

**Town of Schodack  
Town Board Meeting  
August 9, 2018**

Public Session - 7 p.m.

Call to Order

Pledge of Allegiance

Roll Call

Public Comment

Public Hearing- 7:15 p.m. to seek public input to amend the Zoning Map of the Town of Schodack Solar Farm, 2670 Phillips Road, Tax Map Parcel No 177.-8-1.111.

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

**2018-194** WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for public hearing to be held by said Town on August 9, 2018 at 7:15 p.m. at the Schodack Town hall to hear all interested parties to amend the Zoning Map of the Town of Schodack 2670 Phillips Road, Tax Map Parcel No. 177.-8-1.111, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's Sign Board on July 31, 2018 and advertised in the July 31, 2018 edition of THE RECORD, official newspaper of the Town, and was posted on the official sign board of the Town of Schodack on July 31, 2018, and

WHEREAS, said public hearing was held on August 9, 2018, at 7:15 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed amendment of the Zoning Map or any part thereof,

WHEREAS, the Town Board of the Town of Schodack, after due deliberation finds that it is in the best interest of Town to adopt said amendment,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby adopts the amendment of the Zoning Map of the Town of Schodack relating to Tax Map #177.-8-1.111 from RA Zone (Residential Agricultural) to PD2 (Planned Development) in accordance with Planning Board Site Plan File #2017-35 Pheasant Hollow Solar Farm, for the purpose of a solar farm located at 2670 Philips Road.

BE IT FURTHER RESOLVED, that the Director of Planning and Zoning is hereby directed to file the approved Site Plan with the County Clerk's office for the purposes of amending the Town Zoning Map.

**2018-195** WHEREAS, on December 12, 2013, the Town Board of the Town of Schodack accepted the offer of dedication from Strawberry Fields Subdivision developer, E.W. Birch Builders and thereby accepted stormwater system including a drainage easement; and

WHEREAS, on June 18, 2018 the Town of Schodack Planning Board approved additional lots entitled Strawberry Fields Lots 21-28 and Strawberry Fields Lots 29-40; and

WHEREAS, requiring the construction of a second stormwater detention basin to a low area downstream of the existing basin and drainage ditch; and

WHEREAS, part of the existing stormwater system drainage ditch transverses lots 35, 39 and 40 and negatively affects the possibility of developing lots 35 and 39 as residential sites; and

WHEREAS, it is desirous for the Town to allow the further expansion in the Strawberry Fields Subdivision and the development of lots 35 and 39, and

WHEREAS, the construction of a new drainage swale on Lot 35 would create a direct route from the existing basin to the new basin, allowing for residential development of lots 35 and 39 and eliminate the easement crossing lots 40 and 49

NOW, THEREFORE, BE IT RESOLVED, that, upon the completion and acceptance by the Town of the stormwater basin and drainage swale as set forth in Easement "M" the Town Board will then rescind Easement "E" and accept Easement "M" from E.W. Birch Builders and authorizes the Supervisor to execute deed easement, and any required papers to effectuate such transfer on the Town's behalf. (wording, review and corrections to be completed by Ryan Mullahy, Esq.)

**2018-196** Authorize Paul W. Peter, Justice to attend New York State Magistrates Association Fall Conference September 23<sup>rd</sup> through 26<sup>th</sup> at Niagara Falls, New York with registration fees not to exceed \$75.00 per Justice, lodging (meals included) not to exceed \$711.55 per Justice and travel costs (mileage) not to exceed \$179.31 for a total estimate not to exceed \$965.86. [A1110.4 This is a budgeted item]

**2018-197** **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Sewer District No. 6, Sanitary Sewer District Extension #4 in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Sewer District Extension, general plan of the Sewer

District Extension and an analysis showing the costs thereof and method of operation; and

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

**WHEREAS**, the improvements proposed consist of the installation of 4,200 lineal feet of 8" PVC sewer pipe, 21 sewer manholes, 1 sewer connection, 150 lineal feet for boring under Routes 9 & 20, and upgrading the existing pump station, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Six Hundred Eighty- Seven Thousand (\$687,000.00) Dollars; and

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

**WHEREAS**, operation and maintenance fees for the Sewer District Extension are estimated to be Seventeen Thousand Five Hundred Twenty and 00/100 (\$17,520.00) Dollars for the typical property located within the Sewer District Extension; and

**WHEREAS**, the hook up fee is estimated to be Forty-Five Thousand and 00/100 (\$45,000.00) Dollars and the building sewer inspection fee is Two Hundred and 00/100 (\$200.00) Dollars and the Sewer District Extension fee is Two Hundred Twenty-Five (\$225.00) Dollars;

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

also included. The pipe flow of the proposed sanitary sewer system is based off the actual water usage of these two similar facilities. The flow rate used in the sanitary sewer calculations is 6,000 GPO. The sanitary sewer slope value of 0.4% was determined from the 10 States Standards – Recommended Standards for Wastewater Facilities.

#### D. Conclusion

Presently, the Town of Schodack has an agreement with the Town of East Greenbush that allows Schodack to send up to 45,000 GPO into the East Greenbush sewer system. The Town of Schodack is currently discharging an average of 30,000 GPO into the East Greenbush system. The proposed Schodack Distribution Center is estimated to dispel 6,000 GPO into the system. Therefore, the capacity of the agreement with the Town of East Greenbush will allow the acceptance of the additional wastewater generated by the proposed Schodack Distribution Center.

### Section 3: Financing

Scannell Properties will be financing the installation of the proposed sanitary sewer system. A cost estimate of the proposed work is included in Appendix 4. No debt will be issued by the town for this project.

### Section 4: Sanitary Sewer District Extension

The project site is located near Sewer District No. 6, but is currently not within the District as shown in Appendix 1. This proposed Sewer District Extension would extend the District to encompass the project site pending the approval of the Schodack Town Board, the NYS Department of Health, and the NYS Department of Environmental Conservation. The map shown in Appendix 2 shows the land to be included within the Sewer District. The typical property within the proposed Sewer District Extension is an approximate 1,000,000 square-foot Sales Distribution Center.

### Section 5: User Cost and Connection Fees

The property to be added to Sewer District No. 6 will become a rate payer under the district.

The Town of Schodack's building sewer inspection permit fee is \$200 (estimate 4 inspections @ \$50 each) and the sewer district connection fee is \$225 for a total of **\$425.00** to the Town of Schodack.

In accordance with the 5/27/2004 Intermunicipal Sewer Agreement with the Town of East Greenbush, the Town of Schodack collects a one-time hookup fee based on 60% of the anticipated water usage for the new or expanding business, divided by four hundred gallons per day, and multiplied by five thousand dollars. The proposed water usage for the project is estimated to be 6,000 GPO. Therefore, the one-time East Greenbush hookup fee, as per the above formula, is calculated to be:

$6,000 \text{ GPO} * 0.60 / 400 \text{ GAL} * \$5,000 = \mathbf{\$45,000.00}$  one-time fee.

Current Town quarterly operations and maintenance charges are \$8.00 per 1,000 gallons used, billed approximately one week after the end of each calendar quarter. Based on the gallons per day, this would result in an annual sewer usage fee for the typical property of:

$6,000 \text{ GPD} * 365 \text{ Day} / 1,000 \text{ Gal} * \$8.00 = \mathbf{\$17,520}$  per year for the Distribution Center.

### Section 6: Conclusion

This report concludes that the Town of Schodack Sanitary Sewer District No. 6 has the capacity to accept the additional wastewater from the proposed Sewer District Extension

**ENGINEER'S OPINION OF PROBABLE COSTS**

Project: Scannell Properties, Schodack, New York  
 Sanitary Sewer Extension #4 July

5, 2018

Bid Item	Description Of Item	Unit	Quantity	Unit Price	Engineer's Estimate
01	8" PVC SEWER PIPE	LF	4200	\$65	\$273,000.00
02	SEWER MANHOLE	EA	21	\$6,000	\$126,000.00
03	SEWER CONNECTION	EA	1	\$3,000.00	\$3,000.00
04	BORE UNOER RT 9 & 20	LF	150	\$300.00	\$45,000.00
05	UPGRADE PUMP STATION	LS	1	\$150,000.00	\$150,000.00
TOTAL (Construction)					\$597,000.00
15% Continoency					\$89,550.00
Total (Construction)					\$686,550.00

Additional Costs	Unit	Quantity	Unit Price	Engineer's Estimate
TOTAL PROJECT COST				\$687,000.00

**2018-198 WHEREAS,** a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Sewer District No. 6, Sanitary Sewer District Extension #4, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office for public inspection; and

**WHEREAS,** said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Sewer District Extension, general plan of the Sewer District Extension and an analysis showing the costs thereof and method of operation; and

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

**WHEREAS,** the improvements proposed consist of the installation of 4,200 lineal feet of 8" PVC sewer pipe, 21 sewer manholes, 1 sewer connection, 150 lineal feet for boring under Routes 9 & 20, and upgrading the existing pump station, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, 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 627, State Environmental Quality Review Act; and

**WHEREAS**, the Town of Schodack Planning Board was designated as the lead agency in a coordinated review with the Town of Schodack Town Board; and

**WHEREAS**, the underlying project is the development of approximately 116.3 acres of real property along New York State Route 9 located within the Town of Schodack, New York on which real property a one million square-foot sales distribution center is proposed to be constructed; and

**WHEREAS**, in connection with this proposed project the Town of Schodack Planning Board in its role as lead agency in a coordinated review concluded that "the project will not have a significant impact on the municipal sanitary sewer system"; and

**WHEREAS**, a copy of the full environmental assessment form together with the negative declaration issued by the Town of Schodack Planning Board is attached hereto and made a part hereof as **Exhibit A** [Provided in Supporting Docs];

**NOW, THEREFORE, IT IS RESOLVED:** That the Town of Schodack Town Board hereby affirms the designation of the Town of Schodack Planning Board as the lead agency in a coordinated review with respect to the proposed project which encompasses the formation of Sewer District No. 6, Sanitary Sewer District Extension #4.

**2018-199** **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Sewer District No. 6, Sanitary Sewer District Extension #4, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office for public inspection; and

**WHEREAS**, said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Sewer District Extension, general plan of the Sewer District Extension and an analysis showing the costs thereof and method of operation; and

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

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

**SCHEDULE "A"**

Legal Description

**Sewer District No.6**

Sanitary Sewer District Extension No. 4

Consolidated lands now or formerly of Jill C. Palmer-Wood, Burdette J. Otterbeck, William J. & Mary Beaudoin and Mary Ann Sherman

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

Beginning at an iron pin found in the western highway boundary of U.S. Route 9 at its intersection with the division line between lands now or formerly of Jill C. Palmer-Wood and Burdette J. Otterbeck (Document number 2008-00302819) to the south and lands now or formerly of James R. Matias and Judith Dunham-Matias (Liber 169, page 1431) to the north; Thence along the western highway boundary of U.S. Route 9 South  $26^{\circ} 01' 48''$  West, a distance of 1142.41 feet to a capped rod found at the northeast corner of lands now or formerly of Michael and Charlotte Belak (Liber 1298, page 417); Thence North  $78^{\circ} 28' 35''$  West, a distance of 420.80 feet to a point, Thence South  $21^{\circ} 23' 25''$  West, a distance of 67.67 feet to a point; Thence along the division line with lands now or formerly of Michael and Charlotte Belak (Liber 1298, page 417) North  $87^{\circ} 14' 30''$  West, a distance of 16.77 feet to a capped rod found; Thence continuing along the division line with Michael and Charlotte Belak, and along the division line with lands now or formerly of Frank and Linda Paonessa (Liber 324, page 1892) South  $11^{\circ} 45' 30''$  West, a distance of 226.00 feet to an iron pin found; Thence along the division line with lands now or formerly of Clifford and Deborah Brehm (Liber 1249, page 225) and along the division line with lands now or formerly George Brehm (Liber 1032, page 306) South  $86^{\circ} 54' 22''$  West, a distance of 612.61 feet to an iron pin found; Thence along the division line with lands now or formerly of George Brehm (Liber 1032, page 306), lands now or formerly of Paul and Heather Brehm (Liber 1611, page 199), and lands now or formerly of Cheryl L. Ouderkirk (Liber 648, page 221) South  $16^{\circ} 16' 15''$  East, a distance of 546.03 feet to an iron pin in concrete found; Thence along the division line with lands now or formerly William J. Beaudoin and Mary Beaudoin (Liber 1302, page 805) and with the terminus of Hillcrest Avenue South  $05^{\circ} 52' 46''$  East, a distance of 200.90 feet to a rebar found; Thence along the southern side of Hillcrest Avenue and passing through an iron pipe, North  $84^{\circ} 07' 14''$  East, a distance of 115.00 feet to a point in the southern line of Hillcrest Avenue at its intersection with the division line between lands now or formerly of Carl and Mary Sherman (Liber 1302, page 807) to the east and William J. and Mary E. Beaudoin and Mary Ann Sherman (Liber 7724, page 283) to the west; Thence along said division line South  $05^{\circ} 52' 46''$  East, a distance of 100.00 feet to a point; Thence along the division line with lands now or formerly of Hartland Associates, Inc, (Liber 7602, page 263) and lands now or formerly of Donald Hart (Liber 168, page 2218) South  $84^{\circ} 07' 14''$  West, a distance of 845.92 feet to a point; Thence continuing along the division line with lands now or formerly of Donald Hart (Liber 168, page 2218) and passing through a rebar found, South  $27^{\circ} 07' 14''$  West, a distance of 532.64 feet to a rebar found; Thence along the division line with lands now or formerly Hartland Associates, Inc. (Liber 168, page 2250) North  $48^{\circ} 13' 42''$  West, a

distance of 586.77 feet to a rebar found at the eastern highway boundary of Interstate 90; Thence along the eastern highway boundary of Interstate 90 the following six courses and distances:

1. North 06°29'05" East, a distance of 262.42 feet to a point;
2. North 06°29'57" East, a distance of 1039.84 feet to a concrete monument found;
3. North 62°36'15" East, a distance of 377.34 feet to a concrete monument found;
4. North 04°25'52" West, a distance of 519.98 feet to a concrete monument found;
5. North 07° 28' 01" West, a distance of 754.97 feet to a concrete monument found;
6. North 87° 25' 18" East, a distance of 363.34 feet to an iron pipe found;

Thence along the division line with lands now or formerly of Otis J. Williams, II, and Jennifer L. Meehan (Liber 6446, page 73), and lands now or formerly of Wesley J. Sanford, Jr. and Lauren K. Sanford (Liber 7800, page 124) North 88°14'57" East, a distance of 243.29 feet to an iron pipe found; Thence continuing along the division line with lands now or formerly of Wesley J. Sanford, Jr. and Lauren K. Sanford (Liber 7800, page 124), and along the division line with lands now or formerly of Kristin M. Meashaw and Matthew B. Abatto (Liber 3129, page 334), lands now or formerly of Scott A. Dunham and Theresa A. Dunham, lands now or formerly of Robert A. Jansing (Liber 366, page 1395), lands now or formerly of Sarah E. and Kristen A. Fedigan (Liber 8173, page 197) and passing through two iron pipes found, South 89° 13' 33" East, a distance of 868.18 feet to a point; Thence along the division line with lands now or formerly of Brian J. and Laurel L. Smihosky (Liber 7266, page 77), lands now or formerly of Vittorio Lapietra & Donna Linhares-Lapietra (Liber 4008, page 178), lands now or formerly of Edward C. and Erin A. Cullings (Liber 4762, page 8), and lands now or formerly Kenneth C. and Crystal M. Swinton (Liber 7541, page 108) South 88° 41' 33" East, a distance of 585.84 feet to an iron pipe found; Thence continuing along the division line with lands now or formerly of Kenneth C. and Crystal M. Swinton (Liber 7541, page 108) South 89° 09' 53" East, a distance of 288.23 feet to capped rebar found; Thence along the division line with lands now or formerly of James R. Matias and Judith Dunham-Matias (Liber 169, page 1431) the following two courses and distances:

1. South 16° 52' 47" West, a distance of 430.00 feet to an iron pin found;
2. South 74° 02' 22" East, a distance of 280.00 feet to the point and place of beginning.

Containing or 116.39 acres or 5,070,100 square feet of land, more or less.

**WHEREAS**, the improvements proposed consist of the installation of 4,200 lineal feet of 8" PVC sewer pipe, 21 sewer manholes, 1 sewer connection, 150 lineal feet for boring under Routes 9 & 20, and upgrading the existing pump station, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Six Hundred Eighty- Seven Thousand (\$687,000.00) Dollars; and

**WHEREAS**, approval of the New York State Comptroller will not be required for the formation of the Sewer District No. 6, Sanitary Sewer District Extension #4 inasmuch as debt will not be issued or assumed by the Town



of Schodack and any assessments to the typical property shall be on a benefit basis for all users; and

**WHEREAS**, operation and maintenance fees for the Sewer District Extension are estimated to be Seventeen Thousand Five Hundred Twenty and 00/100 (\$17,520.00) Dollars for the typical property located within the Sewer District Extension; and

**WHEREAS**, the hook up fee is estimated to be Forty-Five Thousand and 00/100 (\$45,000.00) Dollars and the building sewer inspection fee is Two Hundred and 00/100 (\$200.00) Dollars and the Sewer District Extension fee is Two Hundred Twenty-Five (\$225.00) Dollars;

**NOW, IT IS HEREBY ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Town of Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, in said Town, on the 23rd day of August, 2018, at 7:00 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

**2018-200**

**WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Schodack Consolidated Water District No. 101, Water District Extension No. 6, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Water District Extension, general plan of the Water District Extension and an analysis showing the costs thereof and method of operation; and

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

**WHEREAS**, the improvements proposed consist of the installation of 2,250 lineal feet of 12 inch PVC water pipe, 2200 pipe bends, 4 water valves, 6 water hydrants, 150 lineal feet of pipe for boring underneath Routes 9 & 20, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Four Hundred Twenty-Nine Thousand (\$429,000.00) Dollars; and

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

**WHEREAS**, the first year cost for operation and maintenance fees for the Water District Extension are estimated to be Eight Thousand Six Hundred Ninety-Two and 00/100 Dollars (\$8,692.00) to the typical property after the first year of the Water District Extension formation; and

**WHEREAS**, the water line installation fee is Two Hundred and 00/100 (\$200.00) Dollars and the Water District Extension connection fee is Twenty-Five and 00/100 (\$25.00) Dollars; and

**WHEREAS**, the capital charges for the typical property located within the Water District Extension are estimated to be Twelve Thousand Five Hundred Forty-Four and 00/100 (\$12,544.00) Dollars after the first year of Water District Extension formation.

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

#### ***D. Hydraulic Calculations***

A hydraulic model was used to compute the pressure at the base of the riser for the building, including the loss from meters and/or backflow prevention devices. Calculations are based on the Utility plans and a Neptune Protectus III water meter. See Appendix 2 for the Hydraulic Calculations.

The building will have an ESFR (Early Suppression Fast Response) sprinkler system which is designed to supply large amounts of water to extinguish any fire. Because of this system's demands, the building will have a 200,000-gallon water supply tank with a pump for the sprinkler system. The building's sprinkler system will be self-sufficient and is not expected to draw significant demand. Calculations were done to represent a fire hydrant demand and are in Appendix 3.

#### ***E. Backflow Prevention Requirements***

Backflow prevention was assumed for the site based upon the size of the supply line. The site is expected to have a 12" Watts Double Detector Assembly immediately after the meter at the street.

#### ***F. Conclusion***

Presently, the water system serving Consolidated Water District No. 101 has a capacity of 0.5 MGD and the current usage is approximately 130,000 GPD. The proposed Schodack Distribution Center is estimated to utilize 6,000 GPO, increasing

the existing demand from 130,000 GPD to 136,000 GPD. Therefore, the capacity of the Consolidated Water District No. 101 will allow the acceptance of the additional water demand generated by the proposed Schodack Distribution Center.

### **Section 3: Financing**

Scannell Properties will be financing the installation of the proposed water system. A cost estimate of the proposed work is included in Appendix 4. No debt will be issued by the town for this project.

### **Section 4: Water District Extension**

The project site is located near Consolidated Water District No. 101, but is currently not within the Water District as shown in Appendix 1. This proposed Water District Extension would extend the District to encompass the project site pending the approval of the Schodack Town Board, the NYS Department of Health, and the NYS Department of Environmental Conservation. The map shown in Appendix 2 shows the land to be included within the Water District. The typical property within the proposed water district extension is an approximate 1,000,000 square foot Sales Distribution Center.

### **Section 5: User Cost and Connection Fees**

The property to be added to Consolidated Water District No. 101 will become a rate payer under the district.

The Town of Schodack's building water line installation fee is \$200 (estimate 4 inspections @ \$50 each) and the sewer district extension connection fee is \$25 for a total of **\$225.00** to the Town of Schodack.

Current Town quarterly operations and maintenance charges are \$55 minimum (up to 18,000 gallons) plus \$4 per 1,000 gallons used over 18,000 gallons, billed approximately one week after the end of each calendar quarter. Based on a water use of 6,000 GPD, this would result in an annual water usage fee of:

$(6,000 \text{ GPD} * 365 \text{ Days} - 72,000) / 1,000 \text{ GAL} * 4 = \$8,472.00 + \$220.00 = \mathbf{\$8,692.00}$  per year for the

Distribution Center.

The Consolidated Water District No. 101 must repay annual debt. In accordance with Town Board Resolution 2017-239, for commercial properties, the calculation for the capital charges for each property would include equivalent dwelling unit (EDU) plus additional EDU, based upon estimated water usage or 50% discounted estimated water usage per DEC

flow guidelines, for every 72,000 gallons or portion thereof in excess of 72,000 gallons. Estimated DEC flow guidelines are based upon the square footage of the structure calculated as follows:

$$6000 \text{ GPD} * 365 \text{ days} / 72,000 \text{ gal} = 31 \text{ EDU} + 1 \text{ additional EDU} = 32 \text{ EDU.}$$

Based upon the Consolidated Water District No. 101, the capital rate for the typical property is \$392 per equivalent dwelling unit. The total capital payment for the typical property within the water district extension for the first year after district extension creation shall equal:

$$32 \text{ units} * \$392 = \$12,544 \text{ in total capital charges.}$$

**Section 6: Conclusion**

This report concludes that the Town of Schodack Consolidated Water District No. 101 has the capacity to accept the additional demand from this project.

McFARLAND-JOHNSON, INC.

.60 RAILROAD PLACE SARATOGA SPRINGS, NY 12866 PHONE (518) 580-9380 FAX (518) 580-9383 www.miinc.com

**ENGINEER'S OPINION OF PROBABLE COSTS**

Project: Scannell Properties, Schodack, New York  
Consolidated Water District 101 Extension #6

July 5, 2018

Bid Item	Description (Item)	Unit	Quantity	Unit Price	Engineer's Estimate
01	12" PVC WATER PIPE	LF	2250	\$116	\$261,000.00
02	PIPE BENDS	LB	2200	\$12	\$26,400.00
03	WATER VALVES	EA	4	\$2,500.00	\$10,000.00
04	WATER HYDRANTS	EA	6	\$5,000.00	\$30,000.00
05	BORE UNDER RT 9 & 20	LF	150	\$300.00	\$45,000.00
	TOTAL (Construction)				\$372,400.00
	5% Contingency				\$55,860.00
	Total (Construction)				\$428,260.00

	Additional Costs	Unit	Quantity	Unit Price	Engineer's Estimate

TOTAL PROJECT COST

\$429,000.00

**2018-201** WHEREAS, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the

State of New York, relating to the establishment of Consolidated Water district No. 101, Water District Extension No. 6, in the Town of Schodack, County of Rensselaer, State of New York, have been filed in the Town Clerk's Office for public inspection; and

**WHEREAS**, said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Water District Extension, general plan of the Water District Extension and an analysis showing the costs thereof and method of operation; and

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

**WHEREAS**, the improvements proposed consist of the installation of 2,250 lineal feet of 12 inch PVC water pipe, 2200 pipe bends, 4 water valves, 6 water hydrants, 150 lineal feet of pipe for boring underneath Routes 9 & 20, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, 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;

**WHEREAS**, the Town of Schodack Planning Board was designated as the lead agency in a coordinated review with the Town of Schodack Town Board; and

**WHEREAS**, the underlying project is the development of approximately 116.3 acres of real property along New York State Route 9 located within the Town of Schodack, New York on which real property a one million square-foot sales distribution center is proposed to be constructed; and

**WHEREAS**, in connection with this proposed project the Town of Schodack Planning Board in its role as lead agency in a coordinated review concluded that "the project will not have a significant impact on the municipal water system"; and

**WHEREAS**, a copy of the full environmental assessment form together with the negative declaration issued by the Town of Schodack Planning Board is attached hereto and made a part hereof as **Exhibit A** [Provided in Supporting Docs];

**NOW, THEREFORE, IT IS RESOLVED:** That the Town of Schodack Town Board hereby affirms the designation of the Town of Schodack Planning Board as the lead agency in a coordinated review with respect to the

proposed project which encompasses the formation of Consolidated Water District No. 101, Water District Extension No. 6

**2018-202** **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Consolidated Water district No. 101, Water District Extension No. 6, in the Town of Schodack, County of Rensselaer, State of New York, have been filed in the Town Clerk's Office for public inspection; and

**WHEREAS**, said map, plan and report was prepared by McFarland Johnson, competent engineers, duly licensed by the State of New York, showing boundaries of the proposed Water District Extension, general plan of the Water District Extension and an analysis showing the costs thereof and method of operation; and

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

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

**SCHEDULE "A"**

Legal Description

**Consolidated Water District 101**

Water District Extension No. 6

Consolidated lands now or formerly of Jill C. Palmer-Wood, Burdette J. Otterbeck, William J. & Mary Beaudoin and Mary Ann Sherman

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

Beginning at an iron pin found in the western highway boundary of U.S. Route 9 at its intersection with the division line between lands now or formerly of Jill C. Palmer-Wood and Burdette J. Otterbeck (Document number 2008-00302819) to the south and lands now or formerly of James R. Matias and Judith Dunham-Matias (Liber 169, page 1431) to the north; Thence along the western highway boundary of U.S. Route 9 South 26° 01' 48" West, a distance of 1142.41 feet to a capped rod found at the northeast corner of lands now or formerly of Michael and Charlotte Belak (Liber 1298, page 417); Thence North 78° 28' 35" West, a distance of 420.80 feet to a point, Thence South 21° 23' 25" West, a distance of 67.67 feet to a point; Thence along the division line with lands now or formerly of Michael and Charlotte Belak (Liber 1298, page 417) North 87° 14' 30" West, a distance of 16.77 feet to a capped rod found; Thence continuing along the division line with Michael and Charlotte Belak, and along the division line with lands now or formerly of Frank and Linda Paonessa (Liber 324, page 1892) South 11° 45' 30" West, a distance of 226.00 feet to a iron pin found; Thence along the division line with lands

now or formerly of Clifford and Deborah Brehm (Liber 1249, page 225) and along the division line with lands now or formerly George Brehm (Liber 1032, page 306) South  $86^{\circ} 54' 22''$  West, a distance of 612.61 feet to an iron pin found; Thence along the division line with lands now or formerly of George Brehm (Liber 1032, page 306), lands now or formerly of Paul and Heather Brehm (Liber 1611, page 199), and lands now or formerly of Cheryl L. Ouderkirk (Liber 648, page 221) South  $16^{\circ} 16' 15''$  East, a distance of 546.03 feet to an iron pin in concrete found; Thence along the division line with lands now or formerly William J. Beaudoin and Mary Beaudoin (Liber 1302, page 805) and with the terminus of Hillcrest Avenue South  $05^{\circ} 52' 46''$  East, a distance of 200.90 feet to a rebar found; Thence along the southern side of Hillcrest Avenue and passing through an iron pipe, North  $84^{\circ} 07' 14''$  East, a distance of 115.00 feet to a point in the southern line of Hillcrest Avenue at its intersection with the division line between lands now or formerly of Carl and Mary Sherman (Liber 1302, page 807) to the east and William J. and Mary E. Beaudoin and Mary Ann Sherman (Liber 7724, page 283) to the west; Thence along said division line South  $05^{\circ} 52' 46''$  East, a distance of 100.00 feet to a point; Thence along the division line with lands now or formerly of Hartland Associates, Inc. (Liber 7602, page 263) and lands now or formerly of Donald Hart (Liber 168, page 2218) South  $84^{\circ} 07' 14''$  West, a distance of 845.92 feet to a point; Thence continuing along the division line with lands now or formerly of Donald Hart (Liber 168, page 2218) and passing through a rebar found, South  $27^{\circ} 07' 14''$  West, a distance of 532.64 feet to a rebar found; Thence along the division line with lands now or formerly Hartland Associates, Inc. (Liber 168, page 2250) North  $48^{\circ} 13' 42''$  West, a distance of 586.77 feet to a rebar found at the eastern highway boundary of Interstate 90; Thence along the eastern highway boundary of Interstate 90 the following six courses and distances:

7. North  $06^{\circ} 29' 05''$  East, a distance of 262.42 feet to a point;
8. North  $06^{\circ} 29' 57''$  East, a distance of 1039.84 feet to a concrete monument found;
9. North  $62^{\circ} 36' 15''$  East, a distance of 377.34 feet to a concrete monument found;
10. North  $04^{\circ} 25' 52''$  West, a distance of 519.98 feet to a concrete monument found;
11. North  $07^{\circ} 28' 01''$  West, a distance of 754.97 feet to a concrete monument found;
12. North  $87^{\circ} 25' 18''$  East, a distance of 363.34 feet to an iron pipe found;

Thence along the division line with lands now or formerly of Otis J. Williams, II, and Jennifer L. Meehan (Liber 6446, page 73), and lands now or formerly of Wesley J. Sanford, Jr. and Lauren K. Sanford (Liber 7800, page 124) North  $88^{\circ} 14' 57''$  East, a distance of 243.29 feet to an iron pipe found; Thence continuing along the division line with lands now or formerly of Wesley J. Sanford, Jr. and Lauren K. Sanford (Liber 7800, page 124), and along the division line with lands now or formerly of Kristin M. Meashaw and Matthew B. Abatto (Liber 3129, page 334), lands now or formerly of Scott A. Dunham and Theresa A. Dunham, lands now or formerly of Robert A. Jansing (Liber 366, page 1395), lands now or formerly of Sarah E. and Kristen A. Fedigan (Liber 8173, page 197) and passing through two iron pipes found, South  $89^{\circ} 13' 33''$  East, a distance of 868.18 feet to a point; Thence along the division line with lands now or formerly of Brian J. and Laurel L. Smihosky (Liber 7266, page 77), lands now or formerly of Vittorio Lapietra & Donna Linhares-Lapietra (Liber 4008, page 178), lands now or formerly of Edward C. and Erin A. Cullings (Liber 4762, page 8), and lands now or formerly Kenneth C. and Crystal M. Swinton (Liber 7541, page 108) South  $88^{\circ} 41' 33''$  East, a distance of 585.84 feet to an iron pipe found; Thence continuing along the division line with lands now or formerly of Kenneth C. and Crystal M. Swinton (Liber 7541, page 108) South  $89^{\circ} 09' 53''$  East, a distance of 288.23 feet to capped rebar found; Thence along the division line with lands now or formerly of

James R. Matias and Judith Dunham-Matias (Liber 169, page 1431) the following two courses and distances:

3. South 16° 52' 47" West, a distance of 430.00 feet to an iron pin found;
4. South 74° 02' 22" East, a distance of 280.00 feet to the point and place of beginning.

Containing or 116.39 acres or 5,070,100 square feet of land, more or less.

**WHEREAS**, the improvements proposed consist of the installation of 2,250 lineal feet of 12 inch PVC water pipe, 2200 pipe bends, 4 water valves, 6 water hydrants, 150 lineal feet of pipe for boring underneath Routes 9 & 20, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Four Hundred Twenty-Nine Thousand (\$429,000.00) Dollars; and

**WHEREAS**, approval of the New York State Comptroller will not be required for the formation of Consolidated Water District No. 101, Water District Extension No. 6, inasmuch as debt will neither be issued or assumed by the Town of Schodack, and assessments shall be on a benefit basis for the typical property; and

**WHEREAS**, the first year cost for operation and maintenance fees for the Water District Extension are estimated to be Eight Thousand Six Hundred Ninety-Two and 00/100 Dollars (\$8,692.00) to the typical property after the first year of the Water District Extension formation; and

**WHEREAS**, the water line installation fee is Two Hundred and 00/100 (\$200.00) Dollars and the Water District Extension connection fee is Twenty-Five and 00/100 (\$25.00) Dollars; and

**WHEREAS**, the capital charges for the typical property located within the Water District Extension are estimated to be Twelve Thousand Five Hundred Forty-Four and 00/100 (\$12,544.00) Dollars after the first year of Water District Extension formation.

**NOW, IT IS HEREBY ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Town of Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, in said Town, on the 23rd day of August, 2018, at 7:30 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

**2018-203** Authorize Jordan Harrington, Alan Roehr Jr., Jeffrey Arno, Gary Ziegler and Steven Kelly, members of the Fire Investigation Unit to attend New York State Academy of Fire Science Course #01-01-0018 – Fall Seminar, November 7



through 9, 2018 in Montour Falls, New York, at an estimated cost per person of \$25.00 – registration fee (\$125.00), materials (\$50.00) and lodging (\$576.00 and meals (\$279.00), and estimated cost for mileage (\$470.00) and tolls (\$35.00) for a total estimated cost of \$1,500.00. [A3410.4 This is a budgeted item.]

**2018-204** Ratify and affirm authorizing Joseph Tremblay, Building Inspector/Code Enforcement Officer to attend Basic Code Enforcement Training in Latham, NY and further authorize reimbursement for mileage as follows: classes attended in the August, September, October and November of 2017 (\$256.80) and classes attended January, February and March 2018 (\$130.80) for a total mileage reimbursement cost of \$387.60.

**2018-205** BE IT RESOLVED, that the Town of Schodack hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Not Submitted Record of Activities or T/S
<b>Elected Officials</b>						
Town Board Member	James Bult	7	1/1/18-12/31/21	N	TBD	Not Summited
<b>Appointed Officials</b>						
Planning Board Member	John LaVoie	7	1/1/14-12/31/20	N	1.08 quarterly	

**2018-206** Amend Resolution 2018-044 as adopted January 5, 2018 as follows: Pursuant to professional services agreement dated January 5, 2018, appoint Tabner, Ryan and Keniry, LLP as Special District Counsel and based on per hour fee schedule as follows: Partners \$260.00, Associates \$170.00 and Paralegals \$95.00. This authorization shall not exceed ~~\$7,500.00~~ \$25,000.00 without further boar approval.

**2018-207** **WHEREAS**, the school house located on Clove Road (the "School House") is a historically significant property owned and maintained by the Town; and

**WHEREAS**, it has been determined that the roof of the School House has fallen into disrepair and is in such as state so as to allow the elements into

the School House, likely causing significant and permanent damage to the structure; and

**WHEREAS**, the Town is desirous of repairing the roof of the School House in order to preserve the structure for the enjoyment of future generations; and

**WHEREAS**, in accordance with Town procedure, multiple quotes were solicited and received for the repair and/or replacement of the School House roof; and

**WHEREAS**, having reviewed those quotes the Town has determined that the quotes offered by Phelps Brothers Roofing, LLC in the amount of \$9,200.00 and Lawlor Construction LLC in the amount of \$9,740.00 represent the best values for the requested repair services.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby authorizes the Supervisor to enter into an agreements with Phelps Brothers Roofing, LLC and Lawlor Construction LLC for the timely and competent repair and/or replacement of the School House roof or portions thereof for an amount not to exceed \$18,940.00

**2018-208** **WHEREAS**, in accordance with its procurement policies, the Town solicited proposals for playground equipment to be delivered and installed at a particular location within the Town Park; and

**WHEREAS**, the Town received multiple proposals in response to its solicitation; and

**WHEREAS**, having reviewed such proposals and conducted other such appropriate due diligence, including but not limited to visiting site locations where the respondent companies have delivered and installed their products the Town determines that the proposal made by [vendor] in the amount of [amount] represents the best value for the equipment sought by the Town.

**NOW, THEREFORE, BE IT RESOLVED** that the Board hereby authorizes the Supervisor to enter into an agreement with Kompan for the time and competent delivery and installation of the specified playground equipment for an amount not to exceed 84,000.00.

**2018-209** **WHEREAS**, the Town Planning Board has been named as a party to an Article 78 Proceeding (Index #2018-260429) filed on or about July 30, 2018; and

**WHEREAS**, the Town desires to defend the actions of the Planning Board in the Article 78 Proceeding.

**NOW, THEREFORE, BE IT RESOLVED** that the Board appoints Girvin & Ferlazzo, P.C. as litigation counsel for the purposes of representing the Town in the Article 78 Proceeding (Index #2018-260429) based upon a fee

schedule of \$225.00 per hour as contained in the Letter of Engagement and Retainer dated August 8, 2018, and. This authorization shall not exceed \$15,000.00 without further written Board resolution.

- 2018-210** Authorize Supervisor Harris to execute and administer the Easement Agreement and the Lighting and Maintenance Agreement both relating to the parcel commonly known as Pond View both dated August 7, 2018.
- 2018-211** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #18-\_\_\_\_\_ to 18-\_\_\_\_ on Abstract No. 2018-08, in the amount of \$\_\_\_\_\_, including the claims paid (\$\_\_\_\_\_) since the previous town board meeting.
- 2018-212** Authorize the July 2018 budget modifications, interfund loans and interfund transfers as provided in document dated July 31, 2018 and 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 David Harris  
Town of Schodack, 265 Schuurman Road  
Castleton-on-Hudson, New York 12033-9622  
or call the Supervisor at 518-477-7918

August 8, 2018 15:09