



The Town of East Greenbush

225 Columbia Turnpike, Rensselaer, New York 12144

TOWN BOARD MINUTES SPECIAL MEETING February 9, 2022

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

https://townhallstreams.com/stream.php?location_id=119&id=43621

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

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

Members of Town Board

Present Absent

Supervisor J. Conway
Councilor T. Tierney
Councilor H. Kennedy
Councilor B. Fritz
Councilor E. Nestler

Schedule of Meeting:

The Town Board of the Town of East Greenbush will hold a special meeting on February 9, 2022 at 6:00 p.m. at Town Hall, 225 Columbia Turnpike in the Town of East Greenbush to consider issues related to the replacement of pump stations on 3rd Avenue and Barracks Road and any other business that may be brought to the attention of the Town Board. The regular monthly pre-board meeting will be held immediately following the Special Meeting.

By Orders of the Town Board,

Ellen Pangburn
East Greenbush Town Clerk

Open Public Privilege:

Residents: David Terpening and Mary Dugan – Addressed their comments to the Town Board.

40-2022 A Resolution Authorizing the Commissioner of Public Works to Solicit Bids for Construction of Upgrades to the Third Avenue and Barracks Road Pump Stations

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

WHEREAS, upgrades include replacement of the existing pump stations known as the Third Avenue Pump Station and the Barracks Road Pump Station as well as approximately 1,100 lineal feet of sanitary sewer forcemain connecting the Third Avenue Pump Station to the downstream gravity sewer system (the “Project”); and

WHEREAS, in accordance with Town Board resolution 75-2020, the Town engaged H2M Architects and Engineers (“H2M”) to provide detailed design services in support of Project, and H2M has developed a draft final Engineers Report and Detailed Design Plans for the Project, which are undergoing final review by NYSDEC, Rensselaer County Department of Health, and NYSDOT; and

WHEREAS, on June 16, 2021 the Town Board (resolution 163-2021), in its capacity as the lead agency under the State Environmental Quality Review Act (SEQRA), issued a negative declaration, finding that the Project is consistent with the November 20, 2021 amended statement of findings the Town Board issued for the Regeneron Pharmaceuticals, Inc. Tempel Lane Campus development, and that the Project will not have any significant adverse effects on the environment; and

WHEREAS, the Town has acquired approximately 0.28 acres of land needed to construct the upgrades to the Third Avenue Pump Station from the Capital City Cemetery Corporation; and

WHEREAS, time is of the essence, as the Project is a necessary mitigation measure required by the Town Board in order for Regeneron to construct their Tempel Lane Campus development; and

WHEREAS, as set forth in the Development Agreement, the construction contract for the Project is anticipated to be funded by Regeneron and Empire State Development; 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 authorizes the Commissioner of Public Works to solicit bids from qualified contractors to construct the Project.

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

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

41-2022 A Resolution Amending Certain Conditions of the Approval of a Site Plan for the “Town Center” Planned Development District (PDD) Phase 1

WHEREAS, on September 15, 2021 (Resolution 233-2021), the Town Board issued approval for the major site plan as shown on plans entitled “Town Center Development Phase 1” prepared by Hart Engineering, dated December 2020, and last revised July 12, 2021 (the “Project”), subject to certain conditions; and

WHEREAS, firstly, among those conditions (i.e., identified in resolution 233-2021 as number 1) was “Satisfying outstanding technical details as determined by the Town Designated Engineer and Town Planning and Zoning Department, including the Town Designated Engineer’s August 4, 2021 correspondence”; and

WHEREAS, the Town Designated Engineer’s August 4, 2021 comments have been addressed, but the Planning and Zoning Department has provided comments on the proposed lighting plan, and these lighting plan comments will require revisions to the proposed lighting plan; and

WHEREAS, the Developer, 580 Columbia Turnpike LLC, indicated to the Planning and Zoning Department that their designers are in the process of revising the lighting plan and that, given that there is sitework that can be accomplished while the lighting plan is being revised but before work on the proposed lighting will commence, they have requested that the approved lighting plan be a condition of application for a building permit for vertical construction; and

WHEREAS, secondly, among the site plan approval conditions for the Project (i.e., identified in resolution 233-2021 as number 3.c) was that, prior to issuance of a building permit for any work in connection with the Project, “Documentation that NYSDEC (NYS Part 750-2.10) has approved the sewer service extension for the connection of a residential project conveying more than 2,500 gallons per day to an existing sewage collection system must be submitted to the Town Planning and Zoning Department”; and

WHEREAS, the Developer’s engineer has submitted a revised Engineers Report and provided a written response to NYSDEC’s July 26, 2021 comments on the Project but has not received written approval from NYSDEC; and

WHEREAS, given that the Developer has indicated that they will seek an initial building permit to implement the approved demolition plan and initiate other site work, such as mass grading, which work, collectively, will not involve or result in a new discharge from the project to the Town’s sanitary sewer system, Planning and Zoning Department staff recommend that this condition be modified such that it must be satisfied prior to issuance of a building permit for any structure; and

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

now, therefore, be it

RESOLVED, that the Town Board hereby approves the amendment to resolution 233 - 2021 by the addition of a new condition that must be satisfied prior to issuance of a building permit for erection of any structures, number 4.b, to read as follows:

“A revised lighting plan must be submitted to and approved by the Town Planning and Zoning Department”;

and be it further

RESOLVED, that the Town Board hereby approves the amendment to resolution 233 of 2021 with respect to site plan approval condition 3.c, and said condition shall instead read as follows:

“The above-mentioned requirement for “any work in connection with this Project” notwithstanding, Documentation that NYSDEC (NYS Part 750-2.10) has approved the sewer service extension for the connection of a residential project conveying more than 2,500 gallons per day to an existing sewage collection system must be submitted to the Town Planning and Zoning Department prior to the issuance of a building permit for the erection of any structures.”

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

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

**42-2022 Resolution Clarifying Resolution 24-2022 Adopted on January 19, 2022
(Authorizing the Finance Office to Join the Equitable Business Opportunities (EBO) System)**

WHEREAS, the New York State Department of Transportation (NYSDOT) will grant Town of East Greenbush access to the Equitable Business Opportunities (EBO) System maintained and operated by NYSDOT. The EBO System is for official business relating to our participation in construction, consultant engineering and professional services contracts/bids awarded by NYSDOT or other Federal Aid sub-recipients. The purpose of the system includes the administration of civil rights requirements associated with Federal Aid Projects; and

WHEREAS, NYSDOT requires us to comply with NYSDOT’s Information Security policies, procedures and directives to the full extent required by NYSDOT’s Information Security Officer, NYSDOT’s Office of Information Services (OIS) and NYSDOT’s EBO System Administrator; and

WHEREAS, the Town of East Greenbush would benefit by being enrolled in the Equitable Business Opportunities (EBO) System to participate in current and future federal aid projects.; 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 authorizes the Town Supervisor to enroll the Town of East Greenbush as an end user in the Equitable Business Opportunities (EBO) System;

and be it further

RESOLVED, that Mary Hendrick is appointed the account user and is authorized to act and communicate with DOT on behalf of the Town of East Greenbush in all matters relating to this resolution.

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

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

Councilor B. Fritz VOTED: YES
Councilor E. Nestler VOTED: YES

ADJOURNMENT

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

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

Respectfully submitted,

Ellen Pangburn
Town Clerk

Approved: March 16, 2022