

DATE: JUNE 25, 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: PAUL HARTER (*Via Zoom Meetings*)
OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Harris called the June 25, 2020 Town Meeting to order at 7:08 p.m. with the Pledge of Allegiance and dispensed with roll call.

Briefing of Agenda

S. Harris stated that resolutions 2020-194 and 2020-195 were both related to the conversion of the Sunoco Gas Station on Columbia Turnpike into a Stewarts, which would need to be connected to public sewer. The public hearing for the proposed Extension #7 of Sewer District #6 would be scheduled for July 9, 2020 at 7:30 p.m. He added that resolutions 2020-196 and 2020-197 were also related with regard to the Cedar Hill Solar Project and said the public hearing would be scheduled for July 9, 2020 at 7:45 p.m. The remaining resolution was self-explanatory.

Public Hearing Reliable Properties LLC Landfill Application

S. Harris called the public hearing on a landfill application submitted by Reliable Properties LLC to order at 7:10 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on an application submitted by Reliable Properties LLC to operate a clean landfill disposal at 950 NY Route 9 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 15, 2020.

Steve Hart of Hart Engineering spoke on behalf of the owner of Reliable Properties LLC regarding their application (via Zoom Meetings). Mr. Hart explained that the 0.9-acre site,

which was located on the south side of Route 9, was owned by Kevin Cioffi who was interested in leveling the site by bringing in fill. He noted wetlands were present on the back side of the property and would be avoided. A meeting had taken place with NYS DOT regarding a concern with the curbside cutout which was adapted to meet DOT requirements. C. Swartz said he had noticed filling had already begun at the site. He had contacted the building department and only a permit for stockpiling earth had been issued. He was concerned as the site already seemed to be half full without clearance from the board. Mr. Hart said shale had been stockpiled on the site and had noticed loads were pushed off the edge of the site which was not done under his direction. C. Bult noticed that a portion of the site was currently being used for truck/vehicle parking and asked if that was the intended use in the future. Mr. Hart said no, once the site was leveled, it would be covered with topsoil and reseeded. It would not be used as a parking lot as that was not a part of the approval for the site. S. Harris asked if a building would be constructed on the site. Mr. Hart said there was no plan for construction and noted the applicant would need to return to the planning board for a site approval. S. Harris asked if the site would remain vacant for future sale. Mr. Hart said yes.

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

Upon hearing no further public or further board comment, C. Swartz made a motion to close the public hearing at 7:21 p.m., seconded by C. Rex.

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

Board Discussion

Resolution 2020-194: E. Hischmann, P.E. of Clough Harbour & Associates LLP, informed the board that Sewer District #6, Extension #7 would extend the gravity sewer five hundred and fifty feet south of the Schodack Police Station to allow for the new Stewarts Shop, which would be located on the site of the former Sunoco Gas Station to connect into. S. Harris asked if the old Sunoco Station would be demolished. Mr. Hischmann said he was not sure.

Resolution 2020-197: J. Muscato, Esq. of Young/Sommer LLC, explained that the Cedar Hill Solar Farm would be similar to the Elmbrook Solar Farm with a five-megawatt solar array on a thirty-four-acre site off of Phillips Road. He said the project was submitted to the Planning Board in September of 2019 with a public hearing taking place in February of 2020. A negative declaration was issued by the Planning Board on June 15, 2020 and the project was referred to the town board for a public hearing regarding PDD redistricting under the town code. C. Swartz asked when they anticipated breaking ground on the project. Mr. Muscato said he was unsure as the Elmbrook Solar Farm was delayed due to the coronavirus pandemic. Supplies such as panels were not available which could push the project off until the Spring of 2021.

Resolution 2020-198: C. Bult requested that the resolution for Reliable Properties LLC be withdrawn. He felt the application should be discussed with counsel as the project was almost complete without board approval. He was also concerned that the site was being used for

purposes other than what was applied for. C. Bult made a motion at 7:29 p.m. and was seconded by C. Swartz to withdraw resolution 2020-198. All Board members agreed.

COVID-19 Update: S. Harris had noticed the caution tape surrounding the playground had fallen and said he would check with the Park Manager to have it put back up. D. Kelly informed the board that she had conducted research on how other municipalities were handling the reopening of their playgrounds. She said the Village of Athens opened their facility with no extra cleaning protocols but noted they did not have bathrooms available. The City of Albany also opened their playground and bathrooms, conducting routine cleaning of the bathrooms only. C. Swartz asked if the Park Manager was conducting daily visits to the park to ensure the trails are clear and the facility is clean. S. Harris said, due to limited hours for the position, the Park Manager was checking the trails only and not necessarily daily. With regard to opening the playground, pavilion and bathrooms, the Supervisor noted that not every municipality had opened their facilities. He felt it would be best to proceed cautiously, perhaps waiting fifteen to thirty days before opening the pavilion and bathrooms but maybe open the playground. The Town Clerk noted that a decision was needed as there were rentals already scheduled for the month of July and if the board wished to keep the facility closed, she would need to cancel reservations as soon as possible. C. Bult said he had observed people using the playground during his drive to the meeting that evening. He felt signage could be placed to remind users of social distancing and added that it was not the responsibility of the town to police the area. C. Kenney recommended hand sanitizer be supplied for use. D. Kelly suggested a jug of the NYS Hand Sanitizer be chained to a pole to ensure it would not be removed. The Town Clerk asked, if the pavilion was open for rental, would it be advisable to have the individuals complete and sign a revised use form with a disclaimer stating they will comply with all state and local regulations regarding the coronavirus pandemic. She said, upon the advice of counsel, a disclaimer had been added to all peddler's permits to free the town from any liability. A conversation ensued and all board members agreed to open the pavilion for rental pending all applicants complete the updated form.

C. Bult said he had visited the town hall and noticed the staff from the Town Clerk's Office were making several trips back and forth to the door for conducting business. He noticed barriers had been installed in their office as well in other offices within the town hall and asked when the public would be allowed in. S. Harris said he was in constant contact with the other Supervisors within the County regarding reopening the building and felt they were getting close. C. Bult thought it was confusing to the residents as the Village of Castleton had opened their building sometime ago. He felt it would be helpful, especially with the weather growing hotter and more humid, to allow the public into the building. He also felt it was safer having business conducted behind the barriers in the offices rather than outside. C. Swartz agreed and added that people could be let in, one at a time. The department they visited would be responsible to check them in. S. Harris said he needed to speak with staff at the town hall as he had been approached by a few who were nervous about the public being allowed to enter the building. C. Kenney said he did not want to make anyone uncomfortable but felt that with the area moving into phase 4 of the reopening process on July 1st, the building should be opened by at least by appointment only. S. Harris said he would speak to the employees and notify the board of their feelings.

Payroll: C. Bult asked for an update on the new payroll program. P. Harter explained that most of the data from ADP had been transferred to Paylocity including the general ledger and codes for salaries and they were currently looking for any errors or omitted information. He noted there was an issue with direct deposits to credit unions which was being resolved. He said the go live date was anticipated for July 31st at which time, in-house training would be conducted. C. Swartz asked if the town was paying for both services. P. Harter said no. The town would not be charged for Paylocity until the switch was complete. He added that the change should have taken place the first quarter of 2020; however, with the coronavirus pandemic and his health issues, it had to be delayed. S. Harris thanked Mr. Harter for his efforts.

Bridge on Van Hoesen Road: C. Rex asked if there was any news on the reopening of the Van Hoesen Road bridge. S. Harris said he was unsure but hoped it would be a summer project. He added many residents were anxious for it to reopen.

Adoption of Resolutions

Prior to voting on the resolutions, S. Harris asked if any public comment had been received via email. The Town Clerk said no.

EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.

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

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

2020-194) 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 No. 7, 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, (Eric Hirschmann, 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 550 linear feet of 8 inch SDR26 PVC gravity sewer main; 130 linear feet of 4 inch sewer lateral; 160 linear feet of 6 inch sewer lateral; the

installation of two new precast concrete manholes; surface restoration and select backfill, 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 Sunoco gas station and the construction 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 demolition of the existing Sunoco gas station and the construction 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. 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:

2020-195) 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 #7 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, (Eric Hirschmann, 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 #7

From a survey conducted by ALTA/NSPS at 1811 Columbia Turnpike in the Town of Schodack in Rensselaer County, NY, the property boundaries were described as such:

Beginning at an iron rod located along the easterly line of Route 9 and 20, also known as the Columbia Turnpike, said point being the intersection formed by said easterly line of Columbia Turnpike and lands now or formerly owned by Mayakis Associates LLC on the south, and the lands now or formerly of Stewart's Shops Corp. on the North;

Thence from said point of beginning and along the aforesaid Columbia Turnpike, the following three courses: 1) North 31°30'30" West, 77.53 feet to a point; 2) North 22°50'30" West, 129.44 feet to a point and 3) North 33°10'40" West, 100.00 feet to a point;

Thence along the lands now or formerly of the Town of Schodack and Continuing along the lands now or formerly of Rensselaer County, the following two courses: 1) North 56°49'20" East, 300.19 feet to a point and 2) South 86°27'40" East, 181.55 feet to a point;

Thence along the westerly line of Ferndale Road, along a curve to the right having a radius of 975.00 feet, an arc length of 237.85 feet and bearing a chord of South 07°44'16" West, 237.26 feet to a point; Thence along the first mentioned division line, South 53°44'24" West, 316.27 feet to the point or place of beginning

WHEREAS, the District Extension improvements include, but are not limited to, 550 linear feet of 8 inch SDR26 PVC gravity sewer main; 130 linear feet of 4 inch sewer lateral; 160 linear feet of 6 inch sewer lateral; the installation of two new precast concrete manholes; surface restoration and select backfill; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of One Hundred Thirteen Thousand (\$113,000.00) 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 is 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, the determination of annual operation and maintenance 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, New York 12033, in said Town, on the 9th day of July, 2020, at 7:30 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.

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:

2020-196) Concur that the Planning Board be designated lead agency for the Cedar Hill Solar Phillips Road Farm Community Solar project.

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. Bult:

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

2020-197) Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on Cedar Hill Solar Farm, Tax Map Parcel 178-8-29.1 Phillips Road for the purpose of considering PD districting for the applicant's plan in accordance with the procedures established by the Town Law. Said hearing to be held on Thursday, July 9, 2020 at 7:45 p.m. at the Schodack Town Hall.

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

2020-198) **WITHDRAWN: WHEREAS,** *Applicant Reliable Properties LLC has applied for approval from the Town Board pursuant to Chapter 137 of the Town Code to import clean fill soil onto property consisting of 3.5 acres and located on U.S. Route 9, Castleton, NY (Tax Map No. 220.-2-12); and*

WHEREAS, *a public hearing in connection with said application was duly noticed and held on June 25, 2020; and*

WHEREAS, *the application and project has been reviewed by the Town's engineering firm, which by letter dated June 1, 2020 recommended that the Town Board issue a negative declaration under the State Environmental Quality Review Act ("SEQRA") with respect to the project, and recommended that the Town Board approve the project subject to the conditions set forth therein.*

NOW, THEREFORE, IT IS HEREBY RESOLVED, *that the Town Board finds and concludes that the proposed project is classified as an Unlisted Action under SEQRA; finds and concludes that the proposed project will not result in any significant adverse impacts to the environment; and therefore issues a negative declaration pursuant to SEQRA for the reasons set forth in Part 3 of the Short Environmental Assessment Form prepared with respect to the project; and it is further*

RESOLVED, *that the Town Board hereby determines pursuant to Town Code Section 137-5 that it is in the public interest to grant such application; and it is further*

RESOLVED, *that such application is hereby GRANTED, subject to the following conditions:*

1. *The Applicant shall satisfy each of the conditions set forth as Items "1" through "2" in the letter from Laberge Group dated June 1, 2020; and*

2. *The Applicant shall comply with the regulations set forth in Town Code Section 137-6, except that the requirement of Section 137-6(H) that a bond be posted is hereby waived.*

Executive Session

C. Bult made a motion at 8:00 p.m. to enter into an executive session of the Town Board pursuant to Public Officers law Section 105(e) and 105(f). Seconded by C. Rex.

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 adjourn the Executive Session at 9:39 p.m., seconded by C. Bult.

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. Rex made a motion to adjourn the 06/25/20 Town Board meeting at 9:39 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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