

**DATE:** AUGUST 27, 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  
SCOTT SWARTZ  
MICHAEL KENNEY  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

**OTHERS PRESENT:** DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

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Supervisor Harris called the August 27, 2020 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All were present as noted above.

**Public Hearing  
Proposed Local Law 2-2020  
Planned Development District – Elmbrook Solar**

C. Swartz made a motion at 7:05 p.m. to open the public hearing for proposed local law 2-2020, seconded by S. Harris. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

The Town Clerk summarized the Affidavit of Publication seeking 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. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on August 17, 2020. The Town Clerk added that there was no public comment received via email regarding the public hearing.

C. Rex asked why three separate local laws were being passed rather than a full change to the zoning code to accommodate for solar farms. Atty. Langlois said any changes must be done as a local law; however, there was no reason a full change could be made in the future. C. Rex questioned if the project did not go through, would the land be allowed for use for any other purpose. Atty. Langlois said the PD-2 district was designated for solar only.

Hearing no further board comments, S. Harris made a motion to close the public hearing at 7:09 p.m., seconded by C. Bult. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

**Public Hearing**  
**Proposed Local Law 3-2020**  
**Planned Development District – Cedar Hill Solar**

S. Harris made a motion to open the public hearing for proposed local law 3-2020 to order at 7:10 p.m., seconded by C. Rex. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

The Town Clerk summarized the Affidavit of Publication seeking 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. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on August 17, 2020. The Town Clerk added that there was no public comment received via email regarding the public hearing.

Hearing no board comments, C. Swartz made a motion to close the public hearing at 7:12 p.m., seconded by C. Bult. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

**Public Hearing**  
**Proposed Local Law 4-2020**  
**Planned Development District – White River Solar**

C. Bult made a motion to open the public hearing for proposed local law 4-2020 to order at 7:15 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.

The Town Clerk summarized the Affidavit of Publication seeking 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. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on August 17, 2020. The Town Clerk added that there was no public comment received via email regarding the public hearing.

E. Hyde Clarke of Young & Sommers LLC explained that a portion of proposed local law 4-2020 referenced the negative declaration issued by the Planning Board. He said the town board would need to affirm and acknowledge the negative declaration to move forward. Atty. Langlois asked if the Planning Board passed the SEQR resolution for the project. Mr. Clarke confirmed said resolution was passed on August 3, 2020. Atty. Langlois said even though

the Town Board had not received the resolution, they had concurred for the Planning Board to be lead agency for White River Solar. He felt there would be no issue with the Town Board moving forward with the local law.

Hearing no further board comments, C. Swartz made a motion to close the public hearing at 7:23 p.m., seconded by C. Rex. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

### **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.**

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:**

**2020-223) WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on August 27, 2020, at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law #2 of 2020 relating to 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; and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's official sign board on August 17, 2020 and advertised in the August 17, 2020 edition of THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on August 27, 2020 at 7:05 p.m. at the Schodack Town Hall and all interested parties were permitted an opportunity to submit comment on behalf of, or in opposition to, said proposed local law or any part hereof, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Proposed Local Law Number 2 of 2020 (P2 of 2020) to be known as Local Law #2 of 2020 of the Town of Schodack, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to enter said local law in the Code of the Town of Schodack and to give due notice of said local law to the Secretary of State.

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:**

**2020-224) WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on August 27, 2020, at 7:10 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law #3 of 2020 relating to 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; and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's official sign board on August 17, 2020 and advertised in the August 17, 2020 edition of THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on August 27, 2020 at 7:10 p.m. at the Schodack Town Hall and all interested parties were permitted an opportunity to submit comment on behalf of, or in opposition to, said proposed local law or any part hereof, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Proposed Local Law Number 3 of 2020 (P3 of 2020) to be known as Local Law #3 of 2020 of the Town of Schodack, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to enter said local law in the Code of the Town of Schodack and to give due notice of said local law to the Secretary of State.

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:**

**2020-225) WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on August 27, 2020, at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law #4 of 2020 relating to 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; and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's official sign board on August 17, 2020 and advertised in the August 17, 2020 edition of THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on August 27, 2020 at 7:05 p.m. at the Schodack Town Hall and all interested parties were permitted an opportunity to submit comment on behalf of, or in opposition to, said proposed local law or any part hereof, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Proposed Local Law Number 4 of 2020 (P4 of 2020) to be known as Local Law #4 of 2020 of the Town of Schodack, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to enter said local law in the Code of the Town of Schodack and to give due notice of said local law to the Secretary of State.

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

**Board Comment – Resolutions**

**Resolution 2020-227:** Atty. Langlois said he had reviewed the policy and recommended that since the list of states was changed almost daily, it be removed, and a link to show where the current information could be found, added. C. Bult agreed but felt language should be added to indicate the states would follow the Governor's guidelines. All board members agreed.

**Resolution 2020-228:** S. Harris said with the resignation of the current Dog Control Officer, it was his recommendation to hire Maggie Banker as a Temporary Dog Control Officer. He had prior interaction with her and her experience with dogs would be beneficial to the town. C. Bult asked if the town would continue with their contract with Mohawk Hudson Humane Society to house any dogs caught running at large. S. Harris said yes. Ms. Banker, via Zoom Meetings, said she had the ability to house up to three dogs in her facility at a cost of \$20.00

per dog per day. She added that if the dog needed a rabies vaccination, she was associated with three veterinary clinics who could provide the service at a cost to the owner. C. Bult asked if an addition should be made to the resolution for the boarding or if a separate resolution should be created. Atty. Langlois recommended a separate resolution. It was the consensus of the board to add resolution 2020-229.

### **Discussion Items**

1. **South Schodack Fire Company – Port-a-tubes:** S. Harris explained that a request had been received for financial assistance to purchase individual tubes for the FIT test machine. C. Bult added that the machine was cleaned after each use; however, due to COVID-19, they felt it would be best to purchase separate tubes which could be reused each year for the volunteer. He noted that the machine was used by Schodack Fire Districts as well as districts outside the town and felt that the fairest option would be to recommend the cost be borne by each district.
2. **COVID-19 Update:** C. Swartz asked if there was a projected time for opening the town hall. S. Harris said the current procedure appeared to be working; however, due to the upcoming weather changes, he was considering the feasibility of installing a window in the vestibule to allow visitors to be checked in. It would continue to be the responsibility of the individual from each department to check visitors in. C. Swartz expressed concern with the ability for individuals to maintain social distance in the vestibule. S. Harris felt that the traffic flow was slow enough that it should not be an issue.
3. **Amazon Speed Sign:** S. Harris said an email had been sent out by K. Holmes, Highway Superintendent, regarding installation of a speed sign on Route 9. C. Bult had reviewed the email and whereas he felt the sign was a good idea, it was not advisable for the town to install such a sign on a state right-a-way. In the event an injury occurred due to the sign, he was concerned that the town could be held liable. S. Harris wondered if the state would consider reducing the speed by the Amazon facility. C. Bult asked if the town requested a speed study for the area. S. Harris said he did not believe so. Atty. Langlois said it was his understanding that N. Fuda, Director of Planning & Zoning had consulted NYSDOT regarding a speed reduction in the area, but they did not deem it necessary. He recommended the supervisor flow-up with K. Holmes and N. Fuda before a decision is made.
4. **Community Solar:** S. Harris said he was contacted by representatives from Nexamp who requested to make a presentation to the board regarding potential savings for energy costs. C. Bult said he was familiar with the company, which was a consortium to provide power to the town. He asked that the information be shared with Laura Palmer first as she had worked with other groups in the past. He noted the previous projects were severely lacking in their promise to save the town money.
5. **Tax Certiorari Litigation – Village at Miller Road LLC:** D. Kelly noted a resolution would be on the next agenda for a reduced assessment settlement for 77 Miller Road. C. Swartz asked if the new assessment fell within the range of other businesses. S.

Harris said he believed it was. Atty. Langlois recommended the Assessor be asked for a memo to outline the assessment and negotiations as the board should have background before approving the resolution.

### **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.**

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:**

- 2020-226)** Authorize Girvin & Ferlazzo, P.C., to commence a legal action in the name of the Town of Schodack against Kokosa Pool Water and/or Christopher Kokosa to recover an outstanding balance of \$8,699.90 due and owing for unpaid water charges.  
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:**

- 2020-227)** Adopt a Travel Policy to be incorporated into the Personnel Policy and Procedure Manual as attached.  
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:**

- 2020-228)** Appoint Maggie Banker as Temporary Dog Control Officer effective September 1, 2020. The rate of payment shall be \$50.00 per call.  
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:**

- 2020-229)** Authorize the Town to compensate Maggie Banker, Temporary Dog Control Officer, \$20.00 per dog per day, not to exceed three dogs, for boarding fees.  
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. Bult made a motion to adjourn the 08/27/20 Town Board meeting at 7:56 p.m., seconded by S. Harris. Meeting adjourned.

The board entered a brief attorney-client session following the meeting.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk