

**DATE:** MARCH 28, 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:**

**OTHERS PRESENT:** DAWNE KELLY, CONFIDENTIAL SECRETARY TO THE  
SUPERVISOR  
BRIAN BRAHM, HIGHWAY SUPERINTENDENT

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Supervisor Peter called the March 28, 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.

S. Peter noted the passing of Norman Wiley and Casey Frankowski and asked for a moment of silence.

S. Peter said the board had recognized Brady Cole for his 1,000<sup>th</sup> point in Basketball for Maple Hill High School at the previous board meeting and asked Mr. Cole to come to the dais to be presented with his proclamation.

**Public Hearing**

**PLL4-2024**

**Moratorium on Utility-scale Solar Collection Systems and  
Battery Energy Storage System**

C. Bult made a motion to open the public hearing for Proposed Local Law 4-2024 at 7:05 p.m. The motion was seconded by C. Swartz.

The Town Clerk summarized the Affidavit of Publication seeking public comment on Proposed Local Law No. 4 of 2024 establishing a six-month Moratorium on Utility-scale Solar Collection Systems and Battery Energy Storage Systems 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 March 18, 2024.

Hearing no board or public comment, C. Swartz made a motion to close the public hearing at 7:06 p.m. The motion was seconded by C. Kenney.

## **Briefing of Agenda**

S. Peter summarized the resolutions on the agenda. He noted that resolutions 2024-134 and 2024-135 appointed members to the Board of Assessment review, allowing for a majority for spring grievance; however, a third member would need to be named in the future due to another vacancy. All other resolutions were self-explanatory.

**Board/Public Comment:** None.

## **Adoption of Resolutions**

The resolutions voted upon reflects 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. Haller:

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

**2024-131**     **WHEREAS**, on February 8, 2024 the Schodack Town Board approved by resolution (2024-104) the Volunteer Ambulance Workers Service Award Program List of all 2023 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Services, Inc., and

**WHEREAS**, the list was forwarded to authorized representatives of the Castleton Volunteer Ambulance Services, Inc. and was posted for thirty (30) days as required by law, and

**WHEREAS**, they have certified on March 18, 2024 no changes were made to the listing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Schodack Town Board authorizes Supervisor Peter to certify to PENFLEX, Inc., that the listing as submitted and posted should be used to determine the funding, the requirements of the Service Award Programs (SAP), the eligibility of persons to be paid benefits and the amount of benefits to be paid to eligible persons.

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. Kenney:

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

**2024-132**     **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 March 28, 2024 at 7:05 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law No. 4 of 2024 Establishing a six-month Moratorium on Utility-scale Solar Collection Systems and Battery Energy Storage Systems in the Town of Schodack, and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's Sign Board on March 18, 2024 and advertised in the March 18, 2024 edition to THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on March 28, 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 4 of 2024 (P4-2024) to be known as Local Law 4 of 2024 Establishing a six-month Moratorium on Utility-scale Solar Collection Systems and Battery Energy Storage Systems 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.

C. Bult made a motion to adopt the following resolution, as amended, seconded by C. Haller:

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

**2024-133**     Pursuant to Article 7 Section 140 of the Highway Law, the Highway Superintendent hereby appoints Logan Rockowitz, subject to final approval by the Rensselaer County Civil Service Commission, as an Operator 1/Operator 2, at an hourly rate as set forth in the Year 2024 adopted budget. Said appointment is effective as of April 15, 2024.

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

S. Peter 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:**

- 2024-134** Appoint Gloria Brewer Rogers as a member of the Board of Assessment Review at salary as set forth in Year 2024 adopted budget. Unexpired term to expire September 30, 2025.  
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:**

- 2024-135** Appoint Sam Gamello as a member of the Board of Assessment Review at salary as set forth in Year 2024 adopted budget. Unexpired term to expire September 30, 2027.  
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. Kenney:

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

- 2024-136** Authorize Supervisor Peter to execute and administer contract with Schindler Elevator for preventive maintenance service agreement on the elevator for a term of September 1, 2024 through August 31, 2031 ***subject to reasonable annual increases as per contract, initial period of September 2016 - August 31, 2017*** at an annual amount not to exceed \$3,638.19 for the Town Hall building located at 265 Schuurman Road, subject to approval as to form by the Town Attorney.  
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. Swartz:

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

- 2024-137** **RESOLVED**, the Town Board of the Town of Schodack hereby accepts the Map, Plan and Report, as revised, titled Schodack Consolidated Sewer District No. 6, Extension #8 prepared by Bohler Engineering and Landscape Architecture NY, PLLC competent engineers, and further authorizes the filing of the aforesaid Map, Plan and Report, as revised, in

the Town Clerk's Office pursuant to Section 209-c of the Town Law of the State of New York.

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. Haller:

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

**2024-138**     **WHEREAS**, a map, plan and report has been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of the Schodack Consolidated Sewer District No. 6, Extension #8 in the Town of Schodack, County of Rensselaer and State of New York; and

**WHEREAS**, in connection with the creation of the Schodack Consolidated Sewer District No. 6, Extension #8 the Town of Schodack will need to review the environmental impact, if any, associated with the creation of the sewer district extension.

**NOW, THEREFORE, IT IS:**

**RESOLVED**, that the Town Board of the Town of Schodack be designated as lead agency with respect to the environmental review associated with the creation of the Schodack Consolidated Sewer District No. 6, Extension #8 pursuant to Part 617 of the State Environmental Quality Review Act; and it is further

**RESOLVED**, that the town supervisor be authorized to sign any and all documents associated with the environmental review of the creation of the Schodack Consolidated Sewer District No. 6, Extension #8 pursuant to Part 617 of the State Environmental Quality Review Act.

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. Swartz:

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

**2024-139**     **WHEREAS**, a map, plan and report has been prepared in such manner and in such detail as is required by Article 12A of the Town Law of the State of New York, relating to the establishment of the Schodack Consolidated Sewer District No. 6, Extension #8 in the Town of Schodack, County of Rensselaer, State of New York, and has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by Bohler Engineering and Landscape Architecture NY, PLLC, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension and the general plan of the proposed Sewer District Extension; and

**WHEREAS**, said map, plan and report shows the location and description of the public works which will be required and the lands or easements to be acquired; and

**WHEREAS**, the boundaries of the proposed sewer district extension are as described in Schedule "A" annexed hereto; and

**WHEREAS**, the proposed improvements to be constructed consist of, among other things, installing 643 linear feet of an 8 inch sewer main, and installing two manholes; and

**WHEREAS**, the maximum amount proposed to be expended for the creation of the sewer district extension is One Hundred and Four Thousand Four Hundred and Twenty Five and 00/100 (\$104,425.00) Dollars; and

**WHEREAS**, pursuant to Section 209(f) of the Town Law, approval of the New York State Comptroller will not be required for establishing this sewer district extension since debt shall not be issued or assumed by the town for any improvements and further since the cost of improvements will be paid for in full by the developer; and

**WHEREAS**, said map, plan and report describing said improvements is on file in the Town Clerk's Office for public inspection; and

**WHEREAS**, operation and maintenance expenses for the typical property during the first year of operation shall equal \$684.38; and

**WHEREAS**, the connection fee shall equal Five Thousand and 00/100 Dollars

**NOW, IT IS HEREBY ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Schodack Town Hall, 265 Schuurman Road, Castleton, New York 12033, in said Town, on the 25<sup>th</sup> day of April, 2024, at 7:15 p.m., local time, to consider said map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

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:**

**2024-140** Authorize the purchase of the following equipment for the Justice Court to be funded by grant funds from Justice Court Assistance Program, contingent upon their approval: **(1)** Copy Machine \$2,000.00; **(2)** Shredder \$265.09; **(3)** 4-Desks \$ 4,239.98; **(4)** 4-Chairs \$1049.98; **(5)** Storage Cabinets 2- \$856.38 and **(6)** 2- File Cabinets \$1,219.98. Total grant for \$9,631.41.

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

### **Discussion Items**

**Farmer's Market:** S. Peter said he had met with residents who expressed interest in using the old town hall site for a community market. As mentioned at a previous meeting, the organizers of the Schodack Farmers Market had chosen to move locations, leaving the old town hall site available. He informed the residents of the desire of the board to have a market with openness, for all residents, regardless of duplication of goods as was a previous issue. If the market moved forward, he noted that a committee, consisting of residents and vendors, would need to be formed to establish bi-laws and standards for operation. S. Peter suggested reviewing regulations of other Municipality run markets to create such standards. Once determined, they could move forward to solicit member interest.

M. Jorgenson of Jordan Lane informed the board that several individuals had expressed interest in being on the committee. If the board approved the use of the site, the committee would be happy to follow any regulations set forth, as well as provide monthly reports. She added that they hoped to start in early July.

D. Tremont, East Schodack Road, mentioned that the group would be changing from a Wednesday to a Tuesday as well as changing the name to Town of Schodack Community Market so as not to compete with the Schodack Farmers Market.

**Road Program:** B. Brahm said he had received one quote for the 2024 Road Program and was awaiting a second. He was still waiting for a quote for chip-sealing but felt he should have one within the next few weeks. S. Peter mentioned that the town would not need to purchase stone for chip-sealing as the water plant bridge granted access to materials which had been purchased a few years prior. B. Brahm agreed. S. Peter welcomed any recommendations from board members for additional roads to be added to the program. He mentioned that the following roads/areas had been suggested: Battisti Water District, Angelo Drive and Nassau Lake. C. Swartz suggested the lower portion of Western Road be considered. B. Brahm agreed and noted that the shim coat, which had been applied previously, was likely the main reason for the swift failure of the surface.

**Track Steerer:** S. Peter noted that currently, the skid steerer was split between the Highway Department and the Transfer Station; however, it was coming time for a replacement to be purchased. B. Brahm proposed leaving the skid steerer at the Transfer Station permanently and purchasing a track steerer for the Highway Department. The unit that he was researching had the capability to run a remediator for transitions and milling roads, as well as grind stumps. Currently, the town rented a machine for those jobs; however, by purchasing their own unit, it would pay for itself over time. C. Swartz asked if a plow would fit on the skid steerer. B. Brahm said yes and added that the skid steerer was also due to new tires, which

would assist the unit for plowing in the winter. S. Peter asked the board for approval to move forward with the purchase of the track steerer, which would follow state bid guidelines. All board members agreed.

**Bridge NY Grant:** S. Peter announced that the town had been awarded the Bridge NY Grant for the replacement of the Brookview Station Road Bridge. The town had been notified by NYS that the bridge had significant damage and they recommended it be replaced. Under the grant, ninety percent of the cost of the replacement would be covered, with the town being responsible for \$110,000.00 only.

**Filtered Water at Town Hall:** S. Peter said the town had been approached by a company who would install water filtering units at the town hall. The units would be connected to the building's water supply, be located on all floors of the building and provide both filtered water and ice. Said units would replace the current filtered water supply via five-gallon jugs from a local distributor.

**East Greenbush Library:** S. Peter informed the board that he had received the 2025 funding proposal for the East Greenbush Library. Said proposal would increase their funding from \$350,000.00 for 2024 to \$650,000.00. C. Swartz asked what percentage that equated to. S. Peter said roughly 85 percent. He noted that he had requested information on the number of users for the town and reasoning for the increase. He said he would keep the board informed.

**Zoning Update:** S. Peter stated that the amendments to the zoning code were still being compiled and the board would be moving forward soon. Changes had been made to the zoning maps regarding boundary and district lines, requiring discussions on densities in those areas. N. Allen from Laberge Group was in the process of finalizing the new amendments.

### **Executive Session**

C. Bult made a motion at 7:35 p.m. to enter into an Executive Session of the Board pursuant to Public Officers Law, Article 7 §105(1)(f) to discuss a personnel matter. Seconded by C. Swartz.

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

S. Peter said there would be no further business following the executive session.

C. Swartz made a motion to adjourn the Executive Session at 8:53 p.m., seconded by C. Kenney.

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



## **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/28/24 Town Board meeting at 8:53 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis  
Schodack Town Clerk

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