

Minutes, July 8, 2020
290 Northline Drive, Melrose, NY 12121

The Town Board of the Town of Schaghticoke met in regular session on July 8, 2020 via ZOOM at 6:30 p.m. Present were Supervisor Salisbury, Councilmen Akin, Fogarty, Rustin and Westhead.

Dave Brennan stated due to the Governor's executive order there will not be any meetings in person until after August 5.

MINUTES FOR THE JUNE 10, 2020 MEETING

Resolution: Westhead

Second: Fogarty

To accept the Minutes of the June 10, 2020 meeting.

Ayes: All

Nays: None

REPORTS FROM DEPARTMENT HEADS

Chris Kelly, Historian, is still doing extensive research on Schaghticoke people in the Civil War. When researching Melrose she found that Bill Defendorf moved to Melrose because his brother, the Methodist Minister, lived here. Bill married the granddaughter of the postmaster and the general store keeper and eventually took over both. His claim to fame was that he played the saw on a national radio station.

Shawn Hayes, Highway Superintendent, gave his highway and water/sewer report.

BILLS FROM THE TOWN CLERK

Resolution: Akin

Second: Westhead

To approve the bills from the Town Clerk's Scheduled Payment Report dated July 8, 2020

Total: \$422,680.89

Ayes: All

Nays: None

RESOLUTION IN THE MATTER OF PREPARING A JOINT WATER CONSOLIDATION AGREEMENT

Resolution: Rustin

Second: Fogarty

To prepare a joint water consolidation agreement combining Melrose and Speigletown water.

Ayes: All

Nays: None

David Brennan, Town Attorney, read the Negative Declaration under the State Environmental Quality Review Act regarding the lands located at NY40 east and Fogarty Road. *See attached.*

David Brennan, read the proposed Local Law #3 amending the zoning map. *See attached.*

RESOLUTION TO ADOPT LOCAL LAW #3 AMENDING THE ZONING MAP FOR TAX MAP PARCEL 71.-2-4.13 PRESENTLY ZONED HAMLET DISTRICT TO RE-ZONE AS HIGHWAY COMMERCIAL

Resolution: Rustin

Second: Fogarty

To adopt Local Law #3 amending the Zoning Map for the Lands Located at NYS Route 40 (east side) near its intersection with Fogarty Road (Tax Map parcel 71.-2-4.13) from Hamlet District to Highway Commercial.

Ayes: All

Nays: None

PUBLIC COMMENT

Eastover Road group of residents read a statement and talked about their concerns about the Route 40 parcel being rezoned to Highway Commercial in Speigletown. Concerns: property value going down, land vegetation in that area and line of sight pulling out onto Route 40.

Resident2250902 asked if rezoning Route 40 and Speigletown Road had been discussed and Supervisor Salisbury said it has been discussed.

111 Eastover resident was concerned with noise and truck traffic.

Andy Brick, attorney for Mr. Ragone, thanked the Board for their deliberation and said history will show this was a good decision and residents will see that Mr. Ragone's property will fit in and he will be a responsible owner and neighbor.

Jason Shover clarified information regarding the February Zoning Board meeting voting process.

Tim Fogarty commented on difficulty getting to the link to sign onto the ZOOM meetings.

David Brennen went through the list of everyone online to comment and there being no other comments, Supervisor Salisbury called for ADJOURNMENT.

To adjourn at 7:43 p.m.

Resolution: Fogarty

Second: Westhead

Ayes: All

Second: None

Jennifer Molesky

TOWN OF SCHAGHTICOKE

WATER DISTRICT #1
WATER DISTRICT #4
WATER DISTRICT #4B
WATER DISTRICT #6

PROPOSED JOINT CONSOLIDATION AGREEMENT

1. PURPOSE. The public purpose for the consolidation of existing and contiguous Town Water Districts #1, #4, #4B and #6 is to provide a long-term, safe, reliable and economical water supply to customers within those districts and to decrease the administrative tasks associated with four districts, each of which has no outstanding long-term debt. In addition, a consolidated district will allow for the realization of the benefits of economies of scale for future projects and repairs.

2. METHOD. A new Town Water District ("Consolidated Water District #1") is to be comprised of the existing infrastructure, users and boundaries of the current Town Water Districts #1, #4, #4B and #6 ("Water District #1", "Water District #4", "Water District #4B" and "Water District #6"). The existing infrastructure will be used and no new improvements are proposed.

3. AUTHORITY. Article 17-A of the General Municipal Law of the State of New York ("GML Art 17-A") and specifically Sections 750 through 793 thereof, effective March 21, 2010, authorizes the consolidation of special districts within a town and amends relevant provisions of the Town Law (§§ 57, 81, 195 and 209-q), the Local Finance Law (§24) and the Municipal Home Rule Law ("MHRL") (§33-a) to facilitate such consolidations. The Town of Schaghticoke specifically invokes its authority under the New York State Constitution, MHRL Article 10 and §792 of the GML to supersede any relevant but inconsistent provisions of either state or local laws.

4. Pursuant to GML §752, the names of each local government entity to be consolidated are: Town of Schaghticoke Water District #1; Town of Schaghticoke Water District #4; Town of Schaghticoke Water District #4B; and Town of Schaghticoke Water District #6.

5. The name of the proposed consolidated local government entity is "Town of Schaghticoke Consolidated Water District #1".

6. The rights, duties and obligations of the proposed consolidated local government entity are the same as those that currently exist in Town Water Districts #1, #4, #4B and #6, and are those afforded special districts under the New York State Town Law and GML Article 17-A.

7. The territorial boundaries of the proposed consolidated local government entity are the same as currently exist for the contiguous exterior of current Water Districts #1, #4, #4B and #6 with the contiguous interior boundaries removed.

8. The type and/or class of the proposed consolidated local government entity is a "Special District" as that term is defined in Article 12 & 12A of the NYS Town Law for the supply of sewer to end users.

9. The governmental organization of the proposed consolidated local government entity is that of a Special District within a Town as provided in the NYS Town Law. Specifically, the Town Board of the Town of Schaghticoke currently functions as the Commissioners of Town Water Districts #1, #4, #4B and #6 and will continue to function as Commissioners of the Consolidated Water District #1 without a special election therefore after the consolidation is complete.

10. A detailed fiscal estimate of the cost of savings which may be realized from consolidation is simply the elimination of duplicative bookkeeping and administrative costs associated with four districts, each of which has no long term debt.

11. Each entity's assets consist of water transmission and distribution infrastructure

and equipment but no real property.

12. Neither entity has any liabilities or indebtedness. Each district has a yearly operation and maintenance budget.

13. The terms for disposition of existing assets are that they will be consolidated. Future improvements to the consolidated district will be financed via joint indebtedness paid for on an ad valorem basis and issued by the Town of Schaghticoke. Yearly operation and maintenance charges will be billed on an ad valorem basis.

14. The terms for the common administration and uniform enforcement of local laws and the like within the proposed consolidated local government entity, are those rules and regulations promulgated by the New York State Department of Health, Rensselaer County Department of Health and the Town of Schaghticoke, and enforced by the Town of Schaghticoke pursuant to the Schaghticoke Town Code and by the New York State Department of Health and Rensselaer County Health Department. Consistent with GML §769, all local laws, ordinances, rules or regulations currently in effect for the component Special Districts on the effective date of consolidation shall remain in full force and effect until repealed or amended. The Town of Schaghticoke Town Board will adopt such new local laws, ordinances, rules and regulations as necessary to redress conflicts or ambiguities in existing laws and the like for the common administration and uniform governance of the Consolidated Water District #1.

15. The effective date of the proposed consolidation will be immediately upon the adoption of the Proposed Joint Consolidation Agreement by Resolution of the Schaghticoke Town Board and in conformity with GML §756, which is estimated to be voted on at the October 14, 2020 Town Board meeting.

16. The time and place for the Public Hearing on the Proposed Joint Consolidated Agreement pursuant to GML §754 will be as noticed by resolution of the Schaghticoke Town

Board and is expected to be conducted on October 14, 2020 at 7:05 p.m. at the Schaghticoke Town Hall located at 290 Northline Drive, Melrose, New York 12121.

Proposed by the members of the Town of Schaghticoke Town Board, acting as the Commissioners of Town Water Districts #1, #4, #4B and #6, on this 12th day of August, 2020.

Timothy Salisbury
Supervisor