

DATE: OCTOBER 27, 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: PHILLIP DANAHER, ESQ. (*Deputy Town Attorney*)

COMPTROLLER: PAUL HARTER

OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Peter called the October 17, 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.

Briefing of the Agenda

S. Peter gave a brief review of the resolutions on the agenda. He was pleased to announce the promotions of Officer Thomas Finn and Officer Carrie Kane to Police Sergeant (2022-320 and 2022-321). He explained that resolution 2022-322 pertained to a stipend to be paid to the Senior Court Clerk for the training of her replacement. For resolution 2022-323, he noted that an error had occurred with the numbering of resolutions, causing a duplication. To resolve the issue, resolution 2022-297 from October 25, 2022 would now be known as 2022-297A. For resolution 2022-324, the Supervisor said Thomas King, Building Inspector needed his classification changed from salary to hourly as he is a non-exempt employee who is qualified for overtime.

Public Comment: None.

Board Comment: None.

Discussion Items – New Business

Open Positions – Highway Department: S. Peter noted that the open position for a Mechanic had been posted internally for the required ten days and was now out to the public. He added that interviews had been conducted for the Operator 2 position.

Spectrum Agreement – Town Hall Phones: S. Peter said a renewal had been received from Spectrum Enterprise for the telephone service at the Town Hall. The renewal had no monetary change from the previous agreement.

Discussion Items – On-Going

Roof Replacement at Police Station: S. Peter said the roof replacement was slated to begin on November 1st.

Building at Transfer Station: S. Peter informed the board that the Alaskan Slab was poured and once cured, the building would be moved back onto it. C. Swartz mentioned that there was a concern regarding the condition of the lower portion of the building and asked if there had been any issues. S. Peter said no, as the building was in better condition than originally thought. He added that there was a bit of a “step-up” and a ramp of crusher run would be needed to reinstall the building.

Youth Advisory Committee: S. Peter said they would be moving forward with movie events at the park for 2023. He noted that he had spoken to parents and employees who expressed interest in assisting with the event(s).

Radiant Heaters at Highway Garage: D. Kelly explained that ESCO visited the Highway Garage to examine the radiant heater system. They adjusted the controls in the computer, in hopes that the system would function better. They recommended a second visit on a colder day to ensure that it was working properly. If it was not, the technician noted that they did not have access to the computer program to run the system; therefore, a new control panel may need to be installed.

Union Contract: S. Peter said he was coordinating with Labor Counsel for dates to negotiate the Police Contract. Negotiations for the Highway Contract would take place on November 3rd.

Town Survey and Newsletter: S. Peter thanked the board for their support and inclusion of both the town survey and newsletter in the 2023 Budget.

Update of Zoning Code: S. Peter noted that funds had been secured for Laberge to continue finalizing the zoning code updates. The next step was to schedule meetings for review of the changes.

Route 9 Water Infrastructure Update: S. Peter announced that the agreement for the water tower to supply the infrastructure on Route 9 had been signed.

Public Hearing Proposed Local Law 5-2022 Amend Chapter 151 - Noise

C. Swartz made a motion to open the public hearing for proposed local law 5-2022 at 7:08 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. 5 of 2022, to amend Chapter 151 entitled Noise. Said notice was posted on the Town Clerk's signboard and the Town's website on October 21, 2022 and published in the local newspaper, *The Record*, on October 22, 2022.

The following town residents spoke during the public hearing:

B. Feldman (2339 Reno Road) expressed concern over the wide barometer which could be used to gauge an unreasonable noise as stated in §151-1B(7). He noted that §151-1B(3) included a specific decibel level of 90 and felt a more definitive level would be best to limit the level of interpretation.

H. Sperazza (2337 Payne Road) presented a petition signed by fourteen neighbors (including himself) of the Stable Gate Winery/Wedding Venue, requesting that the board conduct a review of the town policies regarding the wedding venue, including music volume, duration of events, bass tones and use of fireworks. He said he had purchased a decibel reader for his cell phone and took readings (lasting three minutes each) on three different dates (May 21st, June 25th and October 14th) to illustrate the noise level taken from within his driveway. Based upon the three dates, the average decibel level was 76 with a maximum of 103. He noted that he and his neighbors had come to a board meeting in November of 2019 to ask that the noise be addressed at the venue, at which time, Mr. Feldman assured the board that the music would be redirected and sound proofing would be installed in the barn. The neighbors were also informed by the board that the noise ordinance would be reviewed and amended if needed. Mr. Sperazza said nothing was done and once COVID-19 was over, the weddings and other events began again, causing disruptions. He thanked S. Peter and Chief Hourigan for visiting his home to understand the issue and said he had met with Mr. Feldman to attempt to find a solution to the problem. Mr. Sperazza recommended that a sound limiter be utilized on the outside sound system to decrease the music if it reaches a certain decibel and felt it would be a good addition to the code.

G. Fiedler (2333 Payne Road) said he had no issue with the noise coming from the Winery. He felt they were respectable, stopping the events by 10:00 p.m. and listening to a previous concern of his to redirect the speakers to minimize disruption. He noted that the noise during daylight hours was understandable but a party continuing after 10:00 p.m. was not. He expressed his support of the 10:00 p.m. curfew.

R. Ludwig (664 CO 7) said he was not affected by the noise from the Stable Gate Winery/Birch Hill but questioned the fairness of all participants at a party being held accountable for the noise level as stated in §151-1B(7).

S. Burdick (2180 East Schodack Road) noted that he had been a Schodack resident of twenty plus years and, until 2018, had never had an issue with the noise originating from the Birch Hill/Stable Gate Winery. Upon reviewing the town noise ordinance, he was surprised to see that quiet hours began at midnight, where more than seventy percent of ordinances in the US began at 10:00 p.m. He said he had worked with the previous Supervisor with no resolve for the issue. This year, he had met with the current Supervisor to discuss the current code and how it could not be enforced, causing frustration to residents and the Police. He appreciated

the effort of the board to update the 28-year-old code, to not only protect the residents of the Stable Gate Winery but all residents of the Town of Schodack. He agreed with Mr. Ludwig regarding all attendees being accountable for the noise.

W. Benjamin (2223 Hunt Club Dr) said he may reside a distance away from the Stable Gate Winery; however, the bass from music played and noise from the fireworks were disruptive. He had spoken to a resident who resides at the end of the Stable Gate Development, further away from the facility, who was also disturbed by the bass. He thanked the board for addressing the issue.

M. Lyte (2337 Payne Road) expressed concern over the number of residents residing at 2342 Payne Road during the summer. At one time, there were over twenty people living in tents, tiny homes and campers. She felt the situation was unreasonable.

S. Feldman (2 Linda Way), owner of Birch Hill Catering, said he realized that there was a volume concern regarding noise coming from his facility. He had spoken to Mr. Sperazza to address his concerns and made changes, such as moving the music in the party barn to the rear of the building and adding sound proofing to the walls. He agreed that their 2022 schedule was more compressed due to catching up on previously booked events from 2020. He was willing to work with his guests to start their events earlier, ensuring that they would be over at or before the curfew in hopes that it would no longer be disruptive to the neighbors. He had purchased a sound monitor and any band that was deemed to be too loud, had been asked to not return. He noted that Stable Gate Farm had been an event/gathering/conference space for over 40 years with 16 of those year being owned by him. He said he wanted to be a good neighbor.

Mr. Feldman read a statement from T. Kirby (2342 Reno Road) who said that he was able to hear the music from the venue but it was not too loud to be disruptive and was usually quieted by 9:00 p.m. He quite enjoyed hearing the celebrations and said that the owner of the venue was respectful to the neighborhood.

G. Fiedler (2333 Payne Road) said he agreed with Mr. Benjamin that the bass was the main issue for noise as lower frequencies travel farther. He recommended that the board target bass sound within the noise code. He also recommended that elements be added for business within the law.

S. Burdick (2180 East Schodack Road) agreed with Mr. Fiedler. He mentioned that a town wanted a venue similar to the Stable Gate Farm; however, as they could not contain the bass, the project was cancelled.

B. Feldman (2339 Reno Road) questioned the validity of the report submitted regarding the decibel readings. He noted that devices vary on the decibels they will read.

S. Peter stated that there would be no action taken on the local law that evening. The board would take into consideration all the suggestions and concerns that had been presented thus far and amend the draft as needed. He added that it was the desire of the board to have the law work for all residents of the town while allowing the Police Department to enforce the

code in a fair manner. It was not their intention to prevent anyone from having a celebration, so long as it was not done in a manner that disturbed others. He welcomed residents and business owners to meet with him to discuss further recommendations or concerns.

S. Peter asked for any further public or board comment on PLL5-2022. Hearing none, C. Bult made a motion to adjourn and recess the public hearing at 8:02 p.m. until the following meeting on November 10, 2022. Seconded by C. Swartz.

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

Adoption of Resolutions

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. Kenney 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:

2022-320) All civil service requirements having been met for the position of Police Sergeant; the Town hereby appoints Thomas Finn to the position of Police Sergeant effective October 31, 2022.

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

2022-321) All civil service requirements having been met for the position of Police Sergeant; the Town hereby appoints Carrie Kane to the position of Police Sergeant effective October 31, 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:

2022-322) Resolved that Patricia Loomis, Court Clerk be paid a Training stipend in the amount of \$1,200.00 Stipend to be paid in 3 equal payments at

the last pay periods of December 2022, February 2023 and March 2023.
[Budgeted A1110.1]

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:

2022-323) Re-designate resolution 2022-297 as adopted on October 25, 2022 to resolution 2022-297A.

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

2022-324) Amend resolution 2022-233 as adopted on August 11, 2022 to change remuneration from salary to hourly as follows: Amend resolution 2022-110 as adopted on February 24, 2022, ratify and affirm appointing Thomas King as Building Inspector/Code Enforcement Officer at a salary of \$56,000.00 effective February 22, 2022. Further, this is a provisional appointment which requires said appointee to take the next civil service exam offered for that title. To the extent of ~~an annual salary of \$60,770.00~~ **an hourly rate of \$33.39**, beginning ~~August 8, 2022~~ **with payroll period of October 17, 2022**, resulting from his successfully completing the State of New York Basic Code Enforcement Training program.

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

Executive Session

C. Bult made a motion at 8:03 p.m. to enter into an Executive Session of the board pursuant to Public Officers Law, Article 7, §105(e). Seconded by C. Kenney.

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

C. Swartz made a motion at 8:57 p.m. to adjourn the executive session. Seconded by C. Bult.

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

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 10/27/22 Town Board meeting at 8:57 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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