

Town of New Scotland
Regular Town Board Meeting
January 13, 2016

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Patricia Snyder William Hennessy Adam Greenberg
Highway Superintendent:	Kenneth Guyer
Engineer:	R. Mark Dempf
Town Attorney:	Michael Naughton
Deputy Town Clerk:	Patricia Barber

Call to Order

Supervisor LaGrange called the meeting to order at 7:00 PM.

Pledge of Allegiance

Invitation to the General Public to Comment on Agenda Items: Please use the microphone available and state your name for the record.

Approval of the Minutes of the Following:

- **November 18, 2015 Regular Town Board Meeting**
- **December 2, 2015 Special Town Board Meeting**
- **December 9, 2015 Regular Town Board Meeting**

RESOLUTION 2016-025

Councilperson Greenberg offered the following resolution and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby approve the minutes as presented for the November 18, 2015, Regular Town Board meeting, the December 2, 2015, Special Town Board meeting, and the December 9, 2015, Regular Town Board meeting.

Councilperson Snyder seconded the motion. All present and voting, the motion carried (4 Ayes).

Discussion/Action re: Peddling Application from Mr. Thomas Whalen for financial services and investments.

Mrs. Barber reported that Mr. Whalen called this afternoon and withdrew his application for a peddler's permit. Mrs. Barber told him that we would refund his application fee of \$100 as soon as possible.

Hilton Barn Status Update

Supervisor LaGrange reported that the application for relocation of the Hilton/Levie Barn will be sent by the end of the week to Assemblywoman Fahey.

Councilperson Hennessy gave a brief history of what has been done so far on the project. The Town has advertised and received bids for the moving the barn. The utilities, town and county highway departments, and Albany County have all been contacted and have given estimates for their part in moving the barn. Stantec will review the bid contracts and will formulate a list of questions and concerns. North Country Ecological Services has completed a review and has determined that there are no wetlands at the proposed site. A meeting has been scheduled for January 20, 2016, at 6:30 PM for a SEQR review. Architects have been contacted and are reviewing options. Mark King of the Mohawk Hudson Land Conservancy has an agreement with the Hilton heirs to purchase the land. They were waiting on the Town of New Scotland Board. The Town Board recommended that Supervisor LaGrange go ahead with the intention to move the barn to the land on Hilton Rd. and route 85A.

The Town has a dedicated parks fund that can handle the Town's share of the project. This fund is made up of lot fees and permit fees. No taxpayer money per se will be used.

Discussion took place then about the need for a town newsletter to report Town activities and news that would supplement the Town's website.

Councilperson Snyder then proposed appointing a committee for soliciting donations to help defray costs of the barn move and also a quarterly newsletter.

Further discussion of the barn move was determined to be undertaken in Executive Session after the open meeting was adjourned.

Appointment of Patricia Snyder and Adam Greenberg as members of the Audit Committee.

This was inadvertently not done at the Organizational Meeting on January 1, 2016.

RESOLUTION 2016-026

Supervisor Douglas LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Patricia Snyder and Adam Greenberg as members of the Audit Committee.

Seconded by Councilperson Hennessy. All present and voting, the motion carried (4 Ayes).

The Audit Committee oversees LOSAP investments and audits the offices of the Supervisor, Town Clerk, and Court Justices. Darryl Purinton is also a member of the committee and is our Internal Control Officer.

Discussion/Action re: Appointment of Town Supervisor to Stormwater Coalition Board of Directors and naming an alternate.

Supervisor LaGrange has agreed to be on the Stormwater Coalition Board of Directors and named Jeremy Cramer as his alternate.

RESOLUTION 2016-027

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the appointment of Douglas LaGrange to the Stormwater Coalition Board of Directors with Jeremy Cramer to be his alternate.

Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes).

Standard Workday and Reporting Resolution RS 2417-A - Town Clerk Diane Deschenes

This is a form that must be completed by the Town Clerk, posted in a public place at Town Hall for 30 days, and then submitted to the NYS and Local Retirement System.

RESOLUTION 2016-028

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Reporting Form RS 2417-A as completed by the Town Clerk. Said form will be posted on a bulletin board at Town Hall for 30 days and then submitted to the NYS and Local Retirement System.

Seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

Discussion/Action re: Various Water District 2016 Water Rates

Rates have not been changed for some time. It is proposed that all but the Font Grove and New Salem water districts have rates increased. That would include the Clarksville, Colonie Country Club Estates, Feura Bush, Heldervale, Northeast, and Swift Road water districts as well as the Heldervale Sewer District. (Please see Attachment #3 of the Agenda for this meeting for the specific increases. Most amount to \$1 or less increase.)

RESOLUTION 2016-029

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve rate increases for the Clarksville, Colonie Country Club Estates, Feura Bush, Heldervale, Northeast, and Swift Road Water Districts and the Heldervale Sewer District as recommended.

Seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

Appointment of Robert Johnson as Chairman of the Zoning Board of Appeals with a Term to Expire December 31, 2016.

RESOLUTION 2016-030

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the appointment of Robert Johnson as Chairman of the Zoning Board of Appeals with a term to expire December 31, 2016.

Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes).

Appointment of Carol Cootware as a Clerk I, temporary and part-time in the Supervisor's office and Town Clerk's office at \$16.00 per hour for up to 19 hours per week.

RESOLUTION 2016-031

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the appointment of Carol Cootware as a Clerk I, temporary and part-time in the Supervisor's office and Town Clerk's office at \$16.00 per hour for up to 19 hours per week. Time worked for each office will be documented.

Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes).

Engineering

Mark Dempf addressed all of the concerns listed below and recommended that resolutions be passed supporting each item.

a) Final pay application, Contract 1 (Casale), New Salem Water District: Final cost was approximately \$12,500 less than the bid amount. Anything that was on the official punch list has been addressed. A couple of issues have come up since that are being worked on with DPW. A couple of residents have some concerns that are being addressed by the DPW. These are not issues in the inspector's report, and they were not on the punch list. They are not related to the delivery of water.

RESOLUTION 2016-032

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve that the final payment of \$22,772.72 to Casale Contracting for completion of their work on the New Salem Water District.

Seconded by Councilperson Hennessy. All present and voting, the motion carried (4 Ayes).

b) Payment application #2 by Rifenburg Construction for the Krumkill Road FHWA Project. As a result of tropical storm Irene, we had a project to relocate Krumkill Road which was 80% paid for by the federal government, 15% paid for by the state of New York, and 5% paid for by the Town of New Scotland. Final payment of \$12,601.23 to be made for work through January 4, 2016. All the work has been completed including final grading, topsoil, seeding, and other punch list items. NYS DOT accepted the work on December 2, 2015. The contract amount originally was \$564,750. The final payment amount is \$67,000 less than the bid amount.

RESOLUTION 2016-033

Supervisor LaGrange offered the following resolution and moved its adoption:

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RESOLVED, that the Town Board of the Town of New Scotland does hereby approve payment application #2 for the reconstruction of Krumkill Road, Town of New Scotland, Albany County in the amount of \$12,601.23 to Rifenburg Construction, Inc.

Seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

It was stated that yesterday the surveyor pinned the corners as agreed to through negotiations by the Town and the property owner, Mr. Bartholomew, and they are preparing the final document that should be available at the end of this week.

c) Authorize Supervisor to execute a town-designated engineer 2016 Master Service Agreement with Stantec Engineering. The agreement has not changed in any of the language originally agreed to several years ago when this process was started. Per Mr. Dempf, what this does is make it easier every time Stantec is authorized by the Town for a task so a whole new contract does not have to be submitted.

RESOLUTION 2016-034

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the Master Service Agreement between the Town and the engineering firm of Stantec and authorize the Supervisor to sign same.

Seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

d) Authorize Supervisor to execute a town-designated engineer 2016 Master Service Agreement with Barton & Loguidice. Per Richard Straut, other than increased rates, it is the same as the 2015 agreement.

RESOLUTION 2016-035

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the Master Service Agreement between the Town and the engineering firm of Barton & Loguidice Engineering at the rates and parameters outlined and authorize the Supervisor to sign same.

Seconded by Councilperson Hennessy. All present and voting, the motion carried (4 Ayes).

e) Stantec Engineering Task Order Requests including general Town engineering services, Zoning Board consulting, Planning Board consulting, Highway Department consulting, and consulting as requested by the Public Works Department on the sewer district and eight water districts.

RESOLUTION 2016-036

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does enter into an agreement between Stantec Engineering and the Town of New Scotland and authorize the Supervisor to sign same having to do with Town engineering services, Zoning Board consulting, Planning Board consulting, Highway Department consulting, and one sewer and eight water districts.

Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes).

Highway Department

a) Highway Superintendent Guyer wished to table the shared services agreement between NYS DOT and the Town of New Scotland. After discussion with Attorney Naughton, he would like to get back with DOT on that to get some of the wording revised.

b) Electronics Recycling

The rates have been slowly creeping up, but the Board had still expressed a desire to continue the electronics recycling program and absorb the cost to the Town. The rates continue to increase and the market for recycled electronics is dwindling. Most of the municipalities around us lost their

transporter of electronics. We still have one. The Town is not required by law to collect electronics, but Superintendent Guyer thinks that it's the Board's intention to keep providing this services. Some of the towns are thinking about charging for recycling electronics, and anyone who drops off electronics must show a Transfer Station permit. Presently, we are the only municipality in our consortium that is not doing that. Doing that could be a way of offsetting the costs of this program and not lose a transporter. For 2015 so far it has cost us a little over \$4000. The towns of Guilderland, Berne, and Westerlo put a moratorium on their electronics program until they figure out what they are going to do because they lost their transporter of electronics. They collect so much of electronics recycling that they have no place to store it. The Town of New Scotland has pickups about twice a month. Until it is picked up for recycling, it is stored in the Highway garage, and that is another issue. The Transfer Station is a possibility for storing the electronics. We will make every effort to educate the public should this be the final outcome. The issue was then tabled till next meeting.

c) Parks and Highway Garage Lighting Grant

Superintendent Guyer reported that there is grant money available from National Grid. Councilperson Hennessy would like to move forward with applying for the grant. Superintendent Guyer stated that there is an incentive program through National Grid for high-efficiency exterior lighting. There are three locations that had been looked at. The locations are the Feura Bush Town Park, the Swift Road Town Park, and exterior lighting on the Highway garage. He believes that we have the option to do all three or parts of them. If the Board is interested, Superintendent Guyer will pursue this over the course of the next month. A decision was tabled until the next Regular Board meeting.

Doug Miller asked if it was possible to reduce the amount of time the lights are on, but Superintendent Guyer said that it was not that so much as it would be high-efficiency LED lighting.

Supervisor LaGrange said that since it appears that the Board is unanimous in wanting to pursue this, so if Superintendent Guyer presents something to the Board they can move on it.

Attorney Naughton has looked at the contracts and stated that it is a standard form National Grid contract that will be circulated because the Board will have to approve that form at the next meeting. The concept is that there is a payback in a period of time. Superintendent Guyer stated that the break-even point is between three and four years.

Councilperson Greenberg asked Superintendent Guyer about transportation grants from the CDTC. Superintendent Guyer responded that we are currently working with one of Stantec's engineers to attempt to get the Krumkill Road project on one of the grants. Krumkill Road is on the federal highway registry, so it is eligible for CDTC money. The application will be submitted before the January 22, 2016, deadline. Discussion then ensued on CDTC's criteria for awarding the grant.

Fire and Ambulance

Supervisor LaGrange explained that each year the Board reviews and approves the Service Award Program list from the Town's fire districts. Onesquethaw submitted their firefighter records.

RESOLUTION 2016-037

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland approve does approve the 2015 Service Award Program for the Onesquethaw Fire District LOSAP Program as outlined.

Seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

Liaison Reports

Councilperson Snyder reported on the following:

- a) The Planning Board received a cell tower application for the Clarksville hamlet from Verizon. Going back to the Zoning Board for some variance issues.
- b) The Voorheesville Board of Education has begun discussions for next year's budget.
- c) Nominations are open until the end of January for the NYS Senior of the Year.
- d) There was a Rail Trail meeting update that was very well attended.
- e) Vly Creek Dam review meeting that Doug Miller attended.

Doug Miller reported that disaster plans are required to be reviewed every two years. The County

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Emergency Management, Bethlehem engineers, fire departments in the Town, and EMS are represented. They basically review the worst-case scenario catastrophic event should there be a failure on either end of the dam.

There was also a meeting for a statewide project that NYS DEC, NYS Fire, and Homeland Security has put together regarding trains and potential incidents involving trains going through a community. The proposal for this project is to make maps for every municipality that shows where railroad tracks go through and highlight some of the spots on the back of the map as a sort of tickler list or places that need to be paid attention to.

The County is still working on the hazard mitigation program in the event that we have a storm or any issue like that. Superintendent Guyer is the contact person with the County. If anyone has any concerns that they feel should go into that program, it should be brought to Superintendent Guyer's attention.

In late March, there is going to be a full-scale exercise to follow up on the table-top exercise that was recently performed. The exercise will be an evacuation exercise in the event of an active shooter in the school. Homeland Security will be involved in this exercise. It will be performed on a day when school is not in session.

Any tower that the Town authorizes to be built, should have public safety space on it. The tower builders need to be able to say that they will give us a certain number of feet of public safety space and reserve that. Councilperson Hennessy stated that this was already in our Cell Tower Law.

Councilperson Hennessy stated that two grant applications that the Town of New Scotland submitted last year were both rejected. One was for a Parks Improvement Grant for the Swift Road and Feura Bush Parks. The other was for sidewalks for Clarksville. There were no specific reasons given for the rejections, but we were given the option of a meeting to review the applications. We may resubmit the application, and perhaps if they are tweaked appropriately the projects may be fundable.

Departmental Monthly Reports

- Town Clerk, December 2015
- Town Clerk, 2015 Annual Report
- Registrar, December 2015
- Registrar, 2015 Annual Report

Pay the Bills

RESOLUTION 2016-038

Supervisor LaGrange offered the following resolution and moved its adoption:

Resolved that the Town Board of the Town of New Scotland approves paying the following:

Pay the Bills			
Abstract #	Vouchers	Amount	
1212	20160008-20160126	\$211,762.82	Greenberg motion. All voting, the carried (4).
Prepays or Three signatures			
Vouchers	Amount		
1206	20151453-20151456	\$2,058.65	Budget ESOLUTION
1207	20151457-20151459	\$2,058.08	
1209	201511460	\$1,380.00	
1211	20160001-20160007	\$186,044.99	

Councilperson seconded the present and motion

Approve any Modifications R 2016-039

Supervisor LaGrange offered the following resolution and moved its adoption:

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:				
FROM	CODE	TO	CODE	AMOUNT

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Fund Balance	A0909	Workers' Comp. Ins.	A9040.8	\$3,978.14
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	B0909	Workers' Comp. Ins.	B9040.8	\$2,128.71
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	DB0909	Workers' Comp. Ins.	DB9040.8	\$10,500.53
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	FN0909	Workers' Comp. Ins.	FN9040.8	\$3,634.16
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	FO0909	Workers' Comp. Ins.	FO9040.8	\$3,796.52
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	SS0909	Workers' Comp. Ins.	SS9040.8	\$425.03
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	WC9898	Workers' Comp. Ins.	WC9040.8	\$1.87
To appropriate money from fund balance to Workers' Comp. Ins. due to rate change.				
Fund Balance	WH0909	Workers' Comp. Ins.	WH9040.8	\$17.22
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

Councilperson Snyder seconded the motion. All present and voting, the motion carried (4 Ayes).

In response to a question by Councilperson Hennessy, Supervisor LaGrange stated that there are some areas where we have a lot of workmen's compensation claims. Because of that we saw an increase in our premium for this year. Unfortunately, we aren't told ahead of time that that is going to happen so we didn't learn of this until late December.

The floor was then opened to the public to discuss non-agenda items.

Chet Boehlke asked if the Town is looking into solar power for our Town buildings. Supervisor LaGrange replied that we are and have been actively investigating this for about a year.

Jim Bess commenced a discussion about a personnel change at the Town Highway Department. A lot of back and forth ensued about how this change was implemented. Superintendent Guyer chose to abolish the foreman position and to appoint someone to the position of Deputy Superintendent, a position that had been created at the Regular Town Board meeting on January 11, 2012. The former foreman was offered another position with the Town Highway Department and he accepted. Many co-workers of this gentleman were upset and wanted their feelings known. (Mr. Bess is no longer employed by the Town of New Scotland.)

Kevin Schenmeyer, a current Town Highway Department employee, also spoke in support of the former foreman.

Mr. Bess praised the former foreman's work record and history and wanted the Board to be aware that it was felt that the action by Superintendent Guyer was a blow to the morale of the current highway department employees. It was felt that this was some sort of disciplinary action taken against a long-time employee.

Supervisor LaGrange responded first by saying that Superintendent Guyer, as an elected official, may, by Town law, make adjustments to his work force as he sees fit. The Town Board is bound by the Town's salary scale by law to pay someone whatever their position dictates in the salary scale. While the foreman position was eliminated, another Operator II position was created so that the gentleman could retain employment with the Town without a tremendous decrease in salary. It is true that the Operator II salary does represent a decrease of \$1.30 per hour in salary. He again reiterated that this was not done in any way as a disciplinary action. It was simply a rearrangement of duties

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and a reorganization within the Highway Department.

Mr. Bess asked what the qualifications were for the position of Deputy Highway Superintendent. Superintendent Guyer replied that anyone who is qualified to hold the position of Highway Superintendent is qualified to be appointed to the Deputy Highway Superintendent position, that is, anyone who resides in the Town and can legally hold the position of Highway Superintendent.

Mr. Bess then asked how this reorganization complies with Civil Service law. Superintendent Guyer replied that for Civil Service purposes, the Deputy Highway Superintendent is seen as his current Operator II position. There is no remuneration associated with the position of Deputy Highway Superintendent. He has the legal rights of the Highway Superintendent in the event of an extended absence by the Highway Superintendent.

Adjourn

RESOLUTION 2016-040

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby suspend the regular session and reconvene in executive session.

Councilperson Snyder seconded the motion. All present and voting, the motion carried (4 Ayes).

Executive Session began at 8:50 PM.

Supervisor LaGrange made a motion to adjourn Executive Session, seconded by Councilperson Snyder.

Executive Session ended at 10:20 PM. No actions were taken during Executive Session.

The Board then reconvened the public meeting and scheduled a Special meeting for January 20, 2016, at 6:30 PM to discuss the Hilton/Levie Barn.

Supervisor LaGrange made a motion to adjourn at 10:25 PM, seconded by Councilperson Snyder. All present and voting, the motion carried (4 Ayes).

Respectfully submitted,

Patricia A. Barber
Deputy Town Clerk

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