

DATE: MAY 9, 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: PAUL HARTER, COMPTROLLER
OTHERS PRESENT: JOSEPH BELARDO, CHIEF OF POLICE

Supervisor Harris called the May 9, 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.

Adoption of Resolutions

The Supervisor deviated from the agenda so the Board could take under consideration the following resolution regarding an appointment to the Police Department:

S. Harris noted Ms. Garvansites was just about complete with her basic field training. He added that the change to a part-time paid officer would be thirty days to allow her to complete her training.

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

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

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

2019-176) Appoint Bobbisue Garvansites as part-time police officer at an hourly rate as set forth in resolution 2019-07.

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

Following the Town Clerk administering the oath of office to Officer Garvansites, S. Harris commended her on her hard work at the academy and stated that she was a great asset to the department.

The Supervisor continued to deviate from the agenda so the Board could take under consideration the following resolution regarding a proclamation for Seth T. Roberts upon his achievement of Eagle Scout:

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

S. Harris 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:

2019-170) WHEREAS, Seth Thomas Roberts, son of Gary and Victoria Roberts, on the 16th day of February in the year two thousand nineteen, was awarded the rank of Eagle Scout, the highest rank a boy can achieve in scouting; and

WHEREAS, Seth started his journey in scouting as a Cub Scout in 2007, with Pack 253, and

WHEREAS, Seth has earned the Arrow of Light award the highest Cub Scout honor, and

WHEREAS, Seth is a member of Boy Scout Troop 53, and has earned 28 Merit Badges in his 7 years of Boy Scouting, and

WHEREAS, Seth has served the troop as Assistant Senior Patrol Leader, Patrol Leader and Webmaster, and

WHEREAS, as his Eagle Scout project, Seth solicited donations to purchase a public address system and planned and arranged hour long concerts with musicians whom entertained the residents at Riverside Nursing and Rehabilitation in Castleton-on-Hudson, New York. Seth continues to perform for the residents as a Volunteer and further conveyed a BINGO set to the Activities Director; which residents continue to use, and

WHEREAS, Seth also serves the community as a Volunteer Firefighter with South Schodack Volunteer Fire Company, and

WHEREAS, Seth is currently a Senior at Maple Hill High School, where he serves as Vice President of the Class of 2019, President of the National Honor Society, and is a three sports Athlete on Varsity Soccer, Varsity Indoor Track and Field and Varsity Outdoor Track and Field, and

WHEREAS, Seth, plans to attend the University of Rochester in the fall, pursuing degrees in the areas of Audio and Music Engineering and Computer Science.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack commends and congratulates Seth Thomas Roberts upon the auspicious occasion of being awarded the rank of Eagle Scout, Boy Scouts of America; and

BE IT FURTHER RESOLVED that Supervisor Harris will present a copy of this resolution, suitably engrossed to Seth Thomas Roberts at Town Board meeting on May 9, 2019.

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

S. Harris read the full proclamation and presented it to Mr. Roberts. He noted that he himself had obtained his Eagle Scout as well and said he was very proud of him for his achievements.

Executive Session #1

C. Swartz made a motion at 7:10 p.m. to enter into the first executive session to discuss a contract and to consider appointments for Dog Control Officer and Board of Assessment Review. The individuals interviewed for Dog Control Officer were as follows: Catherine Crawmer, Mark Geracitano and Lynne Torello. Seconded by C. Kenney.

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

C. Bult made a motion at 8:00 p.m. to adjourn the executive session. Seconded by C. Swartz.

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

Review of Resolutions

S. Harris noted, following discussion in the executive session, that it was the consensus of the board to withdraw resolution 2019-167 until further research could be done. For resolution 2019-168, S. Harris said W. Gregory Gersch would be named as a member of the Board of Assessment Review. S. Harris noted the survey was necessary for resolution 2019-177 to determine what grants the residents of the Battisti Water System would be eligible to receive to offset the cost of upgrading their system. With regard to resolution 2019-179, S. Harris explained that D. Garvansites, Park Manager, was able to obtain a great price for two grills. He noted that the old grill currently located at the pavilion would be replaced and a new one would be installed. P. Harter informed the board that the abstracts may seem higher than normal due to three bond payments that occurred (2019-180). All other resolutions were self-explanatory.

Board Comment

C. Bult asked if there were adequate funds to cover the purchase in resolution 2019-179. P. Harter said yes.

Public Comment

K. Stokem asked how many children attended the Schodack Day Camp annually. S. Harris said he was not certain of the exact amount and estimated several hundred. Mr. Stokem asked if the percentage was known of Schodack children attending the camp. S. Harris said no and recommended he contact the supervisor's office prior to the meeting so he could prepare those figures. Mr. Stokem said he had noticed a resolution at the previous meeting for campers to attend a baseball game and wondered, with now seeing two other resolutions for events, if the director was within budget or was additional funding being requested. S. Harris said as the events were scheduled, the director would request authorization for payment from the board. P. Harter said all items were budgeted and added that in all the time he had worked for the town, the director had only gone over budget once last year due to construction at the school which forced the director to schedule additional field trips. He said the amount charged to the families for attendance helped to offset the cost. Mr. Stokem asked what the charge was to attend the camp. The Town Clerk explained the cost for residents was \$125.00 per child or \$325.00 for a family with three or more children. She noted that the camp registration ran from May 1st to May 31st and was open to only residents of Schodack. After that period, if there were any spots available, the Youth Director would open the registration to non-residents at a cost of \$250.00 per child. No discounts for larger families would be offered at that time. Mr. Stokem asked how the program was promoted to residents. The town clerk stated that notice was posted in the schools, an article was published in the advertiser and was also posted on the town website.

Resolution 2019-177: K. Stokem asked for clarification regarding this resolution. S. Harris said a map, plan and report was prepared to show the projected cost to upgrade the Battisti water system. He explained an income study was necessary to see what grants, if any, the residents were eligible for to offset the cost. Mr. Stokem asked whose income the study would analyze. S. Harris said the residents who currently utilize the Battisti water system. Mr. Stokem asked what the cost would be for upgrading the system. C. Kenney stated that the amount would not be known until the study was complete. C. Rex added that the board hosted a public meeting where the plans were presented to the residents. Mr. Stokem asked if the cost had been presented at that meeting. C. Bult said a rough estimate had been presented. He said he was unsure of the amount; however, he did remember that it was quite expensive. Mr. Stokem asked if the entire cost would be placed on the residents of that community. S. Harris said yes, as it was a private water system. He noted that the town was trying to help them and a new meeting would be scheduled to discuss the options. He added that it would ultimately be the decision of the whole group on which option they choose. C. Kenney said if the system fails, it would be a very bad situation.

Resolution 2019-178: K. Stokem asked the amount spent thus far on the Article 78. Atty. Langlois said, as a representative of Girvin & Ferlazzo, \$21,000.00 was spent on the first stage of the proceedings with a decision being made in favor of the Town of Schodack. The projected amount to be spent for the pending appeal is \$12,500.00. Mr. Stokem asked if any of the legal fees would be recovered from the developer. Atty. Langlois said no. Mr. Stokem asked why the cost was being solely placed on the town and not onto the developer. Atty. Langlois explained that all parties, including the town and Scannell, were

named in the suit and all were paying their own legal fees. Mr. Stokem asked what the result would be if the town did not defend against the appeal. Atty. Langlois said the petition against the town could be granted. Mr. Stokem questioned if it was actually the desire of the town, as a whole, to defend against the appeal. He explained more lawsuits were foreseen for Stewarts and Goulet Trucking and he felt that they would add up to large amounts. He said if the Planning Board would require an Environmental Impact Statement (EIS), the residents would be happy; however, the town would potentially be sued by the developer. He said it was his feeling that the members of the Planning and Zoning Boards lacked humanity and were not looking out for the best interests of the residents in Schodack.

Castleton Library: M. Marcucci, a trustee of the Castleton Public Library, gave an update on the construction project at the library. She began by thanking the board for the annual funding that they have given and said it was assisting them, along with a Library Construction Grant from New York State, to update the community room. The community room would be available for various library projects as well as be utilized, free of charge, to any group who needs it. She explained the community room, which had served as the courtroom for the Village of Castleton, had gone through many changes. These included removal of the old paneling, insulation, installation of a new floor, LED lights, cabinets, counters, a conference table and a seventy inch flat screen for presentations. She encouraged all board members to visit the library once the room was complete to see the transformation. S. Harris said he had visited the library and was very pleased to see the evidence of hard work and dedication.

M. Brunner said she had reviewed items on the town website and wondered why certain items had been removed. She noticed information for the Amazon project was no longer available and was unable to locate certain public notices. She had asked a question at the recent Planning Board meeting about having material referencing certain projects posted on the website and was told that the town had no webmaster to do so. S. Harris said D. Kelly and N. Fuda post items on the site and he stated he would check with them to see what could be done. Ms. Brunner asked if all posts were archived. She explained that she had submitted a FOIL request to the town clerk's office and was able to obtain the information that had been removed. The Town Clerk said the town was not trying to be secretive. She explained that information was placed on the website for a certain period of time and was removed to allow for other pertinent information to be posted. Depending on how they were posted on the website, most information could be retrieved if needed. Ms. Brunner asked when N. Fuda would be giving an update on the changes to the zoning code. She said she had asked several months ago and was told that Ms. Fuda would be coming to a future meeting. S. Harris said he would check into it. He recommended contacting Ms. Fuda directly.

K. Stokem said, when looking for Planning Board agendas, he noticed they were not archived and noted minutes were not being posted in a timely manner as well. C. Rex suggested using the search feature to locate items on the site using a particular term. Mr. Stokem thanked her and asked that the board refrain from defending against the appeal (2019-178). He felt it would be in the best interest of the town to complete a full EIS.

Departmental Reports: The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk and Building Department.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #19-661 to #19-844 on Abstract No. 2019-05 in the amount of \$504,619.65 including the claims paid prior (\$347,593.93).

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.

2019-167) *Withdrawn: Appoint _____ as the Dog Control Officer at salary set forth in resolution 2019-07.*

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

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

2019-168) Appoint W. Gregory Gersch as a member of the Board of Assessment Review at salary as set forth in Year 2019 adopted budget. Term to expire September 30, 2023.

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

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

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

2019-169) Appoint Melissa Knights and Dawne M. Kelly as part-time Board of Assessment Review Secretaries with compensation of \$43.00 per meeting per 2019 Adopted Budget.

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

2019-170) **Previously adopted. See pg. 112.**

S. Harris 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:

2019-171) Authorize Karen Justus Sole Assessor to attend Cornell Seminar of Appraising 2019 Advanced Appraising Three (3) Approaches course with case study in South Cayuga, New York, July 15-19, 2019. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town, at an estimated cost of \$1,619.35 [Not budgeted]
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

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

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

2019-172) Amend resolution 2018-284 as adopted November 8, 2018 as follows: Authorize Supervisor Harris to execute a 3 year agreement with Unifirst Renew for exchange and cleaning of ~~nine ten (9)~~ (10) floor mats on an every four-week basis at the Town Hall with UniFirst in an amount not to exceed ~~\$403.00~~ \$110.50 per exchange. [This reflects an additional mat at Justice Court Office Entry Door]
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Rex 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:

2019-173) Authorize Supervisor Harris to execute and administer contract with Billy Beez USA, LLC on behalf of the Schodack Summer Camp for hosting group events on July 29 and August 1, 2019 at Crossgates, for an amount not to exceed \$2,500.00. 50% - to be remitted with contract.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Kenney 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:

2019-174) Authorize Supervisor Harris to execute and administer contract with The Puppet People on behalf of the Schodack Summer Camp for hosting group events on July 22, 2019 entitled "The Elephant Child", for an amount not to exceed \$800.00.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Swartz 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:

2019-175) Authorize Supervisor Harris to execute and administer a 60 month agreement with County Waste for a Two Yard container for garbage removal at the Town Hall, at a cost not to exceed \$85.73 monthly.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

2019-176) **Previously adopted. See pg. 111.**

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:

2019-177) Authorize Supervisor Harris to execute and administer Addendum Number 2019-06 for professional services from the Laberge Group to assist the Town Board in conducting an income survey in regard to the Battisti Water system services not to exceed \$3,800.00.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

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

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

2019-178) **WHEREAS**, an appeal to the Appellate Division, Third Department, has been filed in the matter of Brunner, et. al. v. Town of Schodack Planning Board, et. al. (Index No. 2018-260429); and

WHEREAS, the Town desires to defend the appeal.

NOW, THEREFORE, BE IT RESOLVED, that the Board retains Girvin & Ferlazzo, P.C., as counsel for the purposes of representing and defending the Town in connection with the appeal based on a fee scheduled of \$225.00 per hour as contained in the Letter of Engagement and Retainer dated May 2, 2019, provided that such authorized fees shall not exceed \$12,500.00 without further approval by the Board.

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

S. Harris 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:

Amended 09/12/19 by 2019-224

- 2019-179)** Authorize Dan Garvansites, Park Manager to purchase 4 Leisure Craft 28 in Brown Wood Picnic Tables (\$359.99 each) and 2 Leisure Craft In-Ground Charcoal Black Grills (\$199.99 each) plus freight \$419.51 from Nassau County Value to be use and installed at the Town Park and for total cost not to exceed \$2,259.45. [Parkland Fund]
 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

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:

- 2019-180)** Authorize the Comptroller’s recommendation to direct the Town Supervisor to pay the claims #19-661 to 19-844 on Abstract No. 2019-05, in the amount of \$504,619.65, including the claims paid (\$347,593.93) since the previous town board meeting.
 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

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:

- 2019-181)** Authorize the April 2019 budget modifications, interfund loans and interfund transfers as provided in document dated May 2019 and recommended by the Comptroller.

BUDGET MODIFICATIONS

Fund/				
	Department #	Fund / Department Name	Increase	Decrease
2019				
29	A-960-3120.1091	Police - Justice Court OT	428.25	
	A-960-1110.1000	Justice Court - Personal Services		428.25
	To modify the budget to cover Police presence at court night			
30	A-960-3120.1012	Police Grant - PTS	337.23	
	A-509-4320.9999	Federal Aid Public Safety	337.23	
	To modify the budget for PTS grant awards			
31	B-960-8020.1100	Planning - Overtime	80.87	
	B-960-8020.1000	Planning - Personal Services		80.87
	To modify the budget for Secretary Overtime attending Planning Board Meetings			

32	DB-960-5130.1630	Machinery - Transfer Station work	180.88	
	DB-960-5130.1400	Machinery - Police Work	310.08	
	DB-960-5130.1000	Machinery - Personal Services		490.96
	To modify the budget to cover employee work on department vehicles			
33	DB-960-5140.2000	Brush & Weeds - Equipment	19.80	
	DB-960-5140.4000	Brush & Weeds- Contractual		19.80
	To transfer funds to cover equipment purchase 3 blowers, pole saws			
34	SS6-960-8130.1008	Personal Services - Dunkin Donuts	-	
	SS6-960-8130.1108	Overtime - Dunkin Donuts	-	
	SS6-960-8130.4008	Contractual - Dunkin Donuts	408.60	
	SS6-960-9030.8008	Social Security - Dunkin Donuts	-	
	SS6-960-9060.8008	Medical Benefits - Dunkin Donuts	20.54	
	SS6-509-5031.9999	Exit 10 Sewer - Sewer Charges	429.14	
	To modify the budget for reimbursement of Dunkin Donut expenditures			

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

Executive Session #2

C. Bult made a motion at 8:44 p.m. to enter into the second executive session for the purpose of contract negotiations. Seconded by C. Rex.

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

C. Bult made a motion at 8:57 p.m. to adjourn the executive session. Seconded by C. Swartz.

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 05/09/19 Town Board meeting at 8:57 p.m., seconded by S. Harris. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk