

**DATE:** JANUARY 24, 2019

**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:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:**

**OTHERS PRESENT:** DAWNE KELLY, ASSISTANT TO THE SUPERVISOR  
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION  
OPERATIONS

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Supervisor Harris called the January 24, 2019 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 in January of 2018. He expressed his admiration for Mr. Lemka who was a great voice for the residents and said he would be missed.

### **Briefing of Agenda**

The Supervisor summarized the agenda items that would be discussed at the February 14<sup>th</sup> meeting. With regard to resolution 2019-079, he said an amendment was needed for the previous resolution that authorized the police department to purchase a new vehicle. He explained too much time had lapsed from locating the vehicle at the dealer and the resolution authorizing the purchase. The vehicle was no longer available. He noted police car leftovers were very hard to locate; however, a second vehicle was found under a different contract at a slightly higher cost. It was his hope that they would be on time to make the purchase as this vehicle was under budget.

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

### **Open Discussion – Agenda Items**

**Building Department Forms:** S. Harris said the Building Inspector had done extensive research to modernize application forms that were used by the Building Department. He noted copies of those forms were given to the board for their review. C. Bult said, as these

were internal to that department, they did not require approval from the board for use. He said he appreciated the Building Inspector sharing the forms and asked if they were being used. S. Harris said yes.

**Ethics Code:** S. Harris said he had worked with the previous town attorney regarding this draft of the ethics code and thanked current counsel for keeping diligent. C. Rex asked Atty. Langlois if Atty. Mullahy had forwarded her notes regarding the code. Atty. Langlois said he had not seen them; however, the latest draft may have included those recommendations. In the event they have not been incorporated, he advised that he would contact the previous counsel to obtain them. C. Swartz recommended a change be made to section 14(e) to remove the wording “or employee” with regard to hiring seasonal employees. He felt it limited the hiring of anyone who was related to a town employee. He said as long as the employee was not a supervisor to the relative, there should be no issues for hiring them. S. Harris agreed with the change. C. Bult asked Atty. Langlois if he would be giving his opinion on the recommended changes now or wait and give his opinion later. Atty. Langlois said, under general municipal law, the discretion lies with the town board regarding the contents of this code. Any changes could be made by consensus of the board and in the event any recommendations posed a legal issue, he would inform them. S. Harris noted the discussions regarding the code were to make changes to the current draft. It was possible that there may be several other drafts created before being finalized. C. Rex asked when public suggestions would be obtained. S. Harris said, once the final draft was presented. C. Swartz asked what “to the extent possible” meant in section 18(c)(2). Atty. Langlois said this section pertained to maintaining the confidentiality with respect to the complainant. He interpreted the language to pertain to any public seeking information about the complainant. He noted the section was missing some important information such as when the subject of the complaint would be notified. He felt wording should be included that once the complaint was made, a copy would be given to the subject. The copy would include the name of the individual making the complaint. It would be at the discretion of the board as to when the copy would be given, whether upon the initial complaint or following a board investigation. C. Swartz felt it that should be added under section 18(c)(3). Atty. Langlois agreed. S. Harris expressed concern about nuisance complaints that border on harassment. C. Bult said it would not be harassment in the event no violation had been discovered. At that time, the subject of the complaint would not be aware as the board would not reach the notification stage. Atty. Langlois said there could be times that the complaint process would be abused; however, there was no way to prevent it. The board would only be committed to investigate if the complaint had merit and showed a violation. With respect to notifying the subject of the complaint, Atty. Langlois asked if it was the consensus of the board to add wording to provide notice to the subject once it is decided that an investigation is necessary. All board members agreed. S. Harris asked what a reasonable time frame would be for notification. C. Kenney said there would not be an actual set period of time. It would be given once the next step was taken. Atty. Langlois recommended the following wording be added: “inform the subject of the complaint and make such investigation as it deems proper”. C. Bult asked, since there would not be a designated chair for the ethics board, who would make the notification. Atty. Langlois said most likely the counsel for the board would give notice in the name of the ethics board. He noted the board members themselves would need to designate how investigations were conducted to gather the necessary information. S. Harris suggested if any board members

had questions, comments or concerns regarding the code that they forward those to Atty. Langlois.

**LOSAP:** S. Harris informed the board that he was not eligible for the program this year; therefore, he would not need to recuse himself from the vote.

**Shredding Days:** S. Harris noted that Bruce Goodall had supplied the board with an estimated cost per day for holding a shredding event. B. Goodall said after the previous discussion with the board, he spoke to East Greenbush and Rensselaer who said they would keep their three days. They welcomed the town to join in the event the board chose to hold three events again. He noted, after speaking with C. Kenney, there was concern among residents of the three municipalities of who could use which location. C. Swartz asked how the rate for a single shredding day was similar in cost to the three shredding days. B. Goodall said the three day event used less highway employees as workers were supplied from each municipality. C. Kenney noted the estimate did not include Mr. Goodall's time and said it needed to be factored in. He added the main cost for a single shredding day was for the added employees to cover the transfer station and the shredding site. C. Bult said Mr. Goodall would normally be working on Saturday anyway but agreed that an employee would be needed to cover for him at the transfer station. He felt, with the potential confusion to residents, the town should continue with the three shredding days shared between East Greenbush, Rensselaer and Schodack. All board members agreed. B. Goodall said there were options to minimize costs. He recommended utilizing volunteers. C. Bult suggested maybe someone from the town board could assist. He asked, in the event volunteers were not available, if a seasonal employee or wingman could be used instead of an operator. B. Goodall said it would be an option. C. Kenney said money could be saved by being creative with the work force. S. Harris asked Mr. Goodall to see what could be done to trim the budget and felt it was a good idea to keep the three days.

**Contract with B&L Control Service Inc.:** C. Bult asked if the service contract was the same cost as last year. D. Kelly said there was a slight increase.

#### **Adoption of Resolutions:**

The resolutions voted upon reflect additions, deletions and amendments approved by the consensus of the majority Board.

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

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

**2019-079)** Amend resolution 2019-069 as adopted January 10, 2019 as follows:  
Authorize the purchase of a 2018 Ford Utility Police Interceptor AWD from  
~~Vance Country Ford~~ Van Bortel Ford based on ~~Westchester~~ Onondaga  
County purchasing contract bid number ~~RFB-WD-17295/RFB-WC-15182~~  
8771 2018 at a cost not to exceed ~~\$40,786.00~~ \$43,300.64. [This is an  
approved 2019 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. Kenney made a motion to adjourn  
the 01/24/19 Town Board meeting at 7:38 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk