

**DATE:** JULY 8, 2021

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** JAMES E. BULT (*Deputy Supervisor*)

**MEMBERS PRESENT:** MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:** DAVID B. HARRIS

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

**OTHERS PRESENT:**

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Deputy Supervisor Bult called the July 8, 2021 Town Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All members, with the exception of Supervisor Harris, were present.

### **Briefing of Agenda**

The Deputy Supervisor summarized all resolutions on the agenda. He stated that the proclamation for Sergeant Roy had been presented to him upon his retirement in June (2021-176). With regard to resolution 2021-177, a request had been made by the Castleton Ambulance to increase the contribution for members into the LOSAP program from \$700 to \$1200 to meet state allowances. The action was subject to permissive referendum and would need to be placed on the ballot in November. For resolution 2021-180, D.S. Bult noted the applicant had applied for a building permit but due to a site change, they requested a refund. It had been determined that a partial refund would be issued due to review being conducted by the building inspector. All other resolutions were self-explanatory.

**Board Comment:** None.

**Public Comment:** None.

### **Board Discussion**

**Bond Resolution – Battisti Water District:** S. Siegel of the Laberge Group informed the board that following an exit conference with the NYS Comptroller's Office, it was recommended that, as no funding had been committed for the improvements to the Battisti Water System, a bond resolution be approved. By passing the resolution, the town would be given the highest opportunity to be awarded the CDBG grant for improvements. He said the board did have the option to create a ban or draft a letter supporting the improvements but noted they would not score as high. He noted the board could also allocate American Rescue

Plan Act (ARPA) funds to the Battisti Water System. This would be considered co-funding for the project and increase the potential funds awarded under CDBG from \$1.0 Million to \$1.25 Million. He felt this was a wise choice to ensure adequate funds were secured and asked the board to consider the commitment. D.S. Bult asked if there had been any development in the NY Water Funding. Mr. Siegel said the application had not been released at that time but anticipated them to do so in late August. D.S. Bult asked, if the board chose to dedicate the ARPA funds, would it be considered an interfund loan and be repaid to the town once the project was complete. P. Harter explained that if the funding was dedicated for infrastructure, the town would not be able to require a reimbursement from the district, with the exception of engineering expenses. He felt a ban would be a better choice as the water district had not been approved by OSC at that moment.

**RESOLUTION 2021-183:** D.S. Bult asked when the application needed to be submitted for resolution 2021-183. S. Siegel said the application, which was for an engineering planning grant for East Schodack Sewer District #5, was due on July 30, 2021. He added that an income survey had been conducted for the residents within the sewer district to determine eligibility for the \$100,000.00 funds with a twenty-five percent match. The result was favorable based upon the median incomes.

**LOSAP:** Atty. Langlois explained that under General Municipal Law 11-AA (GML 11-AA), a service award program could be created or amended for organizations such as an Ambulance or Fire Company. The program established for the Castleton Ambulance had been created in the 1990's with the most recent amendment to increase the contributions from \$480 to \$700 being done in 2017. The Ambulance was now requesting to increase the amount from \$700 to \$1200 to match the maximum contribution allowed by the state. He noted under GML, the action would be subject to permissive referendum but stated the law was not specific on the timing for the question to be placed on the ballot. The law stated the approval for the creation of a service program be placed on the ballot not less than thirty days and not more than ninety days prior to the election; however, it did not reference any time frame for amendments of an established program. He said Rensselaer County Board of Elections had requested that the proposition be received on or before August 2, 2021 to allow time for it to be placed on the November ballot; thus the need to escalate the approval of the resolution. D. Kelly added that board of elections needed the proposition early to allow for it to be placed on absentee ballots. J. Dikant thanked the board for their continued support of the LOSAP program and noted she had not been aware of the state approving the increase of contributions in 2019. She apologized for the pressure on the board but felt the increase was necessary to keep current members and recruit new. She noted that during COVID-19, the ambulance had continued to provide service to the residents which amounted to over 1,000 calls.

E. Holohan, Administrator for Penflex, mentioned that he had drafted the latest version of the proposition and cautioned that under GML 11-AA, the resolution was being approved too soon. Atty. Langlois assured him that the law only stated the time limit was for establishing and not amending the program. He added that he was confident in the board passing resolution 2021-177 that evening. Mr. Holohan recommended striking line 1(b) from the resolution as it had been previously approved in the amendment in 2017. He was concerned that if the referendum did not pass, that would be removed. He also noted the contribution amount in the second paragraph was incorrect as it should read \$700. All board members

agreed to amend resolution 2021-177 to change the contribution amount from \$480 to \$700 and strike line 1(b).

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

### **Public Comment**

Kendra Rubin, Trustee for the Castleton Library, thanked the board for their continued support of the Castleton Library and gave an update on digital services being offered to residents. She noted that the library, which currently ranked second for all small libraries in electronic content (e-content), saw an increase of 65% in the borrowing of e-content such as e-books, audio books and movies by card holders during the COVID-19 pandemic. Along with e-content, the library also offers streaming services through Hoopla, ancestry services through Ancestry Library Edition, access to computers and wi-fi services and the loaning of wi-fi hotspots to card holders. She added that all students of the Schodack Central School District could utilize the overdrive download system for e-content regardless of being a card holder for the library or not.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #21-0997 to #21-1446 on Abstract No. 2021-07 in the amount of \$488,419.99, including the claims paid prior (\$43,722.25).

### **Adoption of Resolution**

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, seconded by C. Rex:

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

**2021-176) WHEREAS**, it is the sense of the Schodack Town Board to act in accord with its longstanding traditions, honoring the achievement of those who have given so generously to their community, exemplifying the ideals and values cherished by this great Town, and

**WHEREAS**, Steven Roy has distinguished himself as a person of outstanding ability, establishing a high standard of integrity, and has imparted a sense of fairness, and compassion to his position of Schodack Police Officer in the Town of Schodack, and

**WHEREAS**, Steve has been a long-time resident of the Town of Schodack, and

**WHEREAS**, Steve began his career as a part-time Police Corrections Officer and Highway Patrol Officer with Rensselaer County Sheriff Office, and

**WHEREAS**, on June 27, 2001 the Town Board of the Town of Schodack authorized the hiring of Steve Roy for the Schodack Police Department under the auspice of the COPS FAST three-year grant, and

**WHEREAS**, Steve assumed the position of Police Officer on July 2, 2001 as has served faithfully in this role under Supervisors: Eileen Natoli, Beth Secor, Dennis Dowds, David Harris and Police Chiefs: David Schlinder, Bernard Peter, Joseph Belardo and John Hourigan until his retirement on July 22, 2021, and

**WHEREAS**, Steve was promoted to the rank of Sergeant on March 9, 2012 and

**WHEREAS**, Steve has served as SSRT Tactical Operator from May of 2006, and

**WHEREAS**, from early on, Steve demonstrated his commitment to the community by serving as an Instructor in the following capacities: Glock Armorer, Taser, Pepperball, Evidence Tech, Less Lethal, Impact Munitions, Flash-Bang & Sting Ball Grenades, Firearms, Basic Topics, Stop the Bleed and Baten/ASP, and

**WHEREAS**, Steve has been known for being well prepared and fully armored, and only weary of snowmobiles, dog attacks and cellphone destruction, and

**WHEREAS**, Steve has demonstrated his love of family by being a father and grandfather and often shares his love for Big Game, Motorcycles and fast cars with his coworkers and friends,

**WHEREAS**, it surely comes as no surprise, he will greatly miss sharing the escapades of his many big gaming adventures as we will miss hearing of them.

**NOW, THEREFORE, BE IT RESOLVED**, that the Legislative Body of the Town of Schodack is moved to honor Steven Roy, who has given himself to this community in so many ways and distinguished himself throughout his career bringing great pride to his family, his peers, his associates and his community by being a person of commitment, integrity and an impressive role model for all, and be it

**FURTHER RESOLVED**, that the Legislative Body of the Town of Schodack will pause in its deliberations on the 8<sup>th</sup> day of July 2021 to acknowledge and honor Steven Roy, upon his retirement, for his 20 years of service to the Town of Schodack and a copy of this resolution, suitably engrossed, will be transmitted to him.

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

C. Kenney made a motion to adopt the following resolution, as amended, seconded by C. Rex:

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

**2021-177) WHEREAS**, in accordance with Article 11-AA of the New York State General Municipal Law, residents of the Town of Schodack approved a proposition to establish a Defined Contribution Service Award Program for active volunteer members of the Castleton Volunteer Ambulance Association effective January 1, 1999, and

**WHEREAS**, the Program currently provides that an active volunteer member earns a ~~\$480~~ \$700 Service Award contribution and a year of service credit for each calendar year during which such member earns 50 or more points under the Service Award Program Point System, and

**WHEREAS**, §219-f(1) of Article 11-AA allows for a Service Award contribution of as much as \$1,200 per year of service credit, and

**WHEREAS**, §219-e(7-a) of Article 11-AA allows, at the option of the municipal sponsor, a participating volunteer to continue to earn points, service credit and Service Award contributions after having attained the entitlement age of sixty (60) and having applied to be paid his or her account balance, and

**WHEREAS**, §219-d(8)(a) of Article 11-AA authorizes the Town Board to amend the Program, subject to approval of residents in accordance with public referendum, and

**WHEREAS**, the Castleton Volunteer Ambulance Association has requested that the Town Board consider improving the benefits provided by the Program, and

**WHEREAS**, such improvement in Program benefits is consistent with the intent of the Program to help the Castleton Volunteer Ambulance Association recruit and retain active volunteers, and

**WHEREAS**, after review of the cost to amend the Program, the Town Board has determined the increase, if approved by voting residents of the Town, can be implemented without causing the Town to exceed the Property Tax Cap;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board:

1. Amends the Castleton Volunteer Ambulance Association Service Award Program effective January 1, 2022 to:
  - a. Increase the annual Service Award contribution credited to the account of an eligible participating active volunteer from \$700 to \$1,200 for each calendar year beginning with calendar year 2022 during which such volunteer earns a year of service credit under the Point System.
  - ~~b. Allow active volunteers who have attained the entitlement age and elected to be paid their account balance to continue to earn points under the Point System for their volunteer activities after having been paid their account balance.~~
2. Directs that there shall be a public referendum of eligible voters of the Town of Schodack, in an election to be held on November 2, 2021, to obtain approval of this amendment in accordance with §219-d(8)(a) of Article 11-AA of the New York State General Municipal Law;
3. Authorize the Town Clerk and other Town officials as deemed necessary to take the appropriate action to schedule such referendum and take other steps necessary to carry out this Resolution.

Based on the number of active volunteers that earned service credit during calendar year 2020, the current cost of funding the Castleton Volunteer Ambulance Association Service Award Program is \$14,700 (\$700 per participant), which includes an administration cost of approximately \$1,800.

All other provisions of the Castleton Volunteer Ambulance Association Service Award Program shall not change and the Program shall continue to be administered by the New York State Comptroller in accordance with Article 11-AA of the New York State General Municipal Law, as well as with Part 150 of the New York State Rules and Regulations.

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

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

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

- 2021-178)** Authorize engaging Barclay Damon LLP as Bond Counsel with fees as per fee schedule for Battisti Water Supply as necessary to prepare for Grant application process.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. Noes – 0.

D.S. 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:**

- 2021-179)** **WHEREAS**, the Town of Schodack (hereinafter “Town”) will apply for funds and anticipates funds to be awarded through the Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development, as administered by the State of New York for a Public Infrastructure Project, PY 2021 Town of Schodack Battisti Drinking Water Improvement Project CFA #104754; and

**WHEREAS**, the Town Council of the Town of Schodack (hereinafter “Town Board”) as the anticipated recipient of the grant award is required to designate a Certifying Officer for the purpose of signing required documents pertaining to this grant; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board does hereby designate Supervisor David B. Harris as the Town’s Certifying Officer for the purpose of signing required documents pertaining to this anticipated grant (CFA #104754).

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. 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:**

- 2021-180)** Authorize partial refund of building permit fee in the amount of \$724.10 to Barbera Homes for Building Permit Application, as Andrew Schug, Assistant Estimator withdrew his application prior to construction.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. Noes – 0.

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

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

- 2021-181)** Pursuant to Section 165-a of the General Municipal Law, authorize the Highway Department to deliver one load of Crusher Run material to Ham-Lewis-Palmer Cemetery in East Schodack before August 15, 2021.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. Noes – 0.

C. Kenney made a motion to adopt the following resolution, seconded by D.S. Bult:

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

- 2021-182)** Amend resolution 2021-168 as adopted on June 10, 2021 as follows:

**Arts and Crafts Director** - Victoria Roberts  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. 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:**

- 2021-183)** **WHEREAS**, the Town Board of Schodack (Town Board) was notified by New York State Department of Environmental Conservation (NYSDEC) that the State Pollutant Discharge Elimination System (SPDES) permit authorizing the wastewater discharge from the East Schodack Sewer District #5 (Sewer District) requires disinfection be installed at the sewer treatment facility; and

**WHEREAS**, the Town Board authorized an income survey for the purpose of determining income eligibility of residents within the Sewer District to participate in a variety of grant and loan programs; and

**WHEREAS**, the Town Board finds that it is desirable and in the public interest to pursue grants to reduce the financial burden to residents in the Sewer District; and

**WHEREAS**, the 2021 New York State Environmental Facilities Corporation (EFC) Wastewater Infrastructure Engineering Planning Grant Program is due July 30, 2021 and can be used to prepare the require engineering report and planning activities for the Sewer District; and



**IT IS HEREBY RESOLVED**, that the Town Board authorizes Laberge Group to prepare a grant application through the 2021 EFC Wastewater Infrastructure Engineering Planning Grant Program on behalf of the Town of Schodack for a fee of \$4,000 for a Wastewater Engineering Study upon confirmation that the residents are income qualified; and

**BE IT FURTHER RESOLVED**, that the Town of Schodack is hereby committed to using municipal funds to provide a local cash match up to twenty-five percent (25%) of the grant request; and

**BE IT FURTHER RESOLVED** that the Town Board authorizes and directs the Town of Schodack Supervisor, David Harris, to submit an application for a Wastewater Engineering Study under the EFC Wastewater Infrastructure Engineering Planning Grant Program and is authorized to execute all other documents necessary for the implementation of this work and is also authorized to execute all financial and/or administrative processes relating to the grant program.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. 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:**

**2021-184)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #21-0997 to 21-1146 on Abstract No. 2021-07, in the amount of \$488,419.99, including the claims paid (\$43,722.25) since the previous town board meeting.

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

C. Kenney made a motion to adopt the following resolution, seconded by D.S. Bult:

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

**2021-185)** Authorize the June 2021 budget modifications, interfund loans and interfund transfers as provided in document dated July 2021 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

Fund/ Department #		Fund / Department Name	Increase	Decrease
<b>2021</b>				
<b>22</b>	A-960-1220.1100	Supervisor - Overtime	131.93	

	A-960-1220.1000	Supervisor - Personal Services	131.93
	To modify the budget for Dawne Kelly Time supervising roof repairs		
<b>23</b>	A-960-1620.2000	Buildings - Contractual	9,800.00
	A-512-9999-9999	Appropriated Reserves - GL# 898	9,800.00
	To modify the budget for 2nd Floor carpet replacement		
<b>24</b>	A-960-3120.1012	Police Grant - PTS	1,829.59
	A-509-4320.9999	Federal Aid Public Safety	1,829.59
	To modify the budget for PTS grant awards		
<b>25</b>	A-960-7110.1100	Parks - Overtime	81.01
	A-960-7110-1000	Parks - Personal Services	81.01
	To modify the budget for Overtime work by Michael Canestro		
<b>26</b>	DB-960-5110-1350	Genl Road Repairs - DB work for W/S	203.44
	DB-960-5110-1000	Genl Road Repairs - Personal Services	203.44
	To modify the budget for Charles Halvax work with Shawn on W/S		
<b>27</b>	DB-960-5130.1400	Machinery - Police Work	524.35
	DB-960-5130.1000	Machinery - Personal Services	524.35
	To modify the budget for work on police vehicles		
<b>28</b>	DB-960-5140-1600	Brush & Weeds - DB Work Town Hall	263.22
	DB-960-5140.1000	Brush & Weeds - Personal Services	263.22
	To modify the budget for Steve Larsen Painting meeting room		
<b>29</b>	SS6-960-8130.1008	Sch Ctr Sewer - Dunkin Donuts Personal Svcs	92.11
	SS6-960-8130.4008	Sch Ctr Sewer - Dunkin Donuts Contractual	6,395.45
	SS6-960-9030.8008	Sch Ctr Sewer - Dunkin Donuts Soc Security	7.05
	SS6-960-9060.8008	Sch Ctr Sewer - Dunkin Donuts Health Ins	-
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	6,494.61
	To modify the budget for reimbursement of Dunkin Donut expenditures		
	4 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. Noes – 0.		

### **Executive Session**

C. Rex made a motion at 7:34 p.m. to enter into an executive session of the Town Board pursuant to Public Officers law Section 105(f), pertaining to a personnel matter. Seconded by C. Swartz.

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

C. Kenney made a motion to adjourn the Executive Session at 7:54 p.m., seconded by C. Swartz.

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

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 07/08/21 Town Board meeting at 7:54 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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