

DATE: FEBRUARY 13, 2020

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:

OTHERS PRESENT: WILLIAM RYAN, ESQ., SPECIAL DISTRICT COUNSEL
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION
OPERATIONS
DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Harris called the February 13, 2020 Town Board Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Briefing of Resolutions 2020-101 and 2020-102

Atty. Ryan explained that resolutions 2020-101 and 2020-102 related to the proposed consolidation of sewer districts 1, 2, 4 and 7. The first resolution would designate the Town Board as lead agency for the environmental review. The second would authorize the Town Board to enter into the joint consolidation agreement, under §751-2(a) and §752 of the General Municipal Law (GML), which would combine the four districts and one extension into one larger district. The consolidation would be more equitable and assist in administration purposes for billing. Following approval of the resolutions, the Town Clerk would post the summary of the Joint Consolidation Agreement and the full Joint Consolidated Agreement on the Town Clerk's Signboard and the Town Website as well as publish the summary in the local newspaper, *The Record*, once per week for four consecutive weeks. At the end of the four weeks, a public hearing would be scheduled to allow all interested parties to voice any and all concerns. Atty. Langlois asked if an environmental assessment form would be completed prior to approval of the consolidation. Atty. Ryan confirmed that a short form environmental assessment would be completed and a negative declaration of impact would be determined. The final order of approval would be filed with the County Clerk and the Department of State.

Board comment: None.

Public Comment: K. Stokem asked what parcel was serviced by Sewer District #1, Extension #1, as a map was not supplied with the supporting documents. Atty. Ryan said the Schodack Central School District. K. Stokem asked if any of the districts had debt. Atty. Ryan said no. He added that by consolidating the districts, debt service would be created. Under the joint consolidation agreement, all parcels within the new district would be charged a flat fee of \$100.00 for any debt that is incurred. Any other debt fees would be based on the assessed value of properties within the consolidated district. K. Stokem asked if the districts were connected. Atty. Ryan said yes but noted it was not a requirement for consolidation under Article 17A of General Municipal Law. M. Sherwood recommended a different number be used to describe the new district. She felt that it was confusing as there already existed a Sewer District #1. Atty. Ryan assured her there would be no confusion as this would be the only Consolidated Sewer District #1.

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.

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:

2020-101) WHEREAS, the Town of Schodack has heretofore established the following sewer districts, to wit: Sewer District No. 1 – Castleton Sewer District and its one extension; Sewer District No. 2- Castleridge Sewer District; Sewer District No. 4 – Brick Yard Sewer District; and Sewer District No. 7 – Hamilton Printing Sewer District and the said Town of Schodack on behalf of the existing sewer districts and one extension wishes to consolidate the aforementioned four sewer districts and one extension into the Town of Schodack Consolidated Sewer District No. 1, a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17 A of the General Municipal Law of the State of New York, and;

WHEREAS, in connection with the consolidation of the aforementioned four sewer districts and one extension the Town of Schodack will need to review the environmental impact, if any, associated with the consolidation.

NOW, THEREFORE, IT IS: RESOLVED, that the town board of the Town of Schodack be designated as lead agency with respect to the environmental review associated with the consolidation of the four aforementioned sewer districts and one extension pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, that the town supervisor be authorized to sign any and all documents associated with the environmental review of the consolidation of the aforementioned four sewer districts and one extension pursuant to Part 617 of the State Environmental Quality Review Act.

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:

2020-102) WHEREAS, the Town of Schodack has heretofore established the following Town of Schodack Sewer Districts, to wit: Sewer District No. 1 – Castleton Sewer District and its extension; Sewer District No. 2 – Castleridge Sewer District; Sewer District No. 4 – Brickyard Sewer District; and Sewer District No. 7 – Hamilton Printing Sewer District and the said Town of Schodack on behalf of the four existing sewer districts and one extension wishes to consolidate all of such areas into the Town of Schodack Consolidated Sewer District No. 1, a municipal corporation existing pursuant to the Laws of the State of New York and created pursuant to the provisions of Article 17 A of the General Municipal Law of the State of New York, and;

WHEREAS, the Town Board by and through its Supervisor is desirous of endorsing and subsequently entering into the annexed proposed Joint Consolidation Agreement consolidating the four sewer districts and one extension into one consolidated sewer district serving the following sewer districts: Sewer District No. 1 – Castleton Sewer District and its one extension; Sewer District No. 2 – Castleridge Sewer District; Sewer District No. 4 – Brickyard Sewer District; and Sewer District No. 7 – Hamilton Printing Sewer District; and

WHEREAS, the new Consolidated Sewer District will assume jurisdiction over all areas previously served by the four sewer districts and the one extension, and;

WHEREAS, in order to consolidate the four sewer districts and the one extension it is necessary that the Town of Schodack comply with all the provisions of Article 17A of the General Municipal Law of the State of New York.

NOW, THEREFORE, it is resolved that the Town Board of the Town of Schodack acting on behalf of the Town of Schodack, Sewer District No. 1 – Castleton Sewer District and its one extension; Sewer District No. 2 – Castleridge Sewer District; Sewer District No. 4 – Brickyard Sewer District; and Sewer District No. 7 – Hamilton Printing Sewer District, hereby endorses the attached proposed Joint Consolidation Agreement; and it is further,

RESOLVED, the Town personnel and officers shall undertake the steps required under the aforesaid Article 17A of the General Municipal Law of the State of New York to comply with the provisions thereof to effect such consolidation.

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

Executive Session

C. Swartz made a motion at 7:15 p.m. to enter into an Executive Session of the Board pursuant to Public Officers Law, Article 7 §105(e) to discuss matters regarding collective bargaining negotiations and §105(f) to discuss matters leading to the appointment of a particular person or persons. Seconded by C. Rex.

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 7:59 p.m., seconded by S. Harris.

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

Briefing of the Resolutions

S. Harris gave a brief overview of the resolutions. He explained an error had been made during the budget process for three positions at the highway department (2020-90). The salaries did not balance out leaving one position under minimum wage. They would be amended to hourly rates of \$14.40 for Wingmen and \$11.91 per hour Flaggers (no change was made for Summer Grounds). For resolution 2020-93, he noted the hourly rate for Janette Peter would be set at \$15.00 per hour. Regarding resolution 2020-99, he stated the list of employees to be reimbursed for cell phone usage would remain unchanged from 2019. The Supervisor explained resolution 2020-104 was necessary to allow Kerrie Joiner, Human Resource Manager, plenty of time to register for classes that were necessary for her continued education and noted that resolution 2020-114 would be withdrawn. All other resolutions were self-explanatory.

Board Comment

Resolution 2020-92: C. Bult asked if any hours had been used by Ms. Lubbers as a previous letter stated her time would begin in January. He wanted to ensure that only forty hours would be needed. S. Harris said it was his understanding that no time was used previously.

Resolution 2020-94: B. Goodall, Director of Transfer Station Operations, asked that the board members consider his recommendation for price increases at the Transfer Station. S. Harris said he had heard there was a limit for the number of mattress that the town could dispose of and asked the Director to explain. B. Goodall stated, under the current contract, they were only allowed to dispose of five mattresses per load which is made once a week. C. Swartz asked if there would be an extra charge for exceeding the limit. B. Goodall said it was not an option, the limit was the limit. C. Swartz asked how many mattresses were generally dropped off within a week. B. Goodall said ten to twenty; however, during spring and fall clean-up events, he could receive fifty to sixty mattresses. S. Harris asked what the charge was to drop off a mattress. B. Goodall said ten dollars and added that a pickup service could charge up to \$130.00. He explained an option was to dispose of the mattresses through Comp Recycling at a cost of \$20.00 each. The downfall was that they were located on Long Island and the town would need to transport them.

S. Harris observed that no dates were included for spring cleanup, fall cleanup or shredding and asked that they be reinstated. B. Goodall reminded him that the volume received, and the low pricing offered at the events was not cost effective. With regard to the shredding, B. Goodall explained there was an issue of finding workers to cover the Transfer Station as he needed to be present at the event. He said he had also encountered kick back from workers from other municipalities. It was customary for him to ask the residents what town they were from to understand the percentage using the service. The workers at the other municipalities did not appreciate his efforts. S. Harris said he would speak to the Supervisor for East Greenbush and the Mayor for the City of Rensselaer.

Mr. Goodall recommended amending the effective date for resolution 2020-94 from March 1st to April 1st. It would allow him to add the dates as requested and give the residents adequate time to prepare for the price increases. All board members agreed.

Public Comment (Resolutions)

Resolution 2020-94: K. Stokem noted that section 7(d) of the regulations stated that recyclable codes 1 to 7 were accepted; however, code #5 was not accepted. B. Goodall explained, under NYS Law, plastic bags, bread bags, and plastic films can be taken to any store for recycling. They were not allowed to be included in the single stream recycling as it would clog the machine when sorted in Albany. K. Stokem asked if polystyrene could be recycled. B. Goodall said no as it was not accepted at Albany.

Resolution 2020-100: K. Stokem asked if the cost for the tickets was included in the amount charged to attend the Schodack Day Camp. S. Harris said yes.

Resolution 2020-109: K. Stokem asked for clarification regarding the Time Warner Franchise fee. Atty. Langlois explained, annually, the Time Warner Cable Franchise within the town is assessed a sublet fee on their real property taxes. Under the franchise agreement, a portion is deducted from the fee collected by the town which must be paid to the county. K. Stokem asked if the town was obligated to pay the amount. Atty. Langlois said yes.

Resolution 2020-111: K. Stokem asked if it was customary for a public hearing to be held for the renewal of the cable franchise agreement. Atty. Langlois said yes.

Open Discussion

Shared Services – Sand Lake: S. Harris explained the Town of Sand Lake had contacted him regarding placement of a container from Schodack for metal collection at the Sand Lake Transfer Station. He said the amount of metal they collected was minimal and not economical for them to scrap. Schodack would collect the metal and combine it with the metal collected at our Transfer Station, reaping the benefits of the profit. C. Bult asked if there was an extra container from the Transfer Station available for use. B. Goodall said yes.

Dry Hydrant: S. Harris said he was contacted by the Nassau Hose Company regarding installing a dry hydrant in the pond behind the Highway Garage. The Nassau Hose Company would pay for the pipe and installation to gain access to water in the event of an emergency. C. Swartz felt the hydrant could assist with a lower insurance premium for the Highway Garage. S. Harris agreed. He noted a test would be needed to ensure that the pond would refill once drained.

Hydrant Identification: S. Harris said he was also asked to consider allowing the local fire companies to paint the caps of hydrants in the town to easily determine the pressure available. The companies would be responsible for purchasing the paint and marking the hydrants accordingly.

Boy Scout Troop 53: S. Harris said he received a request from Kurt Maier of the Boy Scout Troop 53 to store two of their equipment trailers on town property. He noted they were previously stored in the Village of Castleton. C. Swartz asked if they would be stored at the Highway Garage. S. Harris said yes and added that it would need to be discussed with Ken Holmes. C. Bult asked if an agreement should be signed to prevent any liability for the town. Atty. Langlois agreed. Mr. Maier explained the trailers had previously been stored on in a building on Green Avenue, in the Village of Castleton. He had been notified that the building was no longer available, and the trailers needed to be moved. They were currently stored at a location in Nassau which was not convenient. C. Swartz asked if the trailers needed to be stored under cover. Mr. Maier said whereas it would be a benefit, it was not necessary. C. Bult asked if proof of insurance would be needed in addition to an agreement. Atty. Langlois said it was not necessary.

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

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #20-0003 to #20-0254 on Abstract No. 2020-02 in the amount of \$2,021,178.99, including the claims paid prior (\$167,336.85).

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.

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:**

- 2020-89)** Ratify and affirm authorizing Human Resources Manager to post internally and advertise publicly the full-time position of Court Clerk and further authorize advertising in the official Town newspaper as necessary.
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:**

- 2020-90)** Amend resolution 2019-336 as adopted December 30, 2019 as follows:
Adopt the following annual salary expense for the calendar year 2020:
- | | | | |
|----------------|----|------------------|--------------------|
| Summer Grounds | \$ | 45.10 | <u>15.10</u> /hour |
| Wingmen | \$ | 44.37 | <u>14.40</u> /hour |
| Flaggers | \$ | 44.34 | <u>11.91</u> /hour |
- Effective February 10, 2020.
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:**

- 2020-91)** Amend resolution 2020-053 as adopted January 9, 2020 as follows: Appoint Philip Danaher, Esq., to act as Deputy Attorney to the Town (at no compensation) and to act as the Town/Traffic Prosecutor for Vehicle and Traffic matters at Schodack Justice Court, pursuant to retainer agreement dated January 6, 2020, remuneration as set forth in the Year 2020 adopted budget (~~\$15,000.00~~). **(\$15,300.00)**
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:**

- 2020-92)** Authorize Supervisor Harris to execute and administer Consulting agreement with Katherine E. Lubbers, at an hourly rate of \$50.00 not to exceed Forty (40) hours for February 14 to March 31, 2020.
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:**

- 2020-93)** Ratify and affirm appointing Janette D. Peter as temporary Court Clerk, effective January 3, 2020 at an hourly rate of \$ 15.00 without benefits, for up to 20 hours per week unless otherwise requested by the Justices.
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, as amended, seconded by C. Kenney:

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

- 2020-94)** Approve the attached Transfer Station Fee schedule, to be effective ~~March~~ April 1, 2020. (See separate schedule)
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:**

- 2020-95)** Authorize Supervisor Harris to execute and administer Shared Services Agreement by and Between New York State Department of Transportation (NYSDOT) and Town of Schodack pursuant to Section 99-r of the General Municipal Law relative to Town of Schodack salt shed for a Four (4) year period October 1, 2019 to September 30, 2023.
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:

Amended 03/12/20 by 2020-118

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

- 2020-96)** 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.

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:**

- 2020-97)** Authorize the appropriation of the Highway Equipment Capital Reserve Fund, established by Resolution 2010-422, in an amount not to exceed \$195,256.87 as follows:

Dump/Plow Truck for \$195,256.87 with a period of probable usefulness of fifteen years. This resolution is subject to permissive referendum as specified in GML §6-c.
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:**

- 2020-98)** Authorize the purchase of a 2021 International, Model HV 507, Single-Axle Truck with dump body with material spreader, plow and wing NTE \$195,256.87 from Navistar Inc., pursuant to County of Onondaga Purchasing Contract No. 8996 contingent upon resolution #2020-097.
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:**

- 2020-99)** Pursuant to Section 510 of the Town of Schodack Personnel and Procedure Handbook, direct Comptroller's office, the 2020 monthly cell phone reimbursement rate amount will be \$30.00 and pursuant to Section 506 the positions to receive reimbursement are as follows: Ken Holmes – Highway Superintendent, Shawn Zinzow – Water and Sewer Operator, Brian Brahm –

Water & Sewer Operator/Working Foreman, Larry Perez – Working Forman, Bruce Goodall – Transfer Station Director, John Lewis – Transfer Station Employee, Nadine Fuda – Plan/Zone Director, Joe Tremblay – Building Inspector, Dan Garvensites – Park Manage and further direct that Sheila Golden – Youth Director will be provide a cell phone at a cost to the Town of Schodack and to amend Section 506 & 510 of the Town of Schodack Personnel Policy and Procedure Handbook (Expense Reimbursement & Telephone/Cell Phone) to reflect 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. Rex:

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

2020-100) Authorize Supervisor Harris to execute and administer purchase order agreement with Tri-City ValleyCats on behalf of the Schodack Summer Camp for group event on July 30, 2020 (estimated 200 tickets @ \$12.50 per attendee with service charge of \$3.00) for an amount not to exceed \$3,000.00. 50% - to be remitted 30 days prior to the event.

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

2020-101) **Previously adopted. See pg. 43.**

2020-102) **Previously adopted. See pg. 44.**

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:

2020-103) Authorize the Planning & Zoning Department to purchase a HP Color LaserJet Enterprise M553dn Printer for an amount not to exceed \$617.36 as per quote QAL354988 dated February 7, 2020 from GSS Infotech NY Inc. pursuant to the 2020 Adopted Budget. [A8010.2 & A8020.2]

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. Rex:

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

2020-104) Authorize Kerrie Joiner, Human Resource Manager to attend SHRM Conference in Verona, New York, September 13-15, 2020. All appropriate

expenses (mileage, lodging, meals, and registration) are to be borne by the Town an estimated total cost of \$954.45, as budgeted. [This is a budgeted item. A1430.4]

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:

2020-105) Authorize Nadine Fuda, Director of Planning and Zoning and David Calarco, Zoning Board Chairman to attend the New York Planning Federation Conference in Bolton Landing, New York, April 19-21, 2020. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town at a cost of \$783.71 each, at an estimated total cost of \$1,567.42, as budgeted. [This is a budgeted item. A8010.4 & A8020.4]

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:

2020-106) Authorize Supervisor Harris to contract with musicians to perform at the 2020 Music in the Park as follows:

Peaceful Country Band	June 2 nd (rain date 6/3/20)	\$500.00
Gone Grey	June 9 th (rain date 6/10/20)	\$400.00
Triskele	June 16 th (rain date 6/17/20)	\$800.00
Kyle Borgault Band	June 23 rd (rain date 6/24/20)	\$800.00
Yankee Doodle Band	June 30 th (rain date 7/1/20)	\$600.00

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:

2020-107) Authorize Supervisor Harris to contract with the Musicians Union Local 14 for a Big Band to perform at the 2020 Music in the Park on Tuesday July 7 (rain date 7/8/20). Jim Clark Community Performance Fund in conjunction with a Grant from the Music Performance Trust Fund will provide a 50% match of \$720.00. The final cost to the town in an amount not to exceed \$720.00.

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

Amended 03/12/20 by 2020-119

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:**

- 2020-108)** Approve the list of Volunteer Ambulance Workers Service Award Program Participants for all 2019 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Service Inc., as submitted.
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:**

- 2020-109)** WHEREAS, pursuant to the franchise agreement between Time Warner Cable ("TWC") (now known as Charter Communications) and the Town of Schodack, TWC/Charter pays the Town a fee for a special franchise to operate its cable television business in the public right-of-way, and

WHEREAS, for the year 2019 TWC/Charter paid the Town of Schodack \$95,234.77 in franchise fees, and

WHEREAS, TWC/Charter was levied a total of \$4,437.68 in Town taxes on five special franchise properties, and

WHEREAS, Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and

WHEREAS, Section 626(2) of the Real Property Tax Law provides that the person responsible for collecting the franchise fee shall deliver to the Town of Schodack a certificate showing the amount of the franchise fee paid for the year ending on the date set forth in the certificate, and

WHEREAS, upon receipt of the certificate, the law requires the Town of Schodack to enter a credit on the tax roll in the amount shown on the certificate, and

WHEREAS, Rensselaer County Bureau of Finance is responsible for entering the credit on the tax roll, and

WHEREAS, pursuant to Section 626, the TWC/Charter Tax Department returned the Town's Special Franchise tax bill, and

WHEREAS, TWC/Charter is required to make a request in order to receive a credit on the tax roll, and

WHEREAS, the Town has received a request for the credit on property taxes assessed in 2018 from the franchise fees paid during 2019,

NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$4,437.68 to Rensselaer County Bureau of Finance based on the 2019 TWC/Charter Utility report on said franchise properties assessed within the Town of Schodack.

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. Rex:

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

2020-110) Authorize Supervisor Harris to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Konica Minolta Bizhub 654a copier on the third floor at the Town Hall, ID # 770GF, for the period February 2, 2020 to February 1, 2021 for \$1,058.40 annually. Contract includes 168,000 copies annually with an average charge of \$0.00662 per copy.

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:

2020-111) Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment regarding granting a cable television franchise agreement by and between the Town of Schodack and Spectrum Northeast, a/k/a Charter Communications, the Town Board shall hold said public hearing on March 12, 2020 at 7:10 p.m. at the Town Hall, 265 Schuurman Road.

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:

2020-112) Upon receipt of TJA Clean Energy, Castleton Solar Farm Negative Declaration documents under SEQRA from the Planning Board, the Town Board hereby ratifies and affirms resolution 2019-258 as adopted on October 10th 2019.

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:

2020-113) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #20-0030 to 20-0254 on Abstract No. 2020-02, in the amount of \$2,021,178.99, including the claims paid (\$167,336.85) 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.

2020-114) **WITHDRAWN:** *Authorize the January 2020 budget modifications, interfund loans and interfund transfers as provided in document dated February 2020 and recommended by the Comptroller.*

Public Comment

C. Morley of Old Coach Drive read a statement illustrating an incident which occurred on Phillips Road. She explained that while she was riding her bike down the road, she was pursued by a dog. She was caused to fall from her bike sustaining injuries. She noted this was not the first incident of an unleashed dog wreaking havoc on that road. Following the incident, she attempted to file a dangerous dog complaint but said the Dog Control Officer would not accept her desire to continue her statement on a separate sheet of paper. She contacted the Supervisor who showed no compassion when she visited his office to express her concern. She then contacted Assemblyman Jake Ashby. She said he showed compassion and sympathized with her situation. She felt if it was not for his intervention, her case would never have been heard which resulted in a determination that the dog in question was indeed dangerous. Ms. Morley implored the board to review the conduct of both the Supervisor and Dog Control Officer regarding her case. M. Sherwood asked who enforces the leash law for Schodack. S. Harris said the police and the Dog Control Officer. Ms. Sherwood asked if there was a penalty for not complying with the law. C. Bult said the issue would be brought to court. Atty. Langlois added that any code violation could be issued a citation which would be brought before the judge. Fines or penalties would be assessed at that time.

ADJOURNMENT

As there was no further business before the Board, C. Bult made a motion to adjourn the 02/13/20 Town Board meeting at 8:49 p.m., seconded by S. Harris. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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