

DATE: OCTOBER 8, 2020

KIND OF MEETING: TOWN BOARD

WHERE HELD: SCHODACK TOWN HALL

CLERK: DEBRA L. CURTIS

PRESIDING OFFICER: DAVID B. HARRIS

MEMBERS PRESENT: JAMES E. BULT
MICHAEL KENNEY
SCOTT SWARTZ
TRACEY REX

MEMBERS ABSENT:

ATTORNEY: CHRISTOPHER LANGLOIS, ESQ.

COMPTROLLER: PAUL HARTER

OTHERS PRESENT: DAWNE KELLY, ASSISTANT TO THE SUPERVISOR

Supervisor Harris called the October 8, 2020 Town Board Meeting to order at 7:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

Presentation – Old McClellan Road

Timothy Shevy, Esq. informed the board that his clients, James Mayo & Carolyn Tincus, owners of a parcel of land off Kingman Road, tax map number 220.-4-2, had noticed a trail that encircle the property which was found to be the Old McClellan Road. This road is owned by the Town but has not been used or maintained in years. It was found that the road had an issue of heavily trafficked ATV use and it was requested by the owner to have the Town abandon the road. This would free the Town from any liability with the road and allow the owner to post the property in hopes of ending the ATV use. He noted the parcel was not landlocked and the adjacent landowner had no issue with the abandonment. S. Harris said he had spoken to Ken Holmes, Highway Superintendent, who agreed that the road was not used or maintained and saw no issue with abandoning it. As there was no issue, he would refer the matter to counsel to draw up the agreement.

Briefing of the Agenda

S. Harris gave a brief review of all resolutions on the agenda. All were self-explanatory.

Board Comment: C. Bult said he had a concern with the terms for the agreement with Transco with respect to the length of time allowed to notify them of any damages (2020-261). He felt seven days may not be enough time, especially if damage occurs on a weekend. Atty. Langlois clarified that the seven days would apply to once the Town was made aware and not necessarily when the damage first occurred.

Public Comment: The Town Clerk advised that no public comment had been received via email.

Departmental Reports: The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Building Department and Town Clerk.

Review of Abstracts of Claims and Budget Amendments: The Board reviewed claims #20-1402 to #20-1586 on Abstract No. 2020-10 in the amount of \$960,170.70, including the claims paid prior (\$767,553.70).

Adoption of Resolutions

EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.

C. Bult made a motion to adopt the following resolution, seconded by C. Swartz:

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

2020-254) WHEREAS, a map, plan and report relating to the establishment of Town of Schodack Sewer District No. 6, Extension No. 7 prepared by Clough Harbour & Associates, LLP, (Eric Hirschmann P.E.), competent engineers, duly licensed by the State of New York, in manner and detail as determined by the Town Board of Schodack has been filed with the Town Clerk of the Town of Schodack in accordance with the requirements of the Town Law; and,

WHEREAS, an Order was adopted by the Town Board of the Town of Schodack on July 9, 2020, reciting the filing of the map, plan and report, the boundaries of the proposed sewer district extension, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office in said Town for public inspection, and all other matters required by law to be stated; and

WHEREAS, the order set August 13, 2020 at 7:05 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton-on-Hudson, New York, as the date, time and place of the public meeting to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and,

WHEREAS, such order was published and posted as required by law; and,

WHEREAS, a hearing on the matter was held by the Town Board on the 13th day of August 2020 beginning at 7:05 p.m. and the matter being fully discussed and all interested persons having been duly heard; and

WHEREAS, it having been duly resolved and determined following such hearing that: the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient; all property and property owners within the limits of the proposed sewer district extension are benefitted thereby; all property and property owners benefitted are included within the limits of the proposed sewer district extension; and, it was in the public interest to establish said Town of Schodack Sewer District No. 6, Extension No. 7, and to grant, in whole, the relief sought, and it having been then and there duly resolved that establishment of said Town of Schodack Sewer District No. 6, Extension No. 7, be approved, and that the permission of the New York State Comptroller is not required for the creation of Town of Schodack Sewer District No. 6, Extension No. 7, that the aforesaid Town Board resolution of August 13, 2020 having been adopted subject to permissive referendum, and no petition for a referendum having been filed,

NOW, THEREFORE, IT IS ORDERED, RESOLVED AND DETERMINED that the Town of Schodack Sewer District No. 6, Extension No. 7, be created so as to include therein the following lands which are hereby established as the Town of Schodack Sewer District No. 6, Extension No. 7 and which lie wholly within the Town of Schodack, County of Rensselaer, State of New York, and is bounded and described in Schedule "A" attached hereto, and it is further,

ORDERED, RESOLVED AND DETERMINED that the Town Clerk is directed to cause a certified copy of this Order, Resolution and Determination to be recorded in the Office of the Clerk of the County of Rensselaer within ten (10) days after the adoption thereof, and a certified copy thereof be submitted to the Department of Audit and Control at Albany, New York as provided by §209-g of the Town Law; and it is further,

ORDERED, RESOLVED AND DETERMINED, that the establishment of Town of Schodack Sewer District No. 6, Extension No. 7, as set forth in the map, plan and report be approved; and it is further,

ORDERED, RESOLVED AND DETERMINED, the requested improvement shall be constructed, and the necessary easements and lands be acquired, and such sewer district extension shall be known and designated as the Town of Schodack Sewer District No. 6, Extension No. 7, in the Town of Schodack and shall be bounded and described as set forth in Schedule "A" annexed hereto.

Schedule "A"

BOUNDARY DESCRIPTION OF THE PROPOSED TOWN OF SCHODACK SANITARY SEWER DISTRICT #6 EXTENSION #7

From a survey conducted by ALTA/NSPS at 1811 Columbia Turnpike in the Town of Schodack in Rensselaer County, NY, the property boundaries were described as such:

Beginning at an iron rod located along the easterly line of Route 9 and 20, also known as the Columbia Turnpike, said point being the intersection formed by said easterly line of Columbia Turnpike and lands now or formerly owned by Mayakis Associates LLC on the south, and the lands now or formerly of Stewart's Shops Corp. on the North;

Thence from said point of beginning and along the aforesaid Columbia Turnpike, the following three courses: 1) North 31°30'30" West, 77.53 feet to a point; 2) North 22°50'30" West, 129.44 feet to a point and 3) North 33°10'40" West, 100.00 feet to a point;

Thence along the lands now or formerly of the Town of Schodack and Continuing along the lands now or formerly of Rensselaer County, the following two courses: 1) North 56°49'20" East, 300.19 feet to a point and 2) South 86°27'40" East, 181.55 feet to a point;

Thence along the westerly line of Ferndale Road, along a curve to the right having a radius of 975.00 feet, an arc length of 237.85 feet and bearing a chord of South 07°44'16" West, 237.26 feet to a point; Thence along the first mentioned division line, South 53°44'24" West, 316.27 feet to the point or place of beginning

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Kenney made a motion to adopt the following resolution, seconded by C. Rex:

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

2020-255) Authorize Supervisor Harris to execute and administer a Payment in Lieu of Taxes Agreement by and between the Town of Schodack, Rensselaer County, Schodack Central School District and Cedar Hill Solar, LLC, relating to the premises located at Phillips Road.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by C. Bult:

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

2020-256) Authorize Supervisor Harris to execute and administer a Payment in Lieu of Taxes Agreement by and between the Town of Schodack, Rensselaer County, Schodack Central School District and White River Solar, LLC, relating to the premises located at 2270 River Road.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

S. Harris made a motion to adopt the following resolution, seconded by C. Kenney:

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

2020-257) Approve listing the following as surplus vehicle and authorize Kenneth Holmes, Highway Superintendent to post said items on www.AuctionsInternational.com at no cost to the Town. (Bidders must be registered to bid. Cost of registration is \$10.00):

1) 2013 Ford Taurus PPV – Police VIN 1FAHP2M84DG119294

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by C. Bult:

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

2020-258) Pursuant to Article 7 Section 140 of the Highway Law, the Highway Superintendent hereby appoints Rick Lindheimer, subject to final approval by the Rensselaer County Civil Service Commission, as an Operator 2, at an hourly rate as set forth in the Year 2020 adopted budget. Said appointment is effective as of October 26, 2020.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Kenney made a motion to adopt the following resolution, seconded by C. Rex:

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

2020-259) WHEREAS, Chapter 174 & 176 of the Town of Schodack Code (Sewer Regulations) provides for capital costs to be allocated to each parcel of property within the sewer district based on the assessed valuation, units or front footage of property along which sewer 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. 2019-117 on March 14, 2019, 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 Sewer Districts, as follows:

Town of Schodack/Village of Castleton

Sewer District Property Class Codes

Sewer Equivalent Dwelling Unit (EDU) Schedule

Property Class Code per Assessor's Manual and Property

Description

Capital-O&M EDU

200	Residential Dwellings		1 EDU per dwelling unit-additional units may be assigned for incidental commercial usage
			Residential parcels - 1 EDU per buildable lot or lots greater than 10,000 sq. ft. where connection is feasible. Commercial parcels - For large parcels, EDU's may be assigned to vacant properties based upon the assessed value per acre at the discretion of the Board.
300	Vacant Land-no O&M EDU for Vacant Properties	*	
400	Commercial Properties	**	1 EDU
410	Living Accommodations		
411	Apartments	**	1 EDU per dwelling unit (VOC)
416	Mobile Home Park	**	1 EDU per dwelling unit
480	Multi-Use Structures		
482	2-3 story structure with 1st Floor Commercial and upper floor apartments/offices	**	EDU(s) based upon main floor use of structure plus an additional EDU for each dwelling/office
484	1 Story multi-use	**	EDU(s) based upon commercial use of structure plus an additional EDU for each dwelling/office
600	Community Services		
612	Schools-day		1 EDU per 20 students/staff
633	Homes for the Aged-Nursing Home		.75 EDU per bed
682	Recreation Facilities-bike path, Nature Trail w/o sewer		Exempt
695	Cemetery		Exempt
800	Public Services		Exempt
900	Wild, Forested Conservation Land & Public Parks		Exempt

Commercial Property Class Codes with public water connections (excluding Sewer District #6) not specifically identified above, in general, will be assigned 1 EDU plus additional EDU's for every 40,000 gallons, or portion thereof, of water usage in excess of 40,000 gallons per year at the discretion of the Board. Entities using over 1 million gallons/year may be assigned units on a separate basis.

Sewer Districts without public water connections will be assigned EDU's based upon the above table or, if necessary, in accordance with the use of the property, excluding the component for water usage.

Sewer District #6 properties shall use EDU's calculated per annual Resolution for all Town Water Districts.

Water EDU Schedule (Red-2019 changes, \$20,000 vacant property – no change)

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Rex made a motion to adopt the following resolution, seconded by C. Bult:

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

2020-260) 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, as follows:

<u>Property Type</u>	Property Code	<u>Equivalent Dwelling Unit (EDU) Assigned</u>
<i>A typical property is defined as a single family residence with estimated annual water usage of 72,000 gallons or less.</i>		
Exempt Properties	Varies, 315,822, 971	Cemetery without water use, underwater land, catch basins, access roads, water and/or sewer district owned parcels, water supply, wetlands and homeowner associations.
Residential Properties		
Vacant Land	311	0.75 EDU

Vacant Land - Rural 10 acres or less	314	0.50 EDU (less than .10 acres, then 0 EDU)
Vacant Land - Rural over 10 acres	322	1.00 EDU
1 family w/ no water main on the road	210	<u>0.0</u> EDU
1 family year round residence w/ curb stop, w/ easement or flag lot, dwelling > 600 feet from curb stop	210	0.50 EDU
1 family, with acreage	210	1.00 EDU
1 family year round residence w/ accessory apartment	215	1.50 EDU
2 family	220	2.00 EDU
3 family	230	3.00 EDU
With acreage, Multi-purpose	240, 280, 281	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>
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Commercial Vacant Land Properties

Vacant Land; Commercial Vacant with small improvement; Agricultural Vacant Land	330,331, <u>105</u>	An assessed value per acre of less than or equal to \$10,000 shall have an EDU value of .25, an assessed value per acre greater than \$10,000 and less than or equal to \$25,000 shall have an EDU value of .50, and an assessed value per acre greater than \$25,000 shall have an EDU value of .75; then dividing the total assessed value of the property by \$20,000 (2017-AAV) to determine the units of assessment and then multiplying the EDU value by the units of assessment, rounded up to the nearest quarter. AAV-Average Assessed Value is calculated annually based upon the average assessed value per acre of residential vacant property in property code no. 311 for all Town Water Districts. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Parking Lots, Mining/Quarry	438, 720	1.00 EDU. Should properties become water users, additional units will be added based upon actual usage at the rate of 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^

Commercial Residential Properties

Apartments, Mobile Home Parks	411, 416	1.00 EDU; plus 0.50 EDU per apartment/mobile home; plus 0.50 EDU for each excess 36,000 gallons or portion thereof in excess of the total of the EDUs per apartment/mobile home times 72,000 gallons.*
Hotel, Motel	414, 415	1.00 EDU; plus 1.00 EDU per 3 rooms or portion thereof; plus 1/3 of 1.00 EDU for each excess 24,000 gallons used or portion

		thereof in excess of the total of the EDUs per 3 rooms times 72,000 gallons.*
Commercial Properties		
Commercial Properties as listed:	421, 422, 426, 430, 431, 433, 434, 442, 444, 447, 449, 450, 452, 462, 464, 465, 472, 481	1.00 EDU; plus 1.00 EDU for every 72,000 gallons or portion thereof in excess of 72,000 gallons.*^
Restaurants,		
Diner/Luncheonettes, Fast Food		
Franchises, Motor Vehicle		
Service, Auto Dealers – Sales &		
Service, Auto Body/ Tire/		
Related Auto, Automatic Car		
Wash, Mini Warehouse (self-storage), Lumber Yards,		
Trucking Terminals, Other		
Storage/ Warehouse/ Distribution		
Facilities, Retail Services,		
Neighborhood Shopping		
Centers, Drive-In Branch Bank,		
Office Building, Professional		
Building, Dog Kennel/ Veterinary		
Clinic, Multiple Use, Converted	870	
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, Recreational Facility,		
Industrial, Electric & Gas		
<p>* Based upon actual water consumption for the period July 1 – June 30 preceding the adoption of the assessment roll, or</p> <p>^ 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</p>		

.1 gallon/square foot/ day for
Office/Retail Facilities discounted
by 50% of estimated water
usage.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S.
Swartz, T. Rex, D. Harris. Noes – 0.

C. Bult made a motion to adopt the following resolution, seconded by C. Kenney:

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

2020-261) Authorize Supervisor Harris to execute and administer the Road Use and
Crossing Agreement by and between the Town of Schodack and New York
TRANSCO LLC. [Knickerbocker Road]

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S.
Swartz, T. Rex, D. Harris. Noes – 0.

C. Swartz made a motion to adopt the following resolution, seconded by C. Rex:

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

2020-262) Ratify and affirm authorizing Supervisor Harris to execute and administer the
Verizon Wireless NYS OGS, Contract Group 77017, Award 23100 for
Telecommunication Connectivity Services.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S.
Swartz, T. Rex, D. Harris. Noes – 0.

C. Bult made a motion to adopt the following resolution, seconded by C. Kenney:

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

2020-263) Authorize the Comptroller's recommendation to direct the Town Supervisor to
pay the claims #20-1402 to 20-1586 on Abstract No. 2020-10, in the amount
of \$960,170.70, including the claims paid \$767,553.70.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S.
Swartz, T. Rex, D. Harris. Noes – 0.

C. Rex made a motion to adopt the following resolution, seconded by C. Swartz:

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

2020-264) Authorize the September 2020 budget modifications, interfund loans and interfund transfers as provided in document dated October 2020 and recommended by the Comptroller.

BUDGET MODIFICATIONS

Fund/				
	Department #	Fund / Department Name	Increase	Decrease
2020				
44	A-960-3120.1012	Police Grant - PTS	2,455.48	
	A-509-4320.9999	Federal Aid Public Safety	2,455.48	
	To modify the budget for PTS grant awards			
45	A-960-8389.4000	Water Miscellaneous	177.72	
	A-960-1990.4000	Contingency - Contractual		177.72
	To modify the budget for Town Hall, Highway Garage water usage and Court order			
46	DB-960-5130.1400	Machinery - DB Highway Police Work	434.94	
	DB-960-5130.1500	Machinery - DB Highway Building Inspection	52.72	
	DB-960-5130.1000	Machinery - Personal Services		487.66
	To modify the budget for repairs on Departmental vehicles			
47	SS6-960-8130.1008	Personal Services - Dunkin Donuts	-	
	SS6-960-8130.1108	Personal Services - Dunkin Donuts OT	-	
	SS6-960-8130.4008	Contractual - Dunkin Donuts	170.22	
	SS6-960-9030.8008	Social Security - Dunkin Donuts	-	
	SS6-960-9060.8008	Hospital & Medical Benefits - Dunkin Donuts	1.89	
	SS6-509-5031.9999	Exit 10 Sewer - Sewer Charges	172.11	
	To modify the budget for reimbursement of Dunkin Donut expenditures			
	5 Ayes 0 Noes. MOTION CARRIED. Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.			

Executive Session

C. Kenney made a motion at 7:14 p.m. to enter into an Attorney-Client Session of the board to discuss personnel matters and COVID-19 updates. Seconded by S. Harris.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

C. Kenney made a motion at 8:05 p.m. to adjourn the executive session. Seconded by C. Bult.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, S. Swartz, T. Rex, D. Harris. Noes – 0.

ADJOURNMENT

As there was no further business before the Board, C. Bult made a motion to adjourn the 10/08/20 Town Board meeting at 8:05 p.m., seconded by S. Harris. Meeting adjourned.

Respectfully Submitted,

Debra L. Curtis
Schodack Town Clerk

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