

**DATE:** MARCH 14, 2019

**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:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

**OTHERS PRESENT:** WILLIAM RYAN, ESQ., SPECIAL DISTRICTS COUNSEL  
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION  
OPERATIONS

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Supervisor Harris called the March 14, 2019 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.

### **Briefing on Agenda**

S. Harris gave a brief summary of the resolutions. He explained that an additional expense had been encountered during the remediation of the fuel spill at the Highway Garage (2019-111). He noted resolutions 2019-112 to 2019-117 pertained to the public hearings that were scheduled to take place at 7:10 and 7:20 pm respectively and would be explained by Atty. Ryan. For resolution 2019-118, the Supervisor stated an additional week had been requested for the music in the park event, hosting a total of five bands. He added that four bands had been turned away; however, they would be considered for next year. With respect to resolution 2019-127, the Supervisor said Attorney Craig Crist was acting as the temporary attorney for the Zoning Board of Appeals (ZBA) and would now be named the permanent attorney for the year. For resolution 2019-129, the Supervisor said, based on the new regulations set forth by the Governor regarding early voting, the second floor of the town hall would be prime for the county location due to the handicap accessibility and available space. All other resolutions were self-explanatory.

S. Harris welcomed the students who were attending the meeting for their Participation in Government class at Columbia High School. He wished them the best of luck in their future endeavors.

S. Harris informed the board that he had consulted counsel regarding donating a surplus roll-off dumpster from the transfer station. He explained he had spoken to the local fire chiefs, who expressed interest in the dumpster which could be converted into a smoke

house for training purposes. The dumpster would be centrally located at the South Schodack Fire House and the disposal of the unit would be at their discretion.

### **Public Hearing Proposed Local Law 2-2019**

C. Bult made a motion to open the public hearing for proposed local law 2-2019 at 7:10 p.m. The motion was seconded by S. Harris.

The Town Clerk summarized the Affidavit of Publication seeking public comment on proposed Local Law No. 2 of 2019 (P2-2019) to amend Chapter 174, Article XI, Cost Allocation and Billing Provisions, of the Town of Schodack Code. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in local newspaper, *The Record*, on March 4, 2019.

S. Harris asked Atty. Ryan to lead the public hearing. Atty. Ryan explained local law 2-2019 would amend chapter 174, article XI, regarding cost allocation and billing provisions, allowing the town board to annually review the two forms of allocation costs for each sewer district. Those costs include capital charges which are charged to each parcel of real property based on their assessed value and Operations and Maintenance (O&M) which are based on usage determined by units. By the board reviewing annually, it would allow for community input. He noted the chapter also dealt with the unit schedules, defined vacant properties and other general billing procedures.

**Public Comment:** M. Sherwood asked for clarification regarding the department referenced in §174-68(A,B,C,E,F). Atty. Ryan said the department had been defined earlier in the town code and was referring to the Building Department. Ms. Sherwood suggested an amendment be made as it was not clear. Atty. Ryan said the point was well taken; however, he felt an amendment was not necessary.

Hearing no further public or board comment, S. Harris made a motion to close the public hearing at 7:16 p.m. The motion was seconded by C. Bult.

### **Adoption of Resolutions**

The following resolutions were adopted out of sequence:

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.**

Atty. Ryan read resolution 2019-113 and the Environmental Assessment Form (EAF) which was the basis for declaring a negative declaration under the NYS Environmental Quality Review Act. He explained the short form EAF dealt with the impact that the adoption of the

local law would have on the environment which by answering no to all questions, supports the declaration.

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:**

**2019-113) IT IS RESOLVED AS FOLLOWS:**

1. The Town Board of the Town of Schodack as lead agency has determined that the Amendment to Chapter 174, Article XI to the Town of Schodack Town Code is an Unlisted Action and that the proposed Amendment to Chapter 174, Article XI to the Town of Schodack Town Code will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Schodack be authorized to execute the Short Environmental Assessment Form with respect to the determination that the Amendment to Chapter 174, Article XI of the Town of Schodack Town Code will not result in any significant adverse environmental impacts;
2. Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the town board has deemed appropriate, no potential significant adverse environmental impacts are known;
3. Approval of the Amendment to Chapter 174, Article XI of the Town of Schodack Town Code will not cause a significant impact on the environment, and the town board will not require the preparation of an environmental impact statement;
4. A negative declaration is to be signed by the supervisor;
5. The Town Clerk of the Town of Schodack is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of the Commissioner  
Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233  
and  
Environmental Notice Bulletin  
NYSDEC – Attn: Jack Nasca  
625 Broadway, 4th Floor  
Albany, New York 12233-1750

6. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

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:**

**2019-114) IT IS HEREBY,**

**RESOLVED**, that Local Law Number 2 of the Town of Schodack amending Chapter 174, Article XI, Cost Allocation and Billing Provisions, of the Town of Schodack Town Code is approved, and it is further,

**RESOLVED**, that a copy of Local Law Number 2 of the Town of Schodack amending Chapter 174, Article XI is attached hereto and made a part hereof, and it is further,

**RESOLVED**, that the town clerk is directed to file a certified copy of Local Law Number 2 with the New York State Department of State.

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

**Public Hearing  
Proposed Local Law 3-2019**

C. Bult made a motion to open the public hearing for proposed local law 3-2019 at 7:22 p.m. The motion was seconded by S. Harris.

The Town Clerk summarized the Affidavit of Publication seeking public comment on proposed Local Law No. 3 of 2019 (P3-2019) to amend Chapter 176, Article XIII, Sewer Rents, of the Town of Schodack Code. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in local newspaper, *The Record*, on March 4, 2019.

S. Harris asked Atty. Ryan to lead the public hearing. Atty. Ryan stated proposed local law 3-2019 would amend chapter 176 of the town code allowing for a more streamline process for the annual review by the town board of the Equivalent Dwelling Units (EDUs). He explained that the sewer use expenses were similar to those in chapter 174. The capital charges are defined as annual charges to cover any debt incurred by the district. The charges are determined based on the cost for infrastructure which is divided by all properties within the district. The operations and maintenance (O&M) rates are charged to any users within the district. He added, under §176-4, the town board must hold an annual public hearing to allow real property owners the opportunity to comment on the capital charges and O&M rates. Under §176-5, it is defined how the O&M rates are charged, when the capital charges go into effect and the number of EDUs. He noted that proposed local law 3-2019 is consistent with the current law of New York State.

Hearing no public or board comment, S. Harris made a motion to close the public hearing at 7:28 p.m. The motion was seconded by C. Rex.

## **Adoption of Resolutions**

The following resolutions were adopted out of sequence:

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.**

Atty. Ryan read resolution 2019-115 and reviewed the EAF. He noted on February 14, 2019, the town board moved to become lead agency for the amendment of Chapter 176 and as this was an unlisted action, being able to answer no to all questions, this was a negative declaration for impact.

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:**

**2019-115) IT IS RESOLVED AS FOLLOWS:**

1. The Town Board of the Town of Schodack as lead agency has determined that the Amendment to Chapter 176, Article I to the Town of Schodack Town Code is an Unlisted Action and that the proposed Amendment to Chapter 176, Article I to the Town of Schodack Town Code will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Schodack be authorized to execute the Short Environmental Assessment Form with respect to the determination that the Amendment to Chapter 176, Article I of the Town of Schodack Town Code will not result in any significant adverse environmental impacts;
2. Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the town board has deemed appropriate, no potential significant adverse environmental impacts are known;
3. Approval of the Amendment to Chapter 176, Article I of the Town of Schodack Town Code will not cause a significant impact on the environment, and the town board will not require the preparation of an environmental impact statement;
4. A negative declaration is to be signed by the supervisor;
5. The Town Clerk of the Town of Schodack is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:  
Office of the Commissioner  
Department of Environmental Conservation

625 Broadway  
Albany, New York 12233  
and  
Environmental Notice Bulletin  
NYSDEC – Attn: Jack Nasca  
625 Broadway, 4<sup>th</sup> Floor  
Albany, New York 12233-1750

6. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

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:**

**2019-116) IT IS HEREBY,**

**RESOLVED**, that Local Law Number 3 of the Town of Schodack amending Chapter 176, Article I, Sewer Rents, of the Town of Schodack Town Code is approved, and it is further,

**RESOLVED**, that a copy of Local Law Number 3 of the Town of Schodack amending Chapter 176, Article I is attached hereto and made a part hereof, and it is further,

**RESOLVED**, that the town clerk is directed to file a certified copy of Local Law Number 3 with the New York State Department of State.

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

Atty. Ryan explained that Laura Palmer, Supervisor Harris and he had been working for over eight to twelve months to refine the EDU schedule for sewer districts. He said negotiations were made with the Village of Castleton regarding the intermunicipal agreement for the transmission of effluent to the Village wastewater treatment facility. The negotiations helped to create consistent EDUs, which will also be adopted by the Village. He noted the EDUs now follow the proper class codes and by having a public hearing annually to set the EDUs, the public is protected and maintains transparency.

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:**

**2019-117) WHEREAS**, the town of Schodack has caused the Sewer Equivalent Dwelling Unit Schedule to be revised, and

**WHEREAS**, a copy of the Sewer Equivalent Dwelling Unit Schedule is attached hereto and made a part hereof, and is incorporated herein by reference,

**NOW, THEREFORE, IT IS:**

**RESOLVED**, the Sewer Equivalent Dwelling Unit Schedule attached hereto and made a part hereof, and incorporated herein by reference is hereby adopted by the town board of the town of Schodack, and it is further

**RESOLVED**, the Sewer Equivalent Dwelling Unit Schedule is effective as of the date of this resolution and will remain in full force and effect until further action by the town board of the town of Schodack.

**Town of Schodack/Village of Castleton**

**Sewer District Property Class Codes**

**Sewer Equivalent Dwelling Unit (EDU) Schedule**

<u>Property Class Code per Assessor's Manual and Property Description</u>			<u>Capital-O&amp;M EDU</u>
<b>200</b>	<b>Residential Dwellings</b>		1 EDU per dwelling unit-additional units may be assigned for incidental commercial usage
<b>300</b>	<b>Vacant Land-no O&amp;M EDU for Vacant Properties</b>	*	<b>Residential parcels</b> - 1 EDU per buildable lot or lots greater than 10,000 sq. ft. where connection is feasible. <b>Commercial parcels</b> - For large parcels, EDU's may be assigned to vacant properties based upon the assessed value per acre at the discretion of the Board.
<b>400</b>	<b>Commercial Properties</b>	**	1 EDU
<b>410</b>	<b>Living Accommodations</b>		
	<b>411</b> Apartments	**	1 EDU per dwelling unit (VOC)
	<b>416</b> Mobile Home Park	**	1 EDU per dwelling unit
<b>480</b>	<b>Multi-Use Structures</b>		
	<b>482</b> 2-3 story structure with 1st Floor Commercial and upper floor apartments/offices	**	EDU(s) based upon main floor use of structure plus an additional EDU for each dwelling/office
	<b>484</b> 1 Story multi-use	**	EDU(s) based upon commercial use of structure plus an additional EDU for each dwelling/office
<b>600</b>	<b>Community Services</b>		
	<b>612</b> Schools-day		1 EDU per 20 students/staff
	<b>633</b> Homes for the Aged-Nursing Home		.75 EDU per bed

682	Recreation Facilities-bike path, Nature Trail w/o sewer	Exempt
695	Cemetery	Exempt
800	Public Services	Exempt
900	Wild, Forested Conservation Land & Public Parks	Exempt

**Commercial Property Class Codes with public water connections (excluding Sewer District #6)** not specifically identified above, in general, will be assigned 1 EDU plus additional EDU's for every 40,000 gallons, or portion thereof, of water usage in excess of 40,000 gallons per year at the discretion of the Board. Entities using over 1 million gallons/year may be assigned units on a separate basis.

**Sewer Districts without public water connections** will be assigned EDU's based upon the above table or, if necessary, in accordance with the use of the property, excluding the component for water usage.

**Sewer District #6 properties** shall use EDU's calculated per annual Resolution for all Town Water Districts.

\* **Residential Vacant Property may be exempt if considered unimprovable.**

**Large Commercial Vacant Property may be exempt if considered unimprovable or may be assigned EDU's based upon the following conditions:**

- < \$10,000 assessed value /acre - 0 EDU per \$20,000 of assessed value
- > \$10,000 assessed value/acre but < \$25,000 - .50 EDU per \$20,000 of assessed value
- > \$25,000 assessed value/acre - 1 EDU per \$20,000 of assessed value

**\*\* Commercial Properties with water connection (excluding Sewer District #6) may receive additional EDU's for every 40,000 gallons, or portion thereof, of water usage in excess of 40,000 gallons/year, at the discretion of the Board.**

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

S. Harris thanked Atty. Ryan for his hard work and noted the town was lucky to have the best attorney in water and sewer litigation. Atty. Ryan recommended addressing resolution 2019-128 prior to his departure. He explained the revised Intermunicipal Agreement with the Village of Castleton updated the document, which had two prior iterations, and removed old wording such as “right of first refusal” regarding the purchase of wastewater refusal plants that no longer applied. He added the agreement would apply to sewer districts 1, 2, 4 and 7 which send effluent to the Village.



**Public Comment (Resolution 2019-128):** K. Koffman of Burden Lake Road asked if all the effluent from other sewer districts within the town was sent to the Village. Atty. Ryan said not all, as some are sent to other facilities based on their location. Ms. Koffman said, based on the wordage of the agreement, it seemed that it may be the plan of the town to create additional sewer districts within the town. Atty. Ryan explained the language was designed for any future districts that utilize the Village of Castleton Sewage Plant only. Ms. Koffman said the wording was unclear and suggested amending section 1(2) of the agreement. Atty. Ryan said he would be amenable to add the following wording: "utilizing the Village's waste water pollution control plant". All board members agreed. Ms. Koffman asked how the public was notified when a sewer district was created or extended. Atty. Ryan said according to Article 12 and 12-A of Town Law of the State of New York, public notice for a water or sewer hearing must be published in the local newspaper and on the town clerk's signboard not less than ten and not more than twenty days prior to the hearing. He added, even though not required, the notice is also posted on the town's website. In the event the town board felt the need to create a water or sewer district, the decision would be left to permissive referendum allowing the property owners within that district to vote to approve or deny the district. Ms. Koffman asked the difference between Article 12 and 12-A. Atty. Ryan explained under Article 12, the property owners within the district would petition for the creating of the district or extension based upon a map, plan and report. Under article 12, there would be no need for a permissive referendum. Under Article 12-A, the town board would start the process and a vote would be required amongst the owners within the district or extension.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #19-0316 to 19-0505 on Abstract No. 2019-03 in the amount of \$1,979,299.02, including the claims paid (\$1,694,407.12) since the previous town board meeting.

#### **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:**

**2019-110)** Amend Resolution 2019-07 as adopted on January 10, 2019 to reflect hourly rates as follows: Adopt the following 2019 annual salaries schedule:  
Building Inspector     \$     56,182.00     \$30.87/per hour

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. Rex:

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

**2019-111)** Amend resolution 2018-165 as adopted on May 24, 2018 to reflect a not to exceed amount of \$18,957.13 as follows: 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~~ **\$18,957.13**, 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.

S. Harris 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:**

**2019-112)** **WHEREAS**, the Town of Schodack and the Village of Castleton entered into an Intermunicipal agreement dated November 21, 2013 for the Village's water system to interconnect with the Town's water system, allowing the Village to purchase water from the Town, and

**WHEREAS**, section VI(i) of said agreement allows for an annual increase in the rate charged to the Village in correlation to the consumer price index average published in January each year, and

**WHEREAS**, the consumer price index average published in January 2019 was 2.44% and the current rate charged to the Village is \$4.20 per 1,000 gallons of water,

**NOW THEREFORE IT BE RESOLVED**, that effective January 1, 2019 the rate charged to the Village of Castleton for the purchase of water shall be \$4.30 per 1,000 gallons.

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

**2019-113)** **Previously adopted. See pg. 67.**

**2019-114)** **Previously adopted. See pg. 68.**

**2019-115)** **Previously adopted. See pg. 69.**

- 2019-116) **Previously adopted. See pg. 70.**  
2019-117) **Previously adopted. See pg. 70.**

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:**

- 2019-118) Authorize Supervisor Harris to contract with musicians to perform at the 2019 Music in the Park as follows:

Peaceful Country Band	June 4 <sup>th</sup> (rain date 6/5/19)	\$500.00
Gone Grey	June 11 <sup>th</sup> (rain date 6/12/19)	\$400.00
Triskele	June 18 <sup>th</sup> (rain date 6/19/19)	\$800.00
Absofreakinlutely	June 25 <sup>th</sup> (rain date 6/26/18)	\$800.00
Yankee Doodle Band	July 2 <sup>nd</sup> (rain date 7/3/18)	\$600.00

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:**

- 2019-119) Authorize Supervisor Harris to execute ASCAP License Agreement, subject to review and approval as to form by Attorney to the Town, and authorize payment not to exceed \$400.00 for the licensing fee to ASCAP.  
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. Bult:

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

- 2019-120) Ratify and affirm authorizing Jordan Harrington, Police Officer to attend Advanced Crash Management, March 10-15, 2019 in Westchester County, New York, at an estimated cost for lodging (\$675.00) and an estimated cost for meals (\$250.00) for a total estimated cost not to exceed \$925.00 [This is a budgeted item. A3120.4]  
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. Rex:

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

- 2019-121)** Authorize Jordan Harrington, Police Officer to attend Technical Crash Management, April 15-19, 2019 in Westchester County, New York, at an estimated cost for lodging (\$675.00) and an estimated cost for meals (\$250.00) for a total estimated cost not to exceed \$925.00 [This is a budgeted item. A3120.4]  
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:**

- 2019-122)** Authorize Supervisor Harris to transmit a request to Rensselaer County Legislature to relevy outstanding fees of \$49,053.00 for tax map number 190.-4-2 on their January 2020 tax bill for demolition and cleanup of said property.  
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:**

- 2019-123)** **WHEREAS**, Sheila Golden, Director of Youth and Recreation, has recommended that the Summer Swim Program take place at the Sidney Albert Albany Jewish Community Center (SAAJCC) in Albany and stated the advantages of using this pool facility,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board approves the use of the pool at the Sidney Albert Albany Jewish Community Center (SAAJCC) for the summer camp program, subject to review as to form by the Attorney to the Town, and

**BE IT FURTHER RESOLVED** to authorize Sheila Golden, Director of Youth and Recreation, to execute a contract with Sidney Albert Albany Jewish Community Center (SAAJCC) for use of the swimming pool facility for Summer Recreation Program from July 8 to August 2, 2019 for the Schodack Youth and Recreation Department in an amount not to exceed \$4,950.00. A deposit of \$1,950.00 shall be payable by June 3, 2019 and the remaining \$3,000.00 shall be paid by July 1, 2019.

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:**

- 2019-124)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

Owner	Location	No. of Units
Bunker Hill Farms, LLC c/o Margaret Hutchinson	117 Bunker Hill Rd.	1
Davis III, John H.	1516 Rt. 9	1
Rensselaer Estates c/o DCJ Enterprises, LLC	23-65 Teddie Blvd.	53
Brown Cow Opportunities c/o Brian Chittenden	759 Schodack Landing Rd.	1
Cedar Acres c/o Garden Homes Mgmt.	16 Hoags Corners Rd.	21
Creekside Park c/o DCJ Enterprises, LLC	5-77 Creekside Circle	5
Washburn, David &Francesca LaRosa	65 Washington Ave.	1
Skarzynski, Jerry & Kim 5 Ayes 0 Noes.	402 Waterbury Road	1
<b>MOTION CARRIED.</b> 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:**

- 2019-125)** **WHEREAS**, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and
- WHEREAS**, our state and communities are stronger because of our diversity and differences; and
- WHEREAS**, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and
- WHEREAS**, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and
- WHEREAS**, it is important to promote and provide guidance to those with special needs on how to access publically supported services available to them in the community; and

**WHEREAS**, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

**WHEREAS**, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

**WHEREAS**, adopting the “Think Differently” initiative is an important statement that our Town officials and residents can make to show their support for the differently-abled children and adults with special needs and their families.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Schodack, encourages residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

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. Rex:

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

**2019-126)** Authorize Debra Curtis, Town Clerk, to attend the annual New York State Town Clerk’s Association Conference in Syracuse, New York, May 5 through May 8, 2019. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2019 adopted Town Budget, which are estimated to be \$722.00, as budgeted [A1410.4]

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:**

**2019-127)** Appoint Craig Crist, Esq., as Attorney for the Zoning Board of Appeals at a remuneration of \$13,165.00.

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. Swartz:

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

- 2019-128)** Authorize Supervisor Harris to execute and administer the Intermunicipal Agreement for Sewer Service by and between the Town of Schodack and the Village of Castleton-on-Hudson.  
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:**

- 2019-129)** Authorize Supervisor Harris to execute and administer the Poll Site Agreement by and between the Town of Schodack and Rensselaer County Board of Elections.  
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. Swartz:

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

- 2019-130)** Authorize purchase of Ammunition per quote dated March 5, 2019 from AmChar Wholesale Inc. in an amount not to exceed \$6,055.84.  
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:**

- 2019-131)** Authorize Director of Transfer Station to purchase one (1) Wastequip Model 206742NE 40-yard roll-off and one (1) Top tube Upgrade Kit ROC201 per quote # WQ-10108139 dated March 6, 2019 from Wastequip for use at the transfer station in an amount not to exceed \$6,026.00.  
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:**

- 2019-132)** **WHEREAS**, Castleton Cemetery Association maintains Horizon View Cemetery in the Town of Schodack, and

**WHEREAS**, Horizon View Cemetery held burials as early as 1974 and was incorporated in 1855 as part of the Castleton Cemetery Association, and

**WHEREAS**, the Castleton Cemetery Association wishes to erect an Historical Marker to commemorate the rich local history and historical past located in its cemetery, and

**WHEREAS**, the cost of the Historical marker is \$1,200 and the Castleton Cemetery Association have each agreed to pay 1/2 of the cost to purchase the historical marker, and

**WHEREAS**, the Castleton Cemetery Association has asked the Town Board of Schodack to also pay 1/2 of the cost of said marker

**NOW, THEREFORE BE IT RESOLVED** that the Town Board agrees to pay for 1/2 of the cost to purchase the historical marker to be placed at the Horizon View Cemetery on Brookview Station Road for a cost not to exceed \$600.00.

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 S. Harris:

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

**2019-133)** Amend resolution 2019-05 as adopted January 10, 2019 as follows: Designate the following banks as depositories for all Town funds for the calendar year 2019: Key Bank, N.A., National Union Bank of Kinderhook M & T Bank and Pioneer.

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:**

**2019-134)** Authorize Supervisor Harris to execute a purchase agreement and an annual maintenance agreement, including parts and labor with Eastern Copy Products, LLC. for one (1) Konica Bizhub copier for use in on the second floor (Assessor & Receiver of Tax Offices) at the Town Hall in the purchase amount of \$2,160.00 and maintenance for the period April 1, 2019 to April 1, 2020 for \$384.48 annually. Contract includes 42,720 copies annually with an overage charge of \$0.009 per copy. [Budget lines A1330.4 and A1355.4]

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:**

- 2019-135)** To concur that the Planning Board be designated lead agency for the Giovanni Maruca/Eden Renewables Elmbrook Farm Community Solar project.  
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:**

- 2019-136)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #19-0316 to 19-0505 on Abstract No. 2019-03, in the amount of \$1,979,299.02, including the claims paid (\$1,694,407.12) 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. 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:**

- 2019-137)** Authorize the February 2019 budget modifications, interfund loans and interfund transfers as provided in document dated March 2019 and recommended by the Comptroller.

**TOWN OF SCHODACK  
BUDGET MODIFICATIONS  
February 2019**

<b>BUDGET MODIFICATIONS</b>				
<hr/>				
	<b>Fund/</b>			
	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<hr/>				
<b>2019</b>				
	<b>8</b>	A-960-1460.1400	Records Mgmt Office - DB Highway Police Wk	366.00
		A-960-1460.4000	Records Mgmt Office - Contractual	366.00
		To modify the budget To correct incorrect entry see BUD190131P #19-004		
	<b>9</b>	A-960-1620.2000	Buildings - Equipment	699.00
		A-960-1620.4000	Buildings - Contractual	699.00
		To modify the budget for purchase of storage shed		

<b>10</b>	A-960-5132.2000	Town Garage - Equipment	10,763.00	
	A-960-5132.4000	Town Garage - Contractual		10,763.00
	To modify the budget for purchase of new water heater at Highway garage			
<b>11</b>	B-960-1420.4000	Town Attorney - Contractual	15,000.00	
	B-599-9999.9999	B Fund - Appropriate Fund Balance	15,000.00	
	To modify the budget for encumbrances for sewer district consolidation			
<b>12</b>	DB-960-5110.4000	General Road Repairs - Contractual	859.58	
	DB-599-9999.9999	DB Fund - Appropriation Fund Balance	859.58	
	To modify the budget for 2018 asphalt voucher submitted late			
<b>13</b>	DB-960-5130.1100	Machinery - Overtime	2,460.54	
	DB-960-5130.1400	Machinery - Police Work	25.84	
	DB-960-5130.1630	Machinery - Transfer Station Work	77.52	
	DB-960-5130.1000	Machinery - Personal Services		2,563.90
	To modify the budget to cover employee O/T & Department vehicle work			
<b>14</b>	DB-960-5140.1600	Brush & Weeds - Town Hall Work	548.74	
	DB-960-5140.1000	Brush & Weeds- Personal Services		548.74
	To transfer funds to cover grounds work performed at Town Hall			

**TOWN OF SCHODACK  
BUDGET MODIFICATIONS  
February 2019**

**BUDGET MODIFICATIONS**

<b>Fund/</b>				
	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2019</b>				
<b>15</b>	DB-960-9040.8000	Workers Comp - Employee	2,688.05	
	DB-960-9050.8000	Unemployment Ins. - Employee		2,688.05
	To modify the budget for 2019 premium			
<b>16</b>	SS1-960-9040.8000	Workers Comp - Employee	1.26	
	SS1-960-1990.4000	Contingency - Contractual		1.26
	To modify the budget for 2019 premium based on time spent in District			

- |    |  |                               |        |
|----|--|-------------------------------|--------|
| 17 | SS6-960-8130.4008  | Contractual - Dunkin Donuts   | 583.40 |
|    | SS6-509-5031.9999  | Exit 10 Sewer - Sewer Charges | 583.40 |
|    | To modify the budget for reimbursement of Dunkin Donut expenditures - Tabner                             |                               |        |
|    |  |                               |        |
| 18 | SW3-960-9040.8000  | Workers Comp - Employee       | 25.19  |
|    | SW3-960-1990.4000  | Contingency - Contractual     | 25.19  |
|    | To modify the budget for 2018 premium based on time spent in District                                    |                               |        |
|    |  |                               |        |
| 19 | SWC1-960-9040.8000   | Workers Comp - Employee       | 90.84  |
|    | SWC1-960-1990.4000   | Contingency - Contractual     | 90.84  |
|    | To modify the budget for 2019 premium based on time spent in District                                    |                               |        |
|    | 5 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0. |                               |        |

S. Harris informed the board that he had attended a meeting with Assemblyman Ashby regarding bills in the assembly. He said he would keep them apprised of any updates.

#### **Executive Session**

C. Swartz made a motion at 7:54 p.m. to enter into Executive Session to discuss matters pertaining to a contract negotiation, in accordance with Public Officers Law Section 105(h). Seconded by C. Rex.

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 adjourn the Executive Session at 8:15 p.m., seconded by C. Kenney.

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 03/14/19 Town Board meeting at 8:15 p.m., seconded by S. Harris. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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