

**DATE:** AUGUST 14, 2014

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** KAREN A. VECCHIONE

**PRESIDING OFFICER:** DENNIS E. DOWDS

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

**MEMBERS ABSENT:**

**ATTORNEY:** DAVID GRUENBERG

**COMPTROLLER:** JENNIFER MULLIGAN

**OTHERS PRESENT:** NICOLE ALLEN, AICP, PLANNING SVCS. MGR. LABERGE GROUP; DAVE CALARCO, CHAIRMAN OF THE ZBA; PAUL PUCCIO, PLANNING BOARD MEMBER  
BERNHARD PETER, POLICE CHIEF  
OLIVIA KARIS-NIX, CASTLETON PUBLIC LIBRARY

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Supervisor Dowds called the August 14, 2014 meeting to order at 7:04 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Executive Session**

C. Curtis made a motion at 7:05 p.m. to enter into an Executive Session to discuss personnel issues related to the Police Dept., seconded by C. Kenney.

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

At 7:50 p.m. C. Kenney made a motion to adjourn the Executive Session, seconded by C. Bult.

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

### **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, Assessor, Historian and Planning & Zoning.

### **Presentations**

**Zoning Revisions:** S. Dowds introduced Nicole Allen, Planning Services Manager, from Laberge Group; Dave Calarco, Chairman of the Zoning Board of Appeals and Paul Puccio,

member of the Planning Board. Ms. Allen explained that Laberge Group has been working with both the Zoning and Planning boards and has now completed the initial review of the zoning code. She added that the purpose of the review was to determine inconsistencies, things that need to be updated, missing definitions and a general overhaul of what is going to be the workload going forward. She stated that they did a general outline of “chunks” of those revisions. They have not yet been identified in great detail and explained that that would be the next step in the process. She said that in the initial overview, they laid out a process to examine the entire code in periodic steps. As part of that amendment process, the working group would give drafts to the town board that would result in a very fluid, “open” process. The public would have access to those drafts as well and thus, also have the ability to comment as appropriate. As part of the review and amendment process going forward, phase one would include the general definitions, the minor tweaks, spellings, etc. that need to be updated. The second stage would be to look at what needs to be added to the supplemental regulations. The last part would be to identify the need to modify district boundaries. As each stage is completed, the information would then be distributed to the Town Board, the Zoning Board, the Planning Board and to the website for the public. Overall, the end process would look at the cumulative result, prior to Town Board adoption.

**Castleton Public Library Renovation:** S. Dowds introduced the president of the Board of Trustees of the Castleton Public Library, Olivia Karis-Nix, who advised that she wanted to update the board on the upcoming renovations. She explained that volunteers will be working on September 13<sup>th</sup> and 14<sup>th</sup> to remove every book, DVD, item etc. from the library space. On the 15<sup>th</sup>, renovations will begin and the library will be closed for four to six weeks. Everything will be replaced...rugs, shelving, furniture, etc. Lighting will be replaced and the dropped ceiling will be raised up two feet. They hope to reopen in the end of October and will present an entirely new environment. They will be offering limited services during that time period, operating out of the former court room. The public will have full access to computers, internet services, reference librarian services and inter-library loan materials. Residents will also still have access to the East Greenbush Library’s programming just as they do now.

### **Adoption of Resolution**

The Board deviated from the agenda to discuss resolution [2014-189],

### **Public Comment**

S. Dowds asked for Board discussion and public comment, if any, on resolution [2014-189]. M. Sherwood asked that the board not approve this tonight as the residents have not had an opportunity to peruse any of this. She added that there was no apparent schedule and wondered how there could be a plan without a schedule. R. Lemka stated that it was appropriate to present it only for further review. He hoped the board was not going to accept the proposal without a public hearing. He felt the resolution should just say that the board accepts it for further review. The Supervisor said that there is a scheduled public hearing in the documents. The committee felt that putting “artificial” dates in the proposal was doing a disservice as it could take longer or shorter than originally anticipated. R. Lemka asked the comptroller what cost was indicated in the original resolution to which both the Supervisor and Comptroller advised they did not know of any resolution that stated

the cost. R. Lemka thought it was \$40,000. The Comptroller advised that was amount of the first phase. Dave Calarco said that all of the money for this zoning project had already been appropriated in previous budgets. This is not about spending more money. Mr. Calarco explained, to allay confusion, that this resolution only authorizes the town to utilize money to make changes and recommendations. Nothing has been done yet - no changes to the code and nothing has been proposed. As such, there is no need for a public hearing yet. Once the work has been done, it will be put on line for public comment and nothing will be adopted or passed until it is completely finished. He clarified for Mr. Lemka that LaBerge is not receiving \$60,000; the board is appropriating \$60,000 to be used incrementally over possibly the next 1½ to 2 years. The comptroller explained that this was a portion of an IDA grant of \$26,000 of which \$18,000 was allotted to identify the work that needed to be done (phase 1), thus generating this phase. This allows LaBerge, in hourly increments not to exceed \$60,000, to proceed with the revisions. No money has come out of the town budget thus far. Mr. Lemka asked if there was anything visible as a result of this work. C. Bult said the work group came up with numerous recommendations in the code that need to be addressed and that the information was available on the table in the meeting room tonight.

**Adoption of Resolution (adopted out of sequence)**

**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. Cutis:

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

**2014-189**     **WHEREAS**, the Town Board of the Town of Schodack authorized the Laberge Group to complete a review of the Town of Schodack Zoning Code to identify potential amendments and recommended revisions; and

**WHEREAS**, the Town Board authorized a zoning working group to meet with the Laberge Group to discuss and determine the appropriate amendments to the Town of Schodack Zoning Code; and

**WHEREAS**, the Laberge Group and the zoning working group have completed their assessment of the Town Zoning Code and prepared an outline of the recommended revisions and the process for amending the Town Zoning Code; and

**WHEREAS**, the Town Board has reviewed the recommended revisions and the process for completing the Zoning Code Amendments; and

**NOW, THEREFORE, IT IS RESOLVED:** that the Town Board hereby authorizes Supervisor Dowds to execute and administer the Professional Services Proposal dated July 17, 2014, Addendum No. 2014-06 with Laberge

Group to complete the Code Amendments in an amount not to exceed \$60,000.00.

**BE IT ALSO RESOLVED:** that the Town Board hereby authorizes the remaining \$8,000 grant from the Rensselaer County Industrial Development Agency to be used as partial funding towards the contract with Laberge Group.

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

### **Briefing of Resolution Agenda**

The Supervisor stated that since everyone had time to review the agenda (*while they were in executive session*), he opened the meeting for public comment. R. Lemka said that he would like more information on the Clark's Chapel cemetery resolution [2014-188] as he felt the rates were too high. He also had issues with the charge related to veterans. The Supervisor interjected that the Town Clerk had received an inquiry regarding the cost of interment. Since the town needed to set rates, he had asked C. Curtis to research it. These were put on the agenda as a starting point. C. Curtis, who is president of Woodlawn Cemetery, said we had just received a request about the rates, not that an interment was imminent. The board will need to have discussions about this and also get the assistance of the town attorney. C. Curtis highlighted several mandated rates such as a \$5.00 vandalism fee and a \$35.00 permanent maintenance fund imposed by the state cemetery association. He did not know the implications of those on a municipally owned cemetery. Private cemeteries such as Woodlawn cemetery, have fees to be paid to the digger, to the cemetery for maintenance, extra fees for Saturday and Sunday, foundation and vault fees as appropriate, etc. He feels that since we have already been maintaining the cemetery, the town may need to only pay the fees to the digger but regarding the other fees, the board needs to make a determination. He said there are also issues with plot size in the Clark's Chapel cemetery, which he is researching, and the determination of how many plots exist and if so, are they owned. R. Lemka turned his attention to [2014-192] and asked if there was a fund set aside for the police department to which the Supervisor said that these items were covered, in part, from federal forfeiture funds - for the vests, \$7,245 and \$1375 for the computers. The balance of the charge for the vests would come from the grant. The only cost to the town is \$1000.00 for the computers which is already budgeted. The comptroller stated that, basically, this resolution was only authorizing the use of the federal forfeiture funds. **Determination:** The Supervisor said that they would withdraw resolution [2014-188] and C. Curtis will continue to research it and will report his recommendations.

### **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.

**2014-184** **WITHDRAWN:** *"All Civil Service requirements having been met for the position of Police Officer, the Town hereby appoints \_\_\_\_\_ to the position of full-time Police Officer effective \_\_\_\_\_ at entry level salary as set forth in the Collective Bargaining Agreement between the Town of Schodack and Schodack Police Department, United*

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

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

- 2014-185** Pursuant to Chapter 80-4 of the Code of the Town of Schodack, the Schodack Town Board hereby resolves to grant a Mass Assembly Permit for Goold Orchards' 26<sup>th</sup> Annual Apple Festival to be held October 11<sup>th</sup> and 12<sup>th</sup>, 2014 on their premises, pursuant to the written application submitted by Goold Orchards, Inc. The applicant must comply with all off-site parking provisions of the Code and any other requirements, if any, of State, County and other regulatory agencies. The applicant shall be given notice that this approval is solely from the Town of Schodack and does not constitute approval by any other approving authority or governing agency. Further, a waiver of surety bond is granted subject to the provision that the Town is named as an additional insured on the applicant's liability policy and applicant will indemnify the Town of Schodack for any damage to Town property, vehicles, by participants or employees of the event and reimburse the Town for any other additional expense resulting from the event.

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:**

- 2014-186** Authorize Supervisor Dowds to execute a one year maintenance agreement with B & L Control Service Inc. for assistance, service and chemical products to treat the heating and cooling loops and cooling tower in an amount not to exceed \$2,468.00 for Town Hall, 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. Bult:

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

- 2014-187** Authorize Bruce J. Wagner, Justice and Paul W. Peter, Justice to attend New York State Magistrates Association Fall Conference September 21<sup>st</sup> through 24<sup>th</sup>, 2014 at Syracuse, New York with registration fees not to exceed \$50.00 per Justice, lodging (meals included) not to exceed \$597.00 per person and travel estimated costs (mileage) \$373.56 for a total estimate cost of \$1,667.56.

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

**2014-188**      **WITHDRAWN:** “Clark Chapel Cemetery rates as follows:

**INTERMENTS**

Adults	\$500.00
Child/Infant	\$300.00
Cremations	\$350.00
Cremations in Niches/Columbariums	\$300.00

**DISINTERMENTS**

*Disinterments are done at twice the cost of interments.*

**ADDITIONAL CHARGES**

Saturday/Sunday/State & Federal Holidays...+\$100.00  
Vault Fees...\$150.00 (out by May 1<sup>st</sup>, or \$10 per day additional charge)  
Seasonal Weather Costs....Actual Costs  
Snow Removal Costs.....Actual Costs

**FOUNDATIONS**

\$100.00 PER SQUARE FOOT\*

Bronze Military/Veteran's Marker	Flat Rate	\$150.00
Vertical/Marble Marker	Flat Rate	\$150.00
(*based on size of monument)		

*Foundation removals are done at twice the cost of installation*

**GRAVE SITE PRICES**

Single Grave.....	\$600.00
"Cremains Only" Graves.....	\$400.00

**\*\*PRICES SUBJECT TO CHANGE WITHOUT NOTICE\*\***

**2014-189)**      **PREVIOUSLY ADOPTED. SEE PAGE 145.**

**Board Discussion:** The Supervisor stated that resolution [2014-190] was to set the maximum amount of money to complete the employee handbook. C. Curtis asked if the latest rendition of the handbook had been distributed or discussed with the committee to which the Supervisor responded, no. C. Curtis said that until the committee had an opportunity to review it and decide if the changes were appropriate, he will not be moving any resolution to spend more money. C. Kenney agreed. The Supervisor said that they would be at an impasse as they would not have the input of the company because they would run out of money. C. Curtis disagreed and said there is no reason the committee should not be allowed to review it. The Supervisor said the committee's recommendations were with the consultant and he recommended that they move ahead. C. Curtis reiterated, why wasn't the current rendition given to the committee members to which S. Dowds said that there are additional inputs and it would make more sense that the committee gets the document with all of the inputs. C. Swartz asked if additional changes need to be made would that mean spending more money. S. Dowds stated that that would be part of this. C. Swartz asked if the committee could just see the changes. The Comptroller said that the last draft had all of the committee changes but she did not believe they had seen that draft.

She also said that she had looked at it and she had questions that needed to be reviewed with the committee. Her understanding was that should be the next step and it is also what the consultant recommended. C. Kenney and C. Swartz said that should be done first. After it is reviewed by the committee, it would proceed. **Determination:** It was the consensus of the Board to withdraw resolution [2014-190].

**2014-190**      **WITHDRAWN:** *"Authorize Supervisor Dowds to execute and administer a Professional Services Agreement dated August 5, 2014 with Public Sector HR Consultants LLC for completion of the Town of Schodack Employee Handbook at a cost not to exceed \$1,500, plus travel expenses as outlined in said agreement."*

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:**

**2014-191**      Authorize Supervisor Dowds to execute and administer a 2014 agreement between the Rensselaer County Department for Youth and the Town of Schodack for State Aid related to the Town's Summer Youth Day Camp in the amount of \$3,472.

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:**

**2014-192**      Authorize the appropriation of the Federal Forfeiture Reserve Fund in a total amount not to exceed \$8,620; \$7,245 for the purchase of 18 Bullet Proof Vests; and \$1,375 for the purchase of two computers for the Police Department (the total cost of the vests is \$14,490 with 50% funded by the NYS Office of the Attorney General Bullet Proof Vest Partnership Grant and the total cost of the computers is \$2,375 with \$1,000 funded by the 2014 Town Budget).

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

**Board Discussion:** A. Gruenberg stated that this resolution [2014-193] was the result of the back and forth negotiations relating to arbitration. It was last minute and he sent it to see if they wanted to put it on the agenda. There are changes that he wants to make as this just shows the stipulations of the settlement. C. Kenney asked if there was a reason it needed to be done tonight as they had agreed that items should not be put on the agenda at the last minute unless absolutely necessary. A. Gruenberg said it is not required that it be done tonight and that would give him the opportunity to tighten up the language. Discussion continued regarding putting it on the agenda for the workshop meeting on the 28<sup>th</sup> of August. **Determination:** It was the consensus of the Board to withdraw resolution [2014-193] with no Board stated decision on what meeting date to put it on the agenda.

**2014-193**

**WITHDRAWN:** *“WHEREAS, the Employer and CSEA are parties to a collective bargaining agreement which expires on December 31, 2015; CSEA filed a grievance as to the same on December 23, 2013; the matter was processed pursuant to the grievance system contained in the collective bargaining agreement between the parties; the parties are desirous of settling this matter without the necessity of further litigation; and they have agreed to the terms and conditions of a settlement;*

**NOW, THEREFORE,** *in consideration of the mutual undertakings and covenants herein contained, the parties stipulate and agree as follows:*

1. *CSEA agrees to postpone the issue raised in the grievance, specifically, the monetary amount and method of payment of out-of-class pay for Grievant Brian Brahm, until the upcoming contract negotiations for the successor CSEA-Town collective bargaining agreement;*
2. *Employer agrees to accept proposal(s) from CSEA and agrees to negotiate the monetary amount and method of payment for out-of-class work performed by CSEA members at the Transfer Station;*
3. *Once CSEA and the Town agree upon the monetary amount and method of payment to be made to CSEA members who work out-of-class at the Transfer Station, Mr. Brahm will receive retroactive out-of-class pay from August 13, 2014 forward for maintaining the Transfer Station when his supervisor is unavailable.*
4. *From August 13, 2014 forward, Mr. Brahm will document the hours he works out-of-class and review said hours with the Town Comptroller's Office at the end of each biweekly payroll period. Any discrepancies in calculation will be negotiated to conclusion by the parties.*
5. *Any alleged violation of this Agreement shall be grievable through the grievance system contained in the parties' collective bargaining agreement.*
6. *Pursuant to the above conditions, CSEA withdraws the aforementioned grievance and demand for arbitration.*
7. *Signatures obtained via .pdf or facsimile shall be acceptable as originals.*
8. *The foregoing is in full and final settlement of this matter.”*

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:**

**2014-194**

Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #14-1180 to 14-1379 on Abstract No. 2014-08, in the amount of \$874,006.61, including the claims paid (\$701,445.63) 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. Kenney:

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

**2014-195**

Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:



### BUDGET MODIFICATIONS

	<u>Fund/ Department #</u>	<u>Fund / Department Name</u>	<u>Increase</u>	<u>Decrease</u>
<b>57</b>	DB-960-9040.8000	Workers Compensation	322.97	
	DB-960-9060.8000	Health Insurance		322.97
	SS5-960-9040.8000	Workers Compensation	12.99	
	SS5-960-1990.4000	Contingency		12.99
	SS6-960-9040.8000	Workers Compensation	65.47	
	SS6-960-1990.4000	Contingency		65.47
	SS8-960-9040.8000	Workers Compensation	35.68	
	SS8-960-1990.4000	Contingency		35.68
<b>58</b>	SW1-960-8340.2000	Water Transmission - Equipment	810.00	
	SW1-960-8340.4000	Water Transmission - Contractual		810.00
<b>59</b>	SWC1-960-9901.9000	Interfund Transfers	3,000.00	
	SWC1-960-1990.4000	Contingency		3,000.00
<b>60</b>	A-960-3120.2000	Police - Equipment	15,865.00	
	A-509-4320.9999	Federal Aid - Public Safety	7,245.00	
	A-512-9999.9999	Appropriated Reserves - Fed Forfeiture	8,620.00	

**Interfund Loans – None.**

### INTERFUND TRANSFERS

	<u>Fund/ Department #</u>	<u>Fund / Department Name</u>	<u>Debit</u>	<u>Credit</u>
<b>61</b>	SWC1-522-9901.9000	Interfund Transfers	3,000.00	
	SWC1-200	Cash		3,000.00
	H044-200	Cash	3,000.00	
	H044-980-5031	Interfund Transfers		3,000.00
5 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.				

### **ADJOURNMENT**

As there was no further business before the Board, C. Curtis made a motion to adjourn the 08/14/14 Town Board meeting at 8:25 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Karen A. Vecchione  
Schodack Deputy Town Clerk/RMC