

**DATE:** JANUARY 25, 2018

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** DAVID B. HARRIS

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** RYAN P. MULLAHY, ESQ.  
**COMPTROLLER:** PAUL HARTER  
**OTHERS PRESENT:**

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Supervisor Harris called the January 25, 2018 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Supervisor Harris asked all who were present to remain standing for a moment of silence to honor Raymond Lemka who had passed away earlier in the week.

### **Briefing of Agenda**

**Personnel policy and Procedure Manual:** S. Harris suggested the meetings be scheduled in the evening to allow for all members to be present. C. Bult said that was a good idea and added the labor council should be present in the event contract issues arise. S. Harris said he would contact the Labor Attorney and mentioned copies of the current and update policies had been emailed to him.

**Castleton Ambulance Workers Service Award:** S. Harris stated he would not participate in the vote to approve the list of participants for the 2017 Award Program when presented at the next Board meeting as he was directly affected as a member of Castleton Ambulance. He would excuse himself and leave the room to prevent any ethical conflict.

**Police Training:** S. Harris explained the training for Sgt. Roy was originally a budgeted item but the Town was able to negotiate and the tactical team would be covering the expense for the conference. This would allow Sgt. Roy to attend at no charge.

**License Event Notification Service (LENS):** S. Harris stated the LENS program would benefit the Town by notifying us of any reportable accidents, vehicle infractions, convictions, point insurance reduction program completions or license status changes. An abstract could be created for all town drivers, be used in pre-employment screenings and for DOT and insurance audits. There would be no charge for this service. C. Bult asked if there was

potential for a contractual issue to arise. Atty. Mullahy said the monitoring would hold no issue but any disciplinary action would need to be reviewed according to the contract.

**Auction Website:** S. Harris said he had spoken to K. Holmes who had expressed interest in listing a few surplus items on the Auctions International website. They include a surplus vehicle and the old copier from the third floor of the Town Hall. Those items would be put into a resolution for the next meeting.

All other agenda items were self-explanatory.

D. Spink asked why the format of Board meetings had changed. He explained that the public was once given the opportunity to address the Board at the beginning of the meeting to suggest ideas and express concerns. He recommended the Board revert back to the old format and allow for more transparency. C. Bult assured Mr. Spink that the format had not changed. He explained the second meeting of the month was known as the workshop meeting and generally only public comment was sought for any resolutions on the agenda. The public would have the opportunity to address the Board at the regular Board meeting that was scheduled for the second Thursday of each month. S. Harris thanked D. Spink for his concern.

S. Harris informed the Board that he would be meeting on Monday with the Mayor of the Village of Castleton regarding the Local Waterfront Revitalization Project (LWRP) committee as well as sewer agreements. He stated some of the previous LWRP candidates have moved or were no longer interested; therefore, this preliminary meeting would start the process to solicit resumes of interested individuals and for potential grants. C. Rex said resumes were requested last year.

**Public Comment:** B. Spink thanked the Supervisor for reexamining the LWRP committee.

### **Notice of Violation Hearing 19 Overlook Drive South**

S. Harris called the violation hearing to order at 7:16 p.m. to determine whether the owner of 19 Overlook Drive South (Tax Map 201.12-1-19) has complied with such notice, and to take other and further actions as may be authorized by Chapter 99.

The Town Clerk summarized the Affidavit of Publication regarding the violation hearing for 19 Overlook Drive South. The legal notice was published in the January 17, 2018 edition of *The Record*, and posted on the Town Clerk's signboard and the Town's website on January 16, 2018.

S. Harris called upon Gary Ziegler, Code Enforcement Officer to present evidence of violation. Mr. Ziegler stated that as of 4:00 p.m. on January 25, 2018 no action had been taken by the property owner to remove the building or to clean up the premises. He explained proper notice had been served to the property owner and on the building but no response was received. Photos were entered into evidence as proof of the violation. S. Harris asked three times if there was any representative present from 19 Overlook Drive

South. No resident stepped forward. S. Harris presented Mr. Ziegler with a signed letter dated November 14, 2017 that had been sent to the property owner and asked him if he recognized it. Mr. Zielger said yes. S. Harris asked that the letter addressed to Sandor Clarke of 3 Shevyan Manor be entered into evidence.

**Board Comment:** C. Swartz asked if the three photos that had been presented showed different buildings on the property. Mr. Ziegler said they were of the same building but taken at different angles. C. Bult asked, with hearing no objections, would the Town proceed to solicit bids for demolition. Mr. Ziegler said the Board needed to authorize the Town Clerk to solicit bids for demolition. Atty. Mullahy asked if Mr. Ziegler had an idea of the potential cost for demolition. He said he was unsure, but due to the age of the building, it may contain asbestos which could be costly. Upon the consensus of the Board, an amendment was made to resolution 2018-080 to include wording authorizing the Town Clerk to solicit bids for the demolition of the building.

**Public Comment:** None.

**Adoption of Resolutions:**

The following resolution was adopted out of sequence:

**EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.**

C. Bult made a motion to adopt the following resolution, seconded by C. Swartz:

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD  
OF THE TOWN OF SCHODACK DOES HEREBY:**

**2018-081)** WHEREAS, the Town Building Inspector reported to the Town Board that a building or structure known as 19 Overlook Drive South (Tax Map 201.12-1-19) should be repaired or removed; and

WHEREAS, the Town Board wished to proceed pursuant to Chapter 99 of the Schodack Code, relating to Unsafe Buildings; and

WHEREAS, it was resolved that the Building Inspector shall, pursuant to §99-2(B) forward a notice with the particulars required therein to the owner, directing the owner to commence the securing or removal of the buildings within 30 days and to complete such securing or removal within 60 days; and

WHEREAS, a copy of that notice was filed in the office of the Rensselaer County Clerk, pursuant to the provisions of §99-2(D); and

WHEREAS, resolution 2017-274 adopted on November 9, 2017, scheduled a hearing on this matter on January 25, 2018 at 7:15 p.m., to determine

whether the owner has complied with such notice, and to take such other and further actions as may be authorized by Chapter 99; and

WHEREAS, the hearing was held on January 25, 2018 at the time and place as specified in the notice; and

WHEREAS, proof was submitted of timely service of notice pursuant to Chapter 99; and

WHEREAS, based on proof submitted at the hearing, the remaining premises located at 19 Overlook Drive South (Tax Map 201.12-1-19) are unsafe for human habitation and should be removed;

NOW THEREFORE BE IT RESOLVED that said remaining premises located at 19 Overlook South shall be removed by the town,

BE, IT FURTHER RESOLVED that all costs and expenses in said removal shall be assessed on the property at 19 Overlook Drive South (Tax Map 201.12-1-19) and that said charges shall be levied and collected as provided by law,

BE, IT FURTHER RESOLVED that the Town Clerk is authorized to post a notice for the demolition and removal of the building and solicit bids.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

A resident asked when they could expect to see the structure removed from the property. S. Harris explained he had no time frame but ensured it would be taken down in a timely manner.

Upon receiving no public comment, S. Harris closed the public hearing at 7:23 p.m.

### **Board Discussion**

**Resolution 2018-080:** C. Bult asked if the corrected salaries were budgeted for 2018. P. Harter said yes.

**Resolution 2018-082:** S. Harris explained the Police Department was able to secure a great deal to purchase a 2017 Ford Utility AWD for the Town. The vehicle included all necessary equipment excluding the radio and pin striping. By having the equipment already installed the Town saved about \$4,500.00 dollars towards this budgeted item.

**Public Comment (Resolutions Only):** None.

### **Adoption of Resolutions:**

The resolutions voted upon reflect additions, deletions and amendments approved by the

consensus of the majority Board.

C. Bult made a motion to adopt the following resolution, seconded by C. Rex:

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD  
OF THE TOWN OF SCHODACK DOES HEREBY:**

**2018-080)** Amend resolution 2018-039 as adopted on January 5, 2018 as follows: Pursuant to Article 3 Section 37 of the Town Law, the Tax Receiver hereby appoints Sandra Schell (\$13.79 ~~13.52~~/hr.), Elizabeth Swahlan (\$13.22 ~~12.96~~/hr.) and Michael Lubbers (\$13.22 ~~12.96~~/hr.) as part-time Tax Clerks at an hourly rate as set forth in resolution 2018-07.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

**2018-081)** **Previously adopted. See pg. 35.**

C. Kenney made a motion to adopt the following resolution, seconded by C. Swartz:

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD  
OF THE TOWN OF SCHODACK DOES HEREBY:**

**2018-082)** Authorize the purchase of a 2017 Ford Utility Police Interceptor AWD from Vance Country Ford based on Westchester County purchasing contract bid number RFB-WD-17295/RFB-WC-15182 at a cost not to exceed \$39,862.00. **[This is an approved 2018 Budget Item]**

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

**ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 01/25/18 Town Board meeting at 7:28 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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