

**DATE:** JULY 9, 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:** PAUL HARTER (*Via Zoom Meetings*)  
**OTHERS PRESENT:** WILLIAM RYAN, SPECIAL DISTRICTS COUNSEL  
DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

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Supervisor Harris called the July 9, 2020 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.

### **Briefing of Agenda**

The Supervisor gave a brief overview of the agenda. He reminded the board that Cody Seeberger would be responsible to pay all expenses with regard to the Academy as the town was only a sponsor (2020-206). All other resolutions were self-explanatory.

### **Public Hearing Battisti Water District #10**

C. Swartz made a motion to open the public hearing for the proposed Battisti Water District #10 at 7:05 p.m. The motion was seconded by S. Harris.

The Town Clerk summarized the Affidavit of Publication seeking public comment to consider a petition to establish the Battisti Water District #10, 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, the Town's website and published in *The Record* on June 23, 2020.

S. Harris asked Atty. Ryan to lead the public hearing. Atty. Ryan noted that the creation of Water District #10 was unique in that the current water system servicing the residents of the area was a private system which had been abandoned by the owner, Mr. Keller. Once abandoned, the Public Service Commission (PSC) took over maintenance of the water system which was found to be lacking in quality and quantity of water. In an effort to assist the residents of the system, the Town Board hired the Laberge Group to prepare a map, plan and report which outlined four options for upgrading the system. These options included

taking no action for improvements, create a loop system, connect to Van Hoesen Road only or connect to Route 9 only. The best option was to create a loop system from Van Hoesen Road to Schodack Drive which would increase water pressure and benefit all residents of the district. The downside of the option was that it would impose a considerable cost of \$1,790,000.00 on the residents (within the district); however, there was potential for funding assistance. He said the town would front the cost via a bond to pay for the improvements with hopes of offsetting the cost through grants. Within the map, plan and report, Laberge illustrated four potential annual capital charges to the residents of the district which included \$1,999.00 if no grant funding was received, \$800.00 if the NYS Water Grant was received, \$1,161.00 if the CDBG Grant was received or \$465.00 if both grants were received. Along with the capital charges, each user would be assessed an Operations and Maintenance (O&M) rate of \$231.00 which would include \$110.00 for the connection to the district and \$121.00 for the shared cost of water supply. Atty. Ryan felt, as most property within the district was residential, some form of funding should be received. He noted, as the highest annual capital cost was above the threshold of \$800.00 for water & sewer districts, an application would need to be submitted to the NYS Comptroller's Office.

**Public Comment:** The Town Clerk stated no public comment had been received via email. G. Migirditch, via Zoom, asked where the town was in the grant process. Atty. Ryan said the income survey had been conducted and once the district was created, they town would get the greenlight from the NYS Comptroller's Office to apply for the grants. He stated that the funds had already been appropriated by the legislature and he was cautiously optimistic for the town receiving funding. Mr. Downey, via Zoom, asked what the deadline was for filing the grant applications. Atty. Ryan said the district needed to be formed by the end of July. S. Harris added that the district needed to be in place by August/September for the grants to be written and filed. Mr. Downey asked Atty. Ryan to clarify what the \$800.00 charge was for. Atty. Ryan said he was unsure what Mr. Downey was referencing to as the only extra charge would be \$900.00 for a pressure value to be installed at each home. The town had elected to waive the connection fee so long as the homes were connected within 180 days of the grants being awarded. G. Migirditch said he had received a questionnaire from American Water regarding the current system and asked if the town board was aware of it. S. Harris said the town had not received information on any such questionnaire. Mr. Migirditch said it was a cross connect survey, potentially related to a sale. S. Harris asked that a copy be forwarded to the town.

**Board Comment:** S. Harris said the town board was trying to assist the residents as best they could. They were working with Laberge and felt that this was the best, most reliable option to ensure the neighborhood had water.

Hearing no further public comment, C. Kenney made a motion at 7:24 p.m. to close the public hearing. Seconded by C. Bult.

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

### **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. Kenney:

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

**2020-199) WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of Battisti Water District No. 10 in the town of Schodack, County Rensselaer, State of New York, has heretofore been filed in the Town Clerk's Office; and

**WHEREAS**, a map, plan and report has been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Schodack relating to the establishment of Battisti Water District No. 10 in the Town of Schodack, County of Rensselaer, State of New York; and

**WHEREAS**, such map, plan and report was prepared by Laberge Group Ltd., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Battisti Water District No. 10, the general plan of Battisti Water District No. 10, and the various expenses to be charged for real property located within the District; and

**WHEREAS**, the establishment of Battisti Water District No. 10, requires compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and the Town of Schodack has previously established that the Town Board act as lead agency in a coordinated review with the Involved Agencies and Interested Agencies for the review of plans and environmental impact, if any, of the proposed Battisti Water District No. 10; and

**WHEREAS**, the Involved Agencies and Interested Agencies have been informed of the adoption by the Town of Schodack of a resolution dated June 11, 2020 in which the Town Board declared its intent to serve as Lead Agency in a coordinated manner with the Involved Agencies and Interested Agencies; and

**WHEREAS**, the Involved Agencies and Interested Agencies have either consented to the Schodack Town Board acting as the Lead Agency for this project or have not responded within the required time frame to object to the Lead Agency designation by the Schodack Town Board.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Town Board of the Town of Schodack as lead agency has determined that the establishment of Battisti Water District No. 10 as described in the map, plan and report prepared by Laberge Group Ltd. is an Unlisted Action and that establishment of the proposed Battisti Water District No. 10 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 establishment of Battisti Water District No. 10 is an Unlisted Action and that the establishment of Battisti Water District No. 10 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. Consent to proceed with the establishment of Battisti Water District No. 10 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 C. Bult:

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

**2020-200)** **WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of Battisti Water District No. 10 in the Town of Schodack, County of Rensselaer, State of New York, has heretofore been filed in the Town Clerk's Office; and

**WHEREAS**, a map, plan and report relating to the establishment of the proposed Battisti Water District No. 10 prepared by Laberge Group Ltd., competent engineers, duly licensed by the State of New York, in manner and detail as required by Article 12 of the Town Law, has been filed with the Town Clerk of Schodack, in accordance with the requirements of the Town Law; and

**WHEREAS**, an order was adopted by the Town Board of the Town of Schodack on June 11, 2020, reciting the filing of the map, improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

**WHEREAS**, the order set July 9, 2020 at 7:05 p.m. at Schodack Town Hall, 265 Schuurman Road, Castleton, New York, as the date, time and place of the public meeting to consider the map, plan and report, and to hear all persons interested in the subject thereof, and to take such action as required and authorized by law; and

**WHEREAS**, such order was published and posted as required by law; and

**WHEREAS**, a hearing on the matter was held by the Town Board on the 9<sup>th</sup> day of July, 2020, beginning at 7:05 p.m. and the matter being duly discussed and all interested persons having been duly heard; and

**WHEREAS**, the Town Board did at that time resolve and determine to conclude and close the public hearing and to render a decision at a meeting of the Town Board conducted on the 9<sup>th</sup> day of July, 2020 at Schodack Town Hall; and

**WHEREAS**, the Town Board on July 9, 2020 approved the creation of Battisti Water District No. 10.

**NOW, THEREFORE, IT IS RESOLVED AND DETERMINED:**

- (a) That the petition is signed and acknowledged or proved as required by law and complies with requirements of Town Law Section 191 as to sufficiency of signers and is otherwise sufficient and the notice of public hearing was published and posted as required by law, and it is otherwise sufficient;

- (b) That all property and property owners within the proposed district are benefited thereby;
- (c) That all the property and property owners benefited are included within the limits of the proposed district;
- (d) That it is in the public interest to establish Battisti Water District No. 10;
- (e) That the first year cost of debt repayment to finance the construction of the district improvements for typical properties within the district shall be determined by the ability to obtain grants to assist in decreasing the amount to be financed and the cost of financing; annual debt service will be spread across the properties in the district on a per equivalent dwelling unit basis ranging from a high of One Thousand Nine Hundred Ninety Nine and 00/100 Dollars (\$1,999.00), to One Thousand One Hundred Sixty One and 00/100 Dollars (\$1,161.00), to Eight Hundred and 00/100 Dollars (\$800.00) and to low of Four Hundred Sixty Five and 00/100 Dollars (\$465.00); operation and maintenance expenses will equal approximately One Hundred Ten and 00/100 Dollars (\$110.00) per connection for the proposed district plus One Hundred Twenty One and 00/100 Dollars (\$121.00) per connection for the shared cost of water supply or approximately Two Hundred Thirty One and 00/100 Dollars (\$231.00) per connection for the first year of operation for the typical property within the district; water meters and individual pressure reducing valves for each individual service is estimated to equal Nine Hundred and 00/100 Dollars (\$900.00) per connection, per meter; and connection fees shall be waived by the town of Schodack for a period of one hundred eighty (180) days after water service is made available, and if not connected within one hundred eighty (180) days the connection fee to be paid by the property owner shall equal Three Hundred and 00/100 Dollars (\$300.00); and it is further,

**RESOLVED AND DETERMINED**, that the establishment of Battisti Water District No. 10, as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements and lands be acquired upon the required funds being made available and provided for, and such district shall be known and designated as Battisti Water District No. 10 in the Town of Schodack, and shall be bounded and described as set forth on Schedule "A" attached hereto; and it is further

Schedule "A"

Town of Schodack

Rensselaer County, New York  
Water District Boundary  
Description Battisti Water  
District #10

The following is intended to describe the bounds of the proposed water district in the Town of Schodack, Rensselaer County, State of New York. This District is shown on the map entitled "Proposed Battisti Water District #10 Water District Boundary" prepared by Laberge Group, dated January 16, 2019. The parcels referred to in the following description are shown on the Town of Schodack Tax Map 210.01.

Beginning at a point located at the northwest corner of the intersection of Van Hoesen Road and N.Y.S. Route 9 at the southeasterly corner of Parcel 17(A);

Thence proceeding westerly along the northerly bounds of Van Hoesen Road to a point in its intersection with the easterly bounds of Northern Boulevard, said point also being the southwesterly corner of Parcel 33;

Thence southerly across Van Hoesen Road to a point at the intersection with the southerly line of Van Hoesen Road and the northeasterly corner of lot 2;

Thence southerly along the easterly bounds of lot 2 to the southeasterly corner of lot 2;

Thence westerly along the southerly line of lot 2 to the southwesterly corner of lot 2;

Thence northerly along the westerly bounds of lot 2 to a point in the southerly line of Van Hoesen Road, said point being the northwesterly corner of lot 2;

Thence northerly across Van Hoesen Road to a point at the intersection with the northerly line of Van Hoesen Road and the southeasterly corner of lot 34;

Thence westerly along the northerly bounds of Van Hoesen Road to a point in the easterly bounds of Orchard Road, said point also being the southwest corner of Parcel 43;

Thence westerly across Orchard Road to a point at the intersection with the northerly bounds of Van Hoesen Road, said point also being the southeasterly corner of Parcel 44;

Thence westerly along the northerly bounds of Van Hoesen Road to a point at the southwesterly corner of Parcel 44;

Thence northerly along the westerly bounds of Parcels 44, 45, 46, 47, 48, and 49 to a point in the southerly bounds of the westerly terminus of Orchard Road, said point also being the northwesterly corner of Parcel 49;

Thence northerly along the westerly terminus of Orchard Road to a point in the northerly bounds of Orchard road, said point also being the southwesterly corner of Parcel 52;

Thence northerly along the westerly bounds of Parcels 52, 53, and 2 to a point in the northwest corner of Parcel 2;

Thence easterly along the northerly bounds of Parcel 2 to a point in the easterly corner of Parcel 2, said point also being in the northerly terminus of the westerly bounds of a "paper street";

Thence easterly across the northern terminus of said "paper street" to the easterly bounds of said "paper street", said point also being the northwest corner of Parcel 1;

Thence easterly along the northerly bounds and southerly along the easterly bounds of Parcel 1 to a point in the southeast corner of said Parcel 1, said point also being the northwest corner of Parcel 3;

Thence easterly along the northerly bounds of Parcels 3, 4, and 7.1 to a point in the northeasterly corner of Parcel 7.1, said point also being in the northerly bounds of Loretta Lane;

Thence easterly along the northerly bounds of Loretta Lane to a point in the northwesterly corner of Parcel 14;

Thence easterly along the northerly bounds of Parcel 14 to a point in the westerly bounds of N.Y.S. Route 9, said point also being the northeasterly corner of Parcel 14;

Thence southerly along the westerly bounds of N.Y.S. Route 9 to a point in the northerly bounds of Orchard Road, said point also being the southeasterly corner of Parcel 15;

Thence southerly across Orchard road to a point in the southerly bounds of said road, said point also being the northeasterly corner of Parcel 16;

Thence southerly along the westerly bounds of N.Y.S. Route 9 to the point and place of beginning.

All Tax map parcel references are based upon those in use by the Rensselaer County Real Property Tax Service Agency in January, 2019.

**RESOLVED AND DETERMINED**, that the Town Clerk of the Town of Schodack shall, within ten (10) days after the adoption of this Resolution, file a certified copy thereof, in the Rensselaer County Clerk's Office and in the office of the state department of audit and control at Albany, New York; and it is further

**RESOLVED AND DETERMINED**, that the maximum amount to be expended for said improvement and/or acquisition of necessary lands is the sum of One Million Seven Hundred Ninety Thousand and 00/100 Dollars (\$1,790,000.00); and it is further

**RESOLVED AND DETERMINED**, approval of the Office of the State Comptroller is required since the cost to the typical property within Battisti Water District No.10 without any awarded grants exceeds the average annual



estimated cost threshold for similar types of districts as computed by the State Comptroller.

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

### **Board Discussion**

**Resolution 2020-203:** C. Swartz asked if there had been any new developments for Reliable Property LLC for resolving the issues addressed during the public hearing. S. Harris said tickets were issued for violating town code and the fine had been paid. Reliable was proceeding with depositing material on the property. He added that the owner was reminded to continue working with the Building Department.

**Pavilion Rentals:** The Town Clerk updated the board regarding rentals for the park pavilion. She said all renters had been contacted and any who did not request a refund were asked to complete a new form with the amended COVID-19 agreement. She added that her office would begin contacting all renters for August and follow the same procedure. S. Harris mentioned that the playground area was opened. He noted signage had been placed around reminding users to social distance and hand sanitizer was available for use. With regard to the bathrooms, he said they were being cleaned before and after the event by the park manager.

The Town Clerk informed the board that, due to the pandemic, the NYS Town Clerk's Association (NYSTCA) Conference had been officially cancelled. An effort had been made to reschedule the event for August; however, the NYSTCA administration felt it was not safe to proceed.

### **Public Hearing Proposed Cedar Hill Solar Farm Zoning**

S. Harris opened the public hearing on the requested zoning change for the proposed Cedar Hill Solar Farm at 7:45 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on proposed Cedar Hill Solar Farm, Tax Map Parcel 178-8-29.1 (Phillips Road) for the purpose of considering PD districting for the applicant's plan in accordance with the procedures established by the Town Law. She said a clarification was needed as there was a typographical error for the tap map number. It should have been 177.-8-29.1. The legal notice was posted on the Town Clerk's signboard and published in *The Record* on June 29, 2020.

J. Muscato Esq. explained the solar array for Cedar Hill would be located south of the Pheasant Hollow Golf Course and consist of a 5-megawatt system. He said once the town board approved the PDD zoning change, the project could move forward with the Planning Board.

**Public Comment:** The Town Clerk stated no public comment had been received via email.

**Board Comment:** None.

Hearing no public or board comment, S. Harris made a motion at 7:48 p.m. to close the public hearing. Seconded by C. Bult.

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

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #20-0885 to #20-1051 on Abstract No. 2020-07 in the amount of \$283,108.33, including the claims paid prior (\$121,135.10).

### **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. 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:**

**2020-201) WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of Town of Schodack, Sewer District #6, Extension #7 in the Town of Schodack, County of Rensselaer, State of New York, and has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by Clough Harbour & Associates, LLP, (Eric Hirschmann, P.E.), competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension and the general plan of the proposed District Extension; and

**WHEREAS**, said map, plan and report shows the location and description of the public works which will be required and the lands or easements to be acquired; and

**WHEREAS**, the boundaries of the proposed District Extension are as described in Schedule "A" annexed hereto; and

**Schedule "A"**

**BOUNDARY DESCRIPTION OF THE PROPOSED  
TOWN OF SCHODACK SANITARY SEWER DISTRICT #6 EXTENSION #7**

From a survey conducted by ALTA/NSPS at 1811 Columbia Turnpike in the Town of Schodack in Rensselaer County, NY, the property boundaries were described as such:

Beginning at an iron rod located along the easterly line of Route 9 and 20, also known as the Columbia Turnpike, said point being the intersection formed by said easterly line of Columbia Turnpike and lands now or formerly owned by Mayakis Associates LLC on the south, and the lands now or formerly of Stewart's Shops Corp. on the North;

Thence from said point of beginning and along the aforesaid Columbia Turnpike, the following three courses: 1) North 31°30'30" West, 77.53 feet to a point; 2) North 22°50'30" West, 129.44 feet to a point and 3) North 33°10'40" West, 100.00 feet to a point;

Thence along the lands now or formerly of the Town of Schodack and Continuing along the lands now or formerly of Rensselaer County, the following two courses: 1) North 56°49'20" East, 300.19 feet to a point and 2) South 86°27'40" East, 181.55 feet to a point;

Thence along the westerly line of Ferndale Road, along a curve to the right having a radius of 975.00 feet, an arc length of 237.85 feet and bearing a chord of South 07°44'16" West, 237.26 feet to a point; Thence along the first mentioned division line, South 53°44'24" West, 316.27 feet to the point or place of beginning

**WHEREAS**, the District Extension improvements include, but are not limited to, 550 linear feet of 8 inch SDR26 PVC gravity sewer main; 130 linear feet of 4 inch sewer lateral; 160 linear feet of 6 inch sewer lateral; the installation of two new precast concrete manholes; surface restoration and select backfill; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of One Hundred Thirteen Thousand (\$113,000.00) Dollars; and all details as to the cost of construction are set forth in the aforesaid map, plan and report; and

**WHEREAS**, pursuant to Section 209(f) of the Town Law, approval of the New York State Comptroller will not be required for establishing this District

Extension inasmuch as the town shall not finance the cost of the improvements nor pay or assume debt service associated with this District Extension; and

**WHEREAS**, said map, plan and report describing said improvements is on file in the Town Clerk's Office for public inspection; and

**WHEREAS**, the first year costs of full operation and maintenance for the typical property within the District Extension are estimated at \$7.50 per 1,000 gallons of sanitary sewer effluent for an annual estimated cost of Two Thousand Four Hundred Sixty-Four (\$2,464.00) Dollars with the charges to vary in relation to the amount of benefit provided to the premises; and

**WHEREAS**, the initial connection fee shall equal Eleven Thousand Two Hundred Fifty (\$11,250.00) Dollars; and

**WHEREAS**, the subject typical property shall be assigned six equivalent dwelling units on an annual basis; and

**WHEREAS**, the determination of annual operation and maintenance charges shall be based on a benefit basis.

**NOW, IT IS HEREBY ORDERED**, that the Town Board of the Town of Schodack shall meet and hold a public hearing at the Schodack Town Hall, 265 Schuurman Road, Castleton, New York 12033, in said Town, on the 13<sup>th</sup> day of August, 2020, at 7:05 p.m., local time, to consider said map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

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:**

**2020-202)** Authorize Supervisor Harris to execute and administer the Annual Certification and Board Resolution regarding 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.

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:**

**2020-203) WHEREAS**, Applicant Reliable Properties LLC has applied for approval from the Town Board pursuant to Chapter 137 of the Town Code to import clean fill soil onto property consisting of 3.5 acres and located on U.S. Route 9, Castleton, NY (Tax Map No. 220.-2-12); and

**WHEREAS**, a public hearing in connection with said application was duly noticed and held on June 25, 2020; and

**WHEREAS**, the application and project has been reviewed by the Town's engineering firm, which by letter dated June 1, 2020 recommended that the Town Board issue a negative declaration under the State Environmental Quality Review Act ("SEQRA") with respect to the project, and recommended that the Town Board approve the project subject to the conditions set forth therein.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Town Board finds and concludes that the proposed project is classified as an Unlisted Action under SEQRA; finds and concludes that the proposed project will not result in any significant adverse impacts to the environment; and therefore issues a negative declaration pursuant to SEQRA for the reasons set forth in Part 3 of the Short Environmental Assessment Form prepared with respect to the project; and it is further

**RESOLVED**, that the Town Board hereby determines pursuant to Town Code Section 137-5 that it is in the public interest to grant such application; and it is further

**RESOLVED**, that such application is hereby GRANTED, subject to the following conditions:

1. The Applicant shall satisfy each of the conditions set forth as Items "1" through "2" in the letter from Laberge Group dated June 1, 2020; and
2. The Applicant shall comply with the regulations set forth in Town Code Section 137-6, except that the requirement of Section 137-6(H) that a bond be posted is hereby waived.

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:**

**2020-204) WHEREAS**, the Town Board of the Town of Schodack has great admiration and the utmost gratitude for all of the men and women who have selflessly served their country and this community by joining the military; and

**WHEREAS**, the Purple Heart is the oldest military decoration in present use and was initially created as the Badge of Military Merit by General George Washington in 1782; and

**WHEREAS**, the Purple Heart was the first American service award or decoration made available to the common soldier and is specifically awarded to members of the United States Armed Forces who have been wounded or paid the ultimate sacrifice in combat with a declared enemy of the United States of America; and

**WHEREAS**, the mission of the Military Order of the Purple Heart is to foster an environment of goodwill among the combat-wounded veteran members and their families, promote patriotism, support legislative initiatives, and most importantly - make sure we never forget; and

**WHEREAS**, the Town of Schodack appreciates the sacrifices our Purple Heart recipients made in defending our freedoms and believe it is important that we acknowledge them for their courage and show them the honor and support they have earned.

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Town of Schodack is a Purple Heart Town.
2. That the Town of Schodack hereby recognizes the sacrifices that the Purple Heart recipients have made in defending our freedoms and acknowledges their service and courage while protecting our country.  
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:**

- 2020-205)** Authorize Supervisor Harris to execute and administer the Intermunicipal PILOT Agreement for payments in-lieu of taxes on real property that contains Solar energy system by and between the Town of Schodack, Rensselaer County, Schodack Central School District and TJA-NY Paul Road.  
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:**

- 2020-206)** Provisionally appoint Cody Seeberger as part-time sworn police officer for the Town of Schodack for the purpose of attending Zone 14 Police Academy and to complete necessary training under the direction of the Schodack Police Department. [Expenses for candidate to attend Academy will be borne by candidate, permanent employment will be subject to completion of Academy, meeting civil service requirements and further Town Board approval.]  
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:**

- 2020-207)** 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 C308 copier at the Police Station, for the period June 4, 2020 to June 3, 2021 for \$548.72 annually. Contract includes 42,000 b/w copies and 3,000 color copies annually with an overage charge of \$0.00811 and \$0.06946 respectively per copy.  
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:**

- 2020-208)** **BE IT RESOLVED**, that the Town of Schodack hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day	Term Begins/End	Participates in Employer's Time Keeping System (Y/N)	Pays or Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
<b>Elected Officials</b>						
Town Board Member	Michael Kenney	7	1/1/20-12/31/23	N	TBD	Not Submitted
Town Justice	Paul Peter	7	1/1/20-12/31/23	N	14.52	
Town Clerk	Debra Curtis	7	1/1/20-12/31/23	N	22.93	

Tax Receiver	Shawn Masters	7	1/1/20-12/31/23	N	TBD	
<b>Appointed Officials</b>						
Planning Board Member	Stephanie Leonard	7	1/1/15-12/31/21	N	TBD	Not Submitted

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, D. Harris. Noes – 0. C. Kenney abstained.

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

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

**2020-209) WHEREAS,** a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on July 9, 2020 at 7:45 p.m. at the Schodack Town hall to hear all interested parties to amend the Zoning Map of the Town of Schodack Phillips Road, Tax Map Parcel 177.-8-29.1, and

**WHEREAS,** notice of said public hearing was duly posted on the Town Clerk's Sign Board on June 23, 2020 and advertised in the June 23, 2020 edition of THE RECORD, official newspaper of the Town, and was posted on the official sign board of the Town of Schodack on June 23, 2020, and

**WHEREAS,** said public hearing was held on July 9, 2020, at 7:45 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed amendment of the Zoning Map or any part thereof,

**WHEREAS,** the Town Board of the Town of Schodack, after due deliberation finds that it is in the best interest of Town to adopt said amendment,

**NOW, THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Schodack hereby adopts the amendment of the Zoning Map of the Town of Schodack relating to Tax Map Parcel 177.-8-29.1 from RA Zone (Residential Agricultural) to PD2 (Planned Development) in accordance with Planning Board Site Plan File #2019-25 Cedar Hill Solar Farm, for the purpose of a solar farm located at Phillips Road.

**BE IT FURTHER RESOLVED,** that the Director of Planning and Zoning is hereby directed to file the approved Site Plan with the County Clerk's office for the purposes of amending the Town Zoning Map.

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:**

- 2020-210)** Authorize Paul W. Peter, Justice to attend New York State Magistrates Association Fall Conference September 13<sup>th</sup> through 16<sup>th</sup> at Syracuse, New York with registration fee of \$75.00, lodging (meals included) not to exceed \$750.50 and travel costs (mileage) not to exceed \$170.52 for a total estimate not to exceed \$925.00. [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. Swartz:

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

- 2020-211)** Authorize Ryan P. Mullahy, Justice to attend New York State Magistrates Association Fall Conference September 13<sup>th</sup> through 16<sup>th</sup> at Syracuse, New York with registration fee of \$75.00, lodging (meals included) not to exceed \$750.50 and travel costs (mileage) not to exceed \$170.52 for a total estimate not to exceed \$925.00. [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. 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:**

- 2020-212)** 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 4 through 6, 2020 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. 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:**

- 2020-213)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #20-0885 to 20-1051 on Abstract No. 2020-07, in the amount

of \$283,108.33, including the claims paid (\$121,135.10) 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.

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:**

**2020-214)** Authorize the June 2020 budget modifications, interfund loans and interfund transfers as provided in document dated July 2020 and recommended by the Comptroller.

**BUDGET MODIFICATIONS**

<b>Fund/</b>				
	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2020</b>				
<b>26</b>	A-960-1220.1100	Supervisor - Overtime	120.12	
	A-960-1220.1000	Supervisor - Personal Services		120.12
	To modify the budget for Dawne Kelly work collecting Battiste resident signatures			
<b>27</b>	A-960-3410.2000	Fire Protection - Equipment	75.95	
	A-960-3410.4000	Fire Protection - Contractual		75.95
	To modify the budget for encumbrance for Fire Pants for Protection Officer			
<b>28</b>	A-960-5132.1300	Town Garage - Bldg Maintenance	2,000.00	
	A-960-5132.2000	Town Garage - Equipment	3,200.00	
	A-960-3120.1300	Police - Bldg Maintenance		2,000.00
	A-960-5132.40000	Town Garage - Contractual		3,200.00
	To modify the budget for Nicole Thomas salary and installation of Propane Tank fro Generator			
<b>29</b>	DB-960-5130.1400	Machinery - DB Highway Police Work	487.66	
	DB-960-5130.1000	Machinery - Personal Services		487.66
	To modify the budget for repairs on Police Department vehicles			
<b>30</b>	DB-960-5140.1100	Brush & Weeds - Overtime	93.49	
	DB-960-5140.1400	Brush & Weeds - Police Work	2094.12	
	DB-960-5140.1600	Brush & Weeds - Town Hall Work	199.44	
	DB-960-5140-1000	Brush & Weeds - Personal Services		2387.05
	To modify the budget for employee overtime and work at various locations			
<b>31</b>	SS6-960-8130.1008	Personal Services - Dunkin Donuts	13.22	

SS6-960-8130.1108	Personal Services - Dunkin Donuts OT	18.70
SS6-960-8130.4008	Contractual - Dunkin Donuts	160.00
SS6-960-9030.8008	Social Security - Dunkin Donuts	2.44
SS6-960-9060.8008	Hospital & Medical Benefits - Dunkin Donuts	
SS6-509-5031.9999	Exit 10 Sewer - Sewer Charges	194.36
To modify the budget for reimbursement of Dunkin Donut expenditures		

**TOWN OF SCHODACK  
INTERFUND TRANSFERS  
June 2020**

**INTERFUND TRANSFERS**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2020</b>				
<b>32</b>	A-522-9901.9000	General Fund - Transfer other Funds	45,843.75	
	A-200	General Fund - Cash		45,843.75
	DA-200	Highway Bridges - Cash	45,843.75	
	DA-980-5031.9999	Highway Bridges - Interfund Transfers		45,843.75
	To transfer funds for Knickerbocker Bridge Debt FINAL Principal and Interest pymt due in July per 2020 Budget			
<b>33</b>	A-522-9901.9000	General Fund - Transfer other Funds	1,178.00	
	A-200	General Fund - Cash		1,178.00
	EW-200	Enterprise Water Supply - Cash	1,178.00	
	EW-980-5031.9999	Enterprise Water Supply - I/F Xfer		1,178.00
	EW-200	Enterprise Water Supply - Cash	2,056.00	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		2,056.00
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	2,056.00	
	SWC1-200	Consolidated Water Dist. - Cash		2,056.00
	EW-200	Enterprise Water Supply - Cash	1,328.00	
	EW-980-2801.9999	Enterprise Water Supply - Revenue		1,328.00
	SWC1-522-8340.4010	Consol Water Dist - I/F Exp water Purch	1,328.00	
	SWC1-200	Consolidated Water Dist. - Cash		1,328.00
	To Transfer Funds A to EW and SWC1 to EW for July Admin fee payment pursuant to 2020 budget			

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 07/09/20 Town Board meeting at 7:49 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk