

Town of New Scotland

Public Hearing

April 13, 2016

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Patricia Snyder
	William Hennessy
	Adam Greenberg
	Laura Ten Eyck
Highway Superintendent:	Kenneth Guyer
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

1. Call to Order

Supervisor LaGrange called the meeting to order at 6:45 PM regarding Proposed Local Law A of 2016, a local law amending the Planning Board and Zoning Board term limits.

Attorney Naughton explained that the general idea is that the existing law has a cap on how long a member of the Planning Board or Zoning Board of Appeals can remain on that board before he or she becomes ineligible. We are now running into situations where people are “aging out” in terms of their service on the board. It is not easy to find replacements who want to serve and are qualified to serve. This is designed to give the Town Board an option of extending the term of a Planning or Zoning Board member. This has been sent to the Planning Board and the ZBA for their comments. We have received some comments from members of the public and there have been some adjustments made to the law that were the subject of a public notice.

Supervisor LaGrange stated that this is something that was introduced in 2010. It was introduced primarily to address attendance issues. It was also decided to decrease the size of the Planning Board to five members. Then it was decided to have two terms of five years. Subsequently, unforeseen circumstances come up, and this addresses that by stating that if we have a member who has served two full terms and is due to step down, and being termed out, that person could be extended for another term by a supermajority of the Town Board. Charles Voss, the Chairman of the Planning Board, wrote that, “There is a great Board now. Folks are engaged. To be able to retain that talent or if the need arises, I do not see any issue with this change. I would certainly support it.” There was some general discussion, and at the end they said they were all in support of Local Law A legislation that had been submitted to them. Robert Johnson, Chairman of the ZBA responded that he asked the Board members to write up and send him their comments and concerns. Overall, the ZBA seemed to be in support of Local Law A 2016 with no objections to the law. Supervisor LaGrange received two emails from two ZBA members. Lance Moore stated, “I feel that the proposed changes are long overdue. My experience of serving on the ZBA and the interaction with the Planning Board is that too often we have lost qualified board members due to term limits. These individuals have been dedicated to preserving a needed balance on many matters and issues that are important to the town and its residents. The members of both boards are dedicated public servants, and in the past we have had difficulty filling vacancies that occur. My personal experience is that, even with a background in zoning and code issues, there is a learning curve as we say to get up to speed, and I was able to attain that with the help of experienced board members.” Heather Dolin replied also that she was in favor of this proposal.

Deane Fish, Republican Chairman of the Town of New Scotland, stated that the proposal states that there are limited numbers of qualified candidates for the boards. He asked how the Board came to that opinion. There are several members of the Republican Committee who have been interested, have interviewed, and have not had the opportunity to serve. He asked if ads had been placed, canvasses had been made, or had something been on the website or Facebook. Supervisor LaGrange stated that it was on our website, and it was advertised in the paper. Recently we have had a good amount of people who have applied, shown an interest, and had varying degrees of background. In the past, we have not been able to source any applicants for either board. More recently, we have appointed a committee to interview the applicants and make recommendations to the Board. The Board members have also received all of the resumes and applications that came in so that they could review them, as well. Mr. Fish wanted to be certain that the Board had done its due diligence in making sure that the field isn't broad enough to require doing away with term limits. Supervisor LaGrange stated that board members can step down for a number of reasons. For example, we have attendance and education requirements that have to be met each year. If those requirements are not met and the member is dismissed, that is an unforeseen opening on the board.¹ Every year there is a potential opening on the board due to the way the terms are staggered. Every year, somebody will either be up for reappointment for a second term or is finishing out two terms.

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Someone could move; someone could have health issues; there are a lot of times when a five-member board could potentially lose two or three members in a year. You are then without the expertise gained from being an active member of the board for a number of years. Councilperson Greenberg pointed out that no one applied for the last Zoning Board opening.

Councilperson Snyder wanted to go on record saying that she is grateful for the service that our board members have contributed, both past and present, but she is troubled by term limits. She feels that term limits offer an opportunity for refreshment, and refreshment is an important consideration when you are assessing the board membership. Term limits ensure a wider range of perspectives in government and allow fresh views from the voting public. They offer an automatic check on consolidation of power. There are situations after 10 years that board members feel a personal entitlement to that position. We have about 250 new homes being built within the next five years. She finds it incomprehensible that we wouldn't find a wealth of qualified and interested people who may want to serve on these boards. In the last two rounds of interviews, we had about six candidates, all of them interested and some of them very well qualified. We have opportunities to refresh our board membership, and we should not be married to re-appointing the same people for five-year terms. Term limits offer an opportunity for people who want to become further involved as board members to get some experience. The Town Board is presently made up of two former Planning Board members and two former Zoning Board members. It also offers an opportunity to refresh the Town Board itself. She has grave concerns about the amendment.

Tim Stanton agreed with what Councilperson Snyder stated. He feels that saying we can't get qualified applicants for the Planning and Zoning Boards is a "lame excuse" to justify this amendment and reeks of politics. The term limits were a good way to get fresh people on the boards. It doesn't seem fair to extend the term limits to keep some people on the boards. Supervisor LaGrange did not address Mr. Stanton's comments as they had already been addressed earlier in the hearing before Mr. Stanton arrived.

Councilperson Greenberg wished to take issue with some of what had been stated. First of all, just because there are no term limits does not mean that the Town Board has to reappoint anyone. Every five years, people still need to be reappointed. As of January 1, 2016, the Board chose not to reappoint someone who potentially could have been reappointed. This amendment allows the Town Board to not have their hands tied. The Board is elected by the citizens, and they expect representatives to be appointed to the Planning and Zoning Boards by the people they have elected to represent their interests. One of the reasons they vote for who runs for Town Board is because they are concerned about town planning and zoning issues. To tie the Town Board's hands on who is appointed to the boards is not right for the people of the town. The major concern on the campaign trail has to do with planning and zoning issues. As a Town Board member, he would like to keep his options open. He would also echo Lance Moore's points that the history is important. When Councilperson Greenberg served on the ZBA for 14 years, there was just a use variance. (The ZBA basically deals with use variances and area variances. Area variances are generally much easier to deal with; use variances are much rarer and are complicated.) In the case of a use variance that just came before the ZBA, only one member of the ZBA had been on the Board and been through a use variance before. The history and understanding how to deal with these issues matters. It is vitally important. The Town avoids article 78's and being sued by doing these things properly. It is important to have members who have been through it. That does not mean that anyone is reappointed; it means that how they have done their job is assessed. If they have done it well and it is felt that they add value to the board, they are reappointed. If for whatever reason it is felt that they have not done their job either for attendance or not getting their education, they are not reappointed. He feels that the Town Board should have the right to pick people they feel represent the interests of the Town.

Councilperson Snyder stated that she feels that the Town and the Board need to make an intentional effort to seek out and develop qualified candidates. A good job has been done in the past, but the Board has a responsibility to develop succession planning and educational opportunities for the Zoning, Planning, and Town Board members. There needs to be a roster of candidates if that is what it takes. There are many qualified people in the town who are willing to serve on these boards; we just have to make an intentional effort to seek them out. We have legal counsel and advisors to help us in situations and give guidance and direction when there are new members on the boards. They can provide the Town's historical perspectives and what their options may be so that they don't go into a situation where they have to make a decision without sufficient legal counsel or ²planning/engineering counsel.

Supervisor LaGrange made a motion to adjourn and seconded by Councilperson Greenberg.

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Diane R. Deschenes, Town Clerk