

Appendix C Correspondence

04/05/07 THU 13:01 FAX

002

**AGREEMENT FOR EXTENSION
FROM
THE CITY OF TROY WATER AND SEWER LINES**

This Agreement made the 3 day of ~~February~~ ^{April 2007} 2006, by and between the City of Troy with offices located on River Street, Troy, New York hereinafter referred to as ("Seller") and J.P.J. Partnership with offices located at 6 Century Hill Drive, Latham, New York 12210, hereinafter referred to as ("Purchaser").

made Pursuant to a resolution adopted by the City of Troy Council on the 2nd day of ~~February~~ 2006, authorizing the extension of the district, and execution of this Agreement, it is hereby agreed as follows:

Section 1: **Water/Sewer Services.** The Seller agrees to supply water and sewer services to the Purchaser; water of the same quality as supplied to the residents of the City of Troy and sewer line of the same quality, to be delivered by Seller to a lateral line provided by Purchaser's located at the corner of Hialeah Drive and N.Y.S. Route 142. Said water and sewer lines shall serve Purchaser's property designated as Tax Map No.: 80.00-2-3, referred to as the Brunswick Meadows Planned Development District, located at Grange Road (NYS Route 142), in the Town of Brunswick, County of Rensselaer, State of New York.

Section 2: **Term of Agreement.** The contract shall be deemed effective as of the date of the execution and shall continue until said Water District and Sewer District are dedicated to the Town of Brunswick.

Section 3: **Rate of Payment.** Purchaser shall pay to Seller for water consumed and sewer usage in an amount equal to the rates currently being charged to residents of the Town of Brunswick as set forth in the Agreements by and between the Town of Brunswick and The City of Troy.

Section 4: **Payment.** A hookup fee for the project shall be paid by Purchaser's to Seller's. A one-time hookup fee shall be paid by Purchaser's to Seller's for said Planned Development District in the amount of One Hundred Twenty-Five Thousand (\$125,000.00) Dollars. Payment shall be made by Purchaser's to Seller's at the time Purchaser's connect to the water and sewer lines located at the Hialeah and N.Y.S. Route 142 connection.

Section 5: **Installation and Repairs.** Purchaser's shall be responsible for all costs incurred in the installation of the lines, mains, lateral and all related construction and inspection costs related to the hookup of the water and sewer lines.

Section 6: **Maintenance.** Purchaser's shall be responsible for the repair and maintenance of said lines.

04/05/07 THU 13:02 FAX

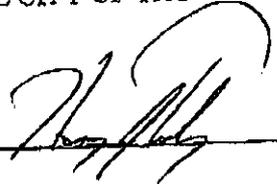
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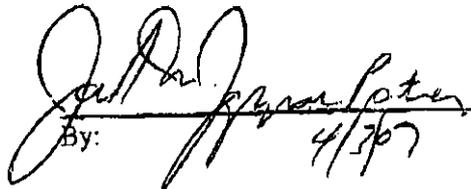
Section 7: Assignment of Contract. There shall be no sale or assignment of this contract or any rights contained herein without the prior written consent of Seller.

Section 8: Compliance with Laws. This contract is made and accepted by Purchaser's subject to the provisions and the law of the State of New York as if the same were fully set forth herein.

THE CITY OF TROY

J.P.J. PARTNERSHIP

By: 

By:  4/3/07

By: _____

New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **FAX:** (518) 402-8925
Website: www.dec.state.ny.us



February 28, 2005

Thomas M. Murley
P. E.
32 Hialeah Drive
Troy, NY 12182

Dear Mr. Murley:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Brunswick Meadows Planned Development, area as indicated on the map you provided, located along Grange Road, Town of Brunswick, Rensselaer County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain any information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Data bases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,


Betty A. Ketcham, Information Services
New York Natural Heritage Program

Enc.

cc: Reg. 4, Wildlife Mgr.

LANSINGBURGH CENTRAL SCHOOL DISTRICT

At Troy
576 Fifth Avenue
Troy, New York 12182

Lee A. Bordick
Superintendent of Schools
(518) 233-6850, Ext. 3470
(518) 235-7436 (Fax)

March 9, 2005

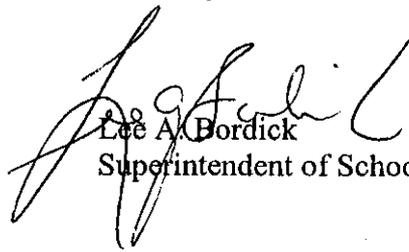
Mr. Philip Herrington, Supervisor
Town of Brunswick
Town Hall
308 Town Office Road
Troy New York 12180

Dear Mr. Herrington:

Please be advised that the Lansingburgh Central School District supports the Brunswick Meadows Residential Condominiums Community Plan submitted by Mr. Thomas Murley. It is our belief that the project will be a positive addition of homes within our boundaries and will not create any hardships for our district.

If you have any questions, please do not hesitate to contact me at 233-6850, Ext. 3400.

Sincerely,

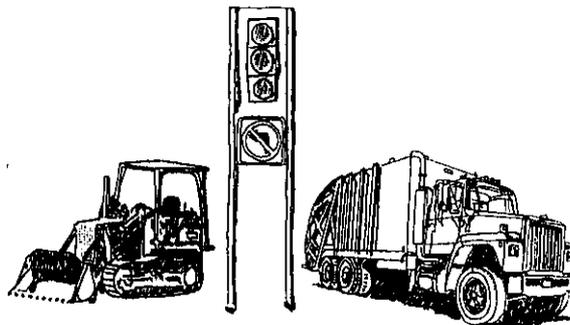

Lee A. Bordick
Superintendent of Schools

LAB/bjb

cc: Thomas Murley

THOMAS M. MURLEY, P.E.

32 HIALEAH DRIVE
TROY, NEW YORK 12182
(518) 235-8920



MUNICIPAL • CIVIL • TRAFFIC ENGINEERING

February 23, 2005

Mr. Mark Kestner, P.E.
Kestner Engineers P.C.
1 Kestner Lane
Troy, New York 12180

Re: Town of Brunswick
Planned Development District
Brunswick Meadows
Rensselaer County, State of New York

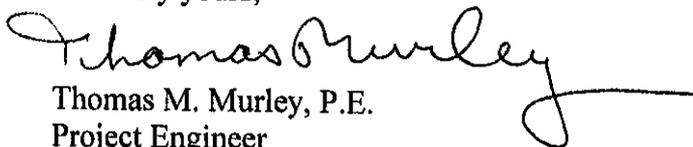
Dear Mr. Kestner, P.E.,

In response to your recent inquiry regarding the access to the Brunswick Meadows condominium site, please be advise that the only physical vehicular access to the site will be from the NYS Route 142, Grange Road entrance as shown on the preliminary site plan layout. The Brunswick Meadows Planned Development District (16.6 acre) site is part of the original tax map parcel (80.00 – 2 – 3), which consists of approximate 97 acres, that is owned by TOPATOMA LLC. This 97-acre parcel has road frontage on Liberty Road in addition to frontage on NYS Route 142, Grange Road.

The presence of the large ravine and stream located at the southerly end of the Brunswick Meadows condominium site prevents any vehicular access from the remaining part of the TOPATOMA LLC property located to the south. For all practical purposes, this large ravine and stream divides the 97-acre parcel into two separate and distinct parcels of land. There will never be any street or physical vehicular access across or through this ravine and stream area. The site plan for the Brunswick Meadows condominium project has proposed that this large ravine and stream area be preserved as open green space for walking trails and passive recreational usage for the residents of the project.

I hope that this letter helps to clarify the traffic access issues for the Brunswick Meadows condominium project and should you have any further questions please fell free to contact me at your convenience.

Sincerely yours,


Thomas M. Murley, P.E.
Project Engineer

WHEREAS, the City of Troy is desirous of continuing to provide an available resource to the City workforce to assist employees and their families in dealing with personal problems which may have an effect on their job performance, and

WHEREAS, the funding for this service is within the Personnel Department's budget.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor to enter into a one-year contract extension agreement with Employee Services, Inc. for the purposes of providing an employee assistance program for the City of Troy workforce.

Approved as to form, February 15, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9
Noes: 0
Abstain: 0

Sent to the Mayor 03-03-06 for Executive Action – Approved and returned 03-16-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

* Resolution No. 2 Date March 2, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by DerGurahian, Krogh

RES. #2 *

RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AUTHORIZING THE EXTENSION OF THE DISTRICT AND TO PROVIDE WATER AND SEWER TO BRUNSWICK MEADOWS, A NEW SUBDIVISION OFF ROUTE 142

WHEREAS, the City of Troy is desirous of providing water and sewer to Brunswick Meadows, a new development located at the corner of Hialeah Drive and New York State Route 142, and

WHEREAS, the water and sewer lines shall provide service to the property identified as Tax Map No.: 800-2-3, referred to as the Brunswick Meadows Planned Development District, in the Town of Brunswick.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor to enter into a contract and execute all ancillary documents authorizing the extension of the district and to provide water and sewer to Brunswick Meadows, a new subdivision off Route 142, in substantial conformance with the contract in schedule "A" attached hereto and made a part hereof.

Approved as to form, February 16, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 03-03-06 for Executive Action -- Approved and returned 03-16-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date March 2, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Collier

RES. #3

RESOLUTION AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS, OF TRANSPORT FEDERAL AID PROJECT, AND APPROPRIATING FUNDS THEREOF

WHEREAS, a Project for the Reconstruction of Route 2, 11th Street to Pawling Avenue, P.I.N. 1753.39 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Troy desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering and ROW incidentals.

NOW, THEREFORE, the City Council, duly convened does hereby

RESOLVE, that the City Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the City Council hereby authorizes the City of Troy to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering and ROW Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$504,000.00 (Five hundred four thousand dollars and no cents) has already been appropriated pursuant to Ordinance No. 8 adopted by the Troy City Council on May 7, 1998 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that an additional sum of \$583,000.00 (Five hundred eighty three thousand dollars and no cents) is hereby appropriated pursuant to Ordinance #12 adopted by the Troy City Council on March 1, 2001 and made available to cover the additional cost of participation in the above phases of the Project; and it is further

WHEREAS, the City of Troy, in an effort to facilitate the award of this \$200,000.00 grant must submit, as co-applicant, the grant application, attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Troy hereby authorizes the Mayor to submit the grant application for the combined sewer overflows (CSO's) Long-Term Control Plan (LTCP) program, as attached hereto and made a part hereof.

Approved as to form, February 15, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 03-03-06 for Executive Action – Approved and returned 03-14-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

* Resolution No. 5 Date March 2, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Krogh

RES #5

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE RENSSELAER COUNTY SEWER DISTRICT #1 FOR RENTAL OF THE CITY SEWERS

WHEREAS, certain city sewers are utilized by the Rensselaer County Sewer District #1 to convey sewage from portions of the Towns of Brunswick, Schaghticoke, North Greenbush as well as sewage of the City of Troy to the Sewer District's interceptor system and to discharge into the same; and

WHEREAS, the use of said sewers by said Towns and the City of Troy will require expenditures for the supervision, maintenance and repair thereof; and

WHEREAS, the City Administration and the Administration of the Rensselaer County Sewer District #1 have come to a tentative agreement on the terms of rental by the Sewer District of certain city sewers, subject to the approval of the Board of the Rensselaer County Sewer District #1, the Rensselaer County Legislature, and City of Troy City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement on behalf of the City of Troy with the Rensselaer County Sewer District #1, the content of said agreement to be substantially

in the form of the agreement on file in the office of the Troy City Clerk and the office of the Corporation Counsel and by reference incorporated herein, as attached hereto and made a part hereof.

Approved as to form, February 16, 2006

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor 03-03-06 for Executive Action – Approved and returned 03-06-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

~~Resolution No. 6 Date March 2, 2006
Introduced by Council Member Bauer
At the request of Administration Seconded by Campana~~

RES. #6

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE
RENSELAER COUNTY SEWER DISTRICT #1 FOR UTILIZING THE CITY'S COMPUTERIZED
WATER AND SEWER BILLING AND COLLECTION SYSTEM**

~~WHEREAS, the previous perpetual agreement dated the 28th day of November, 1995, expired
on the 31st day of December 2005, and~~

~~WHEREAS, the Rensselaer County District #1 is desirous of continuing the utilization of the City of Troy's
computerized billing and collection system; and~~

~~WHEREAS, the City Administration and the Administration of the Rensselaer County Sewer District #1 and the
Rensselaer County Legislature have come to a tentative agreement on the terms and charges for these services, subject to
the approval of the Rensselaer County Sewer District #1, the Rensselaer County Legislature and the Troy City Council.~~

~~NOW, THEREFORE, BE IT RESOLVED, that the Mayor is hereby authorized to enter into an agreement on behalf
of the City of Troy with the Rensselaer County Sewer District #1, the content of said agreement to be substantially in the
form of the agreement on file in the office of the Troy City Clerk and the office of the Corporation Counsel and by
reference incorporated herein, as attached hereto and made a part hereof.~~



Daniel P. Crawley
Deputy Mayor

Office of the Deputy Mayor

Harry Tutunjian
Mayor

January 13, 2005

Mr. Thomas M. Murley, P.E.
Operating Manager
TOPATOMA LLC
32 Hialeah Drive
Troy, New York 12182

Re: Water and Sanitary Sewer Service for Property in the Town of Brunswick
– Brunswick Meadows PDD

Dear Mr. Murley,

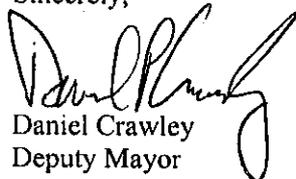
Please accept this letter as conceptual confirmation of the City of Troy's willingness to provide water and sanitary sewage service for the above referenced project as discussed in your letter of December 22, 2005 to Mayor Harry J. Tutunjian.

The City of Troy has the estimated 40,800 gallons per day of water available for this project. The expected delivery would be at the 12-inch water main connection point near Hialeah Drive and Livingston Avenue (NYS Route 142), however some issues will need to be resolved within the Gurley Avenue Service zone for this delivery. The current water sales agreement with the Town of Brunswick will pertain as to price.

The City of Troy has an 8-inch sanitary sewer main that exists in Hialeah Drive that would be expected to handle the estimated 27,200 gallons per day of sanitary sewage to be generated from the Brunswick Meadows PDD project. Some flow monitoring and engineering analyses will need to be performed to verify capacity. The current agreement between the City of Troy and the Rensselaer County Sewer District No.1 for the rental of the City's sewers for transporting the sewage from the Town of Brunswick to the Rensselaer County Sewer District No.1 interceptor lines will pertain as to price. Schedule A of the agreement will need to be amended to allow acceptance of this sanitary flow.

Should you need any additional information, please contact me at (518) 270-4644.

Sincerely,


Daniel Crawley
Deputy Mayor

cc: Hon. Harry J. Tutunjian, Mayor
Neil Bonesteel, Dept of Public Utilities



RENSSELAER COUNTY
Economic Development & Planning

"...a Climate
for Growth"

Robert L. Pasinella,
Director

March 3, 2005

Mr. Thomas M. Murley, P.E.
32 Hialeah Drive
Troy, New York 12182

Re: *Brunswick Meadows,
Residential Condominium Community*
Town of Brunswick
Rensselaer County, State of New York

Dear Mr. Murley, P.E.

This office has completed a review of the preliminary design information and maps that were submitted to the Rensselaer County Economic Development & Planning Agency for the *Brunswick Meadows, Residential Condominium Community* project you are proposing in the Town of Brunswick, off of NYS Route 142 near the City of Troy boundary line.

The *Brunswick Meadows, Residential Condominium Community* project is consistent with Rensselaer County's goal of providing for control growth throughout the county and expansion of water and sanitary sewage facilities in an orderly manner. This project will provide an excellent place to live for the present and future residents of Rensselaer County. The development of these new condominium residences in the Town of Brunswick will provide an option for some of our aging population and "baby boomer" generation to remain a part of our local community without moving to other municipalities.

This 136-unit condominium project with its home owners association will add substantial tax revenue to the various taxing agencies in Brunswick, including the County of Rensselaer, without increasing the demands for substantial municipal services. Convenient access to local roads, community services and facilities will make this project an excellent venue for its residents.



RENSSELAER COUNTY
Economic Development & Planning

Robert L. Pasinella,
Director

"...a Climate
for Growth"

The Rensselaer County Economic Development & Planning Agency looks forward to working with you and the Town of Brunswick in making the *Brunswick Meadows, Residential Condominium Community* a successful project.

Sincerely yours,

Robert Pasinella, Director



Town of Brunswick

Sharon Martin Zankel, Town Historian

Town Office
308 Town Office Road
Troy, N.Y. 12180-8886

Tel. (518) 279-3461
Res. (518) 279-9714

February 28, 2005
Mr. Thomas M. Murley, P.E.
32 Hialeah Drive
Troy, New York 12182

Re: Planned Development District Application, Brunswick Meadows

Dear Mr. Murley,

This is in response to your February 8, 2005 inquiry regarding the historic use of land on the south side of NYS Route 142 east of Hialeah Drive in the town of Brunswick.

I have checked cadastral maps for the years 1854, 1862, and 1876 and the 1850, 1860, and 1870 Federal Censuses, and conclude the subject property was used for agricultural purposes throughout the nineteenth century. The Hamilton-Child 1870-1871 *Rensselaer County Directory* indicates the landowners along what is now Route 142, formerly the Lansingburgh-Brunswick Turnpike, were engaged in farming. Farms of this period generally produced dairy products and grain and vegetable crops, much of it for home consumption.

The Rensselaer County Natural Resources Inventory (NRI) shows no burial grounds have been found on the subject property. There are no designated historic landmarks in the vicinity you plan to develop.

As we discussed, I am enclosing copies of the maps cited above; the originals of these maps may be found at the New York State Library.

Sincerely,

Enc.