

**DATE:** APRIL 28, 2016

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA L. CONLIN

**PRESIDING OFFICER:** DENNIS E. DOWDS

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:**

**ATTORNEY:** DAVID GRUENBERG (*arrived at 7:25 p.m.*)  
**COMPTROLLER:** PAUL HARTER, COMPTROLLER  
**OTHERS PRESENT:** DAWNE KELLY, SUPERVISOR'S ASSISTANT

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Supervisor Dowds called the April 28, 2016 Town Board Workshop Meeting to order at 7:05 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Discussion Items**

**Website/Status Update:** S. Dowds reported that the website will be going live on May 1<sup>st</sup>. It will roll out over several days so it doesn't overload our server. Dawne Kelly said she appreciated the staffs' efforts in embracing the site and their role in keeping it current. C. Rex felt the website looked great and believed that time will be the ultimate test. She asked if information can still be added to it. Ms. Kelly said yes. Any department can add to their department page or calendar. The administrators have more rights to update and revise certain areas, so it is a work in progress. C. Rex said she would like her contact information on the site. Ms. Kelly said she would be happy to add her personal email address to the website (later in the meeting, Ms. Kelly said she checked on the information and there was a broken link to C. Rex's site, which will be fixed). S. Dowds thanked Ms. Kelly for her time and efforts relating to the website.

**Kinder-Morgan/Tennessee Gas:** The Supervisor stated that Kinder Morgan has filed for a hold on the pipeline project. They submitted a letter to FERC, which said in part, "Tennessee (Gas) respectfully requests that the Commission not take any further action in processing the application, pending Tennessee submitting a status report to the Commission no later than May 26, 2016." The Supervisor said he has spoken with the Berkshire Planning Group and they contacted FERC who advised them that nothing will happen until Tennessee submits on May 26<sup>th</sup>. C. Bult asked the status of the Berkshire Planning Group given the potential change in plan, wondering if they would remain intact until they see what is happening. S. Dowds said that is a good point. Kinder Morgan has until May 26<sup>th</sup> to submit a request to either shut the project down, make changes, etc. and

he believed FERC would not respond to them until sometime in June. C. Rex asked if the letter that the Supervisor read can be uploaded to the town's website.

**Local Waterfront Revitalization Plan/LWRP:** The Supervisor noted that the Town of Schodack Waterfront Consistency Review Law is known as Chapter 144 of the Town Code. Section 144-6 clearly lays out how the Joint Advisory Committee between the Town of Schodack and Village of Castleton will be comprised. It reads "It shall consist of nine members, four of whom shall be appointed by the Village Mayor subject to confirmation by the Village Board, and four of whom shall be appointed by the Town Supervisor subject to confirmation by the Town Board. The ninth member, who shall be the Chair, shall be jointly appointed by the Mayor of the Village and the Supervisor of the Town. Of the members of the Committee first appointed, three shall hold office for terms of one year, three for terms of two years and three for terms of three years. Their successors shall be appointed for terms of three years from the expiration of the terms of their predecessors. Vacancies shall be filled by the appointing boards and chief executive officers as designated above." The Supervisor continued that when they met with the Department of State it was indicated that the Committee should be reconstituted with a very diverse group of members because they believed it would help us achieve an improved, revised document. He asked for Board input on how they would like to begin the process. C. Bult suggested that they should seek letters of interest from people who would like to work on the plan. Then the Board could review them and make a joint decision. The Supervisor recommended that they put the notice on the website. Atty. Gruenberg added that the Board should post a summary of what qualifications they are looking for and what their charges will be, so people have an understanding of the level of commitment. He noted that they could also put something in the Advertiser. C. Rex asked if the letters of interest would be sent to the Town Hall. The Supervisor said yes. He will then copy them to the Board. With regard to the Chair, even though it states it is the Supervisor and Mayor's decision, he will be seeking Board input on who they think would be the most qualified person to Chair the committee, then he will discuss it with the Mayor. C. Rex asked how they are going to determine who gets the 1-year term, 2-year term, etc. The Supervisor said people may express interest in how long they were willing to serve, so it might be self-policing. C. Rex suggested that they have some controls in place to make sure they get periodic reports, or, in the very least, to know if members quit, etc. The Supervisor said they are going to be an independent committee. They will, however, be working with guidance from the Department of State in terms of what they need to do including looking for grants for outside consultants. C. Kenney said he realized that the review of the document will take some time; therefore, he advocated that the selection process be done in a timely manner so they could get the process started.

**Reminders:** Spring Clean-up days are May 12, 13 and 14<sup>th</sup>. Many items that normally have a fee can be brought to the Transfer Station for free or for a reduced charge. Shredding Day is this Saturday, April 30<sup>th</sup> from 9 am – 12 noon, at the East Greenbush Town Hall.

**Commercial Building Permits:** The Supervisor explained that when the Building Inspector needs assistance for commercial buildings, like Dagen Trucking or the Community Care Center, he uses the services of an outside consultant or engineering firm, which he did in both instances. Laberge was asked to oversee those reviews and the cost for those

services was \$3,800.00 for Dagen and \$4200.00 for Community Care. If an outside consultant is used, there is a caveat that a building permit costing \$15,000.00 or more has to be reduced by one-quarter. Unfortunately, we didn't realize that we should have had an agreement between the town, the client (developer) and the engineer/consultant prior to issuing the permit. Therefore, we need to get an agreement in place so we can the bills. C. Bult asked if the expenses were paid by the developer or the town. S. Dowds responded that we get the money from the developer and establish an escrow account. C. Swartz asked why it had to be reduced by one-quarter. The Supervisor said the town reduces the fee to help off-set the costs to the developer for the third party inspector.

**Consolidation/Fire Districts:** S. Dowds gave a status report on the consolidation efforts of town fire districts. He said there is a potential consulting fee of \$50,000.00 to conduct the feasibility study for consolidation of the involved fire districts - Schodack Valley, Castleton, East Schodack, Schodack Landing, South Schodack and the Village of Nassau. The only one that has opted out at this time is the Schodack Center Fire District who contracts with an East Greenbush Fire District for fire protection. With regard to the consulting fee, he said the Town has been asked to contribute 1/7 of the fee (\$7,142.00) because of our protective districts. The Supervisor explained there is a second phase of the study. If they decide that they don't want to go further after Phase I, then 50% of the grant is returned. If they continue to move forward, 90% of the first grant is allocated to conduct the second phase. The Supervisor asked the pleasure of the Board with respect to funding 1/7<sup>th</sup> of the fee. C. Bult, said it was his opinion that we have two protective districts that we (the Board) are responsible for. Therefore, he felt that to demonstrate good faith and move this effort forward, the Town should pay their fair share. The Supervisor and C. Kenney agreed. They felt the Board needed to show commitment. C. Scott asked if there was a sense whether the consolidation efforts would move beyond the study phase. Mr. Schweigert said, yes, he believed so. They realize that it will be difficult and it may be a reduced number of districts that chose to move forward. The Supervisor said the reality is, there won't be a huge cost savings but in the long term, operational costs are where you would see the benefit. In concluding this discussion, the Supervisor noted that the Town has to apply for the grant on behalf of all the districts and fund the consultant, so we will have to have an Intermunicipal Agreement with each district to get reimbursed from them.

**Pool Agreement/Summer Recreation Program:** The Supervisor noted that the pool agreement for the summer recreation program will be on the next agenda. It is with the same vendor, the Jewish Community Center, and the same price (\$4,850.00).

**Orchard Road Drainage** – The Supervisor said the original estimate for Laberge's oversight on this project was \$7,500.00; however, by the time it was completed, there was an additional \$235.00 in costs so there will be resolution on the May agenda to approve an addendum to the original contract. C. Bult asked if that was due to the extended period of time that it took to complete the project. S. Dowds said yes. It was supposed to start in November but it didn't start until January.

**Stewart's:** C. Bult asked the status of the Intermunicipal Agreement with the Village of Nassau relative to supplying water to Stewart's. Atty. Gruenberg said he will talk to Atty. Ryan and hopes to have it for the May meeting.

## **Executive Session**

C. Swartz made a motion at 7:47 p.m. to discuss potential litigation. Seconded by C. Kenney.

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

C. Kenney made a motion at 8:31 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, D. Dowds. Noes – 0.

## **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 04/28/16 Town Board meeting at 8:31 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/RMC/CMC