

**DATE:** MAY 13, 2021

**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  
JOHN HOURIGAN, CHIEF OF POLICE

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Supervisor Harris called the May 13, 2021 Town Board Meeting to order at 7:02 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Review of Resolutions**

S. Harris summarized the resolutions on the agenda. He stated that resolutions 2021-141 and 2021-143 would be withdrawn as more information was needed for each. With respect to resolution 2021-144, he noted some information had been omitted on a previous resolution for the Chief. All other resolutions were self-explanatory.

S. Harris commended S. Golden, Youth Director, for her efforts to add the STEM (Science, Technology, Engineering and Math) program which will be part of the Schodack Town Park events for the Summer Youth Camp (2021-149).

P. Harter noted the 2019 Audit would be conducted and finalized by the Bonadio Group as it was delayed in 2020 due to the COVID-19 Pandemic (2021-151). He reminded the board that a questionnaire relating to the audit had been sent to each member to be completed and returned to the Bonadio Group as soon as possible.

**Board Comment:** S. Harris asked P. Harter if there was anything noteworthy on the abstracts (2021-153 & 2021-154). P. Harter said the abstract amounts were slightly lower due to principal payments for the month of April.

**Public Comment:** S. Harris asked the town clerk if any public comment had been received via email. She said no. He also asked anyone in the audience if they would like to speak. All declined.

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #21-0652 to #21-0851 on Abstract No. 2021-05 in the amount of \$416,525.70 including the claims paid prior (\$251,858.68).

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

**Public Hearing  
Proposed Local Law 2-2021  
Planned Development District – Route 9 Business Park**

S. Harris called the public hearing for proposed local law #2-2021 to order at 7:07 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on the adoption of proposed Local Law No. 2 of 2021 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as the RTE 9 Business Park, with respect to a portion of lands now or previously owned by Donald Hart & Hartland Associates Inc., on the tract or parcel of land located at U.S. Route 9, in the Town of Schodack, Tax Map No. 200.-9-32.1. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on May 3, 2021. The Town Clerk added that there was no public comment received via email regarding the public hearing.

S. Hart of Hart Engineering said he was continuing to work with the Planning Department and Laberge Engineering regarding the project and noted that he would be utilizing the original layout of the 25-acre site with three to five building lots. He added that two parcels were already confirmed with businesses including Trojan Energy Systems and Dibble Equipment.

S. Harris asked for any in-person public comment or board comment. None were received.

Hearing no comments, S. Harris made a motion to close the public hearing at 7:13 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.

**Presentations**

J. Muscato of Young/Sommer LLC explained that the project he represented, Greendale Solar Farm, was seeking a zoning change from a PD-1 to a PD-2 to allow for the installation of the Solar Farm off Route 32. The farm would be located between Rensselaer and Columbia Counties within the Towns of Kinderhook and Schodack. He noted that all panels would be located within the Town of Schodack. With the project being in two different towns and counties, the applicant was required to gain permission from all four localities for construction. He said the application for the Town of Schodack had been submitted to the Planning Board in January and was followed by a Negative Declaration determination under SEQRA. An application was also submitted with the Town of Kinderhook Planning Board and was moving forward with no opposition. In order for the project to be eligible for block grants

under NYSERDA, the project would need to be fully approved, including the 239-m referrals from each County Planning Board, by June.

C. Swartz expressed concern regarding the location of the access road. The location would be on a dangerous pull-out onto Route 9 in Columbia County. He asked if NYS DOT had been consulted. G. Maruca of Eden Renewables said the Kinderhook Planning Board presented the same concern and the road is being reviewed by NYS DOT.

### **Open Discussion**

**Sewer District #5 Income Survey:** S. Harris informed the board that a letter, which would accompany the income survey to residents of the East Schodack Sewer District, had been drafted by G&G Municipal Consulting and needed approval. A copy was forwarded to each board member for review.

### **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.**

**2021-141)** **WITHDRAWN:** ***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 13, 2021, at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law #2 of 2021 relating to amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as RTE 9 Business Park, with respect to a portion of lands now or previously owned by Donald Hart & Hartland Associates Inc., on the tract or parcel of land located at US Route 9, in the Town of Schodack, Tax Map No. 200.-9-32.1; and*

***WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's official sign board on May 3, 2021 and advertised in the May 3, 2021 edition of THE RECORD, official newspaper of the Town, and*

***WHEREAS**, said public hearing was held on May 13, 2021 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 2021 (P2 of 2021) to be known as Local Law #2 of 2021 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.

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:**

- 2021-142)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on the adoption of proposed Local Law No. 3 of 2021 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as Greendale Solar, with respect to a portion of lands now or previously owned by Toros Shamlian, on the tract or parcel of land located County Route 32, in the Town of Schodack, Tax Map No. 227.-1-7. Said hearing to be held on Thursday, May 27, 2021 at 7:05 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.

- 2021-143)** **WITHDRAWN:** *Authorize Supervisor Harris to execute and administer Addendum Number 2021-06 dated April 16, 2021 for professional services from the Laberge Group to assist the Center for Economic Growth to identify larger development parcel in the US Route 9 corridor and try to advance studies to make them more Shovel Ready in an amount not to exceed \$10,000.00.*

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:**

- 2021-144)** **WHEREAS**, the Board desires to provide Police Chief John Hourigan with paid vacation time.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that effective January 1, 2021, Police Chief John Hourigan shall be entitled to twenty (20) days of vacation leave per year; and it is further

**RESOLVED**, that although such vacation leave is credited to the Chief in advance (i.e. on January 1<sup>st</sup> of each year), it is assumed that the Chief will work the entire year to earn such vacation days. Therefore, should the Chief leave the employment of the Town by resignation, termination, or retirement, after

being credited the days, but prior to the end of the year, vacation days will be deemed to have been earned at the pro-rated days per month, commencing on January 1<sup>st</sup> and credited upon completion of at least one half the number of working days in the month. Use of vacation days in excess of those earned at the time the Chief leaves the Town without working the entire year shall be deducted from the Chief's last paycheck, including reducing the payment for unused accrued vacation, and reducing/adjusting the Chief's final pay check, as appropriate.

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

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

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

- 2021-145)** Authorize Supervisor Harris to execute and administer a Demolition and Removal Bond agreement by and between TJA-NY-Paul Road, and Town of Schodack commencing on June 29, 2021.

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:**

- 2021-146)** Authorize Supervisor Harris to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox Work Centre 5225p copier on the second floor (Assessor & Receiver of Tax Offices) at the Town Hall, ID # 973CH, for the period April 15, 2021 to April 14, 2022 for \$577.50 annually. Contract includes 12,000 copies annually with an overage charge of \$0.045 per copy.

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:**

- 2021-147)** Authorize Supervisor Harris to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox VersaLink B405DN copier for Justice Court at the Town Hall, ID # 908FV, for the period April 15, 2021 to April 14, 2022 for \$423.30 annually. Contract includes 25,596 copies annually with an overage charge of \$0.0158 per copy.

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:**

- 2021-148)** Authorize ESCO Heating and Cooling to install up to 5 RGF REME-Halo Germicidal UV units at Town Hall in and around Justice Court and DMV Satellite Office at a cost not to exceed \$5,500.00.

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:**

- 2021-149)** Ratify and affirm creation of additional 2021 Summer Youth opportunities identified as STEM events provided under the direction of Sheila Golden and further authorize Supervisor Harris to execute and administer agreements related to the STEM events. [Budgeted Youth programs funds are being redistributed to cover costs related to these events]

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:**

- 2021-150)** Appoint Ricky Singh Narang as Accountant at the hourly rate of \$30 per hour effective June 1, 2021.

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:**

- 2021-151)** Authorize Supervisor Harris to accept the proposal dated April 8, 2021 and execute and administer engagement letter with The Bonadio Group CPAs, Consultants & More to provide professional auditing services for the Town of Schodack for fiscal year ending December 31, 2020 in an amount not to exceed \$12,000.00.

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

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

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

**2021-152) WHEREAS**, a map, plan and report relating to the establishment of Town of Schodack Castleton Consolidated Sewer District, Extension No. 1 prepared by Laberge Group, Ltd., competent engineers, duly licensed by the State of New York, in manner and detail as determined by the Town Board of the Town of Schodack 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 March 11, 2021, reciting the filing of the map, plan and report, the boundaries of the proposed sewer district extension, 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 in said Town for public inspection, and all other matters required by law to be stated; and

**WHEREAS**, the order set April 8, 2021, at 7:05 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, as the date, time and place of the public meeting 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 8th day of April, 2021 beginning at 7:05 p.m. and the matter being fully discussed and all interested persons having been duly heard; and

**WHEREAS**, it having been duly resolved and determined following such hearing as follows:

- the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
- all property and property owners within the limits of the proposed sewer district extension are benefitted thereby;
- all property and property owners benefitted are included within the limits of the proposed sewer district extension;

- it was in the public interest to establish said Town of Schodack Castleton Consolidated Sewer District, Extension No. 1;
- to grant, in whole, the relief sought, and

**WHEREAS**, it having been then and there duly resolved that establishment of said Town of Schodack Castleton Consolidated Sewer District, Extension No. 1, be approved, and that the permission of the New York State Comptroller is not required for the creation of the Town of Schodack, Castleton Consolidated Sewer District, Extension No. 1, and

**WHEREAS**, that the aforesaid Town Board resolution of April 8, 2021, having been adopted subject to permissive referendum, and no petition for a referendum having been filed;

**NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED** that the Town of Schodack Castleton Consolidated Sewer District, Extension No. 1, be created so as to include therein the following lands which are hereby established as the Town of Schodack Castleton Consolidated Sewer District, Extension No. 1 and which lie wholly within the Town of Schodack, County of Rensselaer, State of New York, and is bounded and described in Schedule "A" attached hereto, and it is further,

**ORDERED, RESOLVED AND DETERMINED** that the Town Clerk is directed to cause a certified copy of this Order, Resolution and Determination to be recorded in the Office of the Clerk of the County of Rensselaer within ten (10) days after the adoption thereof, and a certified copy thereof be submitted to the Department of Audit and Control at Albany, New York as provided by §209-g of the Town Law; and it is further,

**ORDERED, RESOLVED AND DETERMINED**, that the establishment of Town of Schodack Castleton Consolidated Sewer District Extension No. 1, as set forth in the map, plan and report be approved; and it is further,

**ORDERED, RESOLVED AND DETERMINED**, the requested improvement shall be constructed, and the necessary easements and lands be acquired, and such sewer district extension shall be known and designated as the Town of Schodack Castleton Consolidated Sewer District, Extension No. 1, in the Town of Schodack and shall be bounded and described as set forth in Schedule "A" annexed hereto.

#### **Schedule "A"**

#### **TOWN OF SCHODACK**

Rensselaer County,  
New York



Castleton Consolidated Sewer District -  
Extension No. 1  
PROPOSED DISTRICT DESCRIPTION

BEGINNING AT A POINT located on the northerly right of way on Maple Hill Road at its intersection with New York State Route 9, said point also being the south east property corner of Tax Map Parcel No. (Parcel No.) 200-9-14.

THENCE westerly along the northerly boundary of Maple Hill Road to its intersection with the easterly boundary of Midstate Lane;

THENCE continuing northerly along said easterly boundary of Midstate Lane to a point; said point being the most southerly corner to Parcel No. 200-9-21.2,

THENCE continuing northerly and easterly along the bounds of Parcel No. 200-9-14 to the point of intersection with the westerly bounds of New York State Route 9;

THENCE southerly along said bounds of New York State Route 9 to the point and place of beginning.

Intending to describe the proposed Castleton Consolidated Sewer District - Extension No. 1. All tax parcel information is as of January 1, 2021.

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:**

**2021-153)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #21-0652 to 21-0851 on Abstract No. 2021-05, in the amount of \$416,525.70, including the claims paid (\$251,858.68) 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. 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:**

**2021-154)** Authorize the April 2021 budget modifications, interfund loans and interfund transfers as provided in document dated May 2021 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

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**Fund/**

	Department #	Fund / Department Name	Increase	Decrease
<b>2021</b>				
<b>12</b>	A-960-3120.1012	Police Grant - PTS	988.53	
	A-509-4320.9999	Federal Aid Public Safety	988.53	
	To modify the budget for PTS grant awards			
<b>13</b>	DB-960-5130.1400	Machinery - Police Work	363.02	
	DB-960-5130.1000	Machinery - Personal Services		363.02
	To modify the budget for work on police vehicles			
<b>14</b>	DB-960-5140.1600	Brush & Weeds - Town Hall Work	1,538.51	
	DB-960-5140.1000	Brush & Weeds - Personal Services		1,538.51
	To modify the budget for Steve Larsen work at Town Hall			
<b>15</b>	SS6-960-8130.4008	Sch Ctr Sewer - Dunkin Donuts Contractual	7,243.91	
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	7,243.91	
	To modify the budget for reimbursement of Dunkin Donut expenditures			
<b>16</b>	SW3-960-9710.6030	Water Dist #3 - EFC Principal	0.02	
	SW3-960-9710.6020	Water Dist #3 - EFC Principle #3 portion		0.02
	To modify the budget for rounding issues 4/30 principle payment			
	5 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.			

### **Executive Session**

S. Harris made a motion at 7:23 p.m. to enter into an executive session of the Board to discuss personnel matters pursuant to public officers' law §105(f). Seconded by C. Bult.

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

C. Swartz made a motion at 7:53 p.m. to adjourn the executive session. Seconded by C. Kenney.

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 05/13/21 Town Board meeting at 7:53 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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