

**DATE:** SEPTEMBER 28, 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  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

**OTHERS PRESENT:** PERRY NATALE, POLICE CHIEF  
BRIAN BRAHM, HIGHWAY SUPERINTENDENT  
DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

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Supervisor Peter called the September 28, 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.

### **Executive Session**

C. Swartz made a motion at 7:00 p.m. to enter into an Executive Session of the board pursuant to Public Officers Law, Article 7, §105(1-f). Seconded by C. Rex.

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

C. Kenney made a motion at 7:11 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.

### **Public Hearing Community Development Block Grant 2021 Battisti Drinking Water Improvements**

C. Bult made a motion to open the public hearing for the Town of Schodack's current Community Development Block Grant (CDBG) project: 2021 Town of Schodack Battisti Drinking Water Improvements, NYS CDBG #1039PW29-21, funding amount \$1,250,000.00 at 7:12 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.

The Town Clerk read the Affidavit of Publication seeking public comment on the Town of Schodack's current Community Development Block Grant (CDBG) project: 2021 Town of Schodack Battisti Drinking Water Improvements, NYS CDBG #1039PW29-21, funding amount \$1,250,000.00. Said notice was posted on the Town Clerk's signboard, the Town's website and published in the local newspaper, *The Record*, on September 18, 2023.

S. Peter noted that the public hearing was required to update the progress of the infrastructure improvements for the Battisti Water District No. 10. He asked Erin Kinne, Senior Community Development Specialist with the Laberge Group, to lead the hearing. Ms. Kinne stated that the project was on schedule and on budget with a proposed completion date in mid-November. To date, all water mains have been installed and water meter and laterals have been started. She anticipated site restoration to be completed by October but understood that some areas would need additional attention in the Spring of 2024. S. Peter asked if the site restoration was limited to lawns only. Ms. Kinne said paving was also included. C. Rex asked if there was a website that residents could visit to check the status of the restoration, rather than calling the Town. Ms. Kinne said she was not aware of a website and recommended that they call her office or American Evergreen as they were also aware of the site restoration. S. Peter added that residents were welcome to contact his office.

B. Lapp of 1625 Van Hoesen Road alerted the board to a need for grading on the shoulder of Van Hoesen Road and ponding in areas that either did not have a prior issue or was now more serious with the construction. Ms. Kinne said she would inform the Engineer and American Evergreen of his concerns. Mr. Lapp added that, at a previous meeting, it was mentioned that the roads within the Battisti Water District would be repaved and asked if Van Hoesen Road was included. S. Peter said, as that was a county road, the town could not pave it; however, he would advocate for the county to move ahead with the paving.

Hearing no further board or public comments, C. Bult made a motion to close the public hearing at 7:18 p.m. Seconded by C. Kenney.

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

**Public Hearing**  
**Proposed Local Law 9-2023**  
**Extending the Moratorium for Battery Energy Solar Systems**

C. Swartz made a motion to open the public hearing for proposed local law 9-2023 at 7:18 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.

The Town Clerk read the Affidavit of Publication seeking public comment on Proposed Local Law No. 9 of 2023 (PLL9-2023) to extend the moratorium for battery energy solar systems in the Town of Schodack. Said notice was posted on the Town Clerk's signboard, the Town's website and published in the local newspaper, *The Record*, on September 18, 2023.

S. Peter explained that he was working with counsel to finalize the wording to be included in the town code regarding battery energy systems within the town; however, more time was needed. The proposed extension would be for another six months.

Hearing no board or public comments, C. Bult made a motion to close the public hearing at 7:20 p.m. Seconded by C. Kenney.

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

### **Review of Resolutions**

S. Peter summarized the resolutions on the agenda. He explained that the structure on Old Forge Road was in disrepair and in danger of falling into the road. Per town code, the Code Enforcement Officer will issue an order for the property owner to either stabilize or remove the structure. If the property owner does not comply, a public hearing will be held to allow the town to step in (2023-273). All other resolutions were self-explanatory.

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

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

**2023-267** Ratify and affirm appointing Pamela Barra-Harter as Police Department Clerk on a part-time basis (up to 30 hours per week) at the hourly rate of \$21.00 effective September 25, 2023.

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. Bult:

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

**2023-268** **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 September 28, 2023

at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 9 of 2023 **A Local Law Establishing A Six-Month Moratorium on Battery Energy Solar Systems within the Town of Schodack, and**

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's Sign Board on September 18, 2023 and advertised in the September 18, 2023 edition to THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on September 28, 2023 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 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 9 of 2023 (P9-2023) to be known as Local Law 7 of 2023 Battery Energy Solar Systems 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.

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:**

**2023-269** The Town Board authorizes the Comptroller to utilize up to \$7,500.00 of capital project funds from Water District No. 10 to pay WD#1 for transitional water costs incurred between September 1 and December 31<sup>st</sup>.

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. Bult:

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

**2023-270** **WHEREAS**, bids for: Route 9 South Water Improvements were received on September 7, 2023; and

**WHEREAS**, the Consulting Engineers, Laberge Engineering & Consulting Group Ltd., have submitted their report relative to their analysis of bids.

**NOW, THEREFORE, BE IT RESOLVED THAT** the recommendation of said Engineers be hereby accepted, approved and adopted; and

**BE IT RESOLVED THAT** the Route 9 South Water Improvements Project be hereby awarded to:

William J. Keller and Sons Construction, Corp.  
1435 Route 9, Castleton, New York 12033

in the amount of \$6,519,966.00 contingent upon a concurrent charge order being executed to modify pay items number 81 (8" valves) and number 88 (PRV #2); and

**BE RESOLVED THAT** the Town Supervisor is authorized to execute all documents required to execute the contract and concurrent change order to implement this project; and

**BE IT FURTHER RESOLVED THAT** the project may utilize American Recovery Plan Act (ARPA) funds to complete the project if necessary.

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:**

**2023-271** Authorize parking lot at town hall to be prepared, tack coated, shim and paved as per quote dated August 29, 2023 from HMA Contracting Corp. in an amount not to exceed \$87,090.00. (work to be completed on Saturday/Sunday as not to interrupt business traffic) A-1620.2

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:**

**2023-272** Appoint W. Gregory Gersch as a member of the Board of Assessment Review at salary as set forth in Year 2023 adopted budget. Term to expire September 30, 2028.

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. Bult:

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

**2023-273**     **WHEREAS**, the Town Building Inspector has reported to the Town Board that a building or structure known as Old Forge Road (Tax Map 201.12-2-6) should be removed; and

**WHEREAS**, the Town Board wishes to proceed pursuant to Chapter 99 of the Schodack Code, relating to Unsafe Buildings

**NOW, THEREFORE**, be it resolved that the Building Inspector shall, pursuant to §99-2(B) forward a notice with the particulars required therein to the owner, directing the owner to commence the removal of the buildings within 30 days and to complete such removal within 60 days; and it is further

**RESOLVED**, that a copy of this notice shall be filed in the office of the Rensselaer County Clerk, pursuant to the provisions of §99-2(D); and it is further

**RESOLVED**, that a hearing shall be held before the Town Board in this matter on November 9, 2023 at 7:05 p.m., to determine whether the owner has complied with such notice, and to take such other and further actions as may be authorized by Chapter 99.

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:**

**2023-274**     Authorize Supervisor Peter to execute and administer service agreement for the Police Station with ESCO Heating & Cooling Inc. for the period of August 1, 2023 to December 31, 2023 in an amount not to exceed \$500.00.

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:**

- 2023-275** Authorize Kerrie Joiner, Human Resource Manager to post internally the part-time position of Assistant Police Chief for the Town of Schodack and allow the Supervisor to advertise 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.

### **Library Presentation**

Library Directors Melissa Tacke (Castleton Library), Jill Dugas Hughes (East Greenbush Library) and Tracy Clague (Nassau Free Library) gave a shared presentation, highlighting the services offered by each library to the residents of Schodack and explaining their funding requests for 2024. Together, they conveyed their appreciation to the town board for their past support.

M. Tacke said that the Castleton Library offered many services to the residents of Schodack, including a story walk at both the Schodack Island State Park and Town Park, 1,000 books before kindergarten, open mic night and monthly environmental visitor from the Schodack Island State Park. She noted that the library had encountered an increase in loans by 5%, event attendance by 18% and in person attendance by 70% for 2023. For 2024, she mentioned that the funding proposition had passed for the Schodack Central School District which had allowed for a decrease in their funding request from the town to \$88,000.00. She said that, even with the decrease, the library would be able to offer Sunday hours, a part-time youth services Librarian and a full-time Outreach Librarian.

J. Dugas-Hughes informed the board that the East Greenbush Library had remained fine-free, taken staff equality training, were open 63 hours a week, had renovated the back office and pick-up window, adopted a strategic plan through 2028, adopted a new vision and mission statement and completed a building survey in 2023. She said that based upon the survey, they would be replacing the exterior surface and adding an entryway. For 2024, their requested funding amount was \$346,125.00.

T. Clague explained that the Nassau Free Library, which had been serving residents for 132 years, offering services such as weekly story time, book club, yoga, monthly open mic night, international pot luck club, local history program, 500 books before middle school, teen/tutor/meeting space and wi-fi hot spots loans. For 2024, the Nassau Free Library was requesting \$37,000.00.

S. Peter thanked all the directors for their hard work and dedication to their libraries.

### **Board Discussion**

**Town Hall Parking Lot Paving:** S. Peter stated that milling would begin on October 13<sup>th</sup> and paving would follow on October 14<sup>th</sup>, weather pending. B. Brahm, Highway Superintendent, said they would be looking at the ketch basins prior to the paving with anticipated striping of the lot on October 15<sup>th</sup>.

**Restoration of Battisti Water District:** S. Peter asked if a quote should be obtained from HMA Paving for the roads within the Battisti Water District. B. Brahm said it would depend on American Evergreen as it was stated in the contract that they restore the site to how it was when the project was started. If more improvements are needed following that, he was willing to obtain the necessary quotes. S. Peter said it was top priority to fix Loretta Lane, Northern

Boulevard and Orchard Road. The potential cost would be \$93,000.00. C. Bult noticed that there was a large amount of ponding at the end of Loretta Lane, near Route 9 and asked if that was caused by the old water system or weather. B. Brahm said the issue was from both a pipe that was releasing water, which should be resolved once the old system is shut off, and the weather. At 4 Loretta Lane, a blacktop pad was located at the end of their driveway; however, it had to be removed. He anticipated it to be reinstalled by American Evergreen but also felt it would be best to run a sock pipe with stone across the driveway of the residence into a basin. He noted that he had been contacted by the homeowner of 4 Loretta Lane as the USPS had an issue delivering their mail and would refuse to deliver until the situation was resolved. He took the initiative to move the mailbox closer to the road until a permanent solution could be found. C. Rex suggested that American Evergreen be spoken to about the issues soon as the project was anticipated to be complete in mid-November and the weather could change at any time. B. Brahm said he would.

**Water Plant Bridge:** B. Brahm informed the board that the water plant bridge (located off Route 150), except for guardrails and paving, was complete and drivable. He added that the project was ahead of schedule. S. Peter mentioned that the temporary bridge had also been removed and the site was remediated.

**Highway Operator Interviews:** B. Brahm said interviews had been conducted for the Operator 2 position. He anticipated a candidate would be selected by the next board meeting.

**Police Vehicle Purchase:** S. Peter said an issue had arisen with the latest police vehicle purchase. Originally, the Chief had obtained a quote for a FORD Explorer, at a cost of \$57,000.00; however, delivery of the vehicle could not be guaranteed. The Chief had done additional research and was able to locate a Chevy Tahoe for sale at Denooyer Chevrolet. P. Natale added that he had contacted the FORD dealership who stated that the Explorer was still four to fourteen weeks out for delivery. S. Peter noted that there were adequate funds for the purchase of the Tahoe, which was \$10,000.00 more than the Explorer. He asked for verbal approval from the board to move ahead with the purchase. All board members approved.

**School Resource Officer:** S. Peter said he had met with Jason Chevier, Superintendent of Schodack CSD and the School Comptroller to discuss the cost for a School Resource Officer. He noted that there was potential for a proposition to be proposed soon.

**Dog Waste Stations:** S. Peter said he had been contacted by a representative from Off Leash K9 Training regarding the donation of dog waste stations to be installed throughout the town. The goal was to help maintain cleanliness in the town, promote areas for dog walking and make residents aware that Schodack was dog friendly. The proposed locations for the stations were along the Albany Hudson Electric Trail and within the Town Park. C. Bult asked if K. Konig had been consulted. S. Peter said yes, as some would be installed in the park and the Town would be required to maintain said stations. C. Rex recommended that the stations also be installed in the Village. S. Peter agreed.



## **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 09/28/23 Town Board meeting at 8:02 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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