

DATE: JUNE 27, 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

OTHERS PRESENT: JOSEPH TREMBLAY, BUILDING INSPECTOR
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION
OPERATIONS

Supervisor Harris called the June 27, 2019 Town Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call.

Discussion Items

Court Officer: S. Harris asked for board approval to post the open Court Officer position, internally and externally, for ninety days. All board members agreed.

American Tower: S. Harris asked the comptroller to explain the options proposed for the cell tower located by the Highway Garage on Route 20. P. Harter said he had received a letter from Gregory Pearson, Esq. illustrating two options for the town. They included renewing the current lease or creating a permanent easement with a buyout. He noted the lease option would guarantee the town a three percent increase in rent each year for the next thirty years. It was the recommendation of Mr. Harter for the town to choose the lease option as it would be a potential revenue of \$1.19 Million at the end of the thirty years. Atty. Langlois added that in the event of the town needing additional funds due to the potential of losing funding from the state, the buyout option would still be available. C. Bult said that would be a wise decision. S. Harris asked for approval to have a contract drawn up to extend the lease. All board members agreed.

Building Department Vehicle: J. Tremblay said a new vehicle had been included in the 2019 budget and due to the increase in workload he was asking to use those funds to purchase a second vehicle for the department. He explained that the current vehicle was still in good working condition but it was becoming a challenge to schedule use by his department and the Assessor who uses it for data collection. Without a second SUV, someone could need to resort to using their own personal vehicle. C. Bult said it appeared

that the new vehicle would be \$10,000.00 under budget. J. Tremblay said yes and added that the vehicle was a 2017 Jeep that had been ordered by another municipality in 2016 who had cancelled the purchase. S. Harris said it was not advisable for anyone to be using their personal vehicle for town business and noted that this Jeep was the last one being offered at the discounted price. J. Tremblay said the dealer agreed to hold the vehicle for a short time. C. Bult asked for a description of the vehicle. J. Tremblay said it was dark gray Jeep Cherokee Sport with four wheel drive. S. Harris felt four wheel drive was good for new construction sites as they tend to be muddy. C. Bult asked if the current vehicle had a good life expectancy. J. Tremblay felt that the vehicle, which has around 110,000 miles on it, should be adequate for one to two more years of service. He added that it was critical to keep up with the maintenance to prolong the usefulness. S. Harris asked if a deposit was needed to hold the vehicle. J. Tremblay said he would check.

Transfer Station: B. Goodall explained the current waste contract between the town and Colonie Landfill will end on December 31, 2019. Colonie has informed him that they will not be renewing the contract, leaving the town without a place for refuse. C. Swartz asked if Colonie was ending contracts with all municipalities or only Schodack. B. Goodall said he believed only Schodack due to the small amount of tonnage. He said the town had three options for depositing refuse: Albany Landfill, Waste Connections or Fulton County. With respect to Albany, there would be a significant increase in the current cost of \$50.00 to \$95.00 per ton. They could opt to join under the planning option which would save \$19.00 per ton; however, the cost for construction and debris would remain at \$95.00. One issue with using Albany would be that the truck needed to be to the facility and on the scale by 10:30 A.M. at the latest. For Waste Connections, the cost would be \$87.00 per ton with additional costs for fuel and thruway charges. He noted there may be added surcharges above the fuel cost as well. The last option, Fulton County, would be the longest drive but have the lowest tonnage cost of \$58.00. He said the town could apply as an open vendor which is the reason for the lower cost. He warned that the deadline for the contract was quickly approaching and there was limited time for the board to make a decision. S. Harris said he had drafted a letter to Mr. Rhodes at Fulton County asking to join their program and with permission from the board, he would send it. All board members agreed. B. Goodall said the letter would be brought up at the Board of Supervisors and the town would not receive an answer approving them until September or October. C. Kenney said the long drive to Fulton County would take an employee from the already limited staffing for the Transfer Station. He felt it was needed to take a look at adding an employee if they chose that option. C. Bult said the tonnage cost seemed low. He felt the cost for staffing and wear on the truck would increase the price. B. Goodall said the labor was included in the tonnage rate. C. Kenney asked if a part-time employee would be needed. B. Goodall said they currently make two runs per week and felt it would be helpful. C. Swartz recommended speaking to Ken Holmes about utilizing a highway worker rather than hiring a new employee. C. Kenney and Bult agreed that there may be an issue with what work a highway employee could be asked to do due to their union contract. C. Rex suggested contacting Fulton County to see if it would even be feasible to join their program. B. Goodall reminded the board that the roll-off was a 2002 with 260,000 miles and the trips to Fulton County would add a large amount of miles.

Public Hearing
KarJAL Trucking and Excavation Landfill Application

S. Harris called the public hearing on a landfill application submitted by Al Symington, owner of KarJAL Trucking and Excavation Contracting to order at 7:24 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on an application submitted by KarJAL Trucking and Excavation Contracting to operate a sanitary landfill disposal at 1191 Brookview Station Road pursuant to §137 of Town Code of the Town of Schodack. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on June 17, 2019.

Steve Hart of Hart Engineering spoke on behalf of Mr. Symington who was not able to attend the meeting. He explained that Mr. Symington had been depositing clean fill at 1191 Brookview Station Road for many years and now sought to obtain proper permits. He said the amount of fill would be a total of 8,800 cubic yards that would be deposited in a two year period. This would equate to fourteen to sixteen trips per day for the 1.37 acre site. The material being dumped would come from Albany. C. Swartz asked if the material was monitored. Mr. Hart said an inspection was required for the material before leaving the initial site. He said the town board could ask the planning board to set conditions and added that he had noticed tree stumps in the piles that have already been deposited. C. Kenney said he had spoken to Nadine Fuda, who agreed. C. Bult said he had seen the previous dump site and asked if anything would be done to stabilize the cap. Mr. Hart said he advised Mr. Symington to seed and mulch the area. C. Bult said he had also noticed slabs of concrete within the piles. Mr. Hart said he would ask to have that removed. C. Bult also reminded him that there was an old cemetery located on the property and asked that it not be disturbed. Mr. Hart said he would locate it and make sure it was protected.

Public Comment: A. White of 1190 Brookview Station Road asked the hours of operation for the site. Mr. Hart said the hours would be from 7:00 A.M. to 5:00 P.M. Mr. White asked if there would be a site assessment to ensure that what was deposited will not contaminate the aquifer. Mr. Hart said they did not normally conduct drilling at the site to take samples. He noted each load should have a receipt that would explain the contents and that it was tested. Mr. White asked if the two year period would be the limit for dumping at the site. Mr. Hart said it could be put into the conditions that they are only allowed to dump for two years. C. Bult said if a favorable verdict was received from the planning board, then the town board could look to add such conditions as hours of operation and the length of time for dumping.

Upon hearing no further public comment, S. Harris closed the public hearing at 7:33 p.m.

Adoption of Resolutions

The resolutions were voted upon, out of order.

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. 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:

- 2019-201)** Refer the application of KarJAL Trucking and Excavation Contracting made pursuant to Town Code §137 et seq. to the Planning Board and request that the Planning Board review such applications and timely render to the Town Board a non-binding recommendation regarding the same.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

**Public Hearing
Community Development Block Grant Application**

S. Harris called the public hearing on an application for the Community Development Block Grant (CDBG) to order at 7:35 p.m.

The Town Clerk summarized the Affidavit of Publication to provide an opportunity for the Town to:

- a. Provide the citizens of the Town with adequate information concerning the amount of funds available for proposed community development activities, the range of activities that may be undertaken and other important program requirements.
- b. Provide citizens adequate opportunity to participate in the development of the application, any revisions, changes or amendments to the application, prior to the submittal.

The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on June 17, 2019.

Atty. Langlois stated even though there was no individual representing the engineering company, the public hearing had been noticed; therefore he felt the board should entertain any public comment on the CDBG application. C. Kenney said, due to the timing of the application, the grants would not be available and felt it may be best to reapply next year.

Public Comment: None.

Upon hearing no public comment, S. Harris adjourned the public hearing at 7:36 p.m.

Public Comment (Resolutions)

There was no public comment on the resolutions.

Adoption of Resolutions

The resolutions were voted upon, out of order.

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.

S. Harris explained this resolution would retain the service of Girvin & Ferlazzo to defend the Article 78 proceeding against the Zoning Board of Appeals. He asked for any board discussion. There was none.

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:

2019-204) **WHEREAS**, an Article 78 proceeding has been filed in the Supreme Court, Albany County under the caption of Hodgson, et. al. v. Town of Schodack Zoning Board of Appeals, et. al. (Index No. 903472-19); and

WHEREAS, the Town Board desires to retain counsel for the purpose of defending the proceeding.

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 Article 78 proceeding based on a fee schedule of \$225 per hour as contained in the Letter of Engagement and Retainer dated June 13, 2019, provided that such authorized fees shall not exceed \$10,000 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.

It was the consensus of the board to withdraw resolution 2019-205.

2019-205) **WITHDRAWN:** *Authorize the purchase of a 2017 Jeep Cherokee Sport 4x4 from Main Motorcar based on purchasing contract bid number OGS01-PC66680-1140268 at a cost not to exceed \$21,582.00 delivered. [This is an approved 2019 Budget Item]*

C. Kenney 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:

2019-206) Amend resolution 2019-186 as adopted June 13, 2019 Authorize the following Town of Schodack Day Camp employees for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation as follows:

Special Needs Assistant: Logan Samarija at the 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.

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:

2019-202) **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to Sewer District No. 6, Sewer District Extension #5, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office for public inspection; and

WHEREAS, said map, plan and report was prepared by Clough Harbour & Associates, LLP, (Kevin L. Hickey, P. E.), competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Sewer District Extension, general plan of the Sewer District Extension and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, together with the location and the general description of all public works required including lands and easements to be acquired; and

WHEREAS, the improvements proposed include, but are not limited to, the installation of a 1.5 inch HDPE pressure main (2,200 linear feet), 6 inch HDPE pressure main (2,200 linear feet) and two relief structures, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

WHEREAS, said project will require compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act; and

WHEREAS, the Town of Schodack Planning Board was designated as the lead agency in a coordinated review with the Town of Schodack Town Board; and

WHEREAS, the underlying project is the demolition of an existing multi-tenant building and neighboring automobile repair shop for the redevelopment of a new Stewart's shop and convenience store with self-service gasoline; and

WHEREAS, in connection with this proposed project the Town of Schodack Planning Board in its role as lead agency in a coordinated review concluded that "the project will not have a significant impact on the municipal sanitary sewer system"; and

WHEREAS, the Town of Schodack Planning Board in its role as lead agency in its coordinated review issued a negative declaration with respect to the proposal

to demolish an existing multi-tenant building and neighboring automobile repair shop for the development of a new Stewart's shop and convenience store with self-service gasoline.

NOW, THEREFORE, IT IS RESOLVED: That the Town of Schodack Town Board hereby affirms that the Town of Schodack Planning Board act as lead agency in a coordinated review under the State Environmental Quality Review Act with respect to the proposed project defined within this Resolution.

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. Swartz:

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

2019-203) **WHEREAS,** a map, plan and report have been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of Town of Schodack, Sewer District #6, Extension #5 in the Town of Schodack, County of Rensselaer, State of New York, and has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Clough Harbour & Associates, LLP, (Kevin L. Hickey, P.E.), competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension and the general plan of the proposed District Extension; and

WHEREAS, said map, plan and report shows the location and description of the public works which will be required and the lands or easements to be acquired; and

WHEREAS, the boundaries of the proposed District Extension are as described in **Schedule "A"** annexed hereto; and

SCHEDULE "A"

**BOUNDARY DESCRIPTION OF THE PROPOSED
TOWN OF SCHODACK SANITARY SEWER DISTRICT #6 EXTENSION #5**

Beginning at the intersection of the western right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, and the northern right-of-way of Sunset Road, said point being the southeast corner of district boundary;

Thence North 24°51'38" West approximately 131.41 feet along the westerly right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, to a concrete monument; thence North 24°51'38" West approximately 129.00 feet along the westerly right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, to a point; thence North 03°43'51" West approximately 40.00 feet along the westerly right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, to a point; thence North 25°33'42" West approximately 37.10 feet along the westerly right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, to the an iron pin; thence South 67°51'17" West along the boundary approximately 345.33 feet to an iron pin; thence South 21°21'27" East approximately 265.66 feet to an iron pin; thence North 81°28'00" East approximately 24.82 feet along the northerly right-of-way of Sunset Road, to a concrete monument; thence South 88°14'02" East approximately 166.12 feet along the northerly right-of-way of Sunset Road, to a concrete monument; thence North 73°10'53" East approximately 114.82 feet along the northerly right-of-way of Sunset Road, to a concrete monument;

Thence North 54°31'22" East 62.26 feet along the northerly right-of-way of Sunset Road to a point on the westerly right-of-way of NYS Route 9 and 20, also known as Columbia Turnpike, to the point of beginning.

WHEREAS, the District Extension improvements include, but are not limited to, 1.5 inch HDPE pressure main (2200 linear feet), 6 inch HDPE pressure main (2200 linear feet) and two air relief structures; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Two Hundred Eighty-Seven Thousand Nine Hundred Ninety (\$287,990.00) Dollars; and all details as to the cost of construction are set forth in the aforesaid map, plan and report; and

WHEREAS, pursuant to Section 209(f) of the Town Law, approval of the New York State Comptroller will not be required for establishing this District Extension inasmuch as the town shall not finance the cost of the improvements nor pay or assume debt service associated with this District Extension; and

WHEREAS, said map, plan and report describing said improvements are on file in the Town Clerk's Office for public inspection; and

WHEREAS, the first year costs of full operation and maintenance for the typical property within the District Extension are estimated at \$7.50 per 1,000 gallons of sanitary sewer effluent for an annual estimated cost of Two Thousand Four Hundred Sixty-Four (\$2,464.00) Dollars with the charges to vary in relation to the amount of benefit provided to the premises; and

WHEREAS, the initial connection fee shall equal Eleven Thousand Two Hundred Fifty (\$11,250.00) Dollars; and

WHEREAS, the subject typical property shall be assigned six equivalent dwelling units on an annual basis; and

WHEREAS, determination of annual charges shall be based on a benefit basis.

NOW, IT IS HEREBY ORDERED, that the Town Board of the Town of Schodack shall meet and hold a public hearing at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York 12033, in said Town, on the 11th day of July, 2019, at 7:05 p.m., local time, to consider said map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

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

Discussion Items Continued

Battisti Water System: S. Harris said the survey had been mailed to the residents of the Battisti Water System and said it should be completed by July. He said the board was still looking for potential grants to help the residents. **Public Comment:** J. Walters, of Orchard Road, said he had received a letter from Mr. Keller regarding not renewing his license, which expires August 2019 and noted that residents were confused about the income survey that had been sent. He asked how soon the results would be known once the survey period was closed. S. Harris said the information should be compiled not too long after the close date. At that time, the board will hold an informational meeting to present the grant options available to the residents based on their income. He added that a notice for the public hearing, which would take place around September, would be published and residents would be notified. C. Kenney assured him that the board would not leave any stone overturned. He said it would not be the decision of the board but rather the decision of all the residents. C. Hunter asked if the water would be shut-off once Mr. Keller's license expired. C. Kenney said no, but advised that if an issue arose, it would be left up to the residents to make repairs.

TJA Clean Energy – Solar: S. Harris said he had received a letter from N. Fuda stating that this solar project, which will be located off Paul Road east of the railroad tracks, is a type I action which required approval from the town board to name the planning board as lead agency.

Transfer Station (Continued): S. Harris said B. Goodall and P. Harter had outlined the financials to date for the transfer station. They illustrated the cost to the town for disposing of items versus the current prices being charged to residents. He said a meeting had taken place at the transfer station between B. Goodall, C. Kenney and himself where it was discussed to reduce costs by minimizing the amount of water in the open containers. The rain and snow accumulates, adding to the tonnage charged to the town when the container is weighed at the facility. C. Kenney said the new regulations from NYS DEC require the containers to be covered anyway. S. Harris said he had spoken to several other

supervisors of neighboring towns who have stated that they encounter similar issues. B. Goodall noted that the town is now being charged for recycling which has created a deficit. He added that the metal that is accepted does produce revenue; however, it is not enough to cover the cost for recycling. C. Kenney asked, although this is usually handled during budget time, should they get prices now rather than wait. C. Rex and C. Swartz said yes. B. Goodall said this matter needed to be addressed now. S. Harris said it might be necessary to increase fees as well as add fees for currently free items. C. Bult and C. Kenney said the fees would not be known until budget time. P. Harter said, based on the four to five year analysis, a large increase in costs to the town was noticed for 2019 due to increase in charges for garbage and recycling. He recommended that the board examine the items that are not being charged to see if there is potential to offset the new charges. He recommended they pay special attention to the brush pile that the town pays a company to chip up for \$6,000.00 annually.

Executive Session

C. Swartz made a motion at 8:07 p.m. to enter into an executive session of the Town Board to discuss matters pertaining to two contracts. 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 to adjourn the Executive Session at 8:45 p.m., seconded by S. Harris.

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 06/27/19 Town Board meeting at 8:45 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk