

DATE: JULY 11, 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, SPECIAL DISTRICTS COUNSEL

Supervisor Harris called the July 11, 2019 Town Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All members present as stated above.

Executive Session #1

C. Swartz made a motion at 7:01 p.m. to enter into an Executive Session for the purpose of meeting with counsel under attorney-client privilege. Seconded by S. Harris.

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 adjourn the Executive Session at 7:09 p.m., seconded by C. Swartz.

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

**Public Hearing
Sewer District No. 6, Ext. No. 5**

C. Bult made a motion to open the public hearing for the proposed extension of Sewer District No. 6, Sanitary Sewer Extension No. 5 at 7:10 p.m. The motion was seconded by S. Harris.

The Town Clerk summarized the Affidavit of Publication seeking public comment to consider a petition for an extension of Sewer District No. 6, Sanitary Sewer Extension No. 5 and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law. The legal notice was posted on the Town Clerk's signboard and the Town's website on June 29, 2019 as well as published in *The Record* on June 30, 2019.

S. Harris asked Atty. Ryan to lead the public hearing. Atty. Ryan stated the town had received a petition from Stewart's Shops, under article 12A of the town code, regarding an extension of sewer district no. 6. The infrastructure would consist of a 1.25 inch HDPE forced main extending 2,200 linear feet along Miller Road that would discharge into the manhole which is located upstream from Schodack pump station no. 1 as well as a 6 inch HDPE forced main which would be installed alongside the 1.25 inch pipe for future expansion. The total capital cost of the project would be \$287,990.00. The operation and maintenance (O&M) costs would total \$7.50 per 1,000 gallons of sanitary effluent or \$2,464.00 annually with a connection fee of \$11,250.00 which would be assessed by the Town of East Greenbush. Atty. Ryan noted Chuck Marshall, of Stewart's Shops, was present for any additional information. Mr. Marshall said Atty. Ryan had done an adequate job summarizing the project and said he was available for any questions.

Public Comment: K. Stokem asked what the steps would be for paying for the project. Atty. Ryan said all costs, including the upgrade, connection fee and O&M costs, would be paid by the property owner which, in this instance, is Stewart's. He stated no cost would be incurred by the residents of the town. Mr. Stokem asked who would pay for the installation of the second main. Atty. Ryan stated Stewart's. Mr. Stokem asked if the residents of Sewer District no. 6 would not bear any additional cost, indefinitely. Atty. Ryan said there may be a time when an adjustment may be needed for the equivalent dwelling unit formula for this district, at which time an increase could be seen. Mr. Stokem asked if the additional main was intended to create another extension in the future. Atty. Ryan said it was possible. Mr. Stokem asked if so, would the added customers share the cost. Atty. Ryan said, sewer district no. 6, extension no. 5 was being added for a single parcel and no additional connection would be made. He noted that if another extension was made to the district, the residents of that extension would incur the costs. Mr. Stokem asked why the second line was being added. Mr. Marshall said it had been past practice for the town to request a second line to be installed for future connections. He noted that the second main would be a forced main which would require a pump station to be installed before any lines could be connected. K. Stokem asked if there would be a pump station to service Stewart's. Mr. Marshall said there will not be a pump station but rather a forced main with an E1 grinder pump to pump small amounts of waste water over long distances. K. Stokem asked if a pump station would be needed for the 6 inch forced main due to the size of the pipe. Mr. Marshall explained that the elevation head from Sunset Road and Route 9&20 to the manhole does not allow for a gravity fed pump as it does not maintain a two percent slope.

Hearing no further public comment, S. Harris made a motion at 7:22 p.m. to close the public hearing. Seconded by C. Kenney.

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

Public Hearing Proposed Elmbrook Solar Farm Zoning

S. Harris made a motion to open the public hearing on the requested zoning change for the proposed Elmbrook Solar Farm at 7:22 p.m. Seconded by C. Bult.

The Town Clerk summarized the Affidavit of Publication seeking public comment on the proposed Elmbrook Solar Farm, Tax Map Parcel 188.-6-15, Brookview Road, for the purpose of considering PD districting for the applicant's plan in accordance with the procedures established by the Town Law. The legal notice was posted on the Town Clerk's signboard, on the Town's website and published in *The Record* on July 1, 2019.

Public Comment: K. Stokem said he had heard the Elmbrook Solar project brought up at many Planning Board meetings and it seemed that there were many steps to follow before they could gain approval. He felt that Schodack was too strict when approving solar farms since there are no permanent structures, they do not change the land and the restoration of the property is very easy. S. Harris said he was unsure of the procedures of other towns but noted Schodack followed the guidelines of the planning board. Mr. Stokem asked that the process be reviewed and streamlined to make it easier for applicants. S. Harris said he would speak to the planning board and see what could be done. C. Kenney said, when the code was created, other town codes were reviewed to create continuity. He noted there were few solar farms at the time of creation for the code and felt, as it is a living document, changes could and should be made. C. Rex said she had spoken with Nadine Fuda, Director of Planning & Zoning, who advised her that they were looking into changing the language of that section of code. Giovanni Maruca, of Eden Renewables, said his company was currently involved in fifteen solar projects with National Grid. With regard to the planning requirements and ordinances, Schodack was in line with other municipalities; however, he has not seen the need for a public hearing for PD zoning from any other town. He felt the process was cumbersome and said the company's attorneys felt it was a gray area. S. Harris said he would speak to N. Fuda. Mr. Maruca said the need for PD zoning was better suited for projects that would be disturbing the area which solar does not. K. Stokem asked why the PD zoning portion was added to the code. C. Bult said it was possibly due to the town being on the leading edge with our zoning laws. He thanked everyone for their suggestions and said the board would look into it. He cautioned that not all applicants were as studious as Mr. Maruca and said the town needed to air on the side of caution. Charles Peter, Rensselaer County Legislator, commended the board for the solar law that they have enacted. He noted that he, as a farmer, had some issues with the Elmbrook Solar Project such as screening and road width but thanked the planning and town board for hearing his concerns and seeing that they were addressed. He explained farmers utilize the sun's energy as well and felt the solar farms make a great use of the land and save it from being developed. S. Harris asked if the county had any guidance regarding approving solar farm projects. Mr. Peter said the county generally chooses to remain neutral, leaving the decision up to the towns. He said he would look into any recommendations.

Hearing no further public comment, C. Bult made a motion at 7:36 p.m. to close the public hearing. Seconded by C. Kenney.

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

Briefing of Resolution Agenda

The Supervisor gave a brief overview of the agenda. He noted that fire investigation training was vital for our team (2019-211). He explained that the town was fortunate to have a fire investigation team to determine potential arson cases where as the only other municipality in the area to have a team is the City of Rensselaer. With regard to resolution 2019-213, he explained the lease agreement with American Tower had been reviewed by counsel. Atty. Langlois said that the terms matched the initial proposal and added that there would be a signing bonus for signing before the end of July. For resolution 2019-217, P. Harter wanted to make the board aware of the interfund transfer within the A fund for the Knickerbocker Road bridge and the debt service payment for the consolidation of the fire districts. All other resolutions were self-explanatory.

Board Comment: None.

Public Comment

Jackie Griffin, a trustee of Castleton Library, thanked the board for the funding they provide for all library services and gave an update on the partnerships that the library has developed. She explained that they have partnered with Schodack Central School District for events such as students from Castleton Elementary visiting the library during their summer reading program and the Youth Services coordinator visiting classrooms when they are unable to come to the library. The librarian visits Castleton Kids, the Castleton Kids Day Camp and the Town of Schodack day camp where she shares stories with the younger children and plays games with the older ones. She said their partnership with Schodack Island State Park has allowed them to reach more children and adults through their story walks and movies in the park. She added that their partnership with local businesses have allowed them to bring their story time to life by showing children places that they have only read about. S. Harris thanked Ms. Griffin for inviting him to the ribbon cutting and said he was amazed at how wonderful the new conference room looks. He commended the library for all the services that they offer to the community.

K. Stokem asked, with regard to resolution 2019-212, what the contract for grinding entailed. S. Harris said the company would grind up the material and clean up the dumping area. C. Bult noted that they would only be grinding brush which had been deposited. K. Stokem said he noticed this resolution coming up every year and asked if this was a service that could be accomplished in house. S. Harris said that there is a spot of mulch that is ground by the highway department; however, it is not quality mulch. K. Stokem asked that the contractor does with the material. C. Bult said he probably would grind the material again and mix it with top soil.

M. Sherwood said she had noticed that construction had begun on the Albany Hudson Electric Trail (AHET) and asked for an update on the maintenance. S. Harris said it was discovered that parkland funds could not be used to cover the cost and with the potential for added liability on the town, it was decided to pass the maintenance back onto the Hudson Greenway. He noted that they would have the time and resources to maintain the trail. He

explained the town was not the only one to choose this option. The Town of Styvesant had also chosen to not opt in. M. Sherwood asked if the town could still be held liable if an injury occurred on the trail. S. Harris said the town's liability was reduced but not completely erased. Atty. Langlois said it would be less expensive and less liability by reducing the town's involvement with the project. S. Harris added that if an injury occurred, it should be re reported under the Hudson Greenway or New York State.

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 #19-1006 to #19-1166 on Abstract No. 2019-07 in the amount of \$286,946.44, including the claims paid prior (\$114,368.47).

Adoption of Resolution

The resolutions voted upon reflect additions, deletions and amendments approved by the consensus of the majority Board.

EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.

C. Swartz made a motion to adopt the following resolution, seconded by C. Bult:

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

- 2019-207)** Concur that the Planning Board be designated lead agency for the Timothy Vautour/TJA Clean Energy Paul Road Farm Community Solar project.
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. Kenney:

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

- 2019-208)** Authorize Supervisor Harris to execute and administer the Annual Certification and Board Resolution in regards to the Five Year PHA Plan - Section 8 Housing Choice Voucher Program.
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:**

- 2019-209)** Authorize the purchase of a 2017 Jeep Cherokee Sport 4x4 from Main Motorcar based on purchasing contract bid number OGS01-PC66680-1140268 at Base price of \$21,582.00; plus: 8 year/125,000 mile extended warranty \$2,598.00, \$75.00 processing fee, \$135.00 Registration/Title, \$21.00 Inspection fee and \$12.50 NY Waste Tire Management Fee a cost not to exceed \$24,415.50 delivered. [This is an approved 2019 Budget Item]
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:**

- 2019-210)** Pursuant to Chapter 80-4 of the Code of the Town of Schodack, the Schodack Town Board hereby resolves to grant a Mass Assembly Permit for Windy Hill Orchards East Apple Festival to be held October 5th and 6th, 2019 on their premises, pursuant to the written application submitted by Windy Hill Orchard East The applicant must comply with all off-site parking provisions of the Code and any other requirements, if any, of State, County and other regulatory agencies. The applicant shall be given notice that this approval is solely from the Town of Schodack and does not constitute approval by any other approving authority or governing agency. Further, a waiver of surety bond is granted subject to the provision that the Town is named as an additional insured on the applicant's liability policy and applicant will indemnify the Town of Schodack for any damage to Town property or vehicles, by participants or employees of the event and reimburse the Town for any other additional expense resulting from the event.
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:**

- 2019-211)** Authorize Jordan Harrington, Alan Roehr Jr., Jeffrey Arno, Gary Ziegler and Steven Kelly, members of the Fire Investigation Unit to attend New York State Academy of Fire Science Course #01-01-0018 – Fall Seminar, November 6 through 8, 2019 in Montour Falls, New York, at an estimated cost: registration fee (\$125.00), materials (\$50.00) and lodging (\$576.00 and meals (\$279.00), and estimated cost for mileage (\$470.00) and tolls (\$35.00) for a total estimated cost of \$1,500.00. [A3410.4 This is a budgeted item.]

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:

2019-212) WHEREAS, the Town has determined that there is surplus chip and grass material at the Transfer Station generated during the 2019, 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 2 proposals for grinding material and removing it from the Transfer Station as follows: a proposal from SM Gallivan, LLC for \$5,750.0 and a proposal from Ken Morris & Sons Excavating, LLC for \$5,600.00,

NOW, THEREFORE, BE IT RESOLVED that pursuant to the recommendation of the Transfer Station Director, that the Town Board does hereby accepts Ken Morris & Sons Excavating, LLC. proposal in the sum of \$5,600.00.

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 C. Bult:

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

2019-213) Authorize Supervisor Harris to execute and administer agreement by and between the Town of Schodack and American Tower Corporation for a lease extension as defined in Proposal #1 in correspondence dated January 15, 2019 on cell tower site adjacent to Schodack Highway Department 3776 US 20. Terms and conditions of the contract are subject to approval by Attorney to the Town as to form and substance.

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:

2019-214) Authorize Paul W. Peter, Justice to attend New York State Magistrates Association Fall Conference September 15th through 18th at Lake Placid, New

Amended 12/12/19 by 2019-322

York with registration fee of \$75.00, lodging (meals included) not to exceed \$707.25 and travel costs (mileage) not to exceed \$170.52 for a total estimate not to exceed \$952.77. [A1110.4 This is a budgeted item]

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. Harris:

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

2019-215) Authorize Ryan P. Mullahy, Justice to attend New York State Magistrates Association Fall Conference September 15th through 16th at Lake Placid, New York with registration fee of \$75.00, lodging (meals included) not to exceed \$491.50 and travel costs (mileage) not to exceed \$170.52 for a total estimate not to exceed \$737.02. [A1110.4 This is a budgeted item]

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:

2019-216) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #19-1006 to 19-1166 on Abstract No. 2019-07, in the amount of \$286,946.44, including the claims paid (\$114,368.47) 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 S. Harris:

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

2019-217) Authorize the June 2019 budget modifications, interfund loans and interfund transfers as provided in document dated July 2019 and recommended by the Comptroller.

BUDGET MODIFICATIONS

June 2019

BUDGET MODIFICATIONS

Fund/

Department #

Fund / Department Name

Increase

Decrease

2019

42	A-960-3120.1011	Police Grant - Rens Co DWI Crack Down	377.46	
	A-509-2260.9999	Police Safety Services - Other Gov'ts	377.46	
	To modify the budget for DWI Crack Down grant awards			
43	A-960-3120.1012	Police Grant - PTS	1,929.30	
	A-509-4320.9999	Federal Aid Public Safety	1,929.30	
	To modify the budget for PTS grant awards			
44	B-960-1420.4000	Town Attorney - Contractual	10,000.00	
	B-960-1990.4000	Contingency - Contractual		10,000.00
	To modify the budget to cover expenses for Stewarts Article 78 defense			
45	DB-960-5110.1351	Road Repair - DB W/S work OT	210.80	
	DB-960-5110.1100	Road Repair - OT		210.80
	To modify the budget to cover employee work on water break on Augusta Dr.			
46	DB-960-5130.1400	Machinery - Police Work	116.28	
	DB-960-5130.1000	Machinery - Personal Services		116.28
	To modify the budget to cover employee work on department vehicles			
47	SS6-960-8130.1008	Personal Services - Dunkin Donuts	25.93	
	SS6-960-8130.1108	Overtime - Dunkin Donuts	-	
	SS6-960-8130.4008	Contractual - Dunkin Donuts	-	
	SS6-960-9030.8008	Social Security - Dunkin Donuts	1.98	
	SS6-960-9060.8008	Medical Benefits - Dunkin Donuts	-	
	SS6-509-5031.9999	Exit 10 Sewer - Sewer Charges	27.91	
	To modify the budget for reimbursement of Dunkin Donut expenditures			
48	SW1-960-8340.1100	Clearview Trans & Distrib - OT	835.42	
	SW1-960-9030.8000	Clearview Social Security	36.04	
	SW1-960-8340.1000	Clearview Trans & Distrib - Pers Svcs.		835.42
	SW1-960-9040.8000	Clearview Worker Comp		2.86
	SW1-960-9040.8009	Clearview Supply - Worker Comp		33.18
	To modify the budget to cover employee work on water break on Augusta Dr.			

INTERFUND TRANSFERS

June 2019

INTERFUND TRANSFERS

Fund/ Department #	Fund / Department Name	Increase	Decrease
2019			

49	A-522-9901.9000	General Fund - Transfer other Funds	1,282.00	
	A-200	General Fund - Cash		1,282.00
	EW-200	Enterprise Water Supply - Cash	1,282.00	
	EW-980-5031.9999	Enterprise Water Supply - I/F Xfer		1,282.00
	EW-200	Enterprise Water Supply - Cash	2,238.00	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		2,238.00
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	2,238.00	
	SWC1-200	Consolidated Water Dist. - Cash		2,238.00
	EW-200	Enterprise Water Supply - Cash	1,447.00	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		1,447.00
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	1,447.00	
	SWC1-200	Consolidated Water Dist. - Cash		1,447.00
To Transfer Funds A to EW and SWC1 to EW for July Administration payment pursuant to 2019 budget				
50	A-522-9901.9000	General Fund - Transfer other Funds	46,687.50	
	A-200	General Fund - Cash		46,687.50
	DA-200	Highway Bridges - Cash	46,687.50	
	DA-980-5031.9999	Highway Bridges - Interfund Transfers		46,687.50
To transfer funds for Knickerbocker Bridge Debt Prin & Int pymt due in July per 2019 Budget				

Executive Session #2

C. Swartz made a motion at 7:57 p.m. to enter into an Executive Session of the board to discuss matters pertaining to a contract. 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 8:20 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. Kenney made a motion to adjourn the 07/11/19 Town Board meeting at 8:20 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk