

DATE: MARCH 11, 2021

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*)

OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR
JOHN HOURIGAN, SCHODACK POLICE CHIEF

Supervisor Harris called the March 11, 2021 Town Board Meeting to order at 7:05 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Briefing on Agenda

S. Harris gave a brief summary of the resolutions. He commended Chief Hourigan and the Police Reform Committee for their hard work to create the "Plan" referenced in resolution 2021-104. He noted, once the resolution was approved, the "Plan" would be filed with the NYS Division of Budget. For resolutions 2021-111 and 2021-112, he explained that the town would be working in conjunction with Rensselaer County to extend the sewer line down Maple Hill Road.

Regarding resolution 2021-115, the Supervisor asked Atty. Langlois to explain the Article 78 received against the Building Department. Atty. Langlois stated the Article 78 had been received by the Town Clerk's Office earlier in the week regarding notices of violation for a property located on Staats Island Road by the Schodack Building Department and Rensselaer County Department of Health. He said the property owner was attempting to evict tenants who had a trailer parked at the location, due to failure of the septic system (and non-compliance with both entities); however, he was not successful. The owner was now facing fines and wished to exercise his right to a trial before paying. Under the resolution, Girvin & Ferlazzo, P.C. would represent the town and submit a formal response to the claim. Based on the evidence, he did not feel it was a significant issue for the town.

All other resolutions were self-explanatory.

Board Comment: None.

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

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

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #21-0304 to 21-0486 on Abstract No. 2021-03 in the amount of \$747,643.10, including the claims paid (\$134,540.84) since the previous town board meeting.

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 C. Kenney:

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

2021-104) WHEREAS, pursuant to Executive Order No. 203 issued by Governor Cuomo on June 12, 2020, the Town of Schodack ("Town") has performed a comprehensive review of the Town's current police force deployments, strategies, policies, procedures, and practices, and has developed a plan to improve same, known as the "Town of Schodack Police Department Police Reform and Reinvention Collaborative Plan ("Plan") and attached hereto; and

WHEREAS, in developing the Plan, the Town has consulted with stakeholders in the community, including but not limited to: membership and leadership of the local police force, members of the community, with emphasis in areas with high numbers of police and community interactions; interested non-profit and faith-based and community groups; local office of the district attorney; the local public defender; and local elected officials; and

WHEREAS, the Town has offered the Plan in draft form for public comment to all citizens in the locality, and all comments have been duly considered.

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Schodack does hereby adopted the Plan; and

BE IT FURTHER RESOLVED that the Town Board authorizes Supervisor Harris to execute and administer Plan, and to transmit a certification to the Director of the Division of the Budget affirming that the process outlined in Executive Order No. 203 has been complied with and that this Resolution has been duly adopted.

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:

2021-105) Authorize Supervisor Harris to contract with musicians to perform at the 2021 Music in the Park as follows:

Peaceful Country Band	June 1 st (rain date 6/2/21)	\$575.00
Kyle Bourgault Band	June 8 th (rain date 6/09/21)	\$800.00
Gone Grey	June 15 th (rain date 6/16/21)	\$500.00
Triskele	June 22 nd (rain date 6/23/20)	\$900.00
Yankee Doodle Band	June 29 th (rain date 6/30/21)	\$600.00

.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:

2021-106) Authorize Supervisor Harris to execute ASCAP License Agreement, subject to review and approval as to form by Attorney to the Town and authorize payment not to exceed \$400.00 for the licensing fee to ASCAP.

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

C. Rex 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:

2021-107) Waive Park Pavilion Rental fee of \$25.00 relative to use of pavilion on May 27, 2021 by the Edward Swartz Senior Citizens Center.

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:

2021-108) Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Owner</u>	<u>Location</u>	<u>No. of Units</u>
Rapin-Plant, John & Mary Joy	3804 US 20	1
Field, George	85 Veering Rd.	1
Sundowner Trailer Park c/o Hanson, Thomas & Debra	4-18 Amelia Way	6
Heffner, Matthew	217 Clove Rd.	1
Clow, Robert	739 Co. Rt. 7	1
Tobin, Ed	777 Western Road	1
Leavenworth Trailer Park c/o Buck, Clemens	1477 Bame Rd.	17
Debbie Nalley	314 Burden Lake Rd	2
Curtis Trailer Park c/o Garden Homes Mgmt.	2032 East Schodack Rd.	70
Cedar Acres c/o Garden Homes Mgmt.	16 Hoags Corners Rd.	21
Bunker Hill Farms, LLC c/o Margaret Hutchinson	117 Bunker Hill Rd.	1
Skarzynski, Jerry & Kim	402 Waterbury Road	1
Windy Hill c/o Todd & Scott Seeberger	1297 Brookview Rd.	5
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:

- 2021-109)** Concur that the Planning Board be designated lead agency for the Hart Business Park US Route 9 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:

- 2021-110)** Concur that the Planning Board be designated lead agency for the Scannell Properties #508 LLC Route 150 project.
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:

2021-111) WHEREAS, a map, plan and report has 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 the Castleton Consolidated Sewer District, Extension No. 1 in the Town of Schodack, County of Rensselaer and State of New York; and

WHEREAS, in connection with the creation of the Castleton Consolidated Sewer District, Extension No.1 the Town of Schodack will need to review the environmental impact, if any, associated with the creation of the sewer district extension.

NOW, THEREFORE, IT IS:

RESOLVED, that the town board of the Town of Schodack be designated as lead agency with respect to the environmental review associated with the creation of the Castleton Consolidated Sewer District, Extension No.1 pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

RESOLVED, that the town supervisor be authorized to sign any and all documents associated with the environmental review of the creation of the Castleton Consolidated Sewer District, Extension No.1 pursuant to Part 617 of the State Environmental Quality Review Act.

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

C. 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:

2021-112) WHEREAS, a map, plan and report has 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 the Castleton Consolidated Sewer District, Extension No. 1 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 Laberge Group, Ltd., 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 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 sewer district extension are as described in Schedule "A" annexed hereto; and

Schedule "A"

TOWN OF SCHODACK

Rensselaer County,
New York

Castleton Consolidated Sewer District -
Extension No. 1
PROPOSED DISTRICT DESCRIPTION

BEGINNING AT A POINT located on the northerly right of way on Maple Hill Road at its intersection with New York State Route 9, said point also being the south east property corner of Tax Map Parcel No. (Parcel No.) 200-9-14.

THENCE westerly along the northerly boundary of Maple Hill Road to its intersection with the easterly boundary of Midstate Lane;

THENCE continuing northerly along said easterly boundary of Midstate Lane to a point; said point being the most southerly corner to Parcel No. 200-9-21.2,

THENCE continuing northerly and easterly along the bounds of Parcel No. 200-9-14 to the point of intersection with the westerly bounds of New York State Route 9;

THENCE southerly along said bounds of New York State Route 9 to the point and place of beginning.

Intending to describe the proposed Castleton Consolidated Sewer District - Extension No. 1. All tax parcel information is as of January 1, 2021.

WHEREAS, the proposed improvements to be constructed consist, inter alia, of 100 linear feet of 8 inch gravity sewer, 3 sanitary manholes, 7,500 linear feet of 6 inch PVC forcemain, 7,500 linear feet of 2 inch PVC forcemain, 2 forcemain flushing stations, 2 air relief manholes, 120 linear feet of 24 inch steel sleeve, 300 linear feet of 18 inch HDPE Sleeve, pump station and backfill; and

WHEREAS, the maximum amount proposed to be expended for the creation of the sewer district extension is One Million Eight Hundred Seventy-Five Thousand and 00/100 (\$1,875,000.00) Dollars; 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 sewer district extension since debt shall not be issued or assumed by the town for any improvements and further since the cost of improvements will be paid for in full by Rensselaer County; 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 typical property shall not incur any capital costs during the first year, and shall be assigned 2 Equivalent Dwelling Units based both upon water use of 200 gallons per day; and

WHEREAS, the first-year cost of full operation and maintenance for the typical property is Eight Hundred Eighty and 00/100 (\$880.00) Dollars with operation and maintenance charges determined on a benefit basis; and

WHEREAS, the connection fee in the amount of Two Hundred Seventy-Five and 00/100 (\$275.00) Dollars will be charged by the Town of Schodack to the property owner and a Five Thousand and 00/100 (\$5,000.00) Dollar capacity charge will be charged by the Village of Castleton-on-Hudson to the property owner.

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 in said Town, on the 8th day of April, 2021, 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. Kenney:

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

2021-113) Authorize Supervisor Harris to execute an annual maintenance agreement for the period of January 1 through December 31, 2021 with B & L Control Service Inc. for assistance, service and chemical products to treat the heating and cooling loops and cooling tower in an amount not to exceed \$3,715.00 for Town Hall, 265 Schuurman Road.

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

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

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

2021-114) **WHEREAS**, it is the sense of the Schodack Town Board to act in accord with its longstanding traditions, honoring the achievement of those who have given so generously to their community, exemplifying the ideals and values cherished by this great Town, and

WHEREAS, Jeffrey Arno has distinguished himself as a person of outstanding ability, establishing a high standard of integrity, and has imparted a sense of fairness, and compassion to his position of Schodack Police Officer in the Town of Schodack, and

WHEREAS, Jeff has been a long-time resident of the Town of Schodack, and

WHEREAS, Jeff began his career as a part-time Police Officer in the Columbia County Sheriff and the Nassau Police Department, and

WHEREAS, on May 14, 1999 the Town Board of the Town of Schodack authorized the hiring of Jeffrey Arno for the Schodack Police Department as a part-time officer, and

WHEREAS, on June 15, 2001 the Town Board of the Town of Schodack authorized the hiring of Jeffrey Arno for the Schodack Police Department under the auspice of the COPS FAST three-year grant, and

WHEREAS, Jeff assumed the position of Police Officer on June 16, 2001 as has served faithfully in this role under Supervisors: Eileen Natoli, Beth Secor, Dennis Dowds, David Harris and Police Chiefs: David Schlinder, Bernard Peter, Joseph Belardo and John Hourigan until his retirement on March 27, 2021, and

WHEREAS, from early on, Jeff demonstrated his commitment to the community by serving as a member of Castleton Fire Company and on the Schodack Fire Investigation Unit, which required annual training at the Fire Academy in Montour Falls and let us just say, "What happened at the Academy, will always stay at the Academy," and

WHEREAS, Jeff has been known for reporting for duty at least 30 minutes prior to his shift, for keeping his Patrol Unit immaculate and bantering Eckel for taking time off among other things, and

WHEREAS, Jeff has demonstrated his love of family by being the father of Meeghan, Kylee, Bryce, Cole, and stepfather to Katie and devoted husband of Leslie, and often shares his love for NASCAR and camping with his coworkers and friends,

WHEREAS, it surely comes as no surprise, he will greatly miss issuing traffic citations, parade details and all the special calls at the Four Season and Castle Inn

NOW, THEREFORE, BE IT RESOLVED, that the Legislative Body of the Town of Schodack is moved to honor Jeffrey Arno, who has given himself to this community in so many ways and distinguished himself throughout his career bringing great pride to his family, his peers, his associates and his community by being a person of commitment, integrity and an impressive role model for all, and be it

FURTHER RESOLVED, that the Legislative Body of the Town of Schodack will pause in its deliberations on the 11th day of March 2021 to acknowledge and honor Jeffrey Arno, upon his retirement, for his 20 years of service to the Town of Schodack and a copy of this resolution, suitably engrossed, will be transmitted to him.

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:

2021-115) WHEREAS, an Article 78 proceeding has been filed in the Supreme Court, Rensselaer County, under the caption of Birch v. Town of Schodack Building Department, et. al. (Index No. EF2021-268252); and

WHEREAS, the Town Board desires to retain counsel for the purpose of defending the proceeding.

NOW, THEREFORE, BE IT RESOLVED, that the Board retains Girvin & Ferlazzo, P.C., as counsel for the purposes of representing and defending the Town in connection with the Article 78 proceeding based on a fee schedule of \$225 per hour as contained in the Letter of Engagement and Retainer dated March 9, 2021, provided that such authorized fees shall not exceed \$7,500 without further approval by the Board.

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:

2021-116) To request that the New York State Department of Transportation conduct traffic safety study for evaluation of appropriate speed limit on Eleanor Drive.

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:**

- 2021-117)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #21-0304 to 21-0486 on Abstract No. 2021-03, in the amount of \$747,643.10, including the claims paid (\$134,540.84) 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.

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:**

- 2021-118)** Authorize the February 2021 budget modifications, interfund loans and interfund transfers as provided in document dated March 2021 and recommended by the Comptroller.

BUDGET MODIFICATIONS

	Fund/ Department #	Fund / Department Name	Increase	Decrease
2020				
125	A-960-1315.1000	Comptroller - Personal Services	128.49	
	A-960-1990.4000	Contingency - Contractual		128.49
	To modify the budget for employee coverage by Account Temps & Rensco Comptroller			
2021				
1	A-960-3120.1012	Police Grant - PTS	250.11	
	A-509-4320.9999	Federal Aid Public Safety	250.11	
	To modify the budget for PTS grant awards			
2	A-960-5132.1300	Town Garage - Bldg Maintenance	2,236.00	
	A-960-3120.1300	Police - Bldg Maintenance		2,236.00
	To modify the budget for Cleaning (N. Thomas) salary not split during budget entry			
3	A-960-7410.4000	Library - Contractual	3,423.00	
	A-960-1990.4000	Contingency - Contractual		3,423.00

To modify the budget for East Greenbush Library budget request.

4	DB-960-5130.1100	Machinery - OT	730.31	
	DB-960-5130.1400	Machinery - Police Work	631.92	
	DB-960-5130.1630	Machinery - Transfer Station Work	215.12	
	DB-960-5130.1000	Machinery - Personal Services		1,577.35

To modify the budget for snow and work on Department vehicles

5	DB-960-5140.1400	Brush & Weeds - Police Work	572.18	
	DB-960-5140.1000	Brush & Weeds - Personal Services		572.18

To modify the budget for Steve Larsen work at Police Station

6	EW-960-1910.4000	Enterprise Water - unallocated Ins - Contractual	76.00	
	EW-960-1990.4000	Contingency - Contractual		76.00

To modify the budget for higher Insurance costs

7	SS6-960-8130.4008	Sch Ctr Sewer - Dunkin Donuts Contractual	137.50	
	SS6-509-5031.9999	Sch Ctr. Sewer - Transfers	137.50	

To modify the budget for reimbursement of Dunkin Donut expenditures

8	SW3-960-9010.8000	State Retirement - Benefits	13.00	
	SW3-960-1990.4000	Maple Crest Contingency - Contractual		13.00

To modify the budget for 2021 portion of 2020 retirement prepayment

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

Executive Session

S. Harris made a motion at 7:13 p.m. to enter into an Executive Session of the Board pursuant to Public Officers Law, Article 7 §105(f) to discuss personnel matters. Seconded by C. Bult.

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

S. Harris noted no further business would follow the executive session.

C. Swartz made a motion to adjourn the Executive Session at 8:15 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.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/11/21 Town Board meeting at 8:15 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk