

DATE: MAY 28, 2020

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

Supervisor Harris called the May 28, 2020 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.

S. Harris said there were concerns regarding the board members not wearing masks during the meeting and informed all viewers of the meeting that, where it may not appear to be, all present in the room were well beyond the social distancing of six feet.

S. Harris gave a brief overview of the resolutions. All were self-explanatory.

**Public Hearing
Proposed Local Law 1-2020**

S. Harris opened the public hearing for proposed local law 1-2020 at 7:05 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on proposed Local Law No. 1 of 2020 (P1-2020), delegating to the Chief of Police of the Town of Schodack the authority and power to request and grant police assistance involving other local governments pursuant to New York State General Municipal Law Section 209-m and Section 119-o. The legal notice was posted on the Town Clerk's signboard on May 21, 2020, the Town's website on May 22, 2020 and published in the local newspaper, *The Record*, on May 22, 2020.

S. Harris asked Atty. Langlois to lead the public hearing. Atty. Langlois explained that under GML §119-o, a change could be made to the official who is authorized to request and grant police assistance from other municipalities. By delegating the authority from the Supervisor to the Chief of Police, the process would be streamlined.

Board Comment: None.

Public Comment: S. Harris asked if any comments had been received via email for the public hearing. The Town Clerk said no.

Hearing no public or board comment, S. Harris closed the public hearing at 7:07 p.m.

Adoption of Resolutions (The following resolutions were adopted out of sequence)

The resolution voted upon reflects 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 A WITHDRAWN resolution is so noted and italicized.

S. Harris 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:

2020-175) WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on May 28, 2020, at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law #1 of 2020 relating to the delegation to the Chief of Police of the Town of Schodack the authority and power to request and grant police assistance involving other local governments pursuant to New York State General Municipal Law Section 209-m and Section 119-o; and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on May 21, 2020 and advertised in the May 22, 2020 edition of THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on May 28, 2020 at 7:05 p.m. at the Schodack Town Hall and all interested parties were permitted an opportunity to submit comment on behalf of, or in opposition to, said proposed local law or any part hereof, and

WHEREAS, that the Town Board of the Town of Schodack, after due deliberation, finds that it is in the best interest of the Town to adopt said local law;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts Proposed Local Law Number 1 of 2020 (P1 of 2020) to be known as Local Law #1 of 2020 of the Town of Schodack, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to enter said local law in the Code of the Town of Schodack and to give due notice of said local law to the Secretary of State.

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:

2020-176) Authorize Supervisor Harris to execute and administer two law enforcement intermunicipal/shared services agreements known as the High Intensity Law Enforcement Activity Agreement and the Police Tactical Team Cooperation Agreement, in such final form as may be approved by the Town Attorney.

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

Discussion Items

Staffing Update (COVID-19): S. Harris explained that he was keeping in direct daily contact with the Rensselaer County Executive and the Health Department, following their guidelines for COVID-19. He noted Nadine Fuda and Karen Justus were slated to return to work at the Town Hall on June 1st and once phase two took effect, all remaining staff would also return. He said once all employees had returned, the building would remain closed to the public with assistance being conducted by appointment only. His main goal was to ensure safety for all town employees. With regard to the Highway Department, he said all employees were back to work with the following measures in place: the crews had been split into two, a bay in the garage had picnic tables to separate employees during lunch breaks and in the event anyone is not feeling well, they were advised to remain home. C. Bult asked if temperatures were being checked per CDC guidelines. S. Harris said thermometers had been purchased but were not in use at that time. He asked C. Bult what procedures were being followed at the Hannaford Warehouse. C. Bult explained that at the Warehouse, temperatures were taken, foot traffic was limited to one-way, regularly touched surfaces were sanitized and vacations were open to all employees. S. Harris noted the highway employees were also allowed to take vacation time which would not allow them to be called in. He added that the highway employees were sanitizing regularly with bleach and maintaining social distancing.

C. Bult asked when the Supervisor anticipated Planning and Zoning Board meetings to resume. S. Harris said they were in the process of setting the meetings up through Zoom. D. Kelly said she had spoken to N. Fuda who felt that both boards could follow the same procedures as the town board by spacing the members out by six feet and she anticipated it could take up to two weeks to prepare for the first meeting. C. Bult said he had been contacted by residents regarding pending applications. D. Kelly said they were working to facilitate. Atty. Langlois felt that the Planning and Zoning Boards, following the format of the town board with applicants presenting on zoom and the meetings being live streamed, would be acceptable. D. Kelly mentioned that the Board of Assessment Review (BOAR) meetings were conducted via zoom and it seemed to work well.

Transfer Station Improvements: P. Koziol of the Laberge Group (via Zoom Meetings) explained that a study of the operations at the Transfer Station was conducted to determine

where improvements could be made. Following the study, recommendations were determined for both a short- and long-term solution. Mr. Koziol said the need for review arose when an employee of the Public Employee Safety & Health (PESH) Bureau visited the Transfer Station as a resident. They advised the Director of safety issues regarding falling hazards which prompted the Town Board to request the Laberge Group to create a plan to rectify the situation. He noted a study had been conducted in 2010 by another engineering firm; however, due to the large cost of \$210,000.00 to 400,000.00, little work was done. With the new recommendations of the current study, Mr. Koziol hoped the issues of safety, equipment and efficiency would be addressed. He illustrated both types of recommendations as follows:

1. Short-Term: Based on the study, falling/trip hazards were found due to low fencing, no wheel-stops, instability in the slope of the site and confusion with the traffic pattern. It was recommended to remove the current mix of fencing (block wall, open rails and chain link) and replace them with heavy duty wire fencing, stabilize the slope of the site, extend the wall giving better access for the operators, install new concrete pads, install wheel-stops and add signage for better guidance. Mr. Koziol noted the traffic cones which guided the residents were too confusing and it was also recommended that they be replaced with a thirty-six-inch prefabricated traffic fencing.
2. Long-Term: A review of the operations was conducted revealing issues with the use of a backhoe for compacting as it disrupts activities and can be hazardous to residents, the lack of coverage over the containers allowing water to accumulate, traffic backing up onto Poyneer Road and the lack of easy access to container for depositing recycling and refuse. To resolve the issues above, Laberge recommended moving the guard shack to improve visibility, creating two lanes for traffic flow, install a canopy system with waste chutes, and bring three-phase power to the facility for the use of a compactor. The estimated cost for improvements was calculated to be \$620,000.00. Mr. Koziol said the town would be eligible to apply for grants up to \$250,000.00 under NYSDEC for portions of the project with a fifty percent reimbursement. He mentioned that there usually was a waiting list and could take three to five years to be approved.

Mr. Koziol noted some of the short-term improvements had been completed but in order for the long-term improvements to be completed, Laberge would need official authorization from the board via resolution, the funds would need to be appropriated and the grant application would need to be completed. If awarded the grant, the necessary land surveying, permitting, bidding and construction would follow.

Transfer Station – Solar Options: C. Stroud of Cipriani Energy Group, informed the board (via Zoom Meetings) that an updated proposal had been created for solar at the transfer station. The new design would utilize the surface of the landfill cap, using ninety percent of the site. The old design was only able to work on a slope of fifteen percent; however, with the assistance of new technology, they would be able to install panels on the twenty-five to thirty percent slope of the cap. He added that the base would rest on the surface of the cap using corrugated plastic pipe filled with sand, gravel and mud for weight. Once the panels were installed, the power would be run north onto East Schodack Road. S. Harris said he had forwarded the lease proposal to counsel and asked, once approved, when Cipriani would begin to install the system. Mr. Stroud said the permitting process could take up to twelve months. A grid study would need to be conducted first, followed by a cost estimate for any

upgrades needed for the infrastructure and if the economy was viable, construction would begin. He noted, construction would be the quickest part of the process and could be completed in three months. Atty. Langlois asked if there was an update made to the options agreement. Mr. Stroud said only the number of acres and lease schedule had changed. S. Harris asked if a specifications sheet could be supplied to the board for the panels. Mr. Stroud explained that the panels would be a 72-cell bifacial solar panel and noted there were a few different types that could be used depending on availability. He said he would send a specification sheet for the panels selected.

L. Ashby and M. Hamor of Capital Energy Partners and Solomon Energy (via Zoom Meetings) illustrated their proposal for solar at the transfer station. M. Hamor explained their company would create a Request for Proposal (RFP) on behalf of the town for solar with three phase power to be installed on the cap of the landfill at the transfer station. He said they would work as the middleman, with no out-of-pocket cost to the town. He estimated the potential revenue for leasing the site to be \$20,000.00 per year for forty-five years. S. Harris said the board would review the proposal and be in touch.

Battisti: S. Harris said a resolution to schedule the public hearing for the Battisti Water System for June 25th would be on the next agenda. D. Kelly added that counsel would be present at the June 11th meeting to answer any questions the board may have.

LOSAP: S. Harris reminded the board of the request made by Castleton Ambulance to receive an additional five points per month for each eligible member for their service as first responders during the COVID-19 pandemic. C. Bult confirmed that the points would only be awarded for the duration of the pandemic. S. Harris said yes, from March till the end of the State of Emergency. D. Kelly informed the board that a resolution would be on the next agenda.

Summer Camp: C. Bult asked when the Supervisor anticipated a decision would be made regarding summer camp. S. Harris said he was working with S. Golden, Youth and Recreation Director and Jason Chevrier, Superintendent for Schodack Central School District with a decision anticipated by June 1st. They were waiting to receive guidance from the Department of Health.

Park Rentals: C. Bult asked if the town was taking new or confirming current rentals for the park pavilion. The Town Clerk said her office was not accepting new rentals and had canceled or rescheduled all rentals for May. S. Harris expressed concern with allowing rentals without a clear plan for cleaning/disinfecting the facility. He felt that it may not be possible to open the facility in 2020. C. Kenney understood his concern but cautioned against canceling all rentals. He felt, as the region had begun the reopen process, there was potential for the pavilion to be opened as early as July 1st. A discussion ensued and a decision was made to cancel all rentals for June. All board members agreed.

Adoption of Resolutions

The resolution voted upon reflects 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.

S. Harris asked if any public comment was received via email for the resolutions on the agenda. The Town Clerk said no.

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:

2020-173) WHEREAS, Parkview at Ticonderoga, LLC, as owner of the existing real property located at 1657 Columbia Turnpike Castleton, New York 12033, has requested to extend an existing sewer district to incorporate its property, and;

WHEREAS, the project entails the construction of a sanitary sewage grinder pump and a 225 LF small diameter force main with connection to an existing 1.5 inch diameter force main, and;

WHEREAS, the route of the proposed facilities is completely within and along public rights of way and town owned easements, depending upon the final construction alternative chosen, and;

WHEREAS, the proposed action is an Unlisted Action since it does not satisfy the Type I thresholds identified in part 617.4 of the State Environmental Quality Review Act.

NOW, THEREFORE, IT IS:

RESOLVED, the Town Board of the Town of Schodack is hereby designated as lead agency for the proposed Sewer District No. 6, Extension No. 6 pursuant to the State Environmental Quality Review Act.

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:

2020-174) WHEREAS, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Sewer District No. 6, Extension No. 6, in the Town of Schodack, County of Rensselaer, State of New York has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Advance Engineering & Surveying, PLLC, 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 shows the location and description of the public works which will be required and the lands or easements to be acquired including but not limited to, the construction of a sanitary sewage grinder pump and a 225 LF small diameter force main with connection to an existing 1.5 inch diameter force main; and

WHEREAS, the boundaries of the proposed sewer district extension are as described in Schedule "A" annexed hereto; and

WHEREAS, the maximum amount proposed to be expended by creation of the District Extension is Forty-Four Thousand Four Hundred Fifty and 00/100 Dollars (\$44,450.00); 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 since debt shall not be issued or assumed by the town for any improvements; and

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

WHEREAS, the first year cost of debt repayment for typical properties within the District Extension is \$0, operation and maintenance charges are estimated at One Thousand Twenty-Six and 56/100 (\$1,026.56) for the first year of operation for the typical property. Connection fees equal Ten Thousand Eight Hundred Eighty-Eight and 00/100 Dollars (\$10,888.00).

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 in said Town, on the 11th day of June, 2020, at 7:05 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

SCHEDULE "A"

Description

Sewer District #6

Sanitary Sewer Extension No. 6

Lands now or formerly of Parkview at Ticonderoga LLC

All that tract or parcel of land situate, lying in the Town of Schodack, County of Rensselaer, State of New York, (being tax map parcel 189.00-4-1) on

the easterly side of Columbia Turnpike (Routes 9 & 20) and being shown on a plan titled "Map of Survey showing Boundary and Topography, prepared for Curtis Lumber Company, Inc." dated December 14, 2011, as prepared by W.J. Rourke, P.L.S. and being more particularly bounded and described as follows:

Beginning at a point in the easterly highway boundary of Columbia Turnpike (Routes 9& 20) at its intersection with the division line between lands now or formerly of Center Square Properties LLC on the north and lands now or formerly of Parkview at Ticonderoga LLC on the south; thence from said point of beginning along said division line North 67°-54'-57" East, 182.87 feet to a point in the division line between lands of the aforementioned Parkview at Ticonderoga LLC on the west and south and lands now or formerly of Schodack Realty Associates LLC on the east and north; thence along said division line South 24°-06'-00" East, 100.06 feet to a point and North 67°-54'-57" East, 562.35 feet to a point in the division line between lands of the aforementioned Parkview at Ticonderoga LLC on the west and north and lands of the People of the State of New York (Interstate Route 90) on the east and south; thence along said division line the following three (3) courses and distances:

- 1) South 02°-27'-14" East, 426.13 feet to a point; thence
- 2) South 03°-49'-49" West, 676.77 feet to a point; thence
- 3) North 88°-41'-10" West, 259.67 feet to a point in the aforementioned easterly highway boundary of Columbia Turnpike (Routes 9 & 20); thence along said easterly highway boundary the following three (3) courses and distances:
 - 1) North 25°-32'-46" West, 348.09 feet to a point; thence
 - 2) North 27°-25'-11" West, 562.32 feet to a point; thence
 - 3) North 21°-02'-24" West, 99.64 feet to the point and place of beginning.

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

2020-175) Previously adopted. See pg. 118.

2020-176) Previously adopted. See pg. 119.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 05/28/20 Town Board meeting at 8:25 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk