

## **Actions of March 28, 2013**

### **2013-106)**

**WHEREAS**, on February 14, 2013 the Schodack Town Board approved by resolution (2013-075) the Volunteer Ambulance Workers Service Award Program List of all 2012 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 17, 2013 no changes were made to the listing,

**NOW, THEREFORE, BE IT RESOLVED**, that the Schodack Town Board authorizes Supervisor Dowds 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.

### **2013-107)**

**WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of Sewer District No. 6, Extension No. 1 (Dunkin Donuts) in the Town of Schodack, County of Rensselaer, State of New York, has heretofore been filed in the Town Clerk's Office; and,

**WHEREAS**, a map, plan and report relating to the establishment of Sewer District No. 6, Extension No. 1 (Dunkin Donuts) prepared by Laberge Group, competent engineers, duly licensed by the State of New York, in manner and detail as required by Article 12 of the Town Law, has been filed with the Town Clerk of Schodack, in accordance with the requirements of the Town Law; and,

**WHEREAS**, an order was adopted by the Town Board of the Town of Schodack on February 28, 2013, reciting the filing of the map, improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and,

**WHEREAS**, the order set March 28, 2013 at 7:05 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York 12033 as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject thereof, and to take such action as required and authorized by law; and,

**WHEREAS**, such order was published and posted as required by law; and,

**WHEREAS**, a hearing on the matter was held by the Town Board on the 28th day of March, 2013, beginning at 7:05 p.m. and the matter being duly discussed and all interested persons having been duly heard; and,

**WHEREAS**, the Town Board did at that time resolve and determine to conclude and close the public hearing and to render a decision at a regularly scheduled meeting of the Town Board to be conducted on the 28th day of March, 2013 at the Schodack Town Hall.

**NOW**, upon the evidence given at the hearing, and upon motion of C. Curtis and seconded by C. Swartz, it is **RESOLVED AND DETERMINED**:

1. (a) That the petition is signed and acknowledged or proved as required by law and complies with the requirements of Town Law Section 191 as to sufficiency of signers and is otherwise sufficient, and the notice of hearing was published and posted as required by law, and is otherwise sufficient;
2. (b) That all property and property owners within the proposed district are benefited thereby;
3. (c) That all the property and property owners benefited are included within the limits of the proposed district;

4. (d) That it is in the public interest to establish Sewer District No. 6, Extension No. 1 (Dunkin Donuts). ;
5. (e) A hook-up fee to the property line equals \$41,000.00 and the first year cost for full operation for the typical property within Sewer District No. 6, Extension No. 1 (Dunkin Donuts) is \$28,400.00;
6. (f) Approval of the New York State Comptroller is not required for the formation of Sewer District No. 6, Extension No. 1 (Dunkin Donuts). There is no public debt repayment for the first year cost associated with the creation of Sewer District No. 6, Extension No. 1 (Dunkin Donuts), and that the benefited property is not a typical property or a typical one or two family home; and it is further,

**RESOLVED AND DETERMINED**, that the establishment of Sewer District No. 6, Extension No. 1 (Dunkin Donuts), as set forth in the map, plan and report, be approved and that the approval of the Comptroller of the State of New York is not required for the reasons set forth above, and that the requested improvements be constructed, and the necessary easements and lands be acquired upon the required funds being made available and provided for, and such district shall be known and designated as Sewer District No. 6, Extension No. 1 (Dunkin Donuts) in the Town of Schodack, and shall be bounded and described as set forth on Schedule "A" attached hereto; and it is further,

**RESOLVED AND DETERMINED**, that the Town Clerk of the Town of Schodack shall, within ten (10) days after the adoption of this Resolution, file a certified copy thereof, in the Office of the State Department of Audit and Control at Albany, New York, and in the office of the Rensselaer County Clerk; and it is further,

**RESOLVED AND DETERMINED**, that the maximum amount to be expended for said improvement and/or acquisition of necessary lands is the sum of One Million Three Hundred Thousand (\$1,300,000.00) Dollars.

#### **2013-108)**

**WHEREAS**, the Town of Schodack is contemplating the creation of Sewer District No. 6, Extension No. 1 (Dunkin Donuts); and

**WHEREAS**, the project sponsor, Schodack Realty LLC, has caused to be prepared Part 1 of a Long Environmental Assessment Form for review by the Town Board; and,

**WHEREAS**, the Town Board has performed a coordinated review with the involved agencies for this project including the Rensselaer County Industrial Development Association (IDA), New York State Department of Transportation, New York State Department of Environmental Conservation, Rensselaer County Health Department and the Army Corps of Engineers; and,

**WHEREAS**, the above named agencies had no objection to the Town Board assuming Lead Agency status for the required environmental review of the proposed project; and,

**WHEREAS**, in connection with the review of the project, the Town Board has reviewed and considered Part 1 of the Environmental Assessment Form ("EAF") and the map, plan and report prepared by Laberge Group, competent engineers, which map, plan and report provided information in relation to environmental factors such as wetlands, flood plains, classified stream and cultural resources; and,

**WHEREAS**, the Town Board has also completed Part 2 of the full EAF as required by the State Environmental Quality Review Act; and,

**WHEREAS**, the Town Board carefully considered the environmental impacts associated with this project and the criteria for determining significance contained within 6 NYCRR § 617.7(c),

#### **NOW, THEREFORE, BE IT RESOLVED that:**

1. 1. The Town of Schodack Town Board determines that the proposed project is an Unlisted Action pursuant to the requirements of 6 NYCRR Part 617, and
2. 2. The facts and conclusions set forth in the written Negative Declaration attached hereto are derived from the full EAF, reports, submittals and other relevant information, including the personal knowledge and familiarity of the Town Board with the project site and its surrounding areas.

3. 3. The Town Board hereby declares and adopts the written Negative Declaration attached hereto.
4. 4. Based upon the Negative Declaration, the Town of Schodack Town Board hereby declares that the project will have no significant adverse environmental impact, and hereby issues a Negative Declaration under SEQRA.
5. 5. The Negative Declaration (copy attached) and a copy of this resolution shall be filed in the Office of the Town Clerk.
6. 6. The Negative Declaration and a copy of this resolution shall be made available for inspection and copying by the public.

**2013-109)**

Authorize Supervisor Dowds to approve proposals dated February 24, 2013, from DeckEm Enterprises, LLC. to install foam insulation in crevices along the 30 foot wall at ribbed ceiling in the Justice Court office at Town Hall at a cost not to exceed \$225.00 and to install sheetrock and insulation in the court room in the sound system alcove area at Town Hall at a cost not to exceed \$315.00.

**2013-110)**

Accept Quote dated March 14, 2013 and further authorize semi-annual service and quarterly testing from Haight Fire Equipment Supply for the MAKO Make-up Air Compressor housed at Schodack Valley Fire Company in an amount of \$655.00 per semi-annual service (air quality test included), plus \$130.00 travel time for an amount not to exceed \$1,570.00 and with quarterly Air Quality Test for in an amount of \$225.00 per test, plus \$130.00 travel time for an amount not to exceed \$710.00 resulting in an total amount not to exceed \$2,280.00 annually.

**2013-111)**

Appoint Michael Canestro as a part-time park attendant, under the direction of Stuart McKnight, at the hourly rate set forth in resolution 2012-339, effective March 22 through October 31, 2013, as needed.

**2013-112)**

**WHEREAS**, the Town Board and the Town Supervisor (the Employer) have reviewed the Flexible Benefits Plan 10007399 from CDPHP Administrative Agent for the Town of Schodack and find the terms of the Flexible Benefits Plan 10007399 to be in the best interests of the Town now, therefore be it

**RESOLVED**, that the form of the Plan (the "Plan") effective January 1, 2013, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrative Agent of the Plan one or more counterparts of the Plan.

**RESOLVED**, that the Employer shall be the Sponsor of the Plan and shall be the Administrator of the Plan for purposes of Employment Retirement Income Security Act (ERISA).

**RESOLVED**, that the Employer hereby appoints the CDPHP as the Administrative Agent to assist with the administration of the Plan and to perform all such non-discriminatory duties related thereto.

**RESOLVED**, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan.

**RESOLVED**, that the duly authorized agents of the Employer shall act as soon as possible to notify the Employees of the Employer of the adoption of the Plan by delivering to each Employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved.

**2013-113)**

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

Name	Number of Units
Bunker Hill Farm, LLC	1
Cedar Acres - Garden Homes Mgmt. Corp.	21
Creekside Park c/o DCJ Enterprises, LLC	52
Curtis Trailer Park c/o Garden Homes Mgmt. Corp.	70
Rainbow Trailer Park c/o Ray & Debbie Nalley	9
Rensselaer Estates c/o DCJ Enterprises, LLC	53
Schmitz, Peter & Mary	1

**2013-114)**

Authorize Supervisor Dowds to execute renewal application with St. Paul Travelers for crime, employee faithful performance and computer fraud bond at the annual cost of \$1,100.00.