

DATE: NOVEMBER 10, 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: DR. RICHARD DRUMM

Supervisor Dowds called the November 10, 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, Tax Receiver, and Human Resources.

Review of Abstracts of Claims and Budget Amendments

The Board reviewed claims #16-1459 to #16-1824 on Abstract No. 2016-11.

S. Dowds deviated from the regular agenda format to discuss and act upon resolution [2016-272] (gift of land from Dr. Drumm/Fox Hollow LLC). He said that the Board has had discussions with Dr. Drumm about the property next to the Town Hall for about 4 years. Early fall, Dr. Drumm and his family made the decision to donate the parcel, consisting of approximately 19 acres, to the Town. The Board is excited and humbled by this very generous offer. He continued that there are no plans for the property at this time and reiterated how sincerely grateful the Board is. Before, soliciting public comment, he noted that 50 years ago, Dr. Drumm was the Supervisor of the Town of Schodack.

Public Comment on Resolution [2016-272]: None

Adoption of Resolution-THIS RESOLUTION WAS ADOPTED OUT OF SEQUENCE.

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:**

2016-272) WHEREAS, on August 11, 2016 The Town Board of the Town of Schodack adopted resolution 2016-198 authorizing the Town to accept a gracious gift of property from Fox Hollow, LLC and further authorized a title search, survey, purchase of Title insurance and the attorney for the Town to prepare all the necessary documents to transfer said property to the Town of Schodack; and

WHEREAS, the survey and title search have been completed and closing is contemplated to occur within ten days, and

WHEREAS, the Town wishes to publicly acknowledge and thank Richard Drumm, in his capacity as owner of Fox Hollow, LLC for his generous gift of approximately nineteen acres of land adjacent to the Town Hall of the Town of Schodack, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack publicly thanks Richard Drumm upon the auspicious occasion, on behalf of the citizens of the Town of Schodack; and

BE IT FURTHER RESOLVED that Supervisor Dowds is directed to convey a copy of this resolution, suitably engrossed, to Richard Drumm thanking him for his generous gift to the Town of Schodack.

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

Dr. Drumm said 2016 is a special time in his life as he celebrates 60 years of being part of the Town. He said he had his home here and built his business here, which is essentially across the street from the current Town Hall. He successfully ran for Supervisor in 1966 and served for 4 years. When he became Supervisor they didn't have a Town Hall and held their meetings in the Village hall. One of his proudest accomplishments was getting a Town Hall built at 1777 Columbia Tpke., which was a huge undertaking at that time. The Town has been good to him and he felt this gift was a little give-back to the Town that has supported him and his family all these years. He didn't know what the Board was going to do with it, but suggested it would make a lovely small park for all to enjoy.

Recess

The Board recessed at 7:12 p.m. for light refreshments for this auspicious occasion and to give Board members and others the opportunity to extend their gratitude to Dr. Drumm. The meeting resumed at 7:28 p.m.

Before continuing with the rest of the meeting, S. Dowds presented a Proclamation of Gratitude, on behalf of the Board and citizens of the Town, to Dr. Richard Drumm for his generosity and restated how grateful they were. Dr. Drumm graciously accepted the plaque.

Briefing of the Resolution Agenda Discussion-Resolutions

S. Dowds briefed the Resolution Agenda. With regard to Resolution [2016-271], the Supervisor explained that it addressed several necessary changes to the Preliminary Budget. It increased the amount to be raised by taxes by \$32,000.00; the rate, however, would remain the same at .41%. The Supervisor noted that they just received the information from the Village of Castleton for the Castleton Fire Department. He said he was going to ask for supporting documentation to justify the last minute increase. With regard to the ambulance district, C. Bult noted that it was his understanding that the \$20,000.00 for the Ambulance District was due to decrease in LOSAP and clarified that the \$20,000.00 was not the total amount for the ambulance district. Resolution [2016-273] was pertinent to the Hazardous Waste grant application. The Supervisor explained that the Town pays the cost and is reimbursed by the State at a later date. Resolution [2016-274] states that the Board is not in support of the provisions in the Energy Modernization Act of 2016. All other resolutions are self-explanatory.

Board Discussion/Agenda/Other Matters of Business: None

Public Comment

M. Sherwood asked for more information regarding Resolution [2016-274]. S. Dowds explained that this bill is currently in Congress. Essentially, it shortens and expedites the approval process for natural gas pipelines. It also limits some of the states' ability to nullify a pipeline going through their state. The Board is not in favor of these provisions and wanted to send that message to our federal representatives. Ms. Sherwood suggested that a copy of the resolution should also be sent to President-elect Donald Trump. S. Dowds said the resolution would be amended to reflect same. Regarding the property given to the Town, Ms. Sherwood suggested that the Town erect some type of recognition indicating it was a gift from Dr. Drumm and his family. S. Dowds felt that a good idea.

J. Hughes addressed the Board regarding the junk cars that seem to be all over town. He said he has filed complaints before, but nothing has been done. This is very upsetting to him and he even offered to buy one of the properties so that he could clean it up. He simply wants the Town to look better. He noted several areas of concern and said there are at least a dozen more that he knew about. S. Dowds stated that the Town is trying to get the junk cars and equipment removed on one property that he mentioned (Davis), but unfortunately, there is a legal process that must be followed and it takes time. If the Town doesn't get voluntary compliance they have to go to Court and once it reaches that level, it is completely up to the Court as to how it is resolved. Mr. Hughes asked if he, personally, could take the property owners to Small Claims Court. Atty. Gruenberg said he believes there is a process in the Zoning Law, where a private individual can serve notice on the Town saying there is a violation of the Zoning Law and they want the Town to enforce the law. If the Town doesn't enforce it, the individual serving notice can then hire their own lawyer. It is not really a small claims process. It is a section of law that allows private individuals to bring enforcement actions. He said it is rarely used and he can't speak as to how successful it may be. Mr. Hughes said he filled out complaint forms in the building department and wants something to happen. C. Bult said he knew that Ms. Fuda was working on the Davis property but didn't know its current status. S. Dowds said Mr. DeFruscio is now working on this, but believed Mr. Davis has been out of town for the last 6 weeks. In this particular case, the Supervisor said the town has given him ample

opportunity to clean up the property, so it seems that they are at the stage of issuing an Order to Remedy, which ends up in the Court. Mr. Hughes asked the Supervisor if he could talk to Dunkin' Donuts regarding the 4 unlicensed vehicles on that property. The Supervisor said the Town will contact the owner.

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

2016-270) Based on November 3rd 2016 budget discussions, adopt the following changes to the 2017 Preliminary Budget:

Preliminary to Adopted Budget Analysis - 2017

		LESS	LESS	AMOUNT TO
	APPROPRIATIONS	ESTIMATED	UNEXPENDED	BE RAISED
	PROVISIONS	REVENUE	BALANCE	BY TAXES
<hr/>				
Preliminary Budget	12,437,773.00	4,993,266.00	757,976.00	6,686,531.00
EW	EW Enterprise-Townwide Water Supply	(20,690.00)	20,690.00	0
SF2	Castleton Fire Protection District	12,000.00		12,000.00
SM	Schodack Ambulance District		(20,000.00)	20,000.00
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Adopted Budget per 11/03/16 TB mtg.	12,449,773.00	4,972,576.00	758,666.00	6,718,531.00

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

2016-271) WHEREAS, the Town Board met on Thursday, November 3, 2016 at the Schodack Town Hall, as specified in the Notice of Public Hearing for the 2017 Preliminary Budget, with said notice appearing in the October 26, 2016 edition of The Record, and was posted on October 20, 2016, and

WHEREAS, said public hearing was held on November 3, 2016 at 7:30 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said Preliminary Budget or any part thereof,

NOW, THEREFORE, BE IT RESOLVED that the 2017 Preliminary Budget, and as hereinafter set forth, is hereby adopted.

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

2016-272) PREVIOUSLY ADOPTED. SEE PAGE 264.

C. Rex 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:**

2016-273) WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS the Town of Schodack herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

NOW, THEREFORE, BE IT RESOLVED BY Town of Schodack

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Bruce Goodall or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;

3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That two (2) Certified Copies of this Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

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. Kenney:

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

2016-274) WHEREAS, the Town of Schodack recently faced the very real prospect of a natural gas pipeline being installed across the Town, connecting natural gas sources with New England; and

WHEREAS, during the federal regulatory process relating to the pipeline, the Town sought to use available resources to block such pipeline; and

WHEREAS, Congress is now considering separately passed versions of a law which would expedite the process of natural gas pipeline approvals, and substantially limit state input into such process, thus depriving the citizens of the Town of Schodack of meaningful participation in this process;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Schodack hereby goes on record as opposing the Energy Policy Modernization Act of 2016, and any federal legislation which would reduce State input into pipeline siting decisions; and it is further

RESOLVED, that the Town Clerk is hereby directed to send a copy of this resolution to Senator Schumer, Senator Gillibrand, member of Congress Paul Tonko and President-elect Donald Trump.

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. Swartz:

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

2016-275) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-1649 to 16-1824 on Abstract No. 2016-11, in the amount of \$335,660.71, including the claims paid (\$115,553.84) 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. Rex 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:**

2016-276) Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

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

Before adjourning C. Bult asked if there was anything that could be done to clean up the leaves on the Town Hall property. He didn't know if this was something the highway department could do or if they had to contract with a company. S. Dowds said he will talk to the Highway Superintendent and if they are unable to do it, he will contract with a vendor to perform the services. **Determination:** The consensus of the Board was in agreement with this suggestion.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 11/10/16 Town Board meeting at 7:46 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/CMC/RMC

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