

**DATE:** JANUARY 13, 2022

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** CHARLES J. PETER

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** CHRSTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

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

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Supervisor Peter called the January 13, 2022 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.

S. Peter said it was with great sadness that he announces the passing of Martha Sherwood. He noted the rich history of residents monitoring town government, for the good, with one of those residents being Ms. Sherwood. He asked all in attendance to join him in a moment of silence.

### **Executive Session #1**

C. Swartz made a motion at 7:03 p.m. to enter into an Executive Session of the board to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Seconded by C. Kenney.

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

C. Bult made a motion at 7:10 p.m. to adjourn the executive session. Seconded by C. Rex.

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

### **Brief of Resolutions**

S. Peter gave a brief overview of all resolutions on the agenda. He noted that resolutions 2022-078 and 2022-079 amended previous resolutions, resolution 2022-080 authorized the Human Resources Manager to post the position of Sole Assessor upon the retirement of Karen Justus and Frank Curtis would be appointed to the position of Temporary Assessor per resolution 2022-083. He added that an amendment would be made to 2022-083 to

include “for a period not to exceed 6 months” and strike out “NYS Department of Taxation and Finance”. He thanked Karen Justus for her many years of service and Mr. Curtis for lending his experience to the town while they sought her replacement.

**Board Comment (Resolutions):** None.

### **Public Comment (Resolutions)**

**Resolution 2022-081:** E. Hyde Clarke of Young Sommers LLC explained that an amendment to the PD-2 zoning had been approved by local law for Greendale Solar in May 2021; however, an issue arose with the site having a setback of less than 200 feet. As town code stated, the solar array must be a minimum of 200 feet from the utility corridor located at the rear of the property. The Building Inspector was asked for a letter of interpretation which would allow the array to be closer to the utility corridor but based upon the code, he was unable to so. The project was referred to the Zoning Board of Appeals to apply for a variance of 100 feet and was approved. Based upon the change, a new public hearing and local law was required for the PD-2 designation. Atty. Langlois asked Mr. Clarke if he had an updated draft of proposed local law 1-2022. Mr. Clarke said yes, a copy had been forwarded to the Supervisor’s Secretary, which included repealing Local Law 3-2021. He recommended that the board review the solar law and consider amending the 200-foot setback regarding utility corridors as it would be beneficial to have the array closer to the utility lines that it would be supplying. C. Swartz agreed.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #21-2241 to 21-2256 and #22-0001 to 22-0111 on Abstract No. 2022-01, in the amount of \$397,505.91, including the claims paid (\$33,767.58) since the previous town board meeting.

### **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.

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:**

**2022-078)** Amend resolution 2021-310 as adopted on December 29, 2021 to reflect appointment date of January 19, 2022 as follows:

Pursuant to Article 7 Section 140 of the Highway Law, the Highway Superintendent hereby appoints Bryon Hempstead, subject to final approval by the Rensselaer County Civil Service Commission, as an Operator 2, at an hourly rate as set forth in the Year 2022 adopted budget. Said appointment is effective as of ~~December 30, 2024~~ January 19, 2022.

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

**2022-079)** Amend resolution 2022-12 as adopted January 6, 2022 to reflect remuneration of \$24,000.00 as follows:

Appoint Christopher Langlois, Esq of Girvin & Ferlazzo, P.C. as Attorney to the Town, at a remuneration of ~~\$28,000.00~~ \$24,000.00.

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

**2022-080)** Authorize Human Resources Manager to post internally and advertise publicly the full-time position of Assessor and further authorize advertising in the official Town newspaper as necessary.

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

**2022-081)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on the adoption of proposed Local Law No. 1 of 2022 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 Shamlan, 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, January 27, 2022 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, C. Peter. Noes – 0.

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

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

- 2022-082)** Authorize Supervisor Peter to execute ASCAP License Agreement, subject to review and approval as to form by Attorney to the Town and authorize payment not to exceed \$400.00 for the licensing fee to ASCAP.  
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. Noes – 0.

C. Kenney 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:**

- 2022-083)** Appoint Francis H. Curtis, as Temporary Assessor, for a period not to exceed six months, subject to final approval by the Rensselaer County Civil Service Commission and ~~NYS Department of Taxation and Finance~~, at an hourly rate as set forth in resolution 2021-290 of \$\_\_\_\_\_ per hour, to be effective January 18, 2022.  
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. 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:**

- 2022-084)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #21-2241 to 21-2256 and #22-0001 to 22-0111 on Abstract No. 2022-01, in the amount of \$397,505.91, including the claims paid \$33,767.58.  
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. 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:**

- 2022-085)** Authorize the December 2021 budget modifications, interfund loans and interfund transfers as provided in document dated January 2022 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

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**Fund/**

	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2021</b>				
<b>96</b>	A-960-1340.4000	Budget - Contractual	16.78	
	A-960-1340.1000	Budget - Personal Services		16.78
	To modify the budget for Supervisor Assistant work during budget process			
<b>97</b>	A-960-1410.4000	Town Clerk - Contractual	107.20	
	A-960-1410.1000	Town Clerk - Personal Services		107.20
	To modify the budget for Town clerk mileage to Bank			
<b>98</b>	A-960-3120.1010	Police Grant - Rens Co DWI General	190.56	
	A-509-2260.9999	Police Safety Services - Other Gov'ts	190.56	
	To modify the budget for General DWI grant awards			
<b>99</b>	A-960-3120.1800	Police - Dispatcher Personal Services	276.13	
	A-960--3120.1000	Police - Personal Services		276.13
	To modify the budget for Dispatcher MOA (10 to 8 hrs) & Call out for Dept. meeting			
<b>100</b>	A-960-3120.2000	Police - Equipment	12,918.61	
	A-960-3120.1000	Police - Personal Services		12,918.61
	To modify the budget for 2021 Encumbrances (Ammo, Laptops, Server Memory)			
<b>101</b>	A-960-3120.4000	Police - Contractual	601.51	
	A-960-3120.1000	Police - Personal Services		601.51
	To modify the budget for purchases over budget			
<b>102</b>	A-960-5010.1000	Supt. Of Highways - Personal Services	10,977.10	
	A-960-5010.4000	Supt. Of Highways - Contractual	220.03	
	A-960-1990.4000	Contingency - Contractual		11,197.13
	To modify the budget for Superintendent vacation payout and truck repairs			
<b>103</b>	A-960-5132.4000	Town Garage - Contractual	2,165.41	
	A-960-5132.2000	Town Garage - Equipment		2,165.41
	To modify the budget for unexpected HVAC Repairs			
<b>104</b>	A-960-5182.4000	Street Lighting - Contractual	2,079.45	
	A-960-1990.4000	Contingency - Contractual		2,079.45

To modify the budget for Increased street lighting costs

<b>105</b>	A-960-7110.1000	Parks - Personal Services	229.07	
	A-960-1990.4000	Contingency - Contractual		229.07

To modify the budget for modifications to Personal Services for Contractual overages

#### BUDGET MODIFICATIONS

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2021</b>				
<b>106</b>	A-960-8160.1000	Refuse & Garbage - Personal Services	116.12	
	A-960-8160.1100	Refuse & Garbage - Overtime	1,231.62	
	A-960-8189.1000	Recycling - Personal Services	116.12	
	A-960-8189.1100	Recycling - Overtime	1,231.62	
	A-960-8189.4000	Recycling - Contractual		2,695.48
	To modify the budget for Highway employee coverage			
<b>107</b>	DB-960-5110.1100	Road Repairs - Overtime	474.96	
	DB-960-5110.1000	Road Repairs - Personal Services		474.96
	To modify the budget for Overtime for 2021 Payroll Accruals			
<b>108</b>	DB-960-5130.1400	Machinery - Police Work	806.70	
	DB-960-5130.4000	Machinery - Contractual	479.88	
	DB-960-5130.2000	Machinery - Equipment		1,286.58
	To modify the budget for work on Town vehicles and part purchases			
<b>109</b>	DB-960-5140.4000	Brush & Weeds - Contractual	855.51	
	DB-960-5140.1000	Brush & Weeds - Personal Services		855.51
	To modify the budget for tree services above budget			
<b>110</b>	EW-960-8320.1100	Enterprise Water - Source Overtime	139.85	
	EW-960-8320.4000	Enterprise Water - Source Contractual	28.78	
	EW-960-1990.4000	Enterprise Water - Contingency - Contractual		168.63
	To modify the budget for Operator time in district and purchases			
<b>111</b>	SL3-960-5182.4000	E Sch Light District - Contractual	56.05	
	SL3-599-9999.9999	E Sch Light Dist - Appropriate Fund Bal		56.05
	To modify the budget for increased National Grid charges			
<b>112</b>	SS6-960-8130.1008	Sch Ctr Sewer - Dunkin Donuts Contractual	52.83	

	SS6-960-9030.8008	Sch Ctr Sewer - Dunkin Donuts Social Security	4.04	
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	56.87	
	To modify the budget for reimbursement of Dunkin Donut expenditures			
<b>113</b>	SW1-960-8320.1100	Clearview Source - Overtime	240.46	
	SW1-960-8320.4000	Clearview Source - Contractual	41.61	
	SW1-960-8320.1000	Clearview Source - Personal Services		282.07
	To modify the budget for Operator time in district and district purchases			
<b>114</b>	SW1-960-9010.8009	Clearview - Supply - State Retirement	824.00	
	SW1-960-9030.8009	Clearview - Supply - Social Security		824.00
	To modify the budget for increased Town contribution percentages			

#### **BUDGET MODIFICATIONS**

<b>Fund/</b>				
	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2021</b>				
<b>115</b>	SW3-960-8340.1000	Maple Crest - Personal Services	35.82	
	SW3-960-8340.1100	Maple Crest - Overtime		35.82
	To modify the budget for Operator time in district			
<b>116</b>	SWC1-960-8340.4011	SWC1: I/F Exp for Water-Capital-O&M	3,856.26	
	SWC1-960-8340.4010	SWC1: I/F Exp for Water-Capital-Pay to EW		3,856.26
	To modify budget to reclassify water purchases from source			

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

#### **Public Comment (Open)**

P. Cartwright, Vice President of the Castleton Library, explained that, based upon the 2021 Annual Report, the library loaned materials consisted of 72% physical items such as books, magazines and DVDs and 28% digital media including eBooks and eAudiobooks. He was pleased to announce that the library saw an increase in attendance of more than five percent in 2021 and was awarded the designation as a three-star library, by Library Journal, for the second year in a row. He noted that the Library Wi-fi, which is accessible both inside the library and outside in the parking lot, saw an almost 50% increase in use for 2021. Two programs that had been established in 2021 which were experiencing great success were the story time walk at the Schodack Island State Park and the quarterly tech outreach program at the Castle Hill Senior Housing.

## **Executive Session #2**

C. Rex made a motion at 7:22 p.m. to enter into a second Executive Session of the board to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. Seconded by C. Bult.

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

S. Peter stated that no further business would be conducted following the executive session.

C. Bult made a motion at 8:24 p.m. to adjourn the executive session. Seconded by C. Rex.

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

## **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 01/13/22 Town Board meeting at 8:24 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk