

**DATE:** MARCH 9, 2023

**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  
TRACEY REX

**MEMBERS ABSENT:** SCOTT SWARTZ

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

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

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Supervisor Peter called the March 9, 2023 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. C. Swartz was absent.

### **Briefing on Agenda**

S. Peter summarized the resolutions. He noted that all correspondence from the Planning Board and Rensselaer County was positive for the zoning amendment, allowing the board to move forward with passing the local law (2023-122). For resolution 2023-124, he explained that the placement of the water tank was within a agricultural district, requiring certain conditions to be enacted. All other resolutions were self-explanatory.

**Board Comment:** C. Bult asked if a copy of the audit and/or findings had been sent to the board. S. Peter said P. Harter informed him that the audit was clear with no issue found. D. Kelly mentioned that the findings would have been emailed to the board at the end of last week.

**Public Comment:** None.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #23-0319 to 23-0413 on Abstract No. 2023-03 in the amount of \$819,117.26, including the claims paid (\$28,197.05) 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 A WITHDRAWN resolution is so noted and italicized.**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. 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:**

**2023-122**     **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 February 23, 2023 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 5 of 2023 Amending **Chapter 219 § 99(A)(1)** entitled **Nonconforming uses in the Town of Schodack, and**

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's Sign Board on February 13, 2023 and advertised in the February 13, 2023 edition to THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on February 23, 2023 at 7:05 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 local law or any part thereof, it is hereby

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 5 of 2023 (P5-2023) to be known as Local Law ~~2~~ 4 of 2023 Nonconforming uses in the Town of Schodack, and

**BE IT FURTHER RESOLVED**, that the Town Clerk, be and is hereby directed to enter said local law into the Code of the Town of Schodack and to give due notice to said local law to the Secretary of State.

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

C. Rex 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:**

**2023-123**     Authorize Brian Brahm and Charles Halvax, Water Operators, to attend 44<sup>th</sup> Annual New York Rural Water Association's Technical Conference, May 22<sup>nd</sup>

through May 24<sup>th</sup> at the Lake Placid Conference Center, Lake Placid, NY. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2022 adopted Town Budget, with are estimated cost of \$1,316.00.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, 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:**

**2023-124** The Town of Schodack imposes the following conditions, on the management of water/sewer lines located along water main from Graw Road travelling east through the lands of Kristina Macyowskie and Scott Simpson within an agricultural district, maps of which are attached to this resolution showing the boundaries of the agricultural district in relation to the parcels indicated:

- (1) The only land and/or structures which will be allowed to connect to the proposed waterline or sewer within an agricultural district will be existing structures at the time of construction, future agricultural structures, and land and structures that have already been approved for development by the local governing body prior to the date of filing of the Notice of Intent by the municipality.

Land and structures that have been approved for development refer to those properties/structures that have been brought before a local governing body where approval (e.g., subdivision, site plan, special permit) is needed to move forward with project plans and the governing body has approved the action. If no local approval is required for the subdivision of land and/or the construction of structures, the municipality accepts the limitation under Public Health Law §1115 that defines a “subdivision,” in part, as “any tract of land which is divided into five or more parcels.” Water and/or sewer service will not be provided to more than a total of four residences, buildings and/or structures on any tract of land which has been divided into parcels after the date of filing of the NOI by the municipality, where no local approval is required and the land is located within a county adopted, State certified agricultural district.

- (2) If a significant hardship can be shown by an existing resident, the lateral restriction to the resident’s property may be removed by the municipality upon approval by the Department. It is the responsibility of the resident landowner to demonstrate that a hardship exists relative to his or her existing water supply or septic system and clearly demonstrate the need for public water or sewer service. The municipality shall develop a hardship application to be filed with the

municipality, approved by the County Department of Health, and agreed to by the Department of Agriculture and Markets.

- (3) If it can be demonstrated to the Department's satisfaction that the landowner requested the county to remove his or her land from an agricultural district at the time of district review and the county legislative body refused to do so, lateral restrictions may be removed by the municipality if the Department determines that the removal of the restriction for the subject parcel(s) would not have an unreasonably adverse effect on the agricultural district.
- (4) If land is removed from a county adopted, State certified agricultural district and the district has been reviewed by the county legislative body and certified by the Commissioner for modification, lateral restrictions imposed by the municipality are no longer in effect for the parcels of land that have been removed from the agricultural district.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, 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:**

**2023-125** **WHEREAS**, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

**WHEREAS**, notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board, and

**WHEREAS**, the Town of Schodack has on the 27<sup>th</sup> day of February, 2023 received notice that Thomas Choquette, operating manager of the business known as Olde Post Golf Club is applying for an on-premises liquor license, and

**WHEREAS**, the Town Clerk circulated a notice of said application to the Schodack Town Board, the Schodack Police Department and the Schodack Building Department and no adverse comments or recommendations of any kind were received,

**WHEREAS**, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) days notice of the pending liquor license

application unless the municipality consents to waive this thirty (30) day requirement;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Schodack, that with respect to the application submitted by Ryan Hoffman doing business as Olde Post Golf Club at 92 Schuurman Road, Schodack, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Schodack Town Board does express a favorable opinion, and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Schodack hereby waives the thirty (30) day notice period in regard to Olde Post Golf Club at 92 Schuurman Road, Schodack, New York allowing an earlier submission of the liquor license application.

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

**2023-126** Authorize Supervisor Peter to contract with musicians to perform at the 2023 Music in the Park as follows:

Gone Grey	May 30 <sup>th</sup> (rain date 5/31/23)	\$500.00
Peaceful Country Band	June 6 <sup>th</sup> (rain date 6/7/23)	\$575.00
Triskele	June 13 <sup>th</sup> (rain date 6/14/23)	\$950.00
Eric Peter Band	June 20 <sup>th</sup> (rain date 6/21/23)	\$800.00
Yankee Doodle Band	June 27 <sup>th</sup> (rain date 6/28/23)	\$600.00
Kyle Bourgault Band	August 1 <sup>st</sup> (rain date 8/2/23)	\$800.00
Jarrold	August 8 <sup>th</sup> (rain date 8/9/23)	\$500.00
Sundown Express	August 15 <sup>th</sup> (rain date 8/16/23)	\$500.00

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex. Noes – 0. C. Peter abstained due to his relation to one of the performers.

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:**

**2023-127** **WHEREAS**, the Town Board delegated its annual auditing responsibilities pursuant to Section 123 of Town Law to the Town Comptroller, and

**WHEREAS**, the Town Comptroller performed the audit in accordance with the guidelines provided by the New York State Office of the State Comptroller as

published in the Local Government Management Guide – Fiscal Oversight Responsibilities,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board accepts the audit report submitted for Justice Court for the fiscal year 2022.

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

C. Bult 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:**

**2023-128** Appoint Bridget Baptiste as Sub-Registrar of Vital Statistics pursuant to Section 4122 of the Public Health Law at salary set forth in resolution 2022-352.

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

**2023-129** Authorize wing-persons that have worked twelve (12) consecutive hours to receive up to twenty (\$20.00) dollars meal allowance with receipt, or eight (\$8.00) dollars without receipt. Additionally, in the event that a wing-person is called in on the weekend or on a holiday, s(he) shall receive the above-entitled meal allowance after six (6) hours.

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

C. Bult 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:**

**2023-130** Authorize Debra Curtis, Town Clerk, to attend the annual New York State Town Clerk's Association Conference in Syracuse, New York, April 23 through April 26, 2023. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2023 adopted Town Budget, which are estimated to be \$1,136.09, as budgeted [A1410.4]

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

- 2023-131** Authorize Town Clerk to publish a notice for a public hearing to seek public comment on Proposed local law No. 7 of 2023 to establishing a moratorium for Battery energy storage systems in the Town of Schodack. Said hearing to be held on Thursday, March 23, 2023 at the Schodack Town Hall at 7:15 p.m.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, C. Peter. Noes – 0.

C. Rex 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:**

- 2023-132** Authorize Supervisor Peter to execute and administer the Intermunicipal PILOT Agreement for payments in-lieu of taxes on real property that contains Solar energy system by and between the Town of Schodack, Rensselaer County, Schodack Central School District and Green Dale Solar, LLC County Route 32.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, C. Peter. 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:**

- 2023-133** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #23-0319 to 23-0413 on Abstract No. 2023-03, in the amount of \$819,117.26 including the claims paid \$28,197.05.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, C. Peter. Noes – 0.

S. Peter 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:**

- 2023-134** Authorize the February 2023 budget modifications, interfund loans and interfund transfers as provided in document dated March 2023 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

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**Fund/**

	Department #	Fund / Department Name	Increase	Decrease
<b>2023</b>				
<b>1</b>	A-960-1620.1000	Buildings - Personal Services	15,000.00	
	A-960-1990.4000	Contingency - Contractual		15,000.00
	To modify the budget for Park Manager work at Town Hall for 2023			
<b>2</b>	A-960-1950.4000	Tax on Municipal Property - Contractual	267.08	
	A-960-1990.4000	Contingency - Contractual		267.08
	To modify the budget for 2023 tax refund to Criswall - SWC1 Unable to provide water			
<b>3</b>	A-960-3120.1012	Police Grant - PTS	139.75	
	A-509-4320.9999	Federal Aid Public Safety	139.75	
	To modify the budget for PTS grant awards			
<b>4</b>	A-960-7110.1001	Parks - Rensselaer County Work	245.30	
	A-960-7110.1000	Parks - Personal Services		245.30
	To modify the budget for Park Manager work at RensCo Park			
<b>5</b>	B-960-1910.4000	Unallocated Insurance - Contractual	247.09	
	B-960-1990.4000	Contingency - Contractual		247.09
	To modify the budget for increased Town insurance costs per Town Clerk			
<b>6</b>	B-960-9055.8000	Disability Insurance - Benefits	0.77	
	B-960-1990.4000	Contingency - Contractual		0.77
	To modify the budget for 2023 disability insurance premium			
<b>7</b>	DB-960-5130.1400	Machinery - Police Work	397.32	
	DB-960-5130.1000	Machinery - Personal Services		397.32
	To modify the budget for snow and work on Department vehicles			
<b>8</b>	DB-960-5130.2000	Machinery - Equipment	6,957.72	
	DB-960-5130.4000	Machinery - Contractual		6,957.72
	To modify the budget for increased price of Dump Truck purchase			
<b>9</b>	DB-960-5140.1351	Brush & Weeds - OT W/S Work	80.55	
	DB-960-5140.1000	Brush & Weeds - Personal Services		80.55



To modify the budget for Flanders work at SS8 with Halvax

### BUDGET MODIFICATIONS

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2023</b>				
<b>10</b>	EW-960-1910.4000	Unallocated Insurance - Contractual	481.00	
	EW-960-1990.4000	Contingency - Contractual		481.00
	To modify the budget for increased Town insurance costs per Town Clerk			
<b>11</b>	SS6-960-8130.1008	Sch Ctr Sewer - Dunkin Donuts Overtime	-	
	SS6-960-8130.4008	Sch Ctr Sewer - Dunkin Donuts Contractual	3,948.29	
	SS6-960-9030.8008	Sch Ctr Sewer - Dunkin Donuts Social Security	-	
	SS6-960-9060.8008	Sch Ctr Sewer - Dunkin Donuts Benefits	2.24	
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	3,950.53	
	To modify the budget for reimbursement of Dunkin Donut expenditures - Koester I# 017517			
<b>12</b>	SW1-960-9040.8000	Workers Comp - Benefits	500.00	
	SW1-960-9040.8009	Workers Comp - Supply Benefits		500.00
	To modify the budget for Workers' Compensation premium based on salary history			

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

### **Open Discussion**

**Audio Video:** S. Peter said he had met with a representative from the Audio-Video Corporation regarding the set up for movies in the park. Thankfully, the representative is a resident of the town, which was beneficial for any future assistance with the system. Based upon the recommendations, he said he would be requesting additional equipment purchases. As it stood, two events were projected for May and two for late summer/early fall.

### **Executive Session**

C. Rex made a motion at 7:08 p.m. to enter into an Executive Session of the Board pursuant to Public Officers Law, Article 7 §105(1-f) to discuss personnel matters. Seconded by C. Kenney.

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

S. Peter noted no further business would follow the executive session.

C. Bult made a motion to adjourn the Executive Session at 7:30 p.m., seconded by C. Rex.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T.  
Rex, C. Peter. Noes – 0.

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/9/23 Town Board meeting at 7:31 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk