

DATE: APRIL 13, 2017

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DEBRA L. CURTIS

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: KEN HOLMES, SUPERINTENDENT OF HIGHWAYS
DONNA CONLIN, TOWN CLERK

Supervisor Dowds called the April 13, 2017 Town Board Meeting to order at 7:02 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Executive Session

C. Swartz made a motion at 7:02 p.m. to enter into executive session to discuss appointments to the Highway Department, Assessor, and Building Department as well the proposed acquisition, sale or lease of real property. 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 7:33 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.

The Supervisor asked Ken Holmes (Superintendent of Highways) to introduce his new operator for the Highway department. Mr. Holmes explained that his department was down two employees and by hiring Mr. Winters; it brings his department up to 100 percent. He continued that Mr. Winters comes to the Highway Department from DOT with experience in snow removal and equipment operations. Mr. Winters was humble and had no comment.

S. Dowds took a moment to recognize seniors Dylan Fletcher and Joseph Barrington from Maple Hill High School who will be conducting the live stream for the Town Board meetings.

Review of Resolutions

The Supervisor gave a brief overview of the resolutions on the agenda. He explained that [2017-125] would send Shawn Zinzow (Water Operator) to the New York Rural Association's Technical Conference. Resolution [2017-126] would amend resolution [2016-95] to extend the contract from twelve (12) months to fifty-one (51) months at the same monthly rate. Resolutions [2017-127] and [2017-128] involve maintenance agreements for B&L Control Services and Kinsley Power Systems for service on the cooling tower and generators respectively. Resolution [2017-129] authorizes the Town Clerk to publish a legal notice regarding the proposed Local Law 1-2017. D. Conlin (Town Clerk) added that back in 2013, the State Law was changed to require an Animal Population Control (APC) fee to be collected for exempt service/therapy dogs. The fees are based on the alter status of the dog (\$1.00 for spayed/neutered dogs and \$3.00 for unaltered dogs). She was made aware of this change at a Regional meeting in March of this year. For [2017-130] only half of the payment is due to reserve the date at Billy Beez USA, LLC for the Schodack Summer Camp. Resolution [2017-132] involves a settlement for a challenge of assessment by Homequest Exit 12 Development, LLC. The Assessor's Attorney requested that all settlements be set before the Town Board for a vote. Homequest requested an assessment decrease from \$275,000.00 to \$150,000.00 but it was settled in court at \$160,000.00. Some minor back payments will need to be made per the result of the settlement. Resolution [2017-134] authorizes the Highway Superintendent to contract with Unifirst for uniforms for the Highway and Transfer Station. Regarding [2017-135] a proclamation will be approved but presented at a later date to Peter Goold (Assessor) who will be retiring at the end of April. All other resolutions are self-explanatory.

Board Discussion/Agenda: None.

Departmental Reports: The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Historian, Town Clerk, Building Department, and Tax Receiver.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #17-0468 to #17-0658 on Abstract No. 2017-04 in the amount of \$747,971.36, including the claims paid prior (\$551,032.60).

Public Comment

Resolution [2017-132]: M. Sherwood asked where the property was located. C. Swartz explained it was on Rte. 9 before the Pilot Station on the right hand side. She then asked if GAR had done the assessment. S. Dowds stated that the property was re-assessed in 2014 by Mass Appraisal Services who set the value at \$275,000.00. Ms. Sherwood questioned how the difference between the assessed value and the amount settled by the Judge could be almost 50 percent of the original assessed value. S. Dowds had no answer. K. Stokem questioned how the property could be on the market for \$1.3 Million but the assessed value of \$275,000.00 was challenged and subsequently reduced. C. Bult stated that the sale price of the parcel could be used in the future for re-assessment; however the new assessed value must remain unchanged for a set length of time. K. Stokem asked if the owner was seeking to sell the property as commercial based on the \$1.3 million sale price. The Supervisor said yes.

Resolution [2017-134]: M. Sherwood asked what the term of the contract would be. The Supervisor explained that it is one year.

Dunkin Donuts: M. Sherwood inquired on the status of the Dunkin Donuts sewer issues and if fining had begun. S. Dowds said they have been issued an appearance ticket for May 17th. The Town is waiting for the court to make a determination regarding the fines. He continued that the Town's goal is to have the effluent discharged with an acceptable pH level. The most recent test showed a 4.1 level. K. Stokem asked if court fees incurred will be recovered. S. Dowds explained the retainer contract will allow the sewer and water attorney to fight for the collection of court fees as well fines equaling \$250.00 per day postdated to August 18, 2016 for each day the pH has been below 5.5.

Drumm Property: M. Sherwood asked if there were any plans for the Drumm Property. She had noticed that some cleaning was recently done. C. Rex suggested setting up a committee for future plans for the property.

1777 Columbia Turnpike: K. Stokem inquired if there has been any interest in purchasing the location of the old town hall. The Supervisor stated that there may be information presented at a future meeting.

K. Stokem thanked the Board members who attended the meeting on April 5th and also thanked C. Rex for organizing the live streaming of the Town Board meetings. He asked C. Rex if the streaming would be done year round and she said yes. Mr. Stokem then inquired if the meeting will eventually be available on the website. C. Rex stated that may happen in the future but currently it would cost the town. Mr. Stokem encouraged the Board to consider funding that in the future.

Donna Conlin (Town Clerk) was happy to announce that her Deputy, Deb Curtis, had received two scholarships to attend the New York State Town Clerks Association (NYSTCA) Conference in Rochester, NY. One scholarship was for \$400.00 from NYSTCA and the other was for \$150.00 from the Rensselaer County Municipal Clerks Association (RCMCA).

T. McQuade addressed the board about being allowed to put a modular house on his property in place of his home that had burnt and was subsequently demolished. He said he needed to know by April 19th or may have to take legal action. The Supervisor advised him that the Town Board has no say in the matter and referred him to Gary Ziegler (Building Inspector).

Adoption of Resolutions

Editor's Note: The agenda contained incorrect numbering for the resolutions and was subsequently corrected.

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:**

- 2017-125)** Authorize Shawn Zinzow, Water Operator to attend New York Rural Water Association's Technical Conference, May 21st through May 25th at the Niagara Falls Conference Center, Niagara Falls, NY. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2017 adopted Town Budget, with an estimated cost of \$792.00.

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:**

- 2017-126)** Amend resolution 2016-95 as adopted on February 11, 2016 authorizing Supervisor Dowds to execute lease agreement with Pitney Bowes for renewal of mail system Connect+ 1000 with 5-pound scale and 100-departmental accounting for a period of 12-months at the monthly rate of \$325.00, to reflect a period of 51-months at the monthly rate of \$325.00.

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:**

- 2017-127)** Authorize Supervisor Dowds to execute an annual maintenance agreement for the period of January 1 through December 31, 2017 with B & L Control Service Inc. for assistance, service and chemical products to treat the heating and cooling loops and cooling tower in an amount not to exceed \$3,445.00 for Town Hall, 265 Schuurman Road.

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:**

- 2017-128)** Authorize Supervisor Dowds to execute and administer Generator Preventative Maintenance agreement for the period April 1, 2017 through March 31, 2018 with Kinsley Power Systems, Inc. for Semi Annual and Annual Preventative Maintenance as described in Proposal dated 3/21/17 for generators at Clearview Water (\$554.00), Town Hall (\$787.00), Route 20 Booster (\$746.00), Main Water (\$1,050.00), Waters Road (\$554.00), Castleridge Sewer (\$548.00), Pondview Sewer (\$548.00), Empire Front (\$552.00), Empire Back (\$552.00) and Miller Road Sewer (\$554.00) treatment facilities in an amount not to exceed \$6,445.00
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. Rex:

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

- 2017-129)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on proposed Local Law No. 1 to amend the Dog Control Law for the Town of Schodack, Chapter 109, Article II to allow for the collection of the Animal Population Control (APC) Fund fee to exempt service/therapy dogs. Said hearing to be held on Thursday, April 27, 2017 at the Schodack Town Hall at 7:15 p.m.
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:**

- 2017-130)** Authorize Supervisor Dowds to execute and administer contract with Billy Beez USA, LLC on behalf of the Schodack Summer Camp for hosting group event on July 17, 2017 at Crossgates, for an amount not to exceed \$1,080.00. 50% - \$540.00 to be remitted with contract.
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:**

- 2017-131)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Owner</u>	<u>Location</u>	<u>No. of Units</u>
Creekside Park c/o DCJ Enterprises, LLC	5-77 Creekside Circle	52
Rensselaer Estates c/o DCJ Enterprises, LLC	23-65 Teddie Blvd.	53
Day, Carlton	777 Western Rd.	1
Field, George	85 Veering Rd.	1
Skarzynski, Kim & Jerry	402 Waterbury Rd.	1
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:

- 2017-132) WHEREAS,** Homequest Exit 12 Development, LLC and the Town of Schodack are desirous of having certain assessment issues resolved as to property owned by Homequest Exit 12 Development, LLC, in the Town of Schodack, and
WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of Schodack, and reviewed by the Schodack Town Board as its regular monthly meeting, and
WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and
WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now
THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2016 tax certiorari proceedings filed by Homequest Exit 12 Development, LLC, in which the 2016 assessed value of the subject property shall be reduced as follows:

<u>Year</u>	<u>Parcel No.</u>	<u>Prior Assessed Value</u>	<u>New Assessed Value</u>	<u>Reduction</u>
2016	210.-7-32.11	\$275,000	\$160,000	\$115,000

Real Property Tax Law §727 shall apply, and the assessment shall remain unchanged for 2017, 2018, and 2019 assessment rolls, and it is further

RESOLVED, that Homequest Exit 12 Development, LLC, shall be entitled to a refund of excess taxes, waiving statutory interest, paid based upon the above revision; and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Homequest Exit 12 development, LLC, and the Town of Schodack as to the above referenced assessment.

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:

2017-133) Authorize Bruce Goodall, Transfer Station Director to attend Solid Waste and Recycling Conference, May 21st through May 24th at The Sagamore Conference Center, Lake George, NY. All appropriate expenses (mileage, meals, and registration) are to be borne by the Town per the 2017 adopted Town Budget, with are estimated cost of \$592.00.

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. Swartz:

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

2017-134) Authorize Highway Superintendent Holmes to execute and administer agreement dated February 21, 2017 with Unifirst for uniform, rag and floor mat rentals as follows: Highway department laborers, Highway department mechanics, Transfer Station department laborers, Transfer Station Director, shop rags, and floor mats at the Highway Garage which includes cleaning and exchange thereof on a monthly basis in the total annual amount of \$9597.12.

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:

2017-135) Proclamation

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:

- 2017-136)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #17-0468 to 17-0658 on Abstract No. 2017-04, in the amount of \$747,971.36, including the claims paid (\$551,032.60) since the previous town board meeting.

BUDGET MODIFICATIONS

Fund/				
	Department #	Fund / Department Name	Increase	Decrease
2017				
15	B-960-1910.4000	Unallocated Insurance - Contractual	351.00	
	B-960-1990.4000	Contingency - Contractual		351.00
	To modify the budget to cover commercial crime policy			
16	B-960-9050.8000	Unemployment Insurance - Employee Benefit	1,720.00	
	B-960-1990.4000	Contingency - Contractual		1,720.00
	To modify the budget to cover self-pay charges for Defruscio (B), Secor (DB)			
17	DB-960-5130.1350	Machinery - DB work for W/S	86.91	
	DB-960-5130.1400	Machinery - DB Highway Police Work	285.55	
	DB-960-5130.1000	Machinery - Personal Svcs		372.46
	To modify the budget to cover work on Water/Sewer and Police Vehicle			
18	B-960-8020.4000	Planning - Contractual	4,850.71	
	B-509-2115.9999	Planning Board Fees	4,850.71	
	To modify the budget for engineering fees related to Plan Board activity - VIP structures, Valente and Immanuel Church			
19	SS1-960-9040.8000	Schodack Sewer #1 - Workers Comp	3.10	
	SS1-960-1990.4000	Schodack Sewer #1 - Contingency		3.10
	To modify the budget for 2017 Workers Comp premium			
20	SS6-960-8130.4008	Contractual - Dunkin Donuts punch list	1,871.73	
	SS6-960-9060.8008	Benefits- Dunkin Donuts punch list	4.40	
	SS6-509-5031.9999	Exit 10 Sewer - Interfund Transfer	1,876.13	
	To transfer funds for reimbursement of Dunkin Donut portion of pump Stator/Liner replacement, water testing charges and portion of Shawn health insurance for work performed.			
21	SW7-960-1420.4000	Castleton Water #7 - Town Attorney	270.00	
	SW7-599-9999.9999	Castleton Water #7 - Appropriated Fund Bal		270.00

To modify the budget for attorney fees related to Inter-municipal agreement

INTERFUND LOAN

	Fund/ Department #	Fund / Department Name	Increase	Decrease
22	A-391-9950.9000	General Fund - Due From other Funds	2,313.06	
	A-200	General Fund - Cash		2,313.06
	SW7-200	Castleton Sewer Dist #7 - Cash	2,313.06	
	SW7-630-5031.9999	Castleton Sewer Dist #7 - Due To Other Funds		2,313.06
	Interfund loan from A fund to SW7 fund for Intermunicipal agreement legal expenses			

INTERFUND TRANSFERS

	Fund/ Department #	Fund / Department Name	Increase	Decrease
23	A-522-9901.9000	General Fund - Transfer other Funds	16,598.99	
	A-200	General Fund - Cash		16,598.99
	EW-200	Enterprise Water Supply - Cash	16,598.99	
	EW-980-5031.9999	Enterprise Water Supply - I/F Xfer		16,598.99
	EW-200	Enterprise Water Supply - Cash	18,743.28	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		18,743.28
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	18,743.28	
	SWC1-200	Consolidated Water Dist. - Cash		18,743.28
	EW-200	Enterprise Water Supply - Cash	29,045.07	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		29,045.07
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	29,045.07	
	SWC1-200	Consolidated Water Dist. - Cash		29,045.07
	To Transfer Funds from A to EW and SWC1 to EW for April interest payment pursuant to 2017 budget			
	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:

- 2017-137)** Authorize 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.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 04/13/17 Town Board meeting at 8:00 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Deputy Town Clerk