Resolution Acknowledging the Receipt of the Annual Audit and Examination of Records of the Town Justices for the Year Ending December 31, 2023

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 Town Comptroller to perform the required audit and examination of the records of the East Greenbush Town Justices for the year ending December 31, 2023; and

WHEREAS, the Town Comptroller has completed his audit of the records of the Town Justices for 2023; and

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

RESOLVED that the findings 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 Councilor McHugh and seconded by Councilor Matters and brought to a vote resulting as follows:

Councilor J. McHugh VOTED:
Councilor R. Matters VOTED:
Supervisor J. Conway VOTED:
Councilor H. Kennedy VOTED:
Councilor E. Nestler VOTED:

28-2024 A Resolution to Authorize Kevin Hitchcock to Attend the Northern Adirondack Code Enforcement Officials Association Education Conference

WHEREAS, the Director of Finance has confirmed that the provisions of this resolution were planned for in the 2024 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 3, 2024, to March 7, 2024, in Lake Placid, NY:

Kevin Hitchcock

and be it further

RESOLVED, that the attendee shall advance the cost for transportation, meals, lodging, and conference attendance expense. The attendee shall maintain an expense report accompanied

by appropriate receipts to be submitted to the Finance Office following the conference for reimbursement.

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

Councilor E. Nestler	VOTED:
Councilor H. Kennedy	VOTED:
Supervisor J. Conway	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

29-2024 A Resolution Authorizing Cured-In-Place Pipelining to Certain Sanitary Sewer Main Sections

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

WHEREAS, Precision Trenchless LLC has been awarded the Onondaga County Bid for installation of cured-in-place pipelining and the Bid has been made available to other political subdivisions state-wide; and

WHEREAS, the Commissioner of Public Works has identified specific sections of the sanitary sewer collection system that are prone to clogging due to age, or infiltration of roots or other matter; and

WHEREAS, the Commissioner of Public Works has determined that the most cost-effective way to recondition these specific sections is to install cured-in-place pipe lining which will prevent further clogging and will ensure a much longer life in the affected areas; and

WHEREAS, the Director of Finance has confirmed that the financial impact of this resolution is \$150,000.00 from the approved 2024 budget line 81204.07 Sanitary Sewer; now, therefore, be it further.

RESOLVED, that the Town Board approves the Commissioner of Public Works to contract with Precision Trenchless LLC to install lining in the sewer mains identified for a price not to exceed \$150,000.00 for line 81204.07 – Sanitary Sewer.

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

Supervisor J. Conway	VOTED:
Councilor E. Nestler	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

30-2024 A Resolution Authorizing Cured-In-Place Pipelining to Selected Storm Sewer Lines

WHEREAS, in accordance with Town policy and General Municipal Law, all public works expenses in excess of \$10,000 require Town Board approval; and

WHEREAS, Precision Trenchless LLC has been awarded the Onondaga County Bid for installation of cured-in-place pipelining and the Bid has been made available to other political subdivisions state-wide; and

WHEREAS, the Commissioner of Public Works in conjunction with the Highway General Foreman has identified specific sections of the storm sewer collection system that are prone to deterioration, or infiltration of roots or other matter; and

WHEREAS, the Commissioner of Public Works has determined that the most cost-effective way to recondition these specific sections is to install cured-in-place pipe lining which will prevent further clogging and will ensure a much longer life in the affected areas; and

WHEREAS, the Director of Finance confirms that the financial impact of this resolution is \$130,000.00 from the approved 2024 budget line 81404.07 Storm Sewer CE; now, therefore, be it

RESOLVED, that the Town Board approves the Commissioner of Public Works to contract with Precision Trenchless LLC to install the lining in the storm sewers identified for a price not to exceed \$130,000.00.

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

Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:

31-2024 A Resolution Approving Adirondack Mountain Engineering to Provide Design, Construction Inspection and Oversight Services for the Upgrade of the Commons Pump Station

WHEREAS, the Town of East Greenbush owns and operates 14 sewer pump stations which are critical parts of the wastewater conveyance system; and

WHEREAS, the Commons Pump Station was installed in 1991 and has reached its capacity limit and the age of the pumps is causing the pump motors to overheat at times; and

WHEREAS, the Town of East Greenbush has converted many of the below ground pump stations to above ground stations to address safety concerns and easier access for repairs; and

WHEREAS, the Commissioner of Public Works is recommending a new suction lift above-ground station for this location; and

WHEREAS, the Commissioner of Public Works requested a proposal for engineering services from Adirondack Mountain Engineering; and

WHEREAS, Adirondack Mountain Engineering performed the Couse Sewer District Engineering Report in 2021 identifying many upgrades to the Couse Sewer District including the upgrade to the Commons Pump Station; and

WHEREAS, Adirondack Mountain Engineering specializes in Waste Water and Drinking Water Engineering Services and is most familiar with the Town's Water and Sewer infrastructure; and

WHEREAS, Adirondack Mountain Engineering has provided a scope of work which includes Design & Preparation of Bid Specifications, Bid Assistance, Construction Phase Services and Construction Observation Services for the amount not to exceed \$120,300.00; and

WHEREAS, the Director of Finance confirms that this resolution will have an impact to the Town's finances and such costs will be appropriated with the following budget transfer:

Fund	Transfer In	Transfer Out
SW915 – Sewer Fund		\$120,300.00
81204.07 – Sanitary Sewer CE	\$120,300.00	

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the Supervisor to sign the Engineering Proposal from Adirondack Mountain Engineering for an amount not to exceed \$120,300.00 for the Commons Pump Station located between 75 and 77 Troy Road.

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

Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

32-2024 A Resolution Authorizing the Solicitation of Bids for Upgrades to the Waste Water Treatment Plant

WHEREAS, the Town Board authorized the Commissioner of Public Works to work with Adirondack Mountain Engineering (AME) regarding concerns over the Wastewater Treatment Plant (WWTP) in Resolution 254-2023; and

WHEREAS, included in the Task Order Proposal signed by AME and the Town was Task 1.0 – Design and Preparation of Specifications, which allowed for AME to prepare the specifications for replacement of all the mechanical systems and drives in Clarifiers #1 and #2, along with replacement of valves to allow Clarifiers #1 and #2, along with Clarifiers #3 and #4, to operate independently. AME will complete all permitting required with NYSDEC and ensure that bids are carried out in accordance with all state and town requirements; and

WHEREAS, bid documents have been prepared as per Task 2.0- Bid Assistance, AME has prepared all bid documents in compliance with applicable State, Federal and local laws and statutes; will assist with the advertisement, publication, question and answer periods, as well as bid review and post bid conference to award letter drafting; and

WHEREAS, the Director of Finance confirms that soliciting bids will not have a material impact on the Town’s Finances;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the Purchasing Clerk to Solicit Bids for the aforementioned upgrades to the Wastewater Treatment Plant as mentioned above.

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

Councilor E. Nestler	VOTED:
Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

33-2024 A Resolution Authorizing the Payment for Emergency Water Main Repairs to WM. J. Keller & Sons Construction Corp.

WHEREAS, the Town of East Greenbush was notified by Rensselaer County of a water main break on the main transmission line on Glenmore Road in North Greenbush around 8:00 AM on the morning of Wednesday, January 31, 2024; and

WHEREAS, the Water Departments from the Town of East Greenbush and City of Rensselaer quickly responded to the scene and contacted Wm. J. Keller & Sons Construction Corp (Keller) to assist with the repair due to their experience and equipment availability; and

WHEREAS, Wm. J. Keller & Sons Construction Corp submitted an invoice in the amount of \$26,877.06 for the repairs that includes labor, equipment; and

WHEREAS, the water system is jointly owned by the Town of East Greenbush and City of Rensselaer and per the Agreement of Municipal Cooperation for Construction, Financing and Operation of a Joint Water District:

“The cost of operation and maintenance of the joint water system shall be apportioned annually between said City of Rensselaer and said Town of East Greenbush on the ratio of water consumed by each community ... and it is the intent of this agreement that the cost of operation and maintenance shall be shared by Rensselaer and East Greenbush on the ratio of such water consumption.”

WHEREAS, the Town of East Greenbush will submit an invoice to the City of Rensselaer for their share of the repair; and

WHEREAS, the Town Director of Finance confirms that this resolution will have a material impact on the General Water Fund to be paid from account 83404.05, Transmission and Distribution CE;

now, therefore, be it

RESOLVED, that the Town Board does hereby authorize the payment to Wm. J. Keller & Sons Construction Corp of \$26,877.06 and will submit an invoice to the City of Rensselaer for their share of the repairs.

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

Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Councilor R. Matters	VOTED:

34-2024 A Resolution Confirming the Years of Service to the Town of East Greenbush for Daniel Fiacco

WHEREAS, Daniel Fiacco has been employed by the Town of East Greenbush since 1/2/2014 with a break in service from 1/2016-4/3/2018; and

WHEREAS, in April of 2024 Daniel will have 8 years of service to the Town, although not consecutive; and

WHEREAS, upon retirement, employees hired prior to January 1, 2017, must have at least 10 years of service; have retired directly from the Town; be at least 55 years of age; and

have been granted a retirement benefit from NYS Employees' Retirement System will qualify for 100% coverage of medical insurance for individual coverage; and

WHEREAS, the Director of Finance confirms that the financial impact will have to be budgeted in future years;

now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush does hereby approve and confirm that Daniel Fiacco qualifies for health insurance benefits upon retirement under the terms of the Employee Handbook for employees hired before January 1, 2017.

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

Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

35-2024 A Resolution Accepting the Addition of Certain Town Roads onto the Town of East Greenbush's Local Highway Inventory

WHEREAS, the Commissioner of Public Works has reviewed the Local Highway Inventory that New York State Department of Transportation provided the Department of Public Works for annual certification; and

WHEREAS, upon review, a number of local roads were missing from the annual certification and require a Town Board Resolution to add old roads not currently in the inventory; for new roads and extensions of existing roads; to accept any corrections found in reviewing the list; and

WHEREAS, this Resolution is to serve as acceptance of responsibility for maintenance and repair of the roadway by the Town Board and therefore the Department of Public Works; and

WHEREAS, the following Town roads were missing from the 2023 Local Highway Inventory:

Road or Street Name
Country Meadow Lane
Fieldcrest Drive
Forrest Drive
Hartfield Court
Lagenbach Road
Lona Lane
Rysedorph Lane
Tempel Lane Extension
Wyatt Circle

; and

WHEREAS, the Town has maintained these roads since they were constructed and turned over to us. A number of these roads have been constructed and maintained as part of

developments where all other roads within the developments were accepted and currently appear on the inventory; and

WHEREAS, Tempel Lane Extension was most recently constructed and completed during construction season 2023

now, therefore, be it

RESOLVED, that the Town Board does hereby approve the acceptance of these roads and supports the Commissioner of Public Works addition and update to the Local Highway Inventor to the New York State Department of Transportation that will be submitted by March 15th, 2024 including these added streets and a number of corrections to the listing as it was provided to the Commissioner.

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

Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

36-2024 A Resolution to Appoint Katharine Asenbauer to the Position of Summer Camp Director

WHEREAS, the Community and Recreation Department is essential to the work of our Town government as it entails coordinating activities for families, youth and seniors, in addition to managing the Summer Camp program; and

WHEREAS, the Town Camp is divided into a junior camp for children grades 1-5, and senior camp for children grades 6-8; and

WHEREAS, the Town Board recognizes the importance of having an experienced and responsible director to manage the day-to-day operation of the Camp; and

WHEREAS, the applicant for the position of Director applied through the Community and Recreation Department and participated in interviews with Town staff; and

WHEREAS, this candidate was one of the Camp Directors last summer and was once a camper, counselor and assistant director at the Town of East Greenbush Summer Camp, further showing the Town’s commitment to providing a safe and enjoyable environment for the youth of our town during the summer months by hiring proven Camp leaders; and

WHEREAS, the Director of Finance confirms that this resolution will not have a material impact on the Town’s finances;

now, therefore, be it

RESOLVED, that the following candidate is appointed to serve as Summer Camp Director for the 2024 season;

Katharine Asenbauer - Summer Camp Director
--

RESOLVED, that Katharine Asenbauer will be compensated at the rate of 22.50/hour; and be it further

RESOLVED, that this appointment is in effect from February 21, 2024 until August 16, 2024.

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

Councilor J. McHugh	VOTED:
Councilor R. Matters	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:

37-2024 A Resolution to Accept the Resignation for Purposes of Retirement of George Phillips, Town Comptroller

WHEREAS, George Phillips has served as East Greenbush’s Town Comptroller since January 2, 2014; and

WHEREAS, George Phillips submitted his resignation for purposes of retirement on January 12, 2024; and

WHEREAS, the Director of Finance confirms that this resolution will not have a material impact on the Town’s finances;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby accepts the resignation for purposes of retirement of George Phillips;
and be it further

RESOLVED, that the Town Board thanks Mr. Phillips for his excellent service to the Town and wishes him all the best in his retirement.

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

Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

38-2024 A Resolution to Appoint Cassandra Maloy to the Position of Secretary to Town Justice, the Honorable Kevin Engel

WHEREAS, Town Justice Kevin Engel has been without a Secretary since January 2, 2024; and

WHEREAS, the work of Secretaries to our Town Justice more resembles the work of a Court Clerk although there are secretarial responsibilities as well; and

WHEREAS, the Human Resources Manager posted the job and several candidates were invited in for interviews although only one appeared for the interview; and

WHEREAS, Cassandra Maloy was interviewed by Justice Engel, the Town Supervisor and the Director of Finance and was found to be an excellent fit for the position; and

WHEREAS, Cassandra Maloy served the Town with distinction as a Member and subsequently as Chair of the Town’s Board of Assessment Review and has vast experience working in business; and

WHEREAS, the Director of Finance confirms that this position is budgeted in the 2024 Budget;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush hereby appoints Cassandra Maloy to the position of Secretary to Town Justice, the Hon. Kevin Engel at an annual salary of \$46,000.00;

and be it further

RESOLVED, that this appointment will take effect on March 4, 2024.

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:

Councilor R. Matters VOTED:

Councilor H. Kennedy VOTED:

Councilor E. Nestler VOTED:

Councilor J. McHugh VOTED:

39-2024 A Resolution to Approve and Authorize the Supervisor to Execute a Contract with Fundamental Business Service, Inc for the Collection of Outstanding Parking Fines

WHEREAS, the Town was approached by Fundamental Business Service, Inc (FBS) to serve as a collection mechanism for overdue, unpaid parking fines; and

WHEREAS, representatives of the Police Department, the Court Office, the Finance Office and the Town Supervisor met with FBS who explained their business model to us as follows: we provide them with the information on late or unpaid parking tickets and they seek to collect the money. Of the monies collected, FBS keeps 29% and remits the rest back to the Town; and

WHEREAS, we do not have the staff or capacity to chase people who don't pay their parking fines; and

WHEREAS, there are no other charges from FBS the Town can consider any monies collected as a net gain; and

WHEREAS, the Director of Finance 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 approves the contract with Fundamental Business Service, Inc and authorizes the Town Supervisor to execute the contract.

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

Councilor H. Kennedy VOTED:

Councilor J. McHugh VOTED:

Supervisor J. Conway VOTED:

Councilor E. Nestler VOTED:

Councilor R. Matters VOTED:

40-2024 A Resolution Authorizing the Town Supervisor to Sign Change Order No. 2 with Greenman-Pedersen, Inc. With Regard to Design Phase Services Rendered and to Provide Additional Construction Phase Services in Connection with the Tempel Lane Extension Project

WHEREAS, in connection with growth and development along NYS Route 4 and the Tempel Lane corridor, the Town, through its planning documents and SEQRA determinations, identified the public need to extend Tempel Lane from its previous endpoint to Third Avenue Extension (the “Tempel Lane Extension project”); and

WHEREAS, the Town Board adopted Resolution 49-2020 authorizing the Town Supervisor to sign a professional services agreement with Greenman-Pedersen, Inc. (“GPI”) to provide final design, bidding, and construction phase consulting services to implement the Tempel Lane Extension project; and

WHEREAS, during the final design phase, changes to the scope of the Tempel Lane Extension project as initially conceived occurred, including the following: adding to the Tempel Lane Extension project other mitigation projects required by the Town Board in its amended SEQRA statement of findings, including, but not limited to the following: 1) the addition of a center turning lane on Third Avenue Extension at its intersection with the Tempel Lane Extension; 2) the addition of a southbound left turning lane on Tempel Lane at the Regeneron Pharmaceuticals, Inc. driveway; and 3) additional design and other work related to acquisition of Rights Of Way and to stormwater and other technical issues; and

WHEREAS, in Resolution 156-2022, the Town Board authorized the Town Supervisor to sign Change Order No. 1 for the requested increase in services by GPI in the amount of \$299,564.38 which addressed the following: 1) extra work performed by GPI during the final design phase; 2) extra work performed by GPI during the bid phase in order to add a separate tree clearing construction bid solicitation to this phase; and 3) extra work to be performed by GPI during the construction phase, as set forth in GPI’s letter proposal dated May 27, 2022; and

WHEREAS, Greenman-Pedersen, Inc.’s original completion date for all work and closeout was originally scheduled for August 31, 2023. Construction delays due to unforeseen weather, retaining wall construction and ground conditions extended the duration this project until November 22, 2023; and

WHEREAS, the roadway is now open, however, there will be additional punch list work to be completed in the spring of 2024 such as property owner landscaping, utility relocations, miscellaneous drainage along Third Avenue, and other ancillary items resulting in a total construction inspection overage with costs occurred to date and projected into the Spring of 2024 to project completion of \$136,487.00; and

WHEREAS, as set forth in the Development Agreement between the Town and Regeneron Pharmaceuticals, Inc., the cost of the Tempel Lane Extension project will be paid by Regeneron Pharmaceuticals, Inc.; and

WHEREAS, Regeneron Pharmaceuticals, Inc., has previously provided funding to the Town in an amount sufficient to cover the Town’s contract obligations entered into in connection with the Tempel Lane Extension project contract obligations and the previously provided funding is sufficient to cover Change Order #2; and

WHEREAS, the Director of Finance confirms that the cost of this resolution can be funded through contributions already received from Regeneron; now, therefore be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that Change Order #2 is an eligible use of funds in accordance with the Regeneron Development Agreement, and stipulates that Change Order #2 costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;

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:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Councilor J. McHugh	VOTED:

41-2024 A Resolution Authorizing Change Order No. 2 with Carver Companies in Connection with the Tempel Lane Extension and Third Avenue Improvements Project

WHEREAS, the Town Board hereby authorized the award of the contract for construction of the Tempel Lane Extension Roadway Project to Carver Companies, Inc. as the lowest responsible and responsive bidder, for a price not to exceed \$6,394,114.50 in Resolution 109-2022; and

WHEREAS, on December 15, 2021 (Resolution 317-2021) the Town Board adopted a negative declaration for the Tempel Lane Extension Roadway Project, finding that the proposed Tempel Lane Extension Project is consistent with the above-referenced Amended SEQRA Statement of Findings, and that no Supplemental Environmental Impact Statement is necessary because the Project remains within the impact thresholds and mitigation established in the November 2018 Amended SEQRA Statement of Findings for the Regeneron Tempel Lane Campus project; and

WHEREAS, the Town approved Change Order No. 1, with resolution 241-2023, for the construction of a pull-off area along Tempel Lane Extension at the expense of Regeneron in the amount of \$35,480.50; and

WHEREAS, Greenman-Pedersen, Inc has submitted Change Order Details for the Carver Contract in the amount of \$74,252.54 to balance out items not needed during construction and add new items necessary to complete the work due to work associated with the project caused by material overages, removal of existing sign, New York State DOT modifications and redesign of the retaining walls due to soil conditions; and

WHEREAS, the Director of Finance confirms that the cost of this resolution can be funded through contributions already received from Regeneron;
now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush affirms that Change Order #2 is an eligible use of funds in accordance with the Regeneron Development Agreement, and stipulates that Change Order #2 costs be funded from the escrow account established pursuant to the aforementioned Development Agreement;

and be it further

RESOLVED, that the Town Board of the Town of East Greenbush hereby authorizes the Supervisor to enter into Change Order #2 with Carver Construction Inc., in an amount not to exceed \$74,252.54, to balance out items not needed during construction and add new items necessary to complete the work due to work associated with the project caused by material

overages, removal of existing sign, New York State DOT modifications and redesign of the retaining walls due to soil conditions.

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

Councilor E. Nestler	VOTED:
Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor R. Matters	VOTED:

42-2024 A Resolution Authorizing the Supervisor to Execute a Stormwater Management Facilities Maintenance and Easement Agreement with LLIM, LLC

WHEREAS, LLIM, LLC, a New York Limited Liability Company, hereinafter referred to as "the Facility Owner," has received Preliminary Site Plan approval from the Town of East Greenbush Planning Board on January 10, 2024; and

WHEREAS, as a condition of the approval, the Facility Owner is required to enter into a Stormwater Management Facilities Maintenance Agreement and Easement pertaining to certain stormwater management facilities to be located at 180-200 American Oil Rd, Rensselaer, NY, within the Town of East Greenbush, as described in the attached agreement, and made a part hereto; and

WHEREAS, the Stormwater Management Facilities are intended to be constructed, operated, maintained, and continued in perpetuity in accordance with the approved project documents and applicable regulations to ensure optimum performance of the components; and

WHEREAS, the Stormwater Management Facilities Maintenance and Easement Agreement outlines the responsibilities of the Facility Owner for construction, operation, maintenance, inspection, and cost allocation related to the Stormwater Management Facilities, as well as the granting of a permanent easement to the Town for inspection and maintenance purposes; and

WHEREAS, it is in the best interest of the Town to enter into this Agreement to ensure the effective management and maintenance of stormwater infrastructure within its jurisdiction; and

WHEREAS, the Director of Finance 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 authorizes the Town Supervisor to execute the Stormwater Management Facilities Maintenance and Easement Agreement on behalf of the Town of East Greenbush.

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

Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor E. Nestler	VOTED:
Councilor H. Kennedy	VOTED:

43-2024 A Resolution to Assume Lead Agency Status and Initiate Coordinated Review Under SEQRA for the Citrine Power Large Scale Solar Installation (PZD 23-27)

WHEREAS, Citrine Power, LLC has submitted a major site plan review application and a special use permit application for a large-scale solar project to construct one 4.8 MW solar installation and related improvements encompassing 6.80+- acres of total physical disturbance located at 82 Moore Road and identified on the Town of East Greenbush’s Tax Roll as Tax Parcels Nos. 156.-3-26.1, 156.-3-26.2, and 167.-4-8.3 (herein after the “Project”); and

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

WHEREAS, at a meeting duly held on December 13, 2023, the Town of East Greenbush Planning Board recommended that the Town Board seek lead agency status in connection with a coordinated review under SEQRA of the Project; and

WHEREAS, the Town Board wishes to assume lead agency status in connection with coordinated SEQR review of this Type 1 action; and

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

now, therefore, be it

RESOLVED, that the Project, which is hereby classified as a Type 1 action, will require review under the State Environmental Quality Review Act (“SEQRA”);

and be it further

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

and be it further

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

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

Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:
Supervisor J. Conway	VOTED:
Councilor E. Nestler	VOTED:
Councilor H. Kennedy	VOTED:

44-2024 A Resolution Scheduling a Public Hearing for the Consideration of the Extension of the Water District to Include Certain Premises Known as 70 Ridge Road, owned by Brittany Langley and Ryan Kenyon

WHEREAS, a residential property located at 70 Ridge Road (Tax Map I.D. 165.-1-10.14), owned by Brittany Langley and Ryan Kenyon (hereinafter, the “Property”), is not currently encompassed within the Town of East Greenbush Consolidated General Water District;

WHEREAS, a petition has been submitted by Brittany Langley and Ryan Kenyon (hereinafter, the “Petitioners”), for the Extension of the Town Consolidated Water District to encompass the Property; and

WHEREAS, the Petitioners have provided Maps, Plans, and Reports to extend, at their expense, the Town Consolidated Water District to encompass the Property; and

WHEREAS, the Petition, Maps, Plans, and Reports are attached hereto and are on file at the Town of East Greenbush Town Clerk’s office; and

WHEREAS, the Town Board must set a public hearing (the “Hearing”) to provide the general public with an opportunity to object to and discuss the petition to extend the Town Consolidated Water District; and

WHEREAS, the Director of Finance 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, County of Rensselaer, State of New York, will hold a Public Hearing on the 13th day of March, 2024, at 6:00PM in the evening of said day, at the Town Hall, 225 Columbia Turnpike, in East Greenbush, New York,

and be it further

RESOLVED, that the Town Board directs the Town Clerk to publish a notice of hearing at least ten and no more than twenty days in advance of the public hearing pursuant to New York State Town Law § 209-d regarding adoption of the order to extend the water district for the 70 Ridge Road property, and such notice shall include a copy of the order reciting the following:

1. A description of the boundaries of the proposed district or extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, and
2. The improvements proposed, and
3. The maximum amount proposed to be expended for the improvement, and
4. The estimated cost of hook-up fees, if any, to, and the cost of the district or extension to, the typical property and,
5. The fact that a map, plan and report describing the same are on file in the town clerk's office for public inspection and
6. Specifying the time when and the place where said board will meet and hold a public hearing to hear all persons interested in the subject thereof, concerning the same.

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

Councilor R. Matters	VOTED:
Councilor E. Nestler	VOTED:
Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor J. McHugh	VOTED:

ADJOURNMENT

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

Supervisor J. Conway	VOTED:
Councilor H. Kennedy	VOTED:
Councilor E. Nestler	VOTED:
Councilor R. Matters	VOTED:
Councilor J. McHugh	VOTED:

DRAFT