

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

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Supervisor Harris called the August 13, 2020 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Board Discussion/Agenda**

The Supervisor summarized all resolutions on the agenda. Atty. Langlois said a clarification was received regarding the town board approval of New Planned Development Districts for solar farms (2020-217 to 2020-219). He said even though it was standard practice to approve the zoning amendments via resolution, the correct procedure would be to pass a local law. All other resolutions were self-explanatory.

### **Open Discussion**

**Travel Policy:** S. Harris noted a draft of the travel policy for COVID-19 had been supplied to all board members. He said it had been modeled after the Rensselaer County policy with a few amendments to fit the needs of the town. He asked all members to review and submit any questions or comment in time for the policy to be adopted at the next meeting. C. Swartz asked if draft had been reviewed by counsel. Atty. Langlois said he had and summarized key points in the policy. He said based on the Executive Order by the Governor, anyone who travels to a state which was deemed to have a high infection rate ("hot"), would be required to quarantine for fourteen days following their return to New York. In the policy, if an employee voluntarily goes on vacation to a "hot" state, they would be required to use their own accruals for the quarantine time. In the event they visit a state while on a pre-approved vacation and the state is placed on the quarantine list, the town would supply paid leave to the employee. C. Bult was concerned that the vacation for employees would be approved by the department head, as in some cases, the department head is the only one employed in the office. He felt a change should be made to have the Supervisor approve the vacations. C. Swartz

suggested all recommendations and amendments be submitted to Atty. Langlois. C. Bult said, in the event an issue arose before the approval of the policy, the board could be contacted to discuss and decide how to proceed. He asked if there were any current business travel or training planned for employees. D. Kelly said there were a few training sessions approved by the board; however, they were over a month away. C. Bult felt it would be beneficial to approve the policy at the next meeting to allow any employee to obtain a refund for lodging or travel expenses if necessary. S. Harris said he would email the department heads for a list of anticipated training.

**Dog Control Officer:** S. Harris informed the board that a letter of resignation had been received from the current Dog Control Officer. He said the Town Clerk had a lead on a candidate for temporary Dog Control Officer and asked that all members review her resume. A resolution could be placed on the next agenda for approval.

### **Public Hearing Sewer District No. 6, Ext. No. 7**

C. Bult made a motion to open the public hearing for the proposed extension of Sewer District No. 6, Sanitary Sewer Extension No. 7 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 for an extension of Sewer District No. 6, Sanitary Sewer Extension No. 7 and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on July 27, 2020. She added that no public comment had been received via email regarding the public hearing.

S. Harris asked Atty. Ryan to lead the public hearing. Atty. Ryan stated this extension differed slightly from the sixth extension of Sewer District No. 6 as no petition was received under Article 12 of Town Law. Instead, the action would fall under Article 12A of Town Law which would subject the action to a permissive referendum. Under permissive referendum, the approved resolution would be published once in the local paper within ten days and posted on the town website and Town Clerk's signboard for a period of thirty days. If no action under permissive referendum is received, the final order will be set before the board for approval, establishing the extension. He noted the town would incur no cost for the creation of said extension as the property owner would be responsible for all costs. Other charges to be incurred by the property owner included an initial connection fee to be determined between the Town of Schodack and East Greenbush and operation and maintenance charges based on six equivalent dwelling units.

Hearing no board comment and receiving no public comment via email, C. Swartz made a motion to close the public hearing at 7:11 p.m. The motion was seconded by C. Kenney.

### **Adoption of Resolution**

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

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

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

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

**2020-215) WHEREAS**, a map, plan and report relating to the establishment of Town of Schodack Sewer District No. 6, Extension No. 7, prepared by Clough Harbour & Associates, LLP, (Eric Hirschmann, P.E.), competent engineers, duly licensed by the State of New York, has been filed with the Town Clerk of the Town 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 July 9, 2020, reciting the filing of the map, plan and report, the 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 August 13, 2020 at 7:05 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York 12033 as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take 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 13th day of August, 2020, beginning at 7:05 p.m. and the matter being duly discussed and all interested persons having been duly heard;

**NOW, THEREFORE, UPON MOTION** of Councilmember Swartz, seconded by Councilmember Bult, it is hereby

**RESOLVED AND DETERMINED:**

- (a) That the notice of hearing was published and posted as required by law, and it is otherwise sufficient;
- (b) That all property and property owners within the proposed sewer district extension are benefited thereby;
- (c) That all property and property owners benefited are included within the limits of the proposed sewer district extension;

- (d) That it is in the public interest to establish Town of Schodack Sewer District No. 6, Extension No. 7;
- (e) That the estimated maximum cost to construct the improvements to Sewer District No. 6, Extension No. 7 shall equal One Hundred Thirteen Thousand and 00/100 Dollars (\$113,000.00) and there will be no debt service associated with the establishment of Town of Schodack Sewer District No. 6, Extension No. 7 for the first year, and that the operation and maintenance expenses for the first year for Town of Schodack Sewer District No. 6, Extension No. 7 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 and 00/100 Dollars (\$2,464.00) with the charges to vary in relation to the amount of benefit provided to the premises; and
- (f) That the initial connection fee shall equal Eleven Thousand Two Hundred Fifty and 00/100 Dollars (\$11,250.00);
- (g) That the approval of the New York State Comptroller is not required for the creation of Town of Schodack Sewer District No 6, Extension No 7;
- (h) The subject typical property shall be assigned six equivalent dwelling units on an annual basis, and the determination of annual operation and maintenance charges shall be based on a benefit basis; and it is

**FURTHER RESOLVED AND DETERMINED**, that the establishment of Town of Schodack Sewer District No. 6, Extension No. 7, as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements, if any, be obtained, and it is

**FURTHER RESOLVED AND DETERMINED**, that this resolution shall be subject to a permissive referendum in the manner provided in Article Seven.

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 #20-1052 to #20-1235 on Abstract No. 2020-08 in the amount of \$411,148.49, including the claims paid prior (\$246,955.18).

### **Board Comment**

**Resolution 2020-217:** C. Bult asked if waiting to approve the local laws would hold up the project for Elmbrook Solar. Atty. Langlois felt there would be no impact on the project. He

noted the local laws were merely to follow proper procedure for the final approval of the project. G. Maruca, via Zoom Meetings, said they still needed to submit their final documents to the Planning Board for issuance of their construction permit and the actual construction of the project was delayed due to a disruption in supplies by COVID-19.

**Resolution 2020-220:** The Town Clerk said an email had been sent to all board members informing them of the creation and request for adoption of the new LGS-1 retention schedule. The LGS-1 would replace the MU-1 (currently used by the Town) and three other schedules to create uniformity for all records. The schedule would dictate the period of time a record would need to be kept before destruction or deemed to be permanent and retained. She said the NYS Archives required the schedule to be adopted prior to use and before December 31, 2020. S. Harris asked if the schedule only pertained to paper records or if digital records were included. The Town Clerk said the schedule would apply to both and explained any records deemed as permanent were kept in digital form and on microfilm/microfiche.

**Schodack Center Commissioners:** The Town Clerk said a request had been received from the Schodack Commissioners to use the Town Hall on two separate dates for their budget hearing and election of commissioners. She noted they had used the facility for the past several years and asked the board for their permission due to the building restrictions under COVID-19. She said the building would need to be open for residents of the district to be allowed access which could be conducted under the same procedure as was followed for early voting. An individual would remain at the door to allow residents in, limiting the number of individuals into the building. She said they generally had a limited amount of people who came to vote and felt it would not be burdensome. S. Harris asked if the commissioners would be required to do all COVID-19 screenings including taking temperatures. The Town Clerk said they would be required to follow all CDC guidelines and the town would not be required to have an employee present. C. Swartz asked on average, how many residents would come to each event. The Town Clerk said less than twenty. C. Bult felt, as it would be consistent with early voting and they were another government agency there should be no issue with their use of the building. All board members agreed. S. Harris asked that they be informed of the authorization for use.

**Paylocity:** P. Harter said they had been working with Paylocity for payroll services as they had ensured us they could save the town time when billing water/sewer salaries for S. Zinzow. After several months of work, issues arose with: the migration of the general ledger, vacation accruals were not able to be calculated and water/sewer allocation for S. Zinzow was also not able to be calculated. It was recommended that Mr. Zinzow punch in and out at each site using a tablet which was not convenient for the town. During the initial sales pitch, the representatives assured Mr. Harter that they would be able to calculate the allocations and provided a letter stating the ability of the town to terminate the contract if not satisfied. Paylocity was run parallel to ADP, the current payroll system, and many errors were found. At that point, it was determined the program was not beneficial to the town, and Mr. Harter chose to proceed with termination. He said the town had not been charged for any services with the exception of the time invested by his office and Human Resources. He noted the tablets which had been purchased to replace the time clock at the highway garage would still be useful under ADP. S. Harris thanked the comptroller's office for their hard work.

## **Public Comment**

No public comment had been received via email.

## **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.**

**2020-215) Previously adopted. See pg. 163-164.**

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:**

**2020-216)** Concur that the Planning Board be designated lead agency for the White River Solar Farm 2270 River Road Community Solar project.

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

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

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

**2020-217)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on the adoption of proposed Local Law No. 2 of 2020 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as Elmbrook Solar, with respect to a portion of lands now or previously owned by Elmbrook Limited Partnership, on the tract or parcel of land located at 2191 Brookview Road, in the Town of Schodack, Tax Map No. 188.-6-15. Said hearing to be held on Thursday, August 27, 2020 at 7:05 p.m. at the Schodack Town Hall.

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:**

- 2020-218)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on the adoption of proposed Local Law No. 3 of 2020 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as Cedar Hill Solar, with respect to a portion of lands now or previously owned by Elmbrook Limited Partnership, on the tract or parcel of land located off Phillips Road, in the Town of Schodack, Tax Map No. 177.-8-29.1 Said hearing to be held on Thursday, August 27, 2020 at 7:10 p.m. at the Schodack Town Hall.  
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:**

- 2020-219)** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on the adoption of proposed Local Law No. 4 of 2020 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as White River Solar, with respect to a portion of lands now or previously owned by Giovanni Maruca, on the tract or parcel of land located off River Road, in the Town of Schodack, Tax Map No. 188.-7-1. Said hearing to be held on Thursday, August 27, 2020 at 7:15 p.m. at the Schodack Town Hall.  
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:**

- 2020-220)** **RESOLVED**, By the Town Board of the Town of Schodack that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

**FURTHER RESOLVED**, that in accordance with Article 57-A:

- (a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- (b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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:**

**2020-221)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #20-1052 to 20-1235 on Abstract No. 2020-08, in the amount of \$411,148.49, including the claims paid \$246,955.18.

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:**

**2020-222)** Authorize the July 2020 budget modifications, interfund loans and interfund transfers as provided in document dated August 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>32</b>    | A-960-1330.4000  | Tax Collection - Contractual  | 800.00          |                 |
|              | A-960-1990.4000  | Contingency - Contractual     |                 | 800.00          |
|              | To modify the budget for newly elected Tax Collector items       |                               |                 |                 |
| <b>33</b>    | A-960-3120.1012  | Police Grant - PTS            | 96.26           |                 |
|              | A-509-4320.9999  | Federal Aid Public Safety     | 96.26           |                 |
|              | To modify the budget for PTS grant awards                        |                               |                 |                 |
| <b>34</b>    | A-960-3120.2000  | Police - Equipment            | 1,500.00        |                 |
|              | A-960-3120.1000  | Police - Personal Services    |                 | 1,500.00        |
|              | To modify the budget for Interview Room renovations not budgeted |                               |                 |                 |
| <b>35</b>    | A-960-5132.2000  | Town Garage - Equipment       | 37,750.00       |                 |
|              | A-960-1990.4000  | Contingency - Contractual     |                 | 37,750.00       |



To modify the budget for Propane Generator

|           |                  |                                    |        |        |
|-----------|------------------|------------------------------------|--------|--------|
| <b>36</b> | DB-960-5130.1400 | Machinery - DB Highway Police Work | 131.80 |        |
|           | DB-960-5130.1000 | Machinery - Personal Services      |        | 131.80 |

To modify the budget for repairs on Police Department vehicles

|           |                  |                                   |        |          |
|-----------|------------------|-----------------------------------|--------|----------|
| <b>37</b> | DB-960-5140.1351 | Brush & Weeds - DB W/S Work OT    | 193.36 |          |
|           | DB-960-5140.1400 | Brush & Weeds - Police Work       | 548.46 |          |
|           | DB-960-5140.1600 | Brush & Weeds - Town Hall Work    | 498.60 |          |
|           | DB-960-5140-1000 | Brush & Weeds - Personal Services |        | 1,240.42 |

To modify the budget for employee overtime and work at various locations

|           |                   |  |          |          |
|-----------|-------------------|--|----------|----------|
| <b>38</b> | SS5-960-9730.6100 | E Schodack Sewer - Roll-off BAN Principle  | 106.00   |          |
|           | SS5-960-9730.6660 | E Schodack Sewer - Phase Improve BAN Prin. | 8,499.00 |          |
|           | SS5-960-9730.7000 | E Schodack Sewer - BAN Interest            | 440.44   |          |
|           | SS5-960-9730.7100 | E Schodack Sewer - Roll-off BAN Principle  |          | 9,045.44 |

To modify the budget to correct amounts entered in wrong budget lines

**July 2020**

#### **BUDGET MODIFICATIONS**

| <b>Fund/<br/>Department #</b>                                       | <b>Fund / Department Name</b>               | <b>Increase</b> | <b>Decrease</b> |
|---|---|-----------------|-----------------|
| <b>2020</b>   |   |                 |                 |
| SS6-960-8130.1008   | Personal Services - Dunkin Donuts           | 128.46          |                 |
| SS6-960-8130.1108   | Personal Services - Dunkin Donuts OT        | 19.25           |                 |
| SS6-960-8130.4008   | Contractual - Dunkin Donuts                 | -               |                 |
| SS6-960-9030.8008   | Social Security - Dunkin Donuts             | 11.30           |                 |
| SS6-960-9060.8008   | Hospital & Medical Benefits - Dunkin Donuts | 11.35           |                 |
| SS6-509-5031.9999   | Exit 10 Sewer - Sewer Charges               | 170.36          |                 |
| To modify the budget for reimbursement of Dunkin Donut expenditures |   |                 |                 |
| SW2a-960-1990.4000  | Inglewood Dist - Contingency Contractual    | 60.00           |                 |
| SW2a-960-8310.4000  | Inglewood Dist - Contingency Contractual    |                 | 60.00           |

To modify the budget for EFC (DO-16736 & 17357) Annual Admin Fee

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 08/13/20 Town Board meeting at 7:39 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk