

DATE: AUGUST 10, 2017

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DEBRA CURTIS

PRESIDING OFFICER: DENNIS E. DOWDS

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

MEMBERS ABSENT:

ATTORNEY: DAVE GRUENBERG, ESQ.

COMPTROLLER: PAUL HARTER, COMPTROLLER

OTHERS PRESENT: DAVID HARRIS, PRESIDENT OF CASTLETON AMBULANCE

Supervisor Dowds called the August 10, 2017 Town Board Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Executive Session

C. Swartz made a motion at 7:01 p.m. to enter into executive session to discuss specific appointments to the Assessor and Police Department as well as proposed, pending or current litigation. Seconded by C. Bult.

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

C. Bult made a motion at 8:03 p.m. to adjourn the executive session. Seconded by C. Kenney.

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

Review of Resolutions

S. Dowds announced that resolution [2017-192] would be withdrawn. In regards to resolution [2017-193], S. Dowds explained that the grant would allow the continuation of mapping of outfalls in the Town. Resolution [2017-194] would increase the amount awarded to volunteers of the Castleton Ambulance for their years of service to be comparable to other municipalities under the Length of Service Award Program (LOSAP). The change would also amend requirements to allow anyone over the age of 60 who is currently collecting an award to accumulate additional points towards their award. This proposition would be placed on the ballot for the November election. S. Dowds commended Karen Justus, Sole Assessor and Daniel Vincelette, PC for their work during the proceedings with Castleton Power LLC [2017-195]. He felt that the compromise would guarantee the Town five years of assessment on this declining business. Although it was not necessary, Mr.

Vincelette, our attorney preferred that the settlement be passed as a resolution to keep the Town Board informed. S. Dowds explained that the town had received updated information regarding the cost of training for resolution [2017-197]. The remaining resolutions were self-explanatory.

Board Discussion/Agenda

C. Bult asked if the school district was involved in the proceedings with Castleton Power LLC [2017-195] and if they would be paying a portion of the \$6,300.00 charge for the Board of Assessment attorney. S. Dowds explained that they were only present at the last meeting; however, they may decide to contribute as they have in the past. A. Gruenberg stated that they are not required to pay.

Departmental Reports: The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Historian, Town Clerk, Building Department, and Human Resources.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #17-1199 to #17-1372 on Abstract No. 2017-08 in the amount of \$463,320.81, including the claims paid prior (\$149,498.59).

Public Comment

David Harris, President of Castleton Ambulance, explained that Castleton Ambulance provides basic life support for the residents utilizing volunteer Emergency Medical Technicians (EMT) and Certified First Responders (CFR). Both EMT and CFR personnel are required to go through extensive training to be certified and must be re-certified every few years. He stated that the monetary value of the program is a selling point for recruitment of volunteers. The town currently funds \$154,500.00 for the purchase of ambulances and other related expenses. Without the volunteers, it would cost taxpayers an estimated \$323,248.00 to cover paid emergency medical personnel. He ended by thanking the Board and residents for their time.

M. Sherwood asked why potential litigation was discussed in Executive Session and not made public knowledge. Atty. Gruenberg stated that it would be ill advised to discuss potential litigation in public as it may expose possible feelings of Board members, strategy or defense. Atty. Gruenberg stated if actual litigation is filed against the Town, it would be filed with the County Clerk and then be public knowledge. S. Dowds continued that even once filed, the strategy would still need to be kept quiet to protect the case. In regards to resolution [2017-193], M. Sherwood asked who would be writing the grant. S. Dowds explained the Laberge Group would be at a cost previously approved. She then asked if the Village of Castleton would be contributing towards the award increase for resolution [2017-194]. C. Bult mentioned that since this would be an A-fund expense, they would contribute the same as all other taxpayers of the Town.

R. Lemka questioned what outfalls were. S. Dowds stated it means anywhere water flows, usually on the side of the road, during storms and C. Bult followed with anywhere water discharges from a pipe. The mapping will assist the Highway Department to be aware of potential problem areas. Mr. Lemka asked, since this is a continuation of mapping, were these new outfalls. S. Dowds stated that when mapping was done for MS-4, not all outfalls had been done. R. Lemka asked when the mapping would be complete. S. Dowds stated

next year. For resolution [2017-194], he asked if the residents will be notified in advance of the proposition being placed on the ballot. S. Dowds said yes and that Castleton Ambulance would make residents aware. Mr. Lemka questioned if there would be a retroactive payment to Castleton Power LLC for the decrease in assessment [2017-195] and S. Dowds said no.

Albany-Hudson Electric Trail: Mr. Lemka asked if any Board members had attended the informational meeting for the proposed trail. C. Rex and D. Curtis, the Town Clerk, announced that they had. R. Lemka said it was his understanding that the Town would be required to maintain the trail upon completion. C. Rex stated that the town would be responsible for maintaining the trail only as far as mowing. All initial costs will be paid and if the surface deteriorates, the commission will return and repair it at their cost. She stated that potential parking lots on Reno Road and near Nassau Lake would be installed and more information would be needed to address possible trash removal and security issues. The commission is accepting comments and concerns on their website.

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.

2017-192) *Withdrawn: "Appoint _____ as Assistant to the Assessor, at an annual salary of \$_____, effective _____, 2017".*

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:

2017-193) **WHEREAS**, the Town Board, after due consideration, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of a grant application under the 2017 NYSDEC Water Quality Improvement Program (WQIP) for necessary mapping of outfalls in order to better monitor elicit discharge, and

WHEREAS, the Town Board is hereby committed to using municipal funds to provide a local cash match of twenty-five percent (25%) of the total project cost. The proposed mapping project will not exceed a cost of \$24,900, with a maximum Town match of \$6,225.

IT IS HEREBY RESOLVED, that the Town Board authorizes and directs Supervisor Dowds to submit an application for outfall mapping under the

WQIP Program. He is authorized to execute all other documents necessary for the implementation of this work, and is also authorized to execute all financial and/or administrative processes relating to the grant program.

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

C. Bult 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:

2017-194) WHEREAS, in accordance with Article 11-AA of the New York State General Municipal Law, residents of the Town of Schodack approved a proposition to establish a Defined Contribution Service Award Program for active volunteer members of the Castleton Volunteer Ambulance Association effective January 1, 1999, and

WHEREAS, THE Program currently provides that an active volunteer member earns a \$480 Service Award contribution and a year of service credit for each calendar year during which such member earns 50 or more points under the Service Award Program Point System, and

WHEREAS, §219-f(1) of Article 11-AA allows for a Service Award contribution of as much as \$700 per year of service credit, and

WHEREAS, §219-e(7-a) of Article 11-AA allows, at the option of the municipal sponsor, a participating volunteer to continue to earn points, service credit and Service Award contributions after having attained the entitlement age of sixty (60) and having applied to be paid his or her account balance, and

WHEREAS, §219-d(8)(a) of Article 11-AA authorizes the Town Board to amend the Program, subject to approval of residents in accordance with public referendum, and

WHEREAS, the Castleton Volunteer Ambulance Association has requested that the Town Board consider improving the benefits provided by the Program, and

WHEREAS, such improvement in Program benefits is consistent with the intent of the Program to help the Castleton Volunteer Ambulance Association recruit and retain active volunteers, and

WHEREAS, after review of the cost to amend the Program, the Town Board has determined the increase, if approved by voting residents of the Town, can be implemented without causing the Town to exceed the Property Tax Cap;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board:

1. Amends the Castleton Volunteer Ambulance Association Service Award Program effective January 1, 2018 to:
 - a. Increase the annual Service Award contribution credited to the account of an eligible participating active volunteer from \$480 to \$700 for each calendar year beginning with calendar year 2018 during which such volunteer earns a year of service credit under the Point System.
 - b. Allow active volunteers who have attained the entitlement age and elected to be paid their account balance to continue to earn points under the Point System for their volunteer activities after having been paid their account balance.
2. Directs that there shall be a public referendum of eligible voters of the Town of Schodack, in an election to be held on November 7, 2017, to obtain approval of this amendment in accordance with §219-d(8)(a) of Article 11-AA of the New York State General Municipal Law;
3. Authorize the Town Clerk and other Town officials as deemed necessary to take the appropriate action to schedule such referendum and take other steps necessary to carry out this Resolution.

Based on the number of active volunteers that earned service credit during calendar year 2016, the current cost of funding the Castleton Volunteer Ambulance Association Service Award Program is \$11,520 (\$480 per participant), which includes an administration cost of approximately \$1,800.

All other provisions of the Castleton Volunteer Ambulance Association Service Award Program shall not change and the Program shall continue to be administered by the New York State Comptroller in accordance with Article 11-AA of the New York State General Municipal Law, as well as with Part 150 of the New York State Rules and Regulations.

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

C. Kenney 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:

2017-195) WHEREAS, Castleton Power LLC, and the Town of Schodack are desirous of having certain assessment issues resolved as to property owned by Castleton Power, LLC, in the Town of Schodack, and

WHEREAS, a settlement proposal resolving tax certiorari litigation was recommended by the Vincelette Law Firm, special counsel to the Town of Schodack, and reviewed by the Schodack Town Board at its regular monthly meeting, and

WHEREAS, such a proposed settlement would present the parties with an expeditious and economic alternative to further litigation so as to resolve issues between the parties, and

WHEREAS, the Town Board has determined that the proposed settlement is in the best interests of the Town; now

THEREFORE BE IT RESOLVED, that the Town Board does hereby accept a proposed settlement for the 2017 tax certiorari proceedings filed by Castleton Power LLC, in which the assessed value of the subject property shall be set as follows for the 2017 through 2021 assessment rolls, inclusive, for the property owned by Castleton Power LLC, Parcel No 198.12-1-3.2:

Year	Assessed Value
2017	\$10,000,000
2018	\$8,500,000
2019	\$8,000,000
2020	\$7,500,000
2021	\$7,250,000

Real Property Tax Law §727 shall apply for the years at issue, with the exception that the terms of the statute shall apply to the four assessment rolls subsequent to the year at issue, and it is further

RESOLVED, that the Town Board does hereby adopt this resolution to end the litigation between Castleton Power LLC, and the Town of Schodack as to the above referenced assessment.

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

2017-196) Authorize Bruce Goodall, Director of Transfer Station Operations to attend 2017 NYSASWM Fall Conference, September 24 - 26, 2017 in Lake Placid, New York, at an estimated cost (\$165.00) and lodging (\$392.00) and estimated cost for mileage (\$157.29) for a total estimated cost of \$714.29. [This is a budgeted item.]

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

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:

2017-197) Amend resolution 2017-181 as adopted July 13, 2017 Authorizing Alan Roehr Jr., Jeffrey Arno, Gary Ziegler and Steven Kelly, members of the Fire Investigation Unit to attend New York State Academy of Fire Science Course #01-01-0018 – Fall Seminar, November 8 through 10, 2017 in Montour Falls, New York, at an estimated cost per person of \$25.00 – registration fee (\$100.00) and lodging (~~\$525.00~~) (\$368.00), Material and Accommodations fees (\$192.00) and meals (~~\$180.00~~) (\$152.00), and estimated cost for mileage (~~\$265.00~~) (\$503.00) and tolls (~~\$30.00~~) (\$60.00) for a total estimated cost of ~~\$1,100.00~~ \$1,375.00 [This is a budgeted item.]

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

2017-198) Authorize the Comptroller’s recommendation to direct the Town Supervisor to pay the claims #17-1199 to 17-1372 on Abstract No. 2017-08, in the amount of \$463,320.81 including the claims paid (\$149,498.89) since the previous town board meeting.

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

C. Rex 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:

2017-199) Authorize budget modifications, interfund loans and interfund transfers as recommended by the Comptroller.

**TOWN OF SCHODACK
BUDGET MODIFICATIONS
July 2017**

BUDGET MODIFICATIONS

Fund/			
Department #	Fund / Department Name	Increase	Decrease

2017

49	A-960-3120.1012	Police Grant - PTS	717.51	
	A-509-4320.9999	Federal Aid Public Safety	717.51	
	To modify the budget for PTS grant awards			
50	A-960-3120.1091	Police - Justice Court O/T	173.83	
	A-960-1110.1000	Justice Court - Personal Services		173.83
	To transfer funds to cover Police presence at court night			
51	A-960-3120.2000	Police - Equipment	5,223.98	
	A-509-4320.9999	Police - Contractual	5,223.98	
	To transfer funds to cover purchase of equipment from Atlantic Tactical			
52	A-960-8160.2000	Refuse & Garbage - Equipment	2,747.50	
	A-960-8189.2000	Recycle - Equipment	2,747.50	
	A-960-8160.4000	Refuse & Garbage - Contractual		2,747.50
	A-960-8189.4000	Recycle - Contractual		2,747.50
	To correct June budget modification entry. Posted to Contractual should be Equipment for purchase of Ext. Stick Hydraulic Thumb on backhoe			
53	B-960-8020.4000	Planning - Contractual		10,619.77
	B-509-2115.9999	Planning Board Fees		10,619.77
	To reverse YTD transferring funds for engineering fees related to Plan Board activity per auditors on handling TA accounts			
54	DB-960-5130.1400	Machinery - DB Highway Police Work	124.15	
	DB-960-5130.1630	Machinery - DB Highway Transfer Station work	198.64	
	DB-960-5130.1000	Machinery - Personal Services		322.79
	To modify the budget to cover work on Police, Park and Transfer Station Vehicle			
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.			

Board Discussion/Old Business

Batisti Water District: C. Bult expressed concern that the letter drafted by Mr. Keller's attorney does not accurately portray the situation residents' face. He felt they would be upset and confused by the letter. C. Rex and Atty. Gruenberg both mentioned that a follow-up letter should be sent on behalf of the Town to educate residents. Atty. Gruenberg

suggested organizing a public meeting and noted he would draft up a letter to send in response.

Old Town Hall: C. Bult asked if the potential buyer for the site of the old Town Hall was still interested. S. Dowds explained he was waiting to hear back from a potential buyer.

Dunkin Donuts: C. Bult asked if the \$2,900.00 expense to rebuild the pump at Dunkin Donuts would be reimbursed by money awarded during litigation. S. Dowds explained that it would be covered by the settlement which the Town won by default.

My Place Sewer: C. Bult asked if the engineering cost found on the abstract would be reimbursed by the owner of My Place. S. Dowds said yes.

Consolidation: C. Bult asked if the proposed shared service agreement with the Village of Nassau was already being implemented for Code Enforcement. S. Dowds said no.

Cyber Security: C. Bult asked if a policy had written for Cyber Security. S. Dowds stated Bill Osolinski, our IT specialist, was working on it.

C. Swartz mentioned that he had been in contact with Bruce Goodall, Director of Transfer Station Operations, regarding accepting credit cards as payment. He explained that many residents have requested the service; however, the original resolution would need to be amended to change the payment type accepted. A discussion ensued and it was decided more information would need to be gathered.

ADJOURNMENT

As there was no further business before the Board, C. Swartz made a motion to adjourn the 08/10/17 Town Board meeting at 8:43 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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