

**DATE:** MARCH 22, 2018

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** DAVID B. HARRIS

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** RYAN P. MULLAHY, ESQ.

**COMPTROLLER:**

**OTHERS:** BRUCE GOODALL, DIRECTOR OF TRANSFER STATION  
OPERATIONS

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Supervisor Harris called the March 22, 2018 Town Board Workshop meeting to order at 7:05 p.m. with the Pledge of Allegiance and dispensed with roll call. All members present as noted above.

### **AHET Presentation**

A. Beers of the Hudson River Valley Greenway explained this was the 17<sup>th</sup> meeting for public outreach meeting regarding the proposed Albany Hudson Electric Trail (AHET) and the second meeting to be held in Schodack. He reminded the Board that the trail would extend for 35 miles from the City of Rensselaer through East Greenbush, Schodack, Nassau, Kinderhook and end in Hudson. The six and a half mile off road portion of the trail in Schodack would be located on property owned by National Grid and would have an asphalt or stone dust surface. There would be three short on road segments at Old Miller Road/Miller Road, East Hill Road and Trolley Way as well. The proposed budget for this project is \$40 million with a projected completion date in December of 2020. He stated the Greenway was aware of concerns from property owners whose properties are located in close proximity to the trail. He said they were organizing meetings with those homeowners to try and resolve any issues or concerns. The Greenway had completed a draft of the Environmental Impact Statement for the project as well as a final concept plan with route adjustments. A public comment session was scheduled for March 28<sup>th</sup> at Ichabod Crane High School in Valatie at which residents would be able to view preliminary engineering documents and detailed routes. Mr. Beers indicated there would be three costs associated with the project. The first two would be paid by the Greenway and included the initial construction of the trail and any repairs such as resurfacing or bridge replacement needed in the years following. The third cost would be for maintenance which would be incurred by the town. This would include mowing to be done four to ten times during the growing season as well as removal of any trees that may fall or trash left behind. The cost would

vary from \$800.00 to \$1,600.00 per mile with an annual cost ranging between \$5,400.00 and \$11,000.00.

**Board Comment:** C. Bult asked if the Greenway or State would be inspecting the trails and would there be any consequences for the town only mowing the minimum as requested. Mr. Beers said the minimum would be acceptable and would be based on the town's budget. He added the town would not be locked into mowing and could opt out at any time if it was found to be a burden. The Greenway would then take over. C. Bult asked if the Greenway would be working with NYS DOT regarding a pedestrian crossing on Miller Road. Mr. Beers said yes. The current plan consists of a separate side path running along the southbound side of Miller Rd with a traffic light at Empire State Blvd. and signage to be placed at both ramps for I-90. S. Harris asked if a review had been done on the financial impact the trail would have for fire, ems and police. Mr. Beers explained the on road and off road access are currently used and a need for emergency response already exists. Unfortunately, there would not be any additional funding available to compensate the town for these costs. He continued that in the event that unauthorized use occurs by motorized vehicles, he felt confident that with some police presence, issuing tickets or confiscating machines, the problem would be resolved. S. Harris asked if the Greenway would consider assisting the town by purchasing an ATV for emergency use. Mr. Beers said there was no funding available for such purchases and assured the Supervisor that the trail would be built to accommodate a standard size vehicle. C. Swartz asked if there was potential to set aside funds to reimburse the town for the maintenance costs. Mr. Beers said the capital funds for the project could not be utilized for annual operations to reimburse the municipalities. The best that could be done would be to purchase a mower for the town to use on the trail. The Supervisor asked who would be liable in the event an individual is injured on the trail. He expressed concern that in the event of injury, the town could be first in line to be sued. Mr. Beers stated that the Greenway had a 5 million dollar liability insurance policy for the off road trail and stated the town would be responsible for any injury sustained on the roads maintained within town limits. If the town were to agree to maintain the trail, they (Schodack) would be responsible for contacting their insurance provider to obtain additional coverage if needed. C. Kenney suggested changing the route from crossing in front of the I-90 ramps to following Empire State Blvd. to the end and utilizing an old bridge on Kraft Road to connect to the trail. Mr. Beers said he would review that option. He added they anticipate this trail to increase property values as well as community vitality to the town. He said the Greenway would need a definitive answer regarding the maintenance before November 2018. The Supervisor said there were some concerns which counsel would need to be consulted on but assured Mr. Beers the town would give ample notification.

**Public Comment:** J. Dolan of Reno Rd. stated he was in full support of the trail. His residence lies adjacent to the proposed trail where he currently utilizes the area for hiking and cross country skiing. He explained that motorized vehicles have done extensive damage to the trail making it rough and muddy. He felt with construction and resurfacing, the trail would be of great benefit to the area. In regards to the maintenance, he felt the cost would be minimal. In terms of a need for emergency personnel in the event of an accident or injury, Mr. Dolan said the current condition of the trail would hinder response time. He thanked the Board for the presentation and asked for their support of the trail.

## **NYS DEC Regulations**

Atty. Mullahy stated a joint effort between himself and B. Goodall was being made to comply with the changes made to section 360 of NYS DEC rules and regulations for Transfer Stations and Recycling Facilities. Based on conversations with officials from DEC, it appeared the Transfer Station would be eligible for an exempt status under the regulations. The only concern was with the number of cubic yards of refuse that would be brought in daily to the facility. Recycling material would be the largest fact to push them over the 20 cubic yard limit. He stated amendments to the regulations had been made by the legislature; however, DEC was still in the process of ways to implement them. The Town would need to submit a letter to DEC requesting a status of exempt. In the event the town is denied, he was assured by our Region 4 representative from DEC that the facility would not be shut down or fined. He agreed that there was more work to be done and mentioned that the Town of Colonie was also facing similar issues. The tentative deadline for submission is May 4, 2018. He hoped to have more information to share at the April meeting. B. Goodall said his concern for being denied the exempt status was the volume of recyclables. With regards to tires and mulch, the town is well within the limit for an exempt status but recyclables are well over the limit. He said there were nine parameters that define an exempt status but tie into another section of the law. Atty. Mullahy stated it was his understanding that the section does not apply to the town based on his conversations with DEC. He said they would monitor the situation and in the event they are not eligible for the exemption, they could choose to register. C. Swartz asked if compaction would help reduce the cubic yards. Atty. Mullahy said the official from DEC mentioned we should already be compacting to save space. S. Harris said he had spoken to B. Goodall about compacting but discovered the transfer station lacks access to a three phase power source for the compactor. He mentioned they would continue to use the bucket of the backhoe.

## **Board Discussion**

**Rensselaer County Work Experience Program – Project HIRE:** S. Harris said he had concerns regarding this program as the individuals required a considerable amount of supervision and were limited by the work they could do. C. Bult said the individuals that had previously worked at the transfer station with a positive overall experience. He said it was a matter of finding the right location to gain experience.

**Strawberry Fields:** The Supervisor explained plans were to allow for the current road in the cul-de-sac, located in Strawberry Fields, to be deeded back to the town to then allow for an extension to be made to another cul-de-sac to extend the development. C. Bult asked if this proposal had been before the Planning Board. S. Harris said it had and they were on board with the redesign.

**NYS DMV:** S. Harris said he had been contacted by the Department of Motor Vehicle regarding use of the site of the old town hall. They would use the location for conducting their CDL driver test for operating tractor trailers. He noted it would be a safer area for conducting the tests and added Officer Miller currently conducts DOT inspections at this location. The tests would be conducted 3-5 days a week and would have a limited number

of trucks at any given time. C. Rex asked if they would supply the Town with a certificate of liability to cover any accidents or injuries. S. Harris said DOT would be responsible but an agreement would be signed between the town and state. C. Kenney noticed the correspondence stated they did not generally reimburse for use but suggested asking for them to put up gates to prevent unauthorized use. He explained there had been past issues with trailers being left in the lot for days. He was concerned that any unauthorized vehicles could interfere with backing up and parking during the testing process. S. Harris said they probably would not install gates and explained they would be practicing minimal parking. It would be primarily a start/stop for the road test. C. Rex asked if there were posted signs located on the property. S. Harris said it was not but he would ask the police to review the need. C. Kenney said he thought signs had been placed prior but were ignored and eventually disappeared. C. Bult said he felt gates might help to curb the overnight and weekend parking that occurs. If they had to install barriers, then the lot would be of no use to anyone. S. Harris reiterated that the police as well as the highway department currently utilize the lot for parking and gates would be a hindrance. It was the consensus of the Board that the lot should be secured; however, no decision was made.

**HUD Grant:** The Supervisor apologized for the short notice regarding this grant as he was only notified earlier that afternoon. He explained the Rensselaer County IDA and Laberge requested the Town act as grant writer for the project being proposed by Hudson River Foods for expansion of their facility. They said it would take less time for the Town to initiate the grant allowing the project to start in June rather than September with the IDA. C. Bult expressed concern that this might add excess pressure on the Comptroller's Office as the Town would be responsible for receiving the grant money and distributing it. S. Harris said he would seek additional help for the Comptroller in the form of part-time help. C. Bult said he was in favor of helping local business and wondered if any funding could be worked into the grant for the extra personnel that would be required. S. Harris said he would ask and suggested having the IDA conduct a presentation at the April meeting. He felt they could place a resolution on the agenda to proceed with the grant. In the event the Board chose to refrain, the resolution could be withdrawn. C. Kenney asked if there would be enough time to initiate the grant. He said he would like to speak to N. Fuda (Director of Planning & Zoning) prior to any decisions being made. S. Harris mentioned a special meeting could be called if needed.

**2018 Joint Sewer Agreement (Village of Castleton):** S. Harris said he would be organizing a meeting with L. Palmer (Assistant Comptroller), C. Kenney and Atty. Ryan (Water & Sewer Attorney) regarding changes to be made to the Joint Sewer Agreement with the Village of Castleton. The Board was in favor.

**Platform Management Water/Sewer Dispute:** The Supervisor explained he had received a letter from Platform Management regarding their water-sewer bill totaling over \$14,000.00. They are disputing the charges for the sewer and would like a reduction. C. Bult suggested asking East Greenbush to reduce the amount. C. Kenney cautioned that if we forgive this amount, we would be setting a precedent which would have to be granted to others. Atty. Mullahy said more information was needed before we proceed. He asked if East Greenbush had waived fees in the past. C. Bult said they may have done so for water but not for sewer. C. Kenney added the fees waived were for capital charges only, not usage.

**Ethics Board:** C. Rex asked if there had been any progress to fill positions on the Ethics Board. The Supervisor said he was cautious to simply fill a board without reason. He felt if an issue arose, once a request was received in writing, then the board could be assembled. C. Rex said it would be better to have the board first before a complaint arises to maintain transparency in government. Atty. Mullahy said a local law was passed years ago to establish an Ethics Committee for the sole purpose of supplying opinions to employees regarding ethical matters. He explained an amendment would be needed to the local law to establish an advisory board to address both employee and public concerns. He said the board would be separate from Town Board and have its own attorney, policies and procedures. He had done research and was unable to find evidence of established rules for the prior committee. C. Swartz asked if the Town Attorney could serve as the Ethics Board Attorney. Atty. Mullahy said he could but advised he would have separate duties from the town board. C. Bult mentioned the former Town Clerk was a member and added the current Clerk may be considered to serve as well. He suggested finding the number of members required to serve on the board, making the board whole and then consider making changes later on. C. Kenney agreed. Atty. Mullahy said the original number of members was three but suggested increasing to five. He agreed with interviewing candidates and making appointments. In the interim, he would do further research for prior policies as well as examine the law to ensure compliance. He would then present any suggested changes to the Town Board for review.

**Dunkin Donuts Sewer:** C. Kenney asked for an update on the Dunkin Donuts sewer issue. S. Harris said they were due back in court on the 15<sup>th</sup>. He stated he would contact Atty. Ryan for an update.

### **Executive Session**

C. Bult made a motion at 8:35 p.m. to enter into an executive session of the Board to discuss matters leading to the appointment of a particular person. Seconded by C. Rex.

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

C. Kenney made a motion at 9:11 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. Harris. Noes – 0.

### **Public Comment (Resolutions Only)**

K. Stokem asked why the cost had been doubled for resolution [2018-129]. The Supervisor said the original amount was supposed to be per person. With regards to resolution [2018-132], K. Stokem was confused how one contractor could be almost \$10,000.00 less than the other proposals. Atty. Mullahy said the difference was noted by the Board and was reviewed with no clear explanation.

## **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. Kenney:

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

**2018-127) WHEREAS**, on February 8, 2018 the Schodack Town Board approved by resolution (2018-088) the Volunteer Ambulance Workers Service Award Program List of all 2017 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Services, Inc., and

**WHEREAS**, the list was forwarded to authorized representatives of the Castleton Volunteer Ambulance Services, Inc. and was posted for thirty (30) days as required by law, and

**WHEREAS**, they have certified on March 14, 2018 no changes were made to the listing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Schodack Town Board authorizes Supervisor Harris to certify to PENFLEX, Inc., that the listing as submitted and posted should be used to determine the funding, the requirements of the Service Award Programs (SAP), the eligibility of persons to be paid benefits and the amount of benefits to be paid to eligible persons.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex. Noes – 0. S. Harris recused himself.

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:**

**2018-128)** Authorize Francis H. Curtis, Part-time Temporary Assistant to the Assessor to be compensated at an hourly rate of \$25.00, not to exceed 20 hours weekly, effective April 2, 2018. [This position does not include benefits other than as provided in the Town of Schodack Personnel Policy and Procedure Manual.]

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

C. Kenney made a motion to adopt the following resolution, seconded by S. Harris:

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

- 2018-129)** Amend resolution 2018-114 as adopted March 8, 2018 as follows: Authorize Nadine Fuda, Director of Planning and Zoning and David Calarco, Zoning Board Chairman to attend the New York Planning Federation Conference in Bolton Landing, New York, April 22-24, 2018. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town at a cost of ~~\$335.00~~ \$667.99 each, at an estimated total cost of ~~\$667.99~~ \$1335.98, as budgeted.

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

- 2018-130)** Authorize Debra Curtis, Town Clerk, to attend the annual New York State Town Clerk's Association Conference in Albany, New York, April 22 through April 25, 2018. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2018 adopted Town Budget, which are estimated to be \$625.95, as budgeted [A1410]

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

S. Harris 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:**

- 2018-131)** IT IS HEREBY RESOLVED, that the Town of Schodack hereby establishes the following as standard work day for the following elected official 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 this official 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
<b>Elected Officials</b>						
Town Clerk	Debra Curtis	7	1/1/18-12/31/19	N	22.27	

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

**2018-132)** WHEREAS, the Town Board of the Town of Schodack received three (3) proposals for demolition of the property located at 19 Overlook Drive South (Tax Map 201.12-1-19), and

WHEREAS, the proposals as follows: Ditanno & Sons, LLC. in the amount of \$17,200.00; Provincial Contractor Services, LLC in the amount of \$16,410.00; and David Frueh Contracting LLC in the amount of \$6,675.00, and

WHEREAS, all proposals were reviewed for conformance to specifications and submittal of non-collusive certificates

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the most responsible proposal from Provincial Contractor Services, LLC in the amount of \$ 16,410.00.

BE IT FURTHER RESOLVED, that the stipulated 10 day period stated in the proposal shall begin once National Grid has disconnected power to the building and further authorize Supervisor Harris to execute and administer proposal dated February 26, 2018 from Alpine Environmental Services for Asbestos Air Monitoring Services at a rate of \$400.00 per day. Both Proposals are relative 19 Overlook Drive South (Tax Map 201.12-1-19) and said charges shall be levied and collected as provided by law as previously authorized in resolution 2018-081 as adopted on January 25, 2018.

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

**ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/22/18 Town Board meeting at 9:17 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk