

DATE: NOVEMBER 14, 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: BRUCE GOODALL, DIRECTOR OF TRANSFER STATION
OPERATIONS

Supervisor Harris called the November 14, 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.

Briefing of Resolutions

The Supervisor gave a brief overview of the resolutions on the agenda. Due to an increase in reports of speeding on Berzin Road, it was the recommendation of the Highway Superintendent to add it to the list of roads for the NYS DOT speed survey (2019-305). He said resolutions 2019-306 to 2019-310 pertained to health insurance choices to be offered to current and retired town employees. With regard to resolution 2019-314, the Supervisor said the resolution had been withdrawn prior to the meeting and would be moved to the December meeting. As for the remaining resolutions, all were self-explanatory.

Board Comment/Public Comment (Resolutions Only): None

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

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #19-1709 to #19-1879 on Abstract No. 2019-11 in the amount of \$749,349.82, including claims paid prior (\$491,837.18).

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 A WITHDRAWN resolution is so noted and italicized.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 as corrected, seconded by C. Rex:

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

2019-296) Ratify and affirm that the adjustments to the 2020 Tentative Budget are as follows:

**Town of Schodack
Adjustments from Tentative to Preliminary Budget
2020**

	APPROPRIATION S PROVISIONS	+/- ESTIMATED REVENUE	+/- UNEXPENDE D BALANCE	AMOUNT TO BE RAISED BY TAXES
Tentative Budget	13,006,901.00	5,261,484.00	526,502.00	7,218,915.00
A1220.4 Supervisor	(1,200.00)		(1,200.00)	-
A5132.2 Town Garage	(68,500.00)		(68,500.00)	-
A7110.1 Parks	(2,072.00)		(2,072.00)	-
A7110.4 Parks	(2,750.00)		(2,750.00)	-
A9030.8 FICA	(450.00)		(450.00)	-
A9055.8 Disability	100.00		100.00	-
A9060.8 Health Insurance	(33,510.00)		-	(33,510.00)
A9060.8 Health Insurance - Retiree	(11,610.00)		(3,653.00)	(7,957.00)
Net A Fund Adjustment	(119,992.00)	-	(78,525.00)	(41,467.00)
B1420.4 Attorney	48,500.00		48,500.00	-
B1440.4 Engineering	35,000.00		35,000.00	
B3620.1 Safety Inspector	(775.00)		(775.00)	-
B3620.4 Safety Inspector	7,655.00		7,655.00	-

B8020.2	Planning	564.00		564.00	-
B8020.4	Planning	9,500.00		9,500.00	-
B9030.8	Social Security	(460.00)		(460.00)	-
B9060.8	Health Insurance Retiree	(1,520.00)		(1,520.00)	-
	Net B Fund Adjustment	98,464.00		98,464.00	-
DB5110.1	Street Maintenance	(213.00)		-	(213.00)
DB5112.1	Road Construction	(6.00)		-	(6.00)
DB5112.2	Road Construction	70,000.00		-	70,000.00
DB5130	Machinery	(43.00)		-	(43.00)
DB5140	Brush & Weeds	(23.00)		-	(23.00)
DB5142	Snow Removal	(16.00)		-	(16.00)
DB9030.8	FICA	(20.00)		-	(20.00)
DB9060.8	Health Insurance	2,910.00		-	2,910.00
	Net DB Fund Adjustment to Contingency	72,589.00	-	-	72,589.00
	Schodack Landing Fire District	-	-	-	-
	South Schodack Fire District	7,100.00	200.00	-	6,900.00
	Schodack Center Fire District	4,524.00	-	-	4,524.00
	East Schodack Fire District	90,747.00	90,700.00	-	47.00
	Schodack Valley Fire District	8,574.00	1,000.00	-	7,574.00
	Nassau Fire District	1,430.00	-	-	1,430.00

**Preliminary Budget per 10/29/19 TB
mtg**

13,170,337.00	5,353,384.00	546,441.00	7,270,512.00
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*The Tax Base will be updated with the latest assessment data, therefore an updated exemption impact report will be included with the preliminary budget.

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

As no changes had been made to the 2020 preliminary budget following the budget presentation on October 29, 2019, a motion was made by C. Kenney, seconded by S. Harris to withdrawn resolution 2019-297. All board members were in favor.

2019-297) WITHDRAWN: *Based on October 29th 2019 budget discussions, adopt the following changes to the 2020 Preliminary Budget as follows:*

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:

2019-298) WHEREAS, the Town Board met on Tuesday, October 29, 2019 at the Schodack Town Hall, as specified in the Notice of Public Hearing for the 2020 Preliminary Budget, with said notice appearing in the October 23, 2019 edition of The Record, and was posted on October 23, 2019, and

WHEREAS, said public hearing was held on October 29, 2019 at 7:30 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said Preliminary Budget or any part thereof,

NOW, THEREFORE, BE IT RESOLVED that the 2020 Preliminary Budget, and as hereinafter set forth, is hereby adopted.

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. Bult:

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

2019-299) Authorize \$170,000.00 to be transferred into the Highway (DB Fund) Capital Reserve Fund.

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. Rex:

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

2019-300) To concur that the Planning Board be designated lead agency for the Giovanni Maruca/ Cedar Hill Solar, LLC Phillips Road Community Solar project.

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:

2019-301) To concur that the Planning Board be designated lead agency for the Giovanni Maruca/ White River Solar, LLC 2270 River Road Community Solar project.

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. Rex:

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

2019-302) WHEREAS, the Town of Schodack wishes to encourage reading, and

WHEREAS, the Town has received an offer from Girl Scout Troop 1493 to place a Little Library in the Town Park, and

WHEREAS, the Troop has agreed to provide books, organize, review and maintain the Little Library.

THEREFORE, BE IT RESOLVED THAT the Town of Schodack will allow Girl Scout Troop 1493 to place a Little Library at the Town Park adjacent to the playground near the Pavilion.

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:

2019-303) Authorize Alan Roehr, Police Officer to attend Axon Taser Instructor Training November 21, 2019 in Zone 5 Academy, Schenectady, New York at total estimated cost for the Seminar of \$495.00. [This is a budgeted item.]

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:

- 2019-304)** Authorize Chief Belardo to solicit bids for a new Ford Police Utility Interceptor AWD vehicle in an amount not to exceed \$45,000.00.
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:

- 2019-305)** To request that the New York State Department of Transportation conduct traffic safety studies for evaluation of appropriate speed limit on Berzin Road.
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:

- 2019-306)** Authorize the selection of CDPHP-HMO Insurance for Health Insurance coverage effective January 1, 2020.
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 S. Harris:

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

- 2019-307)** Authorize the selection of MVP-HMO Insurance for Health Insurance coverage effective January 1, 2020.
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:

- 2019-308)** Authorize the selection of NYSHIP Empire Plan Insurance for Health Insurance coverage effective January 1, 2020, to employees hired prior to September 28, 2006 (eligible at retirement).
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:**

2019-309) Authorize the selection of Aetna Medicare PPO Insurance coverage effective January 1, 2020.

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 S. Harris:

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

2019-310) Authorize the selection of ShelterPoint for Disability Insurance coverage effective January 1, 2020.

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. Kenney:

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

2019-311) WHEREAS, a map, plan and report has 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 Sewer District No. 6, Sanitary Sewer District Extension #5, in the Town of Schodack, County of Rensselaer, State of New York and 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 requires 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 the coordinated review concluded that the proposed action is Unlisted pursuant to the regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and 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 redevelopment 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 the negative declaration issued by the Town of Schodack Planning Board with respect to the proposal to demolish 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 inasmuch as the Town of Schodack Planning Board, acting as lead agency in a coordinated review under the State Environmental Quality Review Act, has thoroughly evaluated all aspects of the project and has carefully reviewed all relevant materials, and that the proposal will not have significant adverse environmental impacts. A copy of the Short Environmental Assessment Form is attached hereto as Exhibit A.

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:

2019-312) WHEREAS, a map, plan and report relating to the establishment of Town of Schodack Sewer District #6, Extension #5, prepared by Clough Harbour & Associates, LLP, (Kevin L. Hickey, P.E.), competent engineers, duly licensed by the State of New York, has been filed with the Town Clerk of the Town of Schodack, in accordance with the requirements of the Town Law; and

WHEREAS, an order was adopted by the Town Board of the Town of Schodack on June 27, 2019, reciting the filing of the map, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

WHEREAS, the order set July 11, 2019 at 7:05 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York 12033 as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

WHEREAS, such order was published and posted as required by law; and

WHEREAS, a hearing on the matter was held by the Town Board on the 11th day of July, 2019, beginning at 7:05 p.m. and the matter being duly discussed and all interested persons having been duly heard;

NOW, THEREFORE, UPON MOTION of Councilmember Bult, seconded by Councilmember Swartz, it is hereby

RESOLVED AND DETERMINED:

- (a) That the notice of hearing was published and posted as required by law, and it is otherwise sufficient;
- (b) That all property and property owners within the proposed sewer district extension are benefited thereby;
- (c) That all property and property owners benefited are included within the limits of the proposed sewer district extension;
- (d) That it is in the public interest to establish Town of Schodack Sewer District #6, Extension #5;
- (e) That the estimated cost to construct the improvements to Sewer District #6, Extension #5 shall equal Two Hundred Eighty-Seven Thousand Nine Hundred Ninety (\$287,990.00) Dollars and there will be no debt service associated with the establishment of Town of Schodack Sewer District #6, Extension #5 for the first year, and that the operation and maintenance expenses for the first year for Town of Schodack Sewer District #6, Extension #5 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

- (f) That the approval of the New York State Comptroller is not required for the creation of Town of Schodack Sewer District #6, Extension #5;
- (g) The subject typical property shall be assigned six equivalent dwelling units on an annual basis, and the determination of annual charges shall be based on a benefit basis; and it is

FURTHER RESOLVED AND DETERMINED, that the establishment of Town of Schodack Sewer District #6, Extension#5, as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements, if any, be obtained, and it is

FURTHER RESOLVED AND DETERMINED, that this resolution shall be subject to a permissive referendum in the manner provided in Article Seven of the Town Law.

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:

- 2019-313)** Authorize Supervisor Harris to execute and administer a Non-Hazardous Waste Disposal Agreement with Waste Connections Subsidiary, County Waste & Recycling B# Transfer Station for 60 months commencing January 1, 2020 for MSW and C&D waste at a disposal rate of \$87.00 per ton.

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

- 2019-314)** **WITHDRAWN:** *Approve the attached Transfer Station Fee schedule, to be effective January 1, 2020. (See separate schedule).*

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:

- 2019-315)** IT IS HEREBY RESOLVED, that the Town of Schodack hereby establishes the following as standard work day for the following elected official and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by this official to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
Elected Officials						
Town Clerk	Debra Curtis	7	1/1/18-12/31/19	N	22.93	

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:

2019-316) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #19-1709 to 19-1879 on Abstract No. 2019-11, in the amount of \$749,349.82, including the claims paid (\$491,837.18) 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. 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:

2019-317) Authorize the October 2019 budget modifications, interfund loans and interfund transfers as provided in document dated November 2019 and recommended by the Comptroller.

**BUDGET MODIFICATIONS
October 2019**

BUDGET MODIFICATIONS

Fund/ Department #	Fund / Department Name	Increase	Decrease
<u>2019</u>			

79	A-960-1340.1000	Budget - Personal Services	2.50	
	A-960-1340.4000	Budget - Contractual		2.50
	To modify the budget for Supervisor Assistant with budget worksheets			
80	A-960-3120.1012	Police Grant - PTS	580.80	
	A-509-4320.9999	Federal Aid Public Safety	580.80	
	To modify the budget for PTS grant awards			
81	A-960-5132.1300	Town Garage - Building Maintenance	400.00	
	A-960-3120.1300	Police - Building Maintenance		400.00
	To modify the budget to cover employee cleaning at Town Garage			
82	A-960-7310.4000	Youth Recreation - Contractual	3,379.84	
	A-960-7310.1000	Youth Recreation - Personal Services		3,379.84
	To modify the budget for district bus rentals for camp field trips and pick ups			
83	A-960-8189.1100	Recycling - Overtime	1,300.00	
	A-960-8189.2000	Recycling - Equipment		1,300.00
	To modify the budget to cover Highway employee coverage			
84	B-960-1420.4000	Town Attorney - Contractual	2,000.00	
	B-960-1990.4000	Contingency - Contractual		2,000.00
	To modify the budget to cover Attorney work on Scannell (Girvin) Sewer Consolidation (Tabner)			
85	DB-960-5110.4000	Genl Road Repair - Contractual	887.37	
	DB-960-5110.1000	Genl Road Repair - Personal Svcs		887.37
	To modify the budget to cover Road material purchases			
86	DB-960-5140.1350	Brush & Weeds - W/S Work	195.52	
	DB-960-5140.1630	Brush & Weeds - Transfer Station Work	602.64	
	DB-960-5140.1000	Brush & Weeds - Personal Services		798.16
	To modify the budget to cover employee work on Transfer Station and Miller Rd Station			

BUDGET MODIFICATIONS

Fund/				
	Department #	Fund / Department Name	Increase	Decrease
2019				
87	SS1-960-8110.4000	Sewer District #1 - Admin Contractual	72.93	

	SS1-960-1990.4000	Sewer Dist #1 - Contingency Contractual	72.93	
	To modify the budget to cover envelopes and postage			
88	SS6-960-8130.1008	Personal Services - Dunkin Donuts	77.79	
	SS6-960-8130.4008	Contractual - Dunkin Donuts	408.40	
	SS6-960-9030.8008	Social Security - Dunkin Donuts	5.95	
	SS6-509-5031.9999	Exit 10 Sewer - Sewer Charges	492.14	
	To modify the budget for reimbursement of Dunkin Donut expenditures			
89	SS8-960-8130.4000	Schdk Land Sewer Treat & Disp - Contractual	2,152.04	
	SS8-599-9999.9999	Schdk Land Sewer - Fund Balance		2,152.04
	To modify the budget to cover district pump outs and effluent pumps			
90	SW9-960-9710.6000	Route 20 Water District - Bond Principal	0.35	
	SW9-960-9710.7000	Route 20 Water District - Bond Interest		0.35
	To modify the budget to cover rounding issue on October Bond Payment			
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.			

Public Comment

Stable Gate Winery: H. Sperazza of 2337 Payne Road read a letter expressing his dissatisfaction in the noise, including music and fireworks, emanating from Stable Gate Winery. He said he had contacted the police and was appalled to hear that the ordinance for Schodack states that noise fewer than ninety decibels can occur until midnight. He noted that the officers were sympathetic to his situation but were unable to do more than ask the owner of the venue to turn the music down. As for the fireworks, he said other neighbors reported their animals being frightened along with health issues due to the shock. He asked if the disruption was worth the \$100.00 revenue the town received for the fireworks permit. He felt the area, which is primarily agricultural, was not suited for this type of venue and asked the board to make a change to the town code regarding the noise ordinance. A copy of Mr. Sperazza's letter was duly filed in the office of the Town Clerk.

T. Kirby of Reno Road said he resided approximately five hundred feet from the winery and unlike Mr. Sperazza, he felt the fireworks and music were not very noticeable. He said the owners of the property had done a nice job of restoring the barn and considered them to be good neighbors. It was his recommendation for the neighbors within close proximity to the winery to open the lines of communication and work any issues out amongst themselves rather than allow one individual to dictate changes that would affect the whole town.

K. Rapant of Brook Pointe Senior Housing said it was customary for most residents to be to bed by 8:00 p.m. and the sound of fireworks, which was similar to heavy artillery, was very disruptive to their quality of life.

S. Feldman, owner of Stable Gate Farm, thanked Mr. Kirby for his kind words and said he

was not aware of any issues until there was a disruption at one of their events as well as being made aware that Mr. Sperazza was petitioning for residents to attend the meeting this evening to protest his establishment. He explained, following meeting with Mr. Sperazza, he had downloaded a decibel meter on his phone and took measurements to understand the extent of the noise. He noted the readings were found to be 82 within the building, in the sixties by the mailbox and in the forties on Mr. Sperazza's property. He said it was not his goal to disturb the peace and was willing to make changes to satisfy the neighbors. He explained that sound absorbing material had been installed in the barn, the music was redirected away from the neighbors, neighbors were notified of an event upon request and, with the exception of one event next year, he will no longer offer fireworks at that location. He noted that the Meadows had been an event center since the 1930's and that he wished to remain a good neighbor.

J. Hughes of Poyneer Road said he had received prior notice from Mr. Feldman regarding the fireworks over the summer; however, the second to last time, he did not causing his horses to panic. He had expressed his concern to the town who agreed to contact him when a permit was issued for the facility. He stated that he had no issue with the fireworks so long as he was notified and said for the last event, he received notification by the town as well as Mr. Feldman.

H. Sperazza asked if other complaints regarding the noise from the Winery had been received by the town. S. Harris said a few. Mr. Sperazza said he had spoken to C. Kenney regarding his concerns who informed him that changes were coming. C. Kenney stated that when they spoke, he asked Mr. Sperazza to remain calm and they would work it out. Atty. Langlois said he was informed of the issue a few months back and where both positions were legitimate, he felt it was best to open the line of communication to find a way to resolve. Mr. Sperazza said it was the responsibility of the town to intervene and noted that he and others wanted to be involved in any meetings for changes to the noise ordinance. C. Kenney said any changes to the town code should be based on the needs of the town and not due to one business. The board had asked Atty. Langlois to look at the code of other towns and said both parties would be included in the conversation. Mr. Sperazza noted that other local municipalities had noise ordinances with decibel levels far less than ninety and asked the board to consider mimicking those.

A. Fonda of Reno Road said he had lived near the venue for two years and had been contacted by Mr. Feldman on many occasions forewarning him of any fireworks. He mentioned that he had visited the winery and said the town ordinance was established for a reason. He felt if a review was needed, it should not be based on one business.

A resident of Linda Way said she could hear the music from Music in the Park much louder than she could from the weddings up the street.

F. Rapant of Poyneer Road said where the music from the venue has no affect on his family, the fireworks are disturbing to his family and pets. He felt a review of the town code regarding noise couldn't hurt, especially with the variation between the town ordinance and other neighboring towns.

J. Dolan of Reno Road said Stable Gate Winery was a good neighbor and appreciated that Mr. Feldman was taking measures to address issues such as eliminating the fireworks as they unnerved him a bit.

Castleton Library: Mary Claire Aitken, a trustee of the Castleton Library, thanked the board for their continued support of the library and gave an update on the outreach services they offer. She explained that not everyone is able to visit the library which is the reason for their book mobile that makes regular trips to Riverside Nursing Home and Castle Hill senior housing. The mobile, which is run by the director using her own vehicle, provides bins of books and movies as well as items requested to over fifteen seniors. Youth services are also offered through visits to Castleton Kids for story time and crafts, quarterly visits to pre-schools, language labs for enrichment and monthly book clubs. To help promote the library and spread awareness, activity tables are set up at local events such as the Castleton Farmers Market. S. Harris said he considered Castleton to be the finest small library in the capital district and added that if they had any events that needed promoting, they were welcome to have them posted on the town website.

Stewarts: J. Dolan recommended that since the proposed location for Stewarts is in close proximity to neighbors, a stipulation should be put on them to turn lights off at night as to not disturb anyone. He also felt that the board should require Stewarts to conduct environmental reviews of their two prior locations to see the impact a gas station has had.

Noise Ordinance

Atty. Langlois said he was made aware by the board of an issue with the noise ordinance and looked into options to address the issue. He noted that an amendment could be made, by local law, to the code but cautioned the board against micromanaging. He said the original code was adopted in 1994 for the current noise ordinance of midnight to 6:00 a.m. From his research, no prior concerns had been reported and whereas the board could choose to review the code, they must look at whether this is indeed a town-wide issue. With regard to Stable Gate Winery, a provision was put in the code to protect agricultural land and keep it free from restriction. In the event a change is made to the code, the board must ensure that it will not violate the rights of the winery.

Board Comment

C. Bult asked for an update with regard to ongoing contract negotiations. Atty. Langlois said, if the board would entertain a motion to go into an executive session, he would be happy to give an update on the progress.

Executive Session

C. Swartz made a motion at 8:16 p.m. to enter into an executive session of the Town Board for the purpose of contract negotiations. Seconded by C. Kenney.

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

S. Harris noted that no further business would follow the executive session.

C. Bult made a motion at 8:36 p.m. to adjourn the executive session. Seconded by C. Rex.

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 11/14/19 Town Board meeting at 8:36 p.m., seconded by S. Harris. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk