

**DATE:** MARCH 13, 2014

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA L. CONLIN

**PRESIDING OFFICER:** DENNIS E. DOWDS

**MEMBERS PRESENT:** FRANCIS CURTIS  
MICHAEL KENNEY  
SCOTT SWARTZ  
JAMES E. BULT (*left at 6:45 p.m.*)

**MEMBERS ABSENT:**

**ATTORNEY:** DAVID GRUENBERG

**COMPTROLLER:** JENNIFER MULLIGAN

**OTHERS PRESENT:** WILLIAM RYAN, SPECIAL DISTRICTS COUNSEL  
RICHARD LABERGE, ENGINEER

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Supervisor Dowds called the March 13, 2014 meeting to order at 6:01 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Executive Session**

C. Curtis made a motion at 6:03 p.m. to enter an Executive Session to discuss potential water/sewer contract negotiations. Seconded by C. Bult.

5 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

At 7:10 p.m. C. Curtis made a motion to adjourn the Executive Session, seconded by C. Swartz.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

### **Public Hearing**

#### **Consolidated Water District No. 101- Extension 3**

S. Dowds opened the public hearing for Extension 3 of Consolidated Water District No. 101 at 7:15 p.m.

The Town Clerk read an abstract of the affidavit of publication seeking public input on Extension No. 3 to Consolidated Water District No. 101 (CSW-101), pursuant to Article 12A of New York State Town Law. The legal notice was published in the February 24, 2014 edition of "*The Record*" and posted on the Town Clerk's signboard on February 24, 2014. Said notice was also posted on the Town's website, [www.schodack.org](http://www.schodack.org).

William Ryan, Special District's Counsel, stated that a Map, Plan and Report has been filed regarding this extension and called upon Richard Laberge, Laberge Engineering, to highlight the report.

Mr. Laberge explained that last year the town expressed interest in extending the district to include various parcels on Inglewood Road, Timber Ledge, Waters Road and Old Miller Road, for a total number of 15 parcels. It is anticipated that the parcels would use approximately 3,000 gallons of water a day which is within the capacity of the existing system. He continued that if the extension is approved, there are several regulatory items that need to be addressed such as the water supply application from DEC and a sign-off from SHIPO. He noted that the town was not extending water mains for this extension as they already exist, so they are essentially being added into the district without construction. The anticipated \$8,500.00 project cost is related to engineering, legal, and water department and administration expenses for the district formation. Since all the homes are single family residential, each will be assigned one (1) capital unit annually for the debt service. That cost for 2014 will be \$330.00 but that capital charge may fluctuate from year to year. With regard to Operation and Maintenance charges (O & M) for water use, the current water use rate is \$4.00/1,000 gallons with a minimum quarterly charge of \$75.00 for up to 18,000 gallons for an annual estimated cost of \$300.00. Since most single family homes fall within the minimum charge, the annual estimated costs for 2014 will be \$630.00. In closing, Mr. Laberge noted that upon connection, the Town will be waiving the hook-up fee; however, there will be a one-time administrative fee of \$225, a building permit fee of \$50.00, a meter fee of \$250.00 and the initial inspection fee of \$25.00/meter.

Atty. Ryan added that under Article 12A of Town Law, the Town has to post and publish legal notice of the public hearing, no less than 10 nor more than 20 days from the scheduled date, which was done. All the property and property owners will be benefitted from this extension.

### **Public Comment**

Geri Pomerantz, who lives in the proposed district extension (Waters Rd.), said that the Assistant Comptroller has been very helpful answering some of her questions. She said she did not object to the water district extension, or having the lines on her property, but she said she is not going to connect because she has a good well. Therefore, she feels this is a tax. She said that, essentially, the existing homeowners are being required to subsidize the cost of bringing water to the people who will be getting the water, which are primarily new construction folks and she didn't think that was very fair. It was her opinion that she will not get any benefit from this extension, especially when it comes with a \$400.00 + cost which she believes will make it harder to sell her property. She said she could understand if the Board wanted to assess a token charge to the property owners who won't be using it, but not \$330 - \$400.00 annually.

Jean Wilson asked if the Love Lutheran Church property was in the district. The Supervisor said yes. Mrs. Wilson said she was confused as to whether they are served by Schodack or East Greenbush. The Supervisor said the church gets water from the Town of Schodack and they have a contractual agreement with the Town of East Greenbush for sewer.

Jonathon Cohn, who lives in the proposed district extension (Old Miller Rd.), asked if everyone in the district will pay the same capital charge of \$330.00 for 2014. Mr. Laberge said yes that is the capital unit charge. Some people are assessed more capital units if they

have multi-family housing, commercial, etc. Mr. Cohn asked if some people pay less than \$330.00. The Comptroller said there is a variety of property classifications that range from ¼ of a unit to ¾ of a unit, such as vacant land which is assessed at a ½ unit. Mr. Cohn agreed with much of what Ms. Pomerantz said and felt that an assessment for a vacant parcel should be analogous to someone in the district who isn't connected to the system. Atty. Ryan explained that annually the town board reviews the methodology for assessing the unit charges and over the course of time one unit was adopted for the typical single family residence. He suggested that he go to the town web site and look at the resolution that adopted the unit charges, which he believed occurred in November. Mr. Cohn said he found that the cost to bring water from the curbstop to the home is thousands of dollars so while it may look like a fairly nominal fee, the costs for the homeowners to actually get access to the water is very costly. The Supervisor said that the charges discussed were the town's fees; the cost to bring the water from the main to the home is a private fee. Mr. Cohn said he said was not necessarily disagreeing with a fee for having access to water, but felt there should be a lower cost for someone who simply has access, but is not connected, like abandoned property. Atty. Ryan clarified that the unit structure does not deal with abandoned houses, the lower unit charge mentioned is for vacant land.

As all persons wishing to be heard, were heard, upon motion by C. Kenney, which was seconded by C. Curtis, the Supervisor closed the public hearing at 7:31 p.m.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

### **Adoption of Resolutions**

The resolutions voted upon reflect additions, deletions and amendments approved by the consensus of the majority Board.

**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.**

**PLEASE NOTE: THE FOLLOWING RESOLUTION WAS ADOPTED OUT OF SEQUENCE.**

C. Curtis 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:**

**2014-95) WHEREAS**, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Schodack, relating to the establishment of Schodack Consolidated Water District No. 101, Ext. No. 3, in the Town of Schodack, County of Rensselaer, State of New York; and

**WHEREAS**, such map, plan and report was prepared by Laberge Group, competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed District Extension, general plan of the District Extension, the improvements to be made to the District Extension, and a report showing the costs thereof; and

**WHEREAS**, said project will require compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and the Town of Schodack has established that the Town Board act as lead agency for the review of plans and environmental impact, if any, of the proposed establishment of Schodack Consolidated Water District No. 101, Ext. No. 3.

**NOW, THEREFORE**, The Town Board of the Town of Schodack as lead agency has determined that the establishment of Consolidated Water District No. 101, Ext. No. 3, as described in the map, plan and report prepared by Laberge Group is a Type II action and that establishment of the proposed Consolidated Water District No. 1, Ext. No. 3 will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Schodack be authorized to execute any documentation with respect to the determination that the establishment of Consolidated Water District No. 101, Ext. No. 3, is a Type II action and that the establishment of Consolidated Water District No. 101, Ext. No. 3 will not result in any significant adverse environmental impacts.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

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

**2014-94) WHEREAS**, a map, plan and report relating to the establishment of Town of Schodack Consolidated Water District 101, Ext. No. 3, prepared by Laberge Group, competent engineers, duly licensed by the State of New York, has been filed with the Town Clerk of the Town of Schodack, in accordance with the requirements of the Town Law; and

**WHEREAS**, an order was adopted by the Town Board of the Town of Schodack on February 13, 2014, reciting the filing of the map, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report are on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

**WHEREAS**, the order set March 13, 2014 at 7 p.m. at the Schodack Town Hall, 265 Schuurman Road, Castleton, New York as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

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

**WHEREAS**, a hearing on the matter was held by the Town Board on the 13th day of March, 2014, beginning at 7 p.m. and the matter being duly discussed and all interested persons having been duly heard;

**NOW**, upon the evidence given at the hearing,

**RESOLVED AND DETERMINED:**

- (a) That the notice of hearing was published and posted as required by law, and it is otherwise sufficient;
- (b) That all property and property owners within the proposed water district extension are benefited thereby;
- (c) That all property and property owners benefited are included within the limits of the proposed water district extension;
- (d) That it is in the public interest to establish Town of Schodack Consolidated Water District No. 101, Ext. No. 3;
- (e) That the maximum amount proposed to be expended for said improvements and/or the acquisition of necessary lands is Eight Thousand Five Hundred Dollars (\$8,500.00) and that the first year cost of full operation for typical properties within Consolidated Water District 101, Ext. No. 3 shall equal Three Hundred Thirty (\$330.00) Dollars for debt service and Three Hundred (\$300.00) Dollars for water use with the charges to vary in relation to the amount of benefits provided;
- (f) That the approval of the New York State Comptroller is not required for the creation of Town of Schodack Consolidated Water District No. 101, Ext. No. 3; and it is

**FURTHER RESOLVED AND DETERMINED**, that the establishment of Consolidated Water District No. 101, Ext. No. 3 as set forth in the map, plan and report, be approved and that the requested improvements be constructed, and the necessary easements be obtained, and it is

**FURTHER RESOLVED AND DETERMINED**, that this resolution shall be subject to a permissive referendum in the manner provided in Article Seven of the Town Law.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

## **Briefing of the Remaining Resolutions**

With respect to resolution [2014-99], the Supervisor explained that the initial resolution had a cost of \$327.00 which was last year's fees. With respect to resolution [2014-100], he noted that the Board was very pleased to have the Yankee Doodle Band for the 4<sup>th</sup> of July week. C. Kenney added that if people haven't seen them they should take advantage of this wonderful opportunity. Normally, their fee is over \$2400.00 so the board felt very fortunate in getting them for that price. All other resolutions are self-explanatory.

## **Public Comment**

R. Lemka asked the status of the zoning code update, and if it was known when it would be introduced to the public for comment. Mr. Laberge stated that it was authorized last year and a small committee was formed consisting essentially of staff. They were charged with analyzing the Code and identifying the issues. He said between vacations, holidays and personal schedules, it has been a slow process getting them together, but they did meet recently to work on a memo outlining priority areas for revision, which they hope to complete within 6 weeks. Once it's done, they will forward it to the Town Board for their review, input and further direction. At that point they hope a more definitive schedule will be established.

## **Adoption of Resolutions Continued**

**2014-94) PREVIOUSLY ADOPTED. SEE PAGE 52.**

**2014-95) PREVIOUSLY ADOPTED. SEE PAGE 51.**

C. Curtis made a motion to adopt the following resolution, seconded by S. Swartz

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

**2014-96)** Approve the following applications under Town Code § 147-5 and authorize the Town Clerk to issue the trailer renewals:

<u>Owner</u>	<u>Location</u>	<u>No. of Units</u>
Thomas & Debra Hanson (Sundowner)	Co. Rt. 7	6 units
John & Mary Joy Rapin	3804 US 20	1 unit
Henry Romer	24 Brandt Rock Rd.	1 unit

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, J. Bult, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

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

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

**2014-97)** Appoint George Mesick as a member of the Board of Assessment Review at salary as set forth in Year 2014 adopted budget. Term to expire September 30, 2018.

3 Ayes 0 Noes 1 Abstention. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, D. Dowds. Noes – 0. Abstain – F. Curtis

C. Swartz 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:**

**2014-98)** Authorize Ken Holmes and Jan Spring to attend New York Rural Water Associate's Technical Conference, April 14<sup>th</sup> through April 17<sup>th</sup> at the Turning Stone Resort in Verona, NY at a cost of \$593.50 each, at an estimated total cost of \$1,187.00, as budgeted.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Kenney 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:**

**2014-99)** Amend resolution 2014-78 as adopted on February 27, 2014 to authorize payment of \$330.00 licensing fee to ASCAP.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Curtis 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:**

**2014-100)** Authorize Supervisor Dowds to contract with musicians to perform at the 2014 Music in the Park as follows:

Fast Company	June 3 <sup>rd</sup>	\$400.00
Bent Rail Blues	June 10 <sup>th</sup>	\$500.00
Winchester & Young	June 17 <sup>th</sup>	\$300.00
Triskele	June 24 <sup>th</sup>	\$400.00
Yankee Doodle Band	July 1 <sup>st</sup>	\$600.00
Tri-County Banjo Band	July 8 <sup>th</sup>	\$400.00

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

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

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

- 2014-101)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #14-0360 to 14-0519 on Abstract No. 2014-03, in the amount of \$546,832.91, including the claims paid (\$265,714.97) since the previous town board meeting.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.

C. Kenney 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:**

- 2014-102)** Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

<b>BUDGET MODIFICATIONS</b>				
	<u>Fund/ Department #</u>	<u>Fund / Department Name</u>	<u>Increase</u>	<u>Decrease</u>
<b><u>2013 MODIFICATIONS</u></b>				
<b>185</b>	B-960-8020.4000	Planning Contractual	3,822.37	
	B-509-2115.9999	Planning Fees	2,567.36	
	B-509-1120.9999	Sales Tax	1,255.01	
<b>186</b>	DB-960-5130.4000	Machinery - Contractual	175.64	
	DB-960-5140.4000	Brush & Weeds - Contractual	60.00	
	DB-960-5112.4000	Road Construction		235.64
<b>187</b>	EW-960-1910.4000	Depreciation	206,918.59	
	EW-960-8320.4000	Source Power - Contractual	8,918.31	
	EW-960-9710.6101	Route 20 Principal		83,402.00
	EW-960-9710.6102	Town Well Field Principal		94,176.00
	EW-960-9710.6702	Major Facilities Principal		38,258.90
<b>188</b>	SWC1-960-8340.4000	Transmission & Distribution – Cont.	12.94	
	SWC1-960-8340.2000	Transmission & Distribution - Equipment		12.94
<b><u>2014 MODIFICATIONS</u></b>				
<b>19</b>	B-960-8020.4000	Planning Contractual	116.34	
	B-509-2115.9999	Planning Fees	116.34	
<b>20</b>	SS6-960-8130.2000	Sewage Treatment - Capital Outlay	14,080.00	



	SS6-599-9999.9999	Appropriated Fund Balance	14,080.00	
21	A-960-3410.4000	Fire Protection - Contractual	1,768.50	
	A-960-1990.4000	Contingency		1,768.50
	4 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – F. Curtis, M. Kenney, S. Swartz, D. Dowds. Noes – 0.			

### **ADJOURNMENT**

As there was no further business before the Board, C. Curtis made a motion to adjourn the 03/13/14 Town Board meeting at 8:47 p.m., seconded by C. Swartz. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/RMC/CMC

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