DATE: OCTOBER 12, 2017 **KIND OF MEETING:** TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL CLERK: DEBRA L. CURTIS

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

OTHERS PRESENT: RICHARD LABERGE, LABERGE ENGINEERING &

CONSULTING GROUP

ATTY. WILLIAM RYAN, SPECIAL DISTRICTS COUNSEL

Supervisor Dowds called the October 12, 2017 Town Board Meeting to order at 7:02 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Briefing of the Agenda

The Supervisor explained the public hearing on Extension No.1 for Sewer District No.1 would not begin until 7:10 p.m. In the interim, he gave a brief overview of the agenda. He stated that resolution [2017-221] would be withdrawn. The public hearing would be opened but upon the consensus of the Board at the September 28th meeting and until new DEC regulations have been enacted, no action would be taken for local law No. 2-2017. He stated that resolution [2017-239] for capital charge allocation is required to be posted, yearly, by law; however, there have been no changes from the previous year. In regards to [2017-240], by partnering with Rensselaer County, the Town's health insurance costs would decrease. He explained that NYS changed regulations, limiting policies for businesses of fewer than 100 members as they fall under a small group. By joining the County, we will qualify for large group policies with better rates. He stated two open enrollment periods would commence in order to bring the Town to the County's enrollment period which runs from January to December [2017-241]. Upon review of the County's plans, the Town would continue coverage for dental and vision through Guardian as Shelter Point offers very few in network providers in our area. For resolution [2017-242], the Town would exercise the right to opt out of the NYS Paid Family Leave (PFL) Coverage Act. The PFL would require all employees to pay into the program but there would be little pay out. Resolutions [2017-243] and [2017-244] are in conjunction with the fuel contamination found at the Highway Department. A corrective action plan had been issued by NYS DEC for the clean-up of the site of the old fueling station [2017-243]. Laberge Engineering & Consulting solicited bids for phase one from specialty firms to perform geotechnical boring and environmental

services which range from \$16,000.00 to \$7,934.00 [2017-244]. Collaboration with Laberge Group for the clean-up will complete phase two. All other resolutions were self-explanatory.

Public Hearing Sewer District No.1, Ext. 1

S. Dowds called the public hearing on the proposed establishment of Sewer District No. 1, Extension No. 1, to order at 7:12 p.m.

The Town Clerk summarized the Affidavit of Publication regarding proposed establishment of Sewer District No. 1, Extension No. 1 (Schodack Central School District) to consider the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law. The legal notice was published in the September 25, 2017 edition of *The Record,* posted on the Town Clerk's signboard on September 22, 2017 and the Town's website on September 25, 2017.

A motion to open the public hearing was made by C. Bult at 7:13 p.m., seconded by C. Kenney.

Atty. Ryan explained the area surrounding the middle and high school for Schodack Central School District (SCSD) has had issues with a malfunctioning septic system including effluent rising to the surface following heavy rain. The extension of Sewer District No.1 would require installation of 200 feet of 8 inch gravity sewer, 8,500 lineal feet of horizontal directional drilling, 200 lineal feet of furnishing of 6 inch force veins, and other infrastructure needed. A map, plan and report which was filed in the Town Clerk's Office estimated the total cost of \$1,500,000.00 to be paid by SCSD with an annual first year cost of \$34,650.00. The Town will incur no debt from this extension. Atty. Ryan referred any questions regarding the project to Rich Laberge, the engineer on the project.

Public Comment: R. Lemka asked for details on the project including the diameter of the pipe and where the main line would be located. R. Laberge stated a pump station would be installed between the middle and high school where a soft field with a 6 inch force main will run from Castleridge to the Village of Castleton Sewer treatment facility. R. Lemka asked what the pipe size was for the current gravity feed and if there was enough capacity to withstand the increased effluent. R. Laberge stated the existing pipe is an 8 inch main and there is plenty of capacity to accommodate.

Hearing no further public comment, C. Swartz made a motion to close the public hearing at 7:18 p.m., seconded by Bult.

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

Atty. Ryan explained, with respect to Sewer District No.1, Extension No. 1, resolution [2017-219] is a State Environmental Quality Review Act (SEQRA) resolution stating the work being done is an unlisted action, that construction and installation will have no negative effect on the environment and authorizes the Highway Superintendent to sign the short form Environmental Assessment Form. Resolution [2017-220] states a public hearing was

conducted pursuant to Article 12A of Town Law and is subject to a Permissive Referendum under Article 7 of Town Law. The notice for Permissive Referendum must be posted on the Town Clerk's sign board, on the Town website, and in the local newspaper *The Record* within ten days of the public hearing.

Adoption of Resolutions (The following resolutions were adopted out of sequence)

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. Swartz:

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

2017-219) WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Schodack, relating to the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, in the Town of Schodack, County of Rensselaer, State of New York; and

WHEREAS, such map, plan and report was prepared by Laberge Group, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension, general plan of the District Extension, the improvements to be made to the District Extension, 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 and the Town of Schodack has established that the Town Board act as lead agency for the review of plans and environmental impact, if any, of the proposed establishment of Town of Schodack Sewer District No. 1, Ext. No. 1

NOW, THEREFORE, the Town Board of the Town of Schodack as lead agency has determined that the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, as described in the map, plan and report prepared by Laberge Group. is an unlisted action and that establishment of the proposed Town of Schodack Sewer District No. 1, Ext. No. 1, will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Schodack be authorized to execute any documentation with respect to the determination that the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, is an unlisted action and that the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, will not result in any significant adverse environmental impacts.

The foregoing was moved by Councilperson <u>Bult</u>, and seconded by Councilperson 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 adopt the following resolution, seconded by C. Rex:

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

2017-220) WHEREAS, a map, plan and report relating to the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, prepared by Laberge Group, competent engineers, duly licensed by the State of New York, has been filed with the Town Clerk of the Town of Schodack, in accordance with the requirements of the Town Law; and

WHEREAS, an order was adopted by the Town Board of the Town of Schodack on September 14, 2017, reciting the filing of the map, plan and report, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

WHEREAS, the order set October 12, 2017, at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton, New York as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

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

WHEREAS, a hearing on the matter was held by the Town Board on the 12th day of October, 2017, beginning at 7:10 p.m. and the matter being duly discussed and all interested persons having been duly heard; and

NOW, upon the evidence given at the hearing,

THEREFORE, UPON MOTION of Councilperson Kenney, seconded by Councilperson Rex, it is hereby

RESOLVED AND DETERMINED:

- (a) That the notice of hearing was published and posted as required by law, and it is otherwise sufficient:
- (b) That all property and the property owner within the proposed sewer district extension are benefited thereby;

- (c) That all property and the property owner benefited are included within the limits of the proposed sewer district extension;
- (d) That it is in the public interest to establish Town of Schodack Sewer District No. 1, Ext. No. 1;
- (e) That the estimated cost to construct the improvements to Sewer District No. 1, Ext. No. 1, shall equal One Million Five Hundred Thousand (\$1,500,000.00) Dollars and there will be no debt service associated with the establishment of Sewer District No. 1, Ext. No. 1, for the first year, and that the existing operation and maintenance for the first year for Sewer District No. 1, Ext. No. 1, shall be Thirty-Four Thousand Six Hundred Fifty and 00/100 (\$34,650.00) Dollars with the charges to vary in relation to the amount of benefits provided;
- (f) That the approval of the New York State Comptroller is not required for the creation of Town of Schodack Sewer District No. 1, Ext. No. 1, inasmuch as debt will not be issued or assumed by the town for the improvements for the district extension; and it is

FURTHER RESOLVED AND DETERMINED, that the establishment of Town of Schodack Sewer District No. 1, Ext. No. 1, as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements be obtained, and it is

FURTHER RESOLVED AND DETERMINED, that this resolution shall be subject to a permissive referendum in the manner provided in Article Seven of the Town Law.

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

<u>Departmental Reports:</u> The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk, Building Department, Human Resources, and Police Dept.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #17-1555 to #17-1730 on Abstract No. 2017-10 in the amount of \$1,197,462.45, including the claims paid prior (\$679,491.27).

Fuel Remediation (Phase One)

R. Laberge stated a new fueling station was installed through a grant at the Highway Garage. Northeast Petroleum was contracted for the removal of the old station and installation of the new fueling canopy. Upon the initial removal of the old slab, dispenser and pad, a heavy odor of fuel was detected. Upon further examination it was designated as a reportable spill and the Highway Superintendent contacted NYS DEC. Mr. Laberge explained that the old fueling station was located next to the Highway Garage adjacent to the holding pond located on the site. It was a stipulation in the contract with Northeast Petroleum for removal of the old station and any possible clean-up required. Unfortunately, the volume of clean-up would exceed the contract. R. Laberge stated this was not a rare

incident. In the last few years, his company has replaced other fueling stations that required extensive cleanup. A sump was present to catch any excess fuel but it was discovered that there was corrosion in the surrounding pipes. The material in the sump was pumped out but contamination from the pipe was the main issue. DEC issued a voluntary Petroleum Spill Stipulation Agreement (STIP) to coordinate the cleanup of the site. Under the stipulation, the Town must enact a Corrective Action Plan. Bids were obtained for testing of the area to determine the extent and depth of contamination. One possible issue is in regards to the site's proximity to the pond on premise. If it is discovered that contamination has occurred, water will need to be pumped out and sent to a treatment facility. The chosen bid had a cost of approximately \$8,000.00 which was half the cost of the original contractor. Investigation would commence in the fall and other bids, for phase two, would be obtained in the spring for cleanup. Phase two would involve removal of the soil with that material being sent to a lined landfill to prevent further contamination. The Board will receive an update in December.

C. Swartz asked if funds had been set aside in case this situation arose. R. Laberge said \$10,000.00 was but approximately \$4,000.00 was used during the trenching process to be paid to the original contractor. Atty. Gruenberg asked if the state grant for the fueling station could be increased to cover the cost. R. Laberge explained that they could try to maximize the grant award but no extra funding would be granted. He added that the facility was old and past its prime. S. Dowds asked for the current cost for engineering for the project. R. Laberge explained approximately \$8,000-10,000. He would donate some hours through Phillip Kozial, P.E. to offset some of the costs.

Public Comment: K. Stokem asked if there are various types of fuel that could have contaminated the site. R. Laberge said both gas and diesel could be present but he was unsure of the ratio. K. Stokem asked when the system was built. R. Laberge estimated 19-20 years ago. K. Stokem stated he hoped the testing would show less contamination and not put the Town in a similar situation as the salt pollution.

Public Hearing Proposed Local Law No. 2 of 2017 (P2-2017) Amend the Town's Transfer/Recycling Station Rules and Regulations

A motion to open the public hearing on proposed Local Law No. 2 of 2017 was made by C. Bult at 7:42 p.m., seconded by C. Kenney.

The Town Clerk read the Affidavit of Publication seeking public input on proposed Local Law No. 2 of 2017 which would amend the Town's Transfer/Recycling Station rules and regulations. The legal notice was published in the October 3, 2017 edition of *The Record*, posted on the Town Clerk's signboard and the Town's website.

S. Dowds stated resolution [2017-221] was withdrawn due to new regulations being set forth by DEC. The Board will defer action on this proposed local law until a later date.

Hearing no public comment, C. Swartz made a motion to close the public hearing at 7:43 p.m., seconded by C. Rex.

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

Board Discussion

C. Bult asked how the change in insurance coverage would affect retirees. S. Dowds stated they would still be covered under NYSHIP for a portable insurance option. C. Kenney asked what coverage is offered for retirees hired after 2006. S. Dowds noted that the County offered Empire Blue Cross/Blue Shield but they would look at that at a later date. C. Bult suggested changing the 2006 date or tracking when people would become eligible to retire. S. Dowds mentioned that looking forward, if a person were hired after 2006, they would not be retiring until after 2026. C. Swartz asked if the unions had been notified of the insurance change. S. Dowds stated he had spoken to the Police but needs to speak to the Highway Department.

C. Bult asked if the retirees had been notified of the flu clinic scheduled for October 17th. S. Dowds stated he was not sure if K. Joiner had sent out notification to all employees including retirees. C. Bult suggested having them notified as it would be a cost savings to them.

Public Comment

Health Insurance: N. Fuda asked if employees hired prior to 2006 and who currently did not have NYSHIP could switch. It was the consensus of the Board that they could. B. Goodall asked if the open enrollment starting October 16th was for both 2017 and 2018. S. Dowds said the open enrollment was for the remainder of 2017 only. The open enrollment for 2018 would take place in November. K. Stokem asked that when the Board is discussing matters amongst themselves, that they give some background for those in the audience who may not be familiar with the situation or circumstance.

Resolution [2017-242]: R. Lemka asked for clarification regarding family leave. S. Dowds explained in the event of maternity leave or a prolonged absence due to a sick family member, the employee's job would be held. C. Bult added that all employees would have to pay into the program. S. Dowds stated the state would be able to amass a large amount of money with little payout. R. Lemka asked if individuals could opt in. S. Dowds said only the employer could opt in.

Landfill: R. Lemka asked how material being dumped on the proposed landfill site owned by Mr. Symington would be monitored and how would the Town know it only came from within Town limits. S. Dowds stated the law does not require the material to come only from within the Town. Atty. Gruenberg explained a letter was sent to Mr. Keller regarding the landfill stating he needed to submit an application to the Board. He added the Transfer Station prohibits any construction and demolition material from non-residents; however, as he understands it, the law does not require that of landfills. S. Dowds stated Mr. Symington began filling on the property and was ordered to stop by the Planning Board. Mr. Keller expressed interest in depositing fill on the site but filed an incomplete application. A letter was drafted by Atty. Gruenberg and sent to Mr. Keller on October 4, 2017 siting Town Law §137. It explained that once a complete application was received, it would be referred to the Planning Board for review and they would send recommendations to the Town Board for approval or denial. C. Bult stated a public hearing would be scheduled once the

recommendations were received to obtain public comment. R. Lemka asked if there had been another incident recently for a landfill request. S. Dowds stated approximately five years ago a site was proposed for Muitzeskill Road but was denied.

Resolution [2017-220]: K. Stokem asked if there would be any debt service for the sewer extension. The Supervisor said no. He explained that 70 percent of the cost would be paid by the State Education Department (SED) and the Town would initially pay the remaining 30 percent but be reimbursed by SCSD with interest. The taxpayers in that school district would have the cost passed onto them. K. Stokem asked how long it would be for SCSD to payback the Town. C. Bult said the Town would be reimbursed quickly. D. Conlin asked when residents would be able to connect to SS#1, Ext.#1. S. Dowds said when the system is turned over to the Town around July of 2018, homeowners can petition the town to form another extension.

Resolution [2017-239]: K. Stokem asked if there had been any changes from last year. S. Dowds stated a change occurred last year for vacant land. K. Stokem asked what standards were used to determine the EDU's. S. Dowds said they are derived from a model used since 2010 and overseen by Bill Ryan and Laberge. K. Stokem asked if there were any mines in Town that use water and why they would only be assessed one EDU. S. Dowds explained we have none that use water and noted that any property is also assessed an overage fee if they go over their allotment.

Resolution [2017-242]: K. Stokem stated the amount for employees to pay into PFL seems reasonable. S. Dowds explained all employees must pay into the program and with how lean the work force is in the Town; it would be a challenge to maintain for months without the "on leave" individual. C. Bult stated if adopted it could be challenged by the union contract. S. Dowds mentioned the Town currently offers time to be donated from employee to employee in the event of prolonged leave. C. Rex asked if employee opinions were solicited regarding the program. S. Dowds said no. B. Goodall said he was against the PFL and the Town is plenty generous regarding time.

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. Bult:

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

2017-218) Further, the following schedule is set to review the 2018 Tentative Budget:

Tuesday, October 17, 2017 @ 6:00 p.m. Wednesday, October 18, 2017 @ 6:00 p.m. Thursday, October 19, 2017 @ 6:00 p.m.

All meetings are scheduled to take place at the Schodack Town Hall, 265 Schuurman Rd., Schodack, NY in the 3rd Floor Conference room.

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

- 2017-219) Previously adopted. See pg. 221.
- 2017-220) Previously adopted. See pg. 222.
- **2017-221) WITHDRAWN: WHEREAS**, the Town Board of the Town of Schodack has caused the preparation of a proposed Local Law No. 2 of the year 2017 amending the Town's Transfer/Recycling Station Rules and Regulations for the Town of Schodack, Chapter 137, Article IV; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to 6 NYCRR Part 617, the New York SEQRA; and

WHEREAS, the Town Board has caused Part 1 and Part 2 of the Short Environmental Assessment Form to be prepared in accordance with SEQRA; and

WHEREAS, the Town Board held a duly noticed public hearing on the proposed local law on October 12, 2017;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 2 of 2017 (P1 of 2017) to be known as Local Law 2 of 2017 of the Town of Schodack, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to enter said local law in the <u>Code of the Town of Schodack</u> and to give due notice of said local law to the Secretary of State. [Language from Gruenberg, Esg.]

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:

- 2017-222) Authorize Supervisor Dowds to execute and administer 2017-2018 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 C. Rex:

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

2017-223) 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, BE IT RESOLVED, the Town Board of the Town of Schodack does hereby proclaim November 2017 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. 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:

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 2, 2017 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:

2017-225) 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 3. Said hearing shall be held on

Thursday, November 2, 2017 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. Kenney:

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

- 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 2, 2017 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. Rex:

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

- 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 2, 2017 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. Bult:

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

- 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 2, 2017 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 S. Dowds:

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

2017-229) 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 2, 2017 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. Swartz:

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

2017-230) 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 2, 2017 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:

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 2, 2017 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.

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:

2017-232) 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 2, 2017 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. Kenney:

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

- 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 2, 2017 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 S. Dowds:

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

- 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 2, 2017 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:

- 2017-235) 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 2, 2017 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 S. Dowds:

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

2017-236) 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 2, 2017 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 C. Bult:

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

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 2, 2017 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. Rex:

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

Authorize Town Clerk to publish legal notice of hearing to seek public input relative to the 2018 Preliminary Budget and proposed fees for 2018 to be held on Thursday, November 2, 2017 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:

2017-239) 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:

		Equivalent Dwelling Unit (EDU)
<u>Property Type</u>	Property Code	Assigned
A typical property is defined as a single family residence with estimated annual water usage of 72,000 gallons or less.		
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		0.50 EDU (less than .10 acres, then 0
or less	314	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	<u> Equivalent Dwelling Unit (EDU)</u>	
<u>Property Type</u>	<u>Code</u>	<u>Assigned</u>	
:			
Comme	ercial Vaca	nt Land Properties	
Vacant with small improvement; Agricultural Vacant Land	<u>105</u>	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 (2017-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.*^
	•	dential Properties 1.00 EDU; plus 0.50 EDU per
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.*
	Commercia	l Properties
Commercial properties as listed:	421, 422,	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in
Restaurants, Diner/Luncheonettes, Fast	426,	excess of 72,000 gallons.*^
Food Franchises, Auto	431,	
Dealers - Sales & Service,	433, 434,	
Auto Body/ Tire/ Related Auto, Automatic Car Wash,	434, 442,	
Mini Warehouse (self-	444,	
storage), Lumber Yards,	447,	
Trucking Terminals, Other	449,	
Storage/ Warehouse/	450,	
Distribution Facilities, Retail Services, Neighborhood	452,	

popping Centers, Drive-In anch Bank, Office Building, Dog anel/ Veterinary Clinic, Itiple Use, Converted sidence, One Story Small ucture, One Story Small ucture – Multi-Occupancy, nimart, Schools, Other acational Facilities, igious, Benevolent & ral Associations, All Other alth Facilities, vernmental Highway rage, Governmental Office ilding, Police & Fire otection, Recreational cility, Industrial, Electric & 652, 662, 682, 700, 8

 $^{^{*}}$ Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll, or

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:

2017-240) It is hereby resolved by the Town Board of the Town of Schodack, New York:

The Town elects to join the Rensselaer County Health Insurance Program effective December 1, 2017; and,

The Town Supervisor is authorized to enter into a Municipal Cooperation Agreement (attached hereto) with the County of Rensselaer for such purpose: and,

The Town represents and warrants to the County that it has made a full and complete investigation to its own satisfaction of the Program; that it has

[^] 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.

consulted with independent counsel regarding the obligations created by the Program, the legality of the Program and the legality of its own participation therein; and, that it accepts the Program in full and hereby binds and subjects itself to all terms and obligations thereof.

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:

2017-241) Resolve that the Town Board of the Town of Schodack approves the selection of the following Health Insurance coverage plans for the period December 1, 2017 through December 31, 2018:

- Authorize the selection of CDPHP-HMO Insurance for Health Insurance coverage effective December 1, 2017 through December 31, 2017.
- Authorize the selection of CDPHP-HMO Insurance for Health Insurance coverage effective January 1, 2018.
- Authorize the selection of MVP-HMO Insurance for Health Insurance coverage effective January 1, 2018.
- Authorize the selection of NYSHIP Empire Plan Insurance for Health Insurance coverage effective January 1, 2018, to employees hired prior to September 28, 2006.
- Authorize the selection of NYSHIP Medicare Empire Plan Insurance for Health Insurance coverage effective January 1, 2018, to employees hired prior to September 28, 2006.
- Authorize the selection of (CDPHP) Medicare HMO Insurance coverage effective January 1, 2018.
- Authorize the selection of ShelterPoint for voluntary Dental and Vision coverage effect January 1, 2018.

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:

2017-242) WHEREAS, New York State Paid Family Leave (PFL) coverage Act is slated to beginning on January 1, 2018, and

WHEREAS, weekly contribution rate effective January 1, 2018 is 0.126% of the employee's weekly wage, capped at New York State's average weekly wage of \$1,305.92 with the maximum possible contribution at \$1.65 per week

in 2018, and

WHEREAS, the Town Board has reviewed the plan, and

WHEREAS, as a public employer, the Town is not required to provide PFL coverage, but is given the option to opt into it, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack will not opt in to the New York State Paid Family Leave (PFL).

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:

Authorize Supervisor Dowds to execute and administer New York State Department of Environmental Conservation Stipulation #STIP R4-473 Corrective Action Plan for Spill No. 1704922 at Schodack Highway, 3776 US Route 20, Nassau, NY, subject to approval by Attorney to the Town as to form.

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:

WHEREAS, Laberge Engineering & Consulting Group, Ltd solicited proposals from specialty geotechnical boring and environmental services firms to perform initial probing and soil and water sampling to determine the nature and extents for the contamination with regard to Stipulation #STIP R4-473 Corrective Action Plan for Spill No. 1704922.; and

WHEREAS, after due solicitation, the Town, on October 9, 2017 received (5) bids for the specialty geotechnical boring and environmental services as follows: a bid from Atlantic Testing Laboratories, for \$16,000.00, a bid from Northeast Petroleum Technologies, Inc. for \$14,846.00; a bid from SJB Empire Geo, for \$10,285.00; a bid from Ambient Environmental, for \$9,950.00 and a bid from Northeastern Environmental Technologies Corp. for \$7,934.00; and

WHEREAS, the bids were reviewed for conformance to specifications; and

NOW, THEREFORE, be it resolved that pursuant to the recommendation of the Laberge Engineering & Consulting Group, Ltd., that the Town Board does hereby award the bid to Northeast Environmental Technologies Corp., for its bid in the sum of \$7,934.00, and

BE IT FURTHER RESOLVED THAT Supervisor Dowds is authorized to execute and administer the proposal, subject to approval by Attorney to the Town as to form.

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:

Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #17-1555 to 17-1730 on Abstract No. 2017-10, in the amount of \$1,197,462.45, including the claims paid (\$679,491.27) 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:

2017-246) Authorize budget modifications, interfund loans and interfund transfers as recommended by the Comptroller.

BUDGET MODIFICATIONS

Fund/			
Department #	Fund / Department Name	Increase	Decrease
2017			
A-960-1340.1000	Budget - Personal Services	1,801.27	
A-960-1220.1000	Supervisor - Personal Services		882.16
A-960-1315.1000	Comptroller - Personal Services		919.11
To modify the budget to	cover time spent for budget review by Dawne, S	ue, Laura	
A-960-1364.4000	Property Acquired - Contractual	195.00	
A-960-1990.4000	Plant/Building - Contractual		195.00

To modify the budget to cover recording of deed for property transferred to Town by Georgette Byers

A-960-3120.1012	Police Grant - PTS	640.94		
A-509-4320.9999	Federal Aid Public Safety	640.94		
To modify the budget for I	PTS grant awards			
A-960-3120.2000	Police - Equipment	5,223.98		
A-509-4320.9999	Federal Aid - Public Safety	5,223.98		
To modify the budget to c	over purchase of officer equipment reimbursabl	e through DCJS grant		
B-960-1910.4000	Unallocated Insurance - Contractual	190.40		
B-960-1990.4000	Contingency - Contractual	190.40		
To modify the budget to cover add'l Marine coverage for purchase of 2018 Dump Truck				
B-960-8160.1100	Refuse & Garbage - Overtime	386.60		
B-960-8160.4000	Refuse & Garbage - Contractual	3,545.50		
В-960-8160.1000	Refuse & Garbage - Contractual Refuse & Garbage - Personal Services	3,343.30		
D-900-6100.1000	Reiuse & Gaibage - Personal Services	545.00		
B-960-1990.4000	Contingency - Contractual	3,387.10		
To modify the budget to cover Hazard Waste Day expednitures				
DB-960-5110.1350	Road Repairs - DB work for W/S	3,740.24		
DB-960-5110-1400	Road Repairs - DB work for Police	187.92		
	·	107.102		
DB-960-5110.1000	Road Repairs - Personal Services	3,928.16		
To modify the budget to cover work on SW1 Fence and S. Larsen PD repairs				
DB-960-5112.1000	Road Construction - Personal Services	2,646.03		
DB-960-5112.1100	Road Construction - Overtime	1,642.94		
DB-960-5110.1000	Road Construction - Equipment	4 000 07		
4,288.97 To modify the budget to cover Personal overage due to work performed in September with OT				
, , ,				

Old/New Business

Restore NY: S. Dowds informed the Board that under a new program, Restore NY, which provides local municipalities with financial aid for community improvement, the Town would need to choose between two letters of intent received. The first letter is from Servidone (located on Route 9) to take down an old motel and build a new structure in its place and the second is from Hudson River Foods to tear down an old building and construct an

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

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Swartz, T. Rex, D. Dowds. Noes – 0.

organic food facility. The letters would be submitted to the State for review and the Board would receive recommendations to decide which company would submit a final application.

ADJOURNMENT

As there was no further business before the Board, C. Kenney made a motion to adjourn the 10/12/17 Town Board meeting at 8:19 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis Schodack Town Clerk

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