

DATE: MARCH 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

COMPTROLLER:

OTHERS PRESENT:

Supervisor Dowds called the March 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.

Departmental Reports & Review of Abstracts of Claims and Budget Amendments

The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk, Building Department, and Historian. The Board reviewed claims #15-0325 to 15-0483 on Abstract No. 2015-03, in the amount of \$323,966.09, including the claims paid (\$123,295.50).

Briefing of Resolution Agenda

Based on information recently received, it was the consensus of the Board to amend resolution [2015-102] to delete the phrase "under the direction of the Stuart McKnight." All other resolutions are self-explanatory.

Public Comment

As there were many people in the audience that had indicated they wanted to speak on a gas line that is proposed to go through Schodack, the Supervisor asked them to limit their comments to 3 minutes so everyone has an opportunity to be heard.

The tentative route of the pipeline proposed by Kinder Morgan, a.k.a. Northeast Energy Direct (NED), shows that approximately 11 miles of pipe will go through Schodack; co-locating with the electric transmission lines where possible. The location of the compressor, while rumored to be located somewhere in Schodack, has not been specifically identified. The summary that follows is based on their concerns regarding the route and possible location of a 90,000 HP compressor station in the town. All who spoke were opposed to the pipeline.

L. Zimmerman presented a letter to the Board outlining her concerns. Those concerns, which follow, were reinforced and reiterated by other speakers: size of the proposed compression station and the noise level that could emanate from it; the dimension of the pipeline (36") with a PSI of 1460; the possibility that they could store the natural gas in the aquifer and possibly contaminate the town's water supply; dangerous gas emissions from the compressor station and the potential devaluation of property values along the pipeline route. If the pipeline goes through, she wondered if any noise mitigation measures would be proposed for the compressor station. She said it is her understanding that if an explosion occurs and shut-off valves are 10 – 12 miles apart, all the natural gas between the valves will have to burn off and she wondered if they would be taking any measures to ensure the safety of the residents near the pipeline. She said the Town will receive no benefit from the transmission line at all. She believes that Kinder Morgan will be hard to fight, but the people are resolved to do so. In closing, she asked the Town Board to pass a resolution in opposition to the construction of the pipeline and compressor station. All other speakers supported the resolution of opposition and suggested it be filed with the Federal Energy Regulatory Commission (FERC).

Dan Zobre said he knowingly brought a lot adjacent to the Tennessee Gas Line on Shufelt Rd. 22 years ago. Due to an ATV issue, neighboring property owners asked Tennessee Gas to erect a fence which they did. Unfortunately, about half of it was put on his property and when he asked them to move it they gave him a hard time. His point was that he didn't think they were good custodians of the R-O-W. He was approached for permission to enter his property so they could do surveying, but he refused. He feels the new pipeline will have a negative impact on his property value. Further, this gas was slated to go to the Boston area. He felt this project would forever change the nature of the town.

Chuck Hamlin, Poyneer Rd., said it has been rumored that his home is within 1 mile of the proposed compressor station. He asked the Board to do some research on Kinder Morgan with regard to safety procedures. It was his understanding that their track record is below poor and they have paid out millions of dollars in damages to people who have had their homes destroyed when a pipeline erupts.

Dave Dietrich said the people are looking to the Board for leadership. If the line does go forward, then he felt the Board should be proactive to help protect the town where they can – rules to ensure reconstruction of the roads if damaged by heavy equipment; ascertain if they will be allowed to pump (store) gas in the aquifer and if so, how will they protect our water source against possible contamination; if a compressor station is sited within the town, the Board should have them pay for independent verification of the gas releases. He said they will be digging trenches and disrupting the soils on his Rice Rd. farm and he doubts that the soil will be put back to its' natural state so he will be paying for this for the rest of his farming days.

Hervie Harris said the town will be taking all the risk and will not get any benefits. He, too, felt the company did not have a good safety record and believed many of the issues are caused by corrosion of the pipeline. Property owners should have the right to feel safe and secure in their own homes.

Joe Grimaldi requested that the Board thoroughly research everything before they pass any resolution. He was not in favor of the pipeline as it may be close to his property, but he wanted the Board to make their decision based on facts, not emotion.

Nick Caruso said he recently purchased a new home on Woodland Drive and now he finds out that he is about 475' from the existing pipeline. There are about 20 kids in the

neighborhood and they are in what is caused the “flash” zone (1000’ from a gas line) so his main concern is the safety of the children. He said it was his understanding there is a 20% devaluation of properties within a mile of a gas line and wondered if the assessments would be lowered.

Sally Catlett didn’t think that Kinder Morgan was sharing enough information. She, too, was very concerned about the health and safety of the children. She doesn’t want them exposed to whatever hazards the pipeline can bring to the area such as the release of toxic gases. She said it has been documented that over 900 accidents have happened since 2003 and wondered if the Town could handle a possible evacuation within a mile radius of the pipeline. She said if the line goes through, she may try selling her home, but wondered if the value of her home will be compromised.

Jan Dietrich said they have a productive 150 acre farm and currently raise and sell grass-fed beef as well as running a small horse boarding facility. If the pipeline goes in she feels her life will never be the same again. She is concerned about water quality, soil disturbance during actual construction and after; safety of those living in close proximity to the pipeline and decreasing property values. She, too, wondered if the volunteer emergency responders in Schodack have the means and ability to handle a catastrophic event if one were to occur.

Linda Underwood said the town will take all the risks with no reward. What’s in it for the town?

Elizabeth Gable felt that the corporations (gas) were not upgrading their equipment until it becomes very difficult for them to operate. No one is holding them accountable in terms of safety.

Tim Croft talked about compressor stations. He said they use diesel to run their engines because natural gas is too corrosive. He said if a 36” gas pipeline running at 1480 PSI ruptures, it can cause an unbelievable amount of devastation in a minute. He asked the Board to think carefully about the power of any decisions they make regarding this and how it will impact the community.

Ray Lemka and N. Fagin asked how much local control, if any, does the Town have over this – i.e. can they set limits, make regulations, etc.? Atty. Gruenberg said he is not very well versed in the area. The agency that controls these utilities is FERC, which is a federal agency. His understanding of the law that governs this type of enterprise, railroads, etc. is that it is fairly universal and doesn’t really allow for a lot of local control, if any. There is a hearing process and people can express their opinions, but in terms of local land use control (zoning) and the noise law, he believes it is all superseded by federal statute. Mr. Lemka felt that the Board should ask for things, like not having the line come within ½ mile of any residence. It was his opinion that they probably would not be storing the gas underground in Schodack. Ms. Fagin said if turns out it is inevitable, then the Board should look into any considerations they can get for the residents. On another issue, solar facilities, Mr. Lemka suggested that the Board impose a moratorium until the law the town is working on to regulate them is adopted.

K. Stokem urged the town officials to reach out to other government entities to have them join the campaign against the pipeline. His concern was about the corrosive gas and how that impacts the pipe over time. He has heard that it creates failure problems with the automatic or manual shut-off valves.

Fred Rheingold, Rice Rd., said it is rumored that they might site the compressor station on his property or close to it. If that happens, he will leave Schodack, even though

he is a 3rd generation resident. He felt that if other communities joined together, they might possibly be able to stop the pipeline.

John Sober said Lennox, MA fought the pipeline and the route got changed so he suggested the Board contact them. Betty Ann Johnson said it is also not going through Canaan anymore. She believed it was rerouted because those people spoke out against it and they are willing to help us fight it. Schodack is now the alternate route. She urged people to go to the FERC and Department of Health websites to voice their concerns. She said fracked gas, and all it contains, will be going through the line. We are listed as a rural town and the shut-off valves, which can leak, will be further apart than those in urban settings creating a danger to our environment.

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

2015-101) Ratify and affirm authorizing Kerrie D. Joiner, Human Resource Manager to post internally the full-time positions of Comptroller for the Town of Schodack and Operator 2 at the Transfer Station and allowing the Supervisor to advertise in the official Town newspaper as necessary.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:

2015-102) Amend resolution 2015-081 to appoint Clyde Knott and Daniel Garvansites as a part-time Park Attendants [~~under the direction of Stuart McKnight,~~] the hourly rate set forth in resolution 2014-278, effective March 1 through December 31, 2015, as needed.

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

S. Dowds 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:

2015-103) Appoint Michael Canestro and Lawrence J. Zink as Summer Grounds persons, under the direction of Kenneth Holmes, Highway Superintendent at an hourly rate as set forth in resolution 2014-278

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

- 2015-104)** Authorize Supervisor Dowds to execute ASCAP License Agreement, subject to review and approval as to form by Attorney to the Town, and authorize payment of \$327.00 licensing fee to ASCAP.
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

- 2015-105)** Authorize Nadine Fuda, Director of Planning and Zoning and David Calarco, Zoning Board Chairman to attend the New York Planning Federation Conference in Bolton Landing, New York, April 12-14, 2015. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town at a cost of \$292.00 each, at an estimated total cost of \$584.00, as budgeted
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

- 2015-106)** Authorize Donna L. Conlin, Town Clerk, to attend the annual New York State Town Clerk's Association Conference in Rochester, New York, April 26 through April 29, 2015. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2015 adopted Town Budget, which are estimated to be \$1,135.00.
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

- 2015-107)** Amend resolution 2014-296 as adopted on December 30, 2014 as follows: Authorize Supervisor Dowds to extend, execute and administer professional temporary accounting staffing services with Accountemps for a duration not to exceed ~~10~~ 20 weeks and in an amount not to exceed ~~\$16,000~~ \$32,000.
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, S.

Amended by [2015-152] on 5/14/15

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:**

2015-108) Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Owner</u>	<u>Location</u>	<u>No. of Units</u>
Creekside Park		
c/o DCJ Enterprises, LLC	Creekside Park	52
Day, Carlton	Western Road	1
Field, George	Veering Way	1
Miller, Ed	Brookview Station Road	3
Miller, Sue	Brookview Station Road	2
Rensselaer Estates		
c/o DCJ Enterprises, LLC	Rensselaer Estates	53
Schmitz, Peter & Mary	Albany Avenue	1
Skarzynski, Kim & Jerry	Waterbury Road	1
Washburn, David & Francesca LaRosa	Washington Ave.	1

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

2015-109) Authorize Supervisor Dowds to contract with musicians to perform at the 2015 Music in the Park as follows:

Peaceful Country Band	June 2 nd	\$500.00
Fast Company	June 9 th	\$400.00
Ghetto Choppers	June 16 th	\$500.00
Triskele	June 23 rd	\$400.00
Yankee Doodle Band	June 30 th	\$600.00
Tri-County Banjo Band	July 7 th	\$400.00

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

2015-110) Authorize Supervisor Dowds to execute and administer Request for Consent to Sublease Proposal dated February 25, 2015 from American Tower to sublease to Cellco Partnership D/B/A Verizon Wireless in regards to the communications tower located behind the Highway Garage on US Route 20.

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

S. Dowds 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:**

2015-111) Authorize Shawn Zinzow to attend New York Rural Water Associate's Technical Conference, May 18th through May 21st at the Turning Stone Resort in Verona, NY at an estimated cost of \$808.00, as budgeted.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, 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:**

2015-112) Authorize the Assistant Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-0325 to 15-0428 on Abstract No. 2015-03, in the amount of \$323,966.09, including the claims paid (\$123,295.50) since the previous town board meeting.

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

C. Curtis appreciated the audience attendance tonight. He said his property abuts the power lines; he and C. Bult are volunteer firemen and C. Swartz is a farmer so they all will be personally impacted by the pipeline. He announced that Morgan Kinder just notified the town that they have rescheduled their open house. It will be held at Green Meadow School on April 13, 2015 from 6 – 8 p.m. S. Dowds said many good concerns were raised tonight and suggested that they should be brought to the forum with Kinder Morgan. He recommended that residents contact their federal representatives with their concerns: Senators Gillibrand and Schumer and Congressmen Tonko and Gibson. He added that the Board is the process of gathering information and to the extent legally possible, they will do what they can to protect the Town.

ADJOURNMENT

As there was no further business before the Board, C. Curtis made a motion to adjourn the 03/12/15 Town Board meeting at 8:00 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC