

DATE: SEPTEMBER 13, 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: CHIEF JOSEPH BELARDO
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION
OPERATIONS
DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Harris called the September 13, 2018 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

AHET Presentation

Andy Beers of the Hudson River Valley Greenway gave an update on the progress made for the Albany Hudson Electric Trail (AHET). He said he intended to discuss the changes that had been made to the design, maintenance, road crossings and the proposed trailhead. He gave an overview of the path of the trail on the map Mr. Beers provided. Regarding the trail design, he said the goal would be to complete all plans by October 1st, allowing them to proceed with quality control of the property by November of this year. They would then send the project out to bid in December 2018, break ground in the spring of 2019 and complete construction in the fall of 2020. They are currently having issues with the Miller Road portion of the trail as they are not able to utilize the old trolley trail as it is intersected by I-90. They propose to run the trail on the north side of Miller Road from Old Miller road to the first ramp of I-90. There they will install a traffic signal at the off ramp. The trail would be a two way path offset from Miller Road that would be protected by a guard rail.

In terms of maintenance, the Greenway requests a partnership with the municipalities to mow the trail as well as any other routine maintenance required, at a cost to the town. He noted the Town of East Greenbush, the Town of Nassau and the Village of Nassau had already agreed to cover the maintenance. The mowing would most likely not begin until 2020 and Mr. Beers said the Greenway would be looking for the Town to sign a formal agreement if the board chose to opt in. S. Harris said he had no concern with the trail but he did have concern for the cost of the maintenance, the liability for the Town for potential lawsuits in the event of injury on the trail and other negative effects. He mentioned

the potential for issues that could arise from motorized vehicle use on the trail as well as criminal activities which could tie up the local police. He was especially concerned for the Nassau Lake area where the trail would be located in close proximity to homes. For the maintenance, he noted the Highway Department already had a large work load and the added cost would be put on the taxpayers. He asked if there was anything required for the town to opt out of performing the maintenance. Mr. Beers said there was nothing required. S. Harris said he had heard another municipality from Columbia County had also chosen to not cover the maintenance. Mr. Beers said yes, the Town of Styvesant. C. Bult asked if the Greenway would be donating equipment for the mowing. Mr. Beers said they would be providing a commercial grade mower and trailer to all municipalities who chose to opt in for the maintenance. C. Bult asked if they would be replacing the mower if it becomes worn out. Mr. Beers said, as of now, they would only be supplying one machine. He assured the board that the machine would be good quality but in the event of need, the Greenway would consider replacements.

For the road crossings, Mr. Beers noted the trail would cross ten roads within the town. Six of the roads, which were considered low volume, would have marked crosswalks for pedestrians and signs for motorists. Reno road, which is considered high volume, would have a crosswalk and a rapidly flashing beacon to warn motorists. Three roads, including Trolley Way, East Hill and Old Miller, would have trails running alongside. He explained a meeting would need to be scheduled with the Highway Superintendent to discuss the installation of the crosswalks. Maintenance would be required for the crosswalks to refresh the paint annually, which would be included in the maintenance agreement. In the event the town decides to not opt in, the Greenway would assume the responsibility.

Mr. Beers noted a trailhead would be constructed adjacent to Nassau Lake on Country Route 7. The Rensselaer Land Trust purchased two properties owned by Mr. Passmann and Ms. Rohl to create the trailhead which would be owned and maintained thereafter by them.

C. Rex asked if there was a timeline for the town to decide to opt out of the maintenance. Mr. Beers said there was no such thing, only to opt in. C. Bult asked when the Greenway needed a final decision. Mr. Beers said by spring 2019. C. Bult asked, while the trail is under construction, if the trail would be open in sections. Mr. Beers said yes, as they would be unable to keep individuals off the completed segments. S. Harris asked when Mr. Beers could meet with the Highway Superintendent. Mr. Beers said within the next few weeks. S. Harris thanks Mr. Beers for the update and stated, upon the advice of counsel, the board would hold off on making a decision until more information could be gathered. Atty. Mullahy asked if the Greenway was requesting formal action from the town. Mr. Beers said they would need a formal direction if the town was choosing to opt in. Atty. Mullahy requested to see a copy of the agreement the Greenway had prepared. Mr. Beers said he would send a draft of the maintenance agreement to him.

Public Comment: R. Rowley of Stable Gate said he felt the trail was an unused asset for the town which was currently being used by motorized vehicles. He noted a neighbor of his was unable to sell their home until a buyer came along who had heard about the trail. In terms of liability, he said people walking on the road had a better chance of injury than others would have by taking the trail. He thanked the board for their interest in maintaining the town and asked the board to support the trail.

M. Guinane of Boyce Road said this trail would be a gift to the town. He felt the

concern about crime was unfounded and noted other trails in Voorhesville and Bethlehem were a success in getting their residents to be more active. He felt the \$11,000 for maintenance was rather inexpensive.

T. Phillips of East Schodack stated he was on the board of the Rensselaer Land Trust and also felt this trail would be an asset to the town. He explained the land trust had a volunteer trail crew who would be willing to periodically clean up the trail. He added his property backs up to the trail and said the current state of the trail was more conducive for crime.

Notice of Violation Hearing 3047 Route 150

S. Harris called the violation hearing to order at 7:31 p.m. to determine whether the owner of 3047 Route 150 (Tax Map 190.-4-2) has complied with such notice, and to take other and further actions as may be authorized by Chapter 99.

The Town Clerk summarized the Affidavit of Publication regarding the violation hearing for 3047 Route 150. The legal notice was posted on the Town Clerk's signboard September 4, 2018, published in the September 3, 2018 edition of *The Record*, and posted the Town's website on September 3, 2018.

S. Harris asked the homeowner, Jennie Williams, to come forward and address the board. Mrs. Williams stated she had tried to clean up the property but was unable to obtain assistance from her children. She said it was her desire to clean up the property and noted she had recently hired a gentleman. S. Harris asked if she would be cleaning the entire property and asked if she had a projected time frame for completion. Mrs. Williams said she was unsure of how long it would take due to the condition of the property but noted she was willing to work with the town. S. Harris called upon Gary Ziegler, Code Enforcement Officer, to present evidence of violation. Mr. Ziegler stated notices had been posted to commence cleaning within thirty days as required by law and a letter had been sent via certified mail which was signed by Mrs. Williams. Photos were entered into evidence as proof of the violation. Mr. Ziegler noted the structure had been leveled by DiTonno following the fire for safety purposes and due to the age of the structure, the presence of asbestos was likely. A survey would generally be done; however, with the structure down, a survey could no longer be conducted and the property would need to be handled as an asbestos site. Atty. Mullahy asked Mrs. Williams if the person she had hired was licensed for asbestos removal. Mrs. Williams said she was not sure. Atty. Mullahy explained the board could either pass the resolution or table it for a later meeting. He did note that if the resolution was tabled, they would need to begin the process over for the violation hearing. Mrs. Williams stated she did not understand why the property was thought to contain asbestos. Mr. Ziegler explained that asbestos was used in many different materials such as caulk, floor tile and glue. S. Harris said, due to the state of the structure, it falls under certain requirements and must be handled by specialists. S. Harris suggested tabling the resolution for sixty days, allowing the homeowner to make her best effort to clean the property. At the end of the sixty days, the town would proceed with further action. S. Bult asked if the town would assume any responsibility for allowing the homeowner to continue with the clean-up during the sixty days. Mr. Ziegler said no. Atty. Mullahy asked if any

neighbors had complained about the property. Mr. Ziegler said there had been many complaints over the years. C. Bult asked if there were any safety issues for allowing the homeowner to continue the cleanup process. Michael Buckbee, Chairman of the Board for the East Schodack Fire District No.1, asked to approach the dais. He read an excerpt regarding the property in question. He stated the department was concerned that the former resident was seen picking through the debris by herself. They worried that she could be injured and no one would be aware. He also mentioned the odor from the site had become unbearable and wondered what rodents may have been attracted to the property. As a representative of the Fire District and as a neighbor, he asked the board to take the necessary actions to clean up the property. S. Harris asked if the Fire District would see any issues by allowing the Mrs. Williams sixty days to clean the property. Mr. Buckbee said other than her safety, no. S. Harris asked the board if they would allow the sixty days for the homeowner to clean up the entire property. S. Swartz said he would as long as the town would assume no liability. Atty. Mullahy explained, if the board and the homeowner agreed, the town would pass the resolution, wait the sixty days and at the November 8th meeting, a determination could be made to begin the remediation of the property by the town if it were deemed that the homeowner had not complied. Mrs. Williams agreed to the terms. S. Harris noted it would be required to clean the entire property. Atty. Mullahy asked if there was a standing structure on the property to place any personal items she wished to keep. Mrs. Williams said there was a garage and asked if she could move her stuff into it. Atty. Mullahy said it seemed like a bigger job than just moving items into the garage. He noted the alternative would be for the town to clean up the property by obtaining the lowest cost. That cost would then be added as a lien on Mrs. Williams' taxes. He felt it would be less costly for Mrs. Williams. Atty. Mullahy recommended the board proceed with the resolution as drafted, obtain prices for cleanup but wait to proceed with the cleanup until after the sixty days. All board members agreed.

Hearing no public comment, S. Harris closed the notice of violation hearing at 7:50 p.m.

Award

S. Harris announced that the board wished to present Officer J. Harrington with an award of recognition for excellent service. He explained an incident occurred on I-87 at the I-90 interchange involving a single car crash with a heavy smoke condition coming from underneath the vehicle. Officer Harrington, who was returning from training, observed the vehicle on the shoulder by the guardrail. He put himself in harm's way to close the left lane of traffic and removed the elderly driver from the damaged vehicle which had begun to catch fire. He then utilized his fire extinguisher to extinguish the fire. S. Harris explained Officer Harrington's actions were an example of the fine work the Town of Schodack officers do for the town. Chief J. Belardo read a statement commending Officer Harrington for his actions and explained how much of an asset he was to the department. Officer Harrington explained being an officer was a 24/7 responsibility and thanked the board for the award.

Executive Session

C. Bult made a motion at 7:55 p.m. to enter into an Executive Session of the board pursuant to public officers law 105(f) to discuss matters leading to the appointment of a particular

person or persons. Seconded by C. Swartz.

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

C. Bult made a motion at 8:45 p.m. to adjourn the executive session. Seconded by C. Kenney.

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

Departmental Reports: The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk and Building Department.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #18-1336 to #18-1502 on Abstract No. 2018-09.

Transfer Station Resolutions: B. Goodall said he had a prior engagement to attend and asked the board if there were any questions regarding resolutions 2018-226 or 2018-227. All board members said no.

Public Comment: K. Stokem asked, regarding resolution 2018-226, if it would be possible to allow residents to use the wood chips instead of having a company remove them. B. Goodall stated the chips were too coarse and noted chips from the Highway department were finer and were available to all residents.

Briefing of the Resolution Agenda Discussion-Resolutions

S. Harris gave a brief overview of all resolutions. He noted resolution 2018-221 would be withdrawn. With regard to resolution 2018-224, the board agreed to hold off taking action for sixty days to allow the homeowner to clean up the property. For resolution 2018-230, a change was needed for the contract price to accommodate for the increased height of the fence surrounding the pump station. All other resolutions were self-explanatory.

P. Harter noted resolution 2018-236 needed to be amended to read August 31, 2018. All board members agreed with the change.

Board Discussion: None.

Public Comment

Resolution 2018-218: K. Vecchione said she had concerns regarding the personnel policy and procedures manual. She explained that the changes for draft seven of the manual had been sent to employees the day before, which did not allow adequate time to review. She noted the committee had decided earlier that year to allow three months leave for continued service but noticed draft seven stated twelve months. She also noticed a new section 1104 placing limitations on making reports to the news media. S. Harris said he was under the impression the resolution could be passed and any necessary revisions to individual items could be made later. In regards to the news media section, he had asked it be added under

his recommendation. K. Vecchione suggested a note be added giving a reason for its inclusion. C. Swartz suggested tabling the resolution until the issues could be addressed. All board members agreed to withdraw resolution 2018-218.

Resolution 2018-228: M. Sherwood said it seemed there would be a conflict of interest for the attorney representing both parties. She suggested another attorney be utilized. K. Stokem shared her concern and felt it could work adversely for the town. C. Bult and Swartz said they shared their concern.

Resolution 2018-230: K. Stokem asked the length of fence being installed. C. Bult said they were unsure. He noted it involved putting a fence in the area where the pump station would be located between the two schools. C. Rex mentioned the school would be supplying the funding. S. Harris said the change order did not show the length of the fence. Atty. Mullahy stated the dimensions were not show but had been reviewed by the engineer and were recommended upon that review. He noted he would speak to Laberge.

Resolution 2018-233: K. Stokem asked if the tree in question was still causing damage to the schoolhouse. S. Harris said two trees were or will in the future cause damage to the structure and needed to be removed. K. Stokem asked the diameter of the trees. C. Swartz said they were two feet in diameter and were approximately eighty feet high. He noted the trees needed to be dropped between two buildings.

Resolution 2018-234: K. Stokem asked why the system needed to be upgraded. D. Curtis, Town Clerk, stated as of the end of August 2018, the door locking system software was no longer supported. The company who installed the system many years ago informed her that an upgrade was needed to ensure the security for the town hall. K. Stokem asked if it would be possible to find a system that did not need to be upgraded. D. Curtis said technology was always changing and gave the analogy of the need for upgrading the windows operating systems. K. Stokem stated keys never require updating. C. Bult mentioned the door system keeps a record of all who enter the building during off hours.

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.

2018-218 **WITHDRAWN:** *“Adopt the Town of Schodack Personnel Policy and Procedure Manual, per attached as revised together with attached list of revisions; this will supersede the Personnel Policy and Procedure Manual that was adopted on April 8, 1999, to be effective January 1, 2019.”*

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:**

2018-219 **WHEREAS;** the **Town of Schodack** pursuant to the authority granted in **NYS General Municipal Law §103(16)**, desires to participate in the U.S. Communities Cooperative Purchasing Alliance. Said Alliance is sponsored by the Association of School Business Officials International; the National Association of Counties; the National Institute of Governmental Purchasing; the National League of Cities; the United States Conference of Mayors and New York State Association of Counties;

WHEREAS; the **Town of Schodack** desires to participate for the purpose of fulfilling and executing its respective public governmental purposes, goals, objectives, programs and functions;

WHEREAS; the **Town of Schodack** has reviewed the benefits of participating in this program and based on this review has concluded the program will provide the best value to taxpayers of this **Town of Schodack** through the anticipated savings to be realized;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Board of the **Town of Schodack** is authorized to participate in the U.S. Communities Cooperative Purchasing Alliance and that **Supervisor Harris** is authorized to register for the U.S. Communities program on behalf of **Town of Schodack**.

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:**

2018-220 Authorize Supervisor Harris to execute and administer a 2018 agreement between the Rensselaer County Department for Youth and the Town of Schodack for State Aid related to the Town's Summer Youth Day Camp in the amount of \$3,140.00.

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

2018-221 **WITHDRAWN:** *"Affirm, pursuant to Article 3 Section 37 of the Town Law, the Tax Receiver hereby appointed Sandra Schell (Temporary) Deputy Tax Receiver at an hourly rate as set forth in resolution 2018-07 (\$17.19) and further amend resolution 2018-080 as adopted on January 25, 2018 as follows: Pursuant to Article 3 Section 37 of the Town Law, the Tax Receiver hereby appoints ~~Sandra Schell (\$13.79-13.52/hr.)~~, Elizabeth Swahlan (\$17.19 ~~\$13.22/hr.)~~ and Michael Lubbers (\$17.19 ~~\$13.22/hr.)~~ as part-time Tax Clerks*

at an hourly rate to be effective August 27, 2018, these three positions not to exceed 718 hours in total from August 27th through December 31, 2018 [Budget A1330.1]"

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

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

2018-222 Waive the requirement pursuant to Chapter 177§1 of the Code of the Town of Schodack to hold Water Rate hearings on or before October 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

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

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:

2018-223 Waive the requirement pursuant to Chapter 176§4 of the Code of the Town of Schodack to hold Sewer Rent hearings on or before October 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

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

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:

2018-224 WHEREAS, the Town Building Inspector reported to the Town Board that a building or structure known as 3047 Route 150 (Tax Map 190.-4-2) should be repaired or removed; and

WHEREAS, the Town Board wished to proceed pursuant to Chapter 99 of the Schodack Code, relating to Unsafe Buildings; and

WHEREAS, it was resolved that the Building Inspector shall, pursuant to §99-2(B) forward a notice with the particulars required therein to the owner, directing the owner to commence the securing or removal of the buildings/debris within 30 days and to complete such securing or removal within 60 days; and

WHEREAS, a copy of that notice was filed in the office of the Rensselaer County Clerk, pursuant to the provisions of §99-2(D); and

WHEREAS, resolution 2018-190 adopted on July 12, 2018, scheduled a hearing on this matter on September 13, 2018 at 7:15 p.m., to determine whether the owner has complied with such notice, and to take such other and further actions as may be authorized by Chapter 99; and

WHEREAS, the hearing was held on September 13, 2018 at the time and place as specified in the notice; and

WHEREAS, proof was submitted of timely service of notice pursuant to Chapter 99; and

WHEREAS, based on proof submitted at the hearing, the remaining premises located at 3047 Route 150 (Tax Map 190.-4-2) are unsafe for human habitation and should be removed;

NOW THEREFORE BE IT RESOLVED that said remaining premises located at 3047 Route 150 shall be removed by the town,

BE, IT FURTHER RESOLVED that all costs and expenses in said removal shall be assessed on the property at 3047 Route 150 (Tax Map 190.-4-2) and that said charges shall be levied and collected as provided by law.

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 S. Harris:

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

2018-225 WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as *Constitution Week*,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack does hereby proclaim the week of September 17 through 23 as *Constitution Week* and urges all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

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 C. Rex:

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

2018-226 WHEREAS, the Town has determined that there is surplus chip and grass material at the Transfer Station generated during the 2018, and

WHEREAS, the Town has determined that said surplus material needs to be removed to reduce a potential fire hazard, and

WHEREAS, the Town has received 4 proposals for grinding material and removing it from the Transfer Station as follows: a proposal from Sylvan Timber Clearing Inc. for \$6,400.00, a proposal from Wood Waste Reduction Services for \$6,250.00, a proposal from Ken Morris & Sons Excavating, LLC for \$5,900.00 and a proposal from SM Gallivan, L.L.C. for \$5,750.00,

NOW, THEREFORE, BE IT RESOLVED that pursuant to the recommendation of the Transfer Station Director, that the Town Board does hereby accepts SM Gallivan, L.L.C. proposal in the sum of \$5,750.00.

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

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:**

2018-227 Adopt the fee schedule for Fall Clean-Up Days (October 11, 12 & 13) at the Transfer Station as follows:

Refrigerators, freezers, air conditioners & dehumidifiers	\$ 8.00
Tires, rimless (maximum size 16")	\$ 2.00
Larger and rimmed tires	price by size
TVs, computer monitors (limit of 2 items per household)	FREE
Propane Tanks	FREE
Furniture (limit of 3 items per household)	FREE
Metal goods	FREE
Push mowers	FREE
Gas grills	FREE
Bicycles	FREE

*****Please note: all other pricing remains the same*****

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

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:**

2018-228

WHEREAS, the law firm of Barclay Damon LLP has provided legal service to the Town of Schodack for a substantial period of time, and

WHEREAS, Barclay Damon LLP currently represents the Town as special counsel on several matters, and

WHEREAS, Barclay Damon LLP has also indicated its intention to represent 35 Empire Properties LLC (hereinafter referred to as "35 Empire") in a tax certiorari proceeding against the Town of Schodack for the property it owns and operates located at 35 Empire State Blvd., creating a potential conflict of interest for the firm, and

WHEREAS, Barclay Damon LLP has requested a waiver of said conflict of interest, if any, permitting it to continue to perform legal work for the Town while representing 35 Empire in an action against the Town,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is authorized to execute a Waiver of said potential conflict of interest dated August 22, 2018.

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 S. Harris:

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

2018-229

Resolved that the 2019 Budget Presentation Meeting will be held Tuesday, October 2, 2018 at 5 p.m. Further, the following schedule was set to review the 2019 Preliminary Budget:

Tuesday,	October 16, 2018	6 p.m.
Wednesday,	October 17, 2018	6 p.m.
Thursday,	October 18, 2018	6 p.m.

All meetings are scheduled to take place at the Schodack Town Hall, 265 Schuurman Rd., Schodack, NY in the 3rd Floor Conference Room.

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

C. Swartz 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:**

Amended 10/11/18 by 2018-238

2018-230 Authorize Supervisor Harris to execute Change Order No. 2 with William J. Keller & Sons Construction Corp. for installation of 8 foot high fencing and gate in place of the 6 foot high fence and gate with barbed wire security as specified for Town of Schodack Sewer District 1- Extension 1, representing an addition of \$1,827.00 to Contract Price. The original contract award was in the amount of \$915,790.00. The adjusted contract price will be \$917,617.00 as a result of this Change Order.

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. Kenney:

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

2018-231 Pursuant to Section 165-a of the General Municipal Law, authorize the Highway Department to deliver one load of Crusher Run material to Woodlawn Cemetery before October 15, 2018.

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 C. Bult:

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

2018-232 Authorize Supervisor Harris to execute and administer 2018-2019 Snow and Ice Agreement with Rensselaer County Department of Engineering and Highways for reimbursement for snow and ice removal on Stony Point Road.

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

C. Swartz 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:

2018-233 Authorize Allmark Services, Inc., to remove two trees located on Town owned property at the Clove Road School House per Rensselaer County Bid RFB-16-30 at a cost not to exceed \$2,500.00.

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. Kenney:

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

2018-234 Authorize Supervisor Harris to execute and administered proposal with W. & E. Phillips Locksmith, Inc., to supply and install a Upgrade from Millenium Expert Access System to Ultra Software Access System for two exterior doors at Town Hall for an amount not to exceed \$2,500.00 as noted in the estimate dated August 20, 2018.

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. Swartz:

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

2018-235 Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #18-1336 to 18-1502 on Abstract No. 2018-09, in the amount of \$504,640.67, including the claims paid (\$398,789.75) since the previous town board meeting.

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

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:

2018-236 Authorize the September 2018 budget modifications, interfund loans and interfund transfers as provided in document dated ~~September 30~~ August 31, 2018 and recommended by the Comptroller.

BUDGET MODIFICATIONS

	Fund/ Department #	Fund / Department Name	Increase	Decrease
<u>2018</u>				
37	A-960-1340.1000	Budget - Personal Services	390.71	
	A-960-1220.1000	Contingency - Contractual		390.71
	To modify the budget for Dawne Kelly time spent on budget			
38	A-960-1355.2000	Assessor - Equipment	916.04	
	A-960-1355.4000	Assessor - Contractual		916.04
	To modify the budget for the purchase of a new computer per IT recommendations			
39	A-960-1380.4000	Fiscal Agent Fees - Contractual	1,000.00	
	A-960-1990.4000	Contingency - Contractual		1,000.00
	To modify the budget for the BAN renewal fees under budgeted			

40	A-960-3120.1011	Police Grant - Rens Co DWI Crack Down	1,802.68	
	A-509-2260.9999	Police Safety Services - Other Gov'ts	1,546.89	
	A-960-3120.1010	Police Grant - Rens Co DWI - General		255.79
	To modify the budget for DWI Crack Down grant awards			
41	A-960-3120.1012	Police Grant - PTS	629.70	
	A-509-4320.9999	Federal Aid Public Safety	629.70	
	To modify the budget for PTS grant awards			
42	B-960-9060.8000	Hospital & Medical Ins. - Employee	5,258.46	
	B-960-9060.8100	Hospital & Medical Ins. - Retiree		2,800.00
	B-960-1990.4000	Contingency - Contractual		2,458.46
	To modify the budget for employee medical coverage not budgeted			
43	DB-960-5130.1400	Machinery - DB Highway Police Work	265.97	
	DB-960-5130.1630	Machinery - DB Highway Transfer Station Wk.	202.64	
	DB-960-5130.1000	Machinery - Personal Services		468.61
	To modify the budget to cover Work performed on Department Vehicles			
44	SS5-960-8130.2000	E. Schodack Sewer - Equipment	3,635.00	
	SS5-960-8130.4000	E. Schodack Sewer - Contractual		3,635.00
	To modify the budget for Install by EIC - Magnatron transmitter & Precision digital panel meter			
45	SS6-960-8130.1008	Personal Services - Dunkin Donuts	-	
	SS6-960-8130.4008	Contractual - Dunkin Donuts	291.00	
	SS6-960-9030.8008	Social Security - Dunkin Donuts	-	
	SS6-960-9060.8008	Benefits - Dunkin Donuts	7.70	
	SS6-509-5031.9999	Exit 10 Sewer - Inter-fund Transfer	298.70	
	To modify the budget for reimbursement by Dunkin Donut for Tabner Legal services plus allocation for Health Insurance based on Shawn Zinzow time in district.			
	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 09/13/18 Town Board meeting at 9:12 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk