

DATE: SEPTEMBER 24, 2015

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: FRANCIS CURTIS
JAMES E. BULT
MICHAEL KENNEY
SCOTT SWARTZ

MEMBERS ABSENT:

ATTORNEY:

OTHERS PRESENT: COMPTROLLER, PAUL HARTER

Supervisor Dowds called the September 24, 2015 meeting to order at 7:04 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Briefing of Resolution Agenda

The Supervisor noted that resolution [2015-192] will be withdrawn. He explained that the Berkshire Regional Planning Commission (BRPC) was currently working with the BCK law firm to determine if the agreement was actually needed. With respect to [2015-193], he is adding Item (10), the 2002 Jeep Liberty, which had been previously discussed by the Board. C. Curtis said it was his understanding that the vehicle was still being used by the Assessing Department. S. Dowds said yes, but they only use the car about once a month so he spoke with the Building Inspector who indicated that he is willing to let them use his car on those days. It will just require a little more scheduling. **Determination:** The consensus of the Board was in agreement and the resolution will be amended to add Item (10) 2002 Jeep Liberty. Also resolution [2015-194] will be withdrawn because the audit is scheduled to be done October 5 – October 6, 2015. C. Curtis asked if the water and sewer districts budgets will be done in November. S. Dowds said yes. C. Bult asked the Comptroller if the charge for Fairpoint Communications for service at the Town Garage was a normal charge. If so, perhaps, they should look into service through Time Warner Business Class since they use that as their internet service provider, which might be less expensive. S. Dowds felt that was a good point and they will look into his suggestion. The Town Clerk requested that additional language be added to resolution [2015-196] regarding the opening date and time of the bids received. **Determination:** It was the consensus of the Board to add the following sentence to resolution [2015-196], "Bids received will be opened at 10:00 a.m. on Tuesday, October 13, 2015 at the Schodack Town Hall, 265 Schuurman Rd., Castleton, NY." All other resolutions are self-explanatory.

Public Comment

B. Spink, presented a letter to the Board, dated 9/24/15, regarding her disapproval and dissatisfaction with the Supervisor's position on withholding the identity of the owners of the Project Red proposal. She felt it was deceitful and just an attempt to get warehousing all along Route 9 by keeping Birchwood neighbors in the dark. It was her opinion that the intent of the PD-3 zone was to encourage development in the Route 9 corridor that was compatible with residential housing. She felt that Project Red is a "warehouse" which is not allowed in PD-3, rather than a "sales distribution center" which is. She hoped that the Board would do the right thing when voting on Project Red.

K. Stokem asked for an update regarding the Kinder Morgan pipeline. The Supervisor stated that the B.C.K. Law firm (Berkshire Group) is representing the County of Rensselaer, towns of Schodack, Nassau, Stephentown and the counties, towns and fire districts in MA. Initially, Rensselaer County paid for the representation of area towns. The Berkshire Group will be meeting again later this month. Thus far:

- 1) It is anticipated that Kinder Morgan still intends to file the official application by the end of October 2015. It takes about 1 year from submission of the application to get approval from FERC. Once they file, BCK will apply for Intervener status on the town's behalf.
- 2) Kinder Morgan is still looking at all three routes- the northern, the southern and the Berkshire Spur. They may not know which route is selected until the end of the process (after they file the application). FERC directed Kinder Morgan to do an analysis on all three routes and if none of those routes work they have to come up with another alternative.
- 3) The comment period for the scoping session will be extended until October 16th.

Mr. Stokem asked if the Town was doing anything else to try and stop the pipeline, apart from being part of the Berkshire Group. S. Dowds stated that the documentation being submitted is town and area specific as well as those done comprehensively. Mr. Stokem said those opposing the pipeline have been trying to focus on Bethlehem-Delmar area and the county of Albany, as a whole, to get them more involved and would appreciate any support that the Town Board could offer to help achieve that goal.

J. Jensis expressed concern that if the project is approved, Kinder Morgan's equipment could damage town roads and wondered if the town had taken any steps to protect them. S. Dowds said it was too premature to do that at this point. Mr. Jensis also raised the issue of a proposed access road at the end of Jensis Rd., wondering if the Town could make them construct it according to town specifications. S. Dowds didn't think so, but again, it was too premature to address that at this time. He explained that the municipalities are joining together for two reasons: (1) to oppose the pipeline path and (2) if they are not successful, to get some protections for the entities, which might give them some leverage regarding those issues raised.

J. Jensis asked the Supervisor to have the police monitor the tractor-trailer traffic on Rte. 9 near Pilot. He said when he drives in that area, the trucks often create hazardous conditions and they should be ticketed.

R. Lemka felt it was unfair to the taxpayers to have to pay the \$10.00 registration fee to bid on the equipment to be auctioned. S. Dowds explained it was a requirement of the on-line auction company. Mr. Lemka voiced concern about the type of soil under the proposed new Stewart's store. He believed it was bare shale and if a gasoline spill occurred, it could jeopardize the water of any surrounding wells. He thought Stewart's should be willing to pay the cost of running water to the neighbor, if that ever occurred.

With regard to Project Red, Mr. Lemka said he knew the councilmen were opposed to the secrecy surrounding it, but people did not know if the board was in favor of the project. He thought it was a good company, but a bad location and would be better suited for small businesses. He felt that warehouses/sales distribution centers should be located on Rte. 9 where there are other similar type businesses. With regard to the approval of the project, he suggested that the Town Board should have lobbied the Planning Board since they appoint those members and they (Town Board) should be the ones "making the dog's tail wag" not the other way around. Mr. Stokem felt the limited public comment period at the recent Planning Board meeting was unfair to the public. The Supervisor stated that the project already had a public hearing and unless it is a public hearing, the Planning Board has traditionally limited the ability for people to talk about a particular project to 15 minutes. Also there were many other issues on their agenda that night, not just that project. Mr. Stokem said while they did extend the comment period to about 20-25 minutes, it was still not enough time for everyone to have their say. S. Dowds explained that they are an independent board and the matter should be raised to them. C. Curtis said some of the town council members agree with the public. He felt the limitation of time for speaking does not seem realistic in today's world. He, too, was not aware that they had a time limit of 15 minutes. With that being the case, then perhaps they should have limited the amount of time a speaker could talk to 3 minutes, so more people had an opportunity to be heard. Perhaps they should reconsider their public comment period and allow for more public input, similar to what is done at Town Board meetings.

Adoption of Resolutions

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. Kenney:

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

2015-190) Waive the requirement pursuant to Chapter 177 §1 of the Code of the Town of Schodack to hold Water Rate hearings on or before October 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

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

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

- 2015-191)** Waive the requirement pursuant to Chapter 176 §4 of the Code of the Town of Schodack to hold Sewer Rent hearings on or before October 20th each year, in order to schedule said hearings at a special meeting at a later date to be determined.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

- 2015-192)** **WITHDRAWN:** *“Authorize Supervisor Dowds to execute and administer Participating Parties Agreement dated August __, 2015 with BCK Law, P.C. in accordance with the Massachusetts Rules of Professional Conduct, the agreement acknowledges informed consent of joint representation with Berkshire Regional Planning Commission (BRPC) in connection with the Northeast Energy Direct (NED) pipeline project proposed at the Federal Energy Regulatory Commission (FERC) by Tennessee Gas Pipeline, L.L.C. (TGP) subject to approval by Attorney to the Town as to form.”*

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:**

- 2015-193)** Approve listing the following as surplus vehicles and authorize Kenneth Holmes, Highway Superintendent to post said item on www.AuctionsInternational.com at no cost to the Town. (Bidders must be registered to bid. Cost of registration is \$10.00):

- 1) 2008 Ford Crown Victoria
- 2) 2001 Ford F-350 Crew Cab with plow attachment
- 3) 1993 International Single-Axle Dump Truck with sander, plow and wing attachments
- 4) 1990 GMC Bus, Fire Investigation Unit
- 5) 2000 Jeep Cherokee
- 6) Spectrum Model 30 Generator - Unit from Miller Road sewer pump station
- 7) 1998 Stone Compaction Stomper
- 8) 2003 Ford F550 Single Cab with plow attachment
- 9) Kawasaki KDX 250 motocross motorcycle
- 10) 2002 Jeep Liberty

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

- 2015-194)** **WITHDRAWN:** *“WHEREAS, the Town Board delegated its annual auditing responsibilities pursuant to Section 123 of Town Law to the Town Comptroller, and*

WHEREAS, the Town Comptroller performed the audit in accordance with the guidelines provided by the New York State Office of the State Comptroller as published in the Local Government Management Guide – Fiscal Oversight Responsibilities,

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the audit report submitted for Justice Court for the fiscal year 2014."

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:**

2015-195) WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

WHEREAS, notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board, and

WHEREAS, the Town of Schodack has on the 14th day of September received notice that Christakis Mikellides doing business as Schodack Diner has applied for on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said application to the Schodack Town Board, the Schodack Police Department and the Schodack Building Department and no adverse comments or recommendations of any kind were received,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Schodack, that with respect to the application submitted by Christakis Mikellides doing business as Schodack Diner at 1842 Columbia Turnpike, Schodack, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said application.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Curtis made a motion to adopt the following resolution, seconded by S. Dowds:

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

2015-196) Authorize the Town Clerk to publish legal notice to solicit bids for Orchard Road Drainage pursuant to specifications prepared by Laberge Group. Bids received will be opened at 10:00 a.m. on Tuesday, October 13, 2015 at the Schodack Town Hall, 265 Schuurman Rd., Castleton, NY.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

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

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

- 2015-197)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-1347 to 15-1475 on Abstract No. 2015-09, in the amount of \$396,872.35, including the claims paid (\$118,241.83) since the previous town board meeting.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:**

- 2015-198)** Authorize June, July, and August 2015 budget modifications, inter-fund loans and inter-fund transfers as recommended by the Comptroller.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

**TOWN OF SCHODACK
BUDGET MODIFICATIONS
JUNE 30, 2015
BUDGET MODIFICATIONS**

	<u>Fund/ Department #</u>	<u>Fund / Department Name</u>	<u>Increase</u>	<u>Decrease</u>
8	A-960-1315.2000	Comptroller - Equipment	732.04	
	A-960-1315.4000	Comptroller - Contractual		732.04
	To modify the budget for purchase of computer CPU for Sue			
9	A-960-1680.2000	Cental Data Processing - Equipment	539.85	
	A-960-1680.4000	Cental Data Processing - Contractual	6,031.99	
	A-960-1990.4000	Contingency		6,571.84
	To modify the budget for budget overrun of Town Hall server upgrade			
10	A-960-3120.1000 (1010)	Police - Personal Svs-DWI Regular	2,000.00	
	A-960-3120.1000 (1011)	Police - Personal Svs-DWI Crackdown	2,124.69	
	A-960-3120.1000 (1012)	Police - Personal Svs-PTS	6,820.00	
	A-509-2260.9999	Public Safety Svs - Other Gov'ts	10,944.69	
	To modify the budget for grant awards.			
11	A-960-8189.2000	Recycling - Equipment	89.00	
	A-960-8189.4000	Recycling - Contractual		89.00
	To modify the budget for purchase of a refrigerator not budgeted for.			

12	B-960-1440.4000	Town Engineer - Contractual	9,000.00	
	B-960-1990.4000	Contingency		5,442.46
	B-960-1420.4000	Town Attorney - Contractual		3,557.54
	To modify the budget for encumbrances not budgeted for.			
13	B-960-1460.4000	Record Mgmt. Office - Contractual	187.00	
	B-960-1990.4000	Contingency		187.00
	modify the budget for Department's portion of Avante Server (laserfiche) Maint. Contract not budgeted for.			
14	B-960-1680.4000	Central Data Processing	2,025.54	
	B-960-1990.4000	Contingency		2,025.54
	To modify the budget for budget overrun of Town Hall server upgrade			
15	B-960-8020.4000	Planning - Contractual	13,285.77	
	B-509-2115.9999	Planning Board Fees	13,285.77	
	To modify the budget for engineering fees related to Planning Board activity funded by developer escrow deposits.			
16	B-960-8020.4000	Planning - Contractual	24,500.00	
	B-509-1120.9999	Sales Tax	23,703.76	
	B-960-1420.4000	Town Attorney - Contractual		796.24
	To modify the budget to reflect actual sales tax revenue			
17	DB-960-5142.1000	Snow Removal - Personal Svcs	3,348.57	
	DB-960-5142.4000	Snow Removal - Contractual		3,348.57
	To modify budget to cover deficiency.			

**TOWN OF SCHODACK
BUDGET MODIFICATIONS
JULY 31, 2015**

BUDGET MODIFICATIONS

	Fund/ Department #	Fund / Department Name	Increase	Decrease
18	A-960-1315.2000	Comptroller - Equipment	264.59	
	A-960-1990.4000	Contingency		264.59
	To modify the budget for purchase of Comptroller office chair			
19	A-960-1380.4000	Fiscal Agent Fees - Contractual	600.00	
	A-960-1990.4000	Contingency		600.00
	To modify the budget for Town filing not budgeted for			
20	A-960-8189.2000	Recycling - Equipment	65.00	
	A-960-8189.4000	Recycling - Contractual		65.00
	To modify the budget for purchase of printer not budgeted for.			

21	SS2-960-8130.1000	Sewage Trtmt & Disp. - Persl Svcs.	1.67	
	SS2-960-1990.4000	Contingency		1.67
	To modify the budget for account reconciliation adjustment rounding issues			
22	A-960-8189.2000	Recycling - Equipment	6,500.00	
	A-960-8160.2000	Garbage - Equipment		6,500.00
	To reclassify original budget per B. Goodall - container to be purchased will be for recycling and refuse.			
23	A-960-8160.2000	Garbage - Equipment	153.99	
	A-960-8160.4000	Garbage - Contractual		153.99
	To modify the budget for purchase of printer and compact refrigerator not budgeted for.			

**TOWN OF SCHODACK
BUDGET MODIFICATIONS
AUGUST 31, 2015**

BUDGET MODIFICATIONS

	<u>Fund/ Department #</u>	<u>Fund / Department Name</u>	<u>Increase</u>	<u>Decrease</u>
24	A-960-1110.2000	Town Justice - Equipment	809.00	
	A-960-1110.4000	Town Justice - Contractual		809.00
	To modify the budget for new printer not budgeted for			
25	A-960-1680.4000	Central Data Processing - Contractual	159.08	
	A-960-1990.4000	Contingency		159.08
	To modify the budget for Web hosting and Internet charges due to unexpected server charges			
26	A-960-5020.4000	Town Engineer - Contractual	1,100.00	
	A-960-1990.4000	Contingency		1,100.00
	To modify the budget for Laberge Orchard Rd Sewer charges not budgeted for			
27	B-960-1680.4000	Central Data Processing - Contractual	58.84	
	B-960-1420.4000	Town Attorney - Contractual		58.84
	To modify the budget for Internet charges due to unexpected server charges			
28	SS2-960-8130.1000	Castleridge Sewer Dist #2 - Personal	100.00	
	SS2-960-9030.8000	Castleridge Sewer Dist #2 - Benefits	15.00	
	SS2-960-1990.4000	Castleridge Sewer Dist #2 - Contingency		115.00
	To modify the budget for W/S Operator service call for alarms			

Old Business:

Release of Credit/Strawberry Fields: The Supervisor explained that Strawberry Fields is requesting a release of a \$35,000.00 Letter of Credit. The Town will retain \$15,000.00 for the punch list items. A resolution will be on a future agenda to complete same. C. Curtis asked if the roads had been officially turned over. S. Dowds explained that they in the process of filing those papers. C. Bult asked if they will put up another bond for Phase II. The Supervisor said yes.

Battisti Water District: The Supervisor said, with the Board's approval, he will send a response regarding the Battisti water district. C. Bult said he has spoken with some of the residents in that area and gave them an idea of what is going on. Apparently, the residents have some substantial concerns with the privately owned system. S. Dowds said residents have spoken with him as well; however, they need to know if the Town ever decides to take it over, the costs to bring that system into compliance will be significant. In his opinion, they would almost have to rebuild the entire system. C. Bult agreed.

ADJOURNMENT

As there was no further business before the Board, C. Curtis made a motion to adjourn the 09/24/15 Town Board meeting at 7:52 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC