

**DATE:** NOVEMBER 9, 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

**OTHERS PRESENT:** DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

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Supervisor Harris called the November 9, 2021 Town Board Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Presentations**

**Community Solar:** Jill Henck of the Capital District Regional Planning Commission explained that, under NYSEDA, municipalities are eligible for green energy grants, ranging from \$5,000.00 to \$70,000.00, based upon the completion of high impact actions. She noted that there was a total of thirteen possible actions and upon completion of each, the municipality would be awarded points toward said grants. She added that the town would be automatically eligible for two one-time only grants of \$5,000.00, upon the conclusion of a Community Campaign or a Clean Energy Upgrade.

Kate Seifert of Nelnet Renewable Energy followed by explaining the benefits of community solar. She stated that community solar was a way for residents to subscribe to a solar farm, supporting clean energy and obtaining savings on their utility bills, without the need for a roof top or free-standing solar system on their property.

**Van Hoesen Station:** Morgan Ruthman of the Spinney Group thanked the board for the opportunity to address them regarding his intention to construct a 262-unit complex of town houses and apartments off Route 9 by Richwood Drive. He said that he felt, as an owner of The Spinney at Pondview, that he had worked well with the community and town government to construct a desired rental facility and hoped to do the same with Van Hoesen Station. He noted that the complex would not only include town houses and apartment but also have recreation trails, a dog park, tennis court and storage. He said he had met with the Planning Board regarding the project back in August/September and was working to address any concerns. He noted that, based upon the comprehensive plan for the town, it was determined that there was limited rental opportunities in the area. Based upon the need for affordable housing and job growth from an increase in businesses in the area, he felt there would be high demand for a project such as this. He said one hurdle to overcome would be access to

water and sewer. Whereas private wells and septic was a possibility, it would be better for access to public water and sewer. He asked that a discussion be initiated with the Town of East Greenbush regarding the intermunicipal agreement for sewer as there appeared to be a limited capacity for adding any extensions.

C. Bult asked Mr. Ruthman if his group would retain ownership of the roads within the complex and maintain them as they do in The Spinney. M. Ruthman said yes.

Atty. Langlois asked what the timeline was for completion of the SEQR review. Mr. Ruthman said it was dependent on the studies. He noted that the archaeological, traffic and wetland studies were currently being conducted; however, it could take a few months for the reports to be generated.

### **Executive Session**

C. Swartz made a motion at 7:42 p.m. to enter into an executive session of the Town Board pursuant to §105(f) of the Open Meetings Law.. Seconded by C. Rex.

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

C. Kenney made a motion at 8:08 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.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #21-1803 to #21-1783 on Abstract No. 2021-11 in the amount of \$685,914.56, including claims paid prior (\$433,782.49).

### **Briefing of Resolutions**

The Supervisor gave a brief overview of the resolutions on the agenda. For resolution 2021-276, he noted that the salary for the Building Inspector would be \$33.73. As for the remaining resolutions, all were self-explanatory.

**Public Comment:** None.

**Board Comment:** C. Swartz asked if “temporary full-time” should be added to resolution 2021-276 when referring to the Building Inspector. Atty. Langlois felt it was not necessary as it was known that Mr. Ziegler would be serving until a full-time person was hired.

### **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.**

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:**

**2021-259)** Based on November 2<sup>nd</sup> Ballot Question being approved by Town residents an increase of the service award to active volunteers of the Castleton Volunteer Ambulance Association from \$700 to \$1,200 per year of service credit, as well as budget submissions for Fire Districts, adopt the following changes to the 2022 Preliminary Budget as follows:

Town of Schodack					
Preliminary to Adopted Budget Analysis					
2022					
		APPROPRIATIONS	LESS ESTIMATED REVENUE	LESS UNEXPENDED BALANCE	AMOUNT TO BE RAISED BY TAXES
Preliminary Budget		\$ 13,891,836.00	\$ 5,143,441.00	\$ 1,171,015.00	\$ 7,577,380.00
Schodack Landing Fire		+ \$ 16,787.00	0.00	0.00	+ \$ 16,787.00
East Schodack Fire		+ \$ 201,420.00	+ \$ 93,100.00	0.00	+ \$ 108,320.00
SM	4540.4	+ \$ 16,000.00	0.00	0.00	+ \$ 16,000.00
Adopted Budget per 11/9/2021 TB Meeting		\$ 14,126,043.00	\$ 5,236,541.00	\$ 1,171,015.00	\$ 7,718,487.00
<u>Preliminary to Adopted Tax Rates</u>		<u>A Fund</u>	<u>DB Fund</u>	<u>Combined</u>	<u>SM Fund</u>
Preliminary Tax Rate		-4.77 %	-0.76%	-3.58 %	-4.34 %
Adopted Tax Rate		-4.78 %	-0.77 %	-3.59 %	1.60 %

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:**

**2021-260)** **WHEREAS**, the Town Board met on Tuesday, October 26, 2021 at the Schodack Town Hall, as specified in the Notice of Public Hearing for the 2022 Preliminary Budget, with said notice appearing in the October 20, 2021 edition of The Record, and was posted on October 20, 2021, and

**WHEREAS**, said public hearing was held on October 26, 2021 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 2022 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.

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:**

**2021-261)** Authorize \$200,000.00 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. 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:**

**2021-262)** Authorize \$50,000.00 to be transferred into the Town Wide (A Fund) Police Vehicle Capital Reserve Fund.

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 S. Harris:

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

**2021-263)** Pursuant to Article 3 Section 30 of the Town Law, the Town Clerk hereby appoints Cheryl Simpson Deputy Town Clerk, effective November 15, 2021, at the hourly rate set forth in resolution 2020-317.

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:**

**2021-264)** Approve the attached Transfer Station Fee schedule, to be effective January 1, 2022.

Effective: January 1, 2022

(518) 477-8491

**TOWN OF SCHODACK TRANSFER/RECYCLING STATION RULES AND  
REGULATIONS**

For more information on our Transfer Station please visit

<http://www.schodack.org/transfer-station-and-recycling>

- 1) The Town of Schodack Transfer/Recycling Station is for use by Town residents only and is for disposal of refuse generated within the Town of Schodack. Proof of residency **and** vehicle registration **must be provided** in order to utilize facility.
- 2) **Credit cards, personal checks or money orders are acceptable forms of payment at the Transfer Station. For credit card use, a convenience fee of \$1.75 or 2.45% (whichever is higher) will be applied to each transaction.**

**Brush will be accepted up to 30 minutes before closing each day.**

- 3) The Schodack Transfer/Recycling Station area shall be open for disposal as follows:

Tuesday	7:00 a.m. - 5:00 p.m.
Wednesday	7:00 a.m. - 2:00 p.m.
Thursday	7:00 a.m. - 2:00 p.m.
Friday	7:00 a.m. - 2:00 p.m.
Saturday	7:00 a.m. - 3:00 p.m.

The Transfer Station is closed all day Sunday, Monday and Holidays as posted.

- 4) Residents will be required to pay for each 30-gallon bag, or portion thereof, of refuse disposed of as follows:

a) 52-bag punch card	\$ 104.00
b) 12-Bag Punch Card	\$ 30.00
c) 30-gallon bag or equivalent	\$ 3.00 each

(Previously purchased punch cards will be honored)

5) **There will be an additional charge for:**

a)	Refrigerators, freezers, dehumidifiers, air conditioners***	\$12.00 each or <u>6</u> punches
b)	Metal goods:	\$ 6.00 each or <u>3</u> punches
	Stoves, washers, dryers, water tanks, riding lawn mowers, Bulk metals	
c)	Tires (car and light truck)	\$ 4.00 each or <u>2</u> punches
	Tires with rims	\$ 6.00 each or <u>3</u> punches
	Larger tires Bulky	*PRICED BY SIZE*
d)	furniture **	\$10.00 each or <u>5</u> punches
e)	Household construction debris, 30 gallon container	\$10.00 each or <u>5</u> punches
f)	Propane tanks	\$ 6.00 each or <u>3</u> punches
g)	Push Mowers	\$ 5.00 each or <u>3</u> punches
h)	Gas Grills, Bicycles	\$ 5.00 each or <u>3</u> punches
i)	Televisions, Computers, Monitor & Rear Projection Televisions *** Computer	FREE
j)	tower only ***	FREE
k)	Misc. Electronic – printers, copiers, typewriters, radios, microwaves ***	FREE

\*\*Bulky Furniture, i.e.: Sofas, stuffed chairs, mattresses, box springs, rugs etc.

\*\*\*All Electronics not containing Freon

**The Director of the Transfer/Recycling Station or his designee has sole authority to determine ultimate cost of bulky items brought in.**

6) **RECYCLING IS MANDATORY. NO RECYCLABLES SHOULD BE PLACED IN THE REFUSE CONTAINER.**

7) **THE FOLLOWING RECYCLABLES WILL BE ACCEPTED AT NO ADDITIONAL CHARGE:**

- a) Newspapers/Magazines/Junk Mail – white paper. Books (hard & soft cover) Shredded paper (bagged)
- b) Tin cans
- c) Glass bottles/jars
- d) Plastic bottles or containers (only recyclable codes 1 - 7)
- e) Used oil and filters
- f) Batteries - car and rechargeable
- g) Anti-Freeze
- h) Corrugated cardboard/Box Board/Brown
- i) Clothes - Salvation Army container only
- j) Brush and logs less than four (4) inches in diameter

8) **MATERIALS PROHIBITED AT THE TOWN OF SCHODACK TRANSFER/RECYCLING STATION:**

- a) Industrial waste
- b) Infectious waste
- c) Sludge
- d) Hazardous waste
- e) Commercial construction and demolition debris
- f) Trees and tree stumps
- g) Gas, Kerosene and Fuel Oil
- h) Ashes of any kind

- 9) As a consideration to our neighbors, all open loads should be covered and secured while traveling to and from the Transfer Station.

**Any violations of these rules and regulations will void tipping privileges.**

**SPECIAL DATES & HOURS:**

**SPRING CLEAN-UP** - May 12 13, and 14, 2022 **7 A.M. through 3 P.M.**

**FALL CLEAN-UP** - October 13, 14, and 15, 2022 **7 A.M. through 3 P.M.**

**SHREDDING DAY** – April – East Greenbush **9 A.M. through 12 P.M.**

July 23<sup>th</sup> – Town of Schodack **9 A.M. through 12 P.M.**

October 22<sup>nd</sup> –City of Rensselaer **9 A.M. through 12 P.M.**

**HOUSEHOLD HAZARDOUS WASTE DAY – None Scheduled for 2022**

The following days have been designated as 2022 holidays and the Transfer Station will be **closed**:

<u>Weekday</u>	<u>Date</u>	<u>Holiday</u>
Saturday	January 1	New Year's Day *
Tuesday	May 31st	Memorial Day *
Tuesday	September6	Labor Day*
Thursday	November24	Thanksgiving Day
Friday	November 25	Day after Thanksgiving Thanksgiving

**\*Transfer Station is closed on Mondays; therefore, pursuant to the Collective Bargaining Agreement, Monday holidays will be observed on Tuesday.**

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:**

**2021-265)** Authorize Director of Transfer Station to purchase two (2) Wastequip Model 206760NE 40-yard roll-off and two (2) Inverted Angle per quote # WQ-10173302 dated November 5, 2021 from Wastequip for use at the transfer station in an amount not to exceed \$23,322.00.

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. Rex:

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

**2021-266)** Declare 2 Roll off containers at the Transfer Station as surplus and solicited bids.

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:**

**2021-267)** Authorize CEJJ, Inc. to replace subframe rail on the Transfer Station Roll-off per Quote number 2292 dated October 27, 2021 at a cost not to exceed \$2,979.48.

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:**

**2021-268)** Authorize the selection of CDPHP-HMO Insurance for Health Insurance coverage effective January 1, 2022.

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. Kenney:

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

**2021-269)** Authorize the selection of MVP-HMO Insurance for Health Insurance coverage effective January 1, 2022.

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:**

**2021-270)** Authorize the selection of NYSHIP Medicare Empire Plan Insurance for Health Insurance coverage effective January 1, 2022, 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. 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:**

**2021-271)** Authorize the selection of Humana Medicare LPPO Insurance coverage effective January 1, 2022.

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:**

**2021-272)** **BOND RESOLUTION DATED NOVEMBER 9, 2021 OF THE TOWN BOARD OF THE TOWN OF SCHODACK AUTHORIZING NOT TO EXCEED \$2,432,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE CONSTRUCTION AND INSTALLATION OF A WATER DISTRIBUTION SYSTEM FOR BATTISTI WATER DISTRICT #10 AT AN ESTIMATED MAXIMUM COST OF \$2,432,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

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:**

**2021-273)** **WHEREAS**, on March 11, 2021 President Biden signed into law the American Rescue Plan (ARP), a nearly \$1.9 trillion COVID-19 relief package containing, among other provisions, the Coronavirus State and Local Fiscal Recovery Funds; and

**WHEREAS**, on May 17, 2021 the United States Department of the Treasury issued an Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the ARP; and

**WHEREAS**, the Interim Final Rule expressly lists Investments in Infrastructure as an eligible use in Section II -Subsection D stating that funds may be used “To assist in meeting the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband, the Fiscal Recovery Funds provide funds to State, local, and Tribal governments to make necessary investments in these sectors. The interim final rule outlines eligible uses within each

category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. Necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.”; and

**WHEREAS**, the Interim Final Rule further states that “By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health”, and

**WHEREAS**, the statute authorizes State, territorial, and Tribal governments; counties; metropolitan cities; and non-entitlement units of local government (counties, metropolitan cities, and non-entitlement units of local government are collectively referred to as “local governments”) to transfer amounts paid from the Fiscal Recovery Funds to several specified entities. By permitting these transfers, Congress recognized the importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including by working with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts; and

**WHEREAS**, the Town of Schodack currently provides safe potable water to serve the needs of the Town residents and property owners along Route 9; and

**WHEREAS**, The Town and County are interested in strengthening the existing water system along Route 9. The proposed water improvements would connect to the Town’s Consolidated Water District 101 starting at the end of the existing line located in Route 9, which terminates at the Amazon Distribution Center, and extend to the Town/County border. The expansion includes the installation of a water main, fire hydrants, and a 500,000-gallon water storage tank. Residents and businesses along Route 9 currently utilize private water. Public water is proposed in the area as it is important in encouraging and supporting orderly future development in the area; and

**WHEREAS**, the Parties, through independent and collective discussion, have determined that the improvements will be mutually beneficial to both municipalities, improve public health and safety, and are in the general public interest; and,

**WHEREAS**, the Parties desire to enter into an Agreement setting forth the terms of the Project, as hereinafter described, and each Party's responsibilities in conjunction therewith; and,

**WHEREAS**, the County and the Town, both located in the County of Rensselaer, mutually desire to accomplish the aforesaid purpose,

**WHEREAS**, under the Intermunicipal Agreement, the County shall transfer a share of its ARPA funds or other funds for the Town's costs associated with the project including but not limited to: design, permitting, environmental review, legal review, and construction on a schedule in accordance with the following phases of the Project:

Phase I: Predevelopment, Engineering, Permitting, and Bidding:  
\$1,155,000

Phase II: Construction: \$8,895,000

Prior to the commencement of each phase, the County shall place in Town escrow funds an amount equal to the cost estimate of each phase against which the Town shall draw down for the costs of the project. Any unused portion remaining at the conclusion of each phase shall either be allocated to future phases or returned to the County at the County's election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of the Board of the Town of Schodack hereby authorize the Town Supervisor to execute the Intermunicipal Agreement with Rensselaer County for the design and construction of water improvements to the Town's Consolidated Water District 101 starting at the end of the existing line located in Route 9, which terminates at the Amazon Distribution Center, and extend the water infrastructure to the Town/County border; and

**BE IT FURTHER RESOLVED**, that the Supervisor be hereby authorized to enter into an agreement with Laberge Group for the engineering, design, survey, permitting and construction observation services as detailed in the Preliminary Engineering Report.

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:**

**2021-274) WHEREAS**, on March 11, 2021 President Biden signed into law the American Rescue Plan (ARP), a nearly \$1.9 trillion COVID-19 relief package containing, among other provisions, the Coronavirus State and Local Fiscal Recovery Funds; and

**WHEREAS**, on May 17, 2021 the United States Department of the Treasury issued an Interim Final Rule to implement the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the ARP; and

**WHEREAS**, the Interim Final Rule expressly lists Investments in Infrastructure as an eligible use in Section II -Subsection D stating that funds may be used “To assist in meeting the critical need for investments and improvements to existing infrastructure in water, sewer, and broadband, the Fiscal Recovery Funds provide funds to State, local, and Tribal governments to make necessary investments in these sectors. The interim final rule outlines eligible uses within each category, allowing for a broad range of necessary investments in projects that improve access to clean drinking water, improve wastewater and stormwater infrastructure systems, and provide access to high-quality broadband service. Necessary investments are designed to provide an adequate minimum level of service and are unlikely to be made using private sources of funds.”; and

**WHEREAS**, the Interim Final Rule further states that “By permitting funds to be used for water and sewer infrastructure needs, Congress recognized the critical role that clean drinking water and services for the collection and treatment of wastewater and stormwater play in protecting public health”, and

**WHEREAS**, the statute authorizes State, territorial, and Tribal governments; counties; metropolitan cities; and non-entitlement units of local government (counties, metropolitan cities, and non-entitlement units of local government are collectively referred to as “local governments”) to transfer amounts paid from the Fiscal Recovery Funds to several specified entities. By permitting these transfers, Congress recognized the importance of providing flexibility to governments seeking to achieve the greatest impact with their funds, including by working with other levels or units of government or private entities to assist recipient governments in carrying out their programs. This includes special-purpose districts that perform specific functions in the community, such as fire, water, sewer, or mosquito abatement districts; and

**WHEREAS**, the Town of Schodack needs additional wastewater capacity to serve the present and anticipated future needs of the Town residents and property owners; and

**WHEREAS**, the Town and the Village of Castleton entered a wastewater agreement in 2019 to allow for additional flow from Schodack to be directed to the Village WWTP. The County has recently committed to the construction of a sanitary pump station and force main along Maple Hill Road to the existing force main in Sewer District 1 which discharges to the Village. The proximity of the proposed improvements provides an opportunity to redirect wastewater flow from the Town's Pump Station No. 2 and Moordener Kill Pump Station, as well as, the privately owned Amazon Distribution Center pump station, to the proposed County pump station at Maple Hill Road. This redirection will shift a significant amount of the Town's present and anticipated future wastewater flow away from its current destination in the Town of East Greenbush toward the Village WWTP, thereby allowing additional development in Sewer District 6.

**WHEREAS**, the Parties, through independent and collective discussion, have determined that a wastewater connection from the Town of Schodack District 6 to the Village of Castleton WWTP will be mutually beneficial to both municipalities, improve public health and safety, and is in the general public interest; and,

**WHEREAS**, the Parties desire to enter into an Agreement setting forth the terms of the Project, as hereinafter described, and each Party's responsibilities in conjunction therewith; and,

**WHEREAS**, the County and the Town, both located in the County of Rensselaer, mutually desire to accomplish the aforesaid purpose, and

**WHEREAS**, under the Intermunicipal Agreement, the County shall transfer a share of its ARPA funds or other funds for the Town's costs associated with the project including but not limited to: design, permitting, environmental review, legal review, and construction of the Town of Schodack Sewer District 6 connection to the Village of Castleton-on-Hudson sanitary sewer system on a schedule in accordance with the following phases of the project:

Phase I: Predevelopment, Engineering, and Non-Construction  
Costs: \$511,000

Phase II: Construction Costs: \$2,089,000

Prior to the commencement of each phase, the County shall place in Town escrow funds an amount equal to the cost estimate of each phase against which the Town shall draw down for the costs of the project. Any unused portion remaining at the conclusion of each phase shall either be allocated to future phases or returned to the County at the County's election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Members of the Board of the Town of Schodack hereby authorize the Town Supervisor to execute the Intermunicipal Agreement with Rensselaer County for the design and construction of the Town of Schodack Sewer District #6 connection to the Village of Castleton-on-Hudson sanitary sewer system; and

**BE IT FURTHER RESOLVED**, that the Supervisor be hereby authorized to enter into an agreement with Laberge Group for the engineering, design, survey, permitting and construction observation services as detailed in the Preliminary Engineering Report.

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:**

**2021-275)** Authorize Supervisor Harris to execute and administer the Solar Facility Decommissioning Agreement between the Town and TJA-NY-Paul Rd Castleton, LLC, with respect to the solar energy facility to be constructed at 13 Paul Road in the Town of Schodack, contingent on approval by the Attorney to the Town as to terms, conditions, and form.

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:**

**2021-276)** Appoint Gary Ziegler as Town Building Inspector/Code Enforcement Officer, at the hourly rate of \$33.73 per hour effective November 29, 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. Rex:

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

**2021-277)** Authorize the Town Clerk to publish a legal notice for a public hearing to seek public comment on proposed Local Law No. 4 of 2021 opting out, pursuant to Section 131 of the Marijuana Regulation and Taxation Act, of allowing cannabis retail dispensaries and cannabis on-site consumption establishments with the

jurisdiction of the Town of Schodack, said public hearing to be held on Thursday, December 9, 2021 at the Schodack Town Hall at 7:05 p.m.

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:**

**2021-278)** WHEREAS, the Town has determined that there is surplus chip and grass material at the Transfer Station generated during the 2021, and

WHEREAS, the Town has determined that said surplus material needs to be removed to reduce a potential fire hazard, and

WHEREAS, the Town has received a sole proposal for grinding material and removing it from the Transfer Station as follows: a proposal from Ken Morris & Sons Excavating, LLC for \$8,400.00,

NOW, THEREFORE, BE IT RESOLVED that pursuant to the recommendation of the Transfer Station Director, that the Town Board does hereby accepts Ken Morris & Sons Excavating, LLC. proposal in the sum of \$8,400.00.

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 S. Harris:

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

**2021-279)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #21-1803 to 21-1953 on Abstract No. 2021-11, in the amount of \$685,914.56, including the claims paid \$433,782.49.

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

P. Harter noted that resolution 2021-280 should be amended as the modifications were from October, not September. All board members agreed to the change.

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

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

**2021-280)** Authorize the ~~September~~ October 2021 budget modifications, interfund loans and interfund transfers as provided in document dated November 2021 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2021</b>				
<b>50</b>	A-960-3120.1012	Police Grant - PTS	543.10	
	A-509-4320.9999	Federal Aid Public Safety	543.10	
	To modify the budget for PTS grant awards			
<b>51</b>	A-960-3120.1811	Dispatcher - Overtime	116.78	
	A-960-3120.1800	Dispatcher - Personal Services		116.78
	To modify the budget for Dispatcher call back for department meeting			
<b>52</b>	A-960-8160.1100	Refuse & Garbage - Overtime	138.42	
	A-960-8189.1100	Recycling - Overtime	671.26	
	A-960-8160.1000	Refuse & Garbage - Personal Services		138.42
	A-960-8189.1000	Recycling - Personal Services		671.26
	To modify the budget for Overtime for Highway employee coverage at Transfer Station			
<b>53</b>	DB-960-5130.1100	Machinery - Overtime	-	
	DB-960-5130.1400	Machinery - Police Work	161.34	
	DB-960-5130.1630	Machinery - Transfer Station Work	-	
	DB-960-5130.1000	Machinery - Personal Services		161.34
	To modify the budget for work on Department vehicles			
<b>54</b>	DB-960-5140.1600	Brush & Weeds - Town Hall Work	1,017.20	
	DB-960-5140.4000	Brush & Weeds - Contractual	1,000.00	
	DB-960-5112.2000	Road Construction - Equipment		1,000.00
	DB-960-5140.1000	Brush & Weeds - Personal Services		1,017.20
	To modify the budget for work by Steve Larsen at Town Hall and Increased tree removal			
<b>55</b>	SS6-960-8130.1008	Sch Ctr Sewer - Dunkin Donuts Personal Svcs	13.10	
	SS6-960-8130.4008	Sch Ctr Sewer - Dunkin Donuts Contractual	-	
	SS6-960-9030.8008	Sch Ctr Sewer - Dunkin Donuts Soc Security	1.00	
	SS6-960-9060.8008	Sch Ctr Sewer - Dunkin Donuts Health Ins	0.98	
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	15.08	
	To modify the budget for reimbursement of Dunkin Donut expenditures			



### INTERFUND LOANS

	<b>Fund/ Department #</b>		<b>Debit</b>	<b>Credit</b>
<b>2021</b>				
<b>L4</b>	A-391	Due From Other Funds	385,000.00	
	A-200	General Fund - Cash		385,000.00
	H047-200	Battiste Water Extension - Cash	385,000.00	
	H047-630	Battiste Water Ext. - Due to Other Funds		385,000.00
	To Transfer Funds from A to Capital Project H047-Battiste Water Extension for Laberge NY Water Grant Svc			
<b>L5</b>	A-391	Due From Other Funds	125,000.00	
	A-200	General Fund - Cash		125,000.00
	H052-200	Town Hall Ln Bridge Replacement - Cash	125,000.00	
	H052-630	Town Hall Ln Bridge Replacement - Due to Other Funds		125,000.00
	To Transfer Funds from A to Capital Project H052-Town Hall Ln Bridge Replacement costs			

### INTERFUND TRANSFERS

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2021</b>				
<b>T4</b>	A-522-9901.9000	General Fund - Transfer other Funds	92,351.14	
	A-200	General Fund - Cash		92,351.14
	EW-200	Enterprise Water Supply - Cash	92,351.14	
	EW-980-5031.9999	Enterprise Water Supply - I/F Xfer		92,351.14
	EW-200	Enterprise Water Supply - Cash	160,679.52	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		160,679.52
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	160,679.52	
	SWC1-200	Consolidated Water Dist. - Cash		160,679.52
	EW-200	Enterprise Water Supply - Cash	104,281.16	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		104,281.16
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	104,281.16	
	SWC1-200	Consolidated Water Dist. - Cash		104,281.16
	To Transfer Funds from A and SWC1 to EW for October Prin. and Int. debt payment pursuant to 2021 budget			
<b>T5</b>	B-9901.9000	Transfer to Other Funds	1,000,000.00	
	B-200	Cash		1,000,000.00
	DB-200	Cash	1,000,000.00	
	DB-5031	Transfer In		1,000,000.00
	To Transfer Funds B to DB pursuant to 2021 budget			

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 11/9/21 Town Board meeting at 8:18 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk