

DATE: MARCH 23, 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:

OTHERS: DAWNE KELLY, CONFIDENTIAL SECRETARY TO THE
SUPERVISOR
BRUCE GOODALL, DIRECTOR OF TRANSFER STATION
OPERATIONS

Supervisor Peter called the March 23, 2023 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.

Viking Gym Presentation

R. Annis of Top Form gave an update on the progress of the Viking Gym. He explained that the gym, which had previously been constructed of wood, would now be replaced with eight pieces of metal equipment. The estimated cost for the project was \$24,000.00. He noted that the Rotary Club and Top Form would be fundraising to cover a portion of the cost and hoped the town would utilize parkland funds to cover the remaining cost. C. Swartz asked who would be installing the equipment. Mr. Annis said they would be seeking support from the community for said installation; however, they would appreciate assistance from the Highway Department to clear the area of vegetation. S. Peter asked if it would be more prudent to purchase a few pieces of equipment each year rather than all eight at once. Mr. Annis said the approximate cost per piece was \$1,100.00 and felt, if the board would prefer, two pieces could be purchased annually until complete. S. Peter asked that the Power Point presentation be emailed to the board so an informed decision could be made. He confirmed that parkland funds could be utilized for purchasing the equipment. C. Bult felt the gym would be a great benefit to the community and a well spent use for parkland funds. He asked if there would be any maintenance needed for the gym following installation. Mr. Annis said, as it would be coated in enamel and ceramic, there would no maintenance needed; however, there would potentially be a need for raking of the area in the spring.

Executive Session #1

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.

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

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

Public Hearing Proposed Local Law 7-2023 Moratorium for Battery Energy Solar Systems

C. Bult made a motion to open the public hearing for proposed local law 7-2023 at 7:18 p.m. Seconded by C. Swartz. 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. 7 of 2023 (PLL7-2023) to establish a moratorium for battery energy solar systems 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 13, 2023.

C. Bisceglia, of BlueWave Solar, offered information to the board from engineers and third-party analysts regarding battery storage technology as a tool to amend the town code. She noted that battery storage was essential to assist the grid.

S. Peter explained that the board had the option of either acting on the moratorium that evening or extending the public hearing to allow for further public comment. He noted that it was not the intention of the board to stop the construction of battery storage facilities. An amendment was needed to the town code to help with regulations, including installation, bonds and decommissioning plans. C. Swartz preferred to vote on the moratorium but allow public comment. S. Peter mentioned that public comment would be essential for amending the code. C. Bult agreed to move forward with the vote.

Hearing no further board or public comments, C. Swartz made a motion to close the public hearing at 7:23 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.

Briefing of Resolutions

S. Peter gave a summary of the resolutions. He explained that the meal allowance amounts approved at the previous meeting were incorrect and needed to be amended (2023-135), an addition was needed for resolution 2023-136 to include the verbiage "A Fund" to clarify where the funds would be utilized from, resolution 2023-137 pertained to the Proposed Local Law

7-2023, resolution 2023-138 related to an application for a liquor license by Jimmy's Lakeside Grill and resolution 2023-139 would approve the list of volunteers for 2022 LOSAP program.

Atty. Langlois explained that the owners of 1631 Tina Lane were interested in developing the property; however, they needed to improve the drainage on the site. Resolution 2023-140 would authorize the Supervisor to sign the agreement.

S. Peter proposed the addition of resolution 2023-141 to appoint the following members to the Local Waterfront Revitalization Program: Steven Rivers, Thomas Phillips, Michael Wiley and Glenn Camingo. All board members agreed.

Board/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. Bult:

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

2023-135 Amend resolution 2023-129 as adopted on March 9, 2023 as follows: Authorize wing-persons that have worked twelve (12) consecutive hours to receive up to ~~twenty (\$20.00)~~ eleven (\$11.00) dollars meal allowance with receipt, or ~~eight (\$8.00)~~ five (\$5.00) dollars without receipt. Additionally, in the event that a wing-person is called in on the weekend or on a holiday, s(he) shall receive the above-entitled meal allowance after six (6) hours.

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. Rex:

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

2023-136 Authorize the purchase of a BDP-BX370 Blu-Ray Player with Built-In Wi-Fi and HDMI, a HDMI Audio Extractor, 2 - 3ft Gripping high speed HDMI Cable, a 3 ft 3.5mm Stereo M to RCA male, 2 – Speaker Tote Bags, a Dual Compartment Speaker Stand Bag, a Padded Nylon Mixer/Equipment Bag and Projector Storm Travel Case from Audio-Video Corporation per quote dated March 9, 2023 at a cost not to exceed \$754.00. [Budgeted A7110.2]

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:

2023-137 **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 23, 2023 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 7 of 2023 **A Local Law Establishing A Six-Month Moratorium on Battery Energy Solar Systems within the Town of Schodack, and**

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on March 13, 2023 and advertised in the March 13, 2023 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on March 23, 2023 at 7:15 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 7 of 2023 (P7-2023) to be known as Local Law 5 of 2023 Moratorium on Battery Energy Solar Systems 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, 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:

2023-138 **WHEREAS**, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

WHEREAS, notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board, and

WHEREAS, the Town of Schodack has on the 6th day of March, 2023 received notice that Cheryl Harding, owner of the business known as Jimmy's Lakeside Grill is applying for an on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said application to the Schodack Town Board, the Schodack Police Department and the Schodack Building Department and no adverse comments or recommendations of any kind were received,

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) day notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Schodack, that with respect to the application submitted by Terry Frederick doing business as Jimmy's Lakeside Grill at 266 County Rte. 7, Schodack, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Schodack Town Board does express a favorable opinion, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Schodack hereby waives the thirty (30) day notice period in regard to Jimmy's Lakeside Grill at 266 County Rte. 7, Schodack, New York allowing an earlier submission of the liquor license application.

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. Rex:

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

2023-139 **WHEREAS**, on February 9, 2023 the Schodack Town Board approved by resolution (2023-098) the Volunteer Ambulance Workers Service Award Program List of all 2022 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 23, 2023 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.

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:

2023-140 **WHEREAS**, Daniel and Faith Colvin (Owners) are the owners of property which is situated at 1631 Tina Lane, 199.4-4-18.1 in the Town of Schodack, County of Rensselaer, State of New York, as described more particularly in Book 8724 of Deeds at page 20 and recorded on January 3, 2019, in the Office of the Rensselaer County Clerk (hereinafter “Property”), and

WHEREAS, as a condition of the Owners’ desired modification of the existing subdivision approval to allow the construction of a single family residence, the Planning Board requires Owners to replace the existing storm sewer under Tina Lane as well as install a new storm sewer including structures and other appurtenances to continue the conveyance of the stormwater flow along, on and through Tina Lane in front of and through the Property and to dedicate to the Town a drainage easement and right-of-way and all improvements, including those improvements depicted in Exhibit A-1, allowing the construction and/or operation and/or continued placement of all drainage improvements on the Property to guide and to promote the drainage under and/or onto and/or through the subject area;

WHEREAS, an Agreement has been prepared;

NOW THEREFORE BE IT RESOLVED THAT the Town Supervisor or his designee is hereby authorized to execute all necessary documents to accept and effectuate the acceptance of said conveyances.

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:

2023-141 Appoint members to the Town of Schodack/Village of Castleton-on-Hudson Waterfront Advisory Committee as follows: Steven Rivers to a three year term to expire on December 31, 2025, Thomas Phillips and Michael Wiley to two year terms to expire on December 31, 2024 and Glenn Camingo to one-year term to expire on December 31, 2023 as members of the Local Waterfront Revitalization Program Consistency and concur with the Village of Castleton-on-Hudson that Robert Mello is the Chair.

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

Board Discussion Items - New Business

Spring Clean-Up: B. Goodall reviewed the discounted amounts proposed for the spring clean up and noted that there were no changes, including the limit on furniture and electronics to 3 per resident.

Household Hazardous Waste Events – Rensselaer County: B. Goodall said the town was enrolled in four Household Hazardous Waste Events, with the event being hosted by the Town of Schodack to be held on July 29th. Residents would have the opportunity to utilize any of the four events; however, there were only five slots reserved for the three events being held outside the town.

Road Program: S. Peter said the town would have the opportunity to partner with Rensselaer County for use of their paver to re-pave certain areas where roads have become rough, including a portion of Burden Lake Road by the cemetery. C. Swartz noticed that Jensis Road had been included in the road proposal and asked, as there was construction in that area, if they should hold off. S. Peter clarified that the construction had been completed and Jensis Road had been paved last year. It was customary for paved roads to be chip sealed the following year to protect the surface.

Battisti Water District #10: S. Peter stated that Laberge was reviewing the bids that had been received for the construction of the Battisti Water District. There was potential for overlap in the project with Rensselaer County pertaining to the installation of the water main on Route 9.

Water Plant Bridge: S. Peter noted that Laberge was also reviewing the bids received for the replacement of the bridge to the well fields as they had come in higher than expected. He anticipated their recommendation for the bid winner at the April meeting.

Easter Egg Hunt: S. Peter reminded the board that the hunt was scheduled for April 1st.

Board Discussion Items - On Going

Police Union Contract Update: S. Peter said a meeting was scheduled to finalize the contract.

Route 9 Water/Sewer Infrastructure: S. Peter said Rensselaer County was moving forward with the water down Route 9, with the project expected to go out for bid in late spring/early summer. D. Kelly added that a few easements were still needed for the project.

Public Comment

Local Waterfront Revitalization Program (LWRP): L. D'Aquanni, member of the LWRP for the Village of Castleton, thanked the board for filling the vacancies on the committee and said she looked forward to working with them to increase tourism in the area and the vitality of the waterfront. She added that by reviewing ways to improve the waterfront, they could also assist in preventing future flooding to the area.

Road Program: T. Phillips, member of the Rensselaer Land Trust, asked the board to consider repaving Trolley Way by Nassau Lake, which is a part of the Albany Hudson Electric Trail. He explained that the Land Trust was responsible for maintaining the trail and was concerned that the rough surface of the road could hinder handicap accessibility. S. Peter said that Trolley Way was not currently on the list; however, as targeted roads are completed and funding is analyzed, there was potential for it to be added.

Executive Session #2

C. Bult made a motion at 7:36 p.m. to enter into an executive session of the Board to discuss a contractual matter, pursuant to Public Officers Law, Article 7 §105(1-e). Seconded by C. Swartz.

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. Swartz made a motion at 8:28 p.m. to adjourn the executive session. Seconded by C. Bult.

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. Kenney made a motion to adjourn the 03/23/23 Town Board meeting at 8:28 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk