

DATE: JANUARY 26, 2023

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 PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR
FRANK CURTIS, ASSISTANT ASSESSOR

Supervisor Peter called the January 26, 2023 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 Resolution

S. Peter gave a brief overview of resolutions on the agenda. He explained that resolution 2023-087 would release the construction of the Battisti Water District No. 10 for bidding with the anticipated building to begin in summer of 2023. He noted that resolution 2023-089 would authorize an easement which was needed for the Rensselaer County Sewer project at the County Highway Garage on Maple Hill Road, resolution 2023-090 amended verbiage regarding the Dog Control Officer for payment purposes and resolution 2023-091 was related to the public hearing for proposed local law 2-2023. All other resolutions were self-explanatory.

Board and Public Comment (Resolutions Only): None.

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 A WITHDRAWN resolution is so noted and italicized.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. Swartz 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:**

2023-087 **WHEREAS**, Laberge Group, a duly licensed Engineering firm permitted to practice in the State of New York had previously been retained to prepare Contract Documents for Water District No. 10 –Water System Improvements (Project) which will replace the existing private company water system with a Town operated system, and

WHEREAS, Laberge Group has prepared the required Contract Documents necessary for the Projects, and

WHEREAS, the Board does hereby accept and approve the Contract Documents for bidding, and

WHEREAS, the Contract Documents inform potential bidders that the Town has not yet received all required governmental approvals and the Town will not be responsible for any costs incurred by any Bidder if the Town is unable to award the Project, and the

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is authorized to advertise for construction bids for the Project using the Contract Documents approved by the with a bid opening date of March 2, 2023 at 11:00 A.M.

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, seconded by C. Bult:

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

2023-088 Authorize Supervisor Peter to execute and administer an annual maintenance agreement for the period of January 1 through December 31, 2023 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 \$3,900.00 for Town Hall, 265 Schuurman Road.

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. Rex:

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

2023-089 Authorize Supervisor Peter to execute and administer a land and easement purchase agreement with Joel O'Neil for a pump station location in conjunction with the Maple Hill Road Sewer project being undertaken by the County and file necessary documents in Rensselaer County Clerk's Office when appropriate.

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. Kenney:

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

2023-090 Amend resolution 2022-352 as adopted December 29, 2022 to provide that the \$10,000 allocated for Dog Control Officer services shall be an annual fee expense for the calendar year 2023.

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

2023-091 **Withdrawn on pg. 43.**

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:**

2023-092 Pursuant to Article 7 Section 140 of the Highway Law, the Highway Superintendent hereby appoints Kevin Webb, 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 2023 adopted budget. Said appointment is effective as of February 6, 2023.

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

Discussion Items

Kevin Cioffi – CSW101 Water Extension: S. Peter informed the board of an upcoming request for the extension of water and sewer to a proposed project site at the corner of Route 9 & 20 and Route 150.

Time Warner/Charter Communications Payment: D. Kelly explained that Charter Communications pays a franchise fee to the Town of Schodack and in term, they are reimbursed by Rensselaer County relative to their taxes paid to the Town of Schodack.

Park – Shared Services and Activities: S. Peter stated that Rensselaer County had asked that an amendment be made to the duties of K. Konig, Director of Building and Grounds to allow for additional duties for the shared service between the Town and County. With

regard to park activities, he noted that D. Kelly was in the process of reviewing bands for the Music in the Park events. Due to July 4th occurring on a Tuesday, he proposed moving the first event to the last Tuesday in May, holding events on all four Tuesdays in June and the first three Tuesdays in August. In addition to those events, he was working with K. Konig to host an easter egg hunt in April and they were assessing the sunset times for holding movie nights.

Open Positions: S. Peter mentioned that applications were still being accepted for the Deputy Town Clerk and Assistant to the Assessor positions. Interviews would be conducted for the Assistant to the Assessor in the following week.

Town Survey and Newsletter: S. Peter asked that board members submit suggestions for topics they would like to see in the survey and newsletter.

Zoning Code Update: S. Peter said he was working with Laberge to schedule the review meetings for the zoning code with the anticipation of approving the changes within the next six months.

**Public Hearing
Proposed Local Law 1-2023
Planned Development District – Van Hoesen Station LLC**

S. Peter opened the public hearing for proposed local law #1-2023 to order at 7:06 p.m.

The Town Clerk summarized the Affidavit of Publication seeking public comment on the adoption of proposed Local Law No. 1 of 2023 amending the Town of Schodack Zoning Code and creating a new Planned Development District, PD-2, known as Van Hoesen Station, LLC, with respect to a portion of lands now or previously owned by Morgan Ruthman, on the tract or parcel of land located 1735 Richwood Drive, in the Town of Schodack, Tax Map No.189.-10-36. The legal notice was posted on the Town Clerk's signboard and the Town's website on January 16, 2023 as well as published in *The Record* on January 13, 2023.

M. Ruthman of the Spinney Group said he understood that the purpose of the public hearing was to obtain feedback and address concerns for the project. He looked forward to working with the board to move the project forward.

M. Brunner of 1692 Julianne Drive said she had been following the project while it was before the Planning Board and had submitted concerns during those public hearings. She commended the Planning Board on their recommendations for the project, including reducing the size from the originally proposed 200 units. She said she was not against the project but had additional concerns regarding a change of zoning to PD-2. She noted that Van Hoesen Station would back up directly to the already existing development, sandwiching it between that and the newly constructed Amazon Facility off Route 150. The primary concern that she had was the traffic was projected to flow onto Richwood Drive. This could cause major congestion with the residents of the Richwood Development and felt a separate entrance should be considered. A secondary concern was that the project was in a phased approach, with the next phase waiting for all dwellings to be occupied. She felt this would prolong the

impact of construction on the Richwood Development and asked that the town board review her comments which were submitted to the Planning Board prior to approval.

J. Williams of 1666 Julianne Drive expressed concern that the project could have a negative effect on the East Greenbush School District. She felt, as there was limited space at the elementary school, there was potential for it to be overburdened with new students. She said she was also concerned with the single entrance to the development in the event of inclement weather or an emergency. She recommended a second entrance as was installed for Strawberry Fields.

M. Ruthman said he had been in contact with administrators from East Greenbush Central Schools and they were reviewing the fiscal impact to the district and allocation of resources. He added that he would be willing to forward the traffic review to Ms. Williams and Ms. Brunner.

S. Peter said he had reviewed the traffic study and also had concerns for the entrance/egress of the development. He wondered if a light on Route 9 would be warranted. He asked that the board review all materials and submit suggestions or desired changes prior to the next meeting.

Hearing no further comments, C. Bult made a motion to close the public hearing at 7:18 p.m., seconded by C. Kenney. 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 7:19 p.m. to enter into an Executive Session of the board pursuant to Public Officers Law, Article 7, §105(1-f). Seconded by C. Swartz.

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 7:38 p.m. to adjourn the executive session. Seconded by C. Rex.

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

Public Hearing Proposed Local Law 2-2023 Tax Exemption for Volunteer Firefighters & Ambulance Workers

C. Bult made a motion to open the public hearing for proposed local law #2-2023 at 7:38 p.m., seconded by C. Rex. All in favor. 5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, S. Swartz, T. Rex, M. Kenney, C. Peter. Noes – 0.

The Town Clerk summarized the Affidavit of Publication to seek public comment on proposed Local Law 2 of the year 2023, to authorize the extension of Real Property Tax Law §466-a allowing for an exemption of up to 10% of the assessed valuation of the primary residence of volunteer firefighters and/or volunteer ambulance workers (the annual reduction is 10% of the

volunteer's real property tax). The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on January 16, 2023.

F. Curtis, President of the East Schodack Fire Company and Assistant Assessor, commended New York State for instituting the exemption; however, there was an issue of timing. As the law was passed late in the year, municipalities were limited on their time to pass a similar local law for volunteers to be able to apply prior to the March 1st deadline. He said he had attended the Rensselaer County Assessor's Meeting where it was stated that the county law was not likely to be passed prior to March 1st. He added that a meeting scheduled by the East Greenbush School District to discuss the exemption was delayed due to the district needing to consult with legal counsel. As it stood, if the town and fire districts were the only taxing jurisdictions to pass the local law, it would only be a maximum savings of \$75.00. Currently, NYS offers an income tax credit of \$200.00 to all volunteer firefighters, which would be a better option for most. He added that if the full exemption was approved, volunteers would only be able to apply for one or the other (tax exemption or NYS income tax credit), they would not be eligible for both. He noted that even though NYS passed the law, they had more questions than answers for executing the exemption. Those questions included verifying membership and if the applicant would need to renew annually until they reach twenty years of service, which would make the exemption permanent.

J. Bult asked if the new exemption would add more to the workload for the Assessor. F. Curtis said, as there were roughly 150 members that could apply, it would add a considerable amount of work onto the office, which is already processing applications for veterans, senior and agriculture exemptions. He felt once the office had a full staff, including an assistant to the assessor, it would be manageable.

Atty. Langlois asked if there would be confusion if each taxing jurisdiction chose different terms (length of service) for the exemption. F. Curtis said coding would be necessary to determine the amount for the exemption. Atty. Langlois concluded that it would be best for all taxing jurisdictions (Fire District, School District, Town and County) to have the same set terms for opting in for the tax exemption. S. Peter agreed as the same procedure was applied to the Payment In Lieu of Taxes (PILOT) for solar farms. Due to the many factors included in the exemption, he recommended not passing the local law until all entities could come to an agreement. F. Curtis agreed and noted that the County Executive questioned the number of volunteers that would qualify for the exemption. He said he recommended they contact J. Wilson, Director of Public Safety.

J. Bult asked how the service time would be determined. He wondered if the amount of years they had served would be used or would there be a limit on when the time could start. Atty. Langlois said, regarding the lifetime determination of twenty years, the service would include all years up to the date of application. F. Curtis said, based upon LOSAP, only five years prior could be used; however, as he understood the law, it was total years of service with no limitations. Using himself as an example, he had forty-eight years of service which would automatically set him as lifetime.

S. Peter asked how the exemption would apply to members who live in the town but serve for a fire district outside of the town. F. Curtis said they would need to show proof of membership

within a jurisdiction that also had opted in for the exemption. He added that it would be up to the Chief or President of the Fire Company to verify memberships.

Hearing no further comments, C. Swartz made a motion to close the public hearing at 7:50 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.

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.

2023-091) *WITHDRAWN: 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 January 26, 2023 at 7:30 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 2 of 2023 Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers in the Town of Schodack, and*

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on January 16, 2023 and advertised in the January 16, 2023 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on January 26, 2023 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 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 2023 (P2-2023) to be known as Local Law _ of 2023 Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers 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.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 01/27/22 Town Board meeting at 7:50 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk