

DATE: FEBRUARY 11, 2016

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DONNA L. CONLIN

PRESIDING OFFICER: DENNIS E. DOWDS

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

MEMBERS ABSENT:

ATTORNEY: DAVID GRUENBERG
COMPTROLLER: PAUL HARTER, COMPTROLLER
OTHERS PRESENT:

Supervisor Dowds called the February 11, 2016 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.

Kinder-Morgan

The Supervisor announced that they were deviating from the established format of the meeting to receive comment on the proposed Kinder-Morgan (N.E.D. aka Tennessee Gas) Pipeline and resolution [2016-102].

Before opening it up for public comment, S. Dowds gave a brief chronological update on the town's involvement. After learning about the proposed pipeline in 2015, the Board attended the scoping sessions held by Kinder Morgan. In May of 2015 the Town Board adopted a resolution opposing the pipeline. They also joined with a group from Massachusetts called the Berkshire Regional Planning Commission ("Berkshire Group"), which consists of 15 – 17 municipalities and that Commission subsequently engaged the services of the BCK law firm to represent their position of opposition. BCK specializes in pipeline activities and they worked with the municipalities to prepare the "scoping" comments. A document was submitted to the Federal Energy Regulatory Commission (FERC) in October and included concerns, general and specific, from all the members of the coalition. We then filed for Intervenor status, as an individual town as well as part of the coalition. That simply means we are allowed to present objections to FERC in legal format. Rensselaer County initially paid \$25,000.00 to represent the county and towns of Stephentown, Schodack and Nassau in the Berkshire Group. Now, we are at the point that we have to contribute to the costs of legal representation as an Intervenor which could range from \$20,000 - \$40,000 per municipality; however, it is something the Board feels they need to do to continue to fight for the residents of Schodack. FERC is currently in the process of analyzing the Environmental Impact Statement (EIS). When that is completed, then Kinder Morgan will know if their project is approved and what route is chosen. Currently, there are different rumors around town regarding the proposed route and location of the compressor station, but there is nothing concrete at this time. The Supervisor

continued that while some people may have been contacted about the potential sale of their property to cite a compressor station, to the best of his knowledge, nothing is definitive. He contacted the Berkshire Group when he first heard the rumors and they wrote to FERC about these concerns. FERC's response was, "if they (Kinder Morgan) make changes, they will have to file it formally on the docket. In addition, they would have to abide by the public notification requirements under 18CFR157.6D. In a compressor station's case they would have to notify all landowners within ½ mile of the new proposed station site." The Supervisor said none of that has been done at this point. The Board is on record of being opposed to the pipeline. They have adopted a resolution voicing their concerns and plan to adopt another one tonight; however, if it does happen, we need to be prepared. He said the Board's job is to protect to the extent that we can, the residents of the Town of Schodack and that is exactly what we are trying to do.

Public Comment

The meeting room was filled to capacity and fourteen people offered comment on the pipeline. All who spoke supported the Board's resolution and many made suggestions to strengthen its language. They also felt the Board should do more to get information about the pipeline out to the general public because many people still are not aware of this potential project. Specific comments are as follows:

K. Stokem, Maple Hill Rd., thanked the Board for the initiative they have taken, but hoped they would take a more communicative stance in the future. He said the groups working as a coalition against the pipeline are calling on the Governor to put a moratorium on gas pipelines until a health study has been done, which he said was requested by the American Medical Association and New York State Medical Society. They are also asking the Governor to deny any approvals of permitting that is required by New York State for any gas pipelines. He requested that the Board add similar language to their resolution and be more demanding.

R. Lemka, Phillips Rd., agreed. He felt the resolution should be more demanding and definite as to what Schodack fears and, in his opinion, will experience, such as the potential damage to the aquifer and negative impact on the town's tax base by lowering property values.

M. Sherwood, Sally K. Lane, agreed and felt the potential damage to the aquifer should be fully and completely expressed.

D. Spilman, Mountain View Rd., also agreed. He said he attended a meeting about the operation of compressor stations and during routine maintenance to clean the lines, the contaminants are essentially dumped at the site and there is very little oversight. So, in his opinion, it is not a matter of if the aquifer would be damaged, but how quickly it would happen. He told the Board that under the Coastal Zone Management Act, the Department of State has to sign off on the pipeline. In addition to the Dept. of State, any municipalities that have developed a plan for coastal planning have a right to have input. Since the Town of Schodack and the Village of Castleton did adopt a plan in the early 1990's, they have standing in that process. He stated that FERC has to submit to request input from the Department of State (DOS) at least 90 days prior to their final approval. They can deny it and pointed out several instances where the DOS and/or Governor denied similar type actions. So far they have not done and have until April to act. Things can still be done so he requested that the Town partner with the Village of Castleton and form a Board that could communicate their concerns to the Department of State.

L. Cookson, Town of East Greenbush, said residents of East Greenbush are also fearful that gas leaks could be catastrophic and noted that the Town of East Greenbush is also proposing to adopt a resolution in opposition to the pipeline.

S. Bennett, Burden Lake Rd., made a correction to comments made by previous speakers relating to asking DEC and the Governor to put a moratorium on air and water quality permits. She said she had a meeting last week with Sen. Breslin who requested that same thing and Sen. Breslin was advised that DEC has a finite period of time to either approve or deny a permit, if that decision is not made within the required time frame, the State's approval or denial becomes inconsequential, so asking for a moratorium does not stop the clock. She suggested that if the Board was going to add language to the resolution they should ask the Governor to deny air and water quality permits by the allotted time frame; otherwise, the state will have no power.

R. Malloy, Maple Hill Rd., who was new to this issue, said it was his understanding that the ability to stop the pipeline is above this level of government and suggested that the citizens regroup and contact federal agencies.

J. Jensis, Jensis Rd., said he has a natural gas metering station on his road and they get a lot of gas odors. He wondered if communities should consider funding air quality at metering stations or at the compressor station in Malden Bridge.

Nancy Posniakis, County Route 7, said she was grateful for all the efforts being made. She said she has a pre-existing health condition and feels that she and others like her may not survive the toxins released by the pipeline.

S. Catlett, Shufelt Rd., said one of the alternate sites for the compressor station is off Shufelt Rd. and it is ruining her life. She asked the Board to be her advocate in fighting this huge corporation.

T. Costo, Shufelt Rd., said he is an engineer. He believes that most, if not all of the alternative sites for the compressor station in Schodack, are over the aquifer. Using the recent issue in Hoosick Falls relative to water quality as an analogy, he said the chemical that polluted their water supply was not originally perceived as a concern. Similarly, some of the things used by Kinder Morgan today may appear to be safe but perhaps in 25 years we will find that they are not, by which time, they will be in the ground, the water and the air and there will not be any easy way to remove them. So he encouraged the board to use whatever ability they have to protect, in particular, the aquifer and to consider within the resolution bringing particular attention to the circumstances in Hoosick Falls.

M. Joselyn, Maple Hill Rd., said fracking is illegal in NYS and wondered why fracked gas is allowed to be transported through the state. She asked the Board to do more with regard to getting information out to the public.

S. Sober, Shufelt Rd., said she is a member of the organization called STOP NY Fracked Gas and has been attending meetings for over a year. They did a huge informational mailing last year and may be doing another one. They are on social media and have done door-to-door. There has been widely publicized public meetings about the pipeline and articles in the newspaper and wondered what more could be done to get the word out.

S. Roth, Tina Lane, asked if the Board members had a personal position on the pipeline. S. Dowds said he was opposed to the pipeline. Mr. Roth said his impression from hearing the residents speak was that they feel they need to convince the Board to oppose the line and asked Board members if they would mind stating their position on the pipeline. C. Bult said he was against it. He has attended numerous meetings on the issue with the

STOP NY Fracked Gas group and will continue to do so. He believes the Board needs to be as aggressive as they can in opposing this, within the scope of their authority. C. Bult said he thought that there was a lot of frustration because the people feel that there is not a lot they can do to control this. Having a forum like this allows people to share their thoughts with the Board. While there may not be a lot the Board can do, we are one step higher on the chain than the average citizen. C. Kenny agreed and stated that he is 100% against the pipeline. C. Swartz said he is also against the pipeline as well as siting the compressor station in the town. He stated that he stands with everybody in the fight against the pipeline project. C. Rex stated that she is also against the compressor station and pipeline going through Schodack. The Supervisor said after FERC analyzes the EIS there will be additional meetings held to get public comment. He felt that was the best forum for the people to share their concerns.

K. Stokem said that most of the people feel that FERC is an entity that was set up to facilitate pipelines, not to slow them down, so it is hard for them to look to FERC for help, which is why they (the stop the pipeline groups) are advocating reaching out to higher level people (federal senators, Governor, etc.) and agencies. Their hope is to defeat the pipeline by "death with a thousand cuts", which means that hopefully each community can make a cut in it and slow it down. If it costs Kinder Morgan more money to fight them, we hope that they will give up on the pipeline.

B. Hastings, Pine Drive So., said Kinder Morgan stock has fallen recently and they cut their dividends.

B. Dooley, Schodack Valley Rd., felt that nothing was more important than fighting the pipeline and any money spent is a good investment.

J. Wilson, Middlesex Rd., thought they should stress how dangerous the pipeline could be due to the explosive nature of the gas.

F. Curtis, Boyce Rd., said the originally proposed compressor station is 1500' from his daughter's home on Clarks Chapel Rd. He said because so many groups and municipalities were voicing their opposition, it got the attention of federal officials. Sen. Schumer and Congressional leaders Gibson and Gillibrand wrote letters to FERC requesting that alternate sites be reviewed, so he felt voicing your concerns does make a difference. Unfortunately, of the alternate sites selected, seven of them are within a 1 mile radius of his house. There is another in the Town of Nassau by the intersection of Rte. 43 & Rte. 66 and two others on Rte. 9 in Schodack by Shufelt Rd. Mr. Curtis asked if the Board could advise the people about the potential sites for the compressor station. S. Dowds noted that in December FERC requested that Kinder Morgan submit alternate sites for the compressor stations as well as other viable routes.

The Supervisor thanked everyone for their comments.

Time Warner Agreement – K. Stokem said he is not happy with his Time Warner service and asked the Board if there was anything that could be done to get them to provide better services. The Supervisor explained that that we haven't renegotiated our agreement because we would lose some of what we currently have under the old agreement. For example, currently, we have an agreement to extend services if there are 20 properties within a linear mile. Their standard is now 35 properties. He has spoken with the Public Service Commission and they essentially advised him that we were better off not signing a new agreement. He clarified that the resolution on the agenda has nothing to do with the

agreement, but essentially recites the convoluted mechanism we have to use regarding their payment of taxes. Time Warner pays the town a franchise fee to operate its business in the public Right-of-Way (ROW) and it would be simple for us to simply deduct the taxes from the franchise fee, but we are not allowed by law to do that. We have to levy the tax and then send the county a check for the taxes. We are precluded from simply deducting the tax levy from the franchise fee. C. Swartz said he talked to a representative from Time Warner recently and he was told that southern Rensselaer County may be getting an additional 1.9 million lines within the next year and a half.

Zoning - B. Dooley asked about the status of the zoning revisions, especially the definitions. He felt that some of the definitions in the zoning code were somewhat ambiguous and questioned that it sometimes seemed intentional. S. Dowds said they are currently working on it.

Town Center - T. Kirby encouraged the Town Board to support the move towards the Town Center concept. Phase I of the Town Center Project went extremely well and he strongly encouraged the Board to support Phase II of the Town Center Project. He felt that the Town doesn't really have a Comprehensive Plan. He said it is more a bunch of concepts and he thinks that the Board needs to make it into a Plan which would be more meaningful. He felt that if they want to increase tax revenues and services to the Town, the town center would provide that mechanism. The Supervisor explained that there is a resolution on the agenda tonight relative to appointing some people to the CDTC study for the Town Center Project. He felt they need to think of what can be done in terms of mixed use. Phase II, which is grant funded, is to review zoning issues that need to be addressed so that landowners and developers know what to expect from the Town, because they are the ones that will make it happen.

S. Roth said he was encouraged to hear about the development of a town center. He said there were many different master plan studies and to the best of his knowledge, none were ever adopted. He felt a Master Plan was essential for the development of the town. He also felt that the town has scared business away. The Supervisor replied that we do have a Comprehensive Plan. He agreed that the Town has the reputation of not being business friendly, but that is in the past. The Town is trying desperately to attract businesses because the only way to stabilize, and potentially lower, taxes is through economic development and we are doing the best we can to work towards that goal.

Recess – The Board recessed at 8:25 p.m. and reconvened at 8:37 p.m.

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, Highway Department, Planning & Zoning, Receiver of Taxes, Transfer Station and Historian.

Review of Abstracts of Claims and Budget Amendments

The Board reviewed claims #16-0154 to #16-0325 on Abstract No. 2016-02, in the amount of \$1,718,025.79, including the claims paid (\$133,055.82).

Board Discussion- Resolutions/Old/New Business

Resolutions: Based on comments offered, the Board revisited resolution [2016-102]. After a brief discussion, it was the consensus of the Board to include language regarding protection of the aquifer and to urge the Governor and key state agencies to deny air and water quality permits under the Clean Water Act. **Determination:** The resolution will be amended to include the following language, “WHEREAS, the proposed pipeline will cause significant damage to the Schodack Aquifer and thus to the quality and quantity of water for town residents; and BE IT FURTHER RESOLVED that the Schodack Town Board specifically requests that Governor Cuomo, the Department of Environmental Conservation, the Department of State, and all other agencies that have authority to make decisions relating to the pipeline oppose the pipeline in the Federal Energy Regulatory Commission (FERC) proceeding and further deny any permits under the Clean Water Act; and”; further the resolution will also be sent to the Secretary of State and Commissioner for the Department of Environmental Conservation. C. Rex requested that the next time a resolution is going to be drawn up and copied to the Board she would like to be included. C. Bult asked if the Building Inspector had inspected the trailers (resolution [2016-99]). The Town Clerk said yes. They are not forwarded to the Board, until he has given his approval.

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. 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:**

2016-83) Authorize Supervisor Dowds to execute and administer the Monitoring Service Contract with Rocket Monitoring Services to perform data collection and monitoring services on the Commercial AdvanTex® AX100 – TCOM Control Panel located in Sewer District No. 8 for a cost not to exceed \$1,200.00 and to provide monitoring on the VeriComm Panel located in Sewer District No. 5 for a cost not to exceed \$300.00

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

C. Bult made a motion to adopt the following resolution, seconded by S. Dowds:

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

- 2016-84)** Approve the list of Volunteer Ambulance Workers Service Award Program Participants for all 2015 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, T. Rex, 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:**

- 2016-85)** Authorize Paul Harter, Comptroller to attend Office of the New York State Comptroller training session entitled "Accounting Principles-Advanced" May 24-26, 2016 in Chenango, New York at an estimated cost as follows: Registration fees of \$85.00, cost of lodging \$375.00, cost of meals \$150.00 and cost for mileage & tolls of \$155.52 for a total estimated cost of \$765.52 [This is a budgeted item.]
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

Discussion: C. Rex asked if the employees were carry-overs from last year. S. Dowds said yes.

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

- 2016-86)** Appoint Michael Canestro and Lawrence J. Zink as Summer Grounds persons, under the direction of Kenneth Holmes, Highway Superintendent, at an hourly rate set forth in the 2016 annual budget.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

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

- 2016-87)** Authorize the appropriation of the Highway Equipment Capital Reserve Fund, established by Resolution 2010-422 in an amount not to exceed \$205,565 as follows:
Tandem Axle Dump Truck for \$205,565 with a probable useful life of fifteen (15) years. This resolution is subject to permissive referendum as specified in GML §6-c.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

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

- 2016-88)** Authorize the purchase of a 2017 International, Model 7600, Tandem Axle Dump Truck with Everest Dump Body, Plow, Wing Plow with Material Spreader at a cost not to exceed \$205,565 from Navistar, Inc. pursuant to County of Onondaga Purchasing Contract No. 7823, contingent upon resolution #2016-087.

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

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

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

- 2016-89)** Authorize the appropriation of reserves of bonded indebtedness to be used towards 2016 debt service payments as provided in the 2016 Budget as follows:

Enterprise Town-Wide Water Fund (EW)	\$15,576.00
East Schodack Sewer District No. 5 (SS5)	\$2,228.00
Clearview Water District No. 1 (SW1)	\$3,500.00
Inglewood Water District No. 2a (SW2a)	\$3,500.00

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

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

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

- 2016-90)** Authorize \$1,204.00 to be transferred into the Schodack Landing Sewer District No. 8 Capital Reserve Fund.

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

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

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

- 2016-91)** Authorize \$1,000.00 to be transferred into the Water District No. 3 Repair Reserve Fund (SW3).

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

Swartz, T. Rex, D. Dowds. Noes – 0.

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

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

- 2016-92)** Authorize \$7,000.00 to be transferred into the Town-Wide (A Fund) Police Vehicle Capital Reserve Fund.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

Discussion: C. Rex asked if this was a position that could be posted. S. Dowds said they are hiring from a temporary agency because it is not a permanent position. The court was looking for someone with a certain level of expertise to fill in immediately while the Court Clerk is on maternity leave. C. Rex said there might be a qualified resident that wanted temporary work. S. Dowds said we didn't have a lot of time to fill this position because she had to leave sooner than anticipated.

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

- 2016-93)** Ratify and affirm authorizing Supervisor Dowds to execute and administer professional temporary clerk staffing services with Fusco Personnel Inc. (FPI) for a full-time temporary assignment in the Town Court's office at an hourly rate of \$22.40
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

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

- 2016-94)** Appoint Nadine Fuda, David Calarco, Paul Puccio, Joseph Grimaldi and Mark Teliska to the Capital District Transportation Committee (CDTC) Advisory Committee relative to the Town Center Study.
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

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

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

- 2016-95) Authorize Supervisor Dowds to execute lease agreement with Pitney Bowes for renewal of mail system Connect+ 1000 with 5-pound scale and 100-departmental accounting for a period of 12-months at the monthly rate of \$325.00.

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

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

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

- 2016-96) Authorize Supervisor Dowds to accept the proposal dated January 22, 2016 and execute and administer engagement letter with The Bonadio Group CPAs, Consultants & More to provide professional auditing services for the Town of Schodack for fiscal years ended December 31, 2014, 2015 and 2016 in an amount of \$12,000 respectively for a total amount not to exceed \$36,000.00.

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

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

Discussion: C. Swartz said he was under the impression that the agreement was going to include language that would not preclude the Town from selling the property during the usage period. S. Dowds said it was not in the agreement, but Burrowes is aware that if it happens they would have to vacate the property. A. Gruenberg felt C. Swartz raised a good point and he felt it should be included in the agreement. **Determination:** The Town Atty. will add that language to the agreement and the Board will amend the resolution to include language that the agreement has to meet the approval of the Town Attorney.

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

- 2016-97) Authorize Supervisor Dowds to execute and administer a Hold Harmless Agreement pursuant to the recommendation and approval of David Gruenberg, Esq., Town Attorney, relative to Harrison & Burrowes Bridge Constructors Inc. storing and staging construction equipment on Town Property located at 1777 Columbia Turnpike.

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

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

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

2016-98) WHEREAS, pursuant to the franchise agreement between Time Warner Cable ("TWC") and the Town of Schodack, TWC 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 2015 TWC paid the Town of Schodack \$82,298.54 in franchise fees, and

WHEREAS, TWC was levied a total of \$3,364.65 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 Tax Department returned the Town's Special Franchise tax bill, and

WHEREAS, TWC 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 2016 from the franchise fees paid during 2015,

NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$3,364.65 to Rensselaer County Bureau of Finance based on the 2016 TWC 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, T. Rex, 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:**

- 2016-99)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Owner</u>	<u>Location</u>	<u>No. of Units</u>
Beberwyk, Mary Ann	57 Beberwyk Way	1
Bee Hollow Farm	634 Knickerbocker Rd.	2
MacPhail, Paul & Marcucci, Maria		
Cedar Acres	Hoags Corners Rd.	21
Garden Homes Mgmt. Corp.		
Clow, Robert	739 Co. Rt. 7	1
Curtis Trailer Park	2032 E. Schodack Rd.	70
Garden Homes Mgmt. Corp.		
Day, Carlton	777 Western Rd.	1
Field, George	85 Veering Lane	1
Hanson, Thomas & Debra	Co. Rt. 7	6
Rapin, John & Mary Joy	3804 US 20	1
Salzer, Adam	27 Brandt Rock Rd.	1
Washburn, David &	65 Washington Ave.	1
LaRosa, Francesca		

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

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

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

- 2016-100)** Amend resolution 2016-072 as adopted January 14, 2016 to include estimated mileage of \$85.00 [Northern Adirondack Code Official Conference February 28 through March 3, 2016 in Lake Placid, New York] for a total estimated cost of \$894.00.

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

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

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

- 2016-101)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for both the Konica Minolta Bizhub 284E copier in the Town Clerk's office, ID#731FL and for the Muratec MFX 3530 printer for Records Management, ID#227FN, combined contract, for the period February 2, 2016 to February 1, 2017 for \$420.00 annually. Contract includes 30,660 copies annually with an overage charge of \$0.0137 per copy.

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

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

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

2016-102) WHEREAS, the Schodack Town Board has endeavored to protect the health, safety and quality of life of those who live and work in Schodack, along with protecting the economic viability of our community and property rights; and

WHEREAS, Kinder Morgan has proposed the development of a large natural gas pipeline, known as Northeast Energy Direct, which would be routed through significant areas of the Northeast including, the Town of Schodack; and

WHEREAS, based on a review of the potential impacts of the pipeline in Schodack, including expected damage to the environment, property values, health and safety, and ongoing and future economic development efforts, this Town Board has stated opposition to the proposed Kinder Morgan, or Northeast Energy Direct, pipeline project; and

WHEREAS, the Town Board has also opposed the proposed Kinder Morgan-N.E.D. pipeline because of potential impacts to the value of property in town, recreational use and enjoyment of affected properties and potential difficulties for local emergency services and other local municipal services; and

WHEREAS, the Town Board has also stated opposition to the location of a compressor station for the pipeline project in town because of potential impacts to health, safety, quality of life and property values; and

WHEREAS, this Town Board restates opposition to a possible compressor station in Schodack in recognition of the fact that Kinder Morgan has yet to answer basic and needed questions regarding the health and safety of residents, possible impacts to property values, and damage to the environment and natural resources in town; and

WHEREAS, there has been increased speculation in recent weeks that a compressor station could be located in Schodack, and additional concerns regarding impacts to emergency services and local services have also yet to be addressed by Kinder Morgan; and

WHEREAS, this Town Board also recognizes the significant opposition to the proposed pipeline and compressor station project in Schodack and surrounding communities; and

WHEREAS, the Town of Schodack has also filed a request to be granted intervener status in the upcoming review of the proposed Kinder Morgan, Northeast Energy Direct pipeline project;

WHEREAS, the proposed pipeline will cause significant damage to the Schodack Aquifer and thus to the quality and quantity of water for town residents;

NOW, THEREFORE, BE IT RESOLVED, that the Schodack Town Board does hereby restate opposition to the location of a proposed compressor station in Schodack, along with noting the lack of answers from Kinder Morgan regarding the proposed pipeline and compressor station; and

BE IT FURTHER RESOLVED that the Schodack Town Board specifically requests that Governor Cuomo, the Department of Environmental Conservation, the Department of State, and all other agencies that have authority to make decisions relating to the pipeline oppose the pipeline in the Federal Energy Regulatory Commission (FERC) proceeding and further deny any permits under the Clean Water Act; and

BE IT FURTHER RESOLVED, the Town Clerk is hereby directed to transmit a copy of this resolution to U.S. Senator Charles Schumer, U. S. Senator Kirsten Gillibrand, U.S. Congressmen Chris Gibson, U.S. Congressman Paul Tonko, Governor Andrew Cuomo, State Senator Kathy Marchione, State Assemblyman Steve McLaughlin, Cesar A. Perales, Secretary of State and Basil Seggos, Acting Commissioner for the Department of Environmental Conservation.

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

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

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

2016-103) Authorize Highway Superintendent Holmes to purchase a slide-in sander for the 2016 Dodge 5500 and a slide-in sander for the 2015 Ford F250 from proceeds received from Auctions International Inc. in an amount not to exceed \$6,000.00.

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

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

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

2016-104) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-0154 to 16-0325 on Abstract No. 2016-02, in the amount of \$1,718,025.79, including the claims paid (\$133,055.82) since the previous town board meeting.

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

C. Bult made a motion to adopt the following resolution, seconded by C. Rex:

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

2016-105) Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

**DECEMBER, 2015 and January 2016
BUDGET MODIFICATIONS**

	Fund/ Department #	Fund / Department Name	Increase	Decrease
2015				
84	A-960-1315.4000	Comptroller - Contractual	231.99	
	A-960-1315.1000	Comptroller - Personal Services		231.99
	To modify the budget to cover deficiency due to unexpected Temp Service fees			
85	A-960-1410.4000	Town Clerk - Contractual	65.69	
	A-960-1410.2000	Unallocated Ins. - Contractual		65.69
	To modify the budget to cover deficiency due to unexpected Temp Service fees			
86	A-960-1670.4000	Cntl Printing - Contractual	458.04	
	A-960-1220.4000	Supervisor - Contractual		458.04
	To modify the budget to cover deficiency			
87	A-960-5132.4000	Town Garage - Contractual	765.97	
	A-960-1990.4000	Contingency		765.97
	To transfer funds to cover budget deficiency due to HVAC VFD issues			
88	A-960-8160.4000	Refuse & Garbage - Contractual	544.27	
	A-960-8160.1000	Refuse & Garbage - Personal Service		544.27
	To transfer funds to cover budget deficiency			
89	A-960-8189.4000	Recycle - Contractual	519.27	
	A-960-8189.1000	Recycle - Personal Service		519.27
	To transfer funds to cover budget deficiency			
90	B-960-8020.4000	Planning - Contractual	5,109.96	
	B-509-2115.9999	Planning Board Fees	5,109.96	
	To modify the budget for engineering fees related to Planning Board activity			

91	B-960-8340.2000	Transmission & Distrib - Equipment	202.50	
	B-509-2655.9999	Minor Sales	202.50	
	To transfer funds to cover costs of meter sale to Stephen Cirullo			
92	EW-960-9060.8000	Hospital & Medical Ins. - Benefits	3.76	
	EW-960-9060.8100	Hospital & Medical Ins. - Benefits retiree		3.76
	To transfer funds to cover expense allocation			
93	SS2-960-8130.1000	Castleridge-Sewage - Personal Svcs	2.82	
	SS2-960-8130.4000	Castleridge-Sewage - Contractual	71.05	
	SS2-960-9030.8000	Castleridge-Sewage - Social Security	0.22	
	SS2-960-1990.4000	Castleridge - Contingency		74.09
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent			
94	SS2-960-9060.8000	Castleridge-Sewage - Employ Benfits	0.09	
	SS2-960-9060.8100	Castleridge - Employ Bene Retire		0.09
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent			
95	SS5 - 960-9060.8000	East Schodack Sewer - Hosp & Med	0.80	
	SS5-960-9060.8100	East Schodack Sewer - Benefits Retiree		0.80
	To transfer funds to cover expense allocation			
96	SS6-960-9060.8000	Exit 10 - Hosp & Med - Benefits	1.36	
	SS6-960-9060.8100	Exit 10 - Hosp & Med - Benefits Retiree		1.36
	To transfer funds to cover expense allocation			
97	SW1-960-9060.8000	Water Dist #1 - Employee Benefits	0.29	
	SW1-960-9060.8009	Water Dist #1 - Benfits SW1 - Supply	1.64	
	SW1-960-9060.8100	Water Dist #1 - Benefits retiree		0.29
	SW1-960-9060.8109	Water Dist #1 - Benfits - Supply		1.64
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent.			
98	SWC1-960-1990.1000	Consolidated Water Dist - Contractual	1,859.63	
	SWC1-960-1990.4000	Consolidated Water Dist - Personal		1,859.63
	To correct 15-081 transfer of funds to cover Laberge invoices re: Water Withdrawal Permit Wrong account entered			

2016

1	A-960-3120.1011	Police Grant - Rens Co DWI	158.48	
	A-960-3120.1011	Police Grant - Rens Co DWI Crack Down	316.96	
	A-509-226.9999	Police Safety Services - Other Gov'ts	475.44	
	To modify the budget for grant awards			

2	A-960-6310.4000	Community Action - Contractual	500.00	
	A-960-1990.4000	Contingency		500.00
	To transfer funds to cover charitable donation to Anchor			
3	B-960-1440.4000	Town Engineer - Contractual	5,000.00	
	B-960-1990.4000	Contingency		5,000.00
	To transfer funds to cover Laberge engineering fees for wastewater & water issues - Res# 16-065			
4	B-960-1460.4000	Records Mgmt - Contractual	21.00	
	B-960-1990.4000	Contingency		21.00
	To transfer funds to cover Laserfiche 2016 maintenance contract-increase not budgeted.			
5	SW1-960-9010.8009	Clearview Water - Retire Ben Supply	1,770.00	
	SW1-960-9010.8000	Clearview Water - Retire Benefits		1,770.00
	To modify budget to approved budgeted line items			
6	SW1-960-9030.8009	Clearview Water - Soc Sec. Ben Supply	1,170.00	
	SW1-960-9030.8000	Clearview Water - Soc Sec Emp Ben		1,170.00
	To modify budget to approved budgeted line items			
7	SW1-960-9040.8009	Clearview Water - Wk. Comp. Ben Supply	730.00	
	SW1-960-9040.8000	Clearview Water - Wk Comp Emp Ben		730.00
	To modify budget to approved budgeted line items			
8	SW1-960-9060.8009	Clearview Water - Medical Ben Supply	1,720.00	
	SW1-960-9060.8109	Clearview Water - Medical Retiree Supply	565.00	
	SW1-960-9060.8000	Clearview Water - Medical Emp Ben		1,720.00
	SW1-960-9060.8100	Clearview Water - Medical Retiree Ben		565.00
	To modify budget to approved budgeted line items			
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.			

Fire District Consolidation: S. Dowds said the fire districts are exploring the feasibility of consolidation and asked the Town to assist them in getting a grant, alluding to the possibility of getting a grant writer. C. Bult clarified that he believed they wanted the Town to be the applicant so the process remains neutral. He didn't think that they wanted us to provide a grant writer nor would there be any costs to the Town. They are only looking to use us as the facilitator for the grant process. The next meeting will be February 18th. It was his understanding that they should know which districts want to move forward with the process by April.

C. Bult thanked the Comptroller for the revisions to the budget modification report.

Exit 12: C. Swartz said he was told that NYSDOT was putting markers around Exit 12 for photo-mapping and wondered if the Supervisor had been advised of any changes in that area. S. Dowds said he heard a rumor that they were looking for a another lane on the southbound ramp coming off Exit 12 and possibly a traffic device due to the heavy volume exiting off that ramp at night. He cautioned that it was only a rumor and he has not received any official notification.

ADJOURNMENT

As there was no further business before the Board, C. Swartz made a motion to adjourn the 02/11/16 Town Board meeting at 8:45 p.m., seconded by C. Kenney. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin
Schodack Town Clerk/RMC/CMC