

**DATE:** MARCH 10, 2016

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA L. CONLIN

**PRESIDING OFFICER:** DENNIS E. DOWDS

**MEMBERS PRESENT:** JAMES E. BULT  
MICHAEL KENNEY  
TRACEY REX

**MEMBERS ABSENT:** SCOTT SWARTZ

**ATTORNEY:** DAVID GRUENBERG  
**COMPTROLLER:** PAUL HARTER, COMPTROLLER  
**OTHERS PRESENT:** RICHARD LABERGE, ENGINEER

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Supervisor Dowds called the March 10, 2016 Town Board Meeting to order at 7:00 p.m. with the Pledge of Allegiance and dispensed with roll call. All present as noted above.

### **Kinder-Morgan**

The Supervisor announced that they were deviating from the established format of the meeting to update everyone on the proposed Kinder-Morgan (N.E.D. aka Tennessee Gas) Pipeline.

S. Dowds said he is monitoring the correspondence to the Federal Energy Regulatory Commission (FERC) - some of it is favorable, but most expresses opposition to the pipeline. He is still waiting for the Notice of Schedule to be released. He realizes everyone is concerned about the location of the compressor station, but there is nothing new to report. When Kinder Morgan originally filed in November, the route came through Schodack and there were several compressor stations noted – one in Rensselaer County (Compressor Station 1). FERC told them they had to submit some alternative routes and other locations for the compressor station(s). They also suggested several alternate routes and compressor station locations. As part of this broader analysis, 8 locations were added and there are now another 4, but he did not know the location of those 4 sites. He was concerned about a location being in Schodack and contacted FERC to get more information and was told that if Kinder Morgan makes a change, they have to file it with FERC as part of the docket. In addition, they would have to notify all landowners within ½ mile of the new proposed station site. To date, that has not happened and he was told that Kinder Morgan is still in the selection process. The Supervisor asked the Town Engineer, Richard Laberge, to address town laws that may or may not impact the pipeline proposal. Mr. Laberge stated there are three areas he was going to address. First, there are zoning and site plan laws. Unfortunately, there may be the issue of pre-emption regarding those laws since it is a federally approved project. Second, there is the Town's Water Quality Control Act, or what is known as the Aquifer Protection Law. It was adopted to help protect the water resource

of the Schodack Terrace Aquifer, which underlies one-third to one-half of the Town. The Town needs to get clarification if this law could be applied to the pipeline proposal. The third law is in regard to the Waterfront Revitalization Plan that was adopted by the Town in 1995 in conjunction with the Village of Castleton, which sets out the orderly use of the waterfront. The State has promulgated these types of laws for decades to help communities that have viable waterfronts define policy statements. The state has 44 policy statements and the communities essentially refine them for their particular situation. The importance of this plan is the concept of "consistency". He said he contacted the Department of State earlier this week and received some general information, but they would need to do research further on behalf of the Town. All projects, including pipelines, need to be consistent with the state and federal principles, but that is at the state and federal level and they are the arbitrators for projects. Therefore, it is unclear if the town's local plan would have any bearing on the pipeline project. The Department of State was also contacted by the Village of Castleton and they (the State) indicated that they would be willing to make a presentation about what they mean by consistency. While we don't know if this law can be used as a tool, we can at least advocate with the Department of State to see if we can help shape the situation. Unfortunately, there may be a problem with our Plan because the Town and Village constituted it 20 years ago. When he spoke with the Department of State, they indicated that some of the language may be out of date with today's policies and recommended that the Town review the plan and bring it into today's values. There is a competitive grant award to do that, but the process will take 1 ½ -2 years to complete. In conclusion, he said that they need more knowledge of the FERC process to understand what role consistency and pre-emption have with regard to the pipeline. Atty. Gruenberg suggested that since the Department of State indicated that they are willing to come to the Village to discuss consistency, the Town should partner with them for that meeting. He added that the Board decided a few weeks ago to hold an Informational Meeting and bring in some of the expertise from the law firm (BCK) that is representing the Berkshire Planning Group. On behalf of the Board he spoke with Attorney Rebecca Zachus, who is very knowledgeable about the pipeline issues and she is willing to come to a meeting. The engineering consultant they have been using may also be available depending on the date selected. The Board briefly discussed tentative dates when they could use Maple Hill High School as the venue. The Board selected April 13<sup>th</sup> as a tentative date for the meeting. S. Dowds said once the date is confirmed with everyone, the Board will send an informational letter to the public regarding the pipeline and will include the confirmed meeting date. C. Bult said the Board just asked the Planning Department and Mr. Laberge to get involved at the beginning of this week, which is why some of the information is not fully vetted. S. Dowds said when we do have the meeting there will be an opportunity for people to ask the experts questions. S. Dowds opened the meeting for public comment.

### **Public Comment**

K. Stokem, Maple Hill Rd., thanked the Board for responding to the people's concerns, individually and as a board. He said he was encouraged by the recent letter of opposition from federal Senators Schumer and Gillibrand and the town's movement to delve further into any local laws and regulations to protect our town. He suggested that they should also look at any regulations/laws pertinent to protecting the town's roads that may help thwart the pipeline. He said some other communities have passed legislation that preclude operations which Kinder Morgan would need to do to construct the pipeline and

while something like that may impose a legal ramification, even if the Town got sued, the costs would be worth it if it slowed down the process. He urged the Board to promote the Informational Meeting in as many ways as possible. He asked if the Berkshire Planning Commission was there to oppose the pipeline or to help the communities with their fight. S. Dowds said as a regional commission they cannot oppose it. They essentially act as a clearing house and provide expertise. With regard to resolution [2016-112], Mr. Stokem asked if a formula was used to calculate the retirement benefits based on the standard work days. S. Dowds said yes. New York State Retirement provides calculation guidance to local governments and it is based on the hours worked in a standard work day which the employees report on their time sheets and in the case of elected officials, a study.

A. Senrick suggested that the Board hold meetings about the pipeline in a larger space.

A. Kahnle, a retired marine biologist, said he has some experience with the coastal zone management process. He explained that the Coastal Zone Management Act is a unique federal, state and local program to review federal programs or federally permitted programs like the pipeline. This program gives the Department of State the authority to review these types of "permitted" projects (i.e. – pipeline) and if they don't feel that it is consistent with this State's protective policies they can reject it and stop the pipeline. Additionally, when they review the projects they are required to ask those communities that have Local Waterfront Revitalization Plans for their input so the Town and Village actually have a formal role in the process. It is unclear whether a rejection by Schodack would stop the project, but he believed it would carry weight. He urged the Board to reconstitute the Waterfront Advisory Committee with the Village of Castleton as soon as possible. Then they should review the plan because the State will be asking the town/village for their input. They will want to know if the project fits your vision of the waterfront for Schodack. He said he lives in the Village of Nassau, but if it would be helpful, he would be willing to serve on the committee.

D. Knight, stated that she was glad to see the recent informational reports to the public in the Advertiser since many people don't attend the meetings. She questioned why there were two separate reports and hoped that didn't mean that the Board was not working together. She wondered, other than those provided by the highway department and transfer station, what services she was getting for her tax dollar.

M. Sherwood asked if the Board was still considering sending out a letter about the pipeline. Atty. Gruenberg said yes. Since the Board is only holding one meeting, Ms. Sherwood suggested that they have someone there from the Department of State to speak about the coastal zone plan. Carol Stockman agreed. The Supervisor said it is a good idea, but the time will be limited so it might not be doable that evening.

B. Walsh said he was in favor of the pipeline. He felt it should be done in a safe manner and have third party oversight. He said no one is talking about the creation of jobs that the project would bring. Even though they may be temporary jobs, they will be good paying. They will not be drilling for gas, just transporting it. He mentioned some of the companies that are interested in coming to other areas if the Constitution Pipeline is built drawing an analogy between them and the Town of Schodack. He felt those businesses were the type of growth that Schodack needed to boost the economy.

J. Jensis asked if the Governor had the authority to deny the pipeline project. Atty. Gruenberg said he believed that through the Department of Environmental Conservation he had some authority, but did not know to what extent and whether it could be overruled by

the federal government.

B. Spink thanked the Board for everything they were doing on the town's behalf. She also wanted to encourage people to write or call the Governor and the state and federal representatives.

J. Colleton asked if health and safety impacts were going to be discussed at the April 13<sup>th</sup> meeting. Atty. Gruenberg explained that the format of that meeting was more to address what the process is, what steps the town has taken about it and what they could do in the future. Her concern was about the town's readiness to respond to an emergency if a compressor station in town explodes.

K. Williams asked if there were any specific laws to protect the children in the schools. S. Dowds suggested that she should contact the State Education Department.

C. Kall said the Rensselaer County Health Department was doing a health assessment study around Burden Lake because they thought a compressor station may be sited in that area. He asked if a health assessment will be done regarding any of areas in Schodack. S. Dowds said he did not know. Currently, the site that has been proposed is the site. While FERC requested Kinder Morgan to look at other alternatives and gave them some possible locations, right now we don't know if any of those other proposed locations are feasible. Mr. Kall asked if someone would reach out to the health department and request a health study if the location changes. S. Dowds said yes.

R. Lemka said if the pipeline is successful, it will lower property values. While it was good that Senators Schuman and Gillibrand say they are opposed to the pipeline, he felt they could do more, as could the Town Board. He thinks other things could be done. He was also worried about eminent domain proceedings. S. Dowds said there are no eminent domain proceedings at this time. Mr. Lemka asked if that does happen, is it up to the Town to protect the property owners. He suggested that the Town institute a moratorium on building in all areas over the aquifer so you could control what is going to be placed over it.

L. Zimmerman agreed with Mr. Lemka that the Town needed to take a more formal role in opposing the pipeline. She appreciated that the Board was going to have an Informational Meeting, but felt it was important that someone present an opposing view to the project. She felt that the citizens have taken the lead role in educating the public, rather than the Town Board and felt they should take a more active role in that arena.

D. Spilman said the Board needs to ask the Department of State if the Town will be requested to comment on the coastal zone if the Waterfront Advisory Committee is not constituted. He was afraid that if we don't have a committee we will not have a standing in the process. Therefore, he suggested that the Town and Village move swiftly to form one.

R. Sinclair raised some concerns to the engineer regarding steel fabrication (welds). He said he worked for NYSDOT as an engineer and was familiar with these processes and wondered if those issues could be used as a tool in opposing the project. Mr. Laberge said his firm did not have the expertise regarding welds and actually hire 3<sup>rd</sup> party inspectors to inspect them when they do work for the Thruway. S. Dowds felt if they were successful in getting the engineer from the Berkshire Group to come to the April 13<sup>th</sup> meeting, he should be able to address those questions. Mr. Sinclair said he submitted his comments to that engineer a few days ago but had not heard back from him yet.

R. Warm said he is a new to the Town and empathized with the concerns raised by long-term residents. He hoped the Board continued the fight against the pipeline.

L. Cash said he was concerned about the greenhouse gases. He felt there are many alternative fuels and felt that "fracked gas" was a short term program that was not good for

the environment.

C. Bult thanked everyone for attending the meeting and appreciated the respectful manner in which people conducted themselves.

### **Board Discussion/Agenda**

With respect to resolution [2016-113], the Comptroller explained that this long resolution was regarding the refunding of 2006 Highway Garage Bond, which they discussed at the last board meeting. He noted one point of clarification - it was originally stated that the Town would save about \$40,000.00 in interest, but that amount is almost \$210,000.00.

### **Departmental Reports**

The following monthly departmental reports were read and/or posted and filed in the Office of the Town Clerk: Town Clerk, Building Department, Highway Department, Assessor, Receiver of Taxes, Human Resource Manager and Historian.

### **Review of Abstracts of Claims and Budget Amendments**

The Board reviewed claims #16-0326 to #16-0478 on Abstract No. 2016-03, in the amount of \$381,242.37, including the claims paid prior (\$225,877.25).

### **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.**

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:**

**2016-106)** Authorize Ken Holmes, Highway Superintendent and Brian Brahm, Water Operator to attend New York Rural Water Association's Technical Conference, May 16<sup>th</sup> through May 19<sup>th</sup> at the Lake Placid Conference Center in Lake Placid, NY. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2016 adopted Town Budget, with are estimated cost of \$1,182.00.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

S. Dowds 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:**

- 2016-107)** Authorize Donna L. Conlin, Town Clerk, and Deputy Clerk, Lois Ciccolella, to attend the annual New York State Town Clerk's Association Conference in Saratoga Springs, New York, April 17-20, 2016. All appropriate expenses (mileage, lodging, meals, and registration) are to be borne by the Town per the 2016 adopted Town Budget, which are estimated to be \$1148.00 for the Town Clerk and \$214.00 for the Deputy Clerk.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

C. Kenney 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:**

- 2016-108)** Authorize Sergeant Steven Roy (non-member) to attend the New York Tactical Association Conference and Expo in Verona, New York on April 26<sup>th</sup> through April 28<sup>th</sup> at an estimated cost of \$985.00. (This is a 2016 budgeted item).

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

C. Bult 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:**

- 2016-109)** Authorize Supervisor Dowds to contract with musicians to perform at the 2016 Music in the Park as follows:

Peaceful Country Band	June 7 <sup>th</sup>	\$500.00
E J Ray Acoustic	June 14 <sup>th</sup>	\$150.00
Triskele	June 21 <sup>th</sup>	\$500.00
Yankee Doodle Band	June 28 <sup>th</sup>	\$400.00
Tri-County Banjo Band	July 5 <sup>th</sup>	\$400.00

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

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

**Discussion:** S. Dowds said last year when they received the contract it was a few dollars higher than stated in the resolution so he suggested that they put a \$350.00 on it rather than having a set amount. The Board was in agreement with the suggestion.

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

- 2016-110)** 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 ~~\$336.00~~ not to exceed \$350.00 for the licensing fee to ASCAP.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, 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:**

- 2016-111)** 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>
Creekside Park	Creekside Park	52
DCJ Enterprises, LLC		
Davis III, John H.	1516 Rt. 9	1
Miller, Ed	1297 Brookview Rd.	5
Miller, Sue	1297 Brookview Rd.	2
Johnson, Kenneth	2491 Phillips Rd.	2
Rensselaer Estates	Rensselaer Estates	53
DCJ Enterprises, LLC		
Skarzynski, Kim & Jerry	402 Waterbury Rd.	1
4 Ayes 0 Noes. <b>MOTION CARRIED.</b> Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.		

C. Bult 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:**

- 2016-112)** 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:

Amended 04/14/2016 by 2016-120

<b>Title</b>	<b>Name</b>	<b>Standard Work Day (Hrs/day)</b>	<b>Term Begins/Ends</b>	<b>Participates in Employer's Time Keeping System (Y/N)</b>	<b>Days/Month (based on Record of Activities)</b>	<b>Not Submitted Record of Activities or T/S</b>
<b>Appointed Officials</b>						
Sole Assessor	Peter Goold	7	10/1/13-9/30/19	Y	N/A	
Assistant to Assessor	Karen Justus	7	1/1/16-12/31/16	Y	N/A	
Comptroller	Paul Harter II	7	1/1/16 – 12/31/16	Y	N/A	
Assistant Comptroller	Laura Palmer	7	1/1/16 – 12/31/16	Y	N/A	
Accountant	Susan Pilipczuk	7	1/1/16 – 12/31/16	Y	N/A	
Human Resources Manager	Kerrie Joiner	7	1/1/16 – 12/31/16	Y	N/A	
Deputy Town Clerk	Karen Vecchione	7	1/1/16 – 12/31/16	Y	N/A	
Deputy Town Clerk	Lois Ciccolella	7	1/1/16 – 12/31/16	Y	N/A	
Director of Planning and Zoning	Nadine Fuda	7	1/1/16 – 12/31/16	Y	N/A	
Assistant Town Building Inspector/Code Enforcement Officer	Dominic DeFruscio	7	1/1/16 – 12/31/16	Y	N/A	
Secretary to Building Dept.	Coleen Papas	7	1/1/16 – 12/31/16	Y	N/A	
Secretary to Highway Superintendent	Diane Lebrecht	7	1/1/16 – 12/31/16	Y	N/A	
Secretary to Town Justice	Patricia Loomis	7	1/1/16 – 12/31/16	Y	N/A	
Secretary to the Town Justice	Heather Bender	7	1/1/16 – 12/31/16	Y	N/A	
Janitorial Staff	Nichole Thomas	8	1/1/16 – 12/31/16	Y	N/A	
Planning & Zoning Secretary	Melissa Knights	7	1/1/16 – 12/31/16	Y	N/A	
Planning Board Member	Denise Mayrer	7	1/1/15-12/31/21	N	Not Submitted	X
Planning Board Member	John LaVoie	7	1/1/14 – 12/31/20	N	Not Submitted	X
Part-Time Police Officer	Thomas Jones	8	1/1/16 – 12/31/16	Y	N/A	
Part-Time Police Officer	Ryen T. Boehme	8	1/1/16 – 12/31/16	Y	N/A	
Part-Time Police Officer	Keith M. Boniface	8	1/1/16 – 12/31/16	Y	N/A	



Part-Time Police Officer	Jason Lorenzo	8	1/1/16 – 12/31/16	Y	N/A	
Part-Time Police Officer	Gregory J. Leone	8	1/1/16 – 12/31/16	Y	N/A	
Part-Time Police Officer	Matthew Montross	8	1/1/16-12/31/16	Y	N/A	
Part-Time Police Officer	Clark Roehr, Jr.	8	1/1/16– 12/31/16	Y	N/A	
Part-Time Police Officer	Joshua Walters	8	1/1/16 – 12/31/16	Y	N/A	
Confidential Secretary to Town Supervisor	Dawne Kelly	7	1/1/16 – 12/31/16	Y	N/A	
Director of Youth & Recreation	Sheila Golden	7	1/1/16 – 12/31/16	Y	N/A	
Director of Transfer Station	Bruce Goodall	7	1/1/16-12/31/16	Y	N/A	
Superintendent of Highways	Kenneth Holmes	7	1/1/16-12/31/16	Y	N/A	

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

C. Kenney 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:**

— **2016-113)**

WHEREAS, the Town of Schodack, Rensselaer County, New York (herein called the “Town”) on March 15, 2006 issued its \$2,500,000 General Obligation (Serial) Bonds, 2006 (the “2006 Bonds”) which were issued pursuant to a bond resolution adopted by the Town Board of the Town, on October 13, 2005 authorizing bonds in the not-to-exceed amount of \$2,500,000 (the “Bond Resolution”) for the construction of a highway garage building, and related improvements; and

WHEREAS, the aggregate principal amount of 2006 Bonds now outstanding is \$2,060,000, including \$60,000 of 2006 Bonds that mature March 16, 2016; and

WHEREAS, the outstanding 2006 Bonds mature on March 15 in each year in the principal amounts, and bear interest payable on March 15 and September 15, in each year as follows:

Amended 05/26/2016 by 2016-153

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2016	\$ 60,000	4.250%
2017	65,000	4.250
2018	65,000	4.250
2019	70,000	4.250
2020	70,000	4.250
2021	75,000	4.300
2022	80,000	4.300
2023	85,000	4.300
2024	85,000	4.300
2025	90,000	4.300
2026	95,000	4.300
2027	100,000	4.300
2028	105,000	4.300
2029	110,000	4.300
2030	110,000	4.300
2031	120,000	4.300
2032	125,000	4.300
2033	130,000	4.300
2034	135,000	4.300
2035	140,000	4.300
2036	145,000	4.300

WHEREAS, Section 90.00 of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), permits the Town to refund the 2006 Bonds by the issuance of new bonds provided such issuance will result in present value debt service savings for the Town; and

WHEREAS, the 2006 Bonds maturing after on or after March 15, 2017 are subject to redemption prior to maturity, in whole or in part, on not less than 30 days' notice at the option of the Town or on any interest payment date on or after March 15, 2016 at par, plus accrued interest to the date of redemption; and

WHEREAS, the Town Board has determined that the refunding of the 2006 Bonds maturing after March 15, 2016 is a Type 2 action for purposes of the State Environmental Quality Review Act ("SEQRA") and requires no further action under SEQRA; and

WHEREAS, such refunding will result in present value savings in debt service as required by Section 90.10 of the Local Finance Law; and

WHEREAS, the Town Board deems it in the public interest to refund the 2006 Bonds as described below by the issuance of refunding bonds pursuant to the Law, and now desires to authorize the issuance of bonds to achieve such refunding;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF SCHODACK, NEW YORK, AS FOLLOWS:

- Section 1: The Town is hereby authorized to refund all or a portion of the outstanding principal balance of the 2006 Bonds maturing after March 16, 2016. The 2006 Bonds maturing after March 15, 2016 are referred to hereinafter as the "Bonds".
- Section 2: Attached hereto as **Appendix A** and incorporated herein by reference is the estimated financial plan for the refunding of the Bonds (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds (as defined herein) will be issued in a single series to refund all of the Bonds. This Town Board recognizes that the Refunding Bonds may be issued in series, and for only one or more of the series of the Bonds, or portions thereof, and that the Refunding Financial Plan also will most probably be different from that attached hereto. The Supervisor is hereby authorized and directed to determine which of the Bonds will be refunded and the timing thereof. The Bonds to be refunded shall be hereinafter referred to as the "Refunded Bonds".
- Section 3: Subject only to the issuance of the Refunding Bonds as herein authorized, the Town hereby elects to redeem all of the Refunded Bonds that are callable at a present value savings, if any. Upon the issuance of the Refunding Bonds, the election to redeem such callable Refunded Bonds shall become irrevocable. The Escrow Agent (as defined herein) for the Refunding Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Town in the manner and within the time provided in the Refunded Bonds and in Section 53 of the Local Finance Law. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this Section 3 shall become irrevocable, provided that this Section may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 4: The Town is hereby authorized to issue its serial general obligation refunding bonds (the "Refunding Bonds") in the aggregate principal amount of not to exceed \$2,000,000 and to expend up to \$90,000 of available funds in order to refund (including an advance refunding and/or current refunding for federal income tax purposes) all or a portion of the Refunded Bonds. The Refunding Bonds described herein are hereby authorized to be consolidated for purposes of sale in one or more refunding serial bond issues. The Refunding Bonds shall each be designated substantially "TOWN REFUNDING (SERIAL) BOND" together with such series designation and year as is appropriate on the date of sale thereof, shall be of the denomination of \$5,000 or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity, shall be dated on such dates, and shall mature on such dates in such years, bearing interest on such dates, at the rate or rates of interest per annum, as may be necessary to sell the same, all as shall be determined by the Supervisor pursuant to Sections 5 and 10 hereof. It is hereby further determined that such Refunding Bonds may be issued to refund all or a portion of the Bonds, subject to the limitation hereinafter described in Section 13 hereof relating to approval by the State Comptroller.

Section 5: The Supervisor is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Refunding Bonds will be insured by a policy or policies of municipal bond insurance or otherwise enhanced by a credit enhancement facility or facilities, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraph c of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, whether the Refunding Bonds shall be issued having substantially level or declining annual debt service and all matters related thereto, and to prepare, or cause to be provided, a final Refunding Financial Plan and, in accordance herewith, all powers in connection therewith are hereby delegated to the Supervisor, provided that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law.

The Refunding Bonds may be subject to redemption prior to maturity upon such terms as the Supervisor shall prescribe, which terms shall be in compliance with the requirements of

Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular Refunding Bonds of such maturity to be redeemed shall be selected by the Town by lot in any customary manner of selection as determined by the Supervisor. Notice of such call for redemption shall be given by mailing such notice to the registered owners not less than thirty (30) days prior to such date and as otherwise provided in Securities and Exchange Commission Release No. 34-26856, as the same may be amended from time to time. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the date for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. In the event said Refunding Bonds are issued in non-certificated form, such bonds, when issued, shall be issued initially in registered form in denominations such that one bond shall be issued for each maturity of bonds and shall be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), which will act as securities depository for the bonds in accordance with the book-entry-only system of DTC. In the event that either DTC shall discontinue the book-entry-only system, or the Town shall terminate its participation in such book-entry-only system, such bonds shall thereafter be issued in certificated form of the denomination of \$5,000 each or any integral multiple thereof (except for any odd denominations, if necessary) not exceeding the principal amount of each respective maturity. In the case of non-certificated Refunding Bonds, principal of and interest on the bonds shall be payable by check or draft mailed by the Fiscal Agent (as defined herein) to the Depository Trust Company, New York, New York, or to its nominee, Cede & Co., while the Refunding Bonds are registered in the name of Cede & Co. in accordance with such book-entry-only system. Principal shall be payable only upon surrender of the bonds at the principal corporate trust office of such Fiscal Agent (or at the office of the Town Clerk as Fiscal Agent as hereinafter provided).

In the event said Refunding Bonds are issued in certificated form, principal of and interest on the Refunding Bonds shall be payable by check or draft mailed by the Fiscal Agent to the registered owners of the Refunding Bonds as shown on the

registration books of the Town maintained by the Fiscal Agent, as of the close of business on the fifteenth day of the calendar month or last business day of the calendar month preceding each interest payment date as appropriate and as provided in a certificate of the Supervisor providing for the details of the Refunding Bonds. Principal shall be payable only upon surrender of bonds at the principal corporate trust office of a bank or trust company or banks or trust companies located or authorized to do business in the State of New York, as shall hereafter be designated by the Supervisor as fiscal agent of the Town for the Refunding Bonds (collectively, the "Fiscal Agent"). Refunding Bonds in certificated form may be transferred or exchanged at any time prior to maturity at the principal corporate trust office of the Fiscal Agent for bonds of the same maturity of any authorized denomination or denominations in the same aggregate principal amount. Principal and interest on the Refunding Bonds shall be payable in lawful money of the United States of America.

The Supervisor, as chief fiscal officer of the Town, is hereby authorized and directed to enter into an agreement or agreements containing such terms and conditions as he/she shall deem proper with the Fiscal Agent, for the purpose of having such bank or trust company or banks or trust companies act in connection with the Refunding Bonds as the Fiscal Agent for said Town, to perform the services described in Section 70.00 of the Local Finance Law, and to execute such agreement or agreements on behalf of the Town, regardless of whether the Refunding Bonds are initially issued in certificated or non-certificated form; provided, however, that the Supervisor is hereby authorized to name the Town Clerk as the Fiscal Agent in connection with the Refunding Bonds if said Refunding Bonds are issued in non-certificated form.

The Supervisor is hereby further delegated all powers of this Town Board with respect to agreements for credit enhancement, derived from and pursuant to Section 168.00 of the Local Finance Law, for said Refunding Bonds, including, but not limited to the determination of the provider of such credit enhancement facility or facilities and the terms and contents of any agreement or agreements related thereto.

Section 6: The maximum amount of Refunding Bonds authorized to be issued does not exceed the amount sufficient to pay the sum of (a) the principal amount of the Refunded Bonds, which will be outstanding as of the date of issue of the Refunding Bonds, (b) the aggregate amount of unmatured interest payable on the

Refunded Bonds to and including either the dates the Refunded Bonds mature or, if such Refunded Bonds are to be called for redemption prior to their maturities, the dates set for such redemption in accordance with the Refunding Financial Plan, (c) redemption premiums, if any, payable on the Refunded Bonds as of such redemption dates and (d) costs and expenses incident to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the escrow contract and all fees and charges of the Escrow Holder.

- Section 7: The maximum period of probable usefulness permitted by law at the time of issuance of the 2006 Bonds for the object or purpose or objects or purposes for which the 2006 Bonds were issued is thirty (30) years.
- Section 8: The Supervisor is hereby authorized and directed to contract on behalf of the Town with a bank or trust company located and authorized to do business in the State of New York for the purpose of having such bank or trust company act as the escrow holder (the "Escrow Holder") of the proceeds, inclusive of any premium, from the sale of the Refunding Bonds, together with all income derived from the investment of such proceeds, and any other moneys provided by the Town to accomplish the Refunding Financial Plan. The contract with the Escrow Holder shall comply in all respects with Section 90.10 of the Local Finance Law.
- Section 9: That portion of the proceeds of the sale of the Refunding Bonds, together with interest earned thereon, which shall be required for the payment of the principal of and interest on, the Refunded Bonds to be refunded, including any redemption premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the holders of the Refunded Bonds to be refunded shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. All interest earned from the investment of the proceeds of the sale of the Refunding Bonds not required for such payments on the Refunded Bonds to be refunded, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunding Bonds and the holders of the Refunding Bonds shall have a lien upon such moneys held by the Escrow Holder. The pledges and liens provided for in this Section shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act.

- Section 10: Subject to the provisions of the Local Finance Law and this Resolution, the power to determine the final Refunding Financial Plan, to prescribe the terms, form and contents of the Refunding Bonds and to sell (including the power to sell the Refunding Bonds at a discount and pursuant to a competitive or negotiated sale), to select the underwriter (the "Underwriter") if the Refunding Bonds are to be sold at private sale, issue and deliver the Refunding Bonds is hereby delegated to the Supervisor, the chief fiscal officer of the Town. The Refunding Bonds shall be sold for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of delivery of payment for the Refunding Bonds. If the Refunded Bonds are sold at a negotiated sale and subject to the approval of the terms and conditions of such sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor upon the receipt by the Town of the purchase price thereof, including accrued interest.
- Section 11: The Supervisor is hereby authorized to execute and the Town Clerk is hereby authorized to attest any Refunding Bonds issued pursuant to this Resolution, and the Town Clerk is hereby authorized to affix to such Refunding Bonds the corporate seal of the Town. The Supervisor and all other officers, employees and agents of the Town are hereby authorized and directed for and on behalf of the Town to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby.
- Section 12: The faith and credit of the Town of Schodack, New York are hereby irrevocably pledged for the payment of the principal of and interest on such Refunding Bonds as the same become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. There shall be levied annually on all taxable real property of the Town, a tax sufficient to pay the principal of and interest on such Refunding Bonds as the same becomes due and payable.



Section 13: Notwithstanding anything to the contrary contained herein, the Town shall not issue the Refunding Bonds until it shall have obtained the approval of the Office of the State Comptroller in accordance with the provisions of Section 90.10 of the Local Finance Law.

Section 14: This Resolution shall be published in summary form by the Town Clerk together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each of the official newspapers of the Town. The validity of the Refunding Bonds may be contested only if such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of the summary of this Resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or if said obligations are authorized in violation of the provisions of the Constitution.

Section 15: This Resolution shall take effect immediately upon its adoption.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. 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:**

**2016-114)** 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 \$1,198.00.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

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

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

**2016-115)** Authorize the Comptroller's recommendation to direct the Town Supervisor to pay the claims #16-0326 to 16-0478 on Abstract No. 2016-03, in the amount of \$381,242.37, including the claims paid prior (\$225,877.25) since the previous town board meeting.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. 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:**

**2016-116)** Authorize the following budget modifications, interfund loans and interfund transfers as recommended by the Comptroller:

**December, 2015 and February 2016**

**BUDGET MODIFICATIONS**

	Fund/ Department #	Fund / Department Name	Increase	Decrease
<u>2015</u>				
100	A-960-3120.1900	Police - Part-time Personal Services	38.92	
	A-960-3120.1011	Police - DWI Crack Down Grant		38.92
	To modify the budget to cover part-time officer on DWI Crack Down			
101	B-960-8020.4000	Planning - Contractual	9.30	
	B-960-8020.1000	Planning - Personal Services		9.30
	To modify the budget to cover deficiency due to Nextel Communications bill			
103	EW-960-9060.8000	Hospital & Med Ins - Employee Bene.	30.60	
	EW-960-9060.8100	Hospital & Med Ins - Employee Bene-Retiree		30.60
	To transfer funds to cover expense allocation			
<u>2016</u>				
9	SW1-960-9030.8000	Clearview Water - Soc Sec Emp Ben	1,770.00	
	SW1-960-9010.8000	Clearview Water - Retire Benefits		1,770.00
	To correct January modification wrong budget account used. 9030 s/b 9010			
11	A-960-1410.2000	Town Clerk - Equipment	469.98	
	A-960-1990.4000	Contingency - Contractual		469.98
	To modify the budget to cover deficiency for 2 office chair purchased but not budgeted.			

**INTERFUND LOANS**

	<b>Fund/ Department #</b>	<b>Fund / Department Name</b>	<b>Debit</b>	<b>Credit</b>
<b>2015</b>				
<b>104</b>	A-391-9950.9000	Due from other Funds	10,116.62	
	A-200	Cash		10,116.62
	H045-200	Cash	6,330.02	
	H045-630-5031.9999	Due to other Funds		6,330.02

H046-200	Cash	3,786.60	
H046-630-5031.9999	Due to other Funds		3,786.60

To Transfer money from A fund to Capital Projects to remove negative cash balance in order to file the Annual Disclosure Statement with the NYS Comptroller.  
4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – J. Bult, M. Kenney, T. Rex, D. Dowds. Noes – 0.

### **ADJOURNMENT**

As there was no further business before the Board, C. Kenney made a motion to adjourn the 03/10/16 Town Board meeting at 8:25 p.m., seconded by C. Bult. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin  
Schodack Town Clerk/RMC/CMC

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