

DATE: JUNE 28, 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 PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR
JOSEPH BELARDO, CHIEF OF POLICE

Supervisor Harris called the June 28, 2018 Town Meeting to order at 7:04 p.m. with the Pledge of Allegiance and dispensed with roll call.

Briefing of Agenda

S. Harris noted a change needed to be made to the Youth Program [2018-181]. He explained Victoria Olsen was being moved to Bus Aide to allow for a Special Needs Counselor to be added to the staffing. Garrett Renslow was also being added in a dual position as Bus Aide and Special Needs Counselor as he has the ability to sign. This is needed for one camper who only communicates through sign language.

S. Harris stated the public hearing would not continue until 7:15 p.m. and chose to digress from the agenda by asking C. Belardo to explain his recommendation for a candidate to attend the Municipal Police Basic Academy (MPBA). C. Belardo said he had received a resume from Kyle Loeper who was requesting sponsorship from the town to attend the academy. He would attend at no cost to the town. S. Harris said, upon completion of the academy, Mr. Loeper could be placed on a list for consideration for future employment. C. Bult asked if his goal was to further his education or potentially be hired part or full time by the town. C. Belardo said he would like to work full time with a goal of working for Schodack. The Chief said he was looking to the future as they anticipated a need to fill positions that would be vacated by retirees. The benefits not only included no cost to the town but also the candidate would be independently evaluated and vetted saving the town time, money and commitment. C. Swartz asked if there was any interest from any residents of the town. C. Belardo said they had advertised for candidates last year, receiving more than 100 resumes. They had selected two candidates both of whom pulled out prior to attending the academy. He said it would be a good idea to have multiple candidates to

sponsor to give more choice for later employment. C. Rex and C. Kenney voiced their support of advertising for more candidates from the town. C. Belardo said he would go ahead and advertise as well as speak to those who submitted resumes last year to see if any are still interested. C. Swartz cautioned that the ad should not make it appear that there are current positions open at the department. C. Belardo agreed and said it would be worded to solicit resumes for potential future employment.

SORA License Update: C. Bult asked for an update on the compliance of local law 2 of 2017. C. Belardo said the number of registered sex offenders being housed by government assistance had decreased in the town. He explained the Hostfield Inn was the only establishment who purchased a license from the town. Atty. Mullahy said he had conducted a site visit with Officer Eckel and found that there were no registered sex offenders, under the law, residing there. He stated they were under renovation and explained that they were no longer interested in accepting sex offenders and would not be renewing their license. C. Bult said he was notified that a few new sex offenders registered their residence as the Hostfield Inn. C. Belardo said if they are paying for the room privately, then they are not covered under the town law as it only applies to government subsidized placements.

Public Hearing **Wm. J. Keller & Sons Construction Corp. Landfill Application**

S. Harris called the continuation of the public hearing on a landfill application submitted by Wm. J. Keller & Sons Construction Corp. to order at 7:17 p.m.

The Town Clerk summarized 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 June 18, 2018 as well as published in the June 18th edition of *The Record*.

C. Bult explained the public hearing was continued to allow the town attorney to be present to answer questions regarding the application. Atty. Mullahy thanked the board as he was unable to attend the previous hearing due to a death in the family. He asked J. Keller of Wm. J. Keller & Sons to give a briefing of the progress made so far. Mr. Keller said DEC had conducted a site visit for the clean fill and they were in the process of preparing site maps. They had been under the impression a letter would be supplied by DEC but that was not the case. Atty. Mullahy asked for the progress on the SWPPP (Stormwater Pollution Prevention Plan). Mr. Keller said he had met with DEC and was in the process of working with his engineer, Eric Hart, to prepare the contours requested. Atty. Mullahy explained Chapter 137 of town code was drafted in the past for anyone wishing to operate a "dump" but that is no longer allowed. It involved guidelines for compacting and burning garbage. The town engineer was currently in the process of drafting a replacement which would define general fill sites which would exclude construction material. Mr. Keller added he is not allowed to deposit asphalt or concrete, only soil. Atty. Mullahy stated new regulations under DEC, known as the 360 regulations, would apply to Mr. Keller's site and not the current Chapter 137. He explained DEC wanted to more closely monitor general fill sites. He said he had participated in the site visit conducted by DEC which consisted of a one

acre lot with a ledge that leveled off to a flat area. The site was to be built up to allow for a structure to be built in the future. There was no standing water observed and the potential for any pollutant discharge had already been addressed. When the application was received, the town board agreed to refer it to the planning board for review and recommendation. The site permit was approved by the planning board and under the direction of the town engineer, a few recommendations were made. They stated an approval of the SWPPP would be needed and a storm water plan in place. He stated the board now had two options which included making a decision now or waiting to make an informed decision. C. Bult asked if the board chose to wait would the public hearing need to be left open or could it be closed and a decision be made at a later date. Atty. Mullahy said the public hearing could be closed but recommended once the SWPPP was available for review, allow for public comment before a decision is made. C. Bult asked if, in the interim, would DEC or the Building Department be monitoring the site. Atty. Mullahy said DEC would continue to monitor. Mr. Keller added that there was no law requiring the frequency of testing or inspections. Atty. Mullahy asked Mr. Keller what testing he normally conducted for other sites he was operating. Mr. Keller said if any odor was noticed, the material would be set aside and samples would be taken at regular intervals; however, not all loads are tested and said something can still be missed. He noted that he and his company currently had two wells on the aquifer and said it would not be his intention to pollute it. Atty. Mullahy asked for an assurance that testing would occur. Mr. Keller said he could but was not sure of the regulations set for testing. Atty. Mullahy asked if DEC had made any special requirements. Mr. Keller said, primarily, erosion control and extend stone out to stabilize the site. C. Swartz asked if they were required to open and close the site each day. Atty. Mullahy said that reference to Chapter 137 did not apply any longer.

Public Comment: K. Stokem said, in reference to Chapter 137-6, the town has an ordinance for landfills which has not been changed and wondered why it would not still apply. Atty. Mullahy said until this application had been received, Chapter 137 was adequate. He said the changes that needed to be made to town law did not deal solely with Mr. Keller and Mr. Krug who had both applied for general fill sites. Chapter 137-6 dealt strictly with refuse sites and does not address general fill sites. K. Stokem asked if any regulations could be enforced under Chapter 137, such as bonding requirements. Atty. Mullahy said the bonding was directed toward refuse sites only. Mr. Stokem asked if the site, which was not covered under Chapter 137, would be unregulated. Atty. Mullahy assured him that it was regulated under the DEC 360 regulations which were established in November of 2017. These regulations were specially designed for such applications and were more thorough than current town law. He added the town had no current laws that addressed a general fill application. Mr. Stokem asked what the town's role would be under the 360 regulations. Atty. Mullahy said the town would be limited. The application received initial approval from DEC and under their direction, a public hearing was held by the town. Mr. Keller added the town would monitor the SWPPP and environmental impact. Atty. Mullahy stated the planning board would hold that role after approval was received from DEC. K. Stokem said his questions were valid for Chapter 137 and asked if a local law needed to be passed as soon as possible before approving this application. He felt, in regards to dumping clean dirt, criteria for Chapter 137-4(c) such as having an engineer examine the site was a good idea. Atty. Mullahy reiterated that Chapter 137 was drafted for refuse landfills. Upon review by DEC engineers, the site was found to have no streams and

no refuse was being dumped. The current 360 regulations are designed to protect the environment. Mr. Stokem asked why the map of the aquifer with a circle around the well head showed the site not included and should Mr. Hart address that. Atty. Mullahy explained Mr. Hart was the engineer for the entire site but did not address the SWPPP. He said he would check to ensure that the aquifer is protected. Mr. Stokem said Mr. Keller seemed to have good intentions, but without all loads being tested, he hoped nothing bad would happen. He asked the board to not jeopardize the residents as there was no current town law to govern such sites and asked how quickly new regulations could be put in place. Atty. Mullahy said he had spoken to the town engineer two weeks ago to start the process and he would check again for the progress made. He added that DEC headquarters was located in Albany and they would be closely monitoring. S. Harris said, in his past experiences with DEC, they are relentless. He explained they have increased enforcement with the new regulations they have enacted. K. Stokem said he did not share the supervisor's faith in DEC as many departments have seen decreases in staffing. M. Sherwood shared his concern. She gave the example of the City of Rensselaer landfill and said the town was in need of a current law that addressed this type of landfill. She felt it would be best to have all material tested until regulations could be put in place. Atty. Mullahy suggested quarterly testing could be requested with a testing component added to the new law when it is drafted. He added that Mr. Keller has been patient throughout the whole process. Mr. Keller was not poised for polluting the aquifer. C. Bult said N. Fuda would be asked to examine the site. The town is fortunate that they know where the material is coming from to ensure it is safe. C. Kenney said they should not assume the material is safe. Atty. Mullahy said the two individuals from DEC whom he has been working with seem to be very passionate about the environment and felt they had the town's best interests in mind.

Upon hearing no further public comment, S. Harris closed the public hearing at 8:00 p.m.

Atty. Mullahy advised the board to wait to make their decision until all SWPPP documents had been received and reviewed. **Determination:** All board members agreed.

Discussion Items

Playground: D. Kelly gave a brief power point presentation illustrating the different layouts for the playground at the town park. She explained the site would be located to the left of the pavilion and would be far enough from the creek to not be an issue. They planned to have the layer of wood chips flush with the surrounding grass. Three quotes had been received from Kompon, Little Tykes and Game Time and all included diverse equipment that would be ADA compliant to give access to all children, regardless of their abilities. Two of the options include shades that would cover the slides. S. Harris noted the town would save money by having the Highway Department prepare the site, including leveling the soil. D. Kelly added they would not be supplying the chips that would make up the floor of the playground. The companies were asked to include the cost of the chips in the quotes supplied. The quote from Little Tykes substituted a mat in place of the chips. C. Kenney said the quote from Kompon stated the customer would be responsible for installation of the wood fiber but did not state that it would be supplied by them. D. Kelly said she would check. S. Harris said it was his recommendation to have the playground installed by the

professionals to ensure all components and bolts are secure. D. Kelly said all three companies were asked to include installation in their quotes. C. Kenney said he had prior experience with Game Time for the construction of the playground at Green Meadow Elementary School. He said he and other volunteers installed it. Upon completion, it was inspected by Game Time to ensure everything was safe. C. Bult asked if there was sufficient budgeted for installation. D. Kelly said there was \$75,000.00 budgeted. S. Harris said the rendering from Kompon seemed to be considerably larger than the other renderings and wondered how much area they covered. D. Kelly said Kompon and Game Time both would cover approximately 50 ft. by 100 ft., whereas the Little Tykes would cover a much smaller area. C. Kenney said it would be difficult to keep the chips on the playground and keep them from being spread onto the grass. He suggested creating a boarder that would keep them contained with an opening to be wheelchair accessible. C. Rex was concerned that the boarder would be a trip hazard. D. Kelly said she would ask the companies for recommendations to contain the chips. C. Swartz asked if the location of the site was far enough back to accommodate individuals attending music in the park. S. Harris said he did notice patrons sitting close to the site but noted they were limited where the playground could go due to the location of pipes and drains in the area. He asked all board members for their recommendations by the next board meeting to allow for installation to begin by August or September. A list had been compiled of locations in the area that have examples of the three types of playgrounds and recommended all members visit a few before they decide. C. Kenney asked, if no fence is installed, how the site would be secured at night. S. Harris said the area would be monitored at night.

Clove Road Schoolhouse: S. Harris said he had received quotes for the replacement of the roof and potentially rafters on the Clove Road Schoolhouse. He had also spoken to K. Holmes about taking down the two trees closest to the building and had sent a request to Senator Marchione for potential funding to rehabilitate the schoolhouse. His ultimate goal for the property would be to create a historical destination for families to visit. C. Bult suggested obtaining a second quote for the repairs. S. Harris agreed and added only the outside was examined, meaning more damage could be present. C. Kenney asked if the hole on the roof was open or protected. C. Swartz said it was open as the damage had already been done. K. Stokem asked if the roof could be tarped. C. Swartz said it was previously discussed but he worried that it would be tarped and forgotten about. C. Kenney said if they were looking into any long term use of the building, the cost to repair it could be costly. C. Swartz suggested looking at maintaining the building first. Any other improvements could be assessed later and grants could be pursued. C. Rex said she had suggested the town hire a grant writer a few months back and wondered if was anything else the grants would fall under for the repairs. C. Kenney said that would be a long term plan. S. Harris suggested getting the building buttoned up first.

Adoption of Resolution

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:

- 2018-181** Amend resolution 2018-166 adopted on June 14, 2018 to appoint the following Town of Schodack Day Camp employees for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:
Counselors: ~~Victoria Olsen~~, ...
Bus Aide: Victoria Olsen
Bus Aide/ Special Needs Counselor – Garrett Renslow
Special Needs Counselor – Kathy Riccardi (only as needed)
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

Executive Session

C. Bult made a motion at 8:32 p.m. to enter into an executive session of the Town Board pursuant to Public Officers law Section 105(f) to discuss matters pertaining to the employment 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 to adjourn the Executive Session at 9:23 p.m., seconded by C. Bult.

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 06/28/18 Town Board meeting at 9:23 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk