

**DATE:** SEPTEMBER 11, 2014

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA. L. CONLIN

**PRESIDING OFFICER:** FRANCIS CURTIS, DEPUTY SUPERVISOR

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

**MEMBERS ABSENT:** DENNIS E. DOWDS

**ATTORNEY:** DAVID GRUENBERG  
**COMPTROLLER:** JENNIFER MULLIGAN  
**OTHERS PRESENT:**

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D.S. Curtis called the September 11, 2014 meeting to order at 7:04 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above. He then called for a moment of silence in remembrance of those who died in the terrorist attack on the United States on September 11, 2001.

#### **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.

#### **Board Review of Claims/Transfers/Amendments**

The Board reviewed claims #14-1380 to 14-1507 on Abstract No. 2014-09 which includes all funds and claims to be paid and those paid since the previous town board meeting.

#### **Briefing of Resolution Agenda**

C. Curtis explained that resolution [2014-196] was relative to the settlement of a grievance for the highway department. Resolution [2014-205] pertains to the Sewer Line for Dunkin' Donuts. The bonding/borrowing was done for one million dollars but the project actually came in at one million thirty thousand dollars so this amends the escrow agreement to reflect the actual costs. He noted that none of these costs were borne by the taxpayers. All costs were borne by Dunkin' Donuts. With regard to resolution [2014-206], C. Curtis explained that when Mr. DeFruscio was initially hired he was part-time and his hourly rate was \$20.00/hr. He is now full-time and fulfilling the duties of Building Inspector and Code Enforcement so the Board is increasing his compensation. All other resolutions are self-explanatory.

#### **Public Comment**

F. Graziano asked if Mr. DeFruscio was assuming the title of Building Inspector. C.

Curtis said currently, his title will remain as is and the Board is waiting for some clarification from civil service. C. Bult said the position of Building Inspector is still open at this point, but Mr. DeFruscio is assuming all those duties.

M. Sherwood asked for further information on resolution [2014-202]. The Comptroller said the fiscal advisors assist with debt borrowing. One of the requirements when we borrow money is a continuing disclosure requirement for SEC. They assist us in meeting that obligation. The fee is \$2,000.00/annually.

M. Sherwood said the town has posted for a Human Resource Manager (HR) and asked if that meant that would not be contracting with the consultant. C. Curtis said the Board is not sure at this time. An HR consultant is a great resource for management, but the Board has decided that they would like an in-house person, even if it is only part-time. At this time, there is no intention of having a contract. Ms. Sherwood asked if that was a civil service title. C. Curtis said yes. Ms. Sherwood suggested that if they don't get someone from within Schodack, the Board waive the residency requirement because she strongly believes that there are many excellent HR people in the area.

### **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. 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:**

**2014-196) 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**, the Town Board hereby authorizes the Supervisor and the Attorney to the Town to execute a certain stipulation resolving this grievance.

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

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:**

- 2014-197)** Authorize Supervisor Dowds to execute and administer 2013-2014 Snow and Ice Agreement with Rensselaer County Department of Engineering and Highways for reimbursement for snow and ice removal on Stony Point Road.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz. Noes – 0. Absent – S. Dowds

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:**

- 2014-198)** Adopt the fee schedule for Fall Clean-Up Days (October 16, 17 & 18) at the Transfer Station as follows:

Refrigerators, freezers, air conditioners & dehumidifiers	\$ 6.00
Tires, rimless (maximum size 16")	\$ 2.00
Larger and rimmed tires	price by size
TVs, computer monitors	FREE
Propane Tanks	FREE
Furniture	FREE
Metal goods	FREE
Push mowers	FREE
Gas grills	FREE
Bicycles	FREE

\*\*\*\*\***Please note: all other pricing remains the same**\*\*\*\*\*

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

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:**

- 2014-199)** Waive the requirement pursuant to Chapter 177 §1 of the Code of the Town of Schodack to hold Water Rate hearings on or before October 20<sup>th</sup> each year, in order to schedule said hearings at a special meeting at a later date to be determined.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz. Noes – 0. Absent – S. Dowds.

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:**

**2014-200)** Waive the requirement pursuant to Chapter 176 §4 of the Code of the Town of Schodack to hold Sewer Rent hearings on or before October 20<sup>th</sup> each year, in order to schedule said hearings at a special meeting at a later date to be determined.

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

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:**

**2014-201)** Authorize the Supervisor Dowds to issue bond anticipation notes (BANS) in the aggregate amount of \$93,165.00 dated July, 2015 for the following purposes: \$27,688.00 to finance the improvements to East Schodack Sewer District No. 5; \$65,477.00 to finance the acquisition of a 2012 IHC Single Axle Dump Truck.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz. Noes – 0. Absent – S. 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:**

**2014-202)** Authorize Supervisor Dowds to execute and administer a Financial Advisory Services Agreement with Fiscal Advisors & Marketing Inc. dated August 2, 2014.

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

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:**

**2014-203)** WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities, and WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as *Constitution Week*,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack does hereby proclaim the week of September 17 through 23 as *Constitution Week* and urges all citizens to study the Constitution and reflect

on the privilege of being an American with all the rights and responsibilities which that privilege involves.

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

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:**

**2014-204)** Authorize Dominic DeFrusco, Assistant Building Inspector, to attend the 22<sup>nd</sup> Annual Capital District Building Officials Educational Conference at the Holiday Inn in Colonie, New York, October 20-22, 2014. Cost is \$310.00. Town vehicle to be used for transportation. Other appropriate expenses are to be borne by the Town. [as budgeted]

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

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:**

**2014-205)** **WHEREAS**, First Party and Second Party entered into an Escrow Agreement dated October 25, 2013, and

**WHEREAS**, the infrastructure associated with Town of Schodack Sewer District No. 6, Ext. No. 1 has been installed, and

**WHEREAS**, the costs associated with both the district formation and installation of the infrastructure for the Town of Schodack Sewer District No. 6, Ext. No. 1 exceed \$1,000,000 and

**WHEREAS**, the amount of money placed in escrow by First Party pursuant to the Escrow Agreement dated October 25, 2013 equaled \$1,000,000 and

**WHEREAS**, the additional costs associated with the formation of Town of Schodack District No. 6, Ext. No. 1 amount to \$30,000, and

**WHEREAS**, First Party and Second Party are desirous of amending the Escrow Agreement dated October 25, 2013 to incorporate the additional costs associated with the formation of the aforesaid sewer district extension.

**NOW, THEREFORE. IT IS HEREBY UNDERSTOOD AND AGREED:**

1. Article 2 of the Escrow Agreement dated October 25, 2013 is hereby amended to increase the amount placed in escrow by First Party from \$1,000,000 to \$1,030,000.
2. Except as otherwise amended as set forth in Paragraph 1 hereof the terms of the Escrow Agreement dated October 25, 2013 remain in full force and effect. **IN WITNESS WHEREOF**, the parties herein have hereunto set their hands and seals on the date first above written.

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

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:**

- 2014-206)** Authorize Dominic DeFruscio III, Assistant Town Building Inspector/Code Enforcement Officer, to be compensated at an hourly rate of \$29.00, effective September 16, 2014.

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

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:**

- 2014-207)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #14-1380 to 14-1507 on Abstract No. 2014-09, in the amount of \$193,797.58, including the claims paid (\$83,121.83) since the previous town board meeting.

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

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:**

- 2014-208)** Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

### BUDGET MODIFICATIONS

	<b>Fund/Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>62</b>	A-960-3410.1000 A-960-1990.4000	Fire Protection - Personal Services Contingency	1,300.00	1,300.00
<b>63</b>	A-960-5132.1000 A-960-1990.4000	Town Garage - Personal Services Contingency	100.00	100.00
<b>64</b>	A-960-7310.1000 A-960-7310.4000	Youth Recreation - Personal Services Youth Recreation - Contractual	381.00	381.00
<b>65</b>	A-960-8810.4000 A-960-1990.4000	Burial Grounds - Contractual Contingency	500.00	500.00
<b>66</b>	B-960-8020.4000 B-509-2115.9999	Planning Contractual Planning Fees	162.90	162.90
<b>67</b>	B-960-8340.2000 B-509-2655.9999	Water Trans. & Distribution - Equipment Minor Sales	2,632.50 2,632.50	
<b>68</b>	SS6-960-8130.1000 SS6-960-1990.4000	Sewage Treatment - Personal Services Contingency	2,000.00	2,000.00
<b>69</b>	SWC1-960-9901.9000 SWC1-960-1990.4000	Interfund Transfers Contingency	500.00	500.00
<b>70</b>	SWC1-960-8340.2000 SWC1-960-1990.4000	Water Transmission - Equipment Contingency	716.00	716.00

### INTERFUND LOANS

	<b>Fund/Department #</b>	<b>Fund / Department Name</b>	<b>Debit</b>	<b>Credit</b>
<b>71</b>	A-391 A-200 SS5-200 SS5-630	Due from Other Funds Cash Cash Due to Other Funds	6,600.00  6,600.00	 6,600.00 6,600.00

### INTERFUND TRANSFERS

	<b>Fund/Department #</b>	<b>Fund / Department Name</b>	<b>Debit</b>	<b>Credit</b>
<b>72</b>	SWC1-522-9901.9000 SWC1-200 H044-200 H044-980-5031.9999	Interfund Transfers Cash Cash Interfund Transfers	500.00  500.00	 500.00 500.00

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

## **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 09/11/14 Town Board meeting at 7:19 p.m., seconded by C. Curtis. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk CMC/RMC