

**DATE:** MARCH 24, 2022

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** CHARLES J. PETER

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

**OTHERS:** JOHN HOURIGAN, SCHODACK POLICE CHIEF  
DAWNE KELLY, CONFIDENTIAL SECRETARY TO THE SUPERVISOR  
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION OPERATIONS

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Supervisor Peter called the March 24, 2022 Town Board Workshop meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All members present as noted above.

S. Peter chose to deviate from the agenda to consider a resolution for employment with the town.

**Adoption of Resolution (adopted out of sequence)**

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:**

**2022-137)** Provisionally appoint Luke Hansen as full-time sworn police officer for the Town of Schodack for the purpose of attending Zone 5 Police Academy and to complete necessary training under the direction of the Schodack Police Department. [Candidate having successfully completed a background investigation, psychological and medical evaluation, pending selection from the Rensselaer Civil Service List, Town of Schodack Resident preferred list as Certified on March 22, 2022]

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

S. Peter explained that L. Hansen had served for the past five years as a Correctional Officer for the Rensselaer County Sheriff's Department and beginning Monday, he would be attending the Zone 5 Law Enforcement Academy in Schenectady, NY. Upon graduation from the academy, he would return to the Schodack Police Department to finalize his training. S. Peter added that Mr. Hansen demonstrated himself as an excellent candidate during the vetting process and felt he would be a great asset to the department. He noted that this was a big step for Schodack as Mr. Hansen would be the first candidate to be put through the academy.

He welcomed Mr. Hansen to the dais to take the oath of office with a brief pinning ceremony to follow. The oath of office was given by the Town Clerk.

### **Public Hearing Proposed Local Law 2-2022**

C. Rex made a motion to open the public hearing for proposed local law 2-2022 at 7:07 p.m. Seconded by C. Bult. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

The Town Clerk read the Affidavit of Publication seeking public comment on proposed Local Law No. 2 of 2022 (PLL2-2022), to seek public comment on proposed Local Law No. 2 of 2022 (P2-2022) to amend Chapter 27 entitled Ethics in the Town of Schodack. Said notice was posted on the Town Clerk's signboard, the Town's website and published in the local newspaper, *The Record*, on March 14, 2022.

S. Peter asked for any public or board comment on PLL2-2022. Hearing none, C. Swartz made a motion to close the public hearing at 7:09 p.m. Seconded by C. Rex.

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

### **Board Discussion Items - New Business**

**Spring Clean-Up:** S. Peter asked B. Goodall if there had been any changes to the fee schedule for the spring clean-up. B. Goodall said prices were the same as previous years. He noted that the \$2.00 charge per tire was less than the amount the town was charged to dispose of them and said he was limited on the number of mattresses that he could dispose of in any given week; however, he felt it was all worth it as a benefit to the residents of the town.

**Annual Water Rate - Village of Castleton:** S. Peter noted that a resolution approving the 2022 water rates for the Village of Castleton would be on the next agenda. D. Kelly added that the annual water rates were for any overage uses for the Clearview Water District but, to date, they had never been applied as no overages had occurred.

**Road Program:** S. Peter informed the board that B. Brahm, Interim Highway Superintendent, was working with K. Holmes, former Highway Superintendent, to compose the 2022 road program. He welcomed any recommendations for roads to be added. C. Rex asked who recommendations should be directed to. S. Peter noted that a special email address,

highwaysuperintendent@schodack.org, had been created and all recommendations should be sent there. C. Rex mentioned that she was contacted regarding a stretch of Clove Road where the side of the road was eroded by running water and asked that it be considered. She also asked if the five roads, which had been discussed for striping during the budget workshops, would be added. S. Peter said he would confirm with B. Brahm and K. Holmes.

**Stump Grinding - Town Hall:** D. Kelly said an inventory had been done of stumps that needed to be ground down at the Town Hall and it was found that twenty-six needed to be removed. After speaking with the Interim Highway Superintendent, it was determined that the Highway Crews were too busy with road work to remove the stumps; thus a need to obtain estimates from outside companies. She noted that she had spoken with a few companies and would present the estimates once received.

**Laberge Addendums:** S. Peter noted that resolutions for two addendums would be on the next agenda, regarding engineering for the bridge over the Moordener Kill into the town well fields, and the feasibility to direct wastewater to the Rensselaer County Sewer District. He added that C. Kenney and he had met with representatives of Rensselaer County to discuss the engineering study for the proposed sewer. The county asked that the town act as lead agency with any costs being paid by them (Rensselaer County).

**Paper Road off Bayberry Drive:** S. Peter stated that upon further discussion with the neighbors that border the paper road on Bayberry Drive, only one neighbor (15 Bayberry Dr.) is interested in purchasing the entire road. C. Kenney asked if the board chose to sell the property, should all other property owners in the area be asked to "sign-off" on interest in the paper road. Atty. Langlois recommended that the town request signed consent from all landowners in the immediate area, obtained by the interested party. He also suggested contacting the Highway Department and Planning & Zoning to ensure that there is no intended use for the road. If there was no use found, he had no issue with the transaction. D. Kelly added that the interested neighbor was willing to sign a utility easement with the town.

**NYS Low Income Household Water Assistance Program:** S. Peter explained that the assistance program was structured to help residents in arrears with their water or sewer payments. D. Kelly noted that there were fifty-three properties re-levied in 2021. In order to qualify, the resident would need to apply for the program with NYS and the town would be paid directly.

**Sidewalk Maintenance, Utility & Sewer Easement - Scannell:** Atty. Langlois noted that three proposal agreements had been received for the new Amazon facility at 1701 Schodack Valley Road. He had emailed questions back to the attorney and was awaiting a response.

**Landfill - 171 Miller Road:** S. Peter said a proposal had been received from the owner of 171 Miller Road to bring clean fill into the property. As the address was close to the state and town line of the road, a bond was recommended for the road. Chris Longo, representative for the landowner, explained that the proposed clean fill would come from a construction site in Slingerlands and was certified by NYSDEC that the action was not regulated under their 360 Rules and Regulations. The site, which ran along Miller Road to I90, would have minimal

impact with less than an acre being filled. Necessary grading contours and erosion control measures would be ensured. C. Swartz asked if there would be any drainage issues by filling the area. Mr. Longo said the intent was to fill the belly of the hill and install a culvert for drainage. C. Swartz said he has attempted to view the site where the material was coming from on Google Earth but it was very confusing. He asked what the actual address was. Mr. Longo said the address was 125 Vista Blvd, Slingerlands, NY. Atty. Langlois said, technically, Vista Boulevard did not exist as it was not finished. Perhaps that was the reason Google Earth could not locate the site. Mr. Longo agreed.

**Mohawk Hudson Humane Society (MHHS) Amended Agreement:** The Town Clerk explained that it was brought to her attention that an amendment was needed for the MHHS Agreement regarding the holding period for cats. She said some municipalities had chosen to decrease the hold time from five days to three. The town had the option to decrease the hold time to three days or keep the standard five days and sign the amended agreement. C. Kenney recommended that, as the town did not generally handle cats, they maintain the five-day hold period. All members agreed.

**Little Library at Town Park:** S. Peter said he was contacted by a resident to install a small library at the town park. C. Swartz, C. Kenney and C. Rex mentioned that another small library had been proposed in the past but had not been installed. C. Swartz asked that the original applicant be contacted to ensure that it would not interfere. S. Peter agreed. He recommended a meeting at the town park to pick out a site for a small library.

**Easter Egg Hunt:** S. Peter announced that, tentatively, the town would be hosting an Easter Egg Hunt at the Schodack Town Park on April 16, 2022 beginning at 11:00 a.m. He noted that a small budget would be needed for the purchase of candy and plastic eggs. He was working on a proposal for said budget and would forward it to the board. To ensure that all kids would be able to participate, he was proposing a minimum of two areas for different age groups.

### **Board Discussion Items - On Going**

**Hazardous Waste Event - Rensselaer County:** S. Peter apologized to the board for moving forward with a date of July 30th for hosting a Household Hazardous Waste Event but time was limited to decide. Other dates could be reserved in the future if the board desired. He noted that a decision was still needed for the number of spaces to be available to town residents. B. Goodall said generally, 160 cars were the average for such an event and recommended using that as an estimate. In the event not all spaces were utilized, the town would only be responsible for the actual number of slots. The cost (for the town) per resident would be \$37.50 after reimbursement (25% reimbursement from the county and 50% reimbursement from the state). He asked if a location had been decided upon. S. Peter said the Highway Garage, due to its ease for traffic flow. C. Rex asked how the online registration would work. S. Peter said the county would host the registration. D. Kelly said a link to the county registration could be added to the town website to assist residents. B. Goodall reminded the board that the town would be responsible to ensure that only town residents were signing up for Schodack slots.

**Viking Gym:** S. Peter said R. Annis of Top Form was reaching out to groups to assist with the Viking Gym.

**Youth Advisory Group:** S. Peter said he was looking into creating a budget and structure for the group.

**Available Position - Comptroller's Office:** S. Peter noted that an ad had been placed to seek applicants for the Assistant Comptroller Position. None had been received as of yet.

**Police Union Contract Update:** S. Peter stated that a labor meeting was scheduled and negotiations were continuing for the union contract. Upon support of the board, they were moving forward with hiring an Assistant to the Chief to assist with the Discovery Law requirements.

**Highway Garage - Doors and Heaters:** S. Peter said the highway workers completed a service on all the garage doors and they were in good working order. He commended them on saving the town money. As for the heaters, they were obtaining quotes for upgrades.

**American Rescue Plan Act (ARPA) Funds:** S. Peter reminded the board that suggestions for projects were still needed to allocate the ARPA funds. C. Kenney asked for confirmation that the funds could be used for the replacement of the bridge to the town wells. S. Peter assured him that it could.

**Wheelchair Swing:** S. Peter stated that he was working with the Park Manager for the location of the all-inclusive wheelchair swing. He recommended a meeting at the park be organized so all board members could supply their input.

**Generic Environmental Impact Statement (GEIS):** S. Peter said N. Allan of the Laberge Group had met with Bohler Engineering to ensure that the proposed changes for the town zoning code would be compatible with the future development of Route 9.

**Open Positions:** S. Peter announced the anticipated retirement of R. Hiller from the Highway Department. This would leave the department down another person and the position would need to be filled. He also noted that the town was seeking applicants for counselors for the 2022 Schodack Day Camp.

**Route 9 Infrastructure Updates:** S. Peter said once easements were confirmed from the Village of Castleton, the sleeves for water and sewer could be installed under the Amtrak Railroad tracks.

**Appraisal - 1777 Columbia Tpke.:** S. Peter noted that the appraisal was complete for the former Town Hall site. The report had been distributed to all board members for review.

## **Briefing of Resolutions**

S. Peter summarized all resolutions. For resolution 2022-139, he announced that it was the consensus of the board to appoint Schuyler Simpson as an Operator 2 at the Highway Department. C. Swartz asked what the anticipated start date would be for Mr. Simpson. S. Peter said he needed to submit his two-week notice but depending on the response from his previous employer, he may begin Monday, March 28th. He recommended setting the effective date as March 28, 2022 and if needed, the date could be amended by resolution later on. Upon the approval of resolution 2022-142, it would be the decision of the board regarding the number of members to serve on the Ethics Board, consisting of three or five with two members as alternates. He noted that one member of the Ethics Board needed to be a Town Official and asked the board to submit names to be considered at a later meeting.

**Public Comment:** None.

## **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:**

**2022-136) WHEREAS**, on February 11, 2021 the Schodack Town Board approved by resolution (2021-089) the Volunteer Ambulance Workers Service Award Program List of all 2020 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Services, Inc., and

**WHEREAS**, the list was forwarded to authorized representatives of the Castleton Volunteer Ambulance Services, Inc. and was posted for thirty (30) days as required by law, and

**WHEREAS**, they have certified on March 22, 2021 no changes were made to the listing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Schodack Town Board authorizes Supervisor Peter to certify to PENFLEX, Inc., that the listing as submitted and posted should be used to determine the funding, the requirements of the Service Award Programs (SAP), the eligibility of persons to be paid benefits and the amount of benefits to be paid to eligible persons.

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

**2022-137) Previously adopted on pg. 81.**

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:**

**2022-138)** Ratify and affirm authorizing Kerrie D. Joiner, Human Resource Manager to post internally the full-time position of Assistant to Comptroller for the Town of Schodack and allow the Supervisor to advertise in the official Town newspaper as necessary.

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

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

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

**2022-139)** Appoint Schuyler Simpson pursuant to Article 7 Section 140 of the Highway Law and as recommended by the Interim Highway Superintendent subject to final approval by the Rensselaer County Civil Service Commission, as an Operator 2, at an hourly rate as set forth in the Year 2022 adopted budget. Said appointment is effective as of March 28, 2022.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. 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:**

**2022-140)** Authorize Kerrie D. Joiner, Human Resource Manager to post internally the full-time position of Operator 1 at the Highway Department and authorize advertising in the official Town newspaper as necessary.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, C. Peter. 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:**

**2022-141)** Authorize Supervisor to execute and administer an amended shelter agreement with Mohawk Hudson Humane Society for the 2022 calendar year

to satisfy the requirements of the New York State Department of Agriculture and Markets Law. It is the policy of the Town that owners, if located, shall be responsible for charges incurred at Mohawk Hudson Humane Society when pets are claimed, as may be allowed by law. Terms and conditions of the contract are subject to approval by the Attorney to the Town as to form and substance.

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

The Town Clerk dispensed with a roll vote for resolution 2022-142.

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:**

**2022-142)** 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 March 24, 2022 at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 2 of 2022 Amending **Chapter 27 entitled Ethics in the Town of Schodack, and**

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on March 14, 2022 and advertised in the March 14, 2022 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on March 24, 2022 at 7:05 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 local law or any part thereof, it is hereby

WHEREAS, that 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 of the Town of Schodack hereby adopts Proposed Local Law Number 2 of 2022 (P2-2022) to be known as Local Law 2 of 2022 ETHICS in the Town of Schodack, and

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

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

S. Peter stated that COVID-19 test kits were available at the Town Clerk's Office and Supervisor's Office for any seniors in the town who were in need.

### **Executive Session**

C. Bult made a motion at 7:47 p.m. to enter into an executive session of the Board to discuss personnel matters pursuant to Public Officers Law, Article 7 §105(f). Seconded by C. Rex.

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

S. Peter noted that no further business would be conducted following the executive session.

*C. Kenney left at 7:47 p.m.*

C. Swartz made a motion at 9:15 p.m. to adjourn the executive session. Seconded by C. Rex.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, C. Peter. Noes – 0.

### **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 03/24/22 Town Board meeting at 9:15 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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