

**DATE:** DECEMBER 30, 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:** PAUL HARTER, COMPTROLLER

---

Supervisor Dowds called the December 30, 2015 meeting to order at 6:05 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

#### **Board Discussion**

S. Dowds suggested that resolutions [2015-290] and [2015-291] be tabled until the January 14<sup>th</sup> meeting because this is essentially a brief end of year, clean-up meeting. C. Bult felt that the resolutions had been on the agenda and he didn't think they would place an undue time impact on the meeting. S. Dowds felt that the resolutions could have potential impacts and should be given further consideration. Councilpersons Swartz and Kenney agreed with C. Bult.

C. Curtis asked for a little more background on resolution [2015-285]. S. Dowds said it is 3-week course, divided into two phases-Phase I, which is 2 weeks, takes place in Albany; Phase II is a 1-week field certification course and is held in Florida. The officer's goal is to become a Certified Drug Recognition Expert (DRE). A DRE is an officer who is specifically trained to identify what an impaired driver is under the influence of, to help build evidence for prosecution. S. Dowds added it is anticipated that we will be reimbursed by the federal government so there may not be any costs to the Town.

#### **Public Comment**

With respect to resolution [2015-285], R. Lemka felt that there should be a location closer than Florida. S. Dowds explained that it is a specialized facility where the candidates do hands-on training. Mr. Lemka asked if they got other quotes for the services identified in resolution [2015-287]. S. Dowds said no. ADP is the current company that processes the payrolls. If we went to another vendor, we would have to switch everything, which would be far more costly. Mr. Lemka asked for more clarification regarding resolution [2015-290]. A. Gruenberg explained that the law allows the Superintendent of Highways to abandon or discontinue a "terminus" of a road that isn't used anymore as long as it is no more than 1,000 feet and doesn't have any houses on it. This spur fits that criteria but does have homes on either side of it. Those adjacent property owners petitioned to have it abandoned

and he believed the Highway Superintendent was in favor. C. Curtis added that it is not even a road; it is a “paper street”. Mr. Lemka asked if this had been reviewed by the Planning Board. A. Gruenberg said no. Mr. Lemka felt that when the development was approved the Planning Board probably had a reason for having that little spur, suggesting that it may have been to allow access to the Lutheran property. A. Gruenberg said that may be a possibility, but the Town has never done anything with it in all these years. Mr. Lemka felt that if the Town does abandon it, then it should revert back to the original owner (Herrle estate). A. Gruenberg said the land was conveyed to the town so we own it. The deed has no reservation of rights to a return of any property. It is conveyance of the entire road including the spur that they are considering abandoning. Mr. Lemka reiterated that it was his opinion that the Board should wait until the Planning Board weighs in on the abandonment. C. Bult said although we have never made an improvement to that spur, an added benefit is that once it is removed from the road inventory, the town would never be forced into making improvements to it in the future. With respect to resolution [2015-291], Mr. Lemka said it appears that the Town Board is still considering withholding information from the public regarding proposed projects. He felt that doing so generates an atmosphere of mistrust, which was demonstrated by the results of the most recent town election. He felt the board members were elected to keep the public informed.

K. Stokem said he felt it helpful when the Supervisor briefed the resolution agenda and hoped that he would resume that practice next year. He asked for further information regarding resolution [2015-288]. S. Dowds said this was discussed at previous meetings. Currently, they only have a port-a-john. They do not even have a sink to wash their hands. This facility would be a heated unit that provided decent sanitary facilities for the employees at the Transfer Station.

J. Grimaldi asked the Board to seriously consider resolution [2015-291]. He felt that if this was adopted, then five people have to agree to keep confidentiality. While he had every faith in the integrity of this board, boards change. He felt it would be better to take an all or nothing approach – either no one gets confidentiality, or if there is confidentiality, then no one on the Town Board knows who is being represented.

S. Lemka said she felt the Board should support the Anchor (resolution [2015-289]). It was her understanding that they are in desperate need of money and food donations. S. Dowds said the Board became aware that they were having difficulty meeting the demands that were placed upon them this year. This donation is for this year. Additionally, they have been asked to submit a request to the Board for next year’s budget cycle. We don’t know what that request will be at this time. S. Lemka understood that it needed to be researched and appreciated the Board’s support. The Town Clerk noted that there is a collection box in her office for the residents to make food/pantry donations.

### **Review of Abstracts of Claims and Budget Amendments**

The Board reviewed claims #15-2101 to 15-2180 on Abstract No. 2015-13, in the amount of \$851,183.66, including the claims paid (\$779,703.05).

### **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. Swartz:

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

**2015-285)** Authorize Jordan Harrington, Police Officer, to attend the Drug Recognition Expert Training & Certification (DRE) School Phase I of the course in Albany, New York on March 28<sup>th</sup> through April 8<sup>th</sup> 2016 and Phase II of the course in Jacksonville, Florida May 1<sup>st</sup> through May 7<sup>th</sup> 2016 at an estimated cost of \$1,622.57. (This is a 2016 budgeted item).

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:**

**2015-286)** Authorize payroll change for all salaried employees from a Semi-monthly payroll to be paid on a bi-weekly payroll beginning January 1, 2016.

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. Curtis:

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

**2015-287)** Ratify and affirm authorizing execution for Statement of Work document with ADP dated December 21, 2015 with scope of work, implantation the conversion from Semi-monthly to bi-weekly payroll at \$175.00 per hour in an amount not to exceed \$700.00.

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:**

**2015-288)** Authorize purchase of a restroom for the Transfer Station from Comforts of Home at a cost not to exceed \$15,714.00 as per quote dated December 22, 2015. (As Budgeted)

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, seconded by C. Kenney:

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

- 2015-289)** Approve contract and authorize Supervisor Dowds to execute and administer contract with (CCM) "The Anchor" for provision of pantry services for an amount not to exceed \$500.00. Terms and conditions of the contract are subject to approval by Attorney to the Town as to form and substance.  
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:

**Discussion:** S. Dowds stated that he felt it was ill advised to adopt this resolution at this time. It was his belief that when this subdivision was approved, the Planning Board probably set aside that spur in case the Love Lutheran property was developed so there would be two means of ingress and egress rather than one. He felt it needed a bit more thought; therefore he would not support it.

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

- 2015-290)** WHEREAS, by a deed from Robert Herrle to the Town of Schodack, recorded on December 13, 1993, the said Robert Herrle conveyed to the Town of Schodack "all roads and drainage easements in subdivision known as Brookview Woods," referencing the Subdivision Plan map filed in the Rensselaer County Clerk's office as Map 210 in Drawer 990 (hereafter, "the Map"), which shows the road known as "Doelner Circle, (referenced as Doellner Circle in said map); and

WHEREAS, the Town Highway Superintendent has determined pursuant to §207 of the New York Highway Law, that a portion of Doelner Circle, a public street in the Town of Schodack conveyed by said deed, shown on the Map and further described below, consisting of a terminus of such street, and less than 1,000 feet in length, is unnecessary for highway purposes and may be abandoned; and

WHEREAS, that portion Doelner Circle to be abandoned is vacant and undeveloped land, and was never improved or used as a public street. The subject portion of Doelner Circle is further described and shown on the Map as bounded on the easterly side by lot 15, and on the westerly side by lot 16, and on the northerly side by lands of the Lutheran Church Atlantic District in the Town of East Greenbush, having an easterly length of 220.76 feet, and a westerly length of 208.03 feet; and

WHEREAS, the portion of Doelner Circle described above constitutes a "terminus" of said street, and does not connect with any other public street or highway; and

WHEREAS, Thomas Hofmeister and Mary Beth Hofmeister and Donald H. Marsh and Karen Marsh, the owners of the land on each side of the above described portion of such street have requested the discontinuance and abandonment thereof by written petition to the Town Highway Superintendent (copy attached hereto) (*attachment is on Pg. 222*); now therefore, be it

RESOLVED, that the Town Highway Superintendent is hereby authorized to enter an order pursuant to §207 of the New York Highway Law in the Town Clerk's Office, directing that the above described portion of such highway be discontinued and abandoned; it is further

RESOLVED, that thereafter, and pursuant to §208 of the Highway Law, upon making such order, the Town Highway Superintendent shall cause a written description of that portion of the Doelner Circle ordered to be discontinued to be filed and recorded in the Office of the Town Clerk.

4 Ayes 1 Noe. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz. Noes – D. Dowds.

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

**Discussion:** S. Dowds felt the resolution showed an absolute lack of foresight on the part of the Board Members and they didn't understand the damage that they may do by adopting it. By this resolution, if developers come into Schodack and request confidentiality, he will have to go to the Board for approval and the developer will just walk away and go somewhere else. He believed it fortifies the perception that Schodack is not business friendly. C. Bult said all the Board Members are trying to say is that they tried it the Supervisor's way and they (*Project Red*) ended up walking away, so it seems that is a possibility either way. Councilpersons Bult, Curtis and Kenney said they had heard from countless people in the Town who didn't think that Board Members should be excluded from knowing what is coming into the community, nor did they understand or approve of the secrecy that surrounded the project. This resolution simply clarifies that if a company requests confidentiality, the entire board will make that decision. They didn't think only one person should be entrusted to make it on behalf of the entire board. S. Dowds felt there was some misunderstanding of the process. When the company goes through the Planning Board process, the Planning Board makes their determination based on the use of the project, not the name of the user. If the company was sold to another business during the process, regardless of the name of the new owner, it would still be given the same consideration. When you look up consulting reports, one of the top three items that companies request is confidentiality because they know they don't have to reveal the name of the company to anybody. He felt this was an absolute disservice to the taxpayers and the business community. He refuted that there was secrecy regarding the project. For those who wanted to take the time, every piece of information about that property was on the third floor; nothing was hidden, other than the name of the company. He felt this resolution will

potentially result in a lawsuit against the town. C. Kenney reiterated that the Board is not saying it can't be kept confidential; just that the decision to do so will be made by the majority of the Board, not just one individual. The Supervisor is one member, not the only member. He said the residents may have supported the project, but they were strongly opposed to the secrecy surrounding it and the majority of the Board agreed with them. S. Dowds argued that there was no secrecy; just the name of the company was withheld, which didn't have to be made public. He reiterated that he felt this approach perpetuates the idea that Schodack is not business friendly. C. Curtis said this resolution is saying to the residents of this town, that we, as elected officials, represent them and there needs to be openness and transparency in government.

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

**2015-291)** WHEREAS, certain individuals and business entities may, in the future, make inquiries or applications to the Town Director of Planning and Zoning, and to the Planning Board and the Zoning Board of Appeals, for various permits relating to the development of a project in the Town of Schodack; and

WHEREAS, such individuals and the representatives of such entities may request confidentiality as to their identity, based upon concerns relating to their own businesses; and

WHEREAS, the decision to grant such confidentiality should not be vested in one appointed or elected official of the Town of Schodack, since the process of approval will be a public process; now, therefore, be it

RESOLVED, that upon such request for confidentiality to any employee or elected official of the Town of Schodack, such request shall be transmitted to the Town Board of the Town of Schodack, and the decision whether to grant such confidentiality shall be vested in said Town Board.

4 Ayes 1 Noe. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz. Noes – D. Dowds.

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:**

**2015-292)** The Organizational Meeting of the Town Board will be held on January 5, 2016 at 7 p.m. at the Schodack Town Hall at 265 Schuurman Road.

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:**

- 2015-293)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-2101 to 15-2180 on Abstract No. 2015-13, in the amount of \$851,183.66, including the claims paid (\$779,703.05) 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. 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:**

- 2015-294)** Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

**NOVEMBER 30, 2015  
BUDGET MODIFICATIONS**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>47</b>	A-960-1110.4000 A-960-1990.4000 To modify the budget to cover deficiency	Town Justice - Contractual Contingency	183.16	183.16
<b>48</b>	A-960-1410.4000 A-960-1990.4000 To modify the budget to cover deficiency	Town Clerk - Contractual Contingency	1,096.93	1,096.93
<b>49</b>	A-960-1460.1100 A-960-1460.4000 To modify the budget to cover deficiency in overtime budget.	Records Mgmt - Overtime Records Mgmt - Contractual	241.22	241.22
<b>50</b>	A-960-1680.4000 A-960-1910.4000 To transfer funds to cover budget deficiency due to server cost over run	Cntl Data Processing - Contractual Unallocated Ins - Contractual	91.34	91.34
<b>51</b>	A-960-3120.2000 A-960-3120.4000 To transfer funds to cover budget deficiency	Police - Equipment Police - Contractual	8,352.55	8,352.55
<b>52</b>	A-960-5010.2000 A-960-5010.4000 To transfer funds to cover budget deficiency for printer purchase	Super of Highways - Equipment Super of Highways - Contractual	0.99	0.99
<b>53</b>	A-960-5132.4000 A-960-1990.4000 To transfer funds to cover budget deficiency	Town Garage - Contractual Contingency	938.15	938.15

<b>54</b>	B-960-1680.4000	Cntl Data Processing - Contractual	4.04	
	B-960-1910.4000	Unallocate Ins - Contractual		4.04
	To transfer funds to cover budget deficiency due to server cost over run			
<b>55</b>	B-960-8020.4000	Planning - Contractual	387.26	
	B-960-1910.4000	Unallocate Ins - Contractual		387.26
	To transfer funds to cover budget deficiency due additional Laberge costs (Project Red, Stewarts, Spinney, Dagen)			
<b>56</b>	B-960-8340.2000	Transmission & Distribution	405.00	
	B-960-1910.4000	Unallocate Ins - Contractual		405.00
	To transfer funds to cover costs of meter sale			
<b>57</b>	DB-960-5112.4000	Road Construction - Contractual	19,252.59	
	DB-5112.2000	Road Construction - Equipment		19,252.59
	To transfer funds to cover costs of Ledgerock from Troy Sand			
<b>58</b>	SS2-960-8130.1000	Sewer #2 - Personal Svcs	40.75	
	SS2-960-8130.4000	Sewer #2 - Contractual		40.75
	To modify the budget for W/S Operator service calls			
<b>59</b>	SS2-960-9030.8000	Sewer #2 - Employee Benefits	3.12	
	SS2-960-8130.4000	Sewer #2 - Contractual		3.12
	To modify the budget for W/S Operator service calls			
<b>60</b>	SWC1-960-840.2000	Consolidated Water Dist #1 - Equipment	202.00	
	SWC1-960-8340.4000	Consolidated Water Dist #1 - Contractual		202.00
	To transfer funds to cover costs of meter sale to C. Mikellides & SHS Holding			
<b>61</b>	B-960-8020.4000	Planning - Contractual	6,890.11	
	B-509-2115.9999	Planning Board Fees	6,890.11	
	To modify the budget for engineering fees related to Planning Board activity			
	5 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.			

## **ADJOURNMENT**

Before adjourning, the Supervisor thanked C. Curtis for his service to the town and being a vital part of this organization. He noted that he has been on the Board since January 24, 2005 and prior to that he served as the Town's Assessor. C. Curtis appreciated the recognition and said he enjoyed his almost 11 years of service as a board member.

S. Dowds wished everyone a Happy New Year and then announced that a Swearing-In Ceremony of the newly elected officials was going to be held here this evening at 7:00 p.m.

As there was no further business before the Board, C. Curtis made a motion to adjourn the 12/30/15 Town Board meeting at 6:37 p.m., seconded by C. Bult. Meeting adjourned.

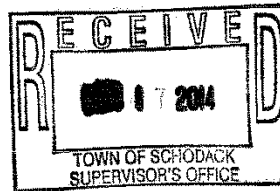


Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/RMC/CMC

Mr. and Mrs. Thomas Hofmeister  
2715 Doelner Circle  
Castleton, NY 12033

Mr. and Mrs. Donald Marsh  
2711 Doelner Circle  
Castleton, NY 12033



March 14, 2014

Schodack Town Board  
265 Schuurman Road  
Castleton, NY 12033

RECEIVED

MAR 17 2014

TOWN OF SCHODACK  
PLANNING & ZONING

Dear Board Members:

Please accept this letter with respect to the abandoned land between 2711 and 2715 Doelner Circle. Based on the subdivision maps and deeds on file with the County Clerk, there appears to have been a paper road between our properties at the time of dedication of the road (Doelner Circle) in our development. That dedication occurred on December 10, 1993 and would have encompassed all roads, real and paper.

This proposed future road (or paper road) has been abandoned by the town since 1999 according to NYS Highway Law 205 which states:

"Every highway that shall not have been opened and worked within six years from the time it shall have been dedicated to the use of the public, or laid out, shall cease to be a highway and every highway that shall not have been traveled or used as a highway for six years, shall cease to be a highway, and every public right of way that shall not have been used for said period shall be deemed abandoned as a right-of-way."

For over 14 years and 22 years, respectively, we the Hofmeister family and the Marsh family have undertaken acts consistent with ownership such as landscaping and maintenance. Karen and Don Marsh have maintained a lawn and garden on the hill, and have had trees removed professionally, while the Hofmeister family has mown the path, removed dead trees and limbs and have maintained their side of the property. We have been acting as if it is our land. Rather than resort to litigation to quiet title to this property, we request that the Town Board convey this abandoned land to us in accordance with NYS Highway Law 205.

We request the Town Board move on this matter as expeditiously as possible. Our goal is to maintain the beauty of our neighborhood, increase the value of our homes and return this abandoned land to the tax rolls. If you have any questions, please feel free to contact Mary Beth Hofmeister at 518-477-7399.

Sincerely,

Thomas and Mary Beth Hofmeister  
*Mary Beth Hofmeister*  
*Thomas Hofmeister*  
cc: David Gruenberg, Attorney to the Town

Donald and Karen Marsh  
*Karen Marsh*  
*Donald H. Marsh*