

parking lot. There are still a couple of considerations to work out with this resolution. It is not ready to be voted on today.

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 locally

Hal Betters thanked Councilperson Malone and Deputy Supervisor Hart for their service.

Bonnie Lester thanked Councilperson Malone and wished him good luck.

Pete Stenson thanked Councilperson Malone, and had question on why the town is buyin a truck for just leaf pick up.

Ed Gilbert stated that he was sorry to see Councilperson Malone go and thanked him for his service. He also stated that he thought Supervisor Langley did a great job and would be sorry to see him go as well.

Tom Grant thanked Meghan and Councilperson Malone and Councilpersons DiMartino and Matters for help in the transition.

Jack Conway- stated that Councilperson Malone did a good job and wished him good luck. He also wanted to thank Supervisor Langley for his service and for access to the staff.

Tina Tierney thanked Phil for his service.

Resolutions and Proposals by Town Board Members:

193-2015 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 November 18, 2015; and

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances

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 November 18, 2015, are hereby approved as submitted.

The foregoing Resolution was duly moved by Councilperson DiMartino seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson DiMartino	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

194-2015 A Resolution to Approve Special Meeting Minutes

WHEREAS, the minutes of special 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 Special Town Board Meeting held on November 24, 2015; and

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances

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

RESOLVED, that the minutes of the special Town Board Meeting held on November 24, 2015, are hereby approved as submitted.

The foregoing Resolution was duly moved by Councilperson DiMartino seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson DiMartino	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	ABSTAIN
Supervisor Langley	VOTED	ABSENT

195-2015 Resolution Authorizing the Supervisor to Execute a Certain Pedestrian Bridge Easement Agreement with Regeneron Pharmaceutical, INC.

WHEREAS, Regeneron Pharmaceuticals, Inc. (hereafter "Regeneron"), is the owner of certain property in the Town of East Greenbush known as One CSC and 81 Columbia Turnpike, and is also the owner of property known as 25 Discovery Drive; and

WHEREAS, Regeneron has proposed to construct an office building at 25 Discovery Drive, and a parking lot for the employees who will be working at that location on the other side of Discovery Drive; and

WHEREAS, Regeneron desires to construct a pedestrian bridge, elevated over Discovery Drive, connecting parking lot with the office building; and

WHEREAS, that project, including the pedestrian bridge, has had a complete review and approval from the Town of East Greenbush Planning Board, including clearance under the SEQRA process; and

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances

WHEREAS, Regeneron requires an easement from the Town of East Greenbush across Discovery Drive, which the Town owns in fee, in order to construct and maintain that proposed pedestrian bridge; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute, on behalf of the Town, a certain pedestrian bridge easement agreement granting Regeneron an easement over the a portion of Discovery Drive, in a form approved by the attorney to the Town; and it is further

RESOLVED, that the Supervisor shall not execute that agreement, until the time for the filing of a petition for a permissive referendum pursuant to Town Law §90 has expired, and there has been no such petition filed.

TABLED

Councilperson DiMartino made a motion to table the foregoing Resolution and was seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	ABSENT
Councilperson DiMartino	VOTED	YES

196-2015 Resolution Authorizing the Supervisor to Execute a Certain Agreement for use of Town of Colonie Police Range and Training Facility

WHEREAS, officers of the East Greenbush Police Department are required to maintain proficiency in the use of firearms; and

WHEREAS, the Town of East Greenbush does not maintain its own firing range which can be used by employees of the East Greenbush Police Department to maintain this proficiency; and

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances

WHEREAS, the Town of Colonie maintains such a firing range, and is agreeable to allowing East Greenbush police officers to use that range, for an annual \$250.00 maintenance fee; now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized and directed to sign a certain Agreement for Use of Town of Colonie Police Range and Training Facility for the period from January 1, 2016 through December 31, 2017.

The foregoing Resolution was duly moved by Councilperson Matters seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES
Supervisor Langley	VOTED	ABSENT

197-2015 A Resolution to Set the Transfer Station Rates for 2016

WHEREAS, it is required to establish policies and rates for the use of the East Greenbush Transfer Station; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will not adversely impact on the Town's finances; now, therefore, be it

RESOLVED, that the attached policies and rates be effective, for the year 2016 with minimal increases being implemented,

The foregoing resolution was duly moved by Councilperson Malone seconded by Councilperson DiMartino and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES
Councilperson Matters	VOTED	YES
Supervisor Langley	VOTED	ABSENT

198-2015 A Resolution to Schedule Organizational Meeting

WHEREAS, the Town Board of the Town of East Greenbush wishes to schedule an Organizational Meeting for 2016; and

WHEREAS, the Town Comptroller has confirmed that the provisions of this proposed Board action will have no impact on the Town's finances; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush shall conduct the 2016 Organizational Meeting at 6:00 PM on Monday, January 4, 2016, at the East Greenbush Town Hall, 225 Columbia Turnpike in the Town of East Greenbush, County of Rensselaer and State of New York; and be it further

RESOLVED, that the Town Clerk of the Town of East Greenbush is hereby authorized and directed to give notice of such Organizational Meeting.

The foregoing Resolution was duly moved by Councilperson DiMartino seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson DiMartino	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

199-2015 Authorization to Purchase a 2003 Freightliner FL80 Garbage Truck

WHEREAS, the Commissioner of Public Works has requested the approval of the Town Board to purchase a 2003 Freightliner FL80 Garbage Truck for an amount of \$19,500; and

WHEREAS, the Highway Department recently rented this vehicle for Fall Leaf Pick-up which provided the Department an opportunity to test the vehicle and discover any problems; and

WHEREAS, the purchase of this truck can assist as backup at the Transfer Station if there are any issues with the compactor unit, therefore saving us emergency service charges; and

WHEREAS, the cost of the truck at \$19,500, includes all rental fees from the six week rental of the vehicle; and

WHEREAS, the Town Comptroller has heretofore confirmed that none of the provisions of the foregoing resolution shall pose an adverse impact to the Town's finances; now, therefore, be it

RESOLVED, that the Town Board does hereby approve the purchase of the 2003 Freightliner FL80 Garbage Truck to be charged to account 51304.02.004 (Machinery Contractual Highway).

The foregoing Resolution was duly moved by Councilperson DiMartino seconded by _____ and brought to a vote resulting as follows:

Councilperson DiMartino	VOTED	
Councilperson Matters	VOTED	
Councilperson Malone	VOTED	
Supervisor Langley	VOTED	ABSENT

200-2015 A Resolution Approving the Payment of UW Marx Construction Co., Inc's Emergency Rainfall Repair Invoice

WHEREAS, the East Greenbush Waste Water Treatment Plan sustained damage to the footings of the new Chlorine Contact Tank and a State of Emergency was declared and an Emergency Order was issued as a result of the rains on September 29, 2015 and September 30, 2015; and

WHEREAS, the Emergency Order called for UW Marx to effectuate the following:

1. Secure and backfill footings of Chlorine Contact Tank (flowable fill as necessary)
2. Clean and restore all tanks,
3. Restore integrity of hillside,
4. Verify integrity, and repair, if needed, any and all underground piping,
5. Restore the damaged area of the Waste Water Treatment Plant to its pre-damage condition; and

WHEREAS, the Town has received an invoice in the amount of \$41, 407.16 for the work completed by U.W. Marx; and

WHEREAS, the Town Comptroller has indicated that this will have a negative financial impact on the Town's Finance's as it was not budgeted in the 2015 Annual Budget and it is not subject to insurance recovery; now, therefore, be it

RESOLVED, that the Town Comptroller is hereby authorized to pay the UW Marx Emergency Rainfall Repair Invoice in the amount of \$41,407.16 paying for it with the following budgetary transfers to:

Fund	Amount
81404.07.004	\$ 13,545.56
81404.08.004	\$ 6,567.55
81404.09.004	\$ 5,746.60
81404.10.004	\$ 15,187.45

Offset by appropriating the four respective sewer fund balances.

Councilperson Matters made a motion to table the foregoing Resolution and was seconded by Councilperson DiMartino and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson DiMartino	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

201-2015 A Resolution for SEQRA Determination for Recovery Sports Grill

WHEREAS, the Town of East Greenbush received an application for the site plan review known as the Recovery Sports Grill a proposed 7,900 square foot restaurant, located at 279 Troy Road, Tax parcel number 144.-4-42, prepared by Bergmann Associates; and

WHEREAS, the application was accompanied by a proposed site plan, Part 1 of a Full Environmental Assessment Form (“EAF”) and other supporting information; and

WHEREAS, upon the recommendation of the Town Planning Board the Town Board determined the proposed project was an Unlisted Action; and

WHEREAS, the Town Planning Board, after considering the comments and opinions of the Project Review Team and Planning Board’s Designated Engineer, and after reviewing the proposed site plan, took a “hard look” at the potential environmental impacts of this project by carefully considering and reviewing the Short Environmental Assessment Form, considering all the Applicant’s proposed mitigation measures as they relate to environmental issues and more particularly to traffic, fire, rescue and MS-4 storm water management and recommended the Town Board issue a Negative Declaration under SEQRA; and

WHEREAS, the Town Board has determined that the action will not result in any large or important impacts and, any potential impacts can be mitigated;

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town’s finances.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby finds that the Project will not have a significant impact on the environment and issues a Negative Declaration for the Project.

The foregoing Resolution was duly moved by Councilperson Matters and seconded by Councilperson Malone and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Councilperson DiMartino	VOTED	YES
Supervisor Langley	VOTED	ABSENT

202-2015 A Resolution for a Site Plan Approval – Recovery Sports Grill

WHEREAS, the Town has received an application for a project known Recovery Sports Grill located at 279 Troy Road, consisting of a 7,900 square foot restaurant, identified on the Town's Tax Roll as Tax Parcel No. 144.-4-42; and

WHEREAS, the application was accompanied by a site plan, Part 1 of a Full Environmental Assessment Form (“EAF”) and other supporting information; and

WHEREAS, the Town Board as Lead Agency issued a Negative Declaration for the project on December 16, 2015; Resolution # XX-2015 and

WHEREAS, the Town Planning Board has reviewed the application materials and submitted the application materials to the Project Review Team for technical review, and the site

plan has been revised in response to various concerns raised by the Town Planning Board and the Project Review Team; and

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances.

WHEREAS, based on its review, the recommendations of the Project Review Team and the revisions made to the site plan, the Town Planning Board has recommended approval of the site plan with certain conditions; and

WHEREAS, the Town Board has reviewed the site plan application materials and the recommendation of the Town Planning Board;

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the final Site Plan of the Project subject to the following conditions:

1. Satisfying outstanding technical details as determined by the Planning Board's Designated Engineer and Town Planning Department; and
2. All remaining fees and escrow are paid to the Town; and
3. The design professional will be required to inspect and certify that all work has been completed in accordance with the approved plans prior to issuance of a Certificate of Occupancy or Certificate of Compliance and all certifications are to be submitted to the Building Department prior to the issuance of the C of O or C of C.

The foregoing Resolution was duly moved by Councilperson Malone and seconded by Councilperson Matters and brought to a vote resulting as follows:

Councilperson Malone	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson DiMartino	VOTED	YES
Supervisor Langley	VOTED	ABSENT

203-2015 Town Board Request to act as Lead Agency for the Regeneron Major Site Plan Mill Creek/Temple Lane Major Site Plan

WHEREAS, SMRT Architects on behalf of Regeneron Pharmaceuticals, LLC.; located at 81 Columbia Turnpike, has submitted a site plan review application for a project located on Mill Creek and identified on the Town's Tax Roll as Tax Parcel No.144.-3-5.1; and

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

WHEREAS, as the Town Comptroller has heretofore confirmed that none of the provisions of this proposed Board action shall pose an adverse impact to the Town's finances

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Project will require review under the State Environmental Quality Review Act ("SEQRA")
2. The following are or may be:
Involved agencies under SEQRA:
East Greenbush Town Board

East Greenbush Planning Board
East Greenbush Zoning Board of Appeals
NYS Department of Environmental Conservation
Rensselaer County Health Department

Interested agencies under SEQRA:

Clinton Heights Fire District #1
W. F. Bruen Rescue Squad
Rensselaer County Bureau of Planning
East Greenbush Department of Public Works
New York State Office of Parks, Recreation & Historic Preservation
East Greenbush Central School District
Capital District Transportation Authority
National Heritage Program
Capital District Transportation Committee
New York State Department of Transportation
U.S. Army Corps of Engineers

3. The Town Board wishes to assume lead agency status in connection with coordinated SEQR review of the Project
4. The Town Board directs that a lead agency coordination letter be sent to all the involved agencies requesting their consent to designation to the Town Board as lead agency for SEQR review of the Project
- 5.

Councilperson Matters made a motion to table the foregoing Resolution and was seconded by Councilperson DiMartino and brought to a vote resulting as follows:

Councilperson Matters	VOTED	YES
Councilperson	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT

204-2015 A Resolution Opposing SEQRA Lead Agency Status for the New York State Thruway Authority for the Pilgrim Pipeline Project

WHEREAS, Pilgrim Transportation of New York, Inc. (hereafter “Pilgrim”), has filed an application to construct and operate oil and kerosene pipelines from Linden, New Jersey to Albany, New York, such pipelines to be located primarily in property owned by the New York State Thruway Authority; and

WHEREAS, the Town has received correspondence from the Thruway Authority, seeking any comments or objections to its status as SEQRA lead agency in this project; and

WHEREAS, the Town Board has concerns that since the Thruway Authority will receive direct economic benefit from this project, it would not be appropriate for them to be the lead agency for SEQRA purposes; and

WHEREAS, the Town of East Greenbush does not have the resources or capability to conduct a thorough SEQRA process on this project, which has a large geographic component, and impacts many municipalities; now, therefore, be it

RESOLVED, that the Town Board of the Town of East Greenbush objects to the New York State Thruway Authority being the lead agency in this process, and requests instead that the New York State Department of Environment Conservation take lead agency status; and it is further

RESOLVED, that the East Greenbush Town Clerk is hereby directed to send a copy of this resolution to public.info@thruway.ny.gov, using the subject line “Pilgrim Pipeline Lead Agency Reply” and advising the Thruway Authority of the adoption of this resolution by the East Greenbush Town Board.

The foregoing Resolution was duly moved by Councilperson DiMartino and seconded by Councilperson Malone and brought to a vote resulting as follows: This was not voted on. Councilperson recused herself from the vote because her husband works for the Thruway Authority and is directly involved with this project.

Councilperson DiMartino	VOTED	
Councilperson Malone	VOTED	
Councilperson Matters	VOTED	RECUSE
Supervisor Langley	VOTED	ABSENT

Councilman Malone wanted to say a few words. He thanked the residents for electing him twice, he appreciates all of their comments and input. It has been a fun five years. We have done a lot of good things in the last five years, from infrastructure improvements, to paying down the debt, to keeping the payroll at reasonable rate, to trying to work with the unions. He wished the new board the best and asked them to put the residents first.

ADJOURNMENT

Motion to adjourn by Councilperson DiMartino at 7:30 and was seconded by Councilperson Matters and brought to a vote as follows:

Councilperson DiMartino	VOTED	YES
Councilperson Matters	VOTED	YES
Councilperson Malone	VOTED	YES
Supervisor Langley	VOTED	ABSENT