

DATE: MAY 24, 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: PAUL HARTER

OTHERS PRESENT:

Supervisor Harris called the May 24, 2018 Town Board Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

The Supervisor explained that the board conducted a walk through with a representative from ESCO, Inc. to examine the heating system and look for potential upgrades to be made.

Items to Be Discussed:

- 1) **Cell Phones:** S. Harris said a question was posed by the Comptroller on who should be reimbursed for cell phone use. He had emailed the board a current list of employees who were being reimbursed or were issued a town phone. C. Swartz asked if all department heads are reimbursed. S. Harris read off the list and said he believed most department heads were compensated. He added that he currently was not compensated but if it was the wish of the board he would accept reimbursement. He said the current cost for cell phone reimbursement is approximately \$3,200.00 a year. C. Bult noted the new Building Inspector had been issued a town phone and asked that he be consulted regarding reimbursement instead. He suggested the criteria for reimbursement also be changed from an individual to a job title depending on their job requirements. C. Rex and C. Kenney agreed. S. Harris said they should consider making the change to the employee handbook. All board members agreed.
- 2) **Energy Savings Plan:** S. Harris said he had received proposals from National Grid and Integra regarding incentives to upgrade the lighting systems at the town hall and highway garage. The quotes from Integra showed a potential return on investment (ROI) after three to five years and included replacement of lights in the town hall parking lot and bay lights at the highway garage. He said the lights in the highway bays were not adequate and more would need to be added, increasing the cost. P. Harter said D. Kelly expressed her dissatisfaction with National Grid Energy. She had mentioned the bulbs wore out quickly and needed replacement sooner than they

should have. She felt the LED technology from Integra was a better quality and there would be a quicker ROI. P. Harter noted one quote from Integra showed a projected ROI of 5.69 years due to replacement of bay lights at the highway garage with a projected life span of ten to twenty years. C. Bult asked if the incentive was offered through National Grid or if any funding was available under NYSERDA. P. Harter said the rate would be offered from National Grid but NYSERDA does not supply power to the town; therefore, no funding would be available from them. He added the incentive would have been more for the highway garage but due to the solar panels, the kilowatt usage was very low. C. Bult asked if the town would have the option to pick and choose different aspects of the quotes. P. Harter said yes, but felt there would not be a great cost savings by not choosing all options. M. Sherwood asked that NYSERDA be contacted for funding as they are a state agency and may have options for local governments. P. Harter said he would. S. Harris mentioned NYSERDA had done an energy audit at the Castleton Ambulance but felt it took a long time for an ROI.

- 3) **Clove Road School House:** S. Harris said C. Swartz had visited the schoolhouse and noted water damage to the roof. He felt it was time to take action to make repairs. C. Swartz asked if D. Hutchison was looking into historical grants. The Supervisor said she was but was having difficulty finding any. He mentioned in the interim, the roof should be repaired to prevent any further damage. C. Swartz said they had discussed placing a tarp on the roof but he felt it would not have helped as the damage was already done. C. Bult asked if the entire roof needed to be repaired or just the soffit. C. Swartz suggested having a professional examine the roof to determine the extent of the damage and give an estimate for repair. C. Bult asked if multiple quotes were needed. P. Harter said the cost to repair would dictate what was required under the town's procurement policy. Atty. Mullahy recommended obtaining an estimate of cost to compare to the requirements from the procurement policy before any money is spent. A conversation ensued regarding other repairs needed for the building. C. Kenney suggested concentrating on the roof repair and looking at any other needed repairs at a later date. **Determination:** It was decided that the Supervisor would contact a local company and have them give an estimate for the roof.

Review of Resolution

The Supervisor stated resolution 2018-165 authorized the payment for the clean-up of the fuel spill discovered at the highway garage. C. Swartz asked if the remediation was complete. S. Harris said yes.

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:**

2018-165) Authorize Supervisor Harris to execute and administer Spill Remediation Plan as prepared by Northeastern Environmental Technologies Corporation (NETC) in conjunction with New York State Department of Environmental Conservation Stipulation #STIP R4-473 Corrective Action Plan for Spill No. 1704922 at Schodack Highway, 3776 US Route 20, Nassau, NY, in amount not to exceed \$17,025.00, and

Further authorize Optional Groundwater Treatment Services as needed as per Northeastern environmental Technologies Corp. fee schedule dated March 12, 2018 subject to approval by Town Attorney as to form.

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

Open Discussion

Town Park: S. Harris thanked the board member who viewed the options for the town park playground and explained he would await feedback from the companies. Also at the park, he noted a tree was leaning near the bridge and he was concerned it was unstable. He had contacted K. Holmes, Highway Superintendent, to have it taken down before it causes damage or injury. He was unsure if the highway workers would be able to take the tree down or if a company would need to be contacted.

Ethics: C. Rex asked for an update on the language change for the current ethics code. Atty. Mullahy said it was ready for board distribution and public hearing. He recommended the board finalize suggestions for members of the ethics board. C. Rex asked if a posting could be placed on the town website to solicit interest from potential candidates. S. Harris said yes and asked all board members to present their candidates at the next board meeting.

DMV/Old Town Hall Location: C. Bult asked for an update on the progress of placing signage regarding no overnight parking at the site of the old town hall. He thought a request for such signs was made when the DMV asked to use the lot for their CDL driving tests. S. Harris said he would speak to K. Holmes regarding the situation but noted DMV had placed signs regarding their testing. C. Bult asked if testing had begun. S. Harris said yes and noted they would only be there when they had a need which could be at random times.

Gate at Water Tower: C. Kenney said he had discussed with K. Holmes about installing gates at the access roads for the town hall and Clearview water towers. He noted the road to Clearview was not owned by the town but the owner had given his approval for the installation. Atty. Mullahy cautioned that the gate would involve an improvement to private

property. He said an easement would be needed before the gate could be put in. C. Kenney said he had been told a gate was needed to prevent unauthorized individuals from accessing the water tower. A resident said she was in favor of the gate. She had witnessed many young people going up the access road and had left messes at the tower. She mentioned she had spoken to K. Holmes. S. Harris said K. Holmes had assured him that the gate for the town hall water tower would be installed within the next few weeks.

Dog Issue: S. Harris informed the board that he had received several complaints regarding P. Martel, the Dog Control Officer. He had asked Mr. Martel for reports for the past few years and was told none existed. The Supervisor was concerned that taxpayer dollars were not being wisely spent and cautioned if a FOIL request were to come in, no documentation would be available. The board decided to discuss the matter further in executive session as it pertained to OML §105(f).

Public Hearing

Wm. J. Keller & Sons Construction Corp. Landfill Application

S. Harris called the public hearing on an application submitted by Wm. J. Keller & Sons Construction Corp. to order at 7:31 p.m.

The Town Clerk read the Affidavit of Publication seeking public comment on an application submitted by Wm. J. Keller & Sons Construction Corp. to operate a sanitary landfill disposal at 1435 Route 9 pursuant to §137 of Town Code of the Town of Schodack. The legal notice was posted on the Town Clerk's signboard and the Town's website on May 15, 2018 as well as published in the May 15th edition of *The Record*.

Atty. Mullahy asked the Board to consider a continuation for the public hearing until the June 14th board meeting. He noted there was a logistical hiccup and the notice was posted one day shy of the ten day requirement but was fortuitous as Mr. Keller was not able to attend the meeting this evening. He felt the extension of the public hearing would allow for additional information to be submitted from a meeting scheduled with DEC representatives on May 30th. **Determination:** It was the consensus of the Board to continue the public hearing on June 14, 2018.

Prior to opening the public comment, Atty. Mullahy stated all who wished to speak could do so and reminded them they would have the opportunity to do the same at the continuation of the public hearing on June 14th.

Public Comment: F. Ball of Park Place asked if the material at the landfill would be considered clean fill and if so, who would monitor it. Atty. Mullahy explained the law had changed regarding landfills. Instead of clean fill, it was now referred to as general fill which would be deposited under a permit issued by the town. The site would be monitored by DEC. Mrs. Ball asked the size of the area where fill would be deposited. Atty. Mullahy explained a meeting was scheduled with DEC to examine the site to determine the size. He said the limit was 5,000 cubic yards but was unsure how that would equate to acreage.

Atty. Mullahy noted an email had been received from H. Sloan regarding Keller's Landfill

application and would be considered in the public comment.

Upon hearing no further public comment, the Supervisor adjourned the public hearing at 7:38 p.m. and said it would be continued on June 14th.

Executive Session

C. Bult made a motion at 7:39 p.m. to enter into an executive session pursuant to Public Officers Law §105(f) and §108 for the purpose of advice of counsel. Seconded by C. Kenney.

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 8:37 p.m. to adjourn the executive session. Seconded by C. Rex.

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. Swartz made a motion to adjourn the 05/24/18 Town Board meeting at 8:38 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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