

**DATE:** OCTOBER 13, 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, ESQ.  
**COMPTROLLER:** PAUL HARTER, COMPTROLLER  
**OTHERS PRESENT:**

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Supervisor Dowds called the October 13, 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.

### **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, Planning & Zoning and Human Resources.

The Supervisor reported that the Board received a Thank You note from the Castleton Cemetery Association for the donation made towards the historical marker (see September 8, 2016 minutes). With regard to the Police Department, he noted that they have responded to three overdoses within the past 10 days that required the use of NARCAN, which demonstrates that our town is not immune to the drug problem. The police are diligently working on these issues, but it is a big battle. C. Bult added that he was at one of the calls and commended Officer Roy for his professionalism in administering the NARCAN as well as the time he took with the family after, explaining what they should do moving forward.

### **Review of Abstracts of Claims and Budget Amendments**

The Board reviewed claims #16-1455 to #16-1648 on Abstract No. 2016-10.

### **Briefing of the Resolution Agenda Discussion-Resolutions**

S. Dowds briefed the Resolution Agenda. With regard to Resolution [2016-217], the Supervisor explained that the labor attorney will be involved with: the Fair Labor Standards Act (FLSA) that becomes effective Dec. 1<sup>st</sup>, the Employee Handbook, personnel and health benefit issues. Resolution [2016-218] relates to the IPS training that was held on-site for the building and planning & zoning personnel. The cost of the half-day class was \$588.30,

which included \$28.30 for travel. Resolutions [2016-225] – [2016-231] authorize the public hearings for the water rates and capital charges for the districts listed. Similarly, resolutions [2016-232] – [2016-238] are for the sewer districts. Resolution [2016-239] authorizes the public hearing notice for the 2017 Preliminary Budget. Resolution [2016-240] is done annually to update the equivalent dwelling units (EDU) for most water districts (*this relates to the capital rolls and charges*). The Supervisor noted that the only change from last year is the addition of a new property code (682) for recreational facilities which will be used for the Spinney Clubhouse. Resolution [2016-242] will be discussed in more detail later in the meeting. With regard to resolution [2016-243], the Supervisor explained that it was left blank until the Board has further discussion, which will take place in Executive Session as it relates to a contractual (union) matter. All other resolutions are self-explanatory.

### **Executive Session**

C. Bult made a motion to enter into Executive Session at 7:12 p.m., to discuss contractual matters relating to the selection of the health insurance plan. Seconded by C. Swartz

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 adjourn the Executive Session at 7:27 p.m., seconded by C. Bult.

### **Board Discussion/Agenda/Other Matters of Business**

Based on the Executive Session discussion, the Supervisor stated that the Board will put forth the following insurance plan for consideration, CDPHP-EPO Plan 120, which will be effective 12/01/2016 (Resolution [2016-243]). The rest of the proposed resolution will be stricken. He explained that the CDPHP plan offered to employees last year is no longer available to the Town because the State Legislature changed the definition of a “large group” plan from 50 employees to 100 employees. It is now before the State Legislature to roll that back, as has been done by most other states, but that has not yet occurred, therefore the Board had to look at other plans for 2017. If that changes, the Board can review the plans that would be made available to them at that time. He stated that the plan selected is closest to the current plan. C. Kenney added that the Town will still offer NYSHIP. The Supervisor noted that the NYSHIP plan is effective from January 1<sup>st</sup> to December 31<sup>st</sup>, and the Board is looking at a 13-month plan for CDPHP so all the plans will have the same effective date.

With regard to resolution [2016-242], Guideline 3 (first two bullets) C. Bult said he and C. Kenney spoke with the Highway Superintendent, regarding the current \$500.00 limit. The mechanics were spending a significant amount of time soliciting quotes for vehicle parts and getting timely responses. They felt that allowing them to spend \$1,000.00 without having to get multiple quotes, will be more cost efficient in the long-term. Therefore, based on that discussion, he felt the resolution should be amended to decrease the cap from \$1500.00 to \$1,000.00. C. Rex felt that employees should still seek the most-cost effective solution, even though it is not required. S. Dowds felt the Town was fortunate, because the employees who do the ordering are very cost-conscientious and he felt they will continue to seek out the best price.

C. Rex asked the status of the Employee Handbook. S. Dowds said he would like the labor attorney (resolution [2016-217]) to look at the outstanding questions and meet with the Board so it can be finalized. C. Bult said he would prefer to have the Board review and respond to the questions. Then if they had any additional questions, they could seek the attorney's advice. Other Board members agreed. C. Kenney said in the past, the Board had approved similar resolutions, but received very little information about how the issues were being resolved, so, personally, he felt the amount should be lowered to \$2,500.00. However, if the Supervisor reaches out to the rest of the Board and keeps them informed, he was okay with spending the money. Atty. Gruenberg said he thinks that Atty. Goldberger will be reviewing the health insurance as it relates to the union contracts, the handbook and other personnel issues that have been under discussion over the last 3 – 4 meetings. C. Bult said given all the issues the \$5,000.00 could be quickly achieved and suggested that they channel the majority of his focus on the personnel issues and labor rather than the handbook. S. Dowds agreed. With regard to personnel, he said that FLSA is coming quickly and all resource materials advise you to consult with an attorney for compliance. Additionally, our Human Resources person could use his expertise on legal questions, health benefits and the union contracts next year. C. Kenney agreed to fund the resolution as written, but asked the Supervisor to make a better effort to keep the Board informed regarding the status of the issues. Additionally, he suggested that one board member should attend some of the discussions. The Supervisor said that would be dependent on the issue; if it is a personnel issue, they can't be involved.

C. Swartz asked if the Board could reach out to the State to ask them to do a safety and speed evaluation on Rte. 9 in the area by Pilot. He also thought a more visible police presence could be helpful. C. Rex agreed. C. Bult suggested we adopt a resolution to ask the State to do another speed/traffic safety study.

### **Public Comment**

**Resolution [2016-205]:** K. Stokem invited the Board to attend the Renewable Energy Fair which will be held on October 29<sup>th</sup> at the Maple Hill High School. Additionally, he read information regarding a congressional review of FERC and said he was going to forward it to the Board for their review and possible support. With regard to the Purchasing Guidelines, Guideline 6 (certain exemptions) he asked why there was an exception for professional services. S. Dowds said that is allowed by State law. Mr. Stokem said that some of the highest costs the town pays are engineering fees and felt it would be a good idea to get quotes. Atty. Gruenberg said normally, the Board circulates a Request for Proposals (RFP).

A person commented on the two programs the Transfer Station is running this month – the Fall Clean-up, which offers free or reduced prices and the Hazardous Waste Disposal which is free. He felt the men at the transfer station do an excellent job and he was happy to see that he was getting something for his tax dollars. The Supervisor said it was always nice to hear good things about town employees and relayed a recent incident involving a Transfer Station employee and return of a wallet that was accidentally dropped. The resident stopped by to tell the Supervisor he was grateful that the town has such honest employees.

R. Lemka asked about the training class for planning, zoning and building personnel to which the Supervisor responded. Mr. Lemka questioned Guideline 1 which allows all town officers, department heads, etc. to purchase goods. The Supervisor said that was always in the purchasing policy. It is not new. He explained that documentation must

always be attached to every voucher and all vouchers get reviewed by the Comptroller's Office before they are authorized for payment. The reason they were revamping the purchasing practices was to make it more consistent to what is allowed by law. Based on the earlier discussion, the Board decided to amend the guidelines to lower the amount from \$1500.00 to \$1000.00 in Guidelines 3 and 6. Mr. Lemka asked why they struck the language regarding the cost of the insurance. The Supervisor said that related to what the employee pays and it varies depending on the job description, when they were hired, etc. Mr. Lemka asked if retirees and widows are covered, and if so, do they pay for some of the costs. The Supervisor said they are and most do. Mr. Lemka took exception to the having the insurance discussed in Executive Session. Atty. Gruenberg said it was necessary because of the impacts on the union contracts.

C. Bult asked how much lead time is needed to notice another budget meeting if they determine one is needed. The Town Clerk said there is not a set time frame; it is as soon as possible when known.

### **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. Rex:

**2016-217)** Appoint Bryan Goldberger, Esq. of Goldberger & Kremer as Labor Counsel at an amount not to exceed the 2016 approved budget allotment of \$5,000.00 and further authorize Supervisor Dowds to execute and administer Labor Counsel Agreement with Goldberger and Kremer.

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:**

**2016-218)** Ratify and affirm authorizing Dominic DeFruscio, Assistant Building Inspector; Martha Reed, Building Department Secretary; Nadine Fuda, Planning and Zoning Director; and Melissa Knights, Planning and Zoning Secretary to attend a 4 hour Business Automation Services, Inc. software training for the Integrated Property System (IPS) conducted on September 21, 2016. Cost of the training not to exceed \$588.30

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:

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

- 2016-219)** Resolved that the following schedule is set to review the 2017 Preliminary Budget:  
Wednesday, October 19, 2016 @ 6:00 p.m.  
Thursday, October 20, 2016 @ 6:00 p.m. (Executive Session)  
All meetings are scheduled to take place at the Schodack Town Hall, 265 Schuurman Rd., Schodack, NY in the 3<sup>rd</sup> Floor Conference Room  
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:**

- 2016-220)** Authorize Dominic DeFrusco, Assistant Building Inspector, to attend the 24<sup>th</sup> Annual Capital District Building Officials Educational Conference at the Holiday Inn in Colonie, New York, October 24-26, 2016. Cost is \$371.00. Other appropriate expenses are to be borne by the Town. [as budgeted]  
5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

C. Rex 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:**

- 2016-221)** Authorize Nadine Fuda, Planning and Zoning Director, to attend the 24<sup>th</sup> Annual Capital District Building Officials Educational Conference at the Holiday Inn in Colonie, New York, October 24 & 25, 2016. Cost is \$290.50. Other appropriate expenses are to be borne by the Town. [as budgeted]  
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:

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

- 2016-222)** Authorize Supervisor Dowds to execute and administer 2016-2017 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 – J. Bult, M. Kenney, S.

Swartz, T. Rex, 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:**

- 2016-223)** Approve listing the following as surplus (vehicle and printer) and authorize Kenneth Holmes, Highway Superintendent to post said items on [www.AuctionsInternational.com](http://www.AuctionsInternational.com) at no cost to the Town. (Bidders must be registered to bid. Cost of registration is \$10.00):

2001 International Tandem Axle, with plow and sander attachments  
HP Laserjet Pro 400 Color Printer MFP M475dn.

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:**

- 2016-224)** 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 2016 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 – 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:**

**2016-225)** 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 3, 2016 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 – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

S. Dowds 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:**

**2016-226)** 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 3, 2016 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 – 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:**

**2016-227)** 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 3, 2016 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 – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

S. Dowds 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:**

**2016-228)** 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 3, 2016 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 – 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:**

**2016-229)** 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 3, 2016 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 – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

C. Rex 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:**

**2016-230)** 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 3, 2016 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 – 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. Rex:

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

**2016-231)** 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 3, 2016 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 – J. Bult, M. Kenney, S. Swartz, T. Rex, 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:**

**2016-232)** 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 3, 2016 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 – 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:**

**2016-233)** 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 3, 2016 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 – 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:

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

**2016-234)** 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 3, 2016 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 – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

C. Rex 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:**

**2016-235)** 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 3, 2016 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 – 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:**

**2016-236)** 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 3, 2016 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 – 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:

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

**2016-237)** 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 3, 2016 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 – 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:**

**2016-238)** 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 3, 2016 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 – 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:**

**2016-239)** Authorize Town Clerk to publish legal notice of hearing to seek public input relative to the 2017 Preliminary Budget and proposed fees for 2017 to be held on Thursday, November 3, 2016 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 – 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:**

**2016-240)** 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:

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<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.
<b>Residential Properties</b>		
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

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<b>Commercial Vacant Land Properties</b>		
Vacant Land; Commercial Vacant with small improvement; Agricultural Vacant Land	330,331, 105	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.*^
<b>Commercial Residential Properties</b>		
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.*
<b>Commercial Properties</b>		
Commercial properties as listed: Restaurants, Diner/Luncheonettes, Fast Food Franchises, Auto Dealers	421, 422, 426, 431, 433, 434,	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000

– 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	442, 444, 449, 450, 452, 462, 464, 465, 472, 481	gallons.*^
– Multi-Occupancy, Minimart, Schools, Other Educational Facilities, Religious, Benevolent & Moral Associations, All Other Health Facilities, Governmental Highway Garage, Governmental Office Building, Police & Fire Protection, Recreational Facility, Industrial, Electric & Gas	483, 484, 485, 486, 612, 615, 620, 632, 642, 651, 652, 662, 682, 700, 870	
* 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 – 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:**

**2016-241)** WHEREAS, pursuant to the requirement of the New York State Alcoholic Beverage Control (ABC) Law, an applicant for a license to sell alcoholic beverages at retail for on-premises consumption, as well as any applicant for renewal of such a license, must notify the Town Clerk of the municipality wherein the premises are located, and

WHEREAS, notice is given in order that the municipality, if it so desires, may express an opinion for or against the granting of said license or renewal to the ABC Board, and

WHEREAS, the Town of Schodack has on the 8th day of September received notice that Napredak LLC doing business as Peppinos Italian Mexican Grill has applied for on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said application to the Schodack Town Board, the Schodack Police Department and the Schodack Building Department and no adverse comments or recommendations of any kind were received,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Schodack, that with respect to the application submitted by Napredak LLC doing business as Peppinos Italian Mexican Grill at 1685 US 9, Schodack, New York for a license to sell alcoholic beverages at retail for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said application.

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 S. Dowds:

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

**2016-242)** WHEREAS, Section 104-b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurement of goods and services not subject to the formal bidding requirements of GML, §103 or any other law; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Schodack does hereby replace the Procurement Policy adopted in 1992 and amended by Resolution No. 2010-281 and 2010-158 with the following:

**TOWN OF SCHODACK PROCUREMENT POLICY**

**GUIDELINE #1**

- Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law, §103. Every Town Officer, Board Member, Department Head or other personnel with the requisite purchasing authority (hereinafter “Purchaser”) shall estimate the cumulative amount of the items of supply or equipment needed in a given year. That estimate shall include the canvass of other Town departments and past history to determine the likely annual value of the commodity to be acquired. Upon request, the Comptroller can calculate the cumulative amount of a particular commodity needed by all Town departments based on past history. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**GUIDELINE #2**

- All purchases of a) supplies or equipment which exceed \$20,000 in the fiscal year or b) public works contracts which exceed \$35,000 shall be formally bid pursuant to GML, §103.

**GUIDELINE #3**

- **ALL purchases of:**

- Less than ~~\$1,500~~ **\$1,000** is left to the discretion of the Purchaser, but written/fax/email quotes are preferred.
  - Less than **\$10,000** but greater or equal to ~~\$1,500~~ **\$1,000** requires a written request for the goods and written/fax/email quotes from two vendors.
  - Less than **\$20,000** but greater or equal to **\$10,000** requires a written request for proposal (RFP) and written/fax/email quotes from three vendors.
- **All Estimated Public Works Contracts of:**
    - Less than **\$5,000** is left to the discretion of the Purchaser, but written/fax/email quotes are preferred.
    - Less than **\$15,000** but greater or equal to **\$5,000** requires a written request for proposal (RFP) and written/fax/email quotes from two contractors.
    - Less than **\$35,000** but greater or equal to **\$15,000** requires a written request for proposal (RFP) and written/fax/email quotes from three contractors.

**Any written RFP shall describe the desired goods, quantity, and particulars of delivery. The purchaser shall compile a list of all vendors/contractors from whom written/fax/email/oral quotes have been requested and the quotes offered. All information gathered in complying with the procedure of this guideline shall be filed with the documentation supporting the subsequent purchase or public works contract. All public works contracts must be in the manner approved by the Town Attorney.**

#### **GUIDELINE #4**

- The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares a written justification providing adequate reasons why it is in the best interest of the town and its taxpayers to make an award to other than the lowest bidder. If a bidder is not deemed responsible, facts supporting that judgement shall also be documented and filed with the record supporting the procurement or public works contract.
- Pursuant to GML §103, State Finance Law §163, the Town of Schodack may award purchase contracts which would otherwise be subject to the “lowest bidder” rule on the basis of best value to a responsive and responsible bidder or offeror. Factors that may be used to enact the “best value” option, where cost efficiency over time to award the good(s) or service(s) to other than the lowest bidder, are:
  - a) Lowest cost of maintenance for good(s), service(s), or professional service(s);
  - b) Durability of good(s), service(s) or professional services;

- c) Higher quality of good(s), service(s), or professional services; or
- d) Longer product life of good(s), service(s) or professional service.

#### **GUIDELINE #5**

- A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals or quotations. In no event shall the inability to obtain the proposals or quotations be a bar to the procurement.

#### **GUIDELINE #6**

- Except when directed by the Town Board, no solicitation of written proposals or quotations shall be required under the following circumstances:
  - Acquisition of professional services or services requiring special or technical skill, training, or expertise.
  - Emergency purchases pursuant to GML §103, where goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten public buildings, public property, or the life, health, safety, or welfare of the residents.
  - Sole source situations
  - Goods purchased under a Federal, State or County contract.
  - Goods purchased from agencies for the blind or severely handicapped.
  - Goods purchased from other governmental agencies including correctional facilities.
  - Goods purchased at auction
  - Goods purchased for less than ~~\$1,500.00~~ **\$1,000.00**.
  - Public Works contracts for less than \$5,000.00.

#### **GUIDELINE #7**

- Pursuant to §103 (16) of the New York State General Municipal Law, the Town Board authorizes the purchase of apparatus, materials, equipment and supplies, and to contract for services related to the installation, maintenance or repair of those items, through the use of contracts let by the United States or any agency thereof, any state or any other political subdivision or district therein. The Contract must be made available for use by other governmental entities.

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:**



- 2016-243)** Authorize the selection of CDPHP-EP0 Plan 120 Insurance for Health Insurance coverage effective December 1, 2016. ~~with monthly premiums as follows: Individual \$\_\_\_\_\_ and Family \$\_\_\_\_\_.~~  
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:**

- 2016-244)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-1455 to 16-1648 on Abstract No. 2016-10, in the amount of \$1,487,222.22, including the claims paid (\$1,355,244.26) 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. Swartz:

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

- 2016-245)** Authorize budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

<b>Budget Modifications</b>				
	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Increase</b>	<b>Decrease</b>
<b>2016</b>				
<b>64</b>	A-960-1110.4000	Town Justice - Contractual	1,157.81	
	A-960-1990.4000	Contingency - Contractual		1,157.81
	To modify the budget to cover overage caused by temporary employee services for vacant position			
<b>65</b>	A-960-1364.4000	Property Acquired Expenses	4,685.76	
	A-960-1990.4000	Contingency - Contractual		4,685.76
	To transfer funds to cover 2016-2017 School taxes for donated property by Dr. Drumm			
<b>66</b>	A-960-3120.1010	Police Grant - Rens Co DWI	158.48	
	A-509-2260.9999	Police Safety Services - Other Gov'ts	158.48	
	To modify the budget for grant awards			
<b>67</b>	A-960-3120.1012	Police Grant - PTS	1,393.43	
	A-509-4320.9999	Federal Aid Public Safety	1,393.43	
	To modify the budget for PTS grant awards			

<b>68</b>	A-960-3120.1090	Police - Justice Court	37.75	
	A-960-3120.1091	Police - Justice Court O/T		37.75
	To modify the budget to cover Police presence at court night			
<b>69</b>	A-960-3120.2000	Police - Equipment	11,360.86	
	A-960-3120.4000	Police - Contractual		11,360.86
	To modify the budget to cover vehicle purchase overage			
<b>70</b>	A-960-3410.1100	Fire Protection - Overtime	660.60	
	A-960-3410.1000	Fire Protection - Personal Services		660.60
	To modify the budget based on employee portion of time spent			
<b>71</b>	A-960-9710.6400	Serial Bonds - Highway Garage Principal	10,016.33	
	A-960-9710.7400	Serial Bonds - Highway Garage Interest	16,356.66	
	A-960-9901.9000	Interfund Transfers	12,715.54	
	A-960-1990.4000	Contingency - Contractual		39,088.53
	To modify the budget for added debt service due to H'way Bond Refunding			
<b>72</b>	B-960-8020.1100	Planning - Overtime	33.78	
	B-960-8020.1000	Planning - Personal Services		33.78
	To modify the budget to cover employee overtime			
<b>73</b>	B-960-8020.4000	Planning - Contractual	2,305.72	
	B-509-2115.9999	Planning Board Fees	2,305.72	
	To modify the budget for engineering fees related to Planning Board activity - Valente, Cellco Verizon			
<b>74</b>	B-960-3620.4000	Safety Inspections - Contractual	3,778.00	
	B-509-2555.9999	Building Fees	3,778.00	
	To modify the budget for building fees related to Laberge building inspection - Dagen Trucking			
<b>75</b>	DB-960-5130.1610	Machinery - Parks work	48.80	
	DB-960-5130.1000	Machinery - Personal Services		48.80
	To modify the budget to cover Parks vehicle work			
<b>76</b>	SS2-960-8130.1000	Castleridge-Sewage - Personal Services	1.64	
	SS2-960-8130.1100	Castleridge-Sewage - Overtime	287.49	
	SS2-960-9030.8000	Castleridge-Sewage - Social Security	15.15	
	SS2-960-1990.4000	Castleridge-Sewage - Contingency		304.28
	To transfer funds to cover costs of additional personal services related to increase based on employee portion of time spent			

<b>77</b>	SS6-960-8130.1008	Per Svc - Dunkin Donut punch list	73.47	
	SS6-960-8130.4008	Contractual - Dunkin Donuts punch list	622.36	
	SS6-960-9060.8008	Hosp & Medical - Dunkin Donut Punch List	18.84	
	SS6-509-5031.9999	SS6 - Interfund Transfer	714.67	
	To modify the budget for reimbursement of Dunkin Donut Punch List Expenses from escrow			
<b>78</b>	SWC1-960-8340.1100	Consolidated Water Dist - Overtime	110.21	
	SWC1-960-8340.2000	Consolidated Water Dist - Contrctual	3,315.27	
	SWC1-960-8340.1000	Consolidated Water Dist – Pers Svcs.		110.21
	SWC1-960-1990.4000	Consolidated Water Dist - Contingency		3,315.27
	To modify the budget to cover employee overtime for water main break			
	5 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.			

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 10/13/16 Town Board meeting at 8:15 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk