



# The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

## TOWN BOARD AGENDA PRE-BOARD MEETING July 14, 2021

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

### Members of Town Board

| Present | Absent |  |
|---------|--------|--|
|---------|--------|--|

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

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:

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

**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 Matters and seconded by Councilor Kennedy and brought to a vote resulting as follows:

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

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

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

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

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

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

**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 31<sup>st</sup>, 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 has confirmed 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: |
| Councilor T. Tierney | VOTED: |
| Councilor H. Kennedy | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz   | VOTED: |

**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 asserts 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:

Councilor H. Kennedy VOTED:

Supervisor J. Conway VOTED:

Councilor T. Tierney VOTED:

Councilor R. Matters VOTED:

**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.

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

**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    (#)    bidders responded to the bid; and

**WHEREAS**, the apparent responsive low-bidder is    (Company)    in the amount of \$           ; 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 does hereby confirm that this will have a material impact on the Town’s Finances;  
now, therefore, be it

**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    (Contractor)    in the amount of \$           

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

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



**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;

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

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

**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;

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:

*<insert name>*  
*<insert name>*  
*<insert name>*  
*<insert name>*  
*<insert name>*;

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.

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

|                   |        |
|-------------------|--------|
| Councilor Tierney | VOTED: |
| Supervisor Conway | VOTED: |
| Councilor Kennedy | VOTED: |
| Councilor Matters | VOTED: |
| Councilor Fritz   | VOTED: |

**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**, 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**, on April 16, 2021 the United States Department of Transportation (USDOT) and New York State Department of Transportation (NYSDOT) authorized the Construction phase of the Project, which phase also includes Construction Inspection (CI); and

**WHEREAS**, the Project will be partially funded by the Capital District Transportation Authority (CDTA), and the Town has received payment in the amount of \$6,000.00 for construction of certain improvements; and

**WHEREAS**, by passing Resolution 166-2019, dated August 21, 2019, the Town Board authorized the use of GEIS Traffic mitigation funds to finance the local share and first instance funding of the federal share of the Project; and

**WHEREAS**, the Town Board desires to advance the Project by committing 100% of the non-federal share of the cost of the Construction/CI phases; 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 charged to 2189.01.00.02;

now, therefore, be it

**RESOLVED**, that the Town Board authorizes payment in the first instance 100% of the federal and non-federal share of the cost of Construction/CI work for the Project or portions thereof;

and be it further

**RESOLVED**, that the following sums are appropriated and made available to pay for costs of the Project, including first instance funding and the Town's share of the construction phase costs of the Project: a) \$594,832.35 for the construction contract for the Project; and b) \$88,100.00 for the Supplemental Agreement (SA) No. 1 for construction inspection services for the Project;

and be it further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceed 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, 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 all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of East Greenbush with the New York State Department of Transportation in connection 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: |
| Councilor H. Kennedy | VOTED: |
| Supervisor J. Conway | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz   | VOTED: |

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

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

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

**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 and brought to a vote resulting as follows:

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

## **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: |
| Councilor H. Kennedy | VOTED: |
| Councilor T. Tierney | VOTED: |
| Councilor R. Matters | VOTED: |
| Councilor B. Fritz   | VOTED: |