

## 2011 RESOLUTIONS

### January 6, 2011

**2011-01)** Authorize the approval of the Official Undertaking as to its form and manner of execution and the sufficiency of the insurance, as surety as prescribed by law.

**2011-02)** Regular meetings of the Town Board will generally be held at 7 p.m. on the second Thursday of each month, at the Schodack Town Hall at 265 Schuurman Road unless otherwise duly noticed, as follows:

January 13	July 14
February 10	August 11
March 10	September 8
April 14	October 13
May 12	November 10
June 9	December 8

Workshop sessions to more thoroughly review issues of importance to the Town will generally be held at 7 p.m. on the fourth Thursday of each month, at the Schodack Town Hall at 265 Schuurman Road unless otherwise duly noticed as follows:

January 27	July – to be announced
February 24	August 25
March 24	September 22
April 28	October 27
May 26	November -to be announced
June 23	December -29 (5 p.m.) for year-end close of business

**2011-03)** Full-time employees (non-union) shall be given the following holidays for the year 2011:

<u>Date</u>	<u>Holiday</u>
January 17	Martin Luther King, Jr. Day
February 21	President' Day
May 30	Memorial Day
July 4	Independence Day
September 5	Labor Day
October 10	Columbus Day
November 11	Veteran' Day
November 24	Thanksgiving Day
November 25	Day after Thanksgiving
December 26	Christmas Observance
December 27	(Tuesday) Day-after Christmas Observance

**2011-04)** Designate Transfer Station holidays for year 2011 as follows:

<u>Date</u>	<u>Holiday</u>
February 22	President' Day Observance*
May 31	Memorial Day Observance*
July 5	Independence Day Observance*
September 6	Labor Day Observance*
October 11	Columbus Day Observance*
November 8	Election Day
November 11	Veteran's Day
November 24	Thanksgiving Day
November 25	Day after Thanksgiving

\*Transfer Station is closed on Mondays, therefore, pursuant to the Collective Bargaining Agreement, Monday holidays will be observed on Tuesday.

**2011-05)** As the post of Deputy Supervisor was created by the Town Board during 2002, pursuant to §42 of the Town Law, Supervisor Dowds hereby appoints Frank Curtis, Councilman, as Deputy Supervisor.

**2011-06)** Designate the following banks as depositories for all Town funds for the calendar year 2011: Key Bank, N.A., MBIA, First Niagara, Pioneer and HSBC.

**2011-07)** Supervisor Dowds, being the Chief Fiscal Officer or the officer having custody of monies of the said Town of Schodack, has the authority to temporarily deposit or invest monies of the said Town of Schodack, not required for immediate expenditures, except proceeds of loans and monies the investment of which otherwise is provided by law, in special time deposit accounts or certificates of deposit issued by a bank or trust company located and authorized to do business in this State; provided, however, that such time deposit accounts or certificates of deposit be secured by a pledge of obligations of the State of New York or obligation of any municipal corporation, school district or district of the State of New York as authorized pursuant to the provisions of Section II of the General Municipal Law of the State of New York. Investment may also be made in obligations of the State of New York subject to conditions set forth in Section II of the General Municipal Law.

**2011-08)** Adopt the following annual salaries for the calendar year 2011:

Town Board Members (4)-each	\$10,000.00
Town Justices (2)-each	\$27,770.86
Court Officer	\$ 19.44/hour
Senior Court Clerk	\$ 19.75/hour
Assistant to Senior Court Clerk	\$ 13.67/hour
Supervisor	\$58,366.80
Secretary to the Supervisor	\$37,886.30
Comptroller	\$74,240.93 <sub>1</sub>
Assistant Comptroller	\$ 28.48/hour
Staff Accountant	\$48,919.85

Payroll/Personnel Clerk	\$28,560.00
Receiver of Taxes	\$32,960.00
Deputy Tax Receiver	\$ 15.11/hour
Tax Clerk	\$ 12.13/hour
Tax Clerk	\$ 11.62/hour
Budget Officer	\$ 6,780.73
Assessor	\$51,341.55
Assistant to the Assessor	\$32,057.71
Data Collector (as needed)	\$ 12.39/hour
Board of Assessment Review – (BAR)-Chair	\$ 540.00 <sup>2</sup>
BAR Members (each)	\$ 450.00 <sup>2</sup>
BAR- Secretary	\$ 248.40 <sup>2</sup>
Town Clerk	\$52,903.09
Deputy Town Clerk	\$41,801.24
Deputy Town Clerk	\$32,057.71
Records Management	\$ 22.97/hour
Buildings/Janitorial	\$ 17.81/hour
Police Chief	\$72,078.83
Police Officers (part-time)	\$ 18.07/hour
Dog Control Officer	\$13,249.35
Highway Superintendent	\$58,856.45
Secretary to Highway Superintendent	\$ 16.25/hour
Secretary to Park	\$ 16.25/hour
Park Attendant (part-time)	\$ 12.25/hour
Director of Youth and Recreation	\$ 9,994.60
Historian	\$ 2,065.00
Director of Transfer Station Operations	\$47,633.81
Park Manager	\$ 17.50/hour
Building Inspector	\$51,330.94
Secretary Building Department	\$34,456.59
Registrar of Vital Statistics (2) - each	\$ 1,169.82
Director of Zoning & Planning/Zoning Enforcement Officer	\$46,250.00 <sup>3</sup>
Secretary to Director of Planning/Zoning	\$28,182.09
Secretary to Director of Planning/Zoning	\$ 15.48/hour <sup>4</sup>
Zoning Board Attorney	\$ 9,293.10
Zoning Board Chairperson	\$ 1,545.00 <sup>5</sup>
Zoning Board Members	\$ 1,030.00 <sup>6</sup>
Planning Board Attorney	\$23,618.93
Planning Board Chairperson	\$ 4,120.00 <sup>7</sup>
Planning Board Members	\$ 2,575.00 <sup>8</sup>
Pee Wee Wrestling Instructors (2) - ea.	\$ 500.00
Summer Grounds	\$ 12.76/hour
Wingman	\$ 12.17/hour

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1 Estimated allocation: Comptroller \$72,240.93; Capital Project Fiscal analyst - \$2,000.00

2 Board of Assessment Review – Chairperson- \$90/meeting; Members - \$75/meeting and Secretary - \$41.40/meeting

3 Director of Planning - \$27,750.00; Director of Zoning - \$18,500.00

4 Secretary to Director of Planning/Zoning – Hourly rate paid for attendance at planning/zoning meetings only

5 Zoning Board Chairperson - \$128.75/meeting

6 Zoning Board Members - \$88.84/meeting

7 Planning Board Chairperson - \$206.00/meeting

8 Planning Board Members - \$128.75/meeting

- 2011-09)** Pursuant to the Article III, Section 29 (15) of the Town Law, Supervisor Dowds hereby appoints Dawne M. Kelly, as Confidential Secretary to the Supervisor, at the annual salary set forth in resolution 2011-08.
- 2011-010)** Pursuant to the Arts and Cultural Affairs Law, Supervisor Dowds hereby appoints Diane Hutchinson, Town Historian at the annual salary set forth in resolution 2011-08.
- 2011-011)** Appoint David L. Gruenberg as Attorney to the Town, pursuant to retainer agreement dated January 28, 2010, remuneration as set forth in Year 2011 adopted budget (\$24,000.00).
- 2011-012)** Approve contract with Columbia-Greene Humane Society and authorize Supervisor Dowds to execute and administer contract for calendar year 2011, subject to approval as to form by the Attorney to the Town.
- 2011-013)** Pursuant to Town Law § 150(2), appoint Dennis Dowds as Police Commissioner without additional compensation. Term to expire on December 31, 2011.
- 2011-014)** Appoint Walter Wheeler as Web-master, remuneration as set forth in Year 2011 adopted budget (\$4,130) and further authorize Supervisor Dowds to execute a independent contractor agreement with Walter Wheeler as Web-master, subject to approval by Attorney to the Town as to form.
- 2011-015)** Appoint Karen A. Vecchione ADA Coordinator for the calendar year 2011.
- 2011-016)** Appoint William Dikant part-time Justice Court Officer for the calendar year 2011 at hourly rate set forth in resolution 2011-08.
- 2011-017)** Appoint David Calarco as Chairman of the Zoning Board of Appeals for the calendar year 2011.
- 2011-018)** Establish the mileage rate of 51 cents per mile pursuant to I.R.S. rate for the calendar year 2011.
- 2011-019)** Pursuant to Article III, §30 of the Town Law, the Receiver of Taxes hereby appoints Nancy Lawlor as Deputy Receiver at the hourly rate set forth in resolution 2011-08.
- 2011-020)** Designate **The Record** as official Town newspaper for the calendar year 2011.

- 2011-021)** Approve contracts and authorize Supervisor Dowds to execute and administer contracts with Castleton Volunteer Ambulance Service, Inc., and Nassau Ambulance for provision of emergency medical services for 2011 as set forth in the Year 2011 adopted budget.
- 2011-022)** Appoint Gene Paul Martel as the Dog Control Officer for the calendar year 2011 pursuant to the Year 2011 adopted budget.
- 2011-023)** Appoint Sheila Golden as Director of Youth and Recreation for the calendar year 2011 at salary set forth in resolution 2011-08.
- 2011-024)** Appoint Karen Justus as Assistant to the Assessor at annual salary set forth in resolution 2011-08.
- 2011-025)** Appoint Kathleen A. Blake Affirmative Action Coordinator for the calendar year 2011.
- 2011-026)** Appoint Diane Lebrecht as Secretary to the Superintendent of Highways at hourly rate set forth in resolution 2011-08.
- 2011-027)** Appoint Laura Palmer as Assistant Comptroller on a part-time basis at the hourly rate set forth in resolution 2011-08.
- 2011-028)** Appoint Stuart McKnight to the position of Park Manager at the hourly rate set forth in resolution 2011-08.
- 2011-029)** Authorize Supervisor Dowds to execute and administer contracts with Village of Castleton-on-Hudson, Castleton Fire Company, the Board of Commissioners of Nassau Fire District Number One, and the Board of Commissioners of the East Schodack Fire District for provision of fire and emergency services in each of the respective fire protection districts.
- 2011-030)** Appoint Jamie Wagner as Assistant to the Senior Court Clerk on a full-time basis at the hourly rate as set forth in resolution 2011-08.
- 2011-031)** Appoint Nadine Fuda as Director of Zoning and Planning/Zoning Enforcement Officer at annual salary as set forth in resolution 2011-08.
- 2011-032)** Appoint Melissa A. Knights, Secretary to Director Planning/Zoning, at annual salary as set forth in resolution 2011-08.
- 2011-033)** Appoint Jennifer L. Mulligan, CPA, as Comptroller at annual salary as set forth in resolution 2011-08.
- 2011-034)** Appoint Cherie Gitto as Staff Accountant at annual salary as set forth in resolution 2011-08.
- 2011-035)** Appoint Kathleen A. Blake as Payroll/Personnel Clerk at an annual salary as set forth in resolution 2011-08.

- 2011-036)** Appoint Roland D. Ferris as Data Collector on a part-time basis as deemed appropriate by the Assessor at an hourly rate as set forth in resolution 2011-08.
- 2011-037)** Appoint Sandra Schell (\$12.13), Elizabeth Swahlan (\$11.62) and Michael Lubbers (\$11.62) as part-time Tax Clerks at an hourly rate as set forth in resolution 2011-08.
- 2011-038)** Appoint members to the Public Safety Advisory Committee as follows: Debbie Lammerts and Sergeant Jonathan Reickert to three-year terms to expire on December 31, 2013.
- 2011-039)** Appoint Nicole A. Thomas as part-time janitorial staff at an hourly rate as set forth in resolution 2011-08.
- 2011-040)** Appoint Stuart McKnight, Richard Eckel, Josh Walters, Jason Laurenzo, Thomas M. D. Jones, Alan Roehr Jr., Peter Zownir and Clark Roehr as part-time police officer at an hourly rate as set forth in resolution 2011-08.
- 2011-041)** Authorize Supervisor Dowds to execute New York State Office of Children and Family services, Individual Program Application, Agency Summary for Youth and Recreation for the Period of January 1 through December 31, 2011.
- 2011-042)** Appoint the following as Fire Marshals for 2011: Dawne M. Kelly - Town Hall; Stuart McKnight - Police Station; and Harry Duncan - Highway Garage.
- 2011-043)** Authorize Director of Planning and Zoning Nadine Fuda to attend seminars for the Annual Meeting of the Associations of Towns February 20-23, 2011 with appropriate expenses to be borne by the Town.
- 2011-044)** Authorize Donna Conlin as the voting delegate for the Town of Schodack at the Annual Meeting of the Association of Towns.
- 2011-045)** Approve contracts and authorize Supervisor Dowds to execute contracts with the Castleton Public Library, East Greenbush Community Library, and Nassau Free Library as set forth in the Year 2010 adopted budget.
- 2011-046)** Town officials and/or personnel authorized by resolution of the Town Board to attend the Annual Meeting of the Association of Towns of New York State shall be reimbursed for expenses under Section 77-b of the General Municipal Law up to an amount of \$1,000. Such amount will reimburse all lodging, transportation, meals, and registration expenses. Those so authorized may obtain an advance of expenses as provided in subsection 6 of Section 77-b. Receipts must be obtained for all applicable expenses.
- 2011-047)** Appoint Robert W. Linville, Esq., as Attorney for the Planning Board and Zoning Board of Appeals at salary as set forth in resolution 2011-08.

- 2011-048)** Appoint G. Jeffrey Haber as a member of the Planning Board. Term to expire on December 31, 2017.
- 2011-049)** Appoint Anthony Maier as a member of the Zoning Board of Appeals. Term to expire December 31, 2015.
- 2011-050)** Appoint Philip Danaher, Esq., to act as Deputy Attorney to the Town (at no compensation) and to act as the Town/Traffic Prosecutor for Vehicle and Traffic matters at Schodack Justice Court, pursuant to retainer agreement dated January 29, 2010, remuneration as set forth in Year 2011 adopted budget (\$11,400.00).
- 2011-051)** Pursuant to Chapter 32 Section 1 of the Code of the Town of Schodack, appoint Peter D. Schweigert; Allison Signor; Gary Ziegler, Code Enforcement Officer; Jeffrey Arno, Police Officer; Christopher Oglesby; Detective James Morgan; Steven Kelly, and Matthew Carner to the Town of Schodack Fire Investigation Unit for the calendar year 2011.
- 2011-052)** Ratify the Memorandum of Agreement by and between the Town of Schodack and United Public Service Employees Union (Police Unit) executed by Supervisor Dowds on December 6, 2010 and further authorize Supervisor Dowds to execute, on behalf of the Town, a collective bargaining agreement incorporating the terms of said Memorandum of Agreement in a form acceptable to counsel for the Town.
- 2011-053)** Authorize Robert W. Linville, Esq., to represent the Town and Zoning Enforcement Officer, in Department of Justice matters as they may arise, on an hourly basis at the rate of \$150.00 per hour.
- 2011-054)** Authorize Supervisor Dowds to execute and administer contract for professional services from the Laberge Group to assist the Town Board for 2011. Hourly rates for 2011 are as follows: Principal/project manager \$157.00, Project Engineer \$108.00, Assistant Engineer \$81.00 and Administrative Assistant \$57.00.

**January 13, 2011**

- 2011-055)** Authorize Supervisor Dowds to execute and administer a contract with the Peter J. Andrews VFW Post No. 7337 for the establishment, maintenance and operation of programs devoted, in whole or in part, to the welfare of veterans for an amount not to exceed \$4,500.00 Terms and conditions of the contract are subject to approval by Attorney to the Town as to form and substance. (As budgeted)
- 2011-056)** Authorize Supervisor Dowds to execute contracts with the Edward C. Swartz Southern Tier Senior Center (\$4,000.00) and Castleton Senior Citizens (\$4,000.00) for the establishment, maintenance and operation of programs devoted, in whole or in part, to the welfare of the aged. The terms and

conditions of said contracts are subject to the approval by Attorney to the Town.  
(As budgeted)

**2011-057)** Authorize Supervisor Dowds to execute agreement on behalf of the Town of Schodack with the Rensselaer County STOP DWI program for the calendar year 2011.

**2011-058)** Authorize the following individuals for appointment to the Winter Youth Recreation Program, as recommended by the Director of Youth and Recreation. Pee Wee Wrestling - Thomas Gibbons and Geoff Scheiding at salary as set forth in the Year 2011 adopted budget.

**2011-059)** Authorize Town Clerk to execute and administer change order with General Code relative to an electronic document management system (Avante) to conduct On-Site training sessions for Donna Conlin, Town Clerk, Karen Vecchione and Lois Ciccolella Deputy Town Clerks at a cost not to exceed \$1,500.00. [As budgeted]

**2011-060)** Amend resolution 2010-276 adopted August 12, 2010 appointing David Gruenberg, Esq. to represent the Town as special counsel in the matter of The Spinney at Pond View LLC and Cobleskill Properties Associates LLC-v-Town Board of the Town of Schodack as Improvement District Commissioners for Consolidated Water District No. 101 and Katherine E. Lubbers as Town of Schodack Receiver of Taxes to increase authorized total amount of legal fees from \$1,500.00 to a total not to exceed \$3,500.00.

**2011-061)** WHEREAS, the Town Board delegated its annual auditing responsibilities of all Town departments which received or disbursed money in the previous fiscal years pursuant to Section 123 of Town Law to the Town Comptroller, and

WHEREAS, the Town Comptroller performed the audit in accordance with the guidelines provided by the New York State Office of the State Comptroller as published in the Local Government Management Guide – Fiscal Oversight Responsibilities,

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts the audit report submitted for Justice Court for the fiscal year 2010.

**2011-062)** Appoint Matthew Tonkin as part-time Tax Clerk at an hourly rate of \$11.62.

**2011-063)** **WITHDRAWN:** *“WHEREAS, the Town Board of the Town of Schodack has caused the preparation of an updated Comprehensive Plan based upon previous studies, reports and plans prepared for the Town of Schodack; and*

*WHEREAS, the proposed action has been determined to be a Type 1 Action, pursuant to 6 NYCRR Part 617, New York SEQRA; and*

*WHEREAS, the Town Board is the only identified Involved Agency and therefore a Coordinated Review is not necessary; and*

*WHEREAS, the Comprehensive Plan identifies the goals and strategies by which the Town looks to achieve sustainable vitality, high quality of life, and to direct actions and resources in*



*response to the future needs of both its residents and businesses, this Town of Schodack Comprehensive Plan will act as a vision for the future of the Town, and WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on December 9, 2010 at 7:30 p.m. at the Schodack town hall to hear all interested parties on the proposed Final Comprehensive Plan, and*

*WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on November 22, 2010 and advertised in the November 30, 2010 edition of THE RECORD, official newspaper of the Town, and*

*WHEREAS, said public hearing was held on December 9<sup>th</sup>, at 7:30 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 Comprehensive Plan or any part hereof, and*

*WHEREAS, the Town Board made the Final Comprehensive Plan available to involved agencies, interested parties, and the public from December 10, 2010 through December 21, 2010 at which time the public comment period closed, and*

*WHEREAS, pursuant to Part 617 of the implementing regulations of Article 8, State Environmental Quality Review Act (SEQRA), the Town Board declared that it is the lead agency for SEQRA purposes and said Board hereby determined that said Final Comprehensive Plan will not have a significant adverse impact upon the environment and hereby issues a Negative Declaration, and*

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

*NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack hereby adopts the Final Comprehensive Plan of the Town of Schodack as amended January 2011."*

- 2011-064)** Authorize Supervisor to execute and administer agreement with Upstate Appraisal Services for professional services for 2011 relative to commercial assessment for Tax Map Parcel Numbers 178.-12-9, 178.-15-5.2, 189.-10-15 , and 200.-6-8 in an amount not to exceed \$1,600.00, based on 16 billable hours maximum.
- 2011-065)** Authorize Supervisor Dowds to execute ASCAP license Agreement, subject to review and approval as to form by Attorney to the Town, and authorize payment of \$309.00 licensing fee to ASCAP.
- 2011-066)** Authorize Supervisor Dowds to contract with musicians to perform at the 2011 Music in the Park as follows:
- |          |                       |          |
|----------|-----------------------|----------|
| Triskele | June 14 <sup>th</sup> | \$300.00 |
|----------|-----------------------|----------|
- 2011-067)** Authorize the Town Clerk to publish legal notice to solicit bids for one (1) Dump Truck with sander, plow and wing attachments pursuant to specifications prepared by the Superintendent of Highways.
- 2011-068)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0001 to 11-0150 on Abstract No. 01-11, in the amount of \$125,391.31, including the claims paid (\$16,237.31) since the previous town board meeting.
- 2011-069)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**January 27, 2011**

**2011-070)** Request Rensselaer County Board of Elections to designate the following as official election polling places for the Town of Schodack:

- District 1 - Love Lutheran Church, Pheasant Lane
- District 2 - Schodack Landing Firehouse, Firehouse Lane
- District 3 - Emmanuel Reformed Church, Maple Hill Road
- District 4 - East Schodack Firehouse, Route 150
- District 5 - Castleton Elementary, Scott Avenue
- District 6 - Edward Swartz Southern Tier Senior Center, Route 150
- District 7 - South Schodack Firehouse, Bame Road
- District 8 - Edward Swartz Southern Tier Senior Center, Route 150
- District 9 - East Schodack Firehouse, Route 150
- District 10 - Castleton Elementary, Scott Avenue

**2011-071)** Appoint Bryan Goldberger, Esq. of Goldberger & Kremer as Labor Counsel at an hourly rate of \$195.00. This authorization shall not to exceed the 2011 budgeted allotment without further action of the Town Board.

**2011-072)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Konica Minolta Bizhub 600 copier on the third floor at the Town Hall, ID # 285CH, for the period February 2, 2011 to February 1, 2012 for \$1148.00 annually. Contract includes 168,000 copies annually with an overage charge of \$0.00680 per copy.

**2011-073)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Muratec 2030D copier in the Court/Meeting room, ID#144CH, for the period February 2, 2011 to February 1, 2012 for \$480.00 annually. Contract includes 24,000 copies annually with an overage charge of \$0.01903 per copy.

**2011-074)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox Work Centre M20 copier in the Justice Ct., ID#938CH, for the period February 2, 2011 to February 1, 2012 for \$453.00 annually. Contract includes 24,000 copies annually with an overage charge of \$0.01882 per copy.

**2011-075)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox Work Centre 4150x copier in the Police Dept., ID#812CH, for the period February 2, 2011 to February 1, 2012 for \$528.00 annually. Contract includes 42,000 copies annually with an overage charge of \$0.01254 per copy.

**2011-076)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox Work Centre 5225p copier on the second floor (Assessor & Receiver of Tax offices) at the Town Hall, ID # 973CH, for the period February 2, 2011 to

February 1, 2012 for \$456.00 annually. Contract includes 30,000 copies annually with an overage charge of \$0.01505 per copy.

**2011-077)** Authorize Supervisor Dowds to execute and administer an annual maintenance agreement, including parts and labor, with Eastern Copy Products, LLC for the Xerox Savin 8025 copier on the first floor (Town Clerk's office) at the Town Hall, ID # 655BA, for the period February 2, 2011 to February 1, 2012 for \$267.00 annually. Contract includes 30,000 copies annually with an overage charge of \$0.00847 per copy.

**2011-078)** WHEREAS, the Town Board of the Town of Schodack has caused the preparation of an updated Comprehensive Plan based upon previous studies, reports and plans prepared for the Town of Schodack; and

WHEREAS, the proposed action has been determined to be a Type 1 Action, pursuant to 6 NYCRR Part 617, New York SEQRA; and

WHEREAS, the Town Board is the only identified Involved Agency and therefore a Coordinated Review is not necessary; and

WHEREAS, the Comprehensive Plan identifies the goals and strategies by which the Town looks to achieve sustainable vitality, high quality of life, and to direct actions and resources in response to the future needs of both its residents and businesses, this Town of Schodack Comprehensive Plan will act as a vision for the future of the Town, and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on December 9, 2010 at 7:30 p.m. at the Schodack town hall to hear all interested parties on the proposed Comprehensive Plan, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on November 22, 2010 and advertised in the November 30, 2010 edition of THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on December 9<sup>th</sup>, at 7:30 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 Comprehensive Plan or any part hereof, and

WHEREAS, the Town Board made the Comprehensive Plan available to involved agencies, interested parties, and the public from December 10, 2010 through December 21, 2010 at which time the public comment period closed, and

WHEREAS, pursuant to Part 617 of the implementing regulations of Article 8, State Environmental Quality Review Act (SEQRA), the Town Board declared that it is the lead agency for SEQRA purposes and said Board hereby determined that said Final Comprehensive Plan will not have a significant adverse impact upon the environment and hereby issues a Negative Declaration, and

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

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Schodack hereby adopts the Comprehensive Plan of the Town of Schodack as amended January 2011; provided, however, that updated Town Maps and 2010 census data shall be incorporated in such Comprehensive Plan at their earliest availability, and shall be a part of such Comprehensive Plan.

- 2011-079)** Authorize Town Clerk to execute and administer agreement with 3-N Document Destruction, Inc. for off-site storage of microfilm and document storage, as necessitates, in the amounts stated in their proposal.
- 2011-080)** Authorize Supervisor Dowds to execute and administer agreement with Eco International for responsible electronics recycling and collection as per agreement dated January 21, 2011. Recycling charges are as follows: Straight Fluorescent Lamps at \$.72 per pound, U-tubes and Circular Fluorescent Lamps at \$.95 per pound, Compact Fluorescent Lamps at \$2.61 per pound and Batteries (containing Mercury) Alkaline, Nickel Cadmium, Nickel Ion, Nickel Metal Hydride, Carbon Zinc and Zinc Air at \$.83 per pound.
- 2011-081)** Accept proposal dated January 19, 2011 from Laberge Group to provide Professional Services relative to Map, Plan and Report for 9 & 20 Corridor Sewer Improvements in an amount not to exceed \$13,000.00.

**February 10, 2011**

- 2011-082)** Authorize Supervisor Dowds to contract with musicians to perform at the 2011 Music in the Park as follows:  

Winchester & Young	June 21st	\$225.00
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- 2011-083)** Appoint Clyde Knott as a part-time park attendant, under the direction of Stuart McKnight, at the hourly rate set forth in resolution 2011-08, effective April 9 through October 31, 2011, as needed.
- 2011-084)** Authorize the establishment of Capital Project No. H036 for 9 & 20 corridor Sewer improvements with a budget as follows:  

Appropriations in the amount of \$13,000.00 in account 8130.2 to be funded by an interfund loan from General Town-Wide Fund (A).
- 2011-085)** Amend the Transfer Station fee schedule as adopted in resolution 2010-421 on December 29, 2010 to designate the following: Spring Clean Up Days are May 19, 20 and 21, Fall Clean Up Days are October 20, 21 and 22 at the Transfer

Station and Household Hazardous Waste Day is September 24 at the Highway Garage.

- 2011-086)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0051 to 11-0305 on Abstract No. 02-11, in the amount of \$1,208,428.30, including the claims paid (\$115,448.77) since the previous town board meeting.
- 2011-087)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

### **February 24, 2011**

**2011-088)** WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, TOWN OF SCHODACK herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for STATE Aid for the Household Hazardous Waste program to be held on September 24;

NOW, THEREFORE, BE IT RESOLVED BY TOWN BOARD

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That Bruce Goodall or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for the State share of such costs.
4. That four (4) Certified Copies of this Resolution be prepared and sent to New York State Department of Environmental Conservation together with a complete application.

5. That this resolution shall take effect immediately.

**2011-089)** **WITHDRAWN:** *“WHEREAS, pursuant to the franchise agreement between Time Warner Cable (“TWC”) and the Town of Schodack, TWC pays the Town a fee for a special franchise to operate its cable television business in the public right- of-way, and*

*WHEREAS, for the year 2010 TWC paid the Town of Schodack \$79,189.30 in franchise fees, and*

*WHEREAS, TWC was levied a total of \$3,449.12 in Town taxes on five special franchise properties, and*

*WHEREAS, Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and*

*WHEREAS, Section 626(2) of the Real Property Tax Law provides that the person responsible for collecting the franchise fee shall deliver to the Town of Schodack a certificate showing the amount of the franchise fee paid for the year ending on the date set forth in the certificate, and*

*WHEREAS, upon receipt of the certificate, the law requires the Town of Schodack to enter a credit on the tax roll in the amount shown on the certificate, and*

*WHEREAS, Rensselaer County Bureau of Finance is responsible for entering the credit on the tax roll, and*

*WHEREAS, pursuant to Section 626, the TWC Tax Department returned the Town’s Special Franchise tax bill, and*

*WHEREAS, TWC is required to make a request in order to receive a credit on the tax roll, and*

*WHEREAS, the Town has received a request for the credit on property taxes assessed in 2011 from the franchise fees paid during 2010,*

*NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$3,449.12 to Rensselaer County Bureau of Finance based on the 2011 TWC Utility report on said franchise properties assessed within the Town of Schodack.”*

**2011-090)** 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 said 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 4<sup>th</sup> of February received notice that My Place and Company is applying for renewal of its on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 My Place and

Company at 1640 Columbia Turnpike, Schodack, New York for a renewal license to sell alcoholic beverages for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said renewal.

- 2011-091)** Approve the list of Volunteer Ambulance Workers Service Award Program Participants for all 2010 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Service Inc., as submitted.
- 2011-092)** Authorize Partial Payment Estimate No. 5 for the work completed by Jersen Construction Group, LLC Contract No. 8 Water District Nos. 1 & 3 in the total amount of \$15,524.00, less retainage of five percent (5%) in the amount of \$776.20, less additional retainage of \$750.00 as a result of Resolution Nos. 2010-337 and 2010-338 for a total payment not to exceed \$13,997.80 contingent upon receipt and approval of certified payrolls and ARRA reporting by the Town Comptroller.
- 2011-093)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Beberwyk, Mary Ann	1
Ciotti, Mark & Megan	1 (to be removed in spring)
Clow, Robert	1
Davis III, John H.	1
Field, George	1
Freeman, Donna	1
Johnson, Kenneth M.	2
King, Joseph	1
Rapin, Mary Joy and John	1
Skarzynski, Kim & Jerry	1

**March 10, 2011**

- 2011-094)** Authorize Supervisor Dowds to execute a supplemental shelter agreement with Drumm Veterinary Hospital to satisfy the requirements of the New York State Department of Agriculture and Markets. It is the policy of the Town that owners, if located, shall be responsible for charges incurred at Drumm Veterinary Hospital and/or Columbia-Greene Humane Society when pets are claimed, as may be allowed by law.
- 2011-095)** Authorize Supervisor Dowds to execute renewal application with St. Paul Travelers for crime, employee faithful performance and computer fraud bond at the annual cost of \$1,279.00.
- 2011-096)** Authorize Town Clerk Donna Conlin to attend the annual New York Town Clerk's Association Conference in Buffalo, New York May 1 through May 4, 2011. Costs estimated at \$1200.00, which includes conference, food, lodging and transportation, shall be borne by the Town. (This is a 2011 budgeted item)

**2011-097)** 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 said 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 10<sup>th</sup> of December, 2010 received notice that Hooligans Restaurant and Bar is applying for an on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 Hooligans Restaurant and Bar at 3531 Route 20, Schodack, New York for a license to sell alcoholic beverages for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said renewal.

**2011-098)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Cedar Acres	
Garden Home Mgmt.	21
Curtis Trailer Park	
Garden Home Mgmt.	70
Gaylord, Donald	1
Sundowner Park	
Hanson, Thomas & Debra	6
Leavenworth Trailer Park	
Buck, Clemens	17

**2011-099)** All civil service requirements having been met for the position of Police Officer, the Town hereby appoints Richard Eckel to the position of full-time Police Officer effective March 16, 2011 at entry level salary as set forth in the Collective Bargaining Agreement between the Town of Schodack and Schodack Police Department, United Public Service Employees Union (UPSEU) dated January 1, 2010 through December 31, 2012.

**2011-0100)** **WHEREAS**, the local share of sales tax for the County of Rensselaer (including its cities and towns) was increased by one percent in 1994 by act of the New York State Legislature in order to stabilize finances during a period of economic downturn, and

**WHEREAS**, current economic factors threaten the fiscal well being of all levels of government in the County of Rensselaer, and



**WHEREAS**, it is estimated that loss of said one percent local share of sales tax would result in a reduction in the sales tax distribution of \$275,348.00 to this municipality alone, and

**WHEREAS**, the additional one percent local share of sales tax in the County of Rensselaer will expire on November 30, 2011, unless extended by State legislative action,

**NOW, THEREFORE, BE IT RESOLVED** that the New York State Senate and Assembly are hereby requested to draft and introduce legislation extending the additional one percent local share of sales tax in the County of Rensselaer for the period commencing December 1, 2011 and ending on November 30, 2013, and

**BE IT FURTHER RESOLVED** that the Town Clerk shall transmit certified copies of this resolution to State Senator Roy J. McDonald and Assemblyman Steven F. McLaughlin to demonstrate the support of the Town Board of the Town of Schodack for this legislative action.

**2011-100)** Authorize Bruce Goodall, Transfer Station Director to file an application with New York State Department of Environmental Conservation for Municipal Electronic waste collection site status.

**2011-101)** To request New York State Department of Transportation to conduct a traffic safety study relative to the Hillcrest Avenue, Hillcrest Road and Champagne Drive area Speed limit.

**2011-102)** **WHEREAS**, the Town of Schodack Town Board has caused the preparation of a Brownfield Opportunity Area (BOA) Grant Application to be prepared and submitted to the New York State Department of State based upon previous studies, reports and plans prepared for the Town of Schodack; and

**WHEREAS**, the Town of Schodack Town Board is proposing to establish a portion of the Town along Route 9 and 20 as the “Study Area” to be included in the BOA Grant Application and

**WHEREAS**, the BOA Grant Application has been prepared in accordance with the guidelines established by the New York State Department of State (NYS DOS) for the Nomination Study (Step 2) of the BOA Program; and

**WHEREAS**, the BOA Nomination Study, if awarded, will provide an in-depth and thorough description and analysis, including an economic and market trends analysis, of existing conditions, opportunities, and re-use potential for properties located in the proposed BOA, with an emphasis on the identification and reuse potential of strategic brownfield sites that are catalysts for revitalization, as well as area-wide infrastructure improvements; and

**WHEREAS**, it is anticipated that the BOA Nomination Study will result in future redevelopment of several brownfield, abandoned, underutilized, strategic and/or vacant sites, as well as achieve a sustainable Town Center for Schodack, high quality of life for its residents and business community, and direct actions and resources in response to the future needs of the Town.

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby calls for a Public Hearing in regards to the BOA Grant Application on March 24, 2011 at 7:30 P. M. at Town of Schodack Town Hall, 265 Schuurman Road; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes the BOA Grant Application to be made available to the public from March 25, 2011 through April 25, 2011(a minimum of thirty days) at which time the public comment period will be closed.

**2011-103)** Authorize the Comptroller’s recommendation to direct the Town Supervisor to pay the claims #11-0306 to 11-0448 on Abstract No. 03-11, in the amount of \$318,007.14, including the claims paid (\$73,626.63) since the previous town board meeting.

2011-104) Authorize the following budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller:

**March 24, 2011**

2011-105) Ratify and affirm authorizing the amendment of resolution 2010-296 adopted on September 9, 2010, resolution 2009-369 adopted on August 13, 2009 and resolution 2008-443 adopted on December 11, 2008 appointing Robert Beebe, Esq., as special counsel for matters related to Tax map number 220.-3-8.2 (tax certiorari) to increase the authorized total amount of legal fees from \$20,657.92 to a total not to exceed \$21,657.92.

2011-106) WHEREAS, resolution 2011-021 was adopted January 6, 2011 authorizing Supervisor Dowds to execute and administer contracts with Castleton Volunteer Ambulance Service, Inc., and Nassau Ambulance, and

WHEREAS, it was deemed there were certain elements in the contracts requiring updates, and

WHEREAS, the contracts have been revised to incorporate the necessary language to address the elements

NOW THEREFORE BE IT RESOLVED that Town Board approves the revised contracts and

BE, IT FURTHER RESOLVED THAT the Town Board authorizes Supervisor Dowds to execute and administer revised contracts with Castleton Volunteer Ambulance Service, Inc., and Nassau Ambulance for provision of emergency medical services for 2011 as set forth in the Year 2011 adopted budget.

2011-107) **WITHDRAWN:** *“Authorize ESCO Inc. to remove a heat pump in the First Floor Electrical Room adjacent to the Town Clerk’s Office and install a new 12,000 BTU heat pump including a new thermostat and hose kit in an amount not to exceed \$3,500.00.”*

2011-108) **WITHDRAWN:** *“Authorize ESCO Inc. to remove a heat pump in the Basement and install a new 24,000 BTU heat pump including a new thermostat and hose kit in an amount not to exceed \$3,955.00.”*

2011-109) **WITHDRAWN:** *“Authorize ESCO Inc. to remove a heat pump in the Lunch Room and install a new 19,000 BTU heat pump including a new thermostat and hose kit in an amount not to exceed \$3,780.00.”*

2011-110) **WITHDRAWN:** *“Authorize final payment to J.A. Bradley & Sons, Inc. for work completed pursuant to Contract No. 5E for Electrical Work for a total amount not to exceed \$7,200.00, which includes retainage less \$5,563.00 for the cost of the VFD previously released to Stephen Miller General Contractors, Inc. pursuant to Resolution No. 2010-282 for a total payment of \$1,637.00. This authorization is contingent upon review and approval of documentation for contractor’s release of liens.”*

2011-111) WHEREAS, pursuant to the franchise agreement between Time Warner Cable (“TWC”) and the Town of Schodack, TWC pays the Town a fee for a special franchise to operate its cable television business in the public right- of-way, and

Rescinded by [2011-105] on 4/28/11

WHEREAS, for the year 2010 TWC paid the Town of Schodack \$79,189.30 in franchise fees, and  
 WHEREAS, TWC was levied a total of \$3,449.12 in Town taxes on five special franchise properties, and  
 WHEREAS, Section 626(1) of the Real Property Tax Law of the State of New York provides that the amount paid as a franchise fee is to be deducted from the taxes levied on a special franchise, and  
 WHEREAS, Section 626(2) of the Real Property Tax Law provides that the person responsible for collecting the franchise fee shall deliver to the Town of Schodack a certificate showing the amount of the franchise fee paid for the year ending on the date set forth in the certificate, and  
 WHEREAS, upon receipt of the certificate, the law requires the Town of Schodack to enter a credit on the tax roll in the amount shown on the certificate, and  
 WHEREAS, Rensselaer County Bureau of Finance is responsible for entering the credit on the tax roll, and  
 WHEREAS, pursuant to Section 626, the TWC Tax Department returned the Town's Special Franchise tax bill, and  
 WHEREAS, TWC is required to make a request in order to receive a credit on the tax roll, and  
 WHEREAS, the Town has received a request for the credit on property taxes assessed in 2011 from the franchise fees paid during 2010,  
 NOW, THEREFORE, BE IT RESOLVED to authorize payment of \$3,449.12 to Rensselaer County Bureau of Finance based on the 2011 TWC Utility report on said franchise properties assessed within the Town of Schodack.

**2011-112)** Authorize Supervisor Dowds to execute annual Breathing Air Compressor Service agreements, including parts and labor, with Haight Fire Equipment Supply for the MAKO Make-up Air Compressor housed at Schodack Valley Fire Company for the period May 1, 2011 to April 30, 2013 for an amount not to exceed \$600.00 per semi-annual service, plus \$20.00 fuel surcharge for an amount not to exceed \$2,480 and with quarterly Air quality test for a the sum of \$175.00 per test, plus \$20.00 fuel surcharge for an amount not to exceed \$1,560.00

**2011-113)** **WITHDRAWN:** *“Authorize Stuart McKnight to purchase a Kubota RTV500-H Utility Vehicle with V4311 Modular Hard Cab including V4310 mounting kit and V4308 60” front blade, RTV500 Lift Kit, V4325 Front Grille Guard, K7311-97312 Front Winch mount Platform, V377 Winch, V4314 Cab heater, V4367 Windshield Wiper Kit and 9Y121-01400 Shop Manual from Sharon Springs Garage for a cost of \$12,131.46 and 54” 20 horse power, snowblower attachment from J & J Enterprise for \$4,350 for total cost not to exceed \$16,481.46 for use in the park to maintain trails, remove brush and debris, and enhance park security, and further authorize appropriation from the Parkland Fund in the amount of \$16,481.46.”*

**2011-114)** Authorize Supervisor Dowds to contract with musicians to perform at the 2011 Music in the Park as follows:

Tri-County Banjo Band	June 7 <sup>th</sup>	\$400.00
Johnny Cassera’s Route 66 Band	June 28 <sup>th</sup>	\$300.00

**2011-115)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Creekside Park	
DCJ Enterprises, LLC.	52
Miller, Sue	2
Miller, Ed	3
Estate of Raymond Nalley	2
Rensselaer Estates	
DCJ Enterprises, LLC	53
Saville, Richard & Rita	1

**2011-116)** WHEREAS effective April 1, 2011, manufacturers of certain electronic devices are responsible for the costs associated with recycling such devices and,

WHEREAS, residents are currently charged a fee at the transfer station for these electronic devices in accordance with the previously approved fee schedule and,

WHEREAS, after April 1, 2011 the Town will no longer incur any expense for accepting these electronic devices at the transfer station it is hereby

RESOLVED that the transfer station fee schedule be amended to reflect the following changes:

CURRENT PRICE	NEW PRICE
Computer W/monitor and/or	
Televisions (was) \$16.00 or 8 punches.....	\$0.00
Computer tower only (was) \$ 5.00 or 3 punches.....	\$0.00
Misc. Electronics – printers, radios,	
Etc. (was) 2.00 or 1 punches.....	\$0.00

**April 14, 2011**

**2011-117)** Whereas, the Town has determined that there is surplus chip and grass material at the Transfer Station generated during the summer of 2010, and

WHEREAS, the Town has determined that said surplus material needs to be removed to reduce a potential fire hazard, and

WHEREAS, the Town has received a written offer from Ken Morris & Sons Excavating, LLC, to pay the Town one dollar (\$1) per cubic yard of material to be removed from the Transfer Station,

NOW, THEREFORE, BE IT RESOLVED that the Town Board has determined that a negotiated sale, rather than a public sale, yields the maximum financial benefits and accepts the offer of Ken Morris & Sons Excavating, LLC, for one dollar (\$1) per cubic yard.

**2011-118)** Eagle Scout Proclamation recognizing Jason Zobre.

**2011-119)** Authorize Supervisor Dowds to execute a contract for additional services with the Laberge Group for the MS4 Consulting Services for the Town of Schodack for 2011/12 MS4 year (March 10, 2011 – March 9, 2012). Fees for Additional Services per Addendum No. 12 are as follows: Administration \$12,000.00, Field Work \$15,500.00, Coalition Meetings \$4,000.00 and Testing Allowance 2,500.00 for a total amount not to exceed \$34,000.00.

**2011-120)** Authorize Supervisor Dowds to execute Letter of Agreement with The Leahy Company, Inc. for Workers' Compensation Insurance premium Recovery Services. The fee will not exceed fifty percent (50%) of the actual refunded premiums. If no recovery, there will be no fee.

**2011-121)** Authorize Supervisor Dowds to execute agreement with NYSDCP for the provision to allow for Roth Contributions in addition to traditional deferred contributions. There is no cost to the Town.

**2011-122)** Whereas, the Town of Schodack Police Department is a member of the Community Emergency Response Team (CERT) comprised of the Town of East Greenbush, Town of North Greenbush, Town of Schodack, and the City of Rensselaer.

Whereas, the four municipalities share the annual operating cost of the CERT by the Town of East Greenbush billing each municipality as costs are incurred;

Whereas, as a matter of efficiency, the Town of East Greenbush would like to bill each municipality at the beginning of the year for its annual share of CERT anticipated costs. Currently budgeted at \$3,500.00. Any unspent funds will be carried over into the next fiscal year reducing the next year's billing and;

Now therefore be it resolved, that the Town Comptroller is authorized to remit \$3,500.00 to the Town of East Greenbush for the Community Emergency Response Team's operating fund, less any amounts already paid in 2011.

**2011-123)** **DEFEATED:** Authorize Stuart McKnight to purchase a Kubota RTV500-H Utility Vehicle with V4311 Modular Hard Cab including V4310 mounting kit and V4308 60" front blade, RTV500 Lift Kit, V4325 Front Grille Guard, K7311-97312 Front Winch mount Platform, V377 Winch, V4314 Cab heater, V4367 Windshield Wiper Kit and 9Y121-01400 Shop Manual from Sharon Springs Garage for a cost of \$12,131.46 for use in the park to maintain trails, remove brush and debris, and enhance park security, and further authorize appropriation from the Parkland Fund in the amount of \$12,131.46

**2011-124)** 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 the 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)
<b>Elected Officials</b>					
Town Justice	Paul Peter	7	1/1/2008 - 12/31/11	N	9.82

**2011-125)** Authorize Supervisor Dowds to contract with musicians to perform at the 2011 Music in the Park as follows:

Mixed Company	May 31 <sup>st</sup>	\$600.00
True Tone	July 5 <sup>th</sup>	\$400.00

**2011-126)** Authorize Supervisor Dowds to issue Bond Anticipation Note renewal dated May 6, 2011 as follows: \$1,151,127.00 for acquisition of land and attached building for use as a town office complex.

**2011-127)** WHEREAS, on February 24, 2011 the Schodack Town Board approved by resolution (2011-091) the Volunteer Ambulance Workers Service Award Program List of all 2010 active Volunteer Ambulance Workers of the Castleton Volunteer Ambulance Services, Inc., and

WHEREAS, the list was forwarded to authorized representatives of the Castleton Volunteer Ambulance Services, Inc. and was posted for thirty (30) days as required by law, and

WHEREAS, they have certified on April 1, 2011 no changes were made to the listing,

NOW, THEREFORE, BE IT RESOLVED, that the Schodack Town Board authorizes Supervisor Dowds to certify to PENFLEX, Inc., that the listing as submitted and posted should be used to determine the funding, the requirements of the Service Award Programs (SAP), the eligibility of persons to be paid benefits and the amount of benefits to be paid to eligible persons.

**2011-128)** Authorize Supervisor Dowds to execute an agreement with Catseye Pest Control, Inc. to install and maintain appropriate pest control measures for the Police Station. Initial start-up service is \$212.00 with monthly maintenance of \$65.00 effective April 15, 2011 to April 15, 2012.

**2011-129)** Appoint Brian Brahm, subject to final approval by the Rensselaer County Civil Service Commission, as a Transfer Station-Operator 2, at an hourly rate as set forth in the Year 2011 adopted budget. Said appointment shall be effective as of May 3, 2011.

**2011-130)** Authorize Supervisor Dowds to execute consulting contract with Upstate Appraisal Services for professional services for 2011 relative to commercial assessments at an hourly rate of \$100.00 including travel, preparation and

Amended by [2011-187] on 6/23/11

analysis, for an expenditure not exceed \$1,200.00 [This is a budgeted item contingent on grievances filed.]

- 2011-131)** Appoint Ann St. Peter as a member of the Board of Assessment Review. Term to expire September 30, 2015.
- 2011-132)** Authorize renewal of the Town's liability insurance policy with NYMIR, including property, general liability, auto, inland marine, boiler & machinery, law enforcement and public officials effective April 1, 2011 with a Six Million Dollar Umbrella, single occurrence with a Twelve Million Dollar aggregate for the premium not to exceed \$90,100.00.
- 2011-133)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0449 to 11-0642 on Abstract No. 04-11, in the amount of \$895,094.87, including the claims paid (\$730,668.33) since the previous town board meeting.
- 2011-134)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**April 28, 2011**

- Amended by [2011-200] on 7/14/11
- 2011-135)** Ratify and affirm authorizing proclamation in honor of Coach Canonica and field dedication.
  - 2011-136)** Rescind resolution 2011-105 adopted on March 24, 2011 and ratify and affirm authorizing the amendment of resolution 2010-345 adopted on November 4, 2010 authorizing Robert Beebe, Esq. to engage both BRB Valuation and Consulting Services and Kleinschmidt Associates, PA, PC to prepare trial ready engineering reports related to tax map number 220.-3-8.2, to increase the authorized total amount for the trial ready appraisal prepared by Kleinschmidt Associates, PA, PC from \$22,000.00 to \$24,000.00.
  - 2011-137)** Authorize the transfer of \$8,605.17 out of the Servidone Subdivision Project Construction escrow (#20-2001) into the Engineering Escrow Account to pay outstanding invoices to the LaBerge Group.
  - 2011-138)** Authorize the release of \$57,780.00 to Mr. John Hedorowski of the Servidone Subdivision Project Construction Escrow (#20-2001), as recommended by Nadine Fuda, Director of Planning and Zoning.
  - 2011-139)** WHEREAS, Sheila Golden, Director of Youth and Recreation, has recommended that the Summer Swim Program take place at the Sidney Albert Albany Jewish Community Center (SAAJCC) in Albany and stated the advantages of using this pool facility,

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves the use of the pool at the Sidney Albert Albany Jewish Community Center (SAAJCC) for



the summer camp program, subject to review as to form by the Attorney to the Town.

BE IT FURTHER RESOLVED to authorize Sheila Golden, Director of Youth and Recreation to execute contract with Sidney Albert Albany Jewish Community Center (SAAJCC) for use of the swimming pool facility for Summer Recreation Program from July 11 to August 5, 2011 for the Schodack Youth and Recreation Department in an amount not to exceed \$4,600.00. A deposit of \$1,150.00 shall be payable by June 27, 2011 and the remaining \$3,450.00 shall be paid by August 1, 2011.

**2011-140)** To approve the 2011 Road Program as proposed by the Superintendent of Highways to resurface with hot-mix asphalt on Bri-Lan Avenue, Green Briar Way, Cherry Vale Lane, Kevin Lane, Oakwood Drive, Apple Tree Lane, and Carolyn Road. In addition, resurface with double chip sealing treatments on Bunker Hill, Sunset and Schuurman Roads.

**2011-141)** Authorize Katherine E. Lubbers, Receiver of Taxes, to attend the New York State Tax Receiver and Collectors 2011 Annual Training in Lake Placid, New York, June 12 -15, 2011 at an estimated total cost of \$786.00, as budgeted.

**2011-142)** Authorize Jan Spring and Shawn Zinzow to attend New York Rural Water Associate's Technical Conference, May 10<sup>th</sup>, 11<sup>th</sup> and 12<sup>th</sup>, 2011 in Saratoga Springs at a cost of \$275.00 each, at an estimated total cost of \$550.00, as budgeted.

**2011-143)** Authorize payment to J. Kenneth Fraser and Associates, in the amount of \$2,180.50 for Engineering Services relative to Castleton Supply Improvements. Costs are determined to be planning of capital improvements under GML §99-D.

**2011-144)** 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 said 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 21<sup>st</sup> of April received notice that Brookview Station Winery at Goold's Orchard is applying for renewal of its on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 Brookview Station Winery at Goold's Orchard at 1297 Brookview Station Road, Schodack, New York for a renewal license to sell alcoholic beverages for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said renewal.

**2011-145)** Authorize Supervisor Dowds to execute a contract for Legal services relative to Water and Sewer System Issues with Tabner, Ryan and Keniry, LLP based on per hour fee schedule dated July 30, 2010, Partners \$225.00, Associates \$175.00 and Paralegals \$100.00 for an amount not to exceed \$10,000.00.

**2011-146)** **WHEREAS**, the County of Rensselaer has presented to the Town of Schodack, by petition dated April 27, 2011, a request to extend the boundary of Water District numbers 9 and 101 to include approximately 2.906 acres of land owned by the county, and located on the southerly side of Route 150 approximately 500 feet easterly of the intersection of Route 150 with US Route 9 in the Town of Schodack; and

**WHEREAS**, said property is more fully described in a deed to the County from Marian E. Laurange, dated April 1, 1982, and recorded in the Rensselaer County Clerk's office in book 1344 of Deeds at Page 150 and shown on a map attached to said petition, prepared by Clough, Harbour and Associates; and

**WHEREAS**, the improvements proposed by the petition consist of the installation of water lines to connect the benefited property to existing town waterlines to serve the property within the extension; and

**WHEREAS**, the proposed cost of the improvement is \$9,995.00, the entire cost of which will be borne by the owner of the benefited properties, resulting in no additional cost to the district;

**NOW, THEREFORE**, notice is hereby given that the Town Board shall meet on May 26, 2011 at 7:30 p.m., to consider the petition and to hear all persons interested in the subject thereof; and it is further

**RESOLVED**, that the Town Clerk is hereby directed to publish a copy of such order in the official newspaper of the town, pursuant to the provisions of Town Law Section 193(1)(a).

**2011-147)** **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 said 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 7<sup>th</sup> of April received notice that the Scarnato's Ristorante is applying for renewal of its on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 Scarnato's Ristorante at 133 Scott Avenue, Schodack, New York for a renewal license to sell alcoholic beverages for on-premises consumption, the Schodack Town Board does express a favorable opinion as to said renewal.

**2011-148)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Pecoraro, Thomas	1

**May 12, 2011**

**2011-149)** Appoint Kathleen A. Blake and Melissa A. Knights as part-time Board of Assessment Review Secretaries with compensation of \$40 per meeting per 2011 Adopted Budget.

**2011-150)** Direct the Attorney for the Town to review Town laws and practices relating to compliance with fair housing requirements, and to report to the Board with his findings and recommendations for any actions to be taken by the Board.

**2011-151)** Authorize Supervisor Dowds to execute and administer agreement with GAR Associates to have Dave Barnett provide Sales and Valuation Modeling services for an estimated 8-10 hours in preparation for the upcoming grievance season at \$75.00 per hour, in an amount not to exceed \$750.00.

**2011-152)** Adopt the fee schedule for Spring Clean Up Days (May 19, 20 & 21) at the Transfer Station as follows:

Refrigerators, freezers, air conditioners & dehumidifiers	\$ 6.00
Tires, rimless (maximum size 16")	\$ 2.00
Larger and rimmed tires	price by size
TVs, computer monitors	FREE
Propane Tanks	FREE
Furniture	FREE
Metal goods	FREE
Push mowers	FREE

Gas grills  
Bicycles

FREE  
FREE

**2011-153)** **WITHDRAWN:** *“Authorize Superintendent of Highways to install stop signs at the T-intersection of Johns Lane at West Drive and at the four-way intersection of Kevin Lane at Bri-Lan (East and West), pursuant to New York State Vehicle and Traffic Law §1660 and §1683 and recommendation of the Superintendent of Highways.”*

**2011-154)** 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 2<sup>nd</sup> day of May, 2011 received notice that Tracy L. Minshell doing business as Sampson’s Bar and Restaurant LLC has applied for an additional seasonal, on-premises liquor license for an outside area, 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,

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; now therefore be it

**RESOLVED**, that the Town Board of the Town of Schodack hereby waives the thirty (30) days notice period in regard to Sampson’s Bar and Restaurant LLC allowing an earlier submission of the liquor license application.

**2011-155)** Appoint Sharon Martin, Sole Assessor on a part-time basis to be compensated at \$28.25 per hour to manage the Board of Assessment Review process and to assist the new Assessor during the transition period not to exceed thirty (30) hours.

**2011-156)** Authorize Town Clerk to publish legal notice of Public Hearing to seek public comment on Proposed Local Law 1 of 2011 to amend the Zoning Schedule of Use Regulations parts 1 through 6 of the Town of Schodack to be held on Thursday, June 9, 2011 at the Schodack Town Hall at 7:30 p.m.

Amended by [2011-185] on 6/23/11

Rescinded by [2011-167] on 5/26/11

- 2011-157) Authorize Supervisor Dowds to execute a two-year contract with Tech II for Small Business web hosting of Town website for an amount not to exceed \$399 for entire two-year contract. This is a 2011 budgeted item.
- 2011-158) Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0643 to 11-0799 on Abstract No. 05-11, in the amount of \$1,595,570.77, including the claims paid (\$1,378,497.36) since the previous town board meeting.
- 2011-159) Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**May 26, 2011**

- 2011-160) Authorize closure of the Schodack Landing Sewer Capital Project Fund (H010) with a transfer of \$27.50 from the Schodack Landing Sewer District No. 8 Fund (SS8) effective December 31, 2010.
- 2011-161) Waive Building Department fees of \$25.00 for Initial Inspection of Meters and Read Out and \$225.00 for Administrative Fee relative to hook up for Rensselaer County Senior Center to Consolidated Water District No. 101.
- 2011-162) **WHEREAS**, the County of Rensselaer, by petition dated April 27, 2011, presented to the Town of Schodack a request to extend the boundary of Water District 101 to include approximately 2.906 acres of land owned by the County, located on the southerly side of Route 150 approximately 500 easterly of the section of Route 150 with US Route 9 in the Town of Schodack; and

**WHEREAS**, by resolution 2011-146, the Town Board directed that a public hearing on this matter should be held on May 26, 2011, at 7:30 p.m., to consider the petition, and due and proper publication of said notice was given; and

**WHEREAS**, at the public hearing in that matter, held on May 26, 2011, citizens were given the opportunity to be heard on the proposed expansion of said water district;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

- (a) The petition was signed, and acknowledged as required by law, and is otherwise sufficient;
- (b) There is only one property owner within the proposed extension, the County of Rensselaer, and it is benefitted by the expansion;
- (c) The County of Rensselaer, being the only property owner within the proposed extension, is included within the limit of the proposed extension; and
- (d) It is in the public interest to grant the relief sought in said petition; and it is further

**RESOLVED**, that the extension of District 101 and the improvements as proposed in said petition are approved, and the extension shall be designated extension no. 1 to Consolidated Water District No. 101.

**2011-163) WHEREAS**, the Town Board of the Town of Schodack on January 13, 2011 authorized the Town Clerk to publish a legal notice to solicit sealed bids for one (1) Dump Truck with sander and plow attachments pursuant to specifications prepared by the Superintendent of Highways; and

**WHEREAS**, after due publication of the notice, the Town, on April 7, 2011, received two bids as follows: a bid from H. L. Gage Sales, Inc. for \$163,697, and a bid from Tracey Road Equipment, Inc., for \$159,467; and

**WHEREAS**, the bids were reviewed for conformance to specifications and submittal of required bid bond and non-collusive certificates; and

**WHEREAS**, the Tracey bid did not meet the specifications required in the bidding documents, e.g. it provided only a one-year warranty; provided no air conditioning; and did not include a heated windshield as required.

**NOW, THEREFORE**, be it resolved that pursuant to the recommendation of the Highway Superintendent, the Town Board hereby determines that the Tracey bid is rejected for failure to meet specifications listed under CAB: Electric heated windshield and Air conditioned cab and listed under WARRANTIES: Custom warranty – 7-year 50,000 miles covering: Front Axle, Rear Axle, Frame, Frame Brackets and Crossmembers, Suspension, propshafts & Transfer Case, Engine oil Lubricated parts and Engine Electronics, 100% Parts & Labor, No Deductible.

**BE IT FURTHER RESOLVED**, that the Town Board does hereby award the bid to H. L. Gage Sales, Inc. for its bid in the sum of \$163,697.00.

**2011-164)** Authorize the following Town of Schodack Day Camp employees for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:

**Site Directors:** Bryan Lussier, Tommy Gibbons, Rebecca Cioffi and David Austin

**Pool Supervisor:** Patrick Austin

**Water Safety Instructor:** Sarah Timmons

**Camp Nurse:** Debbie Sweet

**Transportation Director:** Tracey Roehr

**Assistant Directors:** Amanda Richards, Kara Taylor, Paige Deitz and Jessica Decker

**Bus Aides:** Collin Legge, Andrew Charsky, Alyssa O'Connor, Pamela Warnken, Kristen McCabe and Molly Austin

**Lifeguards:** Jackie Dunn, John Lind, Brett Wagner, Elizabeth Roche, Brittany Condon and Claire Ridzi

Amended by [2011-178] on 6/9/11 & [2011-183] on 6/23/11 & [2011-197] on 7/14/11

**Counselors:** John Morris, Alyssa Poole, Meghan Wood, Kristen DerGurahian, Shawn Herron, Willie Monty, Andrew Bourdeau, Kelsey Clynes, Emily Santore, Erin Mosher, Anna Racz, Theresa Fuller and Taylor Wood, Elizabeth Haran, Kara Shaw, Sarah Roehr, Sara Evans, Chris Bruen, Carolyn Morris, Nicholas Rush, Alex Flood, Siobhan Sorensen, McKenzie Heffernan, Anna Curtain, Madeline Donnelly, Cheryl Bruen, Matt Palmer, Pat Curtain, Joseph Wantuch, Emily Fuller, Kelly McInerney, Aubrey Racz, Allison Fuller, Shelby Ferriere, Shannon Moldoff, Abbigael Hicks, Alysha Tempel, Sierra Legge, Julie LaBlanc, Katherine Lindeman, Samantha Monty, Alicia Biernick, Cassidy Carney, Paul Ancin, Ryan Smith, Cole Hopper, Jaimie Schultz, Caitlin Beebe, Erin Duffy, Erin Spilman, Chelsea Mannion and Michelle Whitbeck

**Special Counselors:** Mark Bubniak, Mark Holliday and Jeremy Hempstead

**Summer Soccer Instructor:** Daniel Gillespie

- 2011-165)** A resolution authorizing acquisition of a Highway truck, authorizing the issuance of serial bonds of the Town of Schodack, Rensselaer County, New York in an aggregate principal amount not to exceed \$163,697.00 pursuant to the local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor. **[Excerpt -full Resolution posted on Bulletin Board]**
- 2011-166)** Authorize Supervisor Dowds to execute Professional Services Proposal dated May 23, 2011 with Laberge Group, LLC relative to Castleton Water Interconnection to include two additional meetings in an amount not to exceed \$8,500.00 provided that no funds shall be expended for such services until the Town receives written confirmation from the Village of Castleton that the Village intends to go forward with the interconnection process.
- 2011-167)** Rescind resolution 2011-156 adopted on May 12, 2011 Authorizing Town Clerk to publish legal notice of Public Hearing to seek public comment on Proposed Local Law 1 of 2011 to amend the Zoning Schedule of Use Regulations parts 1 through 6 of the Town of Schodack to be held on Thursday, June 9, 2011 at the Schodack Town Hall, 265 Schuurman Road at 7:30 p.m.
- 2011-168)** Authorize an Informational Meeting regarding Mountain View and Shufelt Road water extension options to Consolidated Water District No. 101 to be held on Thursday, June 16<sup>th</sup> at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road.
- 2011-169)** Authorize Supervisor Dowds to execute and administer a Memorandum of Understanding by and between the Town of Schodack and Capital District Transportation Committee (CDTC) to provide funding relative to the Community and Transportation Linkage Program for 2011-2012.
- 2011-170)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Petrillo, Maria	1
Souder, Harvey	1

**June 9, 2011**

- 2011-171)** Appoint Thomas Prevost as a part-time park attendant, under the direction of Stuart McKnight, at the hourly rate set forth in resolution 2011-08, effective June 10 through October 31, 2011, as needed.
- 2011-172)** Authorize Supervisor Dowds to execute and administer Agreement by and between the Town of Schodack and American Tower Corporation on behalf of SBC Tower Holdings, LLC to renew the Lease Agreement dated January 31, 1996.
- 2011-173)** Authorize Town Clerk to publish legal notice of Public Hearing to seek public comment on Proposed Local Law 1 of 2011 enacting a new chapter of the Schodack Town Code, relating to Fair Housing policies and practices in the Town, entitled Schodack Fair Housing Law of the Town of Schodack to be held on Thursday, June 23, 2011 at the Schodack Town Hall at 7:15 p.m.
- 2011-174)** Authorize Supervisor Dowds to accept and execute quotations dated June 3, 2011 for the purchase and installation of certain equipment for the Kraft Road sewer lift station in Sewer District No. 6 in an amount not to exceed \$23,612.21 plus shipping charges.
- 2011-175)** Authorize Supervisor Dowds to execute Professional Services Proposal dated May 31, 2011 with Laberge Group, LLC relative to Schodack Water Master Plan to include two additional meetings in an amount not to exceed \$38,500.00.
- 2011-176)** Authorize the release of \$50,000.00 to Mr. Edward Brzozowski of the E.W. Birch Builders-Strawberry Fields Project Construction Escrow (#2009-2), as recommended by Nadine Fuda, Director of Planning and Zoning.
- 2011-177)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:
- | <u>Name</u>          | <u>Number of Units</u> |
|----------------------|------------------------|
| Scmitz, Peter & Mary | 1                      |
- 2011-178)** Amend resolution 2011-164 adopted on May 26, 2011 to appoint the following Town of Schodack Day Camp employee for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:  
**Arts and Crafts Director:** Trudy Valli
- 2011-179)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0800 to 11-0934 on Abstract No. 06-11, in the amount of



\$195,773.67, including the claims paid (\$76,727.16) since the previous town board meeting.

- 2011-180)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**June 23, 2011**

- 2011-181)** Ratify and affirm approving the contract with Sprint for 12 cell phones to be used by the counselors for the Town of Schodack Summer Recreation Program. Time period for said contract will be approximately one month at a monthly billing rate of \$251.24 plus applicable surcharges, as budgeted. Agreement is under NYS contract PS63853.

- 2011-182)** WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said town on June 23, 2011 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law 1 of 2011 enacting a new chapter of the Schodack Town Code, relating to Fair Housing policies and practices in the Town, entitled Schodack Fair Housing Law of the Town of Schodack, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on June 16, 2011 and advertised in the June 15, 2011 edition of THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on June 23<sup>rd</sup> 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 local law or any part hereof, and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 1 of 2011 (P1 of 2011) to be known as Local Law 1 of 2011 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.

- 2011-183)** Amend resolution 2011-164 adopted on May 26, 2011 to appoint the following Town of Schodack Day Camp employee for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:  
Registered Nurse CES Site #1 and #2: Lisa Wilcox

- 2011-184)** Authorize the establishment of Capital Project No. H037 for Castleton Water Interconnection with a budget as follows:

Appropriations in the amount of \$11,500.00 in account 8340.2 to be funded by an interfund loan from General Town-Wide Fund (A).

**2011-185)** Amend resolution 2011-155 adopted on May 12, 2011 appointing Sharon Martin, Sole Assessor on a part-time basis to increase hours from thirty (30) hours to not to exceed seventy (70) hours.

**2011-186)** WHEREAS, the Town of Schodack and J. Kenneth Fraser and Associates are satisfied that Kingsley Arms, Inc. has discharged its obligations under the Contract No. 3C - Change Order No. 3 – Transmission Main DWSRF #17357, pursuant to correspondence dated June 17, 2011 from J. Kenneth Fraser and Associates, and

WHEREAS, the one-year warranty period for said contract is set to expire on July 12, 2011,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor is authorized to release the five-percent (5%) retainage in the amount of \$3,317.50 plus accrued interest earned on the account.

**2011-187)** Amend resolution 2011-130 adopted on April 14, 2011 authorizing Supervisor Dowds to execute consulting contract with Upstate Appraisal Services for professional services for 2011 relative to commercial assessments at an hourly rate of \$100.00 including travel, preparation and analysis, for an expenditure not to exceed \$1,200.00 to be increased by \$450.00 for an expenditure not to exceed \$1,650.00.

**2011-188)** Authorize Supervisor Dowds to execute and administer Civil Rights Certification relative to submission of the Housing Choice Voucher Annual Plan and the Public Housing Agency (PHA).

**2011-189)** Authorize Supervisor Dowds to submit a 211 Waiver Application for Police Chief Bernhard Peter to the New York State Civil Service Commission for approval.

**2011-190)** Appoint Peter Goold Acting Assessor effective for the six month period from July 11, 2011 through January 10, 2012 at a salary of \$50,000.00.

**2011-191)** Appoint Nadine Fuda as Temporary Building Inspector as designated by the Building Inspector on an as needed basis at her current rate of pay until December 31, 2011.

**July 14, 2011**

**2011-192)** Authorize the Supervisor to issue renewal bond anticipation notes (BANS) of the Town in the aggregate amount of \$670,664 dated July 21, 2011 for the following purposes: \$64,396 for improvements to East Schodack Sewer District #5; \$247,525 for improvements to East Schodack Sewer District #5-Phase 1; \$40,760 for improvements to Maple Crest Water District #3; \$46,620 for

appraisal of all the real property in the Town of Schodack to assist in the assessment thereof for purposes of taxation; \$29,775 for acquisition of 2007 International Model #7500 Truck with plow, wing and dump body; \$30,695 for Acquisition of 2009 Dump Truck Model 4300 SBA; \$210,893 for acquisition of 2010 Gradall Model XL3100.

**2011-193)** Establish mileage rate of 55.5 cents per mile, pursuant to IRS guidelines for mileage reimbursement effective July 1, 2011.

**2011-194)** Authorize Supervisor Dowds to execute a three-year contract for the period of August 1, 2011 through July 31, 2014 with Joseph E. Mastrianni, Inc. for administration of the Town of Schodack Housing Choice Voucher Program.

**2011-195)** 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 said 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 30<sup>th</sup> day of June received notice that Birch Hill Catering is applying for renewal of its on-premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 Steve Feldman doing business as Birch Hill Catering at One Celebration Way, Town of 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.

**2011-196)** Authorize Supervisor Dowds to execute and administer 2011-2012 Snow and Ice Agreement with Rensselaer County Department of Engineering and Highways for reimbursement for Snow and Ice removal on Stony Point Road.

**2011-197)** Amend resolution 2011-164 adopted on May 26, 2011 and resolution 2011-178 adopted on June 9, 2011 to appoint the following Town of Schodack Day Camp employees for the Summer Youth and Recreation Program as recommended by the Director of Youth and Recreation:

Substitute counselors: Michaela Kayser, Tyler Legge, Michael Fish and Bryan Condon

Amended by [2011-208] on 8/11/11

**2011-198)** Appoint Denise Mayrer as Chairman of Planning Board until December 31, 2011.

**2011-199)** Appoint James Church as a member of the Planning Board to fill the unexpired term of Peter Goold. Term to expire December 31, 2012.

**2011-200)** Amend resolution 2011-136 adopted April 28, 2011 authorizing Robert Beebe to engage Kleinschmidt Associates, PA, PC to prepare trial ready engineering reports related to tax map number 220.-3-8.2 to increase the authorized total amount from \$24,00.00 to \$26,500.00.

**2011-201)** 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)
<b>Elected Officials</b>					
Town Board Member	Michael Kenney	7	1/1/11 – 12/31/11	N	3.31
Justice	Bruce Wagner	7	1/1/11 – 12/31/14	N	3.40
<b>Appointed Officials</b>					
Sole Assessor	Sharon Martin	7	10/1/07 – 5/15/11	Y	N/A
Assistant to Assessor	Karen Justus	7	1/1/11 – 12/31/11	Y	N/A
Comptroller	Jennifer Mulligan	7	1/1/11 – 12/31/11	Y	N/A
Assistant Comptroller	Laura Palmer	7	1/1/11 – 12/31/11	Y	N/A
Staff Accountant	Cherie Gitto	7	1/1/11 – 12/31/11	Y	N/A
Payroll & Personnel Clerk	Kathleen Blake	7	1/1/11 – 12/31/11	Y	N/A
Secretary to Highway Superintendent	Diane Lebrecht	7	1/1/11 – 12/31/11	Y	N/A
Asst. to Senior Court Clerk	Jamie Wagner	7	1/1/11 – 12/31/11	Y	N/A
Justice Court Officer	William Dikant	7	1/1/11 – 12/31/11	Y	N/A
Janitorial Staff	Nichole Thomas	8	1/1/11 – 12/31/11	Y	N/A
Planning & Zoning Secretary	Melissa Knights	7	1/1/11 – 12/31/11	Y	N/A
Part-Time Police Officer	Richard Eckel	8	1/1/11 – 12/31/11	Y	N/A
Part-Time Police Officer	Thomas Jones	8	1/1/11 – 12/31/11	Y	N/A
Part-Time	Jason Laurenzo	8	1/1/11 – 12/31/11	Y	N/A

Police Officer					
Part-Time Police Officer	Alan Roehr, Jr.	8	1/1/11 – 12/31/11	Y	N/A
Part-Time Police Officer	Clark Roehr, Jr.	8	1/1/11 – 12/31/11	Y	N/A
Part-Time Police Officer	Joshua Walters	8	1/1/11 – 12/31/11	Y	N/A
Part-Time Police Officer	Peter Zownir	8	1/1/11 – 12/31/11	Y	N/A
Secretary to Supervisor	Dawne Kelly	7	1/1/11 – 12/31/11	Y	N/A
Director of Youth & Recreation	Sheila Golden	7	1/1/11 – 12/31/11	Y	N/A

- 2011-202)** Amend resolution 2010-248 adopted July 8, 2010 authorizing Supervisor Dowds to execute a one year maintenance agreement with Environmental Service Company, Inc. (ESCO) to include the following: subject to annual review of reasonableness. Agreement will be automatically renewed annually as specified in the agreement.
- 2011-203)** Authorize Supervisor Dowds to execute and administer work activity based on proposal from Season's East Lawn Care for landscaping services as described in proposal at a cost not to exceed \$4,695.00.
- 2011-204)** Authorize Supervisor Dowds to execute and administer work activity based on proposal from Meister's Carpet & Upholstery Cleaning for carpet cleaning services as described in proposal at a cost not to exceed \$904.00.
- 2011-205)** Authorize Town Clerk to publish legal notice of Public Hearing to seek public comment on Proposed Local Law 2 of 2011 to amend the Zoning Schedule of Use Regulations parts 1 through 6 of the Town of Schodack to be held on Thursday, August 11, 2011 at the Schodack Town Hall at 7:15 p.m.
- 2011-206)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-0935 to 11-1115 on Abstract No. 07-11, in the amount of \$314,316.75, including the claims paid (\$141,448.00) since the previous town board meeting.
- 2011-207)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**August 11, 2011**

- 2011-208)** Amend resolution 2011-199 adopted on July 14, 2011 appointing James Church as a member of the Planning Board to fill the unexpired term of Peter Goad. Term to expire December 31, 2011 instead of 2012.

**2011-209)** Reappoint William Kayser as a member of the Board of Assessment Review. Term to expire September 30, 2016.

**2011-210)** 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 said 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 13<sup>th</sup> day of July received notice that Rose's Italian Restaurant is applying for renewal of its on premises liquor license, and

WHEREAS, the Town Clerk circulated a notice of said renewal 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 Kurt Nurnberg and B. Clytie Somers doing business as Rose's Italian Restaurant at 757 Columbia Turnpike, 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 renewal.

**2011-211)** Authorize Bruce J. Wagner, Justice, Paul W. Peter, Justice, and Patricia H. Loomis, Senior Court Clerk to attend New York State Magistrates Association Fall Conference September 27 through 28 at Niagara Falls, New York with registration fees not to exceed \$50 per Justice and \$35 per Court Clerk, lodging (meals included) not to exceed \$765.00 per person and travel costs (mileage and train) not to exceed \$760.34 for a total estimate not to exceed \$3,190.34.

**2011-189)** WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said town on August 11, 2011 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law 2 of 2011 Amending the Zoning Schedule of Use Regulations of the Schodack Town Code, relating to Zoning in the Town of Schodack, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on July 25, 2011 and advertised in the July 25, 2011 edition of THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on August 11<sup>th</sup> 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 local law or any part hereof, and

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

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 2 of 2011 (P2 of 2011) to be known as Local Law 2 of 2011 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.

**2011-212)** Authorize the establishment of Capital Project No. H038 for the Water Master Plan with a budget as follows:

Appropriations in the amount of \$38,500.00 in account 8340.2 to be funded by an interfund loan from General Town-Wide Fund (A).

**2011-213)** Authorize Supervisor Dowds to execute two-year service agreement with Time Warner/Road Runner to upgrade town hall internet services at a monthly cost not to exceed \$113.95.

**2011-214)** Authorize payment to Fraser PE, LS, LA for providing estimates to install water meters in Water District No. 3 in an amount not to exceed \$450.

**2011-215)** Authorize James M. Morgan, 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 2 through November 4, 2011 in Montour Falls, New York, at an estimated cost per person of \$25 – registration fee (\$100) and lodging (\$370) and meals (\$228), and estimated cost for mileage (\$532) and tolls (24) for a total estimated cost of \$1,254. This is a budgeted item.

**2011-216)** Appoint David Gruenberg, Esq., to represent the Town as special counsel in Tax Certiorari matters at an hourly rate of \$150.00 for said legal representation in an amount not to exceed \$1,000.00.

**2011-217)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-1116 to 11-1266 on Abstract No. 08-11, in the amount of \$1,099,168.18, including the claims paid (\$952,143.01) since the previous town board meeting.

**2011-218)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**August 25, 2011**

**2011-219) WITHDRAWN:** *“WHEREAS, the Town of Schodack and J. Kenneth Fraser and Associates are satisfied that Jersen Construction Group, LLC has discharged its obligations under Contract No. 8 – Water District Nos. 1 & 3, except for Change Order No. 3, which work is ongoing, pursuant to correspondence dated \_\_\_\_\_ from J. Kenneth Fraser PE, LS, LA, and*

*WHEREAS, the one year warranty period for said contract expired on July 22, 2011,*

*NOW, THEREFORE, BE IT RESOLVED that Partial Payment Estimate No. 6 authorizes the release of five-percent (5%) retainage in the amount of \$27,798.77 for the work completed contingent upon receipt of contractor’s release of liens for the portion of the work completed.”*

**2011-220)** Pursuant to Chapter 80-4 of the Code of the Town of Schodack, the Schodack Town Board hereby resolves to grant a Mass Assembly Permit for Goold Orchards’ 23<sup>rd</sup> Annual Apple Festival to be held October 8<sup>th</sup> and 9<sup>th</sup>, 2011 on their premises, pursuant to the written application submitted by Goold Orchards, Inc., except that applicant must comply with all off-site parking provisions of the Code and any other requirements, if any, of State, County and other regulatory agencies. Provided also that applicant shall be given notice that this approval is solely from the Town of Schodack and does not constitute approval by any other approving authority or governing agency. Further, a waiver of surety bond is granted subject to the provision that the Town is named as an additional insured on the applicant’s liability policy and applicant will indemnify the Town of Schodack for any damage to Town property, vehicles, by participants or employees of the event and reimburse the Town for any other additional expense incurred by the event.

**2011-221)** Authorize Supervisor Dowds to execute and administer the Operation and Maintenance Service Contract with Wastewater Technologies, Inc. (WTI) to perform operation and maintenance services on the Commercial AdvanTex® AX100 – Vericomm Panel located in Sewer District No. 5 for a cost not to exceed \$3,600.00.

**2011-222)** Authorize Supervisor Dowds to execute and administer the Monitoring Service Contract with Rocket Monitoring Services to perform data collection and monitoring services on the Commercial AdvanTex® AX100 – Vericomm Panel located in Sewer District No. 8 for a cost not to exceed \$1200.00.

**2011-223)** Authorize ESCO Heating and Cooling to remove a heat pump in the first floor Electric Room and install a new 12,000 BTU heat pump unit in an amount not to exceed \$3,500.00.

**2011-224)** Authorize ESCO Heating and Cooling to remove a heat pump in the basement and install a new 24,000 BTU heat pump unit in an amount not to exceed \$3,955.00



- 2011-225)** Authorize ESCO Heating and Cooling to remove a heat pump in the Meeting/Court Room and install a new 12,000 BTU heat pump unit in an amount not to exceed \$3,490.00 and additionally authorize ESCO Heating and Cooling to replace High Pressure Switch on an existing Heat Pump for the Meeting/Court Room for an amount not to exceed \$280.00
- 2011-226)** Authorize ESCO Heating and Cooling to remove a heat pump in the lunch room and install a new 19,000 BTU heat pump in an amount not to exceed \$3,780.00.
- 2011-227)** Authorize Supervisor Dowds to execute the following documents with Keybank National Association to enhance security on the Town Bank Accounts: Cash Management Services Master Agreement, Electronic Record Delivery Service Schedule, Positive Pay Service Schedule, ACH Service Schedule and Automated Clearing House Debit Protection – EPA Service Schedule.
- 2011-228)** **WITHDRAWN:** *“Authorize the appropriation of the Federal Forfeiture Reserve Fund for the purchase of a Dell PowerEdge T310 System with Software and Accessories as per Quotation #584611425 dated May 16, 2011 for the Police Department for a total amount of \$5,965.87, per state contract.”*
- 2011-229)** **WITHDRAWN:** *“Amend resolutions: 2010-296 adopted on September 9, 2010, 2009-369 adopted on August 13, 2009 and 2008-443 adopted on December 11, 2008 appointing Robert Beebe, Esq., as special counsel for matter related to Tax map number 198.12-1-3.2 (tax certiorari) to increase the authorized total amount of legal fees from \$20,657.92 to a total not to exceed \$36,657.92 contingent on financial participation from the Schodack Central School District.”*
- 2011-230)** WHEREAS, The Spinney at Pond View, LLC having substantially completed the water main installation required by the Schodack Planning Board as a condition of the approved site plan,
- WHEREAS, Richard Laberge, P.E., Review Engineer, to the Schodack Planning Board has reviewed the water main installation legal descriptions of the proposed easement and has found them satisfactory, and
- WHEREAS, the Town Board has determined the water infrastructure, consisting of approximately 1980 feet of water main, hydrants, valves and appurtenances along Antwerp Drive, Hague Drive, Maasricht Drive and Zeeland Drive and easements further described in Schedule A & B, be accepted, and
- WHEREAS, an irrevocable offer of cession will be presented to the Town by The Spinney at Pond View, LLC developers, Edward Feinberg and Rex Ruthman, which will offer dedication of water infrastructure, water mains, hydrants, valves and appurtenances and easements to the Town,
- NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby accepts said offer of dedication and hereby accepts the water infrastructure, consisting of approximately 1980 feet of water main, hydrants, valves and appurtenances along Antwerp Drive, Hague Drive, Maasricht Drive

and Zeeland Drive and easements as further described in Schedule A & B contingent upon the following:

1. Receipt of documents in proper form
2. Receipt of proof of title, and
3. Payment of County Clerk filing fees related to this acceptance.

All of the above as satisfactory to the Attorney to the Town; and

BE IT FURTHER RESOLVED, that Supervisor Dowds is hereby authorized to execute and file all necessary documents relating to this acceptance.

**2011-231)** WHEREAS, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said town on August 11, 2011 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law 2 of 2011 Amending the Zoning Schedule of Use Regulations of the Schodack Town Code, relating to Zoning in the Town of Schodack, and

WHEREAS, notice of said public hearing was duly posted on the Town Clerk's official sign board on July 25, 2011 and advertised in the July 25, 2011 edition of THE RECORD, official newspaper of the Town, and

WHEREAS, said public hearing was held on August 11<sup>th</sup> 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 local law or any part hereof, and the Planning Board having suggested certain minor revisions, and

WHEREAS, that the Town Board of the Town of Schodack, after due deliberation, finds that it is in the best interest of the Town to adopt said local law, with said minor revisions

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack hereby adopts Proposed Local Law Number 2 of 2011 (P2 of 2011) to be known as Local Law 2 of 2011 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.

**2011-232)** Authorize Supervisor Dowds to execute and administer, on behalf of the Town, a collective bargaining agreement, by and between the Town of Schodack and CSEA, Inc., Local 1000 AFSCME, AFL-CIO (Town of Schodack Unit).

**2011-233)** Authorize the bi-weekly pay date to be changed from Wednesdays to Fridays to coincide with the CSEA contract pay date.

### **September 8, 2011**

**2011-234)** Amend resolutions: 2010-296 adopted on September 9, 2010, 2009-369 adopted on August 13, 2009 and 2008-443 adopted on December 11, 2008

appointing Robert Beebe, Esq., as special counsel for tax certiorari to increase the authorized total amount of legal fees from \$20,657.92 to a total not to exceed \$36,657.92 contingent on financial participation from the Schodack Central School District.

**2011-235)** Authorize the appropriation of the Federal Forfeiture Reserve Fund for the purchase of a Dell PowerEdge T310 System with Software and Accessories as per quotation #584611425 dated August 31, 2011 for the Police Department for a total amount of \$6,478.44, per state contract.

**2011-236)** Authorize the Supervisor to compensate Gary Ziegler, Building Inspector, for seventy hours (70) at his current rate, not to exceed \$1,974.00, in lieu of compensatory time earned.

**2011-237)** WHEREAS, it is the tradition of the Town Board to recognize the achievements of those who give so generously to their community, exemplifying the ideals and values cherished by the Town of Schodack, and

WHEREAS, Jean Adams Bookhop has distinguished herself as a person of outstanding integrity and is being recognized for her selfless dedication to her communities, family, and fellow seniors as a recipient of a Lifetime of Achievement Award by the Capital District Senior Issues Forum on September 20<sup>th</sup>, 2011, and

WHEREAS, Jean was born to Carl and Edna Lemka on an apple farm in Muitzeskill, New York, where she grew up surrounded by music of all kinds: classical, popular or anything one might request, and

WHEREAS, Jean graduated from Castleton Union School as Valedictorian in 1941 and went on to Ithaca College to graduate second in her class in the Music Education Department, and

WHEREAS, Jean taught Instrumental Music at Greenville Central School until her marriage to Henry Adams and the subsequent births of her four children Tom, Dave, Brad and Gayle, and

WHEREAS, in 1983 Jean married Bill Bookhop, and they began performing together, most notably, for 19 years, as members of the Hendrick Hudson Male Chorus in East Greenbush - he as a bass singer and she as accompanist and, for 17 years, for the Choir of Trinity Lutheran Church - Jean as the organist and Bill singing bass and Jean also was an accompanist for Mannercorp and Danmenchoir of Troy Germania Hall, and additionally brought at least 30 singers to the first rehearsal of the 500-voice Festival of Praise Choir, and

WHEREAS, Jean, with her warm smile, always ready to assist in promoting talent, encouraged many young people into service both through songs and instrumentally focusing especially on Lent, Easter Pageants and Special Music for Christmas, and

WHEREAS, Jean's passion and life's work can be summed up in one word, music, devoting the majority of her time to teaching others to play a musical instrument or how to sing properly, but she also managed to find time to serve on the Schodack Central School Board of Education, devote time to her hobbies of bowling, gardening, reading, crossword puzzles, knitting, baking and, most importantly, spend time with her four children and five grandchildren,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Schodack is moved to honor Jean Adams Bookhop, who selflessly served those in need in her hometown and, as a resident of our community, continues to distinguish herself in her compassionate efforts to assist seniors, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Schodack will pause in its deliberations on the 8<sup>th</sup> day of September 2011 to acknowledge and honor Jean Adams Bookhop in recognition of her receipt of a Lifetime Achievement Award at the Capital District Senior Issues Forum Awards Ceremony, and

BE IT FURTHER RESOLVED that a copy of this resolution, suitably engrossed, will be transmitted to Mrs. Bookhop by Supervisor Dowds.

**2011-238)** WHEREAS, it is the privilege and duty of the American people to commemorate the anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities, and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as *Constitution Week*,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack does hereby proclaim the week of September 17 through 23 as *Constitution Week* and urges all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

**2011-239)** As recommended by Nadine Fuda, Director of Planning and Zoning, authorize the return of \$250.00 to Jiff-E-Mart from fees collected in connection with Planning Board #2007-40, as the applicant withdrew application prior to the meeting.

**2011-240)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-1267 to 11-1389 on Abstract No. 09-11, in the amount of \$148,551.46, including the claims paid (\$76,942.18) since the previous town board meeting.

**2011-241)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**2011-242)** WHEREAS, the Town of Schodack is defending a claim under the Fair Labor Standards Act (FLSA) in the United States District Court for the Northern District of New York; and

WHEREAS, counsel for the Town has entered into settlement negotiations with Plaintiff's counsel in an effort to reach a mutually acceptable resolution of the litigation; and

WHEREAS, said negotiations have resulted in a tentative agreement between the parties to resolve the litigation; and

WHEREAS, counsel for the Town has recommended the approval of the terms of the tentative settlement agreement as the most expeditious, cost effective way to resolve this litigation.

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

Approve the terms of the proposed tentative Settlement Agreement and authorize Supervisor Dowds to execute and administer all documents necessary as recommended and requested by counsel for the Town to effectuate the settlement of Case 1:11-CV-0003 at a total cost not to exceed \$120,000

**2011-243)** Appoint Daniel G. Vincelette, PC to represent the Town as special counsel in Tax Certiorari matter relative to Verizon properties in an amount not to exceed \$3,500, said authorization to include trial.

**2011-244)** WHEREAS, the Servidone Subdivision developer, Capital Development Group, LLC, Francis J. Hodoroski, Member, having substantially completed the infrastructure work required by Schodack Subdivision Regulations and required as a condition of the subdivision is desirous to convey the real property known as Servidone Pump Station and otherwise identified by Tax Map No. 178.9-2-28 and further described in Schedule A, to the Town, and

WHEREAS, Richard Laberge, P.E. Review Engineer to the Schodack Planning Board having reviewed and approved the related construction, and

WHEREAS, the Highway Superintendent and the Water Operator having also recommended that the Servidone Pump Station and otherwise identified by Tax Map No. 178.9-2-28 and further described in Schedule A, be accepted and dedicated as a Town Pump Station, and

WHEREAS, the Town requires receipt of an updated title policy paid in full by the above-referenced developer for said road, and

WHEREAS, a Warranty Deed and additional forms having been presented to the Town by the Servidone Subdivision developer, Capital Development Group, LLC, Francis J. Hodoroski, Member, conveying the pump station real property known as Servidone Pump Station and otherwise identified by Tax Map No.

178.9-2-28 and further described in Schedule A, to the Town, to be henceforth known as Schodack Waters Road Pump Station.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Schodack hereby accepts said Warranty Deed and hereby accepts and dedicates the pump station to be known as Schodack Waters Road Pump Station as a Town pump station contingent upon the following:

- 1) Title Report, Updated Deed, and other papers are filed with Rensselaer County Clerk as required by the Attorney to Town
- 3) All filing fees to be paid out of the surety held by the Town

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to execute and administer and file all necessary documents relating to this acceptance.

**September 22, 2011**

- 2011-245) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls for the capital charges for Water District Number 1. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road.”*
- 2011-246) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls for the capital charges for Water District Number 3. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.”*
- 2011-247) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls for the capital charges for Water District Number 101. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*
- 2011-248) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed assessment rolls for the capital charges for Water District Number 2A. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*
- 2011-249) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed assessment rolls for the capital charges for Water District Number 5. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*
- 2011-250) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed assessment rolls for the capital charges for Water District Number 8. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*

- 2011-251) WITHDRAWN:** *“Authorize Town Clerk to publish legal notice of public hearing on proposed assessment rolls for the capital charges for Water District Number 9. Said hearing shall be held on Thursday, October 20, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*
- 2011-252) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.”*
- 2011-253) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-254) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-255) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-256) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-257) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-258) WITHDRAWN:** *“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, October 20, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.”*
- 2011-259)** Adopt the fee schedule for Fall Clean Up Days (October 20, 21 and 22) at the Transfer Station as follows:

Refrigerators, freezers, air conditioner & dehumidifiers	\$ 8.00
Tires, rimless (maximum size 16”)	\$ 2.00

Larger and rimmed tires	price by size
TVs, computer monitors	FREE
Propane Tanks	FREE
Furniture	FREE
Metal goods	FREE
Push mowers	FREE
Gas grills	FREE
Bicycles	FREE

**2011-260)** 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 of Schodack does hereby proclaim November 2011 as National American Indian Heritage Month, and urges all our citizens to observe this month with appropriate programs, ceremonies and activities.

**2011-261)** Authorize the Supervisor Dowds to issue bond anticipation notes (BANS) in the aggregate amount of \$504,297.00 dated October 7, 2011 for the following purposes: \$30,766.00 to finance the improvements to East Schodack Sewer District No. 5; \$41,056.00 to finance the acquisition of a 2008 Volvo Loader L70F; \$103,778.00 to finance the acquisition of a 2010 IHC Model 7500 Dump Truck with sander, plow and wing attachments; \$165,000.00 to finance the Repair, Reconstruction and Restoration of Eroded Drainage Areas at the Capped Landfill at the Town Transfer Station; \$163,697 to finance the acquisition of a 2012 IHC Single Axle Dump Truck.

**2011-262)** Authorized Supervisor Dowds to execute and administer an Agreement with Interim Health Care for the Flu Vaccination Clinic to be held at town hall for Town employees and their families on October 3, 2011. Cost of the Flu Vaccination to be paid by employee's health insurance or directly by employee if they are not a member of CDPHP.

**2011-263)** Authorize Nadine Fuda, Zoning Control Officer to attend the Capital District Building Officials educational seminar at the Holiday Inn in Albany, New York, on October 17, 18 and 19, 2011. Cost is \$265 for all three (3) days. The cost of the seminar is inclusive of meals.



**2011-264)** Amend resolution 2010-391 adopted December 9, 2010, authorizing Supervisor Dowds to execute and administer Addendum No. 16 with Laberge Group for engineering services in connection with preparation of Map, Plan and Report for proposed extension (Mountain View Road) of Consolidated Water District 101 in an amount not to exceed \$6,500.00. This will increase the authorized by \$1,349.07 to an amount not to exceed 7,849.07.

**2011-265)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Name</u>	<u>Number of Units</u>
Hotaling, Bruce	1
Pine Haven Mobile Court	77

**2011-266)** **WITHDRAWN:** *“Ratify and affirm authorizing Kathleen A. Blake, Payroll/Personnel Clerk to post internally the full-time position of Secretary to Town Justice and to allow the Supervisor to advertise in the official Town newspaper as necessary.”*

**2011-267)** Resolved that the 2012 Budget Presentation Meeting will be held Tuesday, October 4, 2011 at 5:00 p.m. Further, the following schedule was set to review the 2012 Preliminary Budget:

Thursday, October 6, 2011	5:00 p.m.
Wednesday, October 12, 2011	5:00 p.m.
Thursday, October 13, 2011	5:00 p.m.
Wednesday, October 19, 2011	5:00 p.m.

All meetings are scheduled to take place at the Schodack Town Hall, 265 Schuurman Rd., Schodack, NY in the 3<sup>rd</sup> Floor Conference Room

### **October 13, 2011**

**2011-268)** Waive the requirement pursuant to Chapter 177 §1 of the Code of the Town of Schodack to hold Water Rate hearings on or before October 20<sup>th</sup> each year, in order to schedule said hearings at a special meeting in conjunction with the Town Board meeting on October 27, 2011.

**2011-269)** Waive the requirement pursuant to Chapter 176 §4 of the Code of the Town of Schodack to hold Sewer Rent hearings on or before October 20<sup>th</sup> each year, in order to schedule said hearings at a special meeting in conjunction with the Town Board meeting on October 27, 2011.

**2011-270)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs for Water District Number 1. Said hearing shall be held on Thursday, October 27, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road.

**2011-271)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs for Water District Number 3. Said hearing shall be held on Thursday, October 27, 2011 at 7 p.m. at the Schodack

Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

- 2011-272)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs for Water District Number 101. Said hearing shall be held on Thursday, October 27, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.
- 2011-273)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearings are concluded.
- 2011-274)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.
- 2011-275)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.
- 2011-276)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.
- 2011-277)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.
- 2011-278)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.
- 2011-279)** 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, October 27, 2011 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water & sewer district hearings are concluded.

**2011-280)** Authorize Kathleen A. Blake, Payroll/Personnel Clerk to post internally the full-time position of Secretary to Town Justice and to allow the Supervisor to advertise in the official Town newspaper as necessary.

**2011-281)** Authorize Town Clerk to publish legal notice of hearing to seek public input relative to the 2012 Preliminary Budget and proposed fees for 2012 to be held on Thursday, November 10, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson.

**2011-282)** Authorize Partial Payment Estimate No. 6 for the work completed by Jersen Construction Group, LLC Contract No. 8 Water District Nos. 1 & 3 in the total amount of \$90,500.00, less retainage of five percent (5%) in the amount of \$4,525.00, plus release of retainage for construction through Estimate No. 3 that has been complete and in service for more than one year in the amount of \$24,277.15 for a total payment not to exceed \$110,252.15 contingent upon receipt and approval of certified payrolls and ARRA reporting by the Town Comptroller.

**2011-283)** WHEREAS, the Town Board adopted Resolution 2010-336 on November 4, 2010 to execute an amendment to exhibit C and J for engineering services for the Water District Nos. 1 and 3 Capital Projects; and

WHEREAS, the Town received correspondence from Fraser, PE, LS, LA dated October 5, 2011 requesting an Amendment No. 3 to Exhibit C and J, effective August 1, 2011 for the engineering agreement known as Clearview – Water District Nos. 1, 3 and 7; and

NOW THEREFORE BE IT RESOLVED that the Supervisor is authorized to execute and administer Amendment No. 1 to Exhibit C and J, effective August 1, 2011, Clearview – Water District Nos. 1, 3 and 7 to increase item h. Additional Scope – Excess Funds by \$12,000 for a total contract amount not to exceed \$262,000.

**2011-284)** Amend Resolution 2010-224 adopted June 1, 2010, Resolution 2009-135 adopted February 26, 2009, Resolution 2009-165 adopted March 26, 2009 and Resolution 2009-415 adopted September 24, 2009 to increase authorized amount for Barton and Loguidice, P.C. for remediation work at Town Landfill from \$28,900.00 to \$45,520.00 pursuant to correspondence dated October 7, 2011 to provide supplemental engineering service for \$2,500.00 and full-time inspection services for \$14,120.00.

**2011-285)** **WITHDRAWN:** “Authorize Supervisor Dowds to execute and administer annual Oxygen Compressor Service agreements, including parts and labor, with Tyler Fire Equipment Supply for the \_\_\_\_\_ Compressor housed at Castleton Volunteer Ambulance for the period \_\_\_\_\_ 2011 to \_\_\_\_\_ for an amount not to exceed \$\_\_\_\_\_ for semi-annual service, plus \$\_\_\_\_\_ fuel surcharge for an amount not to exceed \$\_\_\_\_\_ and

Amended by [2012-083] on

with quarterly air quality test for a the sum of \$\_\_\_\_\_ per test, plus \$\_\_\_\_\_ fuel surcharge for an amount not to exceed \$\_\_\_\_\_.”

- 2011-286) Authorize the Comptroller’s recommendation to direct the Town Supervisor to pay the claims #11-1390 to 11-1579 on Abstract No. 010-11, in the amount of \$1,397,050.18, including the claims paid (\$1,068,592.19) since the previous town board meeting.
- 2011-287) Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

**October 27, 2011**

Amended by [2011-289] on 10/27/11 & [2012-058] on 1/12/12

- 2011-288) Ratify and affirm authorizing Tyler Fire Equipment to install necessary upgrade to the OGSi oxygen machine in order to remedy the issues associated with producing the acceptable purity of oxygen at a cost not to exceed \$8,500.00. The equipment is owned by the Town of Schodack and housed at Castleton Ambulance.
- 2011-289) Amend resolution #2011-145 as adopted April 28, 2011 to increase authorization from \$10,000.00 to \$20,000.00 with Tabner, Ryan and Keniry, LLP relative to Water and Sewer issues.
- 2011-290) Authorize purchase of the Tempest Shadow I smoke machine and supplies for the Town of Schodack Fire Chiefs Association to benefit the Town Fire Districts pursuant to Town Law §188 at a cost not to exceed \$1,400.00.
- 2011-291) Authorize Supervisor Dowds to make application for Capital Region Economic Development Council Funding relative to Exit 12 Transportation Hub Proposal.
- 2011-292) **WITHDRAWN:** “Authorize Supervisor Dowds to execute and administer Change Order No. 4 dated October \_\_, 2011 for Contract No. 8G-General Construction Water System Improvements to Water District Nos. 1 and 3 (Jersen Construction Group, LLC, Contractor) for the following: to increase said contract by an estimated total amount of \$\_\_\_\_\_ for additional scope for a total contract price not to exceed \$\_\_\_\_\_; amend contract language; and extend contract final completion date.”
- 2011-293) **WITHDRAWN:** “Authorize Partial Payment Estimate No. 7 for the work completed by Jersen Construction Group, LLC Contract No. 8 Water District Nos. 1 & 3 in the total amount of \$\_\_\_\_\_, less retainage of five percent (5%) in the amount of \$\_\_\_\_\_ for a total payment not to exceed \$\_\_\_\_\_ contingent upon receipt and approval of certified payrolls and ARRA reporting by the Town Comptroller.”
- 2011-294) WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the water rates for Water District No. 1 (Clearview), and  
  
WHEREAS, the Town Board caused due notice and publication of the proposed water rates and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed water rates to be held on

October 27, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed water rates,

NOW, THEREFORE, BE IT RESOLVED that commencing with the first quarter 2012 billing period for water rates for Water District No. 1 (Clearview) shall be \$ 50.00 for the first 18,000 gallons and \$4.00 for each additional 1,000 gallons or portion thereof.

**2011-295)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the water rates for Water District No. 3 (Maplecrest), and

WHEREAS, the Town Board caused due notice and publication of the proposed water rates and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed water rates to be held on October 27, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed water rates,

NOW, THEREFORE, BE IT RESOLVED that commencing with the first quarter 2012 billing period for water rates for Water District No. 3 (Maplecrest) for each user shall be \$100.00 for the first 18,000 gallons and \$4.00 for each additional 1,000 gallons or portion thereof.

**2011-296)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the water rates for Consolidated Water District No. 101, and

WHEREAS, the Town Board caused due notice and publication of the proposed water rates and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed water rates to be held on October 27, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed water rates,

NOW, THEREFORE, BE IT RESOLVED that commencing with the first quarter 2012 billing period for water rates for Water District No. 101 (for each user in the six existing Water Districts formerly known as Water District Nos. 2a, 2b, 4, 5, 8 and 9) shall be \$75.00 for the first 18,000 gallons and \$4.00 for each additional 1,000 gallons or portion thereof.

**2011-297)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 1 (Castleton), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012) the sewer rents for Sewer District No. 1 (Castleton) for each unit shall be \$160.00 semi-annual rate per unit.

**2011-298)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 2 (Castleridge), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012)) the sewer rents for Sewer District No. 2 (Castleridge) for each unit shall be \$230.00 semi-annual rate per unit.

**2011-299)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 4 (Brickyard), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012) the sewer rents for Sewer District No. 4 (Brickyard) for each unit shall be \$340.00 semi-annual rate per unit.

**2011-300)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 5 (East Schodack), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012) the sewer rents for Sewer District No. 5 (East Schodack) for each unit shall be \$340.00 semi-annual rate per unit.

**2011-301)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of Sewer District No. 5, Extension 1 (East Schodack) Capital Costs of the collection system and that portion of non-reimbursed Capital Costs of the East Schodack Sewage collection system and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to receive and consider any comments regarding said assessment roll to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, on the 27<sup>th</sup> of October, 2011, the time and place specified in said hearing to receive and consider any comments regarding the assessment roll for Extension 1,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for Extension 1 as 30 units and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Schodack.

**2011-302)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of Sewer District No. 5, Extensions 1 and 2 (East Schodack) Capital Costs of the collection system and that portion of non-reimbursed Capital Costs of the East Schodack Sewage collection system and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to receive and consider any comments regarding said assessment roll to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, on the 27<sup>th</sup> of October, 2011, the time and place specified in said hearing to receive and consider any comments regarding the assessment roll for Extensions 1 and 2,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for Extension 2 as 32 units and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Schodack.

**2011-303)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 6 (Exit 10), and



WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the first quarter 2012 billing period for the sewer rents for Sewer District No. 6 (Exit 10) for each user shall be \$7.10 per thousand gallons of metered water.

**2011-304)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 7 (Hamilton Printing), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012) the sewer rents for Sewer District No. 7 (Hamilton Printing) for each unit shall be \$165.00 semi-annual rate per unit.

**2011-305)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County has completed its review of the sewer rents for Sewer District No. 8 (Schodack Landing), and

WHEREAS, the Town Board caused due notice and publication of the proposed sewer rents and of a hearing to be held by the Town Board to receive and consider any comments regarding said proposed sewer rents to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, on the 27<sup>th</sup> day of October 2011, said hearing being duly convened at the time and place specified in said notice, and

WHEREAS, the Town Board considered public comment on said proposed sewer rents,

NOW, THEREFORE, BE IT RESOLVED that commencing with the semi-annual billing period (January 1, 2012 to June 30, 2012) the sewer rents for Sewer District No. 8 (Schodack Landing) for each unit shall be \$200.00 semi-annual rate per unit.

**2011-306)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of Sewer District No. 8 (Schodack Landing) Capital Costs of the collection system and that portion of non-reimbursed Capital Costs of the Schodack Landing Sewage collection system and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to receive and consider any comments regarding said assessment roll to be held on October 27, 2011 at 7:30 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York, and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, on the 27<sup>th</sup> of October 2011, the time and place specified in said hearing to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 75.25 units and adopted as originally proposed and filed in the office of the Town Clerk of the Town of Schodack.

#### **November 10, 2011**

**2011-307)** Authorize Supervisor Dowds to execute and administer Change Order No. 4 dated November 4, 2011 for Contract No. 8G-General Construction Water System Improvements to Water District Nos. 1 and 3 (Jersen Construction Group, LLC, Contractor) for the following: to increase said contract by an estimated total amount of \$750.30 for additional crusher run quantities for a total contract price not to exceed \$651,475.30; amend contract language related to the warranty; and extend contract final completion date to October 12, 2011.

**2011-308)** Authorize Partial Payment Estimate No. 7 for the work completed by Jersen Construction Group, LLC Contract No. 8 Water District Nos. 1 & 3 in the total amount of \$5,000.00, less retainage of five percent (5%) in the amount of \$250.00 for a total payment not to exceed \$4,750.00 contingent upon receipt and approval of certified payrolls and ARRA reporting by the Town Comptroller..

**2011-309)** Authorize Peter Goold, Acting Assessor, to attend a course at Manfred Real Estate Learning Center on November 29, 2011, entitled USPAP Update (Ethics). Cost is estimated to be \$260.00 which includes training, textbook and mileage.

**2011-310)** Authorize Town Clerk to execute and administer a contract with General Code for electronic document scanning services at a cost not to exceed \$3,500.00 [budgeted].

**2011-311)** WHEREAS, the Town Board met on Thursday, November 10, 2011 at the Schodack Town Hall, as specified in the Notice of Public Hearing for the 2012 Preliminary Budget, with said notice appearing in the October 26, 2011 edition of The Record, and was posted on October 20, 2011, and

WHEREAS, said public hearing was held on November 10, 2011 at 7 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 Preliminary Budget or any part thereof,

NOW, THEREFORE, BE IT RESOLVED that the 2012 Preliminary Budget, as amended and revised, and as hereinafter set forth, is hereby adopted.

**2011-312)** The Town Board of the Town of Schodack will hold the second monthly November Town Board meeting on Tuesday, November 22 at 5 p.m. at the Schodack Town Hall.

**2011-313)** Authorize Town Clerk to publish legal notice of public hearing on proposed assessment rolls for the capital charges for Water District Numbers 1, 2A, 3, 5, 8, 9 and 101. Said hearing shall be held on Thursday, December 8, 2011 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road.

**2011-314)** Authorize Supervisor Dowds to execute and administer a contract with Government Payment Processing, a third party payment vendor used by Business Automation Systems (BAS) software to enable the Receiver of Taxes to accept credit and/or debit card payments for school and property tax payments. As per contract, there will be user charge of 2.45% added to the payment amount per credit card transaction and/or \$3.95 user charge added to each debit card transaction. Further authorize the Town Clerk's Office and Building Department to accept credit and/or debit card payments on the same basis as software becomes available.

**2011-315)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-1580 to 11-1732 on Abstract No. 011-11, in the amount of \$395,345.34, including the claims paid (\$185,768.80) since the previous town board meeting.

**2011-316)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.

Amended by [2011-340] on 12/8/11

**November 22, 2011**

- 2011-317)** Authorize Gary Ziegler, Building Inspector, to attend the Northern Adirondack Code Enforcement Officials Association Conference at the Crown Plaza Hotel in Lake Placid, New York, March 4 - 8, 2012. Cost is \$240.00. Lodging and other appropriate expenses are to be borne by the Town. [as budgeted]
- 2011-318)** Authorize the Supervisor to compensate Bruce Goodall, Transfer Station Director, for two hundred eighty hours (280) at his current rate, not to exceed \$7,327.60, in lieu of vacation time earned.
- 2011-319)** Authorize Supervisor Dowds to execute a one year maintenance agreement with B & L Control Service Inc. for assistance, service and chemical products to treat the heating and cooling loops and cooling tower in an amount not to exceed \$2,350.00 for Town Hall, 265 Schuurman Road.
- 2011-320)** Authorize Supervisor Dowds to execute and administer the Authorized Provider Agreement with the American Red Cross of Northeastern New York Region to provide American Red Cross Training to the Town of Schodack Summer and Youth Recreation Program employees.
- 2011-320a)** Appoint Kathleen VanOrt as Secretary to Town Justice Court, at an hourly rate as set forth in the Year 2011 adopted budget. Appointment shall be effective as of December 1, 2011,

**December 8, 2011**

**2011-321)** 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 would like to further define the basis 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

WHEREAS, the Town Board has determined the water districts were formed or capital costs were approved on the benefit basis by assigning units to each parcel within the water districts, and

WHEREAS, the Town Board would like to enact a policy that provides a definition of a unit for all Town Water Districts, except Water District No. 5 parcels related to the 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., and

NOW THEREFORE BE RESOLVED that the Town Board of the Town of Schodack defines an equivalent dwelling unit (EDU), formally known as a capital unit, 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, district owned parcels, water supply, wetlands and homeowner associations.
<b>Residential Properties</b>		
Vacant Land	311	0.75 EDU
Vacant Land - Rural 10 acres or less	314	0.50 EDU (less than .10 acres, then 0 EDU)
Vacant Land - Rural over 10 acres	322	1.00 EDU
1 family w/ no water main on the road	210	0.00 EDU
1 family, with acreage	210	1.00 EDU
1 + family	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 small improvement	312	1.00 EDU
<b>Commercial Vacant Land Properties</b>		
Vacant Land; Agricultural Vacant Land	330,105	0.75 EDU for every X dollar amount or portion thereof in excess of X dollar amount of assessed value of the property. X dollar amount 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/Quary	438, 720	1.00 EDU. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*
<b>Commercial Residential Properties</b>		
Residential with incidental commercial use, Apartments, Mobile Home Parks	283, 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.*

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<b>Commercial Properties</b>		
Commercial with small improvement	331	1.00 EDU
Commercial properties as listed:	421, 422,	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*
Restaurants, Diner/Luncheonettes,	426, 431,	
Fast Food Franchises, Auto Dealers	433, 434,	
– Sales & Service, Auto Body/ Tire/	442, 449,	
Related Auto, Automatic Car Wash,	450, 452,	
Mini Warehouse (self storage), Other	462, 464,	
Storage/ Warehouse/ Distribution	465, 472,	
Facilities, Retail Services,	483, 484,	
Neighborhood Shopping Centers,	485, 486,	
Drive-In Branch Bank, Office	612, 615,	
Building, Professional Building, Dog	620, 632,	
Kennel/ Veterinary Clinic, Converted	642, 651,	
Residence, One Story Small	652, 662,	
Structure, One Story Small Structure	870	
– Multi-Occupancy, Minimart,		
Schools, Other Educational		
Facilities, Religious, Benevolent &		
Moral Associations, All Other Health		
Facilities, Governmental Highway		
Garage, Governmental Office		
Building, Police & Fire Protection,		
Electric & Gas		
* Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll or 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. Non-connected Commercial Residential Facilities do not have estimated water consumption as a component of the EDUs calculated.		

**2011-322)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 1 (Clearview), and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 254.25 units and adopted on December 8<sup>th</sup>, 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-323)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 3 (Maplecrest) and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8<sup>th</sup> 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 44 units and adopted on December 8<sup>th</sup> 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-324)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll for Consolidated Water District No. 101 (formerly Water Districts Nos. 2a, 2b, 4, 5, 8 and 9) and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED, that the said assessment roll be and the same is hereby affirmed for 872.50 units and adopted on December 8, 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-325)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 2a (Inglewood) and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, pursuant to Resolution 2009-378 adopted on August 27, 2009, it was determined by the Town Board of the Town of Schodack to be in the public interest to consolidate six existing water districts to be known as Consolidated Water District No. 101, and

WHEREAS, it was further determined that any costs of outstanding indebtedness for improvements to the districts consolidated would remain the obligation of each said district, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 33 units and adopted on December 8<sup>th</sup> 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-326)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 5 (Exit 10), and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, pursuant to Resolution 2009-378 adopted on August 27, 2009, it was determined by the Town Board of the Town of Schodack to be in the public interest to consolidate six existing water districts to be known as Consolidated Water District No. 101, and

WHEREAS, it was further determined that any costs of outstanding indebtedness for improvements to the districts consolidated would remain the obligation of each said district, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,



NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 1,423 units and adopted on December 8<sup>th</sup>, 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-327)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 8 (Schodack Center), and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, pursuant to Resolution 2009-378 adopted on August 27, 2009, it was determined by the Town Board of the Town of Schodack to be in the public interest to consolidate six existing water districts to be known as Consolidated Water District No. 101, and

WHEREAS, it was further determined that any costs of outstanding indebtedness for improvements to the districts consolidated would remain the obligation of each said district, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 280.75 units and adopted on December 8<sup>th</sup>, 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-328)** WHEREAS, the Town Board of the Town of Schodack, Rensselaer County, has completed an assessment roll in connection with the financing of improvements to the water system in Water District No. 9 (Highway Garage/Route 20) and filed the same with the Town Clerk of the Town of Schodack, and

WHEREAS, pursuant to Resolution 2009-378 adopted on August 27, 2009, it was determined by the Town Board of the Town of Schodack to be in the public interest to consolidate six existing water districts to be known as Consolidated Water District No. 101, and

WHEREAS, it was further determined that any costs of outstanding indebtedness for improvements to the districts consolidated would remain the obligation of each said district, and

WHEREAS, the Town Board caused due notice and publication of the completion of the assessment roll and of a hearing to be held by the Town Board to meet and consider any comments regarding said assessment roll to be held on December 8, 2011 at 7 p.m. at the Schodack Town Hall located at 265 Schuurman Road, Castleton-on-Hudson, New York and

WHEREAS, the Town Board did meet at the Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York on the 8<sup>th</sup> of December 2011, the time and place as specified in said notice to receive and consider any comments regarding the assessment roll,

NOW, THEREFORE, BE IT RESOLVED that the said assessment roll be and the same is hereby affirmed for 184 units and adopted on December 8<sup>th</sup>, 2011 and filed in the office of the Town Clerk of the Town of Schodack.

**2011-329)** Approve contract with Columbia-Greene Humane Society and authorize Supervisor Dowds to execute and administer a contract for calendar year 2012, subject to approval as to form by the Attorney to the Town.

**2011-330)** Full-time employees (non-union) shall be given the following holiday for the year 2012:

<u>Weekday</u>	<u>Date</u>	<u>Holiday</u>
Monday	January 2, 2012	New Year's Day Observance

**2011-331)** Authorize the Town Clerk to post the year-end meeting for the 22<sup>nd</sup> day of December 2011 at 7 p.m. at the Schodack Town Hall.

**2011-332)** Authorize the selection of Empire Blue Cross Insurance for Health Insurance coverage effective January 1, 2012 with monthly premiums as follows: Individual \$645.86 and family \$1,679.24.

**2011-333)** Authorize the selection of the \$15 co-pay Medicare HMO with Capital District Physicians' Health Plan, Inc. (CDPHP) with monthly premiums of \$286.80 effective January 1, 2012. All eligible retirees enrolled in CDPHP will be required to enroll in the Medicare Choice Plan, unless it costs the Town additional premiums over the Non-Medicare Eligible selected Plan.

**2011-334)** Authorize the selection of the HMO HA14L12 Plan with Capital District Physicians' Health Plan, Inc. (CDPHP) with monthly premiums as follows: Individual \$529.09, Two-person \$1,058.19 and family \$1,375.65 effective January 1, 2012.

**2011-335)** **WITHDRAWN:** *"Authorize one-time billing to the Town of East Greenbush for the emergency sale of water related to a water main break for 1.6 million gallons between July 5, 2011 and July 7, 2011 at a rate of \$\_\_\_\_\_ for a total bill of \$\_\_\_\_\_."*

- 2011-336)** Authorize Nadine Fuda, Director of Planning and Zoning and Paul Puccio, Planning Board member to submit a grant application to Federal Highway Administration (FHWA) for the Transportation, Community and Systems Preservation Program (TCSP).
- 2011-337)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-1733 to 11-1855 on Abstract No. 2011-12, in the amount of \$352,355.42, including the claims paid (\$54,358.77) since the previous town board meeting.
- 2011-338)** Authorize budget amendments, budget transfers, interfund loans and interfund transfers as recommended by the Comptroller.
- 2011-339)** WHEREAS, as inspection was performed by Gary Ziegler, Building Inspector, on November 29, 2011, at 9 a.m. and said inspection having resulted in the discovery of several safety and environmental issues including the following: (a) charred debris; (b) compromised stone hearth and chimney; (c) construction debris (d) junk, trash and other clutter; (e) exposed sewer pipe;

WHEREAS, Building Inspector, Gary Ziegler, upon inspecting the premises, determined that this structure is dangerous and unsafe to the lives, health, and safety of the people of the Town of Schodack pursuant to the New York State Building Code, Chapter 1, Section 115, page 4: Unsafe Structures and Equipment; Sections 108 and 109 of the New York State Property Maintenance Code; and Section 110 of the New York State Fire Code; Schodack Town Code 99.

WHEREAS, the Town Board finds, based upon the Building Inspector's report, that the condition of the building at 302 Morey Park Road (Tax Map 202.1-1-36) poses a threat to the health and public safety of the residents of the Town of Schodack;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board that it be and the Board hereby directs the following

(1) Authorizing the Building Department and Town Board of the Town of Schodack to commence to provide notice to Sue Haberland to remove the unsafe conditions at the premises located at 302 Morey Park Road (Tax Map 202.1-1-36), Town of Schodack, State of New York, pursuant to Town of Schodack Code Sections 99-2 and New York State Building Code Section 115, Sections 108 and 109 of the New York State Property Maintenance Code; Section 110 of the New York State Fire Code; Schodack Town Code 99;

(2) Directing that a hearing shall be held before the Town Board on January 12, 2012 at 7 p.m. pursuant to Town of Schodack Code Section 99 to determine compliance by Ms. Haberland with Notice of Violation; and to order if necessary, the demolition of the structure at 302 Morey Park Road, Town of Schodack and to provide that any expenses incurred by the Town in such demolition shall be levied upon 302 Morey Park Road (Tax Map 202.1-1-36).

(3) Authorizing David L. Gruenberg, Esq. to commence necessary legal proceedings to enforce demolition of 302 Morey Park Road (Tax Map 202.1-1-36), pursuant to Schodack Code 219-105 and 99.

BE IT FURTHER RESOLVED, that the Town Clerk be and she hereby is authorized and directed to file a certified copy of this resolution in duplicate, in the office of the Department of State, at Albany, New York.

Amended by [2011-340] on 12/8/11

**2011-340)** Amend the 2012 Adopted Budget as follows: Decrease EW-2801 Interfund Revenue by \$29,500.00 to \$392,659.74, increase Appropriated Fund Balance by \$29,500.00 to \$29,500.00, decrease SWC101-1001 Unit Tax by \$30,268.95 to \$261,372.12, increase SCW101-2801 Interfund Revenue by \$768.95 to \$1,797.41, decrease SCW101-8320.4000 by \$29,500.00 to \$396,124.38, increase SW9-1001 Unit Tax by \$675.32 to \$39,168.92, decrease SW9-2801 Interfund Revenue by \$675.32 to \$1,277.25, increase A-8389.4000 Water Misc. by \$93.64 to \$5,974.67, decrease A-1990.4 Contingency by \$93.64 to \$93,406.36.

**2011-341)** Direct Peter Goold, Acting Assessor to reduce the 2011 assessment roll as follows, in accordance with the proposed Stipulation and Order of Settlement in the matter of Hannaford Bros. Co. against the Board of Assessment Review and Assessor of the Town of Schodack and the Schodack Central School District:

Property Address/ School District	SBL No.	Assessment	Reduced Assessment	Total Reduction
970 US Route 9 Schodack, New York / Schodack Central School District	220.-3- 8.2/1	\$32,180,000	\$23,532,000	\$8,648,000
970 US Route 9 Schodack, New York / Schodack Central School District	220.-3- 8.2/2	\$ 2,108,000	\$ 1,541,500	\$ 566,500
970 US Route 9 Schodack, New York / Schodack Central School District	220.-3- 8.2/3	\$ 4,412,000	\$ 3,226,500	\$1,185,500
Total		\$38,700,000	\$28,300,000	\$10,400,000

**December 22, 2011**

**2011-342)** Authorize one-time billing to the Town of East Greenbush for the emergency sale of water related to a water main break for 1.6 million gallons between July 5, 2011 and July 7, 2011 at a rate of \$4.52 for a total bill of \$7,240.00.

**2011-343)** Adopt the following Longevity Compensation schedule, to be effective January 1, 2012:

Upon completion of 5-9 years of service                      -                      \$ 450.00

Upon completion of 10-14 years of service	-	\$ 600.00
Upon completion of 15-19 years of service	-	\$ 750.00
Upon completion of 20-24 years of service	-	\$ 900.00
Upon completion of 25-29 years of service	-	\$1,050.00
Upon completion of 30 or more years of service	-	\$1,200.00

**2011-344)** Organizational Meeting of the Town Board will be held on January 3, 2012 at 7 p.m. at the Schodack Town Hall at 265 Schuurman Road.

**2011-345)** Approve the attached Transfer Station Fee schedule, to be effective January 1, 2012.

**2011-346)** Authorize Jennifer Mulligan, CPA, Comptroller and one other person to attend NYS GFOA Annual Conference April 3 - 5, 2012 in Albany, New York. Cost of the Conference and Seminar is \$375.00 each plus mileage estimated for \$133.20 for a total of \$885.00. All appropriate expenses are to be borne by the Town. [as budgeted]

**2011-347) WHEREAS,** Hannaford Brothers, Co. (hereafter, "Hannaford"), owns and operates a regional food distribution facility located at 970 Route 9 in the Town of Schodack, and otherwise identified as tax map #s 220-3-8.2/1, 220-3-8.2/2, and 220-3-8.2/3 (hereafter, "the subject property"); and

**WHEREAS,** Hannaford commenced judicial proceedings pursuant to Article 7 of the Real Property Tax Law (RPTL) seeking reductions of the 2008, 2009, 2010 and 2011 real property tax assessments of the subject property; and

**WHEREAS,** the Town is represented by The Law Office of Robert L. Beebe, LLC; and

**WHEREAS,** counsel has recommended that these proceedings now be resolved by settlement; and

**WHEREAS,** the Town Board and the Town Assessor have reviewed the proposed settlement and find the terms of the proposed settlement to be in the best interests of the Town provided that the stipulation is amended to require payments to be made 30 days after service of this stipulation and order of settlement upon the respondent's counsel with notice of entry; now, therefore be it

**RESOLVED,** that the Town Board hereby approves the settlement, attached to and made part of this resolution; and, be it further

**RESOLVED,** that counsel is hereby authorized to sign the settlement on behalf of the Town Board.

**2011-348)** Authorize \$150,000 to be transferred into the Part-Town (DB) Highway Equipment Capital Reserve Fund.

- 2011-349)** Authorize an interfund transfer from the General Part-Town Fund (B) to the Extension to Consolidated Water District No. 101 – Mountain View Road Area Capital Project Fund (H035) in the amount of \$6,500.00 plus interest related to the interfund loan and further authorize repayment of an interfund loan, originally authorized by resolution no. 2010-414, in the amount of \$6,500.00, plus interest, from Extension to Consolidated Water District No. 101 – Mountain View Road Area (H035) to the General Town-Wide Fund (A). Costs are determined to be planning of capital improvements under GML §99-D.
- 2011-350)** Authorize an interfund transfer from the General Part-Town Fund (B) to the 9 & 20 Corridor Sewer Improvements Capital Project Fund (H036) in the amount of \$13,000.00 plus interest related to the interfund loan and further authorize repayment of an interfund loan, originally authorized by resolution no. 2011-084, in the amount of \$13,000.00, plus interest, from the 9 & 20 Corridor Sewer Improvements Capital Project Fund (H036) to the General Town-Wide Fund (A). Costs are determined to be planning of capital improvements under GML §99-D.
- 2011-351)** Authorize an interfund transfer from the General Town-wide Fund (A) to the Castleton Water Interconnection Capital Project Fund (H037) in the amount of \$11,500.00 plus interest related to the interfund loan and further authorize repayment of an interfund loan, originally authorized by resolution no. 2011-184, in the amount of \$11,500.00, plus interest, from the Castleton Water Interconnection Capital Project Fund (H037) to the General Town-Wide Fund (A). Costs are determined to be planning of capital improvements under GML §99-D.
- 2011-352)** Authorize an interfund transfer from the General Part-Town Fund (B) to the Water Master Plan Capital Project Fund (H038) in the amount of \$38,500.00 plus interest related to the interfund loan and further authorize repayment of an interfund loan, originally authorized by resolution no. 2011-212, in the amount of \$38,500.00, plus interest, from the Water Master Plan Capital Project Fund (H038) to the General Town-Wide Fund (A). Costs are determined to be planning of capital improvements under GML §99-D.
- 2011-353)** Authorize renewal of the Town’s liability insurance policy with NYMIR, including property, general liability, auto, inland marine, boiler & machinery, law enforcement and public officials effective April 1, 2011 with a Six Million Dollar Umbrella, single occurrence with a Twelve Million Dollar aggregate for the premium not to exceed \$117,000.00.
- 2011-354)** Authorize David L. Gruenberg, Esq. to undertake legal action necessary pursuant to §373 Agriculture and Markets Law relative to the pending criminal action The People of New York –v- Ronald Haber.

- 2011-355)** Authorize Supervisor Dowds to execute and administer a contract with Commission on Economic Opportunity (CEO) for payment in-lieu of taxes.
- 2011-356)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #11-1856 to 11-1921 on Abstract No. 13-11, in the amount of \$536891.03, including the claims paid (\$447,534.00) since the previous town board meeting.
- 2011-357)** Authorize Comptroller to execute all amendments to minutes, budget transfers, budget amendments, inter-fund loans, interest on inter-fund loans deemed necessary and reasonable to maintain positive account balances and fund availability and to comply with the provisions of the 2011 adopted Town of Schodack budget.