

**DATE:** OCTOBER 26, 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  
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION  
OPERATIONS

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Supervisor Dowds called the October 26, 2017 Town Board Meeting to order at 7:02 p.m. with the Pledge of Allegiance and dispensed with roll call. All were present as noted above.

### **Albany-Hudson Electric Trail (AHET)**

Andy Beers from the Hudson River Valley Greenway and Chris Cornwell from Greenman-Petersen, Inc. Engineering and Construction Services (GPI) gave a presentation regarding a proposed thirty-five mile trail to extend from the City of Rensselaer to the City of Hudson. Mr. Beers stated plans for the project opened with outreach for public comment in August of this year. The trail is projected to be approved by the spring of 2018, go for bidding in fall of 2018 with construction to start in spring of 2019 and be completed by 2020. The trail will be a great source of recreation and tourism for all towns, aiding in economic development. The trail will follow the historic electric trolley line which is owned by National Grid and currently used for access of the powerlines. The off-road section of the trail would be ten feet wide and consist of stone dust which easily packs to create a durable surface for walking, biking, and ADA accessibility. There would be no motorized vehicles or equestrian use allowed as is the current policy of National Grid. For areas where the trail is not accessible, the trail would run along designated roads such as State Route 150 and County Route 7. In areas of Nassau, bridges would be replaced where previous ones have fallen into disrepair. Mr. Beers explained an environmental review was being conducted and an environmental impact statement (EIS), based on public comment from residents, would be conducted and completed in summer of 2018 with the Greenway acting as lead agency. He noted a study had been done in 2011 involving the towns of East Greenbush, Schodack and Nassau regarding a trail system to be constructed with a favorable result. The cost for construction of the trail, including parking areas, bridges and resurfacing, to be paid by New York State would be 35-40 million dollars. Any long term maintenance such as resurfacing of trails, repairs to fencing and bridge repairs would be done at the expense of the

Greenway. The Town would be responsible for all other trail maintenance including potential litter clean-up, mowing and tree removal as well as any requests for emergency medical services (EMS) or police. There is potential for the Greenway to donate mowing equipment to the town for maintenance of the trail. Mr. Beers said there would be three groups of individuals using the trails. They range from tourists, to individuals who live in nearby towns and cities but need to drive to use the trails and primary users, residents who could gain access from their back yards.

**Board Comment:** C. Swartz asked what concerns have been expressed during the public comment period. A. Beers said most landowners are concerned about possible crime, trespassing and privacy. He assured the Board he has overseen construction of other trails and users are respectful of private property and know not to trespass. In regards to privacy, he stated signage, fencing and vegetative screening will aid in maintaining the privacy of homeowners. He added a meeting was scheduled for landowners near Nassau Lake where the trail would be close to homes to assure them they will not be disrupted. C. Rex said she noticed the trail would be crossing Miller Road which is a very busy stretch of road. She asked if there would be added precaution to ensure the safety of pedestrian and bicyclists. A. Beers said GPI, Alta and NYS DOT would conduct studies to determine the best course of action. A ten foot, two-way path would be constructed on the side of Miller Road and a crossing with signals and/or beacons would be constructed depending on the recommendations received. C. Rex said she had received requests from residents to have a traffic light installed in that area. C. Cornwell explained traffic cameras had been installed in the area and data would be collected to inform the Board of the volume on each ramp and all uncontrolled movement. S. Dowds advised it would be too soon to seek input from the Town Board as the project is only in the preliminary stage. C. Bult asked if there would be any additional liability assumed by the town for the trails. A. Beers assured him that the Greenway had insurance to cover the off-road sections. As for areas of road owned by the town, including Trolley Way, Schodack would be responsible for the insurance to cover those areas. C. Bult explained certain areas, especially along Reno Road, are desolate and wondered if cameras would be installed to prevent crime. A. Beers said that was not planned as trails would be marked for use only from dawn to dusk. He reiterated that the other trail projects that he had overseen had no reports of crime or need for cameras. C. Bult asked if any future public hearings were scheduled for the area. A. Beers said he would be happy to host any meeting the Town Board requested. C. Kenney asked if EMS personnel would have access to the entire trail in the event of an injury. A. Beers said yes. The design of the trail would include both ends being open with a "y" and a slight curb to allow emergency vehicles to enter if needed. As for the bridges, they would be constructed to withstand pedestrian or bicycle use only but changes to the plan could be made to include ones that can support vehicles. C. Kenney asked what the procedure would be for snow coverage on the trails. A. Beers said they would not be plowed, salted or sanded as they would be used for cross-country skiing or snow shoeing. C. Swartz asked what the average cost for maintenance per mile would be required of the town. A. Beers said they had no cost estimate at the time but would be using information from other trails for estimates that he hoped to have in the next month. C. Swartz asked if the light bridges would support the weight of a mower. A. Beers said they could hold the weight of a large ATV if needed. C. Caldwell explained the bridges would be twelve feet wide and support up to 6,500 pounds. C. Bult said he thought the creation of this trail would bring more tourists

to the area but based on the presentation, it appeared residents would be the highest benefitting group with tourists being a rarity. A. Beers said the trail would be a safer opportunity for residents and get more of them out walking or biking. Tourists will also visit the trails, but happen to make up a smaller percentage of users.

**Public Comment:** B. Spink asked how big the parking areas would be and where they were going to be located. A. Beers said the parking areas would be able to fit six to eight cars. They had projected sites in East Greenbush by the Town Hall, by Nassau Lake and on John Street in the Village of Nassau which would be the closest ones to Schodack. He noted a map and interpretive material would be located at each parking area for users. D. Hutchison asked if the Greenway's insurance would cover the parking lots. A. Beers said it would be the responsibility of the land owner to have insurance. R. Lemka asked if there would be bathrooms installed at the parking areas. A. Beers said no and explained the users would have the ability to go to Stewarts, Mobil or Cumberland Farms to use facilities. He said businesses would welcome the walk-in traffic as they generally make purchases. J. Dolan from Reno Road said he currently uses the trail behind his home and said it would be nice to have the trail surface improved as well as deter the motorized vehicles from using them as they do a great deal of damage. He felt it would be a major asset to the town. S. Rohl questioned Mr. Beer's comment regarding National Grid coming through every four to five years to trim brush along the trail. She stated she had been a resident for over twenty years and until this year had not seen them come through since the early 90's. She also mentioned the local police have stated they would not chase motorized vehicles on the trolley trail. A. Beers said in the event where motorized vehicles become a problem, state and park police could be brought in to resolve the issue.

### **Briefing on Agenda**

S. Dowds reminded the Board that the public hearings for the water, sewer and the preliminary budget would take place November 2<sup>nd</sup>. He also mentioned the Town was moving forward with the process of demolition for 19 Overlook Drive. He explained a letter would be sent to the property owner by Gary Ziegler (Building Inspector) and a public hearing would be set, by resolution, for thirty days following. The owner would then have sixty days to demolish the structure. If not done, the Town would tear it down and have the county levy the taxes for the cost of demolition. In regards to Restore NY, Servidone had been before the Planning Board for initial plans but needs final approval for their project. The town had not received anything from Hudson River Foods; therefore, he asked if the Board was in agreement it would be put on the agenda for the next Board meeting. All Board members agreed. The Supervisor informed the Board they were due to return to court on the 15<sup>th</sup> of November regarding the sewer issue with Dunkin Donuts. He stated Dunkin was making plans for remediation and had hired Hart Engineering.

### **Board Discussion**

C. Bult asked if there were any developments regarding the dilapidated home on Bunker Hill Road and asked if the Town was responsible for taking any action. S. Dowds said the property is owned by the County and their attorney is looking into the matter. C. Bult asked how the County would proceed as the weather would soon be changing. The Supervisor

said they were trying to work with the resident to find a solution. Atty. Gruenberg asked if anyone had heard from Mr. Keller regarding his landfill permit application. S. Dowds said the letter had been sent but had received no response. Atty. Gruenberg inquired if the residents of the Battisti Water District had reached a decision. C. Bult said based on the residents he had spoken to, they seemed to be in shock and may be attempting to wait until something absolutely needs to happen. S. Dowds said the system was running fine based on the Public Service Commission (PSC) tests but they should be proactive and plan for the future. Atty. Gruenberg asked for an update regarding the new DEC regulations. B. Goodall said he was looking into it and would send a copy to the Board when he received it. S. Dowds explained they would have 180 days from November 4<sup>th</sup> to comply with the regulations. Atty. Gruenberg informed the Board of the zoning issue regarding the cell tower installation on Clove Road. He stated he had been in contact with N. Fuda, Director of Planning and Zoning, to find a resolution to the problem and avoid litigation if possible.

C. Kenney said he was aware of an individual who had submitted an application for the assistant assessor position to K. Joiner but he did not see their application in the group to be interviewed. He asked the Supervisor to check and make sure all applicants were accounted for.

### **Briefing of Resolution**

S. Dowds explained the Town of Schodack was following suit of other local municipalities regarding limits on the number of registered sex offenders that could be housed in a given motel or hotel. The town is proposing Local Law No. 3 which would require such establishments to obtain a registered sex offender occupancy license. Under the license, a points system would be set to dictate the number of individuals allowed to reside there. C. Bult said he had spoken to Officer Eckel and wondered if they should include level one offenders. Atty. Gruenberg said based on the points system, level one offenders are less problematic and other municipalities had left them out of the law. He said an amendment could be made if needed. He advised the Board that he foresaw local businesses having a big issue with the local law. C. Bult asked if the fees in the proposed local law seemed too excessive. Atty. Gruenberg said changes could be made to the fee and fine structure if needed.

**Public Comment:** R. Lemka asked for more information regarding proposed Local Law No. 3. Atty. Gruenberg reiterated proposed Local Law No. 3 was intended to limit the number of sex offenders that could be housed at any given motel or hotel to ensure the health and safety of residents in the town. R. Lemka said he was confused by the wording of the resolution. Atty. Gruenberg clarified it was simply to allow the Town Clerk to publish a notice of public hearing and nothing more.

### **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:**

**2017-247)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on proposed Local Law No. 3 to be entitled Registration of SORA Motels and Hotels Law for the Town of Schodack, Chapter \_\_\_\_\_, to allow for the promotion of public health, safety and general welfare of the guests of hotels and motels located within the town and that of the general citizenry of the town. Said hearing to be held on Thursday, November 9, 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.

**ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 10/26/17 Town Board meeting at 8:16 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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