

DATE: OCTOBER 8, 2015

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: KAREN A. VECCHIONE

PRESIDING OFFICER: DENNIS E. DOWDS

MEMBERS PRESENT: FRANCIS CURTIS
JAMES E. BULT
MICHAEL KENNEY
SCOTT SWARTZ

MEMBERS ABSENT:

ATTORNEY: DAVID GRUENBERG

COMPTROLLER: PAUL HARTER

OTHERS PRESENT:

S. Dowds called the October 8, 2015 meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above. The Supervisor took a moment to welcome back resident Martha Sherwood who had undergone successful triple bypass surgery.

Departmental Reports

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

Discussion Items

Beagle Club Rd.

Attorney Gruenberg approached the Board regarding a situation relative to Beagle Club Rd. He stated that he did not want to go into too much detail as it may be going to litigation. He said that this road has an ambiguous status. His understanding is that some time ago, there was a resolution or a consensus to abandon the road but he did not know if anything formal was actually done. The town stopped maintaining the road and one of the neighbors put a fence across it; however, it is still apparently on our road inventory but there is still a question as to whether it is a town road. There are now two property owners who have different points of view. He does not want the town drawn into a lawsuit. He said we will have to wait and see how it comes to us and then decide if we need to take any kind of action. C. Curtis asked how the county tax maps depict the road to which A. Gruenberg advised he did not know. C. Curtis said that even if we have not maintained it, if it is showing on the county map as a public thoroughfare, it could still be ours.

Kinder Morgan Pipeline

S. Dowds stated that he attended two meetings in the last two weeks with the Berkshire Regional Planning Commission. They are taking the lead, representing Schodack, Nassau and Stephentown, as well as Rensselaer County and 10 municipalities in Massachusetts.

Scoping comments are due by the 16th of October. FERC (Federal Energy Regulatory Commission) and their consultants are requiring Kinder Morgan to look at three potential routes. Even though they will file the application on the 23rd, no one knows which route it will be. Once FERC receives the application, they will have 10 days to decide if it is meritorious or not. Then the 20 day clock starts for anyone to file as an intervener. Intervener status gives the ability to challenge the decision once it is made and argue against it. We have banded together to submit our objections to the pipeline with help from a law firm in Massachusetts that has experience in this area and that document will be filed next week. Filing for intervener will happen after that. He has stated that there has been some resistance to allow surveying of properties abutting the existing Kinder Morgan easements and to National Grid's right of way. He urged individuals, whether they agree or not, to use this opportunity to ask if the line can be moved and to voice their concerns as it would be on the record with FERC and Kinder Morgan. Once approval is given, everyone loses that right. In terms of control, it is a federal project and some of the federal requirements would supersede local jurisdiction; however, the town will still file their objections and see where it goes. We have been lucky because the county will pay for our involvement up until the filing. There will then be charges to each of the municipalities which could be \$25,000 or more. A. Gruenberg asked if Berkshire Planning Commission would be the party to submit and thus have intervener status, to which the Supervisor responded that yes, they file. Each municipality also files a brief, as intervener, allowing us to object to the final decision. A. Gruenberg assumed that if the route no longer would go through the town, we could withdraw it to which S. Dowds agreed but emphasized that, chances are, it will go through Schodack. Many property owners have already allowed the easements and the right of ways are all owned by National Grid. C. Curtis stated that National Grid has still not given Kinder Morgan permission to be on their property and wondered why that has not happened yet. He added that he had attended the meeting at the Burden Lake Country Club at which 400-500 people were in attendance. The main speaker was a PHD who discussed health problems within a 10 mile radius of compressor stations. A. Gruenberg mentioned there is a proposed, county-wide blasting ordinance pending, framed in the context of a well conservation law which requires 60 days notification to anyone within a one mile radius, and also compensation for well damage. C. Curtis added that FERC has never disallowed a project but that we need to do our due diligence. There is concern about no voiced support from our Congressmen or Senators, other than Congressman Gibson. C. Curtis added that although it is a gas transportation line, it does not benefit us at all. S. Dowds explained that there are local distribution companies (LDC) who have committed to purchase gas from that pipeline. They will only do that if it puts them in a position to make money.

Briefing of Resolution Agenda

C. Curtis asked if there was any significant change in the capital charges [2015-221] to which the Supervisor responded that the resolution will be amended to show 0.0 EDU for "1 family w/ no water main on the road" and also to correct the property code 105, on "Vacant land, etc." The resolution will be amended when voted on. He said the only actual change this year was the addition of *481, multiple use* in the commercial property codes. C. Bult asked, regarding [2015-204] if they (*Stewarts*) were purchasing the water from Schodack or Nassau to which the supervisor responded that the town would be purchasing water from the Village of Nassau and then charging *Stewarts*. The town will need a

separate agreement from Nassau. Stewarts pays for the infrastructure which will be turned over to the town.

Public Comment

Carla Perrone, Richwood Dr., read and submitted a letter for public record relative to McLane Food Service basically stating her disapproval of what she felt was the expedited process used to fast track its approval. She also was dissatisfied with the actions of both the town board and the planning board in pushing the project through and what she said was a violation of the public meeting laws. She added that they will be held accountable. The letter is on file in the Planning office

Ed Brewer, the realtor representing the Carabeteas Estate on Beagle Club Way, explained that Carabeteas' owned 255 acres with a house. He stated that they have sold all but 95 acres which adjoins the Beagle Club. There is a perspective buyer and a survey shows that the estate owns to the middle of Beagle Club Way which was, at one time, a town road known as Rockefeller Way. The gate, to which Carabeteas had a key, has been there 40 years and is blocking access to 3000 feet of frontage. The fifteen acres of land that is the actual Beagle Club is far back on the property, bordering the Thruway, and the new buyer is asking for them to move the gate back to where their property begins. They are unwilling to do so. The prospective buyer does not want to proceed without access to property that the survey duly notes would be his. The Beagle Club is claiming adverse possession since no one has disturbed them in 40 years. Mr. Brewer stated that that was not entirely true as the Carabeteas estate had accessed the gate and logged their property and also the Beagle Club property just last year. The estate attorney approached S. Dowds to ask for permission, in the form of a letter, to move the gate as the road is still on record as a town road. A. Gruenberg is not willing to write the letter and so the buyer is unable to move forward without an extensive lawsuit. Mr. Brewer said he would appreciate any consideration the town might give them. C. Curtis asked for a copy of the survey done by Dick Tice so that they could see the determination that was made. Mr. Brewer agreed but added that the Beagle Club disputes that survey. A. Gruenberg emphasized that his job is to keep the town out of the dispute as all those involved have personal relationships that have been in place for 40 years.

Barbara Wood, Julianne Dr., explained that she was ashamed when she saw the "shenanigans" article in the paper. She added that she knows the town does many favorable things for the residents and strives to help us. But she was at the Planning Board meeting that night and was demoralized when McLane was revealed because they were never given a chance to review the company and its impact on our town. She explained they are not against business. She liked the town plan presentation and she is not saying that McLane is going to be a negative as she knows it will bring jobs. She emphasized that the residents had presented issues and were not even acknowledged at the Planning Board. She thanked the board for listening and also for their support in regards to the Kinder Morgan issue.

C Curtis stated that he, also, was at that Planning Board meeting when the name was finally announced and added the four Board members did not know the name until that night. Only one person knew. C. Curtis stated that he believes the public needs to know everything about a project. He emphasized that the Town Board would normally only get involved in a planning or zoning issue if it involved a zoning change. He had not been aware that the planning board only allows public comment for fifteen minutes and felt that

needed to change.

S. Dowds explained that he was the only one who knew, based on a meeting with representatives from the company, state and county and the company asked for confidentiality during the process because of strategic corporate reasons. He said with his business background, his word is his bond. He added that the planning board process is about the use and for three to four months before the approval, every bit of information was available to anyone. The only thing that was not known was the name of the company. He said he had been taken to task for not revealing the name but approval is based on use and the Planning Board followed the town law. He added that they are a separate entity and the Town Board's only involvement with them is board appointments. McLane did not want to upset employees until everything was in place. He added that in 2014 they were named one of the best places to work in the Capital Region. He said he wanted everyone to know that the Town Board, the Planning Board and the Zoning Board only do things in the resident's best interests. He added that the editorial in the Times Union got a lot wrong.

Adam Rudder, Julianne Dr., stated that what S. Dowds said was not factual and he believed that they were all heavily involved in this issue. He added that they felt undermined in the Dollar Tree issue also. He said that he was specifically directing his comments to S. Dowds. As a town resident for almost 45 years, he does not feel proud to be a Schodack resident right now. He expressed his concern with the truck traffic as the numbers went from 17 to 34 to 35 vehicles. He added that he does not have an issue with McLane. There is a place for such a business and he does not believe this is the place for it.

Board Review of Claims/Transfers/Amendments

The Board reviewed claims #15-1494 to 15-1661 on Abstract No. 2015-10 which includes all funds and claims to be paid and those paid since the previous town board meeting.

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. Curtis:

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

2015-199) WHEREAS, Strawberry Fields Subdivision filed a certain irrevocable line of credit with the Town Clerk as amended on December 12, 2013, in the sum of \$15,000.00; and

WHEREAS, said letter of credit has been extended annually; and

WHEREAS, the Planning Board and the Town Clerk have now received notification from Richard F. Laberge, P.E., President, Laberge Group that monuments, lot corners and As Built drawings tied to State Plane Coordinate System required at the site has been satisfactorily completed, therefore, the letter of credit for \$15,000 may be cancelled and released;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor Dowds is authorized to execute a release of said letter of credit, and to execute any documents required for that purpose, and

IT IS FURTHER RESOLVED AND AGREED THAT account 1362-8261 in the amount of \$35,000.00 will remain as collateral until other outstanding items have been completed.

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

2015-200) Authorize Supervisor Dowds to execute and administer 2015-2016 Snow and Ice Agreement with Rensselaer County Department of Engineering and Highways for reimbursement for snow and ice removal on Stony Point Road.

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

2015-201) Authorize Dominic DeFruscio, Assistant Building Inspector, to attend the 23rd Annual Capital District Building Officials Educational Conference at the Holiday Inn in Colonie, New York, October 19-21, 2015. Cost is \$310.00. Town vehicle to be used for transportation. Other appropriate expenses are to be borne by the Town. [as budgeted]

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, 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:

2015-202) WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, Native American Awareness week began in 1976 and recognition was expanded by congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned,

NOW, THEREFORE, the Town Board of the Town of Schodack does hereby proclaim November 2015 as National American Indian Heritage Month, in this town and urge all our citizens to observe this month with appropriate programs, ceremonies, or activities.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, 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:

2015-203) WHEREAS, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District, general plan of the District and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired; and

WHEREAS, the boundaries of the proposed District are as described in Schedule "A" annexed hereto; and

WHEREAS, the improvements proposed consist of approximately 585 feet of 8 inch diameter class 52 ductile iron pipe water main, four 8 inch gate valves, one 8 inch x 8 inch sleeve and valve and two fire hydrant assemblies and

gate valves including among other things appurtenances and incidental equipment, and including the purchase of necessary lands and rights of way therefor, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Ninety-Five Thousand (\$95,000.00) Dollars; and

WHEREAS, approval of the New York State Comptroller will not be required for this extension since the real property owner is paying for the entire cost of the infrastructure construction and the Town of Schodack is not financing the cost of any portion of this extension; and

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

WHEREAS, the first year cost of debt payment will be \$2,396.56 and \$1,580.00 for water usage. Hook up fees to the property line are not included in the estimated maximum cost, nor is the cost of water from the Village of Nassau.

NOW, it is hereby **ORDERED**, that the Town Board of the Town of Schodack, shall cause to be filed for public inspection with the Town Clerk, a detailed explanation of how the estimated cost of hookup fees, if any, and the cost of the district to the typical property has been computed and that an analysis of the computation of those costs is attached hereto as Exhibit A.

EXHIBIT "A"

ESTIMATED COST OF CONSTRUCTION:

The estimated cost of the water system improvements is \$95,000. The cost of the improvements will be borne by Stewart's. There will be no additional cost to district users for the proposed district extension.

ENGINEER'S COST ESTIMATE:

<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
8" Class 52 DIP Water Main	L.F.	525	\$ 80	\$ 42,000
Directional Drilling & Casing	L.F.	135	200	27,000
8" Gate Valves	Each	4	1,600	6,400
8" x 8" Tapping Sleeve & Valve	Each	1	5,500	5,500
Fire Hydrant Assembly & Gate Valve	Each	2	2,500	5,000
Select Backfill	C.Y.	125	35	4,375
Restoration	L.S.	1	2,000	2,500
Traffic Control	L.S.	1	2,000	<u>2,000</u>
Total Construction Cost				\$94,775
			Say	\$95,000

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

**2015-204) ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF STEWART'S
SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT
NO. 101 IN THE TOWN OF SCHODACK, COUNTY OF RENSSELAER,
STATE OF NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN
LAW OF THE STATE OF NEW YORK**

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

WHEREAS, said map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District, general plan of the District and an analysis showing the costs thereof and method of operation; and

WHEREAS, said map, plan and report shows all facilities, including mains, together with the location and the general description of all public works required including lands and easements to be acquired; and

WHEREAS, the boundaries of the proposed District are as described in Schedule "A" annexed hereto; and

WHEREAS, the improvements proposed consist of approximately 585 feet of 8 inch diameter class 52 ductile iron pipe water main, four 8 inch gate valves, one 8 inch x 8 inch sleeve and valve and two fire hydrant assemblies and gate valves including among other things appurtenances and incidental equipment, and including the purchase of necessary lands and rights of way therefor, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

WHEREAS, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Ninety-Five Thousand (\$95,000.00) Dollars; and

WHEREAS, approval of the New York State Comptroller will not be required for this extension since the real property owner is paying for the entire cost of the infrastructure construction and the Town of Schodack is not financing the cost of any portion of this extension; and

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

WHEREAS, the first year cost of debt payment will be \$2,396.56 and \$1,580.00 for water usage. Hook up fees to the property line are not included in the estimated maximum cost, nor is the cost of water from the Village of Nassau.

NOW, it is hereby **ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Town of Schodack Town Hall, 265 Schuurman Road, Castleton, New York 12033, in said Town, on the 5th day of November, 2015, at 7:15 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

SCHEDULE "A"
BOUNDARY DESCRIPTION OF
STEWART'S SHOPS EXTENSION TO
SCHODACK CONSOLIDATED WATER DISTRICT NO. 101
TOWN OF SCHODACK COUNTY OF RENSSELAER
STATE OF NEW YORK
AUGUST 26, 2015

All that tract, piece and parcel of land situate, lying and being in the Town of Schodack, County of Rensselaer, State of New York, and more particularly bounded and described as follows:

Beginning at a point on the northerly right-of-way line of U. S. Route 20, said point being the southwesterly most corner of the westerly right-of-way line of New Road, said point being the southeasterly most corner of, and the point-of-beginning for the herein to be described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**.

From said point-of-beginning run along the said northerly right-of-way line of U. S. Route 20, N86°-27'-55"W, a distance of 461.20 feet to a point, said point being the southwesterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point being the southeasterly most corner of the Lands n/f of Nassau Square 1, LLC, (Liber 4504, Page 1); Thence run along the easterly line of the said Lands n/f of Nassau Square 1, LLC, (Liber 4504, Page 1), N06°-50'-39"W, a distance of 135.19 feet to a point, said point being the northwesterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point being the southwesterly most

corner of the Lands n/f of Gerald J. O'Neil and Judith E. O'Neil, (Liber 1300, Page 691); Thence run the following three courses along the southerly line of the said Lands n/f of Gerald J. O'Neil and Judith E. O'Neil, (Liber 1300, Page 691), (1) N77°-08'-46"E, a distance of 174.88 feet to a point; (2) Thence run, N35°-55'-20"E, a distance of 131.74 feet to a point; (3) Thence run, S87°-13'-57"E, a distance of 206.03 feet to a point, said point being the northeasterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point located on the said westerly right-of-way line of New Road; Thence run along the said westerly right-of-way line of New Road, S04°-22'-55"E, a distance of 299.18 feet to a point, said point located on the said northerly right-of-way line of U. S. Route 20, said point being the said southwesterly most corner of the westerly right-of-way line of New Road, said point being the said southeasterly most corner of, and the said point-of-beginning for the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**.

Said **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"** contains 108,490.79 square feet = 2.491 acres, more or less.

The above described parcel being shown on a map entitled Extension Map And Plan - **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, dated August 26, 2015. Said map prepared by Brewer Engineering Associates, P.C. and is enclosed in Appendix "B".

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

2015-205) WHEREAS, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of the Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101, 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 has been prepared and filed in the Town Clerk's Office, relating to the establishment of the Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York; and

WHEREAS, such map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District, general plan of the District, the improvements to be made to the District, and a report showing the costs thereof; and

WHEREAS, said project will require compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act;

NOW, THEREFORE, IT IS RESOLVED, that the Town Board of the Town of Schodack be designated as lead agency for the environmental review for the creation of the proposed extension of Stewart's Shops Extension to Schodack Consolidated Water District No. 101, 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 Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101 pursuant to the State Environmental Quality Review Act.

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

2015-206) Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of capital charges for Water District Number 1. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

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

C. Kenney 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:

2015-207) Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of capital charges for Water District Number 3. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

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

- 2015-208)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of the capital charges for Water District Number 101. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, 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:**

- 2015-209)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 2a. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

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

C. Kenney 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:**

- 2015-210)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 5. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

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

- 2015-211)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 8. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, 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:

2015-212) Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 9. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

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

C. Curtis 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:

2015-213) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 1. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

2015-214) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 2. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

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

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

2015-215) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 4. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

2015-216) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs and the assessment rolls of the capital charges for Sewer District Number 5. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

C. Kenney 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:

2015-217) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 6. Said hearing shall be held on Thursday, November 5, 2015 at 7:15 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

C. Swartz 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:

2015-218) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 7. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

C. Curtis 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:**

2015-219) Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs and the assessment rolls of the capital charges for Sewer District Number 8. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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

C. Kenney 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:**

2015-220) Authorize Town Clerk to publish legal notice of hearing to seek public input relative to the 2016 Preliminary Budget and proposed fees for 2016 to be held on Thursday, November 5, 2015 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road as soon thereafter as the above sewer district hearing is concluded.

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

2015-221) WHEREAS, Chapter 175 of the Town of Schodack Code (Water Regulations) provides for capital costs to be allocated to each parcel of property within the water district based on the assessed valuation, units or front footage of property along which water mains are constructed or a combination of these methods as approved by the Town Board, and

WHEREAS, the Town Board defined the basis, through the adoption of Resolution No. 2013-218 on October 24, 2013, on which capital costs are to be allocated that is in accordance with the districts' legal formation and/or method by which the capital costs were approved, and

NOW THEREFORE BE RESOLVED that the Town Board of the Town of Schodack updates the definitions of an equivalent dwelling unit (EDU), for all Town Water Districts, except Water District No. 5 because of the related Agreement to Construct Public Water Supply Improvements and Sewer Collection Improvements dated April 5, 1999 between the Town of Schodack

and Schodack Exit Ten, LLC and RNP Associates, Inc., as follows:

Property Type	Property Code	Equivalent Dwelling Unit (EDU) Assigned
<i>A typical property is defined as a single family residence with estimated annual water usage of 72,000 gallons or less.</i>		
Exempt Properties	Varies, 315,822, 971	Cemetery without water use, underwater land, catch basins, access roads, water and/or sewer district owned parcels, water supply, wetlands and homeowner associations.
Residential Properties		
Vacant Land	311	0.75 EDU
Vacant Land - Rural 10 acres or less	314	0.50 EDU (less than .10 acres, then 0 EDU)
Vacant Land - Rural over 10 acres	322	1.00 EDU
1 family w/ no water main on the road	210	<u>0.0</u> EDU
1 family year round residence w/ curb stop, w/ easement or flag lot, dwelling > 600 feet from curb stop	210	0.50 EDU
1 family, with acreage	210	1.00 EDU
1 family year round residence w/ accessory apartment	215	1.50 EDU
2 family	220	2.00 EDU
3 family	230	3.00 EDU
With acreage, Multi-purpose	240, 280	Based on property specifics using definitions contained herein, except water usage is not a component. (i.e. 1 family plus 1 apartment = 1.50 EDU)
With Incidental Commercial Use. Incidental Commercial use is defined as a residence which has been partially converted or adapted for commercial use with the primary use being residential.	283	2.00 EDU (1 EDU for Residential plus 1 EDU for Commercial) The residential component may increase based on property specifics using definitions contained herein (i.e. 1 family plus 1 apartment = 1.50 EDU). Additional units will be added based upon actual water usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons for usage greater than the first 72,000 gallons. *
With small improvement	312	1.00 EDU
Property Type	Property Code	Equivalent Dwelling Unit (EDU) Assigned
Commercial Vacant Land Properties		

Vacant Land; Commercial Vacant with small improvement; Agricultural Vacant Land	330,331, <u>105</u>	An assessed value per acre of less than or equal to \$10,000 shall have an EDU value of .25, an assessed value per acre greater than \$10,000 and less than or equal to \$25,000 shall have an EDU value of .50, and an assessed value per acre greater than \$25,000 shall have an EDU value of .75; then dividing the total assessed value of the property by \$20,000 (2015-AAV) to determine the units of assessment and then multiplying the EDU value by the units of assessment, rounded up to the nearest quarter. AAV-Average Assessed Value is calculated annually based upon the average assessed value per acre of residential vacant property in property code no. 311 for all Town Water Districts. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Parking Lots, Mining/Quarry	438, 720	1.00 EDU. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Commercial Residential Properties		
Apartments, Mobile Home Parks	411, 416	1.00 EDU; plus 0.50 EDU per apartment/mobile home; plus 0.50 EDU for each excess 36,000 gallons or portion thereof in excess of the total of the EDUs per apartment/mobile home times 72,000 gallons.*
Hotel, Motel	414, 415	1.00 EDU; plus 1.00 EDU per 3 rooms or portion thereof; plus 1/3 of 1.00 EDU for each excess 24,000 gallons used or portion thereof in excess of the total of the EDUs per 3 rooms times 72,000 gallons.*
Commercial Properties		
Commercial properties as listed: Restaurants, Diner/Luncheonettes, Fast Food Franchises, Auto Dealers – Sales & Service, Auto Body/ Tire/ Related Auto, Automatic Car Wash, Mini Warehouse (self-storage), Lumber Yards, Other Storage/ Warehouse/ Distribution Facilities, Retail Services, Neighborhood Shopping Centers, Drive-In Branch Bank, Office Building, Professional Building, Dog Kennel/ Veterinary Clinic, Multiple Use, Converted Residence, One Story Small Structure, One Story Small Structure – Multi-Occupancy, Minimart, Schools, Other Educational Facilities, Religious, Benevolent & Moral Associations, All Other Health Facilities, Governmental Highway	421, 422, 426, 431, 433, 434, 442, 444, 449, 450, 452, 462, 464, 465, 472, 481, 483, 484, 485, 486, 612, 615, 620, 632, 642, 651, 652, 662, 700, 870	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^

Garage, Governmental Office Building, Police & Fire Protection, Industrial, Electric & Gas		
* Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll, or ^ Based upon estimated water consumption for non-connected properties per DEC design flow guidelines as follows: .01 gallon/square foot/day for Warehouse/Storage Facilities or .1 gallon/square foot/ day for Office/Retail Facilities discounted by 50% of estimated water usage.		

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

C. Curtis 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:

2015-222) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-1494 to #15-1561 on Abstract No. 2015-10, in the amount of \$870,800.33, including the claims paid (\$684,570.36) since the previous town board meeting.

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

ADJOURNMENT

As there was no further business before the Board, C. Swartz made a motion to adjourn the 10/08/15 Town Board meeting at 8:05 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Karen A. Vecchione
Schodack Deputy Town Clerk /RMC