

**Town of Schodack
Town Board Meeting
October 13, 2016**

Public Session - 7 p.m.

Call to Order

Pledge of Allegiance

Roll Call

Review of Abstracts and Vouchers – Comptroller

Public Comment

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

- 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.
- 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
- 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 3rd Floor Conference Room
- 2016-220)** Authorize Dominic DeFruscio, Assistant Building Inspector, to attend the 24th 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]
- 2016-221)** Authorize Nadine Fuda, Planning and Zoning Director, to attend the 24th 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]

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.

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 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 MFPM475dn.

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.

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.

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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

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 7:15 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

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.

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.

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.

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>	Property Code	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
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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 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	0.0 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>
Commercial Vacant Land Properties		
Vacant Land; Commercial Vacant with small improvement; Agricultural Vacant Land	330,331, <u>105</u>	An assessed value per acre of less than or equal to \$10,000 shall have an EDU value of .25, an assessed value per acre greater than \$10,000 and less than or equal to \$25,000 shall have an EDU value of .50, and an assessed value per acre greater than \$25,000 shall have an EDU value of .75; then dividing the total assessed value of the property by \$20,000 (2015-AAV) to determine the units of assessment and then multiplying the EDU value by the units of assessment, rounded up to the nearest quarter. AAV-Average Assessed Value is calculated annually based upon the average assessed value per acre of residential vacant property in property code no. 311 for all Town Water Districts. Should properties become water users, additional units will be added based upon

		actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Parking Lots, Mining/Quarry	438, 720	1.00 EDU. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Commercial Residential Properties		
Apartments, Mobile Home Parks	411, 416	1.00 EDU; plus 0.50 EDU per apartment/mobile home; plus 0.50 EDU for each excess 36,000 gallons or portion thereof in excess of the total of the EDUs per apartment/mobile home times 72,000 gallons.*
Hotel, Motel	414, 415	1.00 EDU; plus 1.00 EDU per 3 rooms or portion thereof; plus 1/3 of 1.00 EDU for each excess 24,000 gallons used or portion thereof in excess of the total of the EDUs per 3 rooms times 72,000 gallons.*
Commercial Properties		
Commercial properties as listed: Restaurants, Diner/Luncheonettes, Fast Food Franchises, Auto Dealers – Sales & Service, Auto Body/ Tire/ Related Auto, Automatic Car Wash, Mini Warehouse (self-storage), Lumber Yards, Other Storage/ Warehouse/ Distribution Facilities, Retail Services, Neighborhood Shopping Centers, Drive-In Branch Bank, Office Building, Professional Building, Dog Kennel/ Veterinary Clinic, Multiple Use, Converted Residence, One Story Small Structure, One Story Small Structure – Multi-Occupancy, Minimart, Schools, Other Educational Facilities, Religious, Benevolent & Moral Associations, All Other Health Facilities, Governmental Highway Garage, Governmental Office Building, Police & Fire Protection, Industrial, Electric & Gas	421, 422, 426, 431, 433, 434, 442, 444, 449, 450, 452, 462, 464, 465, 472, 481 483, 484, 485, 486, 612, 615, 620, 632, 642, 651, 652, 662, 700, 870	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
* 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.		

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.

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

GUIDLINE #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** 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** 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.
 - 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.

2016-243) Authorize the selection of _____ Insurance for Health Insurance coverage effective _____ with monthly premiums as follows: Individual \$_____ and Family \$_____.

2016-244) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-1455 to 16-_____ on Abstract No. 2016-10, in the amount of \$_____, including the claims paid (\$_____) since the previous town board meeting.

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

Motion to Adjourn

Pursuant to the regulation of the Americans with Disabilities Act (Public Law 101-336), the Town of Schodack will provide auxiliary aids or special services for persons with disabilities. Please notify the Town Clerk's Office at 477-7590 so arrangements can be made for requested services.

Please forward correspondence regarding Town matters to:
Supervisor Dennis Dowds
Town of Schodack, 265 Schuurman Road
Castleton-on-Hudson, New York 12033-9622
or call the Supervisor at 518-477-7918

11:22