

**Town of Schodack
Town Board Meeting
October 12, 2017**

Public Session - 7 p.m.

Call to Order

Pledge of Allegiance

Roll Call

Public Hearing at 7:10 p.m., to consider said map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law, Sewer District 1 – Extension

7:20 p.m. - to seek public comment on proposed Local Law No. 2 to amend the Transfer/Recycling Station Rules and Regulations for the Town of Schodack, Chapter 137, Article IV.

Review of Abstracts and Vouchers – Comptroller

Public Comment

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.

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 _____, and seconded by Councilperson _____.

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 _____, seconded by Councilperson _____, 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.

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 Code of the Town of Schodack and to give due notice of said local law to the Secretary of State. [Language from Gruenberg, Esq.]

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.

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.

2017-224) 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.

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.

- 2017-226)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of 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.
- 2017-227)** 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.
- 2017-228)** 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.
- 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.
- 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.
- 2017-231)** 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.
- 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.
- 2017-233)** 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.

- 2017-234)** 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.
- 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.
- 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.
- 2017-237)** 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.
- 2017-238)** 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 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.
- 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:

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<i>A typical property is defined as a single family residence with estimated annual water usage of 72,000 gallons or less.</i>		
Exempt Properties	Varies, 315,822, 971	Cemetery without water use, underwater land, catch basins, access roads, water and/or sewer district owned parcels, water supply, wetlands and homeowner associations.
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	<u>0.0</u> EDU
1 family year round residence w/ curb stop, w/ easement or flag lot, dwelling > 600 feet from curb stop	210	0.50 EDU
1 family, with acreage	210	1.00 EDU
1 family year round residence w/ accessory apartment	215	1.50 EDU
2 family	220	2.00 EDU
3 family	230	3.00 EDU
With acreage, Multi-purpose	240, 280	Based on property specifics using definitions contained herein, except water usage is not a component. (i.e. 1 family plus 1 apartment = 1.50 EDU)
With Incidental Commercial Use. Incidental Commercial use is defined as a residence which has been partially converted or adapted for commercial use with the primary use being residential.	283	2.00 EDU (1 EDU for Residential plus 1 EDU for Commercial) The residential component may increase based on property specifics using definitions contained herein (i.e. 1 family plus 1 apartment = 1.50 EDU). Additional units will be added based upon actual water usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons for usage greater than the first 72,000 gallons. *
With small improvement	312	1.00 EDU

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
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 (2016-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, Trucking Terminals, 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	421, 422, 426, 431, 433, 434, 442, 444, 447, 449, 450, 452, 462, 464, 465, 472, 481 483, 484, 485, 486, 612, 615, 620, 632, 642, 651, 652, 662, 682, 700,	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^

Garage, Governmental Office Building, Police & Fire Protection, Recreational Facility, Industrial, Electric & Gas	870
* Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll, or ^ Based upon estimated water consumption for non-connected properties per DEC design flow guidelines as follows: .01 gallon/square foot/day for Warehouse/Storage Facilities or .1 gallon/square foot/ day for Office/Retail Facilities discounted by 50% of estimated water usage.	

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 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.

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.

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).

2017-243) 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.

2017-244) **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.

2017-245) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #17-1555 to 17-_____ on Abstract No. 2017-10, in the amount of \$_____, including the claims paid (\$_____) since the previous town board meeting.

2017-246) 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

11:09

DRAFT