

**DATE:** JANUARY 27, 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:** CHRISTOPHER LANGLOIS, ESQ.  
**COMPTROLLER:** PAUL HARTER  
**OTHERS PRESENT:**

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Supervisor Peter called the January 27, 2022 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Briefing of Resolution**

S. Peter summarized the resolutions on the agenda. He noted that resolutions 2022-086 and 2022-087 would amend previous resolutions and resolution 2022-088 pertained to the public hearing to take place at 7:05 p.m. regarding Greendale Solar. He asked P. Harter to explain the amendment for resolution 2022-087. Mr. Harter explained that the final invoice for William Ryan, Esq. (Special District Counsel) had been received and was \$150.00 over the budgeted amount of \$7,500.00. He said the resolution was necessary to allow the bill to be paid.

### **Discussion Items**

S. Peter informed the board that the memorandum of agreement with CSEA, with regard to B. Brahm and L. Perez had been signed and the agreement with Dunkin Donuts had been updated by Atty. Ryan. C. Swartz asked if the new system was up and running. S. Peter said yes and added that the issue with the pH had been resolved. Per the agreement, the town would be allowed to test the effluent.

S. Peter said that resolutions pertaining to the following topics would be on the next agenda: renewal of the copier agreements for the town clerk and justice court, the scheduling of a public hearing regarding the extension of water for homes to be constructed at the Old Post Road Golf Course, the approval of the list for the Castleton Ambulance LOSAP program and the reimbursement to Charter Communications for franchise fees. With regard to Charter Communications, he felt it would be a good time to reopen the conversation regarding the expansion of services to areas of the town without service. C. Swartz asked if the agreement had expired. S. Peter said yes; however, the old agreement was still being used.

**Public Comment (Resolution Only):** None.

**Public Hearing  
Proposed Local Law 1-2022  
Planned Development District – Green Dale Solar**

C. Bult made a motion to open the public hearing for proposed local law #1-2022 to order at 7:06 p.m., seconded by C. Swartz. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

The Town Clerk summarized the Affidavit of Publication seeking 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. The legal notice was posted on the Town Clerk's signboard and the Town's website on January 14, 2022 as well as published in *The Record* on January 17, 2022.

S. Peter asked for any public or board comment. None were received.

Hearing no comments, C. Swartz made a motion to close the public hearing at 7:07 p.m., seconded by C. Rex. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

**Adoption of Resolutions:**

The resolution voted upon reflects 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. 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:**

**2022-086)** Amend resolution 2022-083 as adopted on January 13, 2022 for clarification as follows: 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, at the calculated an hourly rate based on the annual salary of the Sole Assessor position as set forth in resolution 2021-290, to be effective January 18, 2022. [as recommended by HR]  
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. Swartz:

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

**2022-087)** Amend resolution 2021-050 as adopted January 14, 2021 to increase the not to exceed amount by \$500.00 as follows: Pursuant to professional services agreement dated January 6, 2021, appoint Tabner, Ryan and Keniry, LLP as Special District Counsel and based on per hour fee schedule as follows: Partners \$275.00, Associates \$170.00 and Paralegals \$95.00. This authorization shall not exceed ~~\$7,500.00~~ \$8,000.00 without further board approval.

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. Kenney:

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

**2022-088)** **WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on May 27, 2021 at 7:15 p.m. at the Schodack Town hall to hear all interested parties to amend the Zoning Map of the Town of Schodack, County Route 32, Tax Map Parcel No. 227.-1-7, and

**WHEREAS**, the Town of Schodack approved and filed Local Law No. 3 of 2021 creating the Green Dale Solar Planned Development District, PD-2, with New York State on June 4, 2021. The Applicant has since revised the site plan and submitted an amended site plan and amended PD-2 district application to the Town Planning Board and Town Zoning Board of Appeals; and

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on January 27, 2022 at 7:15 p.m. at the Schodack Town hall to hear all interested parties to amend the Zoning Map of the Town of Schodack, County Route 32, Tax Map Parcel No. 227.-1-7; and

**WHEREAS**, the Town of Schodack Planning Board provided notice to the Town Board of its intent to serve as the lead agency for the purpose of a coordinated SEQR review and the Town Board hereby confirms that it did not object and that the Town Board is an involved agency. The Planning Board, as the lead agency, adopted a negative declaration at the October 4, 2021 Town Planning Board meeting, and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's Sign Board on January 14, 2022 and advertised in the January 17, 2022 edition

of THE RECORD, official newspaper of the Town, and was posted on the official sign board of the Town of Schodack on January 14, 2022, and

**WHEREAS**, said public hearing was held on January 27, 2022, at 7:15 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 proposed amendment of the Zoning Map or any part thereof,

**WHEREAS**, the Town Board of the Town of Schodack, after due deliberation finds that it is in the best interest of Town to adopt said amendment,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Schodack hereby confirms the negative declaration issued by the Town Planning Board, which said Planning Board is acting as lead agency for the purposes of a coordinated SEQR review.

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Schodack hereby adopts the amendment of the Zoning Map of the Town of Schodack relating to a portion of Tax Map Parcel No. 227.-1-7, to amend the PD-2 (Planned Development) in accordance with Planning Board Site Plan File #2020-28 Green Dale Solar Farm, for the purpose of a solar farm located off County Route 32 in the Town of Schodack and partially located in the Town of Kinderhook. Said amendment repeals Local Law 3 of 2021 and is adopted as Local Law 1 of 2022.

**BE IT FURTHER RESOLVED**, that the Director of Planning and Zoning is hereby directed to file the amended and approved Site Plan with the County Clerk's office for the purposes of amending the Town Zoning Map.

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

### **Discussion Items Continued**

**Park:** S. Peter informed the board of an opportunity for shared services with Rensselaer County to maintain a park located on property formerly owned by Fort Orange, off Brookview Road. The property is owned by the county; however, they do not have park staff that could maintain the area. Under the shared services agreement, the county would contribute \$30,000.00 for Town Park Employees to assist in said maintenance. He suggested that the current Park Manager be increased to Full-time status so he can work year-round to maintain the two parks and other town properties. C. Bult noticed that the agreement was only for 2022 and asked if they should consider a multi-year agreement to ensure that the position can maintain a full-time status. S. Peter said he would speak with the county officials regarding a longer-term contract. C. Bult felt it would be best to ensure stability for the park manager.

**Police Van:** S. Peter noted that whereas it has been a customary to auction off surplus vehicles, he felt that the 2002 Chevy Van from the Police Department may be useful for park

activities and asked the board to consider transferring it to that department.

**Park Activities:** S. Peter expressed interest in expanding the Music in the Park events at the Park Pavilion to include a few dates in August. He also recommended hosting activities for families such as movies in the park to be held on an evening. In order to facilitate this, a projector and screen would need to be purchased. C. Swartz, C. Rex and C. Kenney were all in agreement. C. Bult asked the status of the handicap swing that was proposed to be installed by the girl scouts. S. Peter said he had spoken to D. Kelly who confirmed that the parkland funds had been earmarked; however, the model of swing, to be compatible with the rest of the playground, was not available due to a supply chain issue. D. Kelly was looking into other suppliers and would put a proposal together once more information was found.

**Police Union Contract:** S. Peter said, as this was one of two contracts which would be expiring in 2022, he felt it would be proactive to contact both unions to begin negotiations.

**Open Positions:** S. Peter said he would be conducting interviews for the Building Inspector and Assessor positions. He noted C. Swartz would be sitting in on the interviews.

**Town Survey:** S. Peter recommended, with the potential for development within the town, that the board consider sending out a survey to residents regarding services currently offered by the town and obtaining suggestions for future services.

**Town Newsletter:** S. Peter mentioned that the Village of Castleton and Town of Brunswick would periodically send a mailer out to residents informing them of upcoming town events and services. He felt this would be a beneficial service for the residents of Schodack, perhaps beginning in 2023 when funds could be secured.

**Zoning Code:** S. Peter noted that all board members had received a copy of the proposed amendments to the zoning code and asked how each member would like to review said amendments, in whole or in sections. C. Swartz felt it would be best to break the review into sections as more would be accomplished. He recommended a representative from Laberge also be present to answer any questions. S. Peter agreed. C. Rex asked that a calendar be constructed for zoning meetings to show an end goal. All board members agreed.

**Ethics Policy:** S. Peter noted that updates had been made to the Ethic Policy to clarify the language and asked if any board members had any further recommended changes, to please submit them so they could formally adopt the new policy.

**Sewer Expansion:** S. Peter said C. Kenney and he had met with the Village of Castleton regarding the expansion of sewer down Route 9. One main concern was the limited capacity for the Castleton Sewer Plant which opened conversations with Rensselaer County regarding a potential County-Operated Sewer Plant. Further planning and engineering would be necessary to determine the feasibility.

**General Environmental Impact Statement (GEIS):** S. Peter explained that the Rensselaer County IDA would be holding a public hearing on February 15, 2022 at 7:00 p.m., at the Schodack Town Hall, regarding a draft GEIS for the Schodack I-90 Corridor.

## **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 01/27/22 Town Board meeting at 7:28 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk