

DATE: FEBRUARY 8, 2024

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
SARAH RAE HALLER

MEMBERS ABSENT:

ATTORNEY: CHRISTOPHER LANGLOIS, ESQ.
COMPTROLLER: PAUL HARTER
OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR
BRIAN BRAHM, HIGHWAY SUPERINTENDENT

Supervisor Peter called the February 8, 2024 Town Board 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 the Resolutions

S. Peter summarized the resolutions. For resolution 2024-107, he explained that, as the town was a training facility for the Department of Motor Vehicles, the board would consider hiring an Operator I to be trained and receive their Commercial Driver's License (CDL) within six months of employment. At which time they would be considered for the Operator II position. All other resolutions were self-explanatory.

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

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #24-0141 to #24-0311 on Abstract No. 2024-02 in the amount of \$4,221,282.66, including the claims paid prior (\$1,480,279.69).

Board Comment/Public Comment: None.

Public Hearing Proposed Local Law 1-2024 Amend Chapter 197, Article I

C. Bult made a motion to open the public hearing for proposed local law #1-2024 to order at 7:05 p.m. Seconded by C. Swartz. All in favor.

The Town Clerk summarized the Affidavit of Publication seeking public comment on Proposed Local Law No. 1 of 2024 amending Chapter 197, Article I entitled Senior Citizen Exemption in the Town of Schodack. The legal notice was posted on the Town Clerk's signboard, the Town's website and published in *The Record* on January 29, 2024.

Hearing no board or public comments, C. Swartz made a motion to close the public hearing at 7:06 p.m. Seconded by C. Kenney. All in favor.

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 A WITHDRAWN resolution is so noted and italicized.

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:

2024-99 Amend resolution 2024-067 as adopted on January 11, 2024 to reflect the contract amount for East Greenbush Library as follows: Approve contracts and authorize Supervisor Peter to execute contracts with the Castleton Public Library (\$88,000.00), East Greenbush Community Library (~~\$356,125.00~~) (\$346,125.00), and Nassau Free Library (\$37,000.00) as set forth in the Year 2024 adopted budget. Terms and conditions of the contract are subject to approval by Attorney to the Town as to form and substance.

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

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

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

2024-100 Authorize Town Clerk to publish a legal notice for a public hearing to seek public comment on Proposed Local Law No. 3 of 2024 Amending Chapter 197, Article 8 entitled Tax Exemption for Volunteer Firefighter and Volunteer Ambulance Worker Exemption in the Town of Schodack. Said hearing to be held on Thursday, February 22, 2024 at the Schodack Town Hall at 7:05 p.m.

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

2024-101 **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 February 8, 2024 at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 1 of 2024 Amending **Chapter 197, Article I entitled Senior Citizen Exemption in the Town of Schodack, and**

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on January 29, 2024 and advertised in the January 29, 2024 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on February 8, 2024 at 7:05 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 1 of 2024 (P1-2024) to be known as Local Law 1 of 2024 Senior Citizen Exemption 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, S. Haller, C. Peter. Noes – 0.

2024-102 **Adopted on pg. 53.**

C. Haller 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:

2024-103 **WHEREAS**, pursuant to the franchise agreement between Time Warner Cable ("TWC") (now known as Charter Communications) and the Town of Schodack, TWC/Charter pays the Town a fee for a special franchise to operate its cable television business in the public right-of-way, and

WHEREAS, for the year 2023 TWC/Charter paid the Town of Schodack \$89,972.13 in franchise fees, and

WHEREAS, TWC/Charter was levied a total of \$3,602.40 in Town taxes on five special franchise properties, and

WHEREAS, Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and

WHEREAS, Section 626(2) of the Real Property Tax Law provides that the person responsible for collecting the franchise fee shall deliver to the Town of Schodack a certificate showing the amount of the franchise fee paid for the year ending on the date set forth in the certificate, and

WHEREAS, upon receipt of the certificate, the law requires the Town of Schodack to enter a credit on the tax roll in the amount shown on the certificate, and

WHEREAS, Rensselaer County Bureau of Finance is responsible for entering the credit on the tax roll, and

WHEREAS, pursuant to Section 626, the TWC/Charter Tax Department returned the Town's Special Franchise tax bill, and

WHEREAS, TWC/Charter is required to make a request in order to receive a credit on the tax roll, and

WHEREAS, the Town has received a request for the credit on property taxes assessed in 2024 from the franchise fees paid during 2023,

NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$3,602.40 to Rensselaer County Bureau of Finance based on the 2023 TWC/Charter Utility report on said franchise properties assessed within the Town of Schodack.

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

2024-104 Approve the list of Volunteer Ambulance Workers Service Award Program Participants for all 2023 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Service Inc., as submitted.

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

C. Kenney made a motion to adopt the following resolution, seconded by C. Haller:

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

- 2024-105** Authorize Supervisor Peter to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Konica Minolta Bizhub 654a copier on the third floor at the Town Hall, ID # 770GF, for the period February 2, 2024 to February 1, 2025 for \$1,225.33 annually. Contract includes 168,000 copies annually with an overage charge of \$0.00807 per copy.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, S. Haller, 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:

- 2024-106** Authorize Supervisor Peter to execute and administer Addendum Number 2022034-01 for Water District #10 Contract Closeout and Record Drawings, Contract amount shall be increased by \$36,000.00 plus reimbursable expenses.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, S. Haller, C. Peter. Noes – 0.

C. Haller 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:

- 2024-107** Authorize Kerrie Joiner, Human Resource Manager, to post internally the full-time position of Operator I/Operator II for the Town of Schodack and allow the Supervisor to advertise in the official Town newspaper as necessary.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, S. Haller, C. Peter. Noes – 0.

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

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

- 2024-108** Authorize Supervisor Peter to execute and administer the Solar Facility Construction Surety Agreement, the Solar Facility Maintenance Surety Agreement, and the Solar Facility Decommissioning Surety Agreement

between the Town and Green Dale Solar, LLC, with respect to the solar energy facility to be constructed at 201 County Road 32 (Tax Map No. 13.-1-6).

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

2024-109 Authorize the Comptroller’s recommendation to direct the Town Supervisor to pay the claims #24-0141 to 24-0311 on Abstract No. 2024-02, in the amount of \$4,221,282.66 including the claims paid \$1,480,279.69.

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

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

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

2024-110 Authorize the January 2024 budget modifications, interfund loans and interfund transfers as provided in document dated February 2024 and recommended by the Comptroller.

BUDGET MODIFICATIONS

	Fund / Department #	Fund / Department Name	Increase	Decrease
2023				
165	A-960-1220.1000	Supervisor - Personal Services	2,093.15	
	A-960-1220.4000	Supervisor - Contractual		2,093.15
	To modify the budget for Accrued 2023 payroll expense			
166	A-960-1340.1000	Budget - Personal Services	79.45	
	A-960-1340.4000	Budget - Contractual		79.45
	To modify the budget for Accrued 2023 payroll expense			
167	A-960-1355.1000	Assessor - Personal Services	1,798.66	
	A-960-1355.4000	Assessor - Contractual	11,724.89	
	A-960-9040.8000	Workers Compensation		13,523.55
	To modify the budget for Personal changes and property assessment services			
168	A-960-1430.1000	Personnel - Personal Services	1,035.66	

	A-960-1430.4000	Personnel - Contractual		1,035.66
	To modify the budget for Accrued 2023 payroll expense			
169	A-960-3120.1010	Police Grant - Rens Co DWI - General	517.08	
	A-509-2260.9999	Police Safety Services - Other Gov'ts	517.08	
	To modify the budget for Regular DWI grant awards			
170	A-960-5010.4000	Supt of Highways - Contractual	818.96	
	A-960-1990.4000	Contingency - Contractual		818.96
	To modify the budget for Higher fuel costs			
171	A-960-5132.4000	Town Garage - Contractual	342.04	
	A-960-5132.1000	Town Garage - Personal Services		342.04
	To modify the budget for HVAC work/repairs performed			
172	A-960-7110.4000	Parks - Contractual	15.58	
	A-960-7110.1000	Parks - Personal Services		15.58
	To modify the budget for Purchase of playground mulch			
173	A-960-8160.1000	Refuse & Garbage - Personal Services	1,315.37	
	A-960-8160.4000	Refuse & Garbage - Contractual	92.01	
	A-960-8160.1100	Refuse & Garbage - Overtime		1,407.38
	To modify the budget for Accrued 2023 payroll expense			

BUDGET MODIFICATIONS

	Fund / Department #	Fund / Department Name	Increase	Decrease
2023				
174	A-960-8189.1000	Recycling - Personal Services	1,315.37	
	A-960-8189.4000	Recycling - Contractual	92.01	
	A-960-8160.2000	Refuse & Garbage - Equipment		1,407.38
	To modify the budget for Accrued 2023 payroll expense			
175	DB-960-5130.1400	Machinery - Police Work	56.76	
	DB-960-5130.1000	Machinery - Personal Services		56.76
	To modify the budget for work performed on department vehicles			
176	DB-960-5140.1350	Brush & Weeds - W/S Work	184.47	

	DB-960-5140.4000	Brush & Weeds - Contractual	184.47
	To modify the budget for B Hempstead with Shawn covering for C Halvax		
177	DB-960-9060.8000	Highway - Medical Insurance - Employee	2,500.00
	DB-960-9050.8000	Highway - Unemployment Insurance	2,500.00
	To modify the budget for increased retiree benefits due to 2023 retirements and new hires		
178	EW-960-8320.1100	Enterprise Water - Source Overtime	49.94
	EW-960-8320.1000	Enterprise Water - Source Personal Services	49.94
	To modify the budget for operator overtime in district		
179	SS5-960-8130.1100	East Schodack - Overtime	52.95
	SS5-960-8130.1000	East Schodack – Personal Services	52.95
	To modify the budget for operator overtime in district		
180	SS8-960-8130.4000	Schodack Landing Sewer - Contractual	250.70
	SS8-960-1990.4000	SS8 Contingency - Contractual	250.70
	To modify the budget for outside testing		
181	SSC1-960-8130.1000	Castleton Sewer - Personal Services	187.27
	SSC1-960-8130.1100	Castleton Sewer - Overtime	187.27
	To modify the budget for operator work in district		
182	SW1-960-8320.4000	Clearview Water Dist. Supply - Contractual	527.82
	SW1-960-8320.1000	Clearview Water Dist. Supply - Pers Services	527.82
	To modify the budget for repair to district Supply well		
183	SW1-960-8340.1000	Clearview Water Dist. - Personal Services	26.81
	SW1-960-8340.4000	Clearview Water Dist. Trans - Contractual	26.81
	To modify the budget for employee time in district		

BUDGET MODIFICATIONS

	Fund / Department #	Fund / Department Name	Increase	Decrease
2023				
184	SW3-960-8340.1000	Maple Crest Water Dist. - Personal Services	15.86	
	SW3-960-8340.4000	Maple Crest Water Dist. - Contractual	30.95	

	SW3-960-8340.4011	Maple Crest Water Dist. - Purch of water	46.81
	To modify the budget for Employee work in district		
185	SWC1-960-8340.1000	Consolidated Water Supply - Personal Services	136.60
	SWC1-960-8340.1100	Consolidated Water Supply - Overtime	221.12
	SWC1-960-9030.8000	Consolidated Water Supply - Social Security	27.36
	SWC1-960-8310.4000	Consolidated Water Admin - Contractual	385.08
	To modify the budget for Employee work in district		
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, S. Haller, C. Peter. Noes – 0.		

**Public Hearing
Proposed Local Law 2-2024
Amend Chapter 197, Article V**

C. Swartz made a motion to open the public hearing for proposed local law #2-2024 to order at 7:10 p.m. Seconded by C. Kenney. All in favor.

The Town Clerk summarized the Affidavit of Publication seeking public comment on Proposed Local Law No. 2 of 2024, amending Chapter 197, Article V entitled Disabled Person Exemption in the Town of Schodack. The legal notice was posted on the Town Clerk’s signboard, the Town’s website and published in *The Record* on January 29, 2024.

Hearing no board or public comment, C. Bult made a motion to close the public hearing at 7:11 p.m. Seconded by C. Kenney. All in favor.

Adoption of Resolution (Adopted out of Sequence)

The resolution 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. 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:**

2024-102 **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 February 8, 2024 at 7:10 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 2 of 2024 Amending **Chapter 197, Article V entitled Disabled Persons Exemption in the Town of Schodack, and**

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on January 29, 2024 and advertised in the January 29, 2024 edition to THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on February 8, 2024 at 7:10 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 2 of 2024 (P2-2024) to be known as Local Law 2 of 2024 Disabled Persons Exemption 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, S. Haller, C. Peter. Noes – 0.

Open Discussion

Summer Events: S. Peter mentioned that the Easter Egg Hunt has been scheduled for March 16th with an inclement weather date of March 23rd. He said he was working to schedule other events and would announce them in the coming months.

Meeting with Laberge Group: S. Peter informed the board that he would be meeting with R. Laberge regarding various projects including the feasibility study for a splash pad, code updates, a future infrastructure project and meeting with Rensselaer County Officials regarding the Route 9 Water South project. He added that the county would be paying for the project with American Rescue Plan Act (ARPA) funds; however, the town was coordinating said project. He welcomed a board member to be present at the meeting.

Zoning Code: S. Peter said he had spoken to N. Allen of the Laberge Group regarding sections of the zoning code that needed to be addressed. He added that the solar battery moratorium would be ending and the board would be moving forward with a public hearing for the proposed local law.

Public Comment

M. Ruthman of the Spinney Group reminded the board about the crosswalk that had been discussed for the Spinney residents to access the clubhouse and asked about the status. B. Brahm, Highway Superintendent, said he had spoken to two companies in the fall regarding

pricing for the striping; however, the weather grew too cold. He assured Mr. Ruthman that it was scheduled to be done in the spring of 2024. Mr. Ruthman appreciated the update and wished to also remind the board that it had been three years since the proposed Van Hoesen Station had been submitted to the Planning Board. He understood that the zoning code needed to be completed but he wanted to keep the lines of communication open as he felt the project, which included apartments, would be beneficial to the town.

ADJOURNMENT

As there was no further business before the Board, C. Swartz made a motion to adjourn the 02/08/24 Town Board meeting at 7:16 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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