

**DATE:** NOVEMBER 10, 2022

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DEBRA L. CURTIS

**PRESIDING OFFICER:** CHARLES J. PETER

**MEMBERS PRESENT:** MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:** JAMES E. BULT

**ATTORNEY:** CHRISTOPHER LANGLOIS, ESQ.

**COMPTROLLER:** PAUL HARTER

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

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Supervisor Peter called the November 10, 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 summarized all resolutions on the agenda. He mentioned that there was a typographical error in resolution 2022-321 (2022-326) and the fire district should be listed as Schodack Landing. He clarified that the dates which had been struck out in resolution 2022-330 (2022-335) were designated as floating holidays for certain Transfer Station employees. As it was necessary for the facility to be open on certain days, this would allow said employees to take a day off at another time. He noted that resolution 2022-327 (2022-332) would be withdrawn as the selected candidate was unable to accept. As for the withdrawal of resolution 2022-328 (2022-333), there were too many changes to be made, based upon the public hearing; therefore, the board would pass on Proposed Local Law 5-2022, create the draft for Proposed Local Law 6-2022 and plan a public hearing for late December or early January. All other resolutions were self-explanatory.

**Public Comment:** None.

**Board Comment:** None.

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

**Review of Abstracts of Claims and Budget Amendments:** The Board reviewed claims #22-1769 to #22-1915 on Abstract No. 2022-11 in the amount of \$408,059.34, including the claims paid prior (\$136,682.45).

## 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 A WITHDRAWN resolution is so noted and italicized.**

Amended by 2022-338,  
renumbered 2022-325

C. Swartz 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:**

**2022-320)** Resolve that the Town Board of the Town of Schodack approves the selection of the following Health Insurance coverage plans for the period January 1, 2023 through December 31, 2023:

- Authorize the selection of CDPHP-HMO Insurance for Health Insurance coverage effective January 1, 2023.
- Authorize the selection of MVP-HMO Insurance for Health Insurance coverage effective January 1, 2023.
- Authorize the selection of NYSHIP Medicare Empire Plan Insurance for Health Insurance coverage effective January 1, 2023, to employees hired prior to September 28, 2006 (eligible at retirement).
- Authorize the selection of Humana Medicare LPPO Insurance coverage effective January 1, 2023.

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

Amended by 2022-338,  
renumbered 2022-326

C. Rex 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:**

**2022-321)** Based on October 25<sup>th</sup> 2022 budget discussions, adopt the following changes to the 2023 Preliminary Budget

**Town of Schodack  
Preliminary to Adopted Budget Analysis\***

**2023**

		AMOUNT TO
	+/-	+/-
APPROPRIATIONS PROVISIONS	ESTIMATED REVENUE	UNEXPENDED BALANCE
		BE RAISED BY TAXES
Preliminary Budget	15,878,703.00	7,105,127.00
		964,841.00
		7,808,735.00

A1110.1	Justice - Personnel Services	800.00	-	-	<b>800.00</b>
A1620.2	Buildings - Equipment	2,500.00	-	-	<b>2,500.00</b>
		-	-	-	-
	Net A Fund Adjustment	3,300.00	-	-	3,300.00
	<u>Schodack</u> Landing Fire District	162,654.00	258.00	-	<b>162,396.00</b>
SM4540.4	SM Fund - Contractual	(31,434.00)	-	-	<b>(31,434.00)</b>
<b>Adopted Budget per 11/10/22 TB mtg</b>		<b>16,013,223.00</b>	<b>7,105,385.00</b>	<b>964,841.00</b>	<b>7,942,997.00</b>

\*The Tax Base will be updated with the latest assessment data; therefore, an updated exemption impact report will be included with the Adopted budget.

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

**2022-322) WHEREAS,** the Town Board met on Tuesday, October 25, 2022 at the Schodack Town Hall, as specified in the Notice of Public Hearing for the 2023 Preliminary Budget, with said notice appearing in the October 19, 2022 edition of The Record, and was posted on October 19, 2022, and

**WHEREAS,** said public hearing was held on October 25, 2022 at 7:30 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 Preliminary Budget or any part thereof,

**NOW, THEREFORE, BE IT RESOLVED** that the 2023 Preliminary Budget, and as hereinafter set forth, is hereby adopted.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes –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:**

Amended by 2022-338,  
renumbered 2022-327

Amended by 2022-338,  
renumbered 2022-328

- 2022-323)** Authorize \$1,100,000.00 interfund transfer from the B Fund to DB Fund as per the 2022 Budget.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes –M. Kenney, S. Swartz, T. Rex, C. Peter. Noes – 0.

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

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

Amended by 2022-338,  
renumbered 2022-329

- 2022-324)** Authorize \$200,000.00 to be transferred into the Highway (DB Fund) Capital Reserve Fund.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes –M. Kenney, S. Swartz, T. Rex, C. Peter. 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:**

Amended by 2022-338,  
renumbered 2022-330

- 2022-325)** Authorize \$50,000.00 to be transferred into the Town Wide (A Fund) Police Vehicle Capital Reserve Fund.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes –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:**

Amended by 2022-338,  
renumbered 2022-331

- 2022-326)** Approve the attached Transfer Station Fee schedule, to be effective January 1, 2023.

Effective: January 1, 2023

(518) 477-8491

**TOWN OF SCHODACK TRANSFER/RECYCLING  
STATION RULES AND REGULATIONS**

For more information on our Transfer Station please visit  
<http://www.schodack.org/transfer-station-and-recycling>

- 1) The Town of Schodack Transfer/Recycling Station is for use by Town residents only and is for disposal of refuse generated within the Town of Schodack. Proof of residency **and** vehicle registration **must be provided** in order to utilize facility.
- 2) **Credit cards, personal checks or money orders are acceptable forms of payment at the Transfer Station. For credit card use, a convenience fee of \$1.75 or 2.45% (whichever is higher) will be applied to each transaction.**

**Brush will be accepted up to 30 minutes before closing each day.**

- 3) The Schodack Transfer/Recycling Station area shall be open for disposal as follows:

Tuesday	7:00 a.m. - 5:00 p.m.
Wednesday	7:00 a.m. - 2:00 p.m.
Thursday	7:00 a.m. - 2:00 p.m.
Friday	7:00 a.m. - 2:00 p.m.
Saturday	7:00 a.m. - 3:00 p.m.

The Transfer Station is closed all day Sunday, Monday and Holidays as posted.

- 4) Residents will be required to pay for each 30-gallon bag, or portion thereof, of refuse disposed of as follows:

a) 52-bag punch card	\$ 104.00
b) 12-Bag Punch Card	\$ 30.00
c) 30-gallon bag or equivalent	\$ 3.00 each
(Previously purchased punch cards will be honored)	

- 5) **There will be an additional charge for:**

a) Refrigerators, freezers, dehumidifiers, air conditioners***	\$12.00 each or <b>6</b> punches
b) Metal goods: Stoves, washers, dryers, water tanks, riding lawn mowers, Bulk metals	\$ 6.00 each or <b>3</b> punches
c) Tires (car and light truck)	\$ 4.00 each or <b>2</b> punches
Tires with rims	\$ 6.00 each or <b>3</b> punches
Larger tires	*PRICED BY SIZE*
d) Bulky Furniture **	\$10.00 each or <b>5</b> punches
e) Household construction debris, 30 gallon container	\$10.00 each or <b>5</b> punches
f) Propane tanks	\$ 6.00 each or <b>3</b> punches
g) Push Mowers	\$ 5.00 each or <b>3</b> punches
h) Gas Grills, Bicycles	\$ 5.00 each or <b>3</b> punches
i) Televisions, Computers, Monitor & Rear Projection Televisions *** Computer	FREE
j) tower only ***	FREE
k) Misc. Electronic – printers, copiers, typewriters, radios, microwaves ***	

\*\*Bulky Furniture, i.e.: Sofas, stuffed chairs, mattresses, box springs, rugs etc.

\*\*\*All Electronics not containing Freon

**The Director of the Transfer/Recycling Station or his designee has sole authority to determine ultimate cost of bulky items brought in.**

- 6) **RECYCLING IS MANDATORY. NO RECYCLABLES SHOULD BE PLACED IN THE REFUSE CONTAINER.**

- 7) **THE FOLLOWING RECYCLABLES WILL BE ACCEPTED AT NO ADDITIONAL CHARGE:**

- a) Newspapers/Magazines/Junk Mail – white paper. Books (hard & soft cover) Shredded paper (bagged)

- b) Tin cans
- c) Glass bottles/jars
- d) Plastic bottles or containers (only recyclable codes 1 - 7)
- e) Used oil and filters
- f) Batteries - car and rechargeable
- g) Anti-Freeze
- h) Corrugated cardboard/Box Board/Brown
- i) Clothes - Salvation Army container only
- j) Brush and logs less than four (4) inches in diameter

8) **MATERIALS PROHIBITED AT THE TOWN OF SCHODACK TRANSFER/RECYCLING STATION:**

- a) Industrial waste
- b) Infectious waste
- c) Sludge
- d) Hazardous waste
- e) Commercial construction and demolition debris
- f) Trees and tree stumps
- g) Gas, Kerosene and Fuel Oil
- h) Ashes of any kind

- 9) As a consideration to our neighbors, all open loads should be covered and secured while traveling to and from the Transfer Station.

**Any violations of these rules and regulations will void tipping privileges.**

**SPECIAL DATES & HOURS:**

**SPRING CLEAN-UP** - May 18 19, and 20, 2023 **7 A.M. through 3 P.M.**

**FALL CLEAN-UP** - October 19, 20, and 21, 2023 **7 A.M. through 3 P.M.**

**SHREDDING DAY** – April – Town of East Greenbush **9 A.M. through 12 P.M.**

July – Town of Schodack **9 A.M. through 12 P.M.**

October - City of Rensselaer **9 A.M. through 12 P.M.**

**HOUSEHOLD HAZARDOUS WASTE DAY – None Scheduled for 2023**

The following days have been designated as 2023 holidays and the Transfer Station will be **closed**:

<u>Weekday</u>	<u>Date</u>	<u>Holiday</u>
Tuesday	May 30 <sup>th</sup>	Memorial Day *
Tuesday	July 4 <sup>th</sup>	4 <sup>th</sup> of July
Tuesday	September 5 <sup>th</sup>	Labor Day*
Thursday	November 23 <sup>rd</sup>	Thanksgiving Day
Friday	November 24 <sup>th</sup>	Day after Thanksgiving

**\*Transfer Station is closed on Mondays; therefore, pursuant to the Collective Bargaining Agreement, Monday holidays will be observed on Tuesday.**

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

**2022-327) WITHDRAWN:** *Appoint \_\_\_\_\_ pursuant to Article 7 Section 140 of the Highway Law and as recommended by the Interim Highway*

Amended by 2022-338,  
renumbered 2022-332

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 \_\_\_\_\_.

Amended by 2022-338,  
renumbered 2022-333

- 2022-328) **WITHDRAWN:** Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on Proposed Local Law No. 6 of 2022 Amending Chapter 151 entitled Noise in the Town of Schodack. Said hearing to be held on Thursday, December 8, 2022 at the Schodack Town Hall at 7:05 p.m.

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

Amended by 2022-338,  
renumbered 2022-334

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

- 2022-329) Pursuant to Town Code of the Town of Schodack, Article X §175-40, Appendix A, amend appended fee schedule by adopting new water meter fee of \$325.00 effective November 11, 2022.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes –M. Kenney, S. Swartz, T. Rex, C. Peter. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by S. Peter:

Amended by 2022-338,  
renumbered 2022-335

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

- 2022-330) Amend resolution 2022-05 as adopted January 6, 2002 to reflect the designation of Election Day and December 27 as floating holidays for Transfer Station Union Employees and the designation of December 27 and 28 as floating holidays for the Director of the Transfer Station as follows: Ratify and Affirm, Designate Transfer Station holidays for year 2022 as follows:

<u>Date</u>	<u>Holiday</u>
January 1	New Year's Day
May 31	Memorial Day Observance*
September 6	Labor Day Observance*
<del>November 8</del>	<del>Election Day (Union Only)</del>
November 24	Thanksgiving Day
November 25	Day after Thanksgiving
<del>December 27</del>	<del>Christmas*</del>
<del>December 28</del>	<del>Day after Christmas (non-union)</del>

**Floating Holidays consist of:** Union Employee Birthday, Martin Luther King's Day (non-union), Presidents' Day, Independence Day, Columbus Day and Veteran's Day, **Election Day (union only), Christmas, Day after Christmas (non-union only)**

\*Transfer Station is closed on Mondays, therefore, pursuant to the Collective Bargaining Agreement, Monday holidays will be observed on Tuesday.

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

Amended by 2022-338,  
renumbered 2022-336

C. Rex 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:**

**2022-331)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #22-1769 to 22-1915 on Abstract No. 2022-11, in the amount of \$408,059.34, including the claims paid \$136,682.45.

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

Amended by 2022-338,  
renumbered 2022-337

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:**

**2022-332)** Authorize the October 2022 budget modifications, interfund loans and interfund transfers as provided in document dated November 2022 and recommended by the Comptroller.

#### BUDGET MODIFICATIONS

	Fund/ Department #	Fund / Department Name	Increase	Decrease
<b>2022</b>				
<b>92</b>	A-960-1110.2000	Town Justice - Equipment	220.00	
	A-960-1110.4000	Town Justice - Contractual		220.00
	To modify the budget for purchase of HP LaserJet printer			
<b>93</b>	A-960-1220.1100	Supervisor - Overtime	115.34	
	A-960-1220.1000	Supervisor - Personal Services		115.34
	To modify the budget for Supervisor Assistant October overtime			
<b>94</b>	A-960-1330.4000	Tax Collection - Contractual	10,521.37	
	A-960-1990.4000	Contingency - Contractual		10,521.37
	To modify the budget for Tax reply Envelope Purchase			
<b>95</b>	A-960-1920.4000	Municipal Association Dues	198.70	



	A-960-1910.4000	Unallocated Insurance - Contractual	198.70	
	To modify the budget for increase in RensCo Chamber of Commerce Annual Dues			
<b>96</b>	A-960-3120.1012	Police Grant - PTS	2,894.90	
	A-509-4320.9999	Federal Aid Public Safety	2,894.90	
	To modify the budget for PTS grant awards			
<b>97</b>	A-960-3120.1911	Police Part-time - Overtime	405.00	
	A-960-3120.1900	Police Part-time - Personal Services		405.00
	To modify the budget for Part-time officer over-time coverage			
<b>98</b>	A-960-5010.4000	Supt of Highways - Contractual	637.36	
	A-960-5010.1000	Supt. Of Highways - Personal Services		637.36
	To modify the budget for increased gas costs			
<b>99</b>	A-960-5132.4000	Town Garage - Contractual	4,727.80	
	A-960-5010.1000	Supt. Of Highways - Personal Services		4,727.80
	To modify the budget for increased heating oil costs			
<b>100</b>	A-960-5182.4000	Street Lighting - Contractual	920.42	
	A-960-1990.4000	Contingency - Contractual		920.42
	To modify the budget for increased electricity costs			
<b>101</b>	A-960-7110.1000	Parks - Personal Services	4,127.77	
	A-960-7110.1001	Parks - Works for RensCo		4,127.77
	To modify the budget for Park Manager time			

#### BUDGET MODIFICATIONS

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2022</b>				
<b>102</b>	A-960-8160.1100	Refuse & Garbage - Overtime	1,134.05	
	A-960-8160.1000	Refuse & Garbage - Personal Services		1,134.05
	To modify the budget for Highway OT coverage			
<b>103</b>	A-960-8189.1100	Recycling - Overtime	1,134.04	
	A-960-8189.1000	Recycling - Personal Services		1,134.04

To modify the budget for Highway OT coverage

<b>104</b>	B-960-1680.4000	Central Data Processing - Contractual	2.68	
	B-960-1680.2000	Central Data Processing - Equipment		2.68
	To modify the budget for Server Security Services			
<b>105</b>	B-960-8010.4000	Zoning - Contractual	1,503.11	
	B-960-8010.1000	Zoning - Personal Services		1,503.11
	To modify the budget for Zoning code encumbrance			
<b>106</b>	B-960-8160.4000	Refuse & Garbage - Contractual	11.60	
	B-960-8160.1000	Refuse & Garbage - Personal Services		11.60
	To modify the budget for HWD Supplies from petty cash			
<b>107</b>	DB-960-5110.1100	Gen'l Road Repair - Overtime	804.85	
	DB-960-5110.1000	Gen'l Road Repair - Personal Services		804.85
	To modify the budget for October Overtime			
<b>108</b>	DB-960-5112.4000	Road Construction - Contractual	173.38	
	DB-960-5110.1000	Gen'l Road Repair - Personal Services		173.38
	To modify the budget for increase in fuel costs			
<b>109</b>	DB-960-5130.1400	Machinery - Police Work	137.15	
	DB-960-5130.1000	Machinery - Personal Services		137.15
	To modify the budget for work on department vehicles			
<b>110</b>	DB-960-5140.1600	Brush & Weeds - Town Hall Work	1,091.85	
	DB-960-5130.1000	Machinery - Personal Services		1,091.85
	To modify the budget for work at Town Hall Parking repair and Basement cleaning			
<b>111</b>	DB-960-9060.8100	Employee Benefits - Retiree	7,880.70	
	DB-960-9060.8000	Employee Benefits -		7,880.70
	To modify the budget for retirements of Highway Department employees			

#### **BUDGET MODIFICATIONS**

<b>Fund/</b>				
	<b>Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2022</b>				

112	SL1-960-5182.4000	Sch Landing Light District - Contractual	129.88	
	SL1-599-9999.9999	Sch Landing Light District - Fund Balance		129.88
	To modify the budget for increased electricity costs			
113	SL2-960-5182.4000	Morey Park Light District - Contractual	137.02	
	SL2-599-9999.9999	Morey Park Light District - Fund Balance		137.02
	To modify the budget for increased electricity costs			
114	SL3-960-5182.4000	East Schodack Light District - Contractual	169.60	
	SL3-599-9999.9999	East Schodack Light District - Fund Balance		169.60
	To modify the budget for increased electricity costs			
115	SS8-960-8130.1100	Sch Landing Treatment & Disp. - Overtime	80.10	
	SS8-960-8130.1000	Sch Landing Treatment & Disp. - Personal		80.10
	To modify the budget for employee time in district			
116	SW1-960-8320.1100	Clearview Source - Overtime	376.92	
	SW1-960-8320.4000	Clearview Source - Contractual	839.03	
	SW1-960-8340.1100	Clearview Trans & Dist. - Overtime		376.92
	SW1-960-8340.4000	Clearview Trans & Dist. - Contractual		839.03
	To modify the budget for Operator time at Clearview Source for Chlorine issues			
117	SW1-960-9030.8009	Clearview Source - Benefits	107.50	
	SW1-960-9060.8100	Clearview Trans & Dist. - Benefits Retiree	16.29	
	SW1-960-9060.8009	Clearview Source - Benefits		123.79
	To modify the budget for Operator time at Clearview Water District			
118	SW2a-960-9710.6000	Inglewood District - Bond Principal	0.03	
	SW2a-960-9710.7000	Inglewood Dist. – Bond Interest		0.03
	To modify the Budget for Rounding with Bond Principal payment			
119	SWC1-960-8340.2000	Consolidated Water - Equipment	506.41	
	SWC1-960-8340.4000	Consolidated Water - Contractual	1,859.40	
	SWC1-599-9999.9999	Consolidated Water Fund Balance		2,365.81
	To modify budget for Amazon Hydrant repair			

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex,

C. Peter. Noes – 0.

**Public Hearing (Continued)**  
**Proposed Local Law 5-2022**  
**Amend Chapter 151 - Noise**

C. Kenney made a motion to continue the public hearing for Proposed Local Law 5-2022 (PLL5-2022) at 7:07 p.m. Seconded by C. Swartz. 4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, C. Peter. Noes – 0.

S. Peter noted that several residents had expressed concerns at the previous meeting, as well as visited him in his office regarding the definition of an unreasonable noise. C. Rex also asked for clarification. Others had questioned the penalties as listed in §151-2. As it read, fines ranged from \$350.00 to \$1,000.00, along with the possibility of imprisonment. Upon review of the noise ordinances from The Town of Sand Lake and City of Rensselaer, the board was considering removing imprisonment and only imposing a monetary penalty. A fee structure would need to be established. He felt that \$350.00 for a first offense was a bit high and recommended a lower starting point with a penalty of \$500.00 for a third offense. Atty. Langlois agreed that removing imprisonment would be wise.

**Public Comment:** D. Kelly (227 Shufelt Road) asked if the board would set the penalties by local law or by resolution. Atty. Langlois noted that as the ordinance was being amended by local law, so would the penalties. To set the penalties by resolution would be far more difficult and more difficult to prosecute. S. Peter agreed that the penalties should be included in the local law.

G. Fiedler (2333 Payne Road) expressed his support of the law and said he had reviewed the noise ordinance for the City of Albany, which included the verbiage of a “person of reasonable sensitivity” to refer to someone affected by a disruptive noise. He felt it would be a good addition to the law, as well as including mowers under §151-1B(5).

V. Feldman (2342 Payne Road) said she was confused by §131 and asked if it would be replacing §151. S. Peter clarified that §131 was the noise ordinance for the City of Rensselaer and was merely an example. She understood and expressed concern that the proposed §151 contained unreasonable terms leaving it open for interpretation. She recommended that a separate acknowledgement be included for businesses.

G. Fiedler (2333 Payne Road) agreed with Ms. Feldman regarding businesses. He felt they should be held to a different standard, with respect to fines. He stated that a business would be less affected than a homeowner by a fine of \$350.00. S. Peter said it would not necessarily be the business or homeowner held responsible for noises but rather the person(s) causing the issue.

D. Kelly (227 Shufelt Road) added that a DJ, rather than a venue should be held responsible for noise as they are in control of the volume and bass.

G. Fiedler (2333 Payne Road) asked if §151-1B(6) was necessary as it was already a state

law. S. Peter said the state law only covered a registered vehicle. This section would apply to off road vehicles and lawn mowers.

**Board Comment:** C. Rex said standards would help everyone understand the scope of the law.

Upon hearing no further public comment, a motion was made by C. Swartz to close the public hearing at 7:25 p.m. Seconded by C. Kenney.

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

### **Open Discussion**

**Highway Truck Purchase:** S. Peter said B. Brahm, Interim Highway Superintendent, was informed that the new truck which had been ordered is no longer available. There was an alternative truck, with the same body but different motor, available but at an increased cost. The price would increase from \$242,581.00 to \$255,339.00. S. Peter asked the board for their approval of the change. All board members agreed.

**Road Program Update:** S. Peter noted that for the 2022 season, surface treatments were applied to the following: Boyce Road, East Hill Road, Garrison Hill Road, Hoags Corners Road, Old Post Road South, Rohloff Road, McClellan Road and Sultan Lane. The following roads received a hot-mix asphalt overlay: Bellwood Lane, Clearview Boulevard, Park Place, Crescent Drive, Michael Road, Lakeside Drive, Champagne Drive, Hillcrest Avenue, Castleridge Road, Ridgeview Circle, Schuurman Road (from Routes 9 & 20 to Town Hall entrance), Washington Avenue, Lake Shore Drive, Rensselaer Avenue, Lincoln Avenue, Albany Avenue, Bayberry Drive and Holly Lane.

**Wingman – Highway Department:** S. Peter informed the board that B. Brahm had received several applications and felt they would be fully staffed for the winter season.

**Auctions:** S. Peter said a resolution would be needed in the future to authorize several items from the Town Hall and Highway Garage to be placed on Auctions International.

**Fitness Grants:** S. Peter said he would be meeting with the National Fitness Coalition regarding grants for fitness equipment at the town park. The equipment would be similar to the Viking Gym but be constructed out of metal rather than wood.

**Building at the Transfer station:** B. Goodall stated that the slab was complete and the building had been moved back to its original location. The slab raised the building six inches above the pavement, allowing water to run off.

### **Executive Session**

C. Swartz made a motion at 7:31 p.m. to enter into an Executive Session of the board pursuant to Public Officers Law, Article 7, §105(e). Seconded by C. Kenney.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex,

C. Peter. Noes – 0.

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

C. Rex made a motion at 8:36 p.m. to adjourn the executive session. Seconded by C. Kenney.

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

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 11/10/22 Town Board meeting at 8:36 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk