

DATE: JUNE 23, 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. (*Arrived at 6:55 p.m.*)

COMPTROLLER:

OTHERS PRESENT: BRIAN BRAHM, INTERIM HIGHWAY SUPERINTENDENT
LARRY PEREZ, ASSISTANT TO THE INTERIM HIGHWAY
SUPERINTENDENT
DAWNE KELLY, ASSISTANT TO THE SUPERVISOR
JOHN HOURIGAN, CHIEF OF POLICE
FRANK CURTIS, TEMPORARY ASSESSOR

Supervisor Peter called the June 23, 2022 Town Board Meeting to order at 6:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Highway Garage Meeting

Mini Excavator: B. Brahm informed the board of his desire to purchase a Kubota Mini Excavator from Abele Tractor and Equipment, under the Rensselaer County Contract, at a cost of \$62,000.00. The cost would include the purchase of an additional one-foot bucket (\$1,000.00). He explained that the excavator would be beneficial for any ditch or trenching projects within the town. He had inquired with Abele regarding using the Grader as a trade to offset the cost of the excavator; however, they would only offer \$14,000.00. He noted that a resident had offered \$50,000.00 for the Grader, so long as it would start. C. Rex asked if there was a way to estimate the value of the Grader. B. Brahm said he had researched auction sites but none were selling graders. He did further research on the internet by entering the specifications of the machine and found an estimated value of \$45,000.00 to 50,000.00. He felt the reasoning for the low trade-in from Abele was the limited market for Graders. C. Bult recommended placing the Grader on Auctions International and use \$14,000.00 as a minimum bid. B. Brahm said, if they placed the Grader in the auction, he hoped that it would sell for a minimum of \$25,000.00. He asked if the price was lower than the \$25,000.00, could the bid be rejected. S. Peter said he was not sure. He added that fund balance or capital reserve funds could be potentially used to cover the cost of the excavator.

Heating System: B. Brahm explained that he had been in contact with Emcor Services Betlem regarding issue with the heating system. Upon examination of the system, they

determined that four valves needed to be replaced at a cost of \$10,000.00. Mr. Brahm felt the estimate was too expensive and was considering contacting Family Danz for a second opinion. C. Swartz asked what issues they were having. B. Brahm said the radiant heating system was designated into zones which could be set to different temperatures, via a computer control panel. On occasion, some zones, such as the bathroom, would not shut off and constantly heat the area until it was steaming hot. C. Rex asked if the control panel was the main issue. B. Brahm said potentially as it may need a software update.

Phone System: B. Brahm said they had encountered an issue, many times, when attempting to return a call from a resident with a 518 area code. The call could not be completed. As he preferred to not use his personal cell phone to call the resident, he was forced to come to the Town Hall to return the call. He asked the board to consider expediting a replacement of the phone system so that they had a reliable way to communicate with residents.

Proposed Improvements and Upgrades: B. Brahm explained that mechanics serviced the garage doors by lubricating the rollers and repairing arms which saved the town a considerable amount of money. He noted that the bottoms of the doors and pillars were beginning to rust which would need to be addressed soon. He had investigated coating the pillars with POR-15 which would seal the rust and protect the pillars. L. Perez added that the floors needed to be pitched as they allow water to stand and not drain into the floor drains. He also recommended pouring concrete for supports in any future structures to reduce the metal exposure to water. C. Bult noticed that the floors could use a refinish and asked when they had been last epoxied. B. Brahm was unsure but agreed that they needed refinishing. He also recommended that grit be added for traction as the floors would get very slippery during the winter.

B. Brahm recommended extending the pole barn by two to three bays to allow more equipment to be stored out of the elements. He said, currently, there were two tractors stored in the pole barn for the winter. These tractors would block the road signs, requiring them to be moved to access those signs if needed. If the pole barn was extended, the backhoe could be placed under cover as well.

C. Bult recommended, when the remaining International Terrastar Quad Cabs Trucks came up for replacement, they be replaced with four-wheel drive vehicles. B. Brahm agreed as the two-wheel drive made it difficult in certain instances.

Water Tower – Town Hall: B. Brahm expressed concern that the Ross Valve Pit at the water tower had no shut-off valve. His concern arose from an incident over the winter where he was unable to shut off the water to repair a line. He had spoken to Ross Valve who said there was adequate room in the pit to add a bi-pass for the shut-off. He was currently waiting on a quote for installation. C. Swartz recommended scheduling routine opening and closing of the valve to prevent rusting. B. Brahm agreed.

Road Conditions – Clove and Western: B. Brahm said he had his crew seal cracks on Clove and Western Road as well as address any erosion on the shoulders. He noted that they were noticing reoccurring sinking on Clove Road which adding pavement was not resolving. D. Kelly asked if there was a risk of sliding on the slopes along side the roads. B. Brahm said he was not aware of any risk as the trees held the slopes well.

Road Striping: C. Rex asked if they were moving forward with the road striping. B. Brahm said he had rode with Valley Paving to measure Bunker Hill, Miller and Sunset Road and was awaiting their quote. He was also looking into other companies for quotes as well.

C. Swartz made a motion at 6:45 p.m. for a brief recess of the meeting to allow all members and attendees to relocate to the Town Hall for the Town Board Workshop. Seconded by C. Bult.

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

C. Bult made a motion to resume the Town Board Workshop at 7:00 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.

S. Peter asked the board to consider resolution 2022-214 regarding the appointment of Brian Chapple as Full-time Police Officer for the Town of Schodack.

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. 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:

2022-214) All Civil Service requirements having been met for the position of Police Officer, the Town hereby appoints Brian Chapple to the position of full-time Police Officer effective July 5, 2022 at 1st year level salary as set forth in the Collective Bargaining Agreement between the Town of Schodack and Schodack Police Department, United Public Service Employees Union (UPSEU) dated January 1, 2020 through December 31, 2023.

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

S. Peter read the following statement:

“Recently the Department canvassed the Rensselaer County Civil Service List for Police Officers. A key factor in our search was selecting a candidate that has demonstrated a strong work ethic throughout their working years. The demands we place on our Police Officers require a high level of commitment to the profession and a strong work ethic [which]

is key to their success. Over the last several months Brian has demonstrated a tremendous work ethic and commitment to the law enforcement profession. Brian has been attending the Ulster County Police Academy at his own expense and working a full-time job at the same time. This has meant long commutes and even longer days and nights pursuing his goal of becoming a Police Officer. Brian will graduate Phase 1 of the Police Academy on July 5 and continue to phase 2 as a Schodack Police Officer. Following three weeks of training, Brian will begin his field training here in Schodack. We are very pleased that among several agencies, Brian has chosen to join us here in Schodack. His willingness to accept the challenges of a career in law enforcement and demonstrated commitment to realizing that goal will surely be reflected in his work and commitment to our community.”

S. Peter invited Mr. Chapple to come forward to take his oath of office. A brief pinning ceremony followed.

S. Peter asked for a five-minute recess. A motion was made at 7:01 p.m. to grant the recess by C. Swartz, seconded by C. Kenney.

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

C. Rex made a motion at 7:06 p.m. to come out of recess, seconded by C. Bult.

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

Review of Resolutions

S. Peter gave a brief overview of the resolutions on the agenda. He noted that amendments were needed for the employment roster for the 2022 Schodack Summer Camp (2022-215). For resolution 2022-216, the Supervisor explained that an issue had arose regarding solids entering the sewer system from a commercial tenant. The intent of Proposed Local Law 4-2022 would be to step up examination of the pumps and take necessary action upon further issue. Regarding resolution 2022-217, S. Peter stated that in order for an application to be submitted for a grant relating to the Local Waterfront Revitalization Program (LWRP), it was necessary to concur with the re-appointment of Robert Mello as Chairman of the LWRP.

Board/Public Comment: None.

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. 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:**

- 2022-215)** Amend resolution 2022-209 as adopted on June 9, 2022 to add additional staff for Summer Camp as follows:
Authorize the following Town of Schodack Day Camp employees for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:
Assistant Director: Madeline Gibney
Counselors: Jake Tucker, Gabe Tucker and Chelsea Skarzynski
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:**

- 2022-216)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on Proposed Local Law No. 4 of 2022 Amending Chapter 174 entitled Sewer Regulations in the Town of Schodack. Said hearing to be held on Thursday, July 14, 2022 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, 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:**

- 2022-217)** Re-appoint Robert Mello to three-year terms to expire on December 31, 2024, as member of the Local Waterfront Revitalization Program Consistency and concur with the Village of Castleton-on-Hudson that Robert Mello is the Chair.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. Noes – 0.

Discussion Items

Board of Assessment Review (BAR) Vacancy: F. Curtis explained that, based upon his employment with the town, it was his vision for the members of BAR to represent different professions including Farming, Business, Real Estate and Legal. As of 2022, P. Moldoff had retired leaving a vacancy. Mr. Curtis noted that BAR had never had a volunteer firefighter and as one portion of determining the valuation of a property is based upon construction, he felt it would be beneficial to consider such an applicant. He said he had spoken to P. Schweigert, member of the East Schodack Fire Company and the Fire Investigation Team for Schodack, who expressed interest. C. Rex thanked Mr. Curtis for his recommendation but felt it would be best to advertise for the position to solicit other interested applicants.

Local Waterfront Revitalization Plan (LWRP): S. Peter noted that he had received interest from applicants to fill the vacant seats in the LWRP and asked board members to submit any additional names for consideration.

Assessor's Office Updates: F. Curtis informed the board that, following the grievance period, thirty applications had been submitted, twenty stipulations had been approved and only one claim was filed. This claim, which was for Guns Inc. at 1940 US 9, was ultimately dismissed via board decision as the representative failed to attend the meeting. Upon further discussion, it was determined that the representative was on vacation and once they received the board decision, they contacted Vincelette Law Firm (who represents the Town on assessment concerns) to reach a settlement. The initial request from Guns Inc. was a reduction from \$145,000.00 to \$75,000.00. Following a back-and-forth dialogue between the two attorneys, the assessment of the property was agreed upon at \$130,000.00. He noted that the Vincelette Law Firm was requesting a consensus from the board to approve the settlement and have a resolution set for the July 14th meeting. S. Peter and C. Bult agreed that whereas it would be better to obtain a higher assessment, they needed to consider the cost for added litigation and felt the \$130,000.00 was acceptable. All other board members concurred. Atty. Langlois asked, as the claim had been ongoing since 2020, if the settlement would resolve the previous years. Mr. Curtis said yes.

S. Peter informed the board that Mr. Curtis was nearing the end of his six-month term and asked them to consider bringing him on as a consultant to assist B. Morgan, Sole Assessor, as he completes his required training. He thanked Mr. Curtis for all the work he done thus far.

Retirement of Officer Miller: S. Peter stated that Officer Miller would be retiring, effective in July, and wished him luck on the next chapter of his career. A proclamation would be placed on the next agenda.

Open Positions – Justice Court: S. Peter said he was working with K. Joiner, Human Resources Manager, to adjust the job descriptions, based upon recommendations from the Town Judges to ensure compliance with civil service, for the two court clerks who would be retiring within the next year. Potentially, the Town would be eligible to hire said clerks under the Non-Competitive class from Rensselaer County. It would be up to the board to consider when to post for both positions.

On-Going Discussion Items

Park Updates: D. Kelly informed the board that they were encountering a supply issue regarding the acquisition of the all-inclusive swing. She said the only available swing was a platform-based model which did not appear to be safe. The model that was out of stock, had a major limitation as, due to the weight and mechanics of the swing, it had to be enclosed by a fence and locked. This would not make it inclusive. She had researched other swing types and found a unit, called a Go Swing, that would allow a wheelchair and another rider to use simultaneously; however, the cost was excessive at almost \$80,000.00. She recommended looking into potential grants to purchase the Go Swing as parkland funds were limited.

S. Peter note that the small library had been completed and remarked at the wonderful craftsmanship of the box. He said the library had been delivered to the park, along with a post for hanging and a site had been selected for installation to the left of the bridge on the pavilion side of the creek. He mentioned that there was a dead tree located near the site of the small library and asked B. Brahm to have the Highway Crew evaluate the tree for removal.

S. Peter said he was working with members of the Youth Advisory Committee regarding movie night at the town park and was obtaining pricing for outdoor projectors. He asked for a threshold that the board was comfortable in spending as the current costs ranged from \$700.00 up to \$2,000.00. C. Swartz asked how much money was in the parkland fund. S. Peter was not sure of the amount and cautioned that there was ongoing discussion on whether the funds could be used to make the purchase.

Ethics Committee Members: S. Peter said Judge R. Mullahy had expressed interest in serving as the elected official on the board. He had drafted the amended Ethics Code during his tenure as Town Attorney and wanted to see it through. Other interested individuals were J. Gibbons, S. VanNederynen and M. Spar. C. Rex said she also had interest from J. Lauer; however, Ms. Lauer was waiting from authorization her employer (New York State).

American Rescue Plan Act (ARPA) Funds: S. Peter reminded the board to submit suggestions for allocation of ARPA funds and said he was looking into the progress for the plans to rebuild the bridge into the well fields.

Union Contracts: S. Peter said the Police Union was still determining their negotiation team and he had reached out to T. Goodall who is the Union President for the Highway Department. He informed Mr. Goodall that they board was prepared to enter into negotiations for the contract renewal.

Filled and Open Positions: S. Peter welcomed B. Morgan as Sole Assessor and thanked Rensselaer County for their shared service to create a smooth transition for Mr. Morgan. He noted that the Highway Superintendent, Planning & Zoning Director, and Assistant to the Assessor and Court Clerks (2) positions were still open.

Update of Zoning Code: S. Peter stated that all board members had reviewed the proposed changes for zoning and they were currently waiting on Laberge to move forward with the next step of the review process. He said Laberge had suggested holding public hearings throughout the review process rather than at the end to allow for additional public comment to address issues and concerns along the way.

Route 9 Water/Sewer Infrastructure Updates: S. Peter said he was working to set up a meeting with J. Gordon from Rensselaer County to review the infrastructure upgrades. He noted that the site work was on going and the water infrastructure project would be going out for bid soon.

Household Hazardous Waste (HHW) Day – July 30th: S. Peter mentioned that when the City of Troy hosted a HHW event, they handed out reusable grocery bags to all individuals. He felt it would be advisable for Schodack to do the same as it would allow for MS-4 material to be handed out, fulfilling a requirement for reporting. He had asked B. Goodall, Director of

Transfer Station Operations, to obtain pricing for the bags which were found to be \$800.00 for 500 bags. He said it was not mandatory that they have handouts but it was good public relations for the town. He noted that seed packets were another option for a handout. D. Kelly informed the board that the registration site was live and a link to the site was on the town website. She added that she was receiving a list weekly to verify that the individuals who are signing up for the town are indeed residents.

Building Department Vehicle: S. Peter advised that a decision was needed to determine if the Police Tahoe was worth repairing. The quote for repair from Chuck Scott Auto was approximately \$3,000.00. He noted that the Ford Escape was no longer a safe vehicle and needed to be retired. C. Bult recommended exploring the option of purchasing an electric vehicle and obtaining grants for charging stations. S. Peter felt it was a good suggestion, but it would be better to decide to purchase a new vehicle or repair the Chevy Tahoe. C. Swartz, C. Bult and S. Peter were in favor of the repair. C. Swartz asked how quick the repair could be done. S. Peter said Chuck Scott was very accommodating. He hoped it would be completed as quick as possible.

Phone System: S. Peter said he had not received a new quote for an on-premise phone system at the Highway Garage but he was advised by the sales representative that the old quote price would not change. As they had already paid sixty percent of the cost, it would only cost approximately \$2,400.00 for the installation. C. Swartz said he was not in favor of purchasing a new town wide phone system. S. Peter said he was in favor of moving forward with the Highway Department Phone System only.

Rail Lane – Perry Way: S. Peter said he was working with Amtrak to install a gate to prevent individuals from parking along Perry Way and crossing the tracks.

Second Floor Carpeting: D. Kelly said the resolution to approve the purchase of the second-floor carpeting needed to be amended as the quote did not include the cost for glue or the five percent over-run that is included. A plan was needed for the installation of the carpet. The options were to have S. Larson and K. Konig install or hire an outside entity.

Elevator: C. Bult asked the status of the elevator upgrade was. D. Kelly said they had received a quote from Schindler but needed the approval to complete the work and to set up a time as the unit would be out of order. The Town Clerk mentioned that a Request for Proposal (RFP) had been requested and she was currently working with Atty. Langlois to draft said proposal.

Executive Session

C. Bult made a motion at 7:43 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.

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

C. Rex made a motion at 8:34 p.m. to adjourn the executive session. Seconded by C. Bult.
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 06/23/22 Town Board meeting at 8:34 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

**THIS
PAGE
INTENTIONALLY
LEFT
BLANK**