

DATE: SEPTEMBER 8, 2016

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: JAMES E. BULT
MICHAEL KENNEY
SCOTT SWARTZ
TRACEY REX

MEMBERS ABSENT:

ATTORNEY: DAVID GRUENBERG, ESQ.

COMPTROLLER: PAUL HARTER, COMPTROLLER

OTHERS PRESENT: NICK DEFRUSCIO, ASSISTANT BUILDING INSPECTOR

Supervisor Dowds called the September 11, 2016 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.

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, Highway Department, Planning & Zoning, Receiver of Taxes and Assessor.

Review of Abstracts of Claims and Budget Amendments

The Board reviewed claims #16-1325 to #16-1454 on Abstract No. 2016-09..

Briefing of the Resolution Agenda Discussion-Resolutions

S. Dowds briefed the Resolution Agenda. With regard to Resolution [2016-205], the Supervisor explained that Mr. Cirillo applied for an area variance but changed his mind and withdrew his application. Resolutions [2016-206] and [2016-207] waive the requirement to hold the water/sewer rate hearings by October 20th. He stated that the Board waives that requirement every year. With regard to Resolution [2016-209], S. Dowds explained that the cost of the historical marker is \$1200.00. The Castleton Cemetery Association asked the Town if they would be willing to fund one-third of that cost. The remaining two-thirds will be shared equally with the Association and the Village of Castleton. On behalf of the Board, C. Bult will be presenting the Proclamations to the Eagle Scouts (Resolutions [2016-212] & 2016-213]). All other resolutions are self-explanatory.

Public Comment

Resolution [2016-205]: Norm Wiley, President of the Castleton Cemetery Association, thanked the Board for their consideration in funding the historical marker for the cemetery. He said they hope the marker will draw attention to the significance of the cemetery and the rich cultural history of the cemetery as well as the community.

Resolutions [2016-206] and [2016-207]: K. Stokem asked why the Board traditionally waived the hearing dates for the water/sewer rates. The Supervisor said they normally conduct them the beginning of November. Mr. Stokem asked if there was a reason that the Oct. 20th was put in the Code. S. Dowds said that date is required by State Law.

K. Stokem asked for an update on the status of the LWRP Joint Committee. S. Dowds replied that it does not appear that it will be moving forward at this point; however, the LWRP is a viable document and is still in place. Mr. Stokem said he understood that the Village of Castleton recommended four members. S. Dowds explained that the Town and Village can select four members each and then the appointment of the Chair is a joint recommendation from the Supervisor and the Mayor. The standstill is regarding the selection of the Chair. Mr. Stokem asked the intended role of the Committee. S. Dowds said their only charge was going to be updating the document, which, in his opinion, was a fairly stable document even today.

The Comptroller noted that the monthly Abstracts are always posted on the Bulletin Board in the meeting room for public review. Mr. Stokem asked if it was possible to upload them to the website like the rest of the meeting information. The Comptroller explained that he does not normally get them finalized until late in the afternoon of the meeting date, whereas, the other information is presented with the agenda several days prior to the meeting; however, he would be willing to post them on the website shortly thereafter.

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:

2016-205) As recommended by Nadine Fuda, Director of Planning and Zoning, authorize the return of \$125.00 to Stephen Cirillo for fees collected, as the applicant withdrew application for an area variance prior to the meeting.

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

C. Swartz 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:**

2016-206) 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 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

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

2016-207) 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 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

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

2016-208) Authorize the purchase of a 2017 Ford Utility Police Interceptor AWD from VanBortel Ford Onondaga County purchasing contract bid number 7418 2017 at a cost not to exceed \$41,194.41 plus delivery charge of \$265.00 for a total cost not to exceed 41,459.41. **[This is an approved 2016 Budget Item]**

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

2016-209) WHEREAS, Castleton Cemetery Association maintains Mountain View Cemetery in the Village of Castleton, and

WHEREAS, Mountain View Cemetery held burials as early as 1794 and was incorporated in 1855, and

WHEREAS, among 4,000 burials many of our great forefathers and early settlers are buried in Mountain View Cemetery, and

WHEREAS, the Castleton Cemetery Association wishes to erect an Historical Marker to commemorate the rich local history and historical past located in its cemetery, and

WHEREAS, the cost of the Historical marker is \$1,200 and the Castleton Cemetery Association and the Village of Castleton have each agreed to pay 1/3 of the cost to purchase the historical marker, and

WHEREAS, the Castleton Cemetery Association has asked the Town Board of Schodack to also pay 1/3 of the cost of said marker

NOW, THEREFORE BE IT RESOLVED that the Town Board agrees to pay for 1/3 of the cost to purchase the historical marker to be placed at the Mountain View Cemetery on Scott Avenue for a cost not to exceed \$400.

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

2016-210) 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.

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

C. Swartz 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:

2016-211) Adopt the fee schedule for Fall Clean-Up Days (October 13, 14 & 15) 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*****

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

2016-212) WHEREAS, William David Lindemann, son of William and Maryanne, on the 13th of June in the year two thousand sixteen, was awarded the rank of Eagle Scout, the highest rank a boy can achieve in scouting; and

WHEREAS, William started his journey in scouting as a Cub Scout in 2005, with Pack 257, and

WHEREAS, William has earned the Arrow of Light award on March 13, 2009, the highest Cub Scout honor, and

WHEREAS, William is a member of Boy Scout Troop 2041, and has earned 38 Merit Badges in his 7 years of Boy Scouting, and

WHEREAS, William has earned the Boy Scouts of America World Conservation Award, and

WHEREAS, William has served the troop as Assistant Patrol Leader, Patrol Leader, Senior Patrol Leader, Junior Assistant Scoutmaster and as Brotherhood Member in Order of the Arrow, Twin rivers Council, Mahikan District, and

WHEREAS, as his Eagle Scout project, William planned the project and coordinated all of the manpower and materials to build a two-sided sign and established a garden around the memorial marker in the courtyard at the VFW Post 7338 on Hayes Road in East Greenbush, and

WHEREAS, William is a member of the Fort Crailo American Legion Yankee Doodle Band and a member of the East Greenbush Volunteer Fire Department, and

WHEREAS, William is a 2016 Graduate of Columbia High School, where he was a member of the Varsity Bowling Team, serving as Captain; Varsity Outdoor Track Team; and Peer Leadership, serving as President and

WHEREAS, William achieved High Honor Roll while at Columbia High School, and

WHEREAS, William currently is attending Hudson Valley Community College pursuing a major in Civil Engineering and participates in Bowling at the College level,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack commends and congratulates William David Lindemann upon the auspicious occasion of being awarded the rank of Eagle Scout, Boy Scouts of America; and

BE IT FURTHER RESOLVED that Supervisor Dowds will convey a copy of this resolution, suitably engrossed to William David Lindemann at his Court of Honor on September 11, 2016.

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

2016-213) WHEREAS, Daniel Edward Farley, son of Daniel and Ellen Farley, on the 13th of July in the year two thousand sixteen, was awarded the rank of Eagle Scout, the highest rank a boy can achieve in scouting; and

WHEREAS, Daniel started his journey in scouting as a Cub Scout in 2004, with Pack 257, and

WHEREAS, Daniel has earned the Arrow of Light award the highest Cub Scout honor, and

WHEREAS, Daniel is a member of Boy Scout Troop 2041, and has earned 34 Merit Badges in his 12 years of Boy Scouting, and

WHEREAS, Daniel has earned the Boy Scouts of America World Conservation Award, and

WHEREAS, Daniel has served the troop as Assistant Senior Patrol Leader, Senior Patrol Leader, Patrol Leader and Member of the Order of the Arrow, and

WHEREAS, as his Eagle Scout project, Daniel collected retired American flags, cut the stars out and packaged them individually to be distributed to Veterans, Active Troops, VA Hospitals, Active and Retired Soldiers as a way to thank them for their service, and

WHEREAS, Daniel is a Parishioner at Holy Spirit Church and a Member of Best Luther Volunteer Fire Department, and

WHEREAS, Daniel is a Graduate of Columbia High School, where he was a member of the Varsity Golf Team and served as Team Captain, and

WHEREAS, Daniel is currently serving our country as a member of the New York Army National Guard,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack commends and congratulates Daniel Edward Farley upon the auspicious occasion of being awarded the rank of Eagle Scout, Boy Scouts of America; and

BE IT FURTHER RESOLVED that Supervisor Dowds will convey a copy of this resolution, suitably engrossed to Daniel Edward Farley at his Court of Honor on September 11, 2016.

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

2016-214) Reappoint William Kayser as a member of the Board of Assessment Review. Term to expire September 30, 2021.

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

2016-215) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-1325 to 16-1454 on Abstract No. 2016-09, in the amount of \$390,193.09, including the claims paid (\$126,512.56) since the previous town board meeting.

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

2016-216) Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

Fund/ Department #		Fund / Department Name	Increase	Decrease
2016				
56	A-960-1110.4000	Town Justice - Contractual	671.23	
	A-960-1110.1000	Town Justice - Personal Services		671.23

To modify the budget to cover temporary employee services for vacant position

57	A-960-3120.1012	Police Grant - Rens Co DWI	987.65	
	A-509-4320.9999	Federal Aid Public Safety	987.65	
	To modify the budget for PTS grant awards			
58	A-960-3120.1090	Police - Justice Court	412.00	
	A-960-3120.1091	Police - Justice Court O/T	504.00	
	A-960-1110.1000	Town Justice - Personal Services		916.00
	To modify the budget to cover Police presence at court night			
59	A-960-1910.4000	Unallocated Insurance	83.70	
	A-960-1990.4000	Contingency - Contractual		83.70
	To modify the budget to cover insurance adjustment charges			
60	DB-960-5110.1350	Gen'l Road Repairs - DB work for W/S	415.62	
	DB-960-5110.1351	Gen'l Road Repairs - DB W/S work OT	173.18	
	DB-960-5110.1000	Gen'l Road Repairs - Personal Svcs		588.80
	To modify the budget to cover employee Interfund work SWC1 Miller/Estate water main break			
61	DB-960-5112.1100	Road Construction - Overtime	847.45	
	DB-960-5112.1000	Road Construction - Personal Svcs		847.45
	To modify the budget to cover employee overtime for road paving projects			
62	SS6-960-8130.4008	Contractual - Dunkin Donuts punch list	167.50	
	SS6-509-5031.9999	SS6 - Interfund Transfer	167.50	
	To modify the budget for reimbursement of Dunkin Donut Punch List Expenses from escrow			
63	SWC1-960-8340.1100	Consolidated Water Dist - Overtime	767.29	
	SWC1-960-1990.4000	Contingency		767.29
	To modify the budget to cover employee Interfund work SWC1 Miller/Estate water main break			
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.			

Board Discussion/New Old Business:

SLA Request: The Supervisor noted that the Deputy Town Clerk recently sent the Board a State Liquor Authority (SLA) request that “Delz Dawgs” was going to open as another restaurant (*Town Clerk clarification - new operator*). C. Bult said he understands that the applicant will be going before the Planning Board at the upcoming meeting, and after reading the application to the SLA, he has some questions regarding some of the items indicated on the form. The Town Clerk asked if it was regarding the music and other activities that were selected on the form (“will you have a DJ, Karaoke, a band, etc.”). C. Bult said yes. She stated that the Deputy Clerk called the applicant about those items and

was told that he was advised to select those items now just in case they wanted to offer that in the future; however, they are not considering them at this time. C. Bult said he wants to hear the presentation at the Planning Board because he has concerns about the amount of room at that facility and, based on the SLA application, he doesn't really understand their business plan.

Dunkin' Donuts Sewer: C. Kenney asked the status of the Dunkin' Donuts Sewer issue. S. Dowds said he tried contacting Mr. Leal but he has been on vacation so he spoke with Ron Laberge today. They are getting estimates on the fencing. That and other items on the punch list will come out of escrow as well as anything we deem as necessary as a result of their operation. So at this point we are covered financially. Mr. Laberge is well aware of our position regarding the PH, wherein we will issue an Order to Remedy if they don't put the equipment on the premises. C. Kenney felt the issue with the low PH has gone on long enough and there should be a more expedient resolution. C. Swartz asked if there was a termination date on the escrow account. S. Dowds said no. C. Kenney asked if there was enough money in the escrow account to address the PH problems that exist at their facility. The Supervisor said he believed so because they don't need a significant amount of equipment. C. Kenney said he would like a date certain that the problem will be corrected and asked that this discussion be continued at the next meeting because he was very concerned about the pump station behind Rensselaer Mobile Home Estates. C. Bult asked Atty. Gruenberg if there was a mechanism for the town to actually levy fines against Dunkin' Donuts if they don't comply. S. Dowds said yes. It is in the Town's Code. After the Order to Remedy is issued, the fine is \$250.00/day. A. Gruenberg said the issue is whether the ability to issue an Order to Remedy extends to the nature of the effluent. Dennis said he believed it did because the Code states the PH has to be no lower than 5.5 and theirs has been as low as 3.8.

East Greenbush Sewer: C. Bult asked if there was any update on the discussions with the Town of East Greenbush regarding our Sewer Agreement. Dennis said he spoke with "Jack" from East Greenbush about 10 days ago and they are working on it. He said our Assistant Comptroller, Laura Palmer has all the documentation and they have agreed to meet with them and their consultant to discuss the amount of flow and the rates. C. Kenney explained that the new East Greenbush sewer plant is now on-line and they will have to start making payments on it. Rather than levying those costs as a capital costs, they have chosen to add it on the usage charge of the current sewer users in East Greenbush, which also allows them to increase the rates for Schodack users.

Executive Session

C. Swartz made a motion at 7:25 p.m. to enter into executive session to discuss personnel appointments in the Building and Planning Departments. Seconded by C. Rex.

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

C. Kenney made a motion at 8:29 p.m. to adjourn the executive session. Seconded by C. Bult.

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

ADJOURNMENT

As there was no further business before the Board, C. Swartz made a motion to adjourn the 09/8/16 Town Board meeting at 8:29 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk