

**October 8, 2015**

**2015-199)** WHEREAS, Strawberry Fields Subdivision filed a certain irrevocable line of credit with the Town Clerk as amended on December 12, 2013, in the sum of \$15,000.00; and

WHEREAS, said letter of credit has been extended annually; and

WHEREAS, the Planning Board and the Town Clerk have now received notification from Richard F. Laberge, P.E., President, Laberge Group that monuments, lot corners and As Built drawings tied to State Plane Coordinate System required at the site has been satisfactorily completed, therefore, the letter of credit for \$15,000 may be cancelled and released;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor Dowds is authorized to execute a release of said letter of credit, and to execute any documents required for that purpose, and

IT IS FURTHER RESOLVED AND AGREED THAT account 1362-8261 in the amount of \$35,000.00 will remain as collateral until other outstanding items have been completed.

**2015-200)** Authorize Supervisor Dowds to execute and administer 2015-2016 Snow and Ice Agreement with Rensselaer County Department of Engineering and Highways for reimbursement for snow and ice removal on Stony Point Road.

**2015-201)** Authorize Dominic DeFruscio, Assistant Building Inspector, to attend the 23<sup>rd</sup> Annual Capital District Building Officials Educational Conference at the Holiday Inn in Colonie, New York, October 19-21, 2015. Cost is \$310.00. Town vehicle to be used for transportation. Other appropriate expenses are to be borne by the Town. [as budgeted]

**2015-202)** WHEREAS, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, Native American Awareness week began in 1976 and recognition was expanded by congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational, and historical activities have been planned,

NOW, THEREFORE, the Town Board of the Town of Schodack does hereby proclaim November 2015 as National American Indian Heritage Month, in this

town and urge all our citizens to observe this month with appropriate programs, ceremonies, or activities.

**2015-203)** **WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as is required by Article 12 of the Town Law of the State of New York and a petition pursuant to Article 12 of the Town Law of the State of New York, relating to the establishment of Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York, has been filed in the Town Clerk's Office; and

**WHEREAS**, said map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District, general plan of the District and an analysis showing the costs thereof and method of operation; and

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

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

**WHEREAS**, the improvements proposed consist of approximately 585 feet of 8 inch diameter class 52 ductile iron pipe water main, four 8 inch gate valves, one 8 inch x 8 inch sleeve and valve and two fire hydrant assemblies and gate valves including among other things appurtenances and incidental equipment, and including the purchase of necessary lands and rights of way therefor, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Ninety-Five Thousand (\$95,000.00) Dollars; and

**WHEREAS**, approval of the New York State Comptroller will not be required for this extension since the real property owner is paying for the entire cost of the infrastructure construction and the Town of Schodack is not financing the cost of any portion of this extension; and

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

**WHEREAS**, the first year cost of debt payment will be \$2,396.56 and \$1,580.00 for water usage. Hook up fees to the property line are not included in the estimated maximum cost, nor is the cost of water from the Village of Nassau.

**NOW**, it is hereby **ORDERED**, that the Town Board of the Town of Schodack,

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

**EXHIBIT "A"**

**ESTIMATED COST OF CONSTRUCTION:**

The estimated cost of the water system improvements is \$95,000. The cost of the improvements will be borne by Stewart's. There will be no additional cost to district users for the proposed district extension.

**ENGINEER'S COST ESTIMATE:**

<u>Description</u>	<u>Unit</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Total Cost</u>
8" Class 52 DIP Water Main	L.F.	525	\$ 80	\$ 42,000
Directional Drilling & Casing	L.F.	135	200	27,000
8" Gate Valves	Each	4	1,600	6,400
8" x 8" Tapping Sleeve & Valve	Each	1	5,500	5,500
Fire Hydrant Assembly & Gate Valve	Each	2	2,500	5,000
Select Backfill	C.Y.	125	35	4,375
Restoration	L.S.	1	2,000	2,500
Traffic Control	L.S.	1	2,000	<u>2,000</u>
Total Construction Cost				\$94,775
			Say	\$95,000

**2015-204) ORDER FOR PUBLIC HEARING ON ESTABLISHMENT OF STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101 IN THE TOWN OF SCHODACK, COUNTY OF RENSSELAER, STATE OF NEW YORK, PURSUANT TO ARTICLE 12 OF THE TOWN LAW OF THE STATE OF NEW YORK**

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

**WHEREAS**, said map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing boundaries of the proposed District, general plan of the District and an analysis showing the costs thereof and method of operation; and

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

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

**WHEREAS**, the improvements proposed consist of approximately 585 feet of 8 inch diameter class 52 ductile iron pipe water main, four 8 inch gate valves, one 8 inch x 8 inch sleeve and valve and two fire hydrant assemblies and gate valves including among other things appurtenances and incidental equipment, and including the purchase of necessary lands and rights of way therefor, in accordance with the map, plan and report now on file in the Office of the Town Clerk of the said Town of Schodack; and

**WHEREAS**, the maximum amount proposed to be expended for said improvements and/or acquisition of necessary lands is the sum of Ninety-Five Thousand (\$95,000.00) Dollars; and

**WHEREAS**, approval of the New York State Comptroller will not be required for this extension since the real property owner is paying for the entire cost of the infrastructure construction and the Town of Schodack is not financing the cost of any portion of this extension; and

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

**WHEREAS**, the first year cost of debt payment will be \$2,396.56 and \$1,580.00 for water usage. Hook up fees to the property line are not included in the estimated maximum cost, nor is the cost of water from the Village of Nassau.

**NOW**, it is hereby **ORDERED**, that the Town Board of the Town of Schodack, shall meet and hold a public hearing at the Town of Schodack Town Hall, 265 Schuurman Road, Castleton, New York 12033, in said Town, on the 5th day of November, 2015, at 7:15 p.m., local time, to consider said petition and the map, plan and report and to hear all persons interested in the subject thereof as is required or authorized by law.

**SCHEDULE "A"**  
**BOUNDARY DESCRIPTION OF**  
**STEWART'S SHOPS EXTENSION TO**  
**SCHODACK CONSOLIDATED WATER DISTRICT NO. 101**  
**TOWN OF SCHODACK COUNTY OF RENSSELAER**  
**STATE OF NEW YORK**  
**AUGUST 26, 2015**

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

Beginning at a point on the northerly right-of-way line of U. S. Route 20, said point being the southwesterly most corner of the westerly right-of-way line of New Road, said point being the southeasterly most corner of, and the point-of-beginning for the herein to be described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**.

From said point-of-beginning run along the said northerly right-of-way line of U. S. Route 20, N86°-27'-55"W, a distance of 461.20 feet to a point, said point being the southwesterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point being the southeasterly most corner of the Lands n/f of Nassau Square 1, LLC, (Liber 4504, Page 1); Thence run along the easterly line of the said Lands n/f of Nassau Square 1, LLC, (Liber 4504, Page 1), N06°-50'-39"W, a distance of 135.19 feet to a point, said point being the northwesterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point being the southwesterly most corner of the Lands n/f of Gerald J. O'Neil and Judith E. O'Neil, (Liber 1300, Page 691); Thence run the following three courses along the southerly line of the said Lands n/f of Gerald J. O'Neil and Judith E. O'Neil, (Liber 1300, Page 691), (1) N77°-08'-46"E, a distance of 174.88 feet to a point; (2) Thence run, N35°-55'-20"E, a distance of 131.74 feet to a point; (3) Thence run, S87°-13'-57"E, a distance of 206.03 feet to a point, said point being the northeasterly most corner of the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, said point located on the said westerly right-of-way line of New Road; Thence run along the said westerly right-of-way line of New Road, SO4°-22'-55"E, a distance of 299.18 feet to a point, said point located on the said northerly right-of-way line of U. S. Route 20, said point being the said southwesterly most corner of the westerly right-of-way line of New Road, said point being the said southeasterly most corner of, and the said point-of-beginning for the herein described **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**.

Said **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"** contains 108,490.79 square feet = 2.491 acres, more or less.

The above described parcel being shown on a map entitled Extension Map And Plan - **"STEWART'S SHOPS EXTENSION TO SCHODACK CONSOLIDATED WATER DISTRICT NO. 101"**, dated August 26, 2015. Said map prepared by Brewer Engineering Associates, P.C. and is enclosed in Appendix "B".

**2015-205)** **WHEREAS**, a petition, pursuant to Article 12 of the Town Law, relating to the establishment of the Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York, has heretofore been filed in the Town Clerk's Office; and

**WHEREAS**, a map, plan and report has been prepared and filed in the Town Clerk's Office, relating to the establishment of the Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101, in the Town of Schodack, County of Rensselaer, State of New York; and

**WHEREAS**, such map, plan and report was prepared by Brewer Engineering Associates, P.C., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District, general plan of the District, the improvements to be made to the District, and a report showing the costs thereof; and

**WHEREAS**, said project will require compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act;

**NOW, THEREFORE, IT IS RESOLVED**, that the Town Board of the Town of Schodack be designated as lead agency for the environmental review for the creation of the proposed extension of Stewart's Shops Extension to Schodack Consolidated Water District No. 101, and it is further,

**RESOLVED**, that the Town Supervisor be authorized to sign any and all documents associated with the environmental review of the creation of the Town of Schodack Stewart's Shops Extension to Schodack Consolidated Water District No. 101 pursuant to the State Environmental Quality Review Act.

**2015-206)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of capital charges for Water District Number 1. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

**2015-207)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of capital charges for Water District Number 3. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

**2015-208)** Authorize Town Clerk to publish legal notice of public hearing on proposed water rates for Operation and Maintenance costs and the assessment rolls of the

capital charges for Water District Number 101. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.

- 2015-209)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 2a. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.
- 2015-210)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 5. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.
- 2015-211)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 8. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.
- 2015-212)** Authorize Town Clerk to publish legal notice of public hearing on the assessment rolls of the capital charges for Water District Number 9. Said hearing shall be held on Thursday, November 5, 2015 at 7:10 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district extension hearing is concluded.
- 2015-213)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 1. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.
- 2015-214)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 2. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.
- 2015-215)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 4. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.
- 2015-216)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs and the assessment rolls of the capital charges for Sewer District Number 5. Said hearing shall be held on

Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

**2015-217)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 6. Said hearing shall be held on Thursday, November 5, 2015 at 7:15 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

**2015-218)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs for Sewer District Number 7. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

**2015-219)** Authorize Town Clerk to publish legal notice of public hearing on proposed sewer rents for Operation and Maintenance costs and the assessment rolls of the capital charges for Sewer District Number 8. Said hearing shall be held on Thursday, November 5, 2015 at 7:20 p.m. at the Schodack Town Hall, 265 Schuurman Road or as soon thereafter as the above water district hearing is concluded.

**2015-220)** Authorize Town Clerk to publish legal notice of hearing to seek public input relative to the 2016 Preliminary Budget and proposed fees for 2016 to be held on Thursday, November 5, 2015 at 7:30 p.m. at the Schodack Town Hall, 265 Schuurman Road as soon thereafter as the above sewer district hearing is concluded.

**2015-221)** WHEREAS, Chapter 175 of the Town of Schodack Code (Water Regulations) provides for capital costs to be allocated to each parcel of property within the water district based on the assessed valuation, units or front footage of property along which water mains are constructed or a combination of these methods as approved by the Town Board, and

WHEREAS, the Town Board defined the basis, through the adoption of Resolution No. 2013-218 on October 24, 2013, on which capital costs are to be allocated that is in accordance with the districts' legal formation and/or method by which the capital costs were approved, and

NOW THEREFORE BE RESOLVED that the Town Board of the Town of Schodack updates the definitions of an equivalent dwelling unit (EDU), for all Town Water Districts, except Water District No. 5 because of the related Agreement to Construct Public Water Supply Improvements and Sewer Collection Improvements dated April 5, 1999 between the Town of Schodack and Schodack Exit Ten, LLC and RNP Associates, Inc., as follows:

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

<u>Property Type</u>	<u>Property Code</u>	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<b>Commercial Vacant Land Properties</b>		
Vacant Land; Commercial Vacant with small improvement; Agricultural Vacant Land	330,331, <u>105</u>	An assessed value per acre of less than or equal to \$10,000 shall have an EDU value of .25, an assessed value per acre greater than \$10,000 and less than or equal to \$25,000 shall have an EDU value of .50, and an assessed value per acre greater than \$25,000 shall have an EDU value of .75; then dividing the total assessed value of the property by \$20,000 (2015-AAV) to determine the units of assessment and then multiplying the EDU value by the units of assessment, rounded up to the nearest quarter. AAV-Average Assessed Value is calculated annually based upon the average assessed value per acre of residential vacant property in

		property code no. 311 for all Town Water Districts. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Parking Lots, Mining/Quarry	438, 720	1.00 EDU. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
<b>Commercial Residential Properties</b>		
Apartments, Mobile Home Parks	411, 416	1.00 EDU; plus 0.50 EDU per apartment/mobile home; plus 0.50 EDU for each excess 36,000 gallons or portion thereof in excess of the total of the EDUs per apartment/mobile home times 72,000 gallons.*
Hotel, Motel	414, 415	1.00 EDU; plus 1.00 EDU per 3 rooms or portion thereof; plus 1/3 of 1.00 EDU for each excess 24,000 gallons used or portion thereof in excess of the total of the EDUs per 3 rooms times 72,000 gallons.*
<b>Commercial Properties</b>		
Commercial properties as listed: Restaurants, Diner/Luncheonettes, Fast Food Franchises, Auto Dealers – Sales & Service, Auto Body/ Tire/ Related Auto, Automatic Car Wash, Mini Warehouse (self-storage), Lumber Yards, Other Storage/ Warehouse/ Distribution Facilities, Retail Services, Neighborhood Shopping Centers, Drive-In Branch Bank, Office Building, Professional Building, Dog Kennel/ Veterinary Clinic, Multiple Use, Converted Residence, One Story Small Structure, One Story Small Structure – Multi-Occupancy, Minimart, Schools, Other Educational Facilities, Religious, Benevolent & Moral Associations, All Other Health Facilities, Governmental Highway Garage, Governmental Office Building, Police & Fire Protection, Industrial, Electric & Gas	421, 422, 426, 431, 433, 434, 442, 444, 449, 450, 452, 462, 464, 465, 472, 481  483, 484, 485, 486, 612, 615, 620, 632, 642, 651, 652, 662, 700, 870	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
* Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll, or ^ Based upon estimated water consumption for non-connected properties per DEC design flow guidelines as follows: .01 gallon/square foot/day for Warehouse/Storage Facilities or .1 gallon/square foot/ day for Office/Retail Facilities discounted by 50% of estimated water usage.		

**2015-222)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #15-1494 to #15-1561 on Abstract No. 2015-10, in the amount of \$870,800.33, including the claims paid (\$684,570.36) since the previous town board meeting.