

DATE: APRIL 28, 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:

OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Peter called the April 28, 2022 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

Road Program: S. Peter noted that B. Brahm, Interim Highway Superintendent, was finalizing the list of roads for the 2022 Road Program. Based upon the rising cost of materials, the program was projected to be slightly over budget which meant that either some roads would need to be removed or fund balance would need to be utilized to offset the costs. He added that roads within Castleridge had been delayed from 2021 due to construction work. The cost was now considerably higher for 2022. C. Bult recommended waiting to see what the final price would be for the program before trimming the list. C. Rex asked if the road striping was budgeted separately from the road program. S. Peter said yes.

COVID-19 Test Kits: S. Peter stated that more test kits had been received from the county and had been distributed to all emergency services in the area. He added that the town still had a considerable supply of kits which were set to expire in June and wondered if they should open availability to all residents, rather than just Seniors. C. Bult asked if the Senior Centers had been contacted to ensure they had adequate supply. S. Peter said Rensselaer County had supplied them with kits directly but noted that he would reach out to them. C. Rex recommended the extra kits be donated to the Anchor. S. Peter agreed and mentioned that they could be offered to any other groups or organizations that needed them. C. Bult felt it would be best to offer the kits to the most vulnerable first and then to the remaining residents of the town.

**Public Hearing
Glenn Galkiewicz (171 Miller Road) Landfill Application**

C. Swartz made a motion to open the public hearing, on a landfill application submitted by Glenn Galkiewicz, to order at 7:06 p.m. Seconded by C. Bult.

The Town Clerk summarized the Affidavit of Publication seeking public comment on an application submitted by Glenn Galkiewicz to operate a clean landfill disposal at 171 Miller Road pursuant to §137 of Town Code of the Town of Schodack. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on April 18, 2022.

Christopher Longo, of Empire Engineering, was present to represent the applicant during the public hearing. He explained that it was the desire of the applicant to import clean fill from a construction site located at 125 Vista Blvd. in Slingerlands, to his property along Miller Road. The site would be less than an acre, contain perimeter protections and be seeded and mulched at the completion of the fill. He noted that a letter had been received from NYSDEC verifying that the material, which was virgin brown clay, was exempt from their Part 360 regulations. C. Swartz asked if the site was the same as presented at an earlier meeting. Mr. Longo said yes.

S. Peter stated that the engineering report for the project had been presented to the board earlier in the day which did not allow adequate time for review. He recommended that resolution 2022-188 be withdrawn and asked counsel if the board would be permitted to continue the public hearing to the next meeting in May. Atty. Langlois said it would be solely up to the board. If the board chose to continue the hearing, the public would be allowed to submit any written comments until it was closed. All board members agreed to leave the public hearing open until May 12, 2022 and withdraw resolution 2022-188.

Board Discussion Continued

Viking Gym/Special Meetings: S. Peter recommended a special meeting be scheduled for all board members to visit the park to choose a location for the expanded Viking Gym. He felt before a workshop would be best. He added that visits should be scheduled for the Highway Department, Police Department and Transfer Station to assess future improvements or necessary upgrades. C. Bult noted that a visit of all sites had not previously been done and felt it would be a great benefit. S. Peter suggested meeting at 6:00 p.m., prior to a workshop. All board members agreed.

Easter Egg Hunt Budget: S. Peter thanked the board for their support of the easter egg hunt and asked, as there were funds still available, if those funds could be utilized to procure additional items for a future event. All board members agreed.

Mini-Library (Town Park): S. Peter informed the board that the mini-library had been constructed and the placement would be determined during the special meeting at the park.

Highway Garage: S. Peter explained that the repairs and service conducted by the Highway Mechanics for the garage doors had been successful. The Interim Highway Superintendent was still researching a service agreement for the heating system.

American Rescue Plan Act (ARPA) Funds: S. Peter said he had spoken to L. Palmer, Assistant Comptroller, regarding the remaining unallocated ARPA funds for the town. As it stood, only \$100,000.00 had been allocated to the Battisti Water District No. 10, leaving \$494,000.00 of the \$594,000.00 received. If no other purposes for the funds was identified, the remaining funds could be identified as a revenue loss which would satisfy the reporting requirements to allow the town to be eligible for a second round of funding. C. Rex asked if they were still considering allocating funds to the replacement of the bridge at Town Hall Way. S. Peter said yes. He added that the funds could also be used for the disinfecting system needed in Sewer District No. 5, a pressure valve needed at the pump house and/or the purchase of a second water/sewer vehicle as requested in resolution 2022-182. Per the 2022 budget, the purchase would create an overage. C. Bult inquired, if the remaining funds were designated as revenue loss, how would it be allocated between the A and B funds. S. Peter explained that the funds would be in a separate fund and used for projects allowed per the guidelines set forth. A record would be kept by the Comptroller's Office of all spending. C. Bult suggested some of the funds be used to make improvements to the town hall, including the use of ID cards for access and cameras to aid in safety. S. Peter agreed and also recommended creating a permanent safety barrier in the Town Clerk's Office and repaving the entrance of Schuurman Road where it intersects Route 9&20.

C. Rex asked if the town engineer had been out to view the deteriorating condition of Clove Road. S. Peter said Laberge had not been out. He noted that the condition of Clove Road was not as critical as the shoulder on Van Hoesen Road which had slid creating a sheer drop-off. He had spoken to the Highway Department and asked them to fill any cracks on Clove Road to prevent any further deterioration. They would be closely monitoring both Clove and Van Hoesen Road to ensure their safety. A future discussion was needed for upgrades to both.

Noise Ordinance: S. Peter provided examples of ordinances from local municipalities (Town of Sand Lake and Village of Nassau) and asked the board to consider amending their code during the zoning updates.

Police Union Contract: S. Peter stated that M. Montross was elected as the new President of the Police Union. Negotiations could now begin.

Open Positions: S. Peter said three individuals had applied for the Sole Assessor position and interviews would take place in the next week. He mentioned that a letter of resignation had been received from the Part-Time Park Attendant and, as this was the busy season for the park, he advised that they move forward with posting the position. He added that applications had already been received. As for the Highway Superintendent position, he explained that the board was still in discussion, during the executive sessions, regarding the structure of the position and hoped to be able to move forward with posting in the near future.

Zoning Code Update: S. Peter noted that a few of the board members had viewed the maps for the proposed changes to the zoning code.

Route 9 Water and Sewer Improvements: S. Peter stated that Rensselaer County was continuing their survey along Route 9 for placement of water lines. He added that the water and sewer improvements were being coordinated by the town but funded by ARPA funds from Rensselaer County.

Household Hazardous Waste (HHW): S. Peter informed the board that the date of July 30th had been confirmed for the town sponsored HHW day. Based upon previous events, he asked the board if one hundred spots would be adequate. C. Bult asked the total amount of slots allowed for that day. S. Peter said five hundred but noted that other local municipalities, such as East Greenbush, Nassau and Sand Lake may want to take part. He wondered if 200 slots may be better with the potential of adding slots for town residents for the event to be held in Brunswick on August 27, 2022. C. Bult said it had been a few years since they had held such an event, which could make it quite popular and felt the increase in slots was wise. S. Peter said he would speak to the County.

Review of Resolutions

S. Peter briefly summarized the resolutions. He explained that, upon further review of resolution 2022-169 from April 14, 2022, it was determined that the vehicle purchases had been budgeted for 2022. Therefore, the resolution was not necessary and could be rescinded (2022-180). For resolutions 2022-181 and 2022-182, an amendment was needed to include the wording "per modified" in reference to the budget for the vehicles. Resolution 2022-186 would also need to be amended to read "Director of Building and Grounds". With regard to resolution 2022-190, the Supervisor noted that there was a current posting for an Assistant Comptroller position; however, it was determined that a Part-Time Accountant was needed in the interim to assist with added work in that office. All other resolutions were self-explanatory.

Board Comment: None.

Public Comment: R. Peterson of Hansen Court said he had spoken to B. Titus of the Laberge Group regarding stakes that had been placed through his property. According to Mr. Titus, the stakes were misplaced and should have been located on the western side of Hansen Court. As he understood the project, Laberge was working on locating placement of water lines and asked for clarification from the board. S. Peter said the town, in conjunction with Rensselaer County, is assessing the feasibility to extend water down Route 9 from Amazon to the county line. The Laberge Group was conducting test holes to assess the soil and rock content to determine the best placement for the lines. C. Kenney noted that the layout for the water lines was still in the design phase. Mr. Peterson asked that the residents be informed before construction began. S. Peter added that residents of Duck Pond Road may have also noticed similar testing as the water extension would not be able to go under I-90. The line would need to be deviated down Duck Pond Road. He assured Mr. Peterson that they would keep residents apprised of the situation.

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:

2022-180) Rescind resolution 2022-169 as adopted April 14, 2022.
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, as amended, seconded by C. Rex:

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

2022-181) Amend resolution 2022-170 as adopted April 14, 2022 as follows: Authorize the purchase of a 2022 Chevrolet 2500HD Silverado Crew Cab Pickup Truck with hitch and mini strobe pursuant to GML 103(16) from DeNooyner Chevrolet, Inc. purchasing contract bid number 22-0125-1 at a cost not to exceed \$44,815.00 as per Modified Budget. ~~This resolution is subject to permissive referendum as specified in GML §6-c. contingent upon resolution #2022-169. [Budgeted A-5010.2]~~
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. Bult:

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

2022-182) Amend resolution 2022-171 as adopted April 14, 2022 as follows: Authorize the purchase of a 2022 Chevrolet 3500HD Silverado Pickup Truck with Service Body, hitch and mini strobe pursuant to GML 103(16) from DeNooyner Chevrolet, Inc. purchasing contract bid number 22-0125-1 at a cost not to exceed \$59,147.50 as per Modified Budget. ~~This resolution is subject to permissive referendum as specified in GML §6-c. contingent upon resolution #2022-169. [Budgeted proportionality in Special Districts (SS and SW)]~~

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 2022-183.

S. Peter 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:

2022-183) 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 (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
Elected Officials						
Town Board Member	James Bult	7	1/1/22-12/31/25	N	1.45	
Tax Receiver	Shawn Masters	7	1/1/20-12/31/23	N	12.02	

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

The Town clerk dispensed with a roll vote for resolution 2022-184.

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:

2022-184) 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 (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
Elected Officials						
Town Supervisor	Charles Peter	7	1/1/22-12/31/23	N	21.06	
Town Justice	Paul Peter	7	1/1/20 - 12/31/23	N	13.28	

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

The Town clerk dispensed with a roll vote for resolution 2022-185.

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:

2022-185) 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 (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S

Elected Officials						
Town Board Member	Michael Kenney	7	1/1/20-12/31/23	N	TBD	Not Summited

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

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

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

- 2022-186)** Ratify and affirm appointing Kevin Konig as full-time ~~Park/Grounds Manager~~ Director of Building and Grounds at an hourly rate as set forth in resolution 2021-290.

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. Bult:

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

- 2022-187)** Ratify and affirm authorizing Kerrie Joiner, Human Resource Manager to post internally the part-time positions of Park Attendant 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, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

- 2022-188)** **WITHDRAWN: WHEREAS,** *Glenn Galkiewicz. 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 6.66 acres and located on 171 Miller Road, Castleton, NY (Tax Map No. 178.-4-55.2); and*

WHEREAS, *a public hearing in connection with said application was duly noticed and held on April 28, 2022; and*

WHEREAS, *the application and project has been reviewed by the Town's engineering firm, which by letter dated _____ 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 _____, 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.

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:

2022-189) WHEREAS, the Town of Schodack (hereinafter "Town") was awarded funds through the Community Development Block Grant (CDBG) from the U.S. Department of Housing and Urban Development, as administered by the State of New York for a Public Infrastructure Project, PY 2021 Town of Schodack Batistti Drinking Water Improvement Project CDBG #1039PW29-21; and

WHEREAS, the Town Council of the Town of Schodack (hereinafter "Town Board") as the recipient of the grant award is required to designate a Certifying Officer for the purpose of signing required documents pertaining to this grant; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board does hereby designate Charles Peter as the Town's Certifying Officer for the purpose of signing required documents pertaining to this anticipated grant (CDBG #1039PW29-21).

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. Swartz:

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

- 2022-190)** Authorize Kerrie Joiner, Human Resource Manager to post internally the part-time positions of Accountant 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, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

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 §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.

C. Kenney made a motion at 8:59 p.m. to adjourn the executive session. Seconded by C. Rex.

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

ADJOURNMENT

As there was no further business before the Board, C. Bult made a motion to adjourn the 4/28/22 Town Board meeting at 8:59 p.m., seconded by S. Peter. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk