



# TOWN BOARD MINUTES

## July 15, 2020

**7:00 PM**

## Present

Absent

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

## Communications/Announcements/Reports

Councilor Tierney – Welcomed everyone. As noted Supervisor Conway is not here tonight as he is recovering from a medical procedure. He sends his best to everyone here. He certainly misses leadership as he has not missed any meetings in 4 ½ years. Stated appointments will happen first at meeting tonight, followed by signing of oath book with Town Clerk, you and your guests will then be asked to go outside and take photos. Cleaning of chairs will then be done before welcoming any residents in for business portion of our meeting. Thanked everyone for coming and due to limited capacity, thanked Town Hall staff for arranging chairs.

Councilor Matters – stated we all are in a holding pattern with our absent leader, Supervisor Conway, who has undergone a very significant medical procedure. Mentioned we're all rooting for him in our own way and hoping for a speedy recovery. In the interim, indicated Deputy Supervisor, Tina Tierney, has done an incredible job and we couldn't be luckier as we go forward with business of the town. Stated it appears statewide as well as the country we're still trudging through this experience, doing great, and continuing our vigilance to ensure we stay healthy until a vaccine is upon us.

Councilor Kennedy – echoed Councilor Matters sentiments on Supervisor Conway. Stated he's greatly missed. Mentioned him not being here has left a great void. Wished him well for a speedy recovery, and extended thoughts and prayers. Pointed out Deputy Supervisor, Tina Tierney, is doing an amazing job and we're lucky to have her second in command with her skills and leadership. Shared upcoming community services activities – Saturday, July 18<sup>th</sup>, Hampton

Manor Lake Fishing Derby. Music in the Park begins Tuesday, August 4<sup>th</sup>, in Onderdonk Park. Summer Youth Activities continue Monday, Wednesday, and Friday, and registrations still being taken.

Councilor Fritz – also echoed sentiments on Supervisor Conway and his speedy recovery. He is definitely missed and thoughts and prayers are with him and Jo Ann. Stated Deputy Supervisor Tierney is doing a fabulous job and making sure Town business that has to happen is getting done. Mentioned for residents to continue to be vigilant with COVID safety measures.

Councilor Tierney – additional notes, repetitive from our website – Albany-Hudson Electric Trail (AHET) construction update was posted July 6<sup>th</sup>. Stated construction is underway, that it is an active construction site and no signs or warnings about traffic. At this time, the trail is closed to the public. Any questions can be directed to Hudson River Greenway. Dog Park is open to East Greenbush residents only. Dogs must have dog license as well as dog park tag from Town Clerk's office. Rules for use can be found on our website. Mentioned update on Comprehensive Plan – had phone call with Adam Yagelski and consultant, MJ Engineering. Process has been slowed significantly by the pandemic, but it has not stopped. Committee has scheduled an update meeting for next steps, provide a timeline, and a preliminary draft is still in the works. This information will be reviewed and feedback will be provided, then move into final third Public Hearing when it is safe to do, possibly in a different format. Hoping for September/October to stay on target for Comprehensive Plan adoption by the end of the calendar year. Our consultants have been invited to our Town Board meeting on August 19<sup>th</sup> for a presentation.

Mentioned prior comments had been made about the pandemic and encouraged everyone to continue excellent job of slowing the spread. Thanked Dan Fiacco, Commissioner of DPW, and Ellen Pangburn, Town Clerk, for figuring out logistics and setting room up for Town Board Meeting tonight. Pointed out helpful signage out in front of Town Hall for how we're continuing business. Screening will be done at the front door and masks will be required. Extended thanks to Dan Fiacco for how fantastic Town Hall looks with several improvements.

**Open Public Privilege:** NOTE – Each speaker may choose to state name and address prior to addressing the Board and shall be granted the floor for up to five minutes. The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the decision making process. All speakers must conduct themselves in a civil manner. Personal attacks will not be tolerated.

\*Public comment from Mr. David Terpening was read aloud by Councilor Matters and attached below.

Councilor Tierney – responded to Mr. Terpening's comment on the use of Zoom. Stated during pandemic it's been difficult to manage how we engage public comments. Zoom was used successfully, but we do want to return to board meetings in person. Agenda's and documentation are always available in person. Meetings are streamed on Facebook and Town Hall Streams.com. Also streaming on Zoom would be a lot to manage logistically.

## **Resolutions and Proposals by Town Board Members:**

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### **139-2020      A Resolution to Approve Meeting Minutes**

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

**WHEREAS**, the minutes of the regular Town Board Meeting held on June 17, 2020 have been presented; and

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

now, therefore, be it

**RESOLVED**, that the minutes of the regular Town Board Meeting held on June 17, 2020 are hereby approved as submitted.

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

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

### **140-2020      A Resolution Accepting the Resignation of Officer Peter I. Partak**

**WHEREAS**, Peter I. Partak was sworn in as a police officer with the East Greenbush Police Department on July 17, 2000; and

**WHEREAS**, the Town Board has received a letter of retirement from Officer Peter I. Partak of the East Greenbush Police Department effective July 16, 2020 having completed 20 years of dedicated service to the Town of East Greenbush; 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 accepts the resignation of Peter I. Partak and wishes him the best in his future endeavors and many congratulations on a professional career, at which he will be greatly missed.

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

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

Councilor Tierney – We certainly will miss Officer Partak. We thank him for his dedicated service and very appreciative of the safe community with live in, which he is a part of.

Councilor Matters – The Partak family has a history of service to the Town of East Greenbush. Peter’s father was Commissioner of DPW for a number of years and his son has certainly shown his dedication as well as service to the town and we’re very appreciative of all of that.

Councilor Kennedy – Wishes Officer Partak a happy and long retirement. We will miss him greatly and we are very thankful for his 20 years of dedicated service. He is leaving large shoes to fill but we’re happy for his future path.

Councilor Fritz – Thanked Officer Partak for his dedicated service to the town. Wished him good luck in his retirement and that he gets to enjoy it for a long, long time.

**141-2020      A Resolution to Make a Conditional Job Offer to Matthew R. Montross**

**WHEREAS**, this Board intends to maintain adequate staffing within the Town Police Department, by appointing qualified individuals to replace positions that become vacant, and a police officer position has become vacant; and

**WHEREAS**, Matthew R. Montross, a 2008 graduate of Columbia High School and a 2015 graduate of the Zone 14 Basic Course for Police Officers, who is currently a full-time police officer for the Town of Schodack Police Department, has made application for said police officer position, has undergone a background investigation, has been interviewed by the Town Board and has been found to be eligible and qualified according to the Rensselaer County Civil Service Commission; and

**WHEREAS**, in order to further advance the lawful requirements of the town to provide medical, psychological and fingerprint clearance consistent with Homeland Security and Human Rights Law; and

**WHEREAS**, the Town Comptroller confirms that this appointment can be funded with the 2020 budget code 31201.01 Police PS;

now, therefore, be it

**RESOLVED**, that Matthew R. Montross be and hereby is offered a conditional appointment to the position of Police Officer, subject to the following conditions and stipulations;

- medical, psychological and drug test results meeting the standards of the Bureau for Municipal Police and the Rensselaer County Civil Service Commission;
- satisfactory fingerprint and background check;
- successful completion of the East Greenbush Police Department Field Training Program;
- full compliance with the Rules and Regulations of the Department; and be it further

**RESOLVED**, that said job offer be affirmed by said appointee within 30 days by executing the oath of office as administered by the Town Clerk, or after which shall become null and void,

and be it further

**RESOLVED**, said conditional appointment shall become effective immediately and shall be subject to a probationary period of one (1) year, and that upon successful completion of all said conditions and stipulations, shall be, and hereby is made permanent.

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

Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES

Councilor H. Kennedy  
Councilor B. Fritz  
Supervisor J. Conway

VOTED: YES  
VOTED: YES  
VOTED: ABSENT

Councilor Tierney – Extended thanks and welcomed him. Stated he is a very impressive person with an impressive background and we're very lucky to have him join our Police Department. Mentioned she is proud of our Police Department – the officers, our Chief, it's a great team and stated Officer Montross will be a wonderful addition.

Councilor Matters – mentioned Town of Schodack loss, our gain. A great benefit and welcomed Officer Montross.

Councilor Kennedy – stated to Officer Montross that we're very happy to have him. Thanked him for accepting job offer and mentioned he'll be a great asset to our Police Department.

Councilor Fritz – welcomed Officer Montross and stated he'll be a great asset. Look forward to seeing him continue.

Judge Kevin Engel present to administer Oath of Office.

Town Clerk Ellen Pangburn present for Officer Montross to sign Oath book.

Chief Rudzinski – stated badge of honor, respect, and as we know from your history of your employment already, that you're going to honor that badge and do wonderful things for us. Extended congratulations and welcomed him aboard.

**142-2020 A Resolution to Make a Conditional Job Offer to James J. Hallenbeck**

**WHEREAS**, this Board intends to maintain adequate staffing within the Town Police Department, by appointing qualified individuals to replace positions that become vacant, and a police officer position has become vacant; and

**WHEREAS**, James J. Hallenbeck, a 2015 graduate of Maple Hill High School, a three year Army infantryman veteran who is currently employed as a shop manager at Penske Trucking, has made application for said police officer position, has undergone a background investigation, has been interviewed by the Town Board and has been found to be eligible and qualified according to the Rensselaer County Civil Service Commission; and

**WHEREAS**, in order to further advance the lawful requirements of the town to provide medical, psychological and fingerprint clearance consistent with Homeland Security and Human Rights Law; and

**WHEREAS**, the Town Comptroller confirms that this appointment can be funded with the 2020 budget code 31201.01 Police PS;

now, therefore, be it

**RESOLVED**, that James J. Hallenbeck be and hereby is offered a conditional appointment to the position of Police Officer, subject to the following conditions and stipulations;

- medical, psychological and drug test results meeting the standards of the Bureau for Municipal Police and the Rensselaer County Civil Service Commission;
- satisfactory fingerprint and background check;
- successful completion of the Zone 5 Police Academy;

- successful completion of the East Greenbush Police Department Field Training Program;
- full compliance with the Rules and Regulations of the Department; and be it further

**RESOLVED**, that said job offer be affirmed by said appointee within 30 days by executing the oath of office as administered by the Town Clerk, or after which shall become null and void,

and be it further

**RESOLVED**, said conditional appointment shall become effective immediately and shall be subject to a probationary period of one (1) year, and that upon successful completion of all said conditions and stipulations, shall be, and hereby is made permanent.

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

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

Councilor Tierney – Welcomed him and thanked him for taking this on. Indicated it's a tremendous responsibility and we have full faith that you are up to this position. Stated he's a very impressive person who has led a very impressive life and we look forward to having you build this team stronger than it already is. As mentioned, we have a very strong Police Department that we're extremely proud of. Stated our Chief is a fantastic leader and you will learn that very quickly as our other sergeants and officers. Thanked him for taking this on.

Councilor Matters – Ditto. Also stated we have a really outstanding Police Department and we like to feel every time we fill a position we're seeking the best of the best and you certainly risen to that occasion. Welcomed Officer Hallenbeck aboard.

Councilor Kennedy – also welcomed Officer Hallenbeck. Thanked him for accepting job offer. Stated his interview was stellar and we were really impressed at that time. Extended good luck with Police Academy. Stated he'll be a great asset to an already outstanding Police Department. Mentioned we're happy to have him.

Councilor Fritz – also wished Officer Hallenbeck luck as he goes into the Academy. Stated that based on his resume and how he presented himself in interview, she expects him to do great things and sees him have a long, great career with us.

Judge Kevin Engel present to administer Oath of Office.

Town Clerk Ellen Pangburn present for Officer Hallenbeck to sign Oath book.

Chief Rudzinski – stated badge of honor, respect, and based on interview with him and everything we've heard about him, he'll honor that badge and do one heck of a job here. Mentioned we're really proud to have him on board. Extended congratulations.

Chief Rudzinski – thanked everyone for coming. Stated it's a huge monumental day. Remembered just a few years ago when she was sworn in here. Mentioned unfortunately with the distancing the rest of the department is outside waiting to greet you and welcome you to our family, and this truly is a family.

She said sometimes we love each other, sometimes we're aggravated with each other, but at the end of the day we all have each other's back, every day. Mentioned Matt is familiarized with that already being in law enforcement and James will learn that very quickly in the Police Academy, but you've had exposure to that being in the military. Stated we're here for each other no matter what and have a fabulous Town Board, and Town Supervisor, who I know is very sad he couldn't join us, however, I'm sure he's watching us. Again, extended her welcome to our family. Mentioned she is here for you, along with our sergeants and officers. Anything you need during the academy or after, and the Town Board as well has our back – huge this day and age with everything going on in our society, we're very grateful for that. Welcomed them again and stated Godspeed for the rest of their careers.

**143-2020      A Resolution Authorizing Emergency Repairs to Water Storage Tank #2**

**WHEREAS**, on June 12<sup>th</sup>, 2020, the Commissioner of Public Works was notified that the project to repair the leak in the #2 water storage tank was stalled as the leak, originally diagnosed as coming from cracks in the floor of the tank, was actually a result of leaking fittings in the 30" pipe that delivers the water to the tank from the Cross Street Pump Station; and

**WHEREAS**, the Commissioner of Public Works assessed the situation with the Water Department Foreman and determined that the water tank needed to be repaired and placed back into service as soon as possible as both the Town of East Greenbush and the City of Rensselaer have been operating during the highest demand water consumption period on only one tank leaving both municipalities vulnerable if a major fire or other emergency arose; and

**WHEREAS**, Based on their demonstrated ability to perform pipeline repairs, Precision Industrial Maintenance Inc. was called in to assess the leak, and determined the best course of action was to repair the three leaking joints with epoxy at a lump sum cost of \$7,800.00 which was authorized by the Commissioner and the work performed on June 13<sup>th</sup>, 2020; and

**WHEREAS**, the Town Comptroller has confirmed that the financial impact of this resolution is \$7,800.00 from the Water Fund charge code 8340.4.05, offset by a backcharge to the City of Rensselaer for its' portion of the bill as determined by the Town Designated Engineer, charged to Water Department Budget Line 8340.4.05;

now, therefore, be it

**RESOLVED**, that the Town Board ratifies the payment of \$7,800.00 to Precision Industrial Maintenance Inc. for emergency repairs to Water Storage Tank #2, with \$3,354.00 of the cost of the repairs being backcharged to the City of Rensselaer.

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

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

**144-2020      A Resolution to Appoint a Temporary Seasonal Laborer in the Parks Department**

**WHEREAS**, the Department of Public Works has a need for Temporary Seasonal Laborers in the Parks Department during the summer months to assist in addressing the backlog of seasonal maintenance; and

**WHEREAS**, the Public Works Commissioner has selected this individual based on his prior experience with the Town Public Works Department, his extensive experience, and his strong work ethic; and

**WHEREAS**, Jeremy Haberland has demonstrated the ability to work independently and efficiently; and

**WHEREAS**, the Town Comptroller has confirmed that these appointment can be funded with the 2020 budget Parks 71104.01;

now, therefore, be it

**RESOLVED**, that the Town Board confirms the appointment for hours worked, hours paid of Jeremy Haberland effective July 20<sup>th</sup>, 2020, at the rate of \$12.00 per hour with no benefits. The total amount of this resolution is not to exceed \$5,000.00 as reflected in the 2020 Budget. All appointments will be ended not later than October 15<sup>th</sup>, 2020 per the CSEA Collective Bargaining Agreement.

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

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

**145-2020      A Resolution Awarding the Bid for Replacement of Water Main on Hudson Avenue to Next Generation Services WSL LLC for an Amount Not-To-Exceed \$70,000.00**

**WHEREAS**, the Town Board of the Town of East Greenbush approved a bond resolution (35-2018) authorizing the issuance of serial bonds in the amount of \$1,316,000.00 for the financing of improvements and other costs related and incidental thereto, for repairs, replacements and extensions of Water Infrastructures within the Hampton Manor Water District; and

**WHEREAS**, the Town Board commissioned Delaware Engineering, D.P.C. to conduct an analysis and feasibility study for the Hampton Manor Water District; and

**WHEREAS**, the Hampton Manor Water District Feasibility Study final report was submitted to the Town on December 1, 2017 and among its recommendations was that the water main on Hudson Avenue should be replaced because it is poor condition and is inadequately sized to provide proper water service to the homes on that street; and

**WHEREAS**, the estimated costs of replacement of the water main on Hudson Avenue is \$70,000.00, which was budgeted as part of the issuance of the bond resolution (35-2018); and

**WHEREAS**, the Town issued a Request for Bids for the replacement of water main on Hudson Avenue; and

**WHEREAS**, twelve bids were received by the deadline of 2:00 p.m. on June 25, 2020 and opened by the Director of Finance; and

**WHEREAS**, the twelve bids were reviewed by a committee consisting of the Commissioner of Public Works, Deputy Commissioner of Public Works, and the Planning and Zoning Director; and

**WHEREAS**, Next Generation Services WSL LLC of 213 Shaver Road, West Sand Lake, New York 12196 was the low responsible bidder with a total price of \$70,000.00 and after the bid was reviewed and references checked was deemed qualified to successfully complete the project in a competent and timely fashion; and

**WHEREAS**, the Town Comptroller has confirmed that this resolution was budgeted in and will be paid out of the bond proceeds for the Hampton Manor Water Improvement Project charged to account code 83204.03.04.60;

now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush awards the bid for water main replacement on Hudson Avenue to Next Generation Services WSL LLC for an amount not to exceed \$70,000.00;

and be it further

**RESOLVED**, that the Town Board authorizes the Deputy Supervisor to execute all relevant documents after they have been approved by the Attorney to the Town.

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

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

**146-2020      A Resolution Authorizing the Deputy Supervisor to Sign a Letter to Agreement with Regeneron Pharmaceuticals, Inc. and Greenman-Pedersen, Inc. Relating to Access to Tempel Lane Right-of-Way and Areas Adjacent Thereto**

**WHEREAS**, the Town of East Greenbush has entered into an agreement with Regeneron Pharmaceuticals, Inc. for the construction of a roadway from Regeneron Pharmaceuticals to Route 4; and

**WHEREAS**, in the course of carrying out that agreement, the Town's contractor, Greenman – Pedersen, Inc., will be required to access the Tempel Lane right-of-way, and the areas alongside that right-of-way located on property owned by Regeneron; and

**WHEREAS**, Regeneron Pharmaceuticals, Inc. has requested the Town to execute an agreement to indemnify and hold harmless said corporation from claims and damages arising from such access; and

**WHEREAS**, the Town Board of the Town of East Greenbush has determined that the execution of such an agreement is in the best interest of 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 Deputy Supervisor is authorized to execute such agreement on behalf of the Town.

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

Councilor R. Matters	VOTED: YES
Councilor B. Fritz	VOTED: YES

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

**147-2020      A Resolution Authorizing the Deputy Supervisor to Cancel the 2<sup>nd</sup> Quarter 2020 Sick Leave Incentive for Non-Union (Non-Exempt) Town Employees**

**WHEREAS**, the Employee Handbook Updated and Re-Adopted by Town Board Resolution on December 20<sup>th</sup>, 2017, states that the Town will provide sick leave incentive to full time employees. Full time employees will be entitled to a sick leave bonus of two hundred-fifty (\$250.00) dollars for each quarter of the calendar year in which they do not use any sick leave. For example, if during January, February and March of 2020, the employee used no sick leave, then the employee would have been entitled to a sick leave bonus of two hundred fifty (\$250.00) dollars. Per the handbook, sick leave incentive will not be awarded if an employee is inactive during the quarter (i.e., on leave of absence, workman's compensation) or if the employee has taken any time off, other than vacation, holiday or personal time; and

**WHEREAS**, the Employee Handbook states that the quarterly sick leave incentive is offered to encourage employees to save their sick leave; and

**WHEREAS**, the Town of East Greenbush suspended normal business operations on March 16<sup>th</sup>, 2020 due to the direction and guidance from Governor Cuomo and the Centers for Disease Control and Prevention (CDC) regarding the COVID-19 global pandemic and consequently suspended the time and attendance, and vacation/personal/sick leave policies outlined within the Employee Handbook; and

**WHEREAS**, Non-Union (Non-Exempt) Town Employees were not required to charge vacation/personal/sick leave accruals during the period of March 16<sup>th</sup>, 2020 through June 16<sup>th</sup>, 2020 for time periods that they were inactive due to the necessity to practice social distancing measures due to the COVID-19 global pandemic; and

**WHEREAS**, the Town Comptroller confirms that this resolution will not have a material impact on the Town's finances; and  
now, therefore, be it

**RESOLVED**, that the 2<sup>nd</sup> Quarter Sick Leave Incentive for Non-Union (Non-Exempt) staff, which covers the time period April 1, 2020 through June 30<sup>th</sup>, 2020, will be cancelled due to COVID-19 protocol afforded to Non-Union (Non-Exempt) staff during this time period – specifically the direction that Non-Union (Non-Exempt) staff did not have to utilize their accruals for inactive work time required for social distancing measures.

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

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

**148-2020      A Resolution to Authorize the Deputy Supervisor to Sign an Agreement for Post-Construction Stormwater Management Facilities (SWMFs) Maintenance Installed in Connection with the Sun Oil Road Asphalt Plant (PZD File #16-16)**

**WHEREAS**, the Town of East Greenbush is subject to Municipal Separate Storm Sewer System (MS4) Phase II requirements of State Pollutant Discharge Elimination System (SPDES) General Permit GP-0-15-003 stormwater management requirements of the National Pollutant Discharge Elimination System (NPDES); and

**WHEREAS**, 19 Sun Oil Road, LLC undertook the Sun Oil Road Asphalt Plant project (the “Project”) which is subject to the requirements of NYSDEC General Permit for Stormwater Discharges from Construction Activity (Permit Number GP-0-15-002) and the Town’s Comprehensive Zoning Law (CZL), including Section 3.13 Erosion, Sediment Control and Stormwater Management, and installed Post-Construction Stormwater Management Facilities (SWMFs) which are to be privately owned and operated; and

**WHEREAS**, 19 Sun Oil Road, LLC is the owner or operator of the Project and SWMFs (SPDES Permit Number NYR11F726) and has submitted to the Town a partially executed Stormwater Management Facilities Maintenance and Easement Agreement (the “Agreement”), which is attached hereto; and

**WHEREAS**, the attached Agreement contains modifications from the Town’s approved Template Agreement; and

**WHEREAS**, the Stormwater Management Officer, MS4 Coordinator, and Town Attorney have reviewed the attached Agreement and approve of the Agreement, including the changes to the Town’s Template Agreement, as consistent with the project specifics and applicable requirements; 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 hereby authorizes the Deputy Supervisor to execute the attached Agreement.

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

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

**149-2020      A Resolution Authorizing the Deputy Supervisor to Enter Into an Agreement with Adirondack Mountain Engineering, PC to prepare an Engineering Report for Certain Improvements to the Couse and General Sewer Districts to Be Funded Using GEIS Water/Sewer Mitigation Funds**

**WHEREAS**, in the area of the Town served by the Couse Sewer District and a portion of the General Sewer District, the Town has identified a need to address operational lifespan issues of certain equipment as well as to increase the capacity of conveyance facilities to handle potential flow increases, and provide for increased reliability, efficiency, and sustainability of

system components that are presently stressed, and are expected to be stressed further by future growth and development – a need which was preliminarily described in an engineering report prepared by the Town’s designated engineer (the “Capacity Report”); and

**WHEREAS**, on October 16, 2019, the Town of East Greenbush Town Board authorized the solicitation of bids from qualified consultants to prepare a feasibility study and preliminary design report (Town Board Resolution 224-2019); and

**WHEREAS**, on May 21, 2020 the Town issued RFP 20-08, “Couse and General Sewer District Upgrades Engineers Report” to develop an Engineers Report which identifies a recommended alternative; provides a schedule, cost estimate, and prioritization framework; and is approved by the involved regulatory agencies (the “Services”); and

**WHEREAS**, the Town received five (5) responsive bids, which a Selection Committee composed of Town Staff evaluated according to the Evaluation Criteria specified in RFP 20-08; and

**WHEREAS**, the Selection Committee short-listed three (3) firms, conducted interviews with each of the short-listed firms, and issued to the Town Board the evaluation results and a recommendation that Adirondack Mountain Engineering PC be selected to provide the Services requested in RFP 20-08; and

**WHEREAS**, in accordance with a recommendation from the Town’s GEIS Policy Committee, Town Board Resolution 224-2019 also authorized the use of GEIS Funds for a Feasibility and Preliminary Design Report for upgrades to the Couse Sewer District and General Sewer District, as applicable, as identified in the Capacity Report, including upgrades to the Luther Road Pump Station, Commons Pump Station; Hideaway Pump Station, and associated portions of the conveyance system; and

**WHEREAS**, the Town Comptroller confirms that this resolution will have a material impact on the Town’s finances and will be funded by GEIS Water/Sewer charge code 2189.01.00.24 of \$48,000.00;

now therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Deputy Supervisor to enter into an agreement with Adirondack Mountain Engineering PC, subject to approval as to form by the Town Attorney, to prepare a feasibility study and preliminary design engineers report as detailed in RFP 20-08 for an amount not to exceed \$48,000.00 to be funded by GEIS Water/Sewer mitigation funds.

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

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

**150-2020      A Resolution to Extend the General Sewer District to Include Certain Lands Encompassed by the Pheasant Hollow Major Cluster Subdivision, Owned by Hartland Associates, Inc., and Certain Other Lands**

**WHEREAS**, Hartland Associates, Inc. and 1560 Skyline Drive, Inc. has filed a petition addressed to the Town Board of the Town of East Greenbush, acknowledged on May 26, 2020 by the Town Board in its resolution number 122 of 2020; and

**WHEREAS**, said petition requests an extension of the General Sewer District of the Town of East Greenbush to property known as 2670 Phillips Road (Tax Parcel No. 177.00-5-22), a parcel of 44 +/- acres located near the intersection of Phillips Rd with Hays Road and situated wholly within the Town of East Greenbush (the “Pheasant Hollow Major Cluster Subdivision”); and

**WHEREAS**, said petition additionally requests an extension of the General Sewer District of the Town of East Greenbush to five (5) additional properties known as: 215 Hays Road Castleton, NY 12033 (Tax Parcel No. 177.00-5-13) and 201 Hays Road Castleton, NY 12033 (Tax Parcel Nos. 177.00-5-14.1 and 177.00-5-14.2) and 193 Hays Road Castleton, NY 12033 (Tax Parcel No. 177.00-5-15.1) and 22 Kriss Crossing East Greenbush, NY 12061 (Tax Parcel No. 177.00-5-15.2), the five of which are located generally along Hays Road and have a total area of 15 +/- acres (collectively the “Other Lands”); and

**WHEREAS**, the lands described above, to which the General Sewer District is extended, are described in Exhibit A, attached to and made a part of this resolution; and

**WHEREAS**, submitted with said petition was a certain “Engineers Report on Sewer District Extension for Pheasant Hollow,” dated June 5, 2019, and last revised May 21, 2020, prepared by Hart Engineering, engineers duly licensed by the State of New York; and

**WHEREAS**, a hearing on such petition, notice of which was duly published and posted, was held before the Town Board on July 8, 2020, at which the public had the opportunity to comment on this petition; and

**WHEREAS**, the Town of East Greenbush Planning Board has assumed lead agency status in connection with a coordinated review of the Pheasant Hollow Major Cluster Subdivision application for subdivision approval, an unlisted action under SEQRA; and

**WHEREAS**, the Town Board was identified as an involved agency under SEQRA in connection with the proposed extension of the General Sewer District; and

**WHEREAS**, at its June 10, 2020 meeting, the Town of East Greenbush Planning Board adopted a negative declaration in accordance with SEQRA, finding that the proposed action would not cause a significant adverse environmental impact;

**WHEREAS**, the Town Comptroller confirms that this resolution will have no material financial impact;

now, therefore, be it

**RESOLVED**, that the Town Board hereby determines as follows:

FIRST, that the petition referenced above was signed and acknowledged as required by law and is otherwise sufficient;

SECOND, that all of the property and property owners within the proposed extension are benefited thereby;

THIRD, that all of the property and property owners benefited are included within the limits of the proposed extension; and

FOURTH, that it is in the public interest to grant in whole the relief sought in the petition;

and be it further

**RESOLVED**, that the Board having determined in the affirmative all of the questions set forth in §194(1) of the Town Law that the extension of the District, to include premises known as 2670 Phillips Road and the Other Lands, and as more fully described in the Order made a part of Town Board resolution 122 of 2020, as Exhibit A annexed hereto, and which is included as “Appendix 3” of the map, plan, and report annexed to said petition, is approved.

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

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

Councilor Tierney – mentioned Public Hearing was held via Zoom last week and had two comments from residents. Complimented Adam Yagelski for contacting one resident and answering their questions.

Councilor Matters – stated this is a good project for our town and represents an enhancement to sewer district by providing additional sewer service to Phillips Road.

**151-2020      A Resolution to Schedule a Public Hearing to Receive Public Comment on a Traffic Safety Project to Construct Improvements at the Intersection of US Route 4 and the I-90 Westbound Ramps and Certain Traffic Impact Mitigation Projects Required in Connection with Regeneron’s Tempel Lane Campus Development**

**WHEREAS**, the New York State Department of Transportation (NYSDOT) has an active federal aid project known as “Intersection of US Route 4 and I-90: Intersection Safety Improvements” (PIN 1089.79) which would implement intersection safety improvements, including an anticipated roundabout, as well as multi-modal accommodations, at the intersection of US Route 4 and the I-90 Westbound Ramps (the “Safety Project”); and

**WHEREAS**, the Town Board, adopted an amended statement of findings (ASOF) under SEQRA in connection with Regeneron’s Tempel Lane Campus development, and the ASOF included a program of various mitigation measures required to address the potential for adverse impacts to the Town’s traffic and transportation system in connection with that project proposal (the “Traffic Impact Mitigation Projects”); and

**WHEREAS**, subsequently the Town and Regeneron entered into an Agreement which sets forth financial and project management responsibility for implementing items identified in the ASOF mitigation measures program, including the Traffic Impact Mitigation Projects, a program which is to be partially funded by a grant from Empire State Development; and

**WHEREAS**, upon receipt of an approved design from Regeneron, NYSDOT has agreed to advance the construction phase of its Safety Project together with the following Traffic Impact Mitigation Projects: 1) NYS Route 151 and Tempel Lane, 2) Couse Corners Roundabout, and 3) Route 4 and Hotel Access Road (the “Phase 1 Traffic Impact Mitigation Projects”); and

**WHEREAS**, NYSDOT and Regeneron have gathered base mapping, environmental, and other data; coordinated with each other; have consulted with the Town and other stakeholders; and have developed proposed preliminary design concepts outlining the nature and location of the improvements to be constructed as part of the aforementioned projects; and

**WHEREAS**, the Town Board desires to receive public comment on the aforementioned Safety Project and Phase 1 Traffic Mitigation Projects together and jointly, given that the

projects collectively involve important transportation corridors in the Town; the construction timelines are anticipated to overlap; it is anticipated that construction phase management will be performed by NYSDOT for the projects noted; the Town and NYSDOT have contemplated entering into a Betterment Agreement in order that Phase 1 Traffic Impact Mitigation Projects might be advanced by NYSDOT with Regeneron funding; and the fact that such public comment is also integral to the federal-aid project implementation process; and

**WHEREAS**, the Town Comptroller confirms 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 at the Town Hall, 225 Columbia Turnpike, East Greenbush, New York or by virtual means on the August 12, 2020 at 7:15 pm to accept public comment on the proposed preliminary design concepts advanced by both NYSDOT and Regeneron for the aforementioned projects;

and be it further

**RESOLVED**, at 6:30 PM at Town Hall or by virtual means and prior to the Town Board holding the aforementioned public hearing, the Town Board anticipates receiving separate public information presentations each from NYSDOT and Regeneron concerning preliminary design concepts for both the Safety Project and the Phase 1 traffic impact mitigation projects.

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

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

Councilor Tierney – mentioned Town Board hopes to hold this in person as they believe it's an important Public Hearing to demonstrate and show diagrams and maps. It will be an informational meeting where NYSDOT and Regeneron will present project and allow time for questions and answers.

**152-2020      A Resolution to Extend the General Water District to Include Certain Premises Known as 90 Ridge Road, Owned by Lawrence E. Sanders and Clara Ines Sanders**

**WHEREAS**, Lawrence E. Sanders and Clara Ines Sanders filed a petition addressed to the Town Board for an extension of the General Water District to property owned by them on 90 Ridge Road, consisting of 24.358± acres; and

**WHEREAS**, submitted with said petition was a certain "Supplement to Petition" prepared by prepared by Herschberg and Herschberg, engineers duly licensed by the State of New York Water; and

**WHEREAS**, at a meeting of the East Greenbush Town Board held on May 20, 2020, the Town Board passed a resolution to adopt an order pursuant to § 193(1)(a) of the Town Law; and

**WHEREAS**, pursuant to the terms and conditions of that order, the hearing on said petition, which was duly published and posted, was held before the Town Board on July 8<sup>th</sup> at 6:45 p.m., at which the public had the opportunity to comment on this petition; and

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

and be it further

**RESOLVED**, that the Town Board hereby determines as follows:

FIRST, that the petition referenced above was signed and acknowledged as required by law and is otherwise sufficient;

SECOND, that all of the property and property owners within the proposed extension are benefited thereby;

THIRD, that all of the property and property owners benefited are included within the limits of the proposed extension; and

FOURTH, that it is in the public interest to grant in whole the relief sought in the petition;

and be it further

**RESOLVED**, that the Board having determined in the affirmative all of the questions set forth in §194(1) of the Town Law that the extension of the District, to include premises known as 90 Ridge Road, and as more fully described at Exhibit "A" annexed to said petition, is approved.

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

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

#### **153-2020      A Resolution Recognizing the 50<sup>th</sup> Anniversary of the Capital District Transportation Authority**

**WHEREAS**, the Capital District Transportation Authority ("CDTA"), a public benefit corporation created by the state legislature on August 1, 1970 to provide regional transportation services, was previously named the Best Mid-Size Public Transportation System in North America for 2017 by the American Public Transportation Association; and

**WHEREAS**, CDTA's ridership has been at record, or near record, levels, reaching a record high of 17.1 million riders in one fiscal year and a 25 percent increase in ridership over the past six years; and

**WHEREAS**, CDTA has recently focused on improving taxi services, bike-share services, deals with major employers, new transit centers, and creating universal access programs which represent approximately 25 percent of all of CDTA boardings in its system; and

**WHEREAS**, CDTA is looking towards continued improvements such as offering a safe environment for each community served and connecting towns and cities within a cohesive transportation network to ensure community members can expand their horizons;

now, therefore, be it

**RESOLVED**, that August 1, 2020 be, and the same hereby is, recognized by the East

Greenbush town board (“Town Board”) as the 50<sup>th</sup> anniversary of the inception of CDTA; and it be it further

**RESOLVED**, that, on behalf of the residents of the town of East Greenbush, the Town Board congratulates CDTA on its success, wishes it many years of future success, and encourages residents to utilize CDTA’s award-winning services.

The foregoing resolution was moved by Councilor Matters and seconded by Councilor Fritz and brought to a vote

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

Councilor Matters – thanked Councilor Tierney for crafting this resolution. Stated it’s a great piece of work.

Councilor Tierney – thanked Councilor Matters for making it better.

Councilor Fritz – stated CDTA does provide us a great service, especially here in East Greenbush. A number of people use it to commute, occasionally or every day, into Albany. Mentioned she personally has used it with her son to go to the museum and plaza. Enjoyed having the ability to do that easily in this community.

**154-2020      A Resolution Authorizing the Deputy Supervisor to Execute an Agreement (“School Resource Officer Agreement”) Between the Town of East Greenbush and the East Greenbush Central School District Regarding the School Resource Officer Program**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of July 8, 2020 and was subsequently presented to the Town Board on July 9, 2020; and

**WHEREAS**, the 2019-2020 Enacted New York State Budget included amendments to Education Law §2801-a to require that beginning with the 2019-20 school year, and every school year thereafter, school districts and charter schools adopt a written contract or agreement that is developed with stakeholder input, that defines the relationship between a school district or charter school, school personnel, students, visitors, law enforcement, and public or private security personnel. The written contract or agreement must clearly delegate the role of school discipline to school administration and be consistent with the code of conduct. Such contract or agreement is required to be incorporated and published as part of the school district safety plan. The amendments became effective on July 1, 2019; and

**WHEREAS**, the Town and the East Greenbush Central School District have enjoyed a long-standing and successful agreement to jointly share the cost of providing a town police officer to serve as a full-time School Resource Officer; and

**WHEREAS**, the School District and the Town have determined that it is in their mutual best interests to enter into this agreement to provide for the assignment of one or more police officer(s) employed by the Town to serve as School Resource Officers at the School District; and

**WHEREAS**, at a Meeting of the Board of Education of the East Greenbush Central School District scheduled for August 19, 2020, the Board will approve the intermunicipal agreement between the District and Town for School Resource Officer services and authorized the Superintendent of Schools to execute the intermunicipal agreement in the form approved by legal counsel; and

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

**WHEREAS**, the Town Board has reviewed the School Resource Officer Agreement; now, therefore, be it

**RESOLVED**, that the Town Board of the Town of East Greenbush authorizes the Deputy Supervisor to enter into the School Resource Officer Agreement with the East Greenbush Central School District; and be it further

**RESOLVED**, that this resolution shall take effect upon adoption by the Board of Education.

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

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

**155-2020      A Resolution Forgiving and Deleting Certain Taxes Levied Against the Property Owned by the Town of East Greenbush in the Town of East Greenbush**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of July 8, 2020 and was subsequently presented to the Town Board on July 9, 2020; and

**WHEREAS**, the Town of East Greenbush is the owner of two parcels of land in the Town of East Greenbush, known as Tax Map ID No.: 154.4-16-29, and Tax Map ID No.: 155.9-10-2; and

**WHEREAS**, since these parcels are owned by the Town of East Greenbush, they are not subject to Town, County and School taxes, or other charges; and

**WHEREAS**, it appears that certain water bills for said property were erroneously levied on said properties, and are now shown as delinquent taxes in the records maintained by the Rensselaer County Bureau of Finance; and

**WHEREAS**, the Town Board wishes to clarify to the County that these charges were assessed erroneously, and should not have been relieved as Town taxes in 2020; 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 taxes due in the amount of \$30.98 on Tax Map ID No.: 154.4-16-29 and any penalties attached thereto, are forgiven; and it is further

**RESOLVED**, that the taxes due in the amount of \$62.83 on Tax Map ID No.: 155.9-10-2 and any penalties attached thereto, are forgiven.

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

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

Councilor Matters – indicated housekeeping item, formality to undertake to clarify records of the County Bureau of Finance. Our vigilance keeps things from slipping through the cracks.

**156-2020      A Resolution to Direct Certain Mitigation Fees Received in Connection with the Single Family Home Development at 64 Lona Lane and 66 Lona Lane to the GEIS Water/Sewer Fund**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of July 8, 2020 and was subsequently presented to the Town Board on July 13, 2020; and

**WHEREAS**, the Town of East Greenbush received an applications for building permits to construct single family residences at 64 Lona Lane and 66 Lona Lane (the “Project”); and

**WHEREAS**, on March 14, 2007 the Town of East Greenbush Town Planning Board issued Conditional Approval of the Final Plat for the Birch Lane/Railroad Avenue Major 27-lot Subdivision (aka “Birch Haven Estates” or “the Project”); and

**WHEREAS**, the Planning Board, as a condition of approval, required that the developer pay fees associated with the project; and

**WHEREAS**, on March 7, 2007, the Town issued a “Schedule of Outstanding Fees and Payment” for the Project, which schedule included a “Remaining I&I Fee” of \$2,000/lot and a “Sewer Connection Fee” of \$2,500/lot to be paid prior to obtaining each building permit; and

**WHEREAS**, Town policy is that land development mitigation fees be paid to the Town in accordance with the Western East Greenbush Generic Environmental Impact Statement (“GEIS”) and Local Law No. 5 of the year 2018 in order to mitigate the impact of development in Town, including impacts to the Town’s Water/Sewer infrastructure; and

**WHEREAS**, Local Law No. 5 of the year 2018 created a series of segregated accounts into which land development mitigation fees collected by the Town are to be deposited and among these accounts is the GEIS Water/Sewer account; 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 finds that the fees assessed in 2007 were collected to mitigate impacts associated with the Town’s Water/Sewer infrastructure, that collection of these fees is consistent with the GEIS and the policy outlined in Local Law 5 of 2018, and hereby directs that the \$9,000.00 required in connection with the Project be deposited into the GEIS Water/Sewer account.

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

Councilor T. Tierney	VOTED: YES
Councilor R. Matters	VOTED: YES

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

**157-2020      A Resolution Authorizing the Deputy Supervisor to Sign a Memorandum of Understanding With Hartland Associates, Inc. and 1560 Skyline Drive, Inc.**

**WHEREAS**, this resolution was not submitted in time to be considered on the regularly scheduled pre-board meeting of July 8, 2020 and was subsequently presented to the Town Board on July 14, 2020; and

**WHEREAS**, Hartland Associates, Inc. and 1560 Skyline Drive, Inc., have previously filed a petition with the Town for an extension of the General Sewer District; and

**WHEREAS**, the Town Board of the Town of East Greenbush adopted an order at a previous meeting of the Town Board, acknowledging receipt of such petition, and setting the proposed expansion down for a public hearing; and

**WHEREAS**, pursuant to said resolution, the public hearing was held before the Town Board on July 8, 2020; and

**WHEREAS**, the Town Board wishes to confirm certain terms and conditions relating to such extension of said proposed extension of the sewer district; 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 Deputy Supervisor is authorized to sign a Memorandum of Understanding with Hartland Associates, Inc. and 1560 Skyline Drive, Inc., relating to the provision of certain service connections to landowners and residences along the path of the proposed new sewer line on the westerly side of Phillips Road, as set forth therein.

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

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

**158-2020      A Resolution to Authorize the Settlement of a Tax Certiorari Case**

**WHEREAS**, ARC CAFEHLD001, LLC; VEREIT, INC., and the Town of East Greenbush are desirous of having certain assessment issues resolved as to property owned by ARC CAFEHLD001, LLC; VEREIT, INC. in the Town of East Greenbush, and

**WHEREAS**, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of East Greenbush, and reviewed by the East Greenbush Town Board at its regular monthly meeting, and

**WHEREAS**, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

**WHEREAS**, the Town Board has determined that the proposed settlement is in the best interests of the Town;

**WHEREAS**, the Town Comptroller confirms this resolution will have a non-material impact on the Town's finances offset from County chargebacks in 2021  
now, therefore, be it

**RESOLVED**, that the Town Board does hereby accept a proposed settlement for the 2019 tax certiorari proceeding filed by ARC CAFEHLD001, LLC; VEREIT, INC. in which the 2019 assessed value of the subject property shall be reduced as follows:

<b>Tax Map No.</b>	<b>Address</b>	<b>2019 Assessment</b>	<b>Revised Assessment</b>
155.13-2-5	145 Columbia Turnpike	\$465,000	\$120,000

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

**RESOLVED** that ARC CAFEHLD001, LLC; VEREIT, INC. shall waive any and all refunds from the Town of East Greenbush but will be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision from the County, School District and special districts;  
and it is further

**RESOLVED**, that the Town Board does hereby adopt this resolution to end the litigation between ARC CAFEHLD001, LLC; VEREIT, INC. and the Town of East Greenbush as to the above referenced assessment.

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

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

Town Board Attorney, David Gruenberg – commented on a question that was raised, this was quite a redacted reduction. Problem was a long existing assessment, building (old Burger King) had been vacant for a long period of time. Assessment was never reduced. Last year property sold for \$120,000, good faith purchase. Settlement provides we do not have to give any refund. We are free to reassess.

Councilor Matters – stated his concern over this initially was, in being in real property evaluation, this one particular sale is a significant drop in value. Mentioned there is probably a lot of deferred maintenance on this property that owes to a reduction in the market value of the property. Nonetheless, concern was that the \$120,000 could be substantiated as current market value. Ordinarily, I'd want to see an evaluation conducted to substantiate this. We obviously want to do what's in the town's best interest. Relying on Sue McCarthy, Town Assessor, in terms of her substantiation of this number. With our professional assessor working for us for many years, I will support this.

Closing comments:

Councilor Matters – thanked town’s executive staff for all the work they do throughout the year. They put together some very complicated resolutions and a lot of work goes into them. As a Town Board we benefit from near professionalism.

Town Clerk, Ellen Pangburn – glad we were able to make it work tonight and meet in person, as well as welcoming and congratulating our two new police officers. Like others mentioned, we wish Supervisor Conway the best and hopefully he’s being patient with his recovery. Extended thanks to Councilor Tierney for taking us all under her wing a little more and keeping things smooth sailing.

Councilor Tierney – made motion for Town Board to go into Executive Session to discuss personnel matters in Police Department. Extended invite to Chief of Police. Seconded by Councilor Fritz.

**ADJOURNMENT** – 7:59 p.m.

Motion to adjourn is made by Councilor Tierney second by Councilor Matters and brought to a vote resulting as follows:

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

Executive Session ended at 9:27 – moved by Councilor Tierney, second by Councilor Kennedy.

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

Adjourned at 9:28 – moved by Councilor Tierney, second by Councilor Fritz.

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

Respectfully,

Ellen Pangburn  
Town Clerk

## **Resolution 150-2020**

“Exhibit A “

Legal Description of Proposed General Sewer District Extension to Include Certain Lands Encompassed by the Pheasant Hollow Major Cluster Subdivision, Owned by Hartland Associates, Inc., and Certain Other Lands

DRAFT

LEGAL DESCRIPTION

Town of East Greenbush

Sewer District Extension

(Prepared 05/20/20)

All that piece or parcel of land situate, lying and being in the Town of East Greenbush, County of Rensselaer and State of New York, said parcel being bounded and described as follows:

Beginning at a point at the intersection of the centerline of Phillips Road with the centerline of Hays Road and running thence along said centerline of Hays Road the following two (2) courses and distances: 1) N 86° 11' 23" E, 100.50 feet to a point; and 2) N 79° 30' 45" E, 193.24 feet to a point at the northwest corner of lands now or formerly of Gary W. Ogle and Lydia E. Ogle; running thence along the bounds of said lands now or formerly of Ogle the following three courses: 1) S 03° 39' 58" W 28.38 feet to a point marked by an iron pipe; 2) S 03° 39' 58" W, 179.22 feet to a point marked by an iron pipe; and 3) S 76° 06' 55" E, 139.27 feet to a point marked by an iron pipe in a wire fence line on the westerly boundary of lands now or formerly of Timothy Doherty and Dawn C. Doherty; running thence along said westerly boundary of lands now or formerly of Doherty and generally along said wire fence S 17° 45' 14" W, 517.48 feet to a point marked by a capped iron pin at a wire fence corner; running thence along the south bounds of said lands now or formerly of Doherty and also the south boundary of lands now or formerly of Robert K. Jucha and Heather Jucha and generally along said wire fence S 65° 34' 10" E, 826.43 feet to a point marked by a capped iron pin in a wire fence line on the westerly boundary of the "Kriss Subdivision"; running thence along said westerly boundary of the "Kriss Subdivision" and generally along a wire fence the following three (3) courses and distances: 1) S 22° 36' 07" W, 191.40 feet to a point, 2) S 10° 11' 07" W, 165.66 feet to a point, and 3) S 17° 06' 06" W, 99+/- feet to the boundary line between the Town of East Greenbush on the north and the Town of Schodack on the south; Thence in a westerly direction along the last mentioned town line and through the lands now or formerly of Hartland Associates Inc. and 1560 Skyline Drive LLC, (Tax Map number 177.00-5-22) 1505 +/- feet to the centerline of Phillips Road; thence continuing westerly along the aforementioned town line and through a portion of land now or formerly of National Grid (Tax Map parcel 166.00-7-15.1) to a point on the division line between Tax Map parcel 177.00-5-27.11 on the west and the herein described parcel (Tax Map parcel 177.00-5-22) on the east; thence in a northerly direction along the last mentioned division line the following (3) courses and distances, 1) N 04° 18' 34" E, 117+/- feet to a point, 2) N 17° 43' 34" E, 333.30 feet to a point and 3) N 15° 18' 34" E, 247.50 feet to a point in the division line between Tax map parcel number 177.00-5-10 on the North and the herein described parcel on the south; thence in a easterly direction along the last mentioned division line and through a portion of land now or formerly of National Grid (Tax Map parcel 166.00-7-15.1) the following 3 courses and distances along the last mentioned division line; 1) S 78° 11' 05" E, 572.89 feet, 2) S 72° 16' 39" E, 297.00 feet and 3) S 69° 13' 21" E, 142.00 feet to a point in the division line between lands on the east now or formerly of Gary Wolfe and Karen Flynn Wolfe and lands on the west of the herein described parcel; Thence in a southwesterly direction S 25° 13' 33" W along the last mentioned division line 135 +/- feet to the centerline of a stream; Thence in a general easterly direction 383+/- feet along the centerline of the stream which runs between lands on the north now or formerly of Gary Wolfe and Karen Flynn Wolfe and lands on the south of the herein described parcel to the point in the centerline of Phillips Road. Thence northeasterly N

26° 46' 28" E along the centerline of Phillips Road 808.80 feet to the point of beginning.

Being part of the parcel shown on a subdivision map entitled "Survey Map Showing Proposed Subdivision of Lands of Joseph Bove at 2670 Phillips Road, Castleton, NY 12033", dated November 24, 2015 by Santo Associates Land Surveying and Engineering, P.C., last revised on December 11, 2015 and recorded in the Rensselaer County Clerk's Office as Map number 2016, Map 11.

Together with the following Tax Map parcels to be added to the Sewer District Extension: 177.00-5-13, 177.00-5-14.1, 177.00-5-14.2, 177.00-5-15.1, 177.00-5-15.2.

Excepted from the above described Sewer District Extension is all that property being within Tax Map parcel 166.00-7-15.1 (Lands now or formerly of Niagara Mohawk).

## **Resolution 152-2020**

“Exhibit A “

Legal Description of Proposed General Water District Extension to Include Certain Premises Known as 90 Ridge Road, Owned by Lawrence E. Sanders and Clara Ines Sanders

DRAFT

## Description of Proposed Water District Extension

The parcel herein described as an extension to the General Water District of the Town of East Greenbush is located in the Town of East Greenbush, County of Rensselaer County, State of New York and is described as follows:

BEGINNING at a point in the westerly right-of-way line of Ridge Road at the southeast corner of Lot 2R as shown on a map entitled "Lot Line Readjustment Lands of Daniel T. Baylinson & Judith A. Baylinson" dated December 27, 2001, prepared by McGrath Land Surveyors and filed in the Office of the Clerk of Rensselaer County in Drawer 2002 Map 68; thence along the southerly line of Lot 2R as shown on the above mentioned map by the following four (4) courses:

- (1) North 79°15'25" West, 125.66 feet to a point;
- (2) North 82°46'55" West, 2026.36 feet to a point;
- (3) North 54°33'00" West, 298.06 feet to a point;
- (4) North 77°11'10" West, 223.47 feet to a point in the westerly line of Lot 2R as shown on the above mentioned map;

thence North 06°36'55" East and running along the westerly line of Lot 2R as shown on the above mentioned map, 447.30 feet to a point to the northwest corner of Lot 2R as shown on the above mentioned map; Map 68; thence along the northerly line of Lot 2R as shown on the above mentioned map by the following seven (7) courses:

- (1) South 76°15'00" East, 1,356.68 feet to a point;
- (2) South 15°00'00" East, 104.95 feet to a point;
- (3) South 71°54'50" East, 368.31 feet to a point;
- (4) North 83°07'00" East, 206.18 feet to a point;
- (5) South 75°28'00" East, 288.53 feet to a point;
- (6) South 68°31'00" East, 181.41 feet to a point;
- (7) South 79°40'00" East, 233.28 feet to a point in the westerly right-of-way line of Ridge Road;

thence South 08°47'00" West and running along the westerly right-of-way line of Ridge Road a distance 182.83 feet to a point of curve in a circular arc having a radius of 580.82 feet; thence curving to the left along the arc of said curve for a distance of 70.28 feet to the **POINT AND PLACE OF BEGINNING**; the last described arc being subtended by a chord having a bearing of South 05°19'00" West and a chord length of 70.24 feet.

**SAID** parcel having an area of 24.328± acres.

\*As stated on page 2 - Public comment from Mr. David Terpening was read aloud by Councilor Matters and attached below.

Since I will not be able to attend the public hearing tonight I would like to make the following public statements:

**1. New Police Officers:** I am a firm supporter of law enforcement and first responders. As a resident of the Town of East Greenbush, I would like to welcome the new officers to our Police Department and the community they will serve. May they come home safe and sound to their families each and every day. The silent majority of our residents have your back. I would also thank the Town Board for not supporting the ridiculous "defund police departments" movement.

**2. For Resolution 150-2020 A Resolution to Extend the General Sewer District to Include Certain Lands Encompassed by the Pheasant Hollow Major Cluster Subdivision, Owned by Hartland Associates, Inc., and Certain Other Lands** - Please read again my comments and objections from the Public Hearing on 7/8/2020.

**3. For Resolution 152-2020 A Resolution to Extend the General Water District to Include Certain Premises Known as 90 Ridge Road, Owned by Lawrence E. Sanders and**

**Clara Ines Sanders** - Please read again my comments and objections from the Public Hearing on 7/8/2020.

**4. For Resolution 158-2020 A Resolution to Authorize the Settlement of a Tax Certiorari Case** - Will the public ever be able to obtain the supporting documentation that led to the settlement? I am still waiting on a request for the documentation from the last Tax Certiorari Case settlement for JMA Properties LLC. and 1070 Luther Road LLC.

**5. Town of East Greenbush board meetings (All Boards)** I would like to request that the Town of East Greenbush consider some consistency in how the public can participate in public meetings and how technology has made it relatively inexpensive and simple. I would suggest that all board meetings that allow public presence and comment use Zoom that can be published to Youtube which in turn can be posted on Facebook as well as the ability (Post COVID) to attend in person. Having attended several Zoom meetings, I found it more informative when documentation (emails, letters, postings, site plans and application) can be viewed by all and not only by the board members and applicants. I believe using Zoom not only will substantially increase both the transparency of Town government but increase the number of attendees from the public.

Best regards,

David G. Terpening Jr.