

**DATE:** SEPTEMBER 28, 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  
SCOTT SWARTZ  
MICHAEL KENNEY  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** DAVID GRUENBERG, ESQ.

**COMPTROLLER:** PAUL HARTER  
NADINE FUDA, DIRECTOR OF PLANNING & ZONING  
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION  
OPERATIONS

---

Supervisor Dowds called the September 28, 2017 Town Board Meeting to order at 7:03 p.m. with the Pledge of Allegiance and dispensed with roll call. All were present as noted above.

### **Briefing on Agenda**

**Proposed Local Law No. 2:** The Supervisor asked that the Board to digress from the agenda to discuss Proposed Local Law No. 2. Atty. Gruenberg stated, after speaking with B. Goodall, he found that many sections under Article IV of Chapter 137 were set forth to regulate aspects of the Transfer Station which were no longer valid including the use of window stickers and incorrect hours of operation. Due to this, he drafted local law no. 2 to include amendments to section 137-29 to 137-34. He explained this would allow the Board to amend regulations for the Transfer Station by resolution. S. Dowds asked, in regards to Section 137-28, how would it be known if a contractor were bringing items in for themselves or a resident. B. Goodall stated that they would be alerted if they were attempting to pay with a business check. He explained only personal checks are accepted. In the event that a resident accompanies a contractor, they are able to dispose of construction and demolition (C&D) material and the resident would then pay by check. They are charged by the 30 gallon bag rate as the transfer station has no scale. Where a large amount of debris needed to be disposed of, he would refer the resident to the South Troy Facility which has a scale. C. Bult asked if the Transfer Station should refrain from accepting commercial or industrial construction material even from residents. B. Goodall stated the DEC registration allows only said material to be accepted from residents. Atty. Gruenberg asked if the wording should include "unless the operator is satisfied construction material is from a residence". S. Dowds stated it would be better to specify "resident or contractor accompanied by resident and resident pays for the disposal". He mentioned Section 360 of

the DEC code is changing significantly. He and B. Goodall would be meeting with DEC regarding the new regulations that are being implemented and the Town would have 180 days to comply once they take effect. B. Goodall clarified that the Town would re-apply in 180 days. Atty. Gruenberg asked if the new regulations would impact the changes under proposed local law no. 2. B. Goodall stated it would only allow construction material to be accepted from residents of the Town. C. Bult suggested tabling the local law until the meeting with DEC. Atty. Gruenberg agreed. It was the consensus of the Board to wait on the law change. B. Goodall mentioned that a transition period of 180 days from November 4, 2017 would allow the Transfer Station to make changes in compliance of the new rules.

**Health Insurance:** The Supervisor stated all Board members have received a copy of the options for dental, vision and health coverage. Each type of coverage shows the current cost and amount of coverage for the Town compared to what the County offers. For dental and vision, Shelter Point appears to be a better option than the Town's current plan under Guardian. In regards to health coverage, the Town's current plan will be effective until November 30<sup>th</sup>. S. Dowds stated a decision needed to be made by October 12<sup>th</sup> to either stay with the current insurance broker or join with the County plan. Due to the date of the Towns coverage renewal, a double open enrollment period would occur if the Town chose to join the County plan as they are not up for renewal until January 1<sup>st</sup>. Options of CDPHP EPO or MVP Liberty Platinum 3 would be offered under the current broker and CDPHP HMO or MVP HMO would be offered from the County. Two concerns with the County plan are there is no enrollment for domestic partners and employees would have to wait an additional thirty (30) days before being eligible for health insurance. C. Bult mentioned the Town has a low hiring rate and the thirty (30) days additional is more favorable than other options. Atty. Gruenberg stated individuals would still be covered under COBRA for that period of time.

### **Board Discussion**

**Letter from Keller:** S. Dowds stated he had received a letter from Mr. Keller requesting an audience with the Board regarding a clean fill site owned by Al Symington. He asked N. Fuda to elaborate on the situation. Ms. Fuda stated a letter was received from Rich Laberge back in June regarding a special permit/site plan application for 1191 Brookview Station Rd. She explained Mr. Symington applied for a special use permit from the Building Department and had started dumping materials on the site. Complaints were received for the site where it was discovered there was no erosion or storm water control or testing of material or soil. Upon the recommendation of the Planning Board, the applicant was asked to cease filling and needed to make an application to the Town Board as they, solely, have the authority to grant or deny a landfill under Town Law § 137-3. She noted that Mr. Keller may be calling the material "clean fill" but in DEC standards, any construction debris falls under the refuse of demolition/building materials, soils, stone, or used/waste material. Atty. Gruenberg asked if an application had been filed. Ms. Fuda stated the original letter and map included would act as the application which needed to be filed in the Town Clerk's Office. She suggested that the Planning Board, Town Attorney and Town Engineer review the application to review compliance under Town Law. Upon the recommendations received from the Planning Board, the Board would then hold a public hearing and grant or deny the application. She did advise that this would start a precedent for landfills if granted. Atty.

Gruenberg quoted Town Law § 137-4 and stated it appears to be drafted to discourage the formation of a landfill. C. Bult mentioned a site on Muitzeskill Road where a proposed landfill was requested but was denied by the Town Board. He felt that asking the Planning Board to review the application and the Highway Superintendent to examine the possible negative impact on roads would help the Board make the best decision. N. Fuda mentioned that such materials as road debris, asphalt, stone and piping have already been dumped on the site. C. Swartz asked how the material being dumped is monitored. S. Dowds stated the material is not monitored but testing can be required. Atty. Gruenberg, upon the suggestion of the Supervisor, stated he would draft a letter to Mr. Keller to submit an application and then forward that application to the Planning Board for investigation and recommendation. C. Rex asked why dumping had begun at the site. N. Fuda explained a site development permit could be issued, according to DEC Law, for an area no larger than an acre before other law and regulations take effect. Based upon the complaints received, she mentioned that the Town could require testing of both the materials that have already been dumped and the surrounding soils. Atty. Gruenberg stated that Town Law has no requirements for lot size. C. Rex suggested expanding and updating all of Chapter 137. S. Dowds mentioned that as the DEC regulations change, amendments would need to be made to the two sections of Chapter 137 separately. B. Goodall stated under those changes, classification of C&D and landfills would be changed. The Town would need to have funds set aside to cover any issues and closures of facilities. S. Dowds explained that a capital reserve fund would be needed.

**Valente Professional Park:** N. Fuda mentioned that a mining exemption had been issued to Valente for the remove soil from the construction site off of Schodack Valley Road to bring the road level down to allow trucks to fit under the powerlines. S. Dowds reassured Board members the mining is limited for the road only. N. Fuda stated that a letter from DEC gave the exemption for the mining. C. Swartz asked if the soil was remaining on the site. N. Fuda explained it was being taken off site. C. Bult asked for an update regarding Questar. N. Fuda stated the original contractor had been fired and a lawsuit was filed from the contractor. S. Dowds stated there are multiple suits occurring and the latest site plan did not show the Questar Building. He also mentioned National Grid had not submitted a gas application for the building. C. Bult asked if the Tice Property was still under consideration for development and if water and sewer was on hold. N. Fuda said yes.

C. Kenney asked for clarification regarding Mr. Keller. Atty. Gruenberg stated he would draft a letter to inform him that he needed to fulfill the requirements set forth in the Town code and file an application. C. Kenney asked with possible changes coming in the near future for Town Law § 137, should they hold off moving forward with the application. Atty. Gruenberg stated the Town has no choice. C. Kenney asked Ms. Fuda to inform Mr. Keller that there may be more requirements in the future. S. Dowds stated, once the application is received, a resolution would be passed to refer it to the Planning Board for review and recommendations.

### **Briefing of Resolution**

The Supervisor stated resolution [2017-217] is to present the tentative budget to the Board members. He asked that all back up material be reviewed prior to the budget meetings

which will be scheduled at the October 12<sup>th</sup> meeting. C. Kenney asked if department heads would be attending the meetings. S. Dowds suggested asking any questions of the department heads in advance. C. Bult mentioned discussion may be needed for equipment requests and salary increases and in such cases; they should meet with department heads. S. Dowds agreed in those cases department heads would be asked to attend. C. Bult stated all department heads who wish to be heard should be afforded that opportunity. S. Dowds mentioned most department heads are conservative and the contingency fund is in place if needed.

### **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:

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

**2017-217)** Resolved that the 2018 Budget Presentation Meeting will be held Tuesday, October 3, 2017 at 5 p.m.

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

### **Old/New Business**

**Shared Services:** C. Rex asked if there had been any development regarding shared services with the Village of Nassau. S. Dowds stated the Board needed to decide if they wanted to move forward as it could be a benefit to the Town and Village's Budgets. An hourly rate for both code enforcement and building inspector would still need to be negotiated. He noted J. Tremblay (Building Inspector) would not be able to be utilized until January. C. Bult asked if he had spoken to either of the Building Inspectors to see if they had any concerns. S. Dowds stated he would ask them to come to the October 26<sup>th</sup> meeting.

**Fueling Station:** C. Bult asked for an update on the fuel remediation of the old fueling site located at the Highway Department. S. Dowds explained a letter had been sent by Laberge to DEC. They are recommending testing of the site. The total cost would be known soon.

**Personnel:** C. Kenney asked for an update for filling the Part-time Assessor Assistant position. S. Dowds stated an ad had been placed in the local newspaper and two resumes had been received. C. Rex asked if it was posted on the Town's website. S. Dowds stated he did not know. C. Kenney and Bult agreed it was good practice to have all job postings on the website for viewing.

## **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 09/28/17 Town Board meeting at 7:58 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

**THIS  
PAGE  
INTENTIONALLY  
LEFT  
BLANK**