

**DATE:** DECEMBER 29, 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:** ABSENT

**COMPTROLLER:** ABSENT

**OTHERS PRESENT:** BERNARD PETER, POLICE CHIEF  
JOSEPH BELARDO, ASST. POLICE CHIEF

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Supervisor Dowds called the December 29, 2016 Town Board Meeting to order at 6:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

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

The Board reviewed claims #16-1944 to #16-2048 on Abstract No. 2016-13.

#### **Briefing of Resolution Agenda Discussion-Resolutions**

**Tasers:** S. Dowds stated that he asked the Chief to go over the Taser Policy with the Board. Before calling upon the Chief, the Supervisor noted that the Town Attorney felt the policy was satisfactory. Chief Peter deferred to Asst. Chief Belardo who drafted the policy. Asst. Chief Belardo explained that he reviewed other policies from nationally accredited agencies and used them for his benchmark in developing Schodack's policy. The Chief stated that the Town's insurance company suggested the use of Tasers because they are safer than using deadly force. They are non-lethal weapons used by many departments throughout the country and are more effective than pepper spray, etc. While there have been some incidents reported in the media, it is usually due to an underlying medical condition or drugs; normally, the suspect doesn't have any permanent injuries from them. C. Bult asked if NYMIR looked at this policy and if so, did they sign off on it. The Town Clerk reported that she sent this to NYMIR several months ago and they sent back a different policy from the Village of Ilion with a suggestion that there were parts of the Ilion policy that we might want to incorporate. The Chief said he and Asst. Chief Belardo would review and compare both policies. The Town Clerk asked the Chief to send her the finalized policy and she will forward it to the insurance company for their review.

S. Dowds said Board members expressed concern regarding training. Asst. Chief Belardo explained that they have a department member who is a certified trainer. The training consists of classroom and practical training. The officer has to demonstrate that they can operate the taser controls, load it and do the ARC test to show that it is operating

properly. They also have to show that they can deploy it under a simulated stress situation and have the option of being tased. The training is approximately 6 – 8 hours long. C. Swartz asked if would get a reduction in our premium by having the tasers. The Town Clerk replied that she asked them and the answer was no. Asst. Chief Belardo added that tasers give the officers the advantage of having more options available to them. When they have access to a taser, it is less likely that they would have to resort to using deadly physical force to control a situation. While there is a lot of publicity if there is a taser fatality, studies prove that having tasers available actually saves lives. He reiterated that in many instances a fatality was due to underlying health problems that the suspect had. C. Kenney said he has spoken with members of several agencies and they said the same thing. He was told that sometimes just having the officer pull out the taser is deterrent enough and he thinks they would be an asset.

**Meeting Schedule:** C. Bult commented on resolution [2016-295], meeting dates. He suggested that they schedule the second meeting for the months of July and August. If the Board decides to cancel one or both of them they can do so at the time. He asked the Town Clerk for her input. She responded that both methods require passing a resolution for notification (cancellation or new meeting) so she felt it was up to the discretion of the Board. After a brief discussion, it was the consensus of the Board to amend the resolution to schedule meetings for July 27<sup>th</sup> and August 24<sup>th</sup>. If they decide to cancel them due to vacation schedules or lack of business, they will do so at the meeting prior.

C. Bult asked if resolution [2016-294] was regarding the Spinney. S. Dowds said no, it was for My Place.

**Former Drumm Property:** C. Kenney said since the Town now owns the property next to the Town Hall, they may want to consider putting a gate at the bottom of the road leading to the water tower. He said he discussed with the Highway Superintendent and he felt it was a good idea. S. Dowds agreed.

**Sewer Service:** C. Kenney asked the status of the new Spinney project (additional 78 units). S. Dowds responded that 2 – 3 buildings are scheduled for completion this year with the remaining ones for 2018. C. Kenney wondered how these additional Spinney units and the new My Place sewer extension would impact the contract with the Town of East Greenbush for sewer services. S. Dowds said he didn't have the actual numbers, but knew that even on peak days they will be below the allotted 45,000 gal./day. C. Kenney felt that the Board needed to be very mindful of the flow numbers as the fines for exceeding the allotted amount are costly and there has been discussion about having the buildings on the Valente property connect. S. Dowds said he didn't think they would add that much; with all the new buildings it shouldn't exceed 37,000 – 38,000 gal./day.

**Stewart's/Village of Nassau:** C. Kenney asked the status of the agreement with the Village of Nassau for water for the new Stewart's shop on New Rd./Rt. 20. S. Dowds said he was told that the Village is not going to enter into an agreement with the Town. C. Swartz asked how this impacts the Town. C. Kenney said there will be an agreement between the Village and Stewarts. The Supervisor said it will remain our water district and we can collect capital costs from Stewarts, but we will not be providing the water or the billing. The Village will be doing it. He said the Village didn't want to enter into a contract with the Town because they charge a much higher Operation and Maintenance Fee (O & M) than the Town does. C. Swartz asked how that would impact future expansion in that area. The Supervisor said in talking with the Mayor, if were to expand in that area, it would be an entirely different issue. C. Bult said he would not be in favor of doing any more district

extensions until the Town has an agreement in place with the Village. C. Kenney agreed.

**Highway Garage/Fuel Island:** C. Bult raised discussion on the problem with the fuel island at the highway garage. He said Ken Holmes (Highway Superintendent) told him that they have to do more work before they even get to the point where they can get an estimate for repair costs. C. Bult said the Town has received a grant to replace the island this year, and he was concerned about spending money to repair something that will soon be replaced. Since they can still pump diesel, he felt they could continue using the credit card to purchase gas. The Supervisor said he had two calls to Laberge this week because he doesn't understand why this project is not going to be completed until September. He knew that Stewarts built an entire structure in in less than 45 days including the underground tanks, pumps, etc.

### **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:

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

**2016-293)** Authorize renewal of the Town's liability insurance policy with NYMIR, including property, general liability, auto, inland marine, boiler & machinery, law enforcement and public officials effective January 1, 2017 with a Six Million Dollar Umbrella, single occurrence with a Twelve Million Dollar aggregate for the premium not to exceed \$128,231.24.

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. Rex:

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

**2016-294)** **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Sewer District No. 6, Ext. 2, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by Advance Engineering & Surveying, PLLC, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District Extension, a general plan of the District Extension and an analysis showing the costs thereof and method of operation; and

**WHEREAS**, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired; and

**WHEREAS**, the boundaries of the proposed District Extension are as described in Schedule "A" annexed hereto; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Eighty-Three Thousand Nine Hundred Seventy-Seven (\$83,977.00) Dollars; and

**WHEREAS**, approval of the New York State Comptroller is not required for the formation of Sewer District No. 6, Ext. 2, inasmuch as debt will not be issued or assumed. Any assessments for future construction shall be on a benefit basis for all users; and

**WHEREAS**, said map, plan and report describing said improvements are on file in the Town Clerk's Office for public inspection; and

**WHEREAS**, the first year cost of debt repayment and full operation for typical properties within the District is \$0, operation and maintenance charges are estimated at \$2,664.50. Hook up fees in the amount of \$10,825.00 shall be paid by the property owner.

**NOW**, it is hereby **ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Town of Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York 12033, in said Town, on the 12<sup>th</sup> day of January 2017, at 7:10 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

#### **SCHEDULE "A"**

Legal Description

#### **Sewer District #6**

Sanitary Sewer Extension No. 2

Lands now or formerly of Galib & Giacone

All that tract or parcel of land situate, lying in the Town of Schodack, County of Rensselaer, State of New York, (being tax map parcels 178.00-11-24.1, 189.00-2-2 and 189.00-2-3) on the westerly side of Columbia Turnpike (Routes 9 & 20) and being shown on

a plan titled "Plat of Survey, Lands of Orciuoli, to be conveyed to, George J. Galib and James A. Giacone", dated September 30, 2009, as prepared by John J. Dunn, P.L.S. and being more particularly bounded and described as follows:

Beginning at a point in the westerly highway boundary of Columbia Turnpike (Routes 9 & 20) at its intersection with the division line between lands now or formerly of Rose on the north and lands now or formerly of Galib and Giacone on the south; thence along said westerly highway boundary the following three (3) courses and distances:

- 1) South 16°-16' East, 99.9 feet to a point; thence
- 2) South 14°-22' East, 96.5 feet to a point; thence
- 3) South 14°-43'-44" East, 250.00 feet to a point at its intersection with the division line between the aforementioned lands of Galib and Giacone on the north and lands now or formerly of Fox Hollow, LLC on the south; thence along said division line the following seven (7) courses and distances:

- 1) South 73°-59'-53" West, 101.18 feet to a point; thence
- 2) South 81°-41'-24" West, 169.90 feet to a point; thence
- 3) North 12°-58'-36" West, 34.70 feet to a point; thence
- 4) North 12°-58'-36" West, 163.18 feet to a point; thence
- 5) South 77°-21' West, 727.6 feet to a point; thence
- 6) North 05°-34' East, 534.1 feet to a point; thence
- 7) South 66°-20' West, 438.0 feet to a point in the division line between lands of the aforementioned Galib and Giacone on the east and lands now or formerly of Brown and Galligan on the west; thence along said division line the following four (4) courses and distances:

- 1) North 08°-37' West, 345.2 feet to a point; thence
  - 2) North 05°-07' West, 231.0 feet to a point; thence
  - 3) North 82°-08' East, 360.4 feet to a point; thence
- North 78°-11' East, 396.0 feet to a point in the division line between the aforementioned Galib and Giacone on the west and lands now or formerly of Community Mutual Insurance Company on the east; thence along said division line South 04°-56' West, 171.1 feet to a point in the division line between the aforementioned Galib and Giacone on the west and lands now or formerly of Vankampen on the east; thence along said division line South 07°-15' West, 117.0 feet to a point and South 87°-45' East, 276.1 feet to a point in the division line between the aforementioned Galib and Giacone on the west and lands now or formerly of Vadney on the east; thence along said division line South 08°-18' East, 75.0 feet to a point in the division line between the aforementioned Galib and Giacone on the west and lands of the aforementioned Rose on the east; thence along said division line the following three (3), courses and distances:
- 1) South 12°-00' East, 259.6 feet to a point; thence
  - 2) North 77°-23' East, 70.5 feet to a point; thence
  - 3) North 77°-23' East, 190.3 feet to the point and place of beginning.

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:**

- 2016-295)** Regular meetings of the Town Board will generally be held at 7 p.m. on the second and fourth Thursdays of each month of the Year 2017, at the Schodack Town Hall at 265 Schuurman Road unless otherwise duly noticed, as follows:

January 12	July 13
January 26	<del>[No second meeting scheduled for]</del> July <u>27</u>
February 9	August 10
February 23	<del>[No second meeting scheduled for]</del> August <u>24</u>
March 9	September 14
March 23	September 28
April 13	October 12
April 27	October 26
May 11	November 2
May 25	November 9
June 8	December 7
June 22	December 28 @ 6:00 PM/Close of Business

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. Bult:

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

- 2016-296)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-1944 to 16-2048 on Abstract No. 2016-13, in the amount of \$495,613.63, including the claims paid (\$446,209.06) 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. 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:**

- 2016-297)** 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>2016</b>				
<b>111</b>	A-960-1110.1000	Town Justice - Personal Svcs.	1,392.31	
	A-960-1110.1100	Town Justice - Overtime	109.68	
	A-960-1110.4000	Town Justice - Contractual	505.29	
	A-960-1315.4000	Comptroller - Contractual		2,007.28
	To modify the budget to cover overage caused by temporary employee services for vacant position			
<b>112</b>	A-960-1340.1000	Budget - Personal Services	223.55	
	A-960-1340.4000	Budget - Contractual		100.00
	A-960-1315.4000	Comptroller - Contractual		123.55
	To modify the budget to cover Dawne Kelly work on budget data entry			
<b>113</b>	A-960-1910.4000	Unallocated Insurance	3.30	
	A-960-3410.4000	Fire Protection - Contractual		3.30
	To transfer funds to cover add'l premium for PortaCount Pro Resp .			
<b>114</b>	A-960-3120.1090	Police - Justice Court	96.39	
	A-960-3120.1091	Police - Justice Court O/T	128.97	
	A-960-1990.4000	Contingency - Contractual		225.36
	To modify the budget to cover Police presence at court night			
<b>115</b>	A-960-3120.1100	Police - Overtime	13,328.14	
	A-960-3120.1000	Police - Personal Services		13,328.14
	To modify the budget to cover Overtime overage			
<b>116</b>	A-960-3120.2000	Police - Equipment	1,610.28	
	A-960-3120.4000	Police - Contractual		1,610.28
	To modify the budget to cover Computer security equipment			
<b>117</b>	A-960-5132.1300	Town Garage - Bldg Maintenance	117.12	
	A-960-5132.4000	Town Garage - Contractual		117.12
	To transfer funds to cover employee (Vicki) time spent at Highway garage			
<b>118</b>	B-960-8020.4000	Planning - Contractual	3,279.87	
	B-509-2115.9999	Planning Board Fees	3,279.87	
	To transfer the budget for engineering fees related to Planning Board activity - Dagen , Scaccia			

**BUDGET MODIFICATIONS CONT'D.**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>119</b>	B-960-8340.2000	Transmission & Distrib - Equipment	231.88	
	B-509-2655.9999	Minor Sales	231.88	
	To modify the budget for December meter sale - 1503 Maple Crest			
<b>120</b>	DB-960-5130.1500	Machinery - Build Inspect Work	219.60	
	DB-960-5130.1000	Machinery - Personal Svcs		219.60
	To modify the budget to cover work on Buidling Dept. Vehicle			
<b>121</b>	SS2-960-8130.1000	Castleridge-Sewage - Personal Services	152.52	
	SS2-960-9030.8000	Castleridge-Sewage - Social Security	11.66	
	SS2-960-9060.8000	Castleridge-Sewage - Employee Benefits		
	SS2-960-1990.4000	Castleridge-Sewage - Contingency		164.18
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent			
<b>122</b>	SS6-960-8130.1000	Exit 10 Sewer - Personal Services	877.81	
	SS6-960-8130.1100	Exit 10 Sewer - Overtime	216.21	
	SS6-960-9030.8000	Exit 10 Sewer - Social Security	83.69	
	SS6-960-8130.4000	Exit 10 Sewer - Contractual		1,177.71
	To modify the budget to cover employee time spent on Isabella Ct. Water Break			
<b>123</b>	SS6-960-8130.4008	Contractual - Dunkin Donuts punch list	1,325.00	
	SS6-509-5031.9999	SS6 - Interfund Transfer	1,325.00	
	To modify the budget for reimbursement of Dunkin Donut 50% of fence estimate			
<b>124</b>	SS8-960-8130.1100	Schdk Landing Sewer - Overtime	103.49	
	SS8-960-8130.1000	Schdk Landing Sewer - Personal Services		103.49
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent			
<b>125</b>	SW1-960-8320.1000	Water Dist #1 - Personal Services	57.66	
	SW1-960-8320.4000	Water Dist #1 - Contractual	937.03	
	SW1-960-1990.4009	Water Dist #1 - Contingency - Supply		994.69
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent & 50% of fence estimate			
<b>126</b>	SWC1-960-9030.8000	Consolidated Water Dist - Social Security	23.21	
	SWC1-960-9010.8000	Consolidated Water Dist - Retirement		23.21
	To modify the budget to cover employee time for Isabella Ct. water main break			



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

### **Executive Session**

C. Swartz made a motion to enter into Executive Session at 6:40 p.m. to discuss 2017 appointments. Seconded by C Rex.

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 adjourn the Executive Session at 7:10 p.m., seconded by C. Swartz.

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. Rex made a motion to adjourn the 12/29/16 Town Board meeting at 7:10 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/CMC/RMC

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