

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

The following Town Officials were in attendance:

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

Call to Order

Supervisor LaGrange called the meeting to order at 6:30 PM.

Pledge of Allegiance

Invitation to the General Public to Comment on Agenda Items.

No comments.

Capital Project Resolution re: Hilton/Osterhout Barn Relocation Project

Supervisor LaGrange stated that the meeting tonight is to discuss the Town's progress and what the Town is doing to try to facilitate the move of the Hilton barn. He asked Attorney Naughton to give a brief history and bring everyone up to date on what has been done so far.

Attorney Naughton stated that the Board has been exploring for some time now whether or not moving the barn would be financially feasible, if there would be funding available, and if we could get agreements from landowners. One of the things that was done was to find out if there would be a suitable site for the barn to be moved to because owners of the current location will not allow it to remain there. There was some delay in being able to obtain an option contract with one of the landowners, but eventually we were able to get an option to purchase one acre of land on the Hilton property which is at the corner of Hilton Road and route 85A. The Mohawk Hudson Land Conservancy (MHLC) currently holds the option on that land. They have the option to purchase the land, and the sellers have agreed to sell it. The plan is for MHLC to gift the land to the Town of New Scotland who will then become the owner of that property. We have been able to get a license agreement authorized and signed by a representative of Traditional Builders, who now owns the property where the barn now stands. That agreement allows us to move the barn off their property. They also agreed to give us a bill of sale giving us the right to the barn. There have been investigations of budgets and other costs including the cost of moving the barn with a professional structure mover. We have some bids on that. We have other information about the costs of temporary relocation of utilities and what would be entailed with those. We are at a point where the Board needs to make some decisions about whether to proceed with the project or not.

Last week, the Board had a special meeting where they reviewed potential environmental impacts of the project. They reviewed an EAF that made a negative declaration under the State Environmental Quality Review Act stating that no further review was needed. That set the stage for further action to be taken. We have asked for proposals and quotes on what it would cost to clear the land of the future site of the barn because there are brush and scrub-type trees there. We needed to get a survey of the one-acre property, and that has been done. That would allow for a subdivision of the larger parcel for the site that the barn will sit on. We are now at the stage where the Board needs to decide if they want to allocate funds for this to proceed. There has been an application to a county agency for \$50,000 in funding, and we have received very strong assurances that that money may be available as early as early February. The Town has also filed a preliminary application for a state grant through Assemblywoman Fahy for \$125,000. We have received positive feedback on that. If the Town is the recipient of both of those awards, we would have a total of \$175,000 to assist with this project. The rough estimates of the budget indicate that the barn could be moved to a new site temporarily for less than \$175,000. The MHLC has indicated that they would gift the land to us if all other things come together.

It is important for everyone to recognize that there are certain risks that certain things will not come together for us, but most of the most important pieces have come together, especially with having an option to purchase the land, the license agreement from Traditional Builders, and the ability for MHLC

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

to close on the land for the future site. In addition, the financing seems to be in place.

Other things on the agenda for this meeting will address specifics about what the next undertaking is in terms of contracts. Included with those would be a License Agreement for the Town Board to sign which would give us until about March 31, 2016, to move the barn to the new location and to accept the conveyance of the barn. There have been some other outside factors that have caused the Town to have to move quickly on this. The developers of the site want to start construction in April, so they will need the barn gone from its present site by then. We have talked to them about trying to extend that deadline, but it does not look favorable so we are trying to move things along within the time constraints imposed on us.

The Town Board has to decide if it wants to commit or allocate approximately \$175,000 for this project. The concept is that the Town may have to pay out of pocket first, and then be reimbursed through county and state grants.

Supervisor LaGrange stated that the funding source for the county is the Albany County Capital Resource Corporation. They will be meeting on February 3. We have received quite a few assurances that our application was up to the level that they look for. The Chairman of the ACCRC asked if the Board Room in our Town Hall could be reserved for February 17, 2016, at 5:30 PM because they have to have a public hearing on our grant application. It will be potentially approved on February 3, but they have to have a public hearing in the municipality that the grant money is being sought from.

Supervisor LaGrange went on to acknowledge and thank members of the Town Board, Attorney Naughton, Superintendent Guyer, Mr. Dempf, Legislator Mackey, and Mr. King from the MHLC. Normally this project would begin to be worked on no less than six months in advance. Because of a couple of delays, all of this work has been compressed into a much shorter amount of time than it would normally take.

The Supervisor's office has reviewed what opportunities we have. The Board members have suggested that direct taxpayer dollars from Town residents not be used to facilitate the move, so that is why we have sought whatever grant money may be available for this type of project. In addition, there have been people who have wanted to donate money to this, so it is felt that private financing may also be a good source of funding. The Voorheesville School and Community Foundation has offered to facilitate the collection of donations because they have the infrastructure in place as they have done this before. The Town has two funds to facilitate parks. One of the funds is through developer lot fees. Those fees have generated over \$100,000 over time, and that is designated specifically for parks. We have another fund that is quite similar, and it is funded through pavilion rentals, softball field rentals, etc. That is also over \$100,000. Research of the second fund revealed that those are unallocated funds; they were never designated for parks specifically, so they are available to us and would come out of the town-wide A fund. The Board directed Supervisor LaGrange to notify MHLC that we wanted them to go ahead with the purchase of the property. At worst, that would cost us the price of the property which could be up to \$25,000. The Board felt that it would be proper that, even if we could not facilitate the move or some unforeseen situation arose during the actual move, we make this purchase in conjunction with the Rail Trail and develop a park or parking there. We have allocated some funds for the survey, for a wetlands review, and recently for an agreement with Barton & Loguidice Engineering to start some architecture work regarding the site. Those are minimal amounts of money that we have already committed totaling about \$3300 and potentially \$25,000 if things fall apart with the barn. Per our financial advisors, we should set up a Capital Project Fund. The state grant will be a reimbursement situation whereas the county money will be awarded in the form of a check.

RESOLUTION 2016-047

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED that the Town Board of the Town of New Scotland establish Capital Project Fund H-05.

Whereas, the Town of New Scotland desires to acquire land and relocate the "Hilton" barn onto the acquired property for recreational purposes, and

Whereas, the Town has applied for county and state grants and intends to obtain commitments for other local funding of the project, and

Whereas, the Town has determined that the saving of this historic structure will provide unique
Borough of New Scotland, 2016-01-27 10:00 AM, 2 / Page

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

be visible in the budget. She also suggested that, as we move forward with this project, we form a committee regarding long-term uses of the barn. We have put a lot of effort into trying to move the barn, but once it is there it needs to be understood what we are going to do with the barn, how we are going to promote it, how we are going to fund it, and the kinds of uses we would like to see established.

Supervisor LaGrange stated that there have been discussions about ideas for future development of this site including possibly incorporating it into the Rail Trail. The County has suggested that they would set up a capital project which could be upwards of \$250,000 to \$500,000 for renovation, putting in facilities, etc. There have been things mentioned such as toilet facilities, farmers markets, etc. The focus has been on getting the move done, and then we can investigate opportunities that would be best for the town, for the county, and for the town residents.

RESOLUTION 2016-048

Supervisor LaGrange offered the following resolution amending resolution 2016-047 and moved its adoption:

RESOLVED that the first line be edited to read, "**Whereas**, the Town of New Scotland desires to acquire land and relocate the "Hilton" barn onto the acquired property for recreational and other purposes, and..."

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

George Koch asked if the frontage of the Hilton property was entirely on Hilton Road from route 85A to the Rail Trail.

Supervisor LaGrange responded that it does not front route 85A at all. Councilperson Hennessy added that there is about 200 feet fronting Hilton Road from the Rail Trail back. It would be another 300 feet or so to route 85A. The lot itself is a little bit more than one acre. Our preliminary plan shows how it will fit and how we can arrange the barn with parking within zoning setbacks. Councilperson Greenberg added also that the land from route 85A back to that one acre will have to be cleared. It will look like it's the whole plot of land initially but it really isn't.

Catherine Lee asked if, once the bid is awarded, the mover will be able to move the barn within the time constraints set forth.

Councilperson Hennessy responded that they can move the barn within the timeframe we are working with.

George Koch asked if water and sewer are going to be needed at the new site of the barn, and if so what will the source of the water be.

Supervisor LaGrange stated that that will be explored down the road. The first priority is getting the barn moved, but there are a couple of options for that.

Bob Parmenter asked about liability issues. Once the barn is moved, how is it covered?

Supervisor LaGrange responded that that has been investigated through our current insurance carrier, and we have gotten quotes for the premiums, and the increases have been modest. All of those bases are being covered.

Resolution authorizing Supervisor to sign License Agreement with Traditional Builders

Supervisor LaGrange stated that Joseph Lucarelli, President of Traditional Builders, signed the License Agreement. Counsel has recommended that we enter into this agreement.

Attorney Naughton stated that this License Agreement gives the Town of New Scotland and its contractors the right to go on the land of Traditional Builders and do whatever is necessary to move the barn including taking down trees and removing brush that would be in the way of the moving path of the barn. It would also include installing temporary driveways for the movers. It is for a period that starts now and ends March 30, 2016. There is also a bill of sale in the license agreement whereby Traditional Builders gives/conveys us the barn. We will have the right to the barn. There are some insurance requirements that will have to be satisfied which will be taken care of for the most part by the policy from the moving contractors. It provides that there is a "hold-harmless indemnity" in

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

Attorney Naughton wanted to point out that in paragraph 2 of the license agreement under the Term, there is a typo. The licensee is providing notice to the licensor. That change will be made; Mr. Lucarelli will be notified of the change, and it will be transmitted back to Mr. Lucarelli. The agreement has been executed by Traditional Builders. The Board now has to decide if they want to authorize the Town to enter into this License Agreement and authorize the Supervisor to sign it on behalf of the Town.

RESOLUTION 2016-049

Supervisor LaGrange offered the following resolution and recommended moving its adoption:

RESOLVED that the Town of New Scotland enter into a license agreement with Traditional Builders and authorize the Supervisor to sign it as amended.

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

Supervisor LaGrange then went on to say that there are other opportunities if something happens and the move cannot be facilitated and we are owners of the barn. Other options have been brought to the Town for people who might take the barn down and use it for other purposes, so if for some reason we don't go through with moving the barn we will not be "stuck" with it.

From the proposals we have gotten for moving the barn, Stantec had some questions that needed clarification. We sent these to both bidders. Attorney Naughton stated that he didn't feel that we were ready yet to enter into a contract with either bidder. This is all something that should be discussed in Executive Session. Both bidders are in the same ballpark in terms of price; one is a little higher than the other. One is local; one is farther away. There are exclusions that have to be worked out.

Councilperson Hennessy asked if a resolution could be considered to authorize an expenditure for clearing the land. He went on to explain that in the initial stages of the move, we have to clear a pathway for the barn. That includes Hilton land on the north side of route 85A as well as Lucarelli land on the south side. Colonie Country Club Partners (CCCP) are occupying the barn currently, but they are in the process of removing their equipment. We can go in as soon as the Supervisor authorizes it to start clearing the land and preparing the pathway. We already have a contractor with the necessary equipment to do that. We haven't finalized when this can begin yet; the timeframe has been very accelerated, but we are prepared for that. It was Councilperson Hennessy's recommendation that the Board authorize no more than \$3000 for that work which is within the overall budget planned for, so it doesn't have to be stated who is chosen until all of the proposals have been vetted.

Supervisor LaGrange stated that a fund has been created. We have committed money toward the move. We could have a resolution to allow the Supervisor to sign any potential contract up to \$3000 if the Board is comfortable with that.

Attorney Naughton stated that an expenditure of up to \$3000 could be authorized, and the Supervisor could be authorized to sign a contract for the land clearing at both sites.

RESOLUTION 2016-050

Councilperson Hennessy offered the following resolution and recommended its adoption:

RESOLVED that the Town of New Scotland enter into an agreement with a contractor for no more than \$3000 to provide clearing and tree removal work in connection with the Hilton barn project after the proposals have been reviewed and accepted and in accordance with Town of New Scotland law.

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

RESOLUTION 2016-051

Councilperson Snyder offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland form a formal Committee whose purpose would be to develop a usage for the Hilton barn and within 60 days identify the members and function of the Committee.

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

It was suggested that we may want to include members of the Town Recreation Committee. Because the County is assisting us in this endeavor, we may want to include someone like Legislator Mike Mackey.

Tony Mistretta also suggested that members of the Friends of the Rail Trail group would also be interested in being on this committee.

Steve Reilly suggested that we might want to look for someone with grant-writing experience as we form the formal committee. He also mentioned that, while he did not know what they may have available, the Preservation League of NYS may also be an agency we want to contact to assist us in this effort.

Supervisor LaGrange stated that we have approached other state funding through another member of the state legislature in hopes that we can explore that avenue, as well. Jennifer Hilton, one of the Hilton heirs, wanted to donate her share of the proceeds of the sale of the land to this project. The MHLC also had donations from one or two other individuals that would cover the other half of the \$25,000 purchase price.

Councilperson Hennessy stated that former Town Board member Daniel Mackay made a pledge to donate to this project, as well.

Attorney Naughton brought up voluntary funding efforts. We should get a proposal from the Voorheesville Community and School Foundation stating exactly what they are going to do. A resolution of support should be passed supporting their efforts. Perhaps representatives of the group could come to the next meeting to explain how their system works and offer a proposal. Since they are doing this in the name of the Town and on behalf of the Town, we would want to know the details. We would want to know what will be posted on the Internet as that will probably be a big piece of their efforts. We need to understand how the funds will be allocated, used, etc.

Supervisor LaGrange stated that Councilperson Snyder has been in contact with the group, and they have offered their services. We also want to be sure that their efforts won't interfere with any possible thoughts that the MHLC might have. There are lots of people who have contacted the offices here, there is a Facebook page that someone started to start taking pledges, and there are a lot of people showing support and wishing to help the Town with this project. Councilperson Snyder will ask VCSF to send representatives to the next Board meeting to explain how the process would work if they collected the donations for us.

Attorney Naughton stated that it was important to have a not-for-profit group facilitating the donations. Councilperson Snyder stated that they are a 501c3, and they do this for other community-related groups.

Attorney Naughton mentioned a license agreement with the Hilton heirs for the purpose of tree clearing and access to the land before closing. With the time constraints we are under, it would be beneficial if we could enter onto the licensed area and begin some clearing procedures.

RESOLUTION 2016-052

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland approve the License Agreement (for Tree Clearing and Access) between the Town of New Scotland and George F. Kain and Jennifer A. Hilton.

Be it further resolved that the Supervisor of the Town of New Scotland be authorized to sign said license agreement.

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

Attorney Naughton recommended another Special Meeting before the Regular Monthly Town Board Meeting because of the tight schedule we are on for the proposed move.

RESOLUTION 2016-053

Supervisor LaGrange offered the following resolution and moved its adoption:

**Town of New Scotland
Special Town Board Meeting
January 27, 2016**

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

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

Executive Session began at 7:50 PM.

Supervisor LaGrange made a motion to adjourn Executive Session, seconded by Councilperson Hennessy. The meeting adjourned at 8:40 PM. No actions were taken during Executive Session.

Respectfully submitted,

Patricia A. Barber
Deputy Town Clerk