

**DATE:** NOVEMBER 12, 2015

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA L. CONLIN

**PRESIDING OFFICER:** DENNIS E. DOWDS

**MEMBERS PRESENT:** FRANCIS CURTIS  
JAMES E. BULT  
SCOTT SWARTZ

**MEMBERS ABSENT:** MICHAEL KENNEY

**ATTORNEY:** DAVID GRUENBERG

**OTHERS PRESENT:** DAWNE KELLY, ASSISTANT TO THE SUPERVISOR  
BERNHARD PETER, CHIEF OF POLICE

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Supervisor Dowds called the November 12, 2015 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 Agenda**

Dawne Kelly gave a summary of website redesign proposals (resolution 2015-258) she solicited on behalf of the Board. She stated that she received different proposals. After speaking to the vendors and extensive research, it was her recommendation to accept the proposal from Virtual Towns and Schools. They have specialized in websites for schools and towns and have approximately 500 municipalities as clients. She checked several of their references in the area (one larger municipality and one smaller) and received very positive feedback. The company has a local office in Clifton Park and will provide onsite training for all departments. One of the benefits is that each department head will be able to post their own information on the website. As we are approaching the end of the year, it might not be possible to have the new site up on Jan. 1, 2016, but it should be "live" within the first quarter of the year. Our current webmaster will continue to keep our current site up until the transition. The cost is \$9,950.00, payable in a one-time fee or 3 equal payments of \$3,316.67. In addition to that one-time cost, there is an ongoing hosting and tech support annual fee (maintenance) of \$3,500.00. The Supervisor noted that the maintenance fee does not begin until the site is up and running and is a one-year contract from that start date.

S. Dowds noted that resolution [2015-256] has a slight grammatical correction as only one item is being sold. Resolution [2015-255] will be withdrawn as negotiations have not concluded. C. Curtis asked if the contract was close to being settled. S. Dowds responded that our attorney is working on the procedure and process for 207-C and hopefully, we will have it resolved by the December 10<sup>th</sup> meeting. A. Gruenberg explained that 207-C is a new section of law so he is discussing this with some labor attorneys to get more detailed information about any potential impacts on the town. With regard to resolution [2015-261], C. Bult asked if any site work was necessary for the shed. Chief Peter said no. Speaking to the Comptroller, C. Swartz said some of the bills, like True Value, Staples, etc.

lump all the items purchased together on the reports to the Board and it makes it difficult for them to ascertain which department purchased a specific item. He asked if a report could be produced that breaks that information down so they have a clearer understanding of what items are purchased by specific departments. The Comptroller said absolutely. C. Bult said he noticed that the new 2015 highway truck had to be towed and he thought that should be at the expense of H.L. Gage, not the town. He said he will follow-up with the Highway Superintendent about it.

C. Curtis said resolution [2015-260] pertains to the town taking ownership of the Dunkin' Donuts sewer line and asked if there are any known problems with it. S. Dowds said he has been working with our attorney and engineer. There are punch lists of items that need to be addressed that have been prepared by the engineer and Highway Superintendent, which is being sent to the contractor. He estimated that the punch listed items come to approximately \$10,000.00. As of this date nothing has been done, but the Town does hold \$53,000.00 in escrow which can be used to correct them. Since there are outstanding issues, C. Curtis questioned why the Board should pass the resolution. He felt it would be better to wait until everything was resolved. S. Dowds said pursuant to the contract we signed, the town became the owner in June, regardless of this resolution. C. Bult said if there is no reason that the Board is mandated to accept it, then he believed they should wait until the punch list items are completed. Further, C. Curtis asked if it is the town's, per the contract, then why do we need to do a resolution to accept it? S. Dowds responded that the resolution simply authorizes his signature. C. Bult asked for the advice of legal counsel. A. Gruenberg said he would call the town's special counsel (Attorney Ryan) and the engineer and ask them if there were any issues with signing it. The Board could readdress this at the December meeting. Board members felt that was the best choice; therefore resolution [2015-260] will be withdrawn.

### **Public Comment**

W. Wheeler, the current webmaster, addressed the Board regarding the new website proposal. He felt there would be major problems with having department heads post their own pages and relevant information. Further, he asked how the town intended to address the information that does not come under the heading of a specific department. He also wondered if department heads had been apprised of this policy change and finally he requested a copy of the proposal (*Atty. Gruenberg gave him a copy*). For the record, Mr. Wheeler wanted the Board to know that Ms. Kelly has always been very prompt in submitting information, but not everyone else is so he foresees issues with the new change. In summary, he did not think this was a good idea for the town.

With regard to resolution [2015-252], M. Sherwood asked if the premiums noted were paid by the town or the employee. S. Dowds said they are the gross monthly premiums. Most employees pay a portion depending on their start date. The Comptroller said he didn't have all the specific information with him, but offered to go over it with her if she wanted to stop by his office tomorrow, since there were many different formulas. The increase in the CDPHP policy is 3.6%. Empire-Blue Cross/Blue Shield no longer offers a plan for the town. With regards to the website proposal, she said she hoped there was an early termination clause in case everything doesn't go as anticipated. She also wanted to know why the police department needed a large shed. The Chief responded. He said the garage is full of evidentiary items, as well as storage of some of seasonal items. They would like to be able to use the garage for its intended purpose, rather than storage. She asked if

they could use the space on the second floor of the Town Hall for the evidence, etc. C. Bult said many of the items are bicycles, motorcycles, etc. and are not conducive to having them housed in an internal work environment. It is not storage of paper files. Chief Peter extended an invitation to the Board and public to come to the station any time for a tour of their facilities. Since they were talking about the shed, the Chief explained that they solicited 3 quotes, and provided a brief overview of the statistics for Board members.

K. Stokem reported on the county's drinking water protection law, which is being advocated by those trying to fight the intended gas pipeline. He gave a summary of the status of the bill and hoped it would be passed at the November 23, 2015 County Legislature meeting. He appreciated any efforts made on their behalf by town officials.

### **Departmental Reports**

The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk, Building Department, Human Resources, Historian, Receiver of Taxes, Police and Planning & Zoning.

### **Review of Abstracts of Claims and Budget Amendments**

The Board reviewed claims #15-1677 to 15-1839 on Abstract No. 2015-11, in the amount of \$289,008.86, including the claims paid (\$151,731.98).

### **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. Curtis 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:**

**2015-251)** WHEREAS, the Town Board delegated its annual auditing responsibilities pursuant to Section 123 of Town Law to the Town Comptroller, and

WHEREAS, the Town Comptroller performed the audit in accordance with the guidelines provided by the New York State Office of the State Comptroller as published in the Local Government Management Guide – Fiscal Oversight Responsibilities,

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the audit report submitted for Justice Court for the fiscal year 2014.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. 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:**

- 2015-252)** Authorize the selection of the HMO \$25 co-pay plan with Capital District Physicians' Health Plan, Inc. (CDPHP) with monthly premiums as follows: Individual \$669.78, Two-person \$1,339.53 and family \$1,741.39 effective December 1, 2015.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

C. Bult made a motion to adopt the following resolution, seconded by C. Curtis:

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

- 2015-253)** Authorize Supervisor Dowds to execute and administer the Client Coverage Acknowledgment and Compensation Disclosure Statement effective 1/1/16 between the Town of Schodack and Corporate Plans Inc. (CPI-HR)  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

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

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

- 2015-254)** Ratify the Memorandum of Agreement by and between the Town of Schodack and CSEA, Inc., Local 1000 AFSCME, AFL-CIO (Town of Schodack Unit) executed by Supervisor Dowds on October 13, 2015 and further authorize Supervisor Dowds to execute and administer, on behalf of the Town, a collective bargaining agreement incorporating the terms of said Memorandum of Agreement in a form acceptable to counsel for the Town.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

- 2015-255)** **WITHDRAWN:** *“Ratify the Memorandum of Agreement by and between the Town of Schodack and United Public Service Employees Union (Police Unit) executed by Supervisor Dowds on October 13, 2015 and further authorize Supervisor Dowds to execute and administer, on behalf of the Town, a collective bargaining agreement incorporating the terms of said Memorandum of Agreement in a form acceptable to counsel for the Town.”*  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

C. Curtis made a motion to adopt the following resolution, seconded by S. Dowds:

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

- 2015-256)** Approve listing the following as surplus vehicles and authorize Kenneth Holmes, Highway Superintendent to post said item on [www.AuctionsInternational.com](http://www.AuctionsInternational.com) at no cost to the Town. (Bidders must be registered to bid. Cost of registration is \$10.00):  
2004 Ford Expedition VIN 1FMPU16L54LB49692  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. 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:**

- 2015-257)** Authorize Supervisor Dowds to execute the Rensselaer County STOP DWI Enforcement Crackdown agreement on behalf of the Town of Schodack for the period October 1, 2015 through September 30, 2016.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. 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:**

- 2015-258)** Authorize Supervisor Dowds to execute Website Development and Hosting Services agreement on behalf of the Town of Schodack with Virtual Towns & Schools with the development cost in the amount of ~~\$9950.00 (one-time expense)~~ for three level payments of \$3,316.67 due as contracted and annual hosting cost in the amount of \$3,500.00 (yearly expense).  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:**

- 2015-259)** Authorize Supervisor Dowds to execute and administer Addendum Number 2015-11 for professional services from the Laberge Group to assist with Orchard Road Drainage Construction Phase in an amount not to exceed \$7,500.00.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

- 2015-260)** **WITHDRAWN:** “Accept executed affidavit pertaining to the transfer of the sewer infrastructure improvement for Dunkin’ Donuts, Sewer District #6 Extension #1 dated October 30, 2015.”

C. Bult made a motion to adopt the following resolution, seconded by S. Dowds:

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

- 2015-261)** Authorize purchase of a 12 X 30 Shed for the Police Department from Classic Sheds at a cost not to exceed \$6,965.00 as per quote dated 10/27/15. (As Budgeted)  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

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

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

- 2015-262)** Authorize Supervisor Dowds to execute and administer Municipal Compliance Certification Form (MCC) as it relates to MS4 Signatory Authorization.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:**

- 2015-263)** Authorize Supervisor Dowds to execute and administer Conformed Contract Documents by and between the Town of Schodack and Gallo Construction Corporation relative to the Orchard Road Drainage.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. 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:**

- 2015-264)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-1677 to 15-1839 on Abstract No. 2015-11, in the amount of \$289,008.86, including the claims paid (\$151,731.98) since the previous town board meeting.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:**

- 2015-265)** Authorize budget modifications, interfund loans and interfund transfers as recommended by the Comptroller.  
 4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, F. Curtis, S. Swartz, D. Dowds. Noes – 0.

**TOWN OF SCHODACK  
BUDGET MODIFICATIONS  
SEPTEMBER 30, 2015**

**BUDGET MODIFICATIONS**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>29</b>	A-960-1315.4000	Comptroller - Contractual	2,400.00	
	A-960-1315.1000	Contingency - Contractual		2,400.00
	To transfer funds to cover shortfall of normal charges due to Acct Temps to cover vacant Comptroller position			
<b>30</b>	A-960-1340.4000	Budget - Contractual	52.74	
	A-960-1340.1000	Budget - Personal Services		52.74
	To transfer funds for non-budget staples supply order.			
<b>31</b>	A-960-1355.2000	Assessor - Equipment	399.00	
	A-960-1355.4000	Assessor - Contractual		399.00
	To transfer funds for non-budget new printer purchase			
<b>32</b>	A-960-1680.4000	Cntl Data Processing - Contractual	350.00	
	A-960-1990.4000	Contingency		350.00
	To transfer funds for IT service and Internet charge shortfall due to unexpected server charges			
<b>33</b>	B-960-1680.4000	Cntl Data Processing - Contractual	120.00	
	B-960-1420.4000	Town Attorney - Contractual		120.00
	To transfer funds for IT service and Internet charge shortfall due to unexpected server charges			
<b>34</b>	SS2-960-8130.1000	Cstleridge Sewer Dist #2 - Personal	161.42	
	SS2-960-8130.1100	Cstleridge Sewer Dist #2 – O/T	373.93	
	SS2-960-9030.8000	Cstleridge Sewer Dist #2 - Benefits	29.23	
	SS2-960-9060.8000	Cstleridge Sewer Dist #2 - Benefits	14.08	
	SS2-960-1990.4000	Castleridge Sewer Dist #2 - Contingency		578.66
	To modify the budget for W/S Operator service calls			

## New/Old Business

**NED Pipeline:** C. Bult asked if there were any new updates on the NED pipeline. S. Dowds said no. Based on the information that he has, they are not filing their application until November 20, 2015 and then FERC has 10 days to rule on the application.

**Hamilton Printing:** C. Swartz stated that last week, at the sewer/water hearings, the Supervisor mentioned there was interest in the Hamilton Printing property and asked if he could share more information with the Board. S. Dowds said it is a company in Norwalk, Connecticut that manufactures food products. They have not come to the Planning Board yet and he wasn't sure of their name. J. Jensis asked if there was any know pollution at the Hamilton Printing site. Dennis said he did not have that knowledge.

**Rte. 9:** C. Swartz said it has been rumored that there is interest on the "Wood" property on Rte. 9 and wanted to know if the Supervisor had any information on that as well. S. Dowds said it was his understanding that the real estate agent who is selling the property for the owners has been talking to a company that is interested in the whole parcel, essentially a development company.

**Sale of Town Property:** C. Bult asked if the special district properties have been listed and/or the former town hall. S. Dowds said he is soliciting proposals from the realtors. He is going slowly on this because he received a call from someone who might be interested in the property for light manufacturing, so he wanted to see if it was viable option before committing to a real estate agent.

**Anchor Request:** S. Dowds said he was contacted again by the Anchor (charitable organization in the Town) for a donation. They told him that this year the demand is far exceeding their supply. C. Bult asked the advice of legal counsel. A. Gruenberg said there is a gift issue that may prohibit using municipal funds for unrelated services and he would need to check the law to determine the parameters. **Determination:** The Board will hold on that until they get a ruling from the attorney.

**Stewart's:** The Supervisor reported that the only outstanding issue is the Inter-municipal Agreement with the Village of Nassau, which he received today from Special Counsel, William Ryan. Upon reading the proposal, he felt there may be an issue with the number of gallons/day. Stewarts has indicated that they will use approximately 800 gals./day. The contract stipulates up to 2,000 gals./day. It was his opinion that they might want to consider increasing that to 3,000 gals./day in case there is growth in that area. The other issue is the rate. Currently, it is \$3.25/1,000 gals. and he felt there should be some kind of language in there that caps it because we will be doing the billing, etc. He stated that if the attorneys can provide an acceptable agreement, the Board may have to have a special meeting to authorize it because they need water during construction.

**Fire District Consolidation:** C. Curtis said he missed last Thursday's meeting because he was at a meeting with our fire departments discussing the feasibility of consolidation. He said this has been discussed for years, but nothing has ever happened. They had representation from every fire district in the town, some state officials and representatives from North Greenbush who have already started to consolidate. Overall, he felt this initial meeting went very well. He said this is not something that happens quickly as it has taken North Greenbush about 5 years to get where they are today, but hopefully, this is a beginning. S. Dowds said it is worthwhile undertaking and appreciated C. Curtis' involvement with this endeavor. He felt it will benefit the citizens of Schodack and should only improve the emergency services capabilities that we currently have.

**ADJOURNMENT**

As there was no further business before the Board, C. Curtis made a motion to adjourn the 11/12/15 Town Board meeting at 7:55 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/RMC/CMC