

DATE: DECEMBER 10, 2015

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: FRANCIS CURTIS
JAMES E. BULT
MICHAEL KENNEY
SCOTT SWARTZ

MEMBERS ABSENT:

ATTORNEY: DAVID GRUENBERG

OTHERS PRESENT: BRUCE GOODALL, DIRECTOR OF TRANSFER STATION

Supervisor Dowds called the December 10, 2015 meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Supervisor's Report

Kinder Morgan/NED Pipeline: S. Dowds gave a status report on the Kinder Morgan gas pipeline application. There was a meeting on December 1st with the Berkshire Planning Commission. On December 7, 2015 the Federal Energy Regulatory Commission (FERC) authorized their application. He believes that the date to submit for Intervener status will be Jan. 6, 2016. The Berkshire Planning Commission will intervene on behalf of the 15 municipalities associated with the group, which includes the Town of Schodack. The town will also apply for intervener status separately. On December 8th FERC sent a letter to Kinder Morgan requesting 15 – 20 pages of additional information. The B.C.K Law Firm is working with the municipalities to provide guidance in moving forward (what to request, how to do so, etc.). Next week Kinder Morgan is hosting three community forums regarding the Northeast Energy Direct (NED) pipeline, one of which will be in Schodack. That one will be held Thursday, December 17th at Birch Hill from 6 p.m. – 8 p.m., but he did not know the format of the forum.

Transfer Station Sanitary Facilities & Electronics Container: S. Dowds said he sent several e-mails to the Board regarding the purchase of the sanitary facilities for the Transfer Station and an electronics container and asked for Board input. With regard to purchasing an electronics container, C. Bult suggested that before the Board authorizes this purchase, they should have a broader understanding of future operations. He was concerned that ordering another container might not be necessary, depending on what is decided. C. Swartz said he recalled that the Board discussed having a total assessment of the Transfer Station operations conducted and asked if that had been done. S. Dowds said no; they are currently trying to address some immediate safety issues and single stream recycling. He intended to schedule the assessment for early next year. Board members called upon Mr. Goodall for his input. He explained that the electronics container could be multi-purpose and used somewhere else eventually, but was not an immediate need. With

regard to safety issues that needed to be addressed, he explained that they were working on the fence that separates the public from the disposal container. In one area they need to bring the grade up approximately 42", which would make the disposal of the bags much safer. The Highway Superintendent told him he felt that it probably can't be done until spring. Board discussion continued. Due to the unseasonably warm weather, the Board suggested that perhaps, it could be done now, depending on the Highway Superintendent's scheduling. **Determination:** It was the consensus of the Board to go forward with the purchase of the sanitary facilities, which will be ratified at the Close of Business meeting, and hold off on the purchase of the electronics container.

NYSDEC Water Quality Improvement Program (WQIP) Grant Application: S. Dowds announced that he received informal notification that the Town was successful in its grant application for improvements at the highway garage fueling station, which the Board authorized this past July. When DEC reviewed the area, they strongly recommended that the town consider upgrading or replacing the system and adding a canopy, so when the Board learned about the grant opportunity they submitted an application for \$300,000.00. He is waiting for formal notification, but believes the award amount is \$250,000.00 and the Town will have to pay 25%. He felt that we were very fortunate in getting almost the full amount. He explained that this project would totally replace the entire fueling system at the highway garage, which should extend its life for 25 – 30 years.

Swearing-In of Newly Elected Officials: S. Dowds asked the consensus of the recently re-elected officials when they would like to hold the Swearing-In Ceremony. He suggested December 30th, but felt it was up to everyone as a group. After a brief discussion, the consensus of all involved agreed with the December 30th date and to hold it at 7 p.m. after the Close of Business Meeting. The Town Clerk will contact Judge Peter to see if he is available to participate as well as administer the Oath of Office to them. S. Dowds said he will reach out to Councilperson-Elect Rex to see if she would like to participate in the event. *(During the Executive Session the Town Clerk contacted Judge Peter who was in agreement with the time and date).*

Board Discussion

C. Bult asked the Supervisor for the provisions of the police contract (resolution 2015-268). S. Dowds said it is a 4 – year contract and the highlights are as follows:

- 1) Bi-weekly payrolls
- 2) 1.75% increase in 2016; 1.75% increase in 2017; 2% increase in 2018 and a 2% increase in 2019.
- 3) The 207-C determination will be revisited in 2017.
- 4) Increased benefits for the dispatcher.

With respect to resolution (2015-278), the Supervisor stated that the Capital District Transportation Committee (CDTC), who is directing this study, requested a few people to assist them with the zoning study. Board members asked if the individuals that were appointed to the first committee were asked to serve on this one. S. Dowds said no, because this is more specific. With no disrespect to those noted in the resolution, C. Kenney felt that there should have been more Board discussion about the appointments. C. Swartz agreed. Following a brief discussion, it was the consensus of the Board to withdraw the resolution from the agenda and revisit it at the Close of Business meeting on December 30th.

Board members questioned why resolution [2015-272] was necessary at this time. S. Dowds asked HR Manager, Kerrie Joiner to address the Board. Ms. Joiner explained that it

is essentially to help her and the Board regarding labor issues. The consultant would provide unlimited telephone and email consultation regarding human resource and labor relations questions in a timely manner and help keep her compliant with federal and state regulations and procedures. C. Swartz asked if it could be done on a month-to-month basis, rather than an annual contract. S. Dowds said no. C. Kenney asked the status of the Employee Handbook. S. Dowds replied that it was sent to the Board for their review and input. Board discussion ensued. C. Kenney stated that he has a problem spending more money when the Handbook is still not finalized. Concerns were also expressed that some of the funds in this resolution would be used for completion of the handbook. Ms. Joiner said that would not happen as it is a separate contract.

Public Comment

Carrie Watkins-Bates addressed the Board regarding a letter of support for a grant that the Columbia Land Conservancy (CLC) is submitting to the New York State Hudson Valley Agricultural Enhancement Program. The purpose of the grant is for the purchase of development rights for the approximate 148 acre Harian parcel on the Dutch Hollow Farm which is owned by the Chittenden family and located in Schodack. Dutch Hollow is a multigenerational dairy farm with the second largest Registered Jersey herd in the state. The family has already protected the majority of their farm with conservation easements, and protection of this additional piece would further ensure their long-term stability and success. Protection of the farm would clearly further the Town's goals and objectives for farmland protection as outlined in the 2011 Comprehensive Plan. She continued that they work in conjunction with the Agricultural Stewardship Association (ASA) which is submitting a similar application on behalf of GEM Farms, which is owned and operated by the Mesick family. The 540-acre farm operation is a very diversified, selling beef, bison, hay, corn, soy and vegetables. Approximately 312 acres of the proposal are owned by the Mesick family and the remaining 228 acres included in the application are owned by Terre D'Or LLC (Olga and Resa Swartz). Ms. Bates continued that ASA and CLC are nonprofit land trusts which help landowners conserve farmland. Their goal is to ensure that future generations can continue to enjoy the local agricultural traditions, landscapes and products. Every conserved farm contributes to the vision for the continued vitality of agriculture in our region. Once land is protected by a conservation easement, ASA and/or CLC take on the permanent responsibility for stewardship, including annual visits and meetings with landowners to ensure that conservation goals are met. She reiterated that the only involvement the Town has is doing the letters of support. ASA and CLC submit and administer the grants. C. Bult asked if there were minimum requirements for submitting an application. Ms. Bates explained that the state program looks at the quality of the land, the size of the parcel and the type of agricultural uses. C. Curtis said he served on the Agricultural Committee for ten years in his position as the Director for Real Property Tax Services for Rensselaer County and helped craft the Right to Farm Law for the Town and he is a strong advocate for the farming community. C. Bult said Schodack has always been identified as a farming community and felt we should do whatever we can to support the farms. It was the consensus of the Board to add a resolution to send letters of support.

M. Sherwood expressed concern about certain zoning violations in her area that seem to have gone unresolved. The Supervisor said he believed that some of it was addressed and suggested that she speak to the Code Enforcement Officer, Mr. DeFruscio about her concerns.

Relative to the NED pipeline, K. Stokem expressed concern over potential damage to town roads if the project goes through. He asked if the Town had a weight limit law for town roads and if Kinder Morgan would be required to post a bond if the town roads are damaged. The Supervisor said that is one of the issues they are going to bring up when they apply for Intervener status.

Departmental Reports

The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk, Building Department, Human Resources, Historian, Receiver of Taxes, Police and Planning & Zoning.

Review of Abstracts of Claims and Budget Amendments

The Board reviewed claims #15-1848 to 15-2100 on Abstract No. 2015-12, in the amount of \$354,083.24, including the claims paid (\$179,473.36).

Adoption of Resolutions

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. Curtis 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:**

2015-266) Amend resolution 2015-240 as adopted on November 5, 2015 as it relates to Sewer District SS1 to reflect 95 users instead of 97 users.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:**

2015-267) Amend resolution 2015-246 as adopted on November 5, 2015 as it relates to Sewer District SS6 to reflect 54 users instead of 53 users.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by C. Curtis:

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

2015-268) Ratify the Memorandum of Agreement by and between the Town of Schodack and United Public Service Employees Union (Police Unit) and further authorize Supervisor Dowds to execute and administer, on behalf of the Town, a collective bargaining agreement incorporating the terms of said Memorandum of Agreement in a form acceptable to counsel for the Town.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Bult made a motion to adopt the following resolution, seconded by S. Dowds:

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

2015-269) Authorize the selection of NYSHIP Empire Plan Insurance for Health Insurance coverage effective January 1, 2016 with monthly premiums as follows: Individual \$849.01 and Family \$1,926.21.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:

2015-270) Authorize the selection of NYSHIP Medicare Empire Plan Insurance for Health Insurance coverage effective January 1, 2016 with monthly premiums as follows: Individual \$452.79, Family-1 \$1,530.00 and Family-2 \$1,133.77.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Kenney made a motion to adopt the following resolution, seconded by S. Dowds:

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

2015-271) Authorize the selection of the \$15 co-pay Medicare HMO with Capital District Physicians' Health Plan, Inc. (CDPHP) with monthly premium of \$295.60 effective January 1, 2016.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

S. Dowds made a motion to adopt the following resolution:

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

2015-272) **MOVED BUT NOT SECONDED-MOTION FAILED:** *Authorize Supervisor Dowds to execute and administer contract with Public Sector, HR Consultants LLC for support*

services for the period January 1, 2016 through December 31, 2016 in an amount not to exceed \$6,000.00 subject to approval by the Attorney to the Town as to form. (This is a budgeted item). S. Dowds said he felt it was a disservice to the Town to not vote on this resolution.

C. Curtis 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:**

- 2015-273)** Authorize Supervisor Dowds to execute and administer a shelter agreement with Mohawk Hudson Humane Society for the 2016 calendar year to satisfy the requirements of the New York State Department of Agriculture and Markets Law. It is the policy of the Town that owners, if located, shall be responsible for charges incurred at Mohawk Hudson Humane Society when pets are claimed, as may be allowed by law.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:**

- 2015-274)** Full-time employees (non-union) shall be given the following holiday for the year 2016:

<u>Weekday</u>	<u>Date</u>	<u>Holiday</u>
Friday	January 1, 2016	New Year's Day Observance

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:**

- 2015-275)** Designate a Transfer Station holiday for year 2016 as follows:

<u>Weekday</u>	<u>Date</u>	<u>Holiday</u>
Friday	January 1, 2016	New Year's Day Observance

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Kenney made a motion to adopt the following resolution, seconded by C. Curtis:

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

2015-276) Authorize renewal of the Town's liability insurance policy with NYMIR, including property, general liability, auto, inland marine, boiler & machinery, law enforcement and public officials effective January 1, 2016 with a Six Million Dollar Umbrella, single occurrence with a Twelve Million Dollar aggregate for the premium not to exceed \$123,474.53.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:**

2015-277) Authorize Supervisor Dowds to execute and administer an Agreement for Use of Town of Colonie Police Range and Training Facility with the Town of Colonie for the period of January 1, 2016 through December 31, 2016 for and annual maintenance fee not to exceed \$250.00.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

2015-278) **WITHDRAWN:** *"To appoint Nadine Fuda, Paul Puccio, David Calarco and Joe Grimaldi to the Capital District Transportation Committee (CDTC) Advisory Committee relative to the Town Center Study."*

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:**

2015-279) Authorize Town Clerk to execute and administer a contract with Image Data for document scanning services at a cost not to exceed \$6,618.00 and General Code for indexing and processing records into the Laserfiche system at a cost of \$1,250.00. The total project cost will be \$7,868.00. [budgeted].

Further, authorize Change Order SC1190-11202015 to the General Code contract to add one user to the Laserfiche system with remote services in the amount of \$910.00. [budgeted].

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by C. Curtis:

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

- 2015-280)** Authorize \$161,000 to be transferred into the Town Outside-Village Highway Fund (DB) Highway Equipment Capital Reserve Fund.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:

- 2015-281)** Authorize \$7,000.00 to be transferred into the Town-Wide (A Fund) Police Vehicle Capital Reserve Fund.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. 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:

- 2015-282)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-1840 to 15-2100 on Abstract No. 2015-12, in the amount of \$354,083.24, including the claims paid (\$179,473.36) since the previous town board meeting.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:

- 2015-283)** Authorize budget modifications, interfund loans and interfund transfers as recommended by the Comptroller. (see attached pages 223-A & 223-B)
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:

- 2015-284)** Authorize and direct the Supervisor to send letters to the State of New York expressing the support of the Town of Schodack for applications for funding for conservation easements for GEM Farms and Dutch Hollow Farm.
4 Ayes 0 Noes 1 Abstention. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, D. Dowds. Noes – 0. Abstain - S. Swartz.

Executive Session

At 8:08 p.m. C. Swartz made a motion to enter into Executive Session to discuss specific personnel issues in the Police Department and the Building Department. Seconded by C. Curtis.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Bult made a motion to close the Executive Session at 8:36 p.m., seconded by C. Kenney.

ADJOURNMENT

As there was no further business before the Board, C. Curtis made a motion to adjourn the 12/10/15 Town Board meeting at 8:36 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC