DATE: MARCH 9, 2017 **KIND OF MEETING**: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: MICHAEL KENNEY

TRACEY REX

MEMBERS ABSENT: JAMES E. BULT

SCOTT SWARTZ

ATTORNEY: DAVID GRUENBERG

COMPTROLLER: PAUL HARTER

OTHERS PRESENT: JOSEPH J. BELARDO, POLICE CHIEF

Supervisor Dowds called the March 9, 2017 Town Board Meeting to order at 7:08 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

The Supervisor asked the Board to digress from the agenda to discuss resolution [2017-116]. He called upon Chief Belardo to explain why the police department wants a utility vehicle rather than a sedan and if the utility vehicle was much more costly than the sedan. Chief Belardo stated that the difference in price is approximately \$2,000.00, which is relatively small when comparing these two models. They prefer the utility vehicle because: the inside of it is much roomier, has more head room, better clearance during winter weather, and because it is larger they are able to carry all necessary equipment. It is a more versatile vehicle. They currently have three different types of vehicles and are trying to standardize the fleet, having the Explorer (utility vehicle) as the base car. It is not a full-size SUV, and as stated before has more personal and cargo room than a sedan.

Pinning Ceremony-Chief of Police

Lt. Jon Reickert officiated at the pinning ceremony for newly appointed Chief Belardo. He gave a brief history of Chief Belardo's personal, academic and professional background. He noted that Chief Belardo was born and raised in Schodack and his father was a former Schodack Chief of Police. Mr. Belardo (father), accompanied by Chief Belardo's wife, was given the honor of pinning the stars on his son. Following the pinning, Chief Belardo was given a round of congratulatory applause. Chief Belardo thanked the residents, his family and fellow officers for their attendance at this auspicious occasion. He thanked the Board for their confidence in his abilities and giving him the opportunity to lead the police force. He said it was an honor to follow in the foot-steps of his father and his predecessor, Chief Peter. After the Town Clerk administered the Oath of Office, the Supervisor called upon former Chief of Police Bernhardt Peter to address the audience. Chief Peter, who traveled from Florida, said he had worked with Chief Belardo for 15 years and didn't think the Town could have selected anyone better. He knows the community, knows the job and has the

respect and admiration of his peers. On behalf of the Board, S. Dowds said the Board is delighted to have Joe Belardo succeed Bernhardt Peter as the Chief of Police for Schodack.

Briefing of the Resolution Agenda

With regard to resolution [2017-108], the Supervisor explained that Lynne Torello will be the Acting Dog Control Officer at the rate of \$50.00/call only in the instances when Mr. Martell is sick or on vacation. With regard to resolution [2017-113], the Supervisor explained that the Board accepted the lowest bid of \$239,919.00 from Northeast Petroleum Technologies, Inc. for the Fueling Facility project at the highway garage. Resolution [2017-115] relates to the convoluted mechanism municipalities have to use regarding Time Warner's (Spectrum) payment of taxes. He explained that this is done annually. The simplest way to accomplish this would be for the Town to deduct the taxes from the franchise fee, but we are not allowed by law to do that. We have to levy the tax and then send the county a check for the taxes, who then sends it to Time Warner. With regard to resolution [2017-118], the Supervisor explained that the Town provides emergency water to the Village of Castleton via an interconnection behind Maplecrest. Pursuant to our contract with them, the rate changes annually based upon January's consumer price index (CPI). In 2013 the rate was \$4.00/1,000 gallons and this will set it at \$4.11/1,000 gallons. Resolution [2017-120] will be withdrawn because we only have three Board members present and C. Kenney would have abstained from voting as it relates to him.

Public Comment

M. Sherwood asked why the contract with Shulman, Howard & McPherson (resolution [2017-119]) was increasing. S. Dowds explained that they initially thought that the attorney advising the Zoning Update Committee would only attend selected meetings. However, they found as the process evolved, that his expertise and knowledge was needed at all of the meetings. Ms. Sherwood asked if there has been any movement on the sale of the former Town Hall property. The Supervisor said he has spoken with two real estate companies and the money isn't really there. He hopes that as development in that area takes place (i.e. – the Questar building), the property will become more valuable and the offers will increase in price. Ms. Sherwood asked the status of the service area between Exits 11 – 12 on I-90 and if NYSDOT was going to reconfigure Exit 12 at the Rt. 9 intersection. The Supervisor explained that the service area began quickly but when other agencies became involved, it came to a halt. It is his understanding that they may possibly continue with the project sometime this year. He believed that the Exit 12 intersection was in the planning stages, but he didn't really know the status of the project.

K. Stokem invited the Board and the audience to a presentation sponsored by the Rensselaer Plateau Alliance regarding climate changes in the Hudson Valley. S. Dowds responded that they all received emails from him and others regarding this same topic so the Board is well aware of the meeting. He asked him to be brief as it was sponsored by a private organization. Mr. Stokem took exception to the Supervisor's comments and continued that with some of the impacts of climate change. It was his opinion that the Board would be remiss if they didn't attend this presentation to learn how climate changes might impact Schodack.

Sera Hoavanecz, Public Health Technician, addressed the Board and audience regarding radon detection in residential homes. She explained that the County received a grant and they are doing public outreach about radon and giving out free test kits. Radon is

the number cause of lung cancer in non-smoking adults and there are approximately 20,000 deaths annually. She said radon is an odorless, invisible, heavier gas and is more prevalent in the basement and first floor. The higher up you go in a home, will have lower radon levels. She said it didn't really matter what type of basement you have, it is in the soil under the floor. She said Rensselaer County is a geographic area that has higher levels of radon. After they place the free device, they will collect it within the required time, and the homeowner will be notified of the results. She reiterated that this was all done at no cost to the homeowner. She said the free results you get can be used on real estate transactions since many funding institutes now require a radon test. She cautioned that if the results indicate that there are high levels of Radon, unfortunately, there is no financial assistance to help mitigate it. She believed that mitigation estimates range between \$800 - \$1800.00. S. Dowds said that he had radon in a former home in Schodack. It cost him approximately \$2,000.00 and he briefly explained the procedure used.

Regarding the Acting Dog Control Officer appointment, R. Lemka felt that if the DCO (Paul Martel) was on vacation and the Town had to call Ms. Torello, the \$50.00 charge for her services should be deducted from Mr. Martell's salary. Although Mr. Lemka liked the idea that each person using the fueling station would have a code, he felt its cost was extremely high and wondered what they were doing that warranted that kind of expense. Mr. Lemka commented on the Battisti water situation. He hoped the Board would look at all options to help the residents in that area. S. Dowds said they have had preliminary board discussions and unfortunately, all of them appear to be quite costly.

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. 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:

2017-107) Ratify and affirm authorizing Kerrie D. Joiner, Human Resource Manager to post internally the full-time positions of Assessor for the Town of Schodack and Senior Mechanic (Heavy) at the Highway Department and authorizing advertising in the official Town newspaper as necessary.

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes - M. Kenney, 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:

- 2017-108) Appoint Michael Canestro and Mark Secor as Summer Grounds persons, under the direction of Kenneth Holmes, Highway Superintendent, at an hourly rate set forth in the 2017 annual budget.
 - 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes M. Kenney, T. Rex, D. Dowds. Noes 0.
- S. Dowds 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:

- 2017-109) Appoint Lynne Torello as Acting Dog Control Officer for the year 2017. The Acting Dog Control Officer will serve when needed to cover for sick time or vacation time. The rate of payment shall be \$50.00 per call.
 - 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes M. Kenney, 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:

2017-110) Authorize Supervisor Dowds to contract with musicians to perform at the 2017 Music in the Park as follows:

Peaceful Country Band Winchester & Young Triskele June 20th (rain date 6/7/17) \$500.00

Tri-County Banjo Band Yankee Doodle Band July 11th (rain date 7/12/17) \$600.00

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, 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:

- 2017-111) Authorize Supervisor Dowds to execute ASCAP License Agreement, subject to review and approval as to form by Attorney to the Town, and authorize payment not to exceed \$375.00 for the licensing fee to ASCAP.
 - 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes M. Kenney, 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:

2017-112) Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

Owner	Location	No. of Units
Beberwyk, Mary Ann	57 Beberwyk Way	1
Brown Cow Opportunities	759 Schodack Landing Rd.	1
C/o Brian Chittenden	-	
Bunker Hill Farms, LLC	117 Bunker Hill Rd.	1
C/o Margaret Hutchinso	n	
Cedar Acres 16 Hoags Co	21	
C/o Garden Homes Mgr	nt.	
Clow, Robert 739 Co. Rt. 7		1
Curtis Trailer Park 2032 E	East Schodack Rd.	70
C/o Garden Homes Mgr	nt.	
Heffner, Matthew 229 C	love Rd.	1
Johnson, Kenneth 2460 F	Phillips Rd.	1
Leavenworth Trailer Park 1477 Bame Rd.		
C/o Buck, Clemens		
Mann, Carol 247 Clove Ro	l.	1
Rapin-Plant, John & Mary J	oy 3804 US 20	1
Sundowner Trailer Park	418 Amelia Way	6
C/o Hanson, Thomas &	Debra	
Washburn, David & LaRos	sa, Francesca 65 Washington Ave.	1
3 Ayes 0 Noes. Mo	OTION CARRIED. Ayes – M. Kenr	ney, T. Rex, D.
Dowds. Noes – 0.		

C. Rex 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:

2017-113) WHEREAS, the Town Board of the Town of Schodack on January 12, 2017 authorized the Town Clerk to publish a legal notice to solicit sealed bids for Schodack Fueling Facility pursuant to specifications prepared by the Laberge Engineering & Consulting Group, Ltd.; and

WHEREAS, after due publication of the notice, the Town, on February 15, 2017 received (5) bids for the Schodack Fueling Facility as follows: a bid from Northeast Petroleum Technologies, Inc. for \$239,919.00; a bid from Environmental & Fueling Systems LLC for \$251,965.00; a bid from American Petroleum Equipment & Construction, for \$258,865.00; a bid from LaValley Bros. Construction, Inc. for \$292,813.00 and a bid from Island Pump & Tank Corp. for \$378,500.00; and

WHEREAS, the bids were reviewed for conformance to specifications and submittal of required bid bond and non-collusive certificates; and

NOW, THEREFORE, be it resolved that pursuant to the recommendation of the Laberge Engineering & Consulting Group, Ltd., that the Town Board does hereby award the bid to Northeast Petroleum Technologies, Inc., 2940 Curry Road, Schenectady, New York 12303 for its bid for the entire package in the sum of \$239,919.00, and

BE IT FURTHER RESOLVED THAT Supervisor Dowds is authorized to execute and administer the Town of Schodack Fueling Station Project construction agreement.

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, 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:

2017-114) Authorize Supervisor Dowds to execute renewal application with St. Paul Travelers for crime, employee faithful performance and computer fraud bond at the annual cost of \$1,200.00.

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, T. Rex, D. Dowds. Noes – 0.

C. Rex 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:

WHEREAS, pursuant to the franchise agreement between Time Warner Cable ("TWC") (now known as Charter Communications) and the Town of Schodack, TWC/Charter pays the Town a fee for a special franchise to operate its cable television business in the public right- of-way, and

WHEREAS, for the year 2016 TWC/Charter paid the Town of Schodack \$85,055.00 in franchise fees, and

WHEREAS, TWC/Charter was levied a total of \$3,250.25 in Town taxes on five special franchise properties, and

WHEREAS, Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and

WHEREAS, Section 626(2) of the Real Property Tax Law provides that the person responsible for collecting the franchise fee shall deliver to the Town of Schodack a certificate showing the amount of the franchise fee paid for the year ending on the date set forth in the certificate, and

WHEREAS, upon receipt of the certificate, the law requires the Town of Schodack to enter a credit on the tax roll in the amount shown on the certificate, and

WHEREAS, Rensselaer County Bureau of Finance is responsible for entering the credit on the tax roll, and

WHEREAS, pursuant to Section 626, the TWC/Charter Tax Department returned the Town's Special Franchise tax bill, and

WHEREAS, TWC/Charter is required to make a request in order to receive a credit on the tax roll, and

WHEREAS, the Town has received a request for the credit on property taxes assessed in 2017 from the franchise fees paid during 2016,

NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$3,250.25 to Rensselaer County Bureau of Finance based on the 2016 TWC/Charter Utility report on said franchise properties assessed within the Town of Schodack.

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes - M. Kenney, 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:

Authorize the purchase of a 2017 Ford Utility Police Interceptor AWD from VanBortel Ford based on Onondaga County purchasing contract bid number 7418 2017 at a cost not to exceed \$42,585.06 plus delivery charge of \$265.00 for a total cost not to exceed \$42,850.06. [This is an approved 2017 Budget Item]

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, 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:

2017-117) Adopt the fee schedule for Spring Clean Up Days (May 11, 12 & 13) at the

Tn. Board: 3/09/17

Transfer Station as follows:

Bicycles

Refrigerators, freezers, air conditioners

Refrigerators, freezers, all 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

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

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes - M. Kenney, T. Rex, D. Dowds. Noes - 0.

FREE

C. Rex 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:

2017-118) WHEREAS, the Town of Schodack and the Village of Castleton entered into an Intermunicipal agreement dated November 21, 2013 for the Village's water system to interconnect with the Town's water system, allowing the Village to purchase water from the Town, and

WHEREAS, section VI(i) of said agreement allows for an annual increase in the rate charged to the Village in correlation to the consumer price index average published in January each year, and

WHEREAS, the consumer price index average published in January 2017 was 1.3% and the current rate charged to the Village is \$4.06 per 1,000 gallons of water,

NOW THEREFORE IT BE RESOLVED, that effective January 1, 2017 the rate charged to the Village of Castleton for the purchase of water shall be \$4.11 per 1,000 gallons.

3 Ayes 0 Noes. **MOTION CARRIED.** Ayes - M. Kenney, 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:

- Amend Resolution 2016-165 as adopted on June 9, 2016 authorizing Supervisor Dowds to execute and administer a letter of Engagement for Legal and Planning Services with Shulman, Howard & McPherson, LLP dated March 11, 2015 relative to updating the Town's Zoning Laws thereby increasing the amount from \$15,000.00 to an amount not to exceed \$20,000.00.
 - 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes M. Kenney, T. Rex, D. Dowds. Noes 0.
- **2017-120) WITHDRAWN:** "BE IT RESOLVED, that the Town of Schodack hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:"

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
			Elected Officials			1
Town Board	Michael	7	1/1/16 -	N	10.80	
Member	Kenney		12/31/2019			
Tax Receiver	Kathy	7	1/1/16-	N	14.21	
	Lubbers		12/31/2019			
Town Justice	Paul Peter	7	1/1/16-	N	7.74	
			12/31/19			
Appointed Officials						
Planning Board	Lawrence	7	1/1/17-	N	4.29	
Member	D'Angelo		12/31/23			

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:

- Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #17-0321 to 17-0467 on Abstract No. 2017-03, in the amount of \$434,135.05, including the claims paid (\$307,909.18) since the previous town board meeting.
 - 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes M. Kenney, 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:

2017-122) Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

BUDGET MODIFICATIONS

	Fund/						
	Department #	Fund / Department Name	Increase	Decrease			
2016							
161	SS6-960-8130.4000	Exit 10 Sewer - Contractual	1,600.00				
	SS6-960-8130.2000	Exit 10 Sewer - Equipment		1,600.00			
	To modify the budget to cover employee Interfund work and pump replacement						
	_						
201	<u>7</u>						
10	DB-960-5110.1600	Highway - DB Town Hall work	516.78				
	DB-960-5110.1000	Highway - Personal Services		516.78			
	To modify the budget to cover Town Hall Work						
11	DB-960-5130.1400	Machinery - DB Highway Police Work	211.06				
• • • • • • • • • • • • • • • • • • • •	DB-960-5130.1631	Machinery - DB Highway Folice Work Machinery - DB Highway Tfr Station work	99.32				
	DB-960-5130.1000	Machinery - Personal Svcs	99.32	310.38			
		cover work on Police and Xfer Station Vehicle		310.30			
	To modify the budget to c	over work off i once and Aler Station vehicle					
12	B-960-8020.4000	Planning - Contractual	833.51				
	B-509-2115.9999	Planning Board Fees	833.51				
	To modify the budget for	engineering fees related to Plan Board activity -	Valente				
13	SS6-960-8130.4000	Exit 10 Sewer - Treatment & Disp.	1,027.50				
	SS6-509-2122.9999	Exit 10 Sewer - Freatment & Disp.	1,027.50				
		engineering fees related to My Place joining dist	·				
	, ,						
14	SS6-960-8130.1008	Personal Services- Dunkin Donuts	18.69				
	SS6-960-9030.8008	Employ Bene-Social Security - Dunkin Donuts	1.43				
	SS6-509-2122.9999	Exit 10 Sewer - Sewer Charges	20.12				
	To modify the budget for reimbursement of Dunkin Donut work by Shawn from escrow account						
	INTEREIND TRANSFERS						

INTERFUND TRANSFERS

	Fund/			
	Department #	Fund / Department Name	Increase	Decrease
1	A-522-9901.9000	General Fund - Transfer other Funds	3,077.50	
	A-200	General Fund - Cash		3,077.50
	DA-200	Highway Bridges - Cash	3,077.50	
	DA-980-5031.9999	Highway Bridges - Interfund Transfers		3,077.50
To transfor funds for Knickerhocker Bridge Dobt Interest payment due in January per 2017 Rud				udaot

To transfer funds for Knickerbocker Bridge Debt Interest payment due in January per 2017 Budget 3 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, T. Rex, D. Dowds. Noes – 0.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/09/17 Town Board meeting at 7:59 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin Schodack Town Clerk/RMC/CMC

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Tn. Board: 3/09/17