

**Town of New Scotland  
Regular Board Meeting  
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
Engineer:	Dave Hanson
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

**Call to Order**

Supervisor LaGrange called the meeting to order at 7:13 PM.

**Pledge of Allegiance**

**State of the County discussion by Albany County Executive Daniel P. McCoy**

County Executive McCoy began by thanking the former County Legislator Herb Reilly and current County Legislator Mike Mackey for the Rail Trail. He also thanked the Town for the Hilton Barn move and bringing the partnership in to get the barn moved to its new location adjacent to the Rail Trail. The Rail Trail is going to be paved from the Slingerlands Fire House, to the Stewart's in the Town of Bethlehem, and then down to the Port of Albany. Eventually by sometime next year, the entire Rail Trail including the Voorheesville/New Scotland portion will also be paved.

One of the things the county is trying to accomplish this year is an equity agenda. They are working with UAlbany. They are going to partner with the county to revamp how social service programs are done throughout the entire county. The county administers a lot of programs including DSS, DCYF, Mental Health, Health, Probation, and others. Some of the things they will be looking at are the services we are providing and if they are effective, are they working, and are we getting 100%. At the end of the day, because every generation changes, the next generation may not need that type of service or they are not engaged because it is not working. They are going to look at the way services are delivered; if it working, that is great. If it is working better elsewhere in the community, the county will engage that program and enhance it moving forward.

The heroin epidemic locally and nationally is scary. Executive McCoy issued an Executive Order working with the State Health Department and the Commissioner allowing any parent, loved one, or a friend to go into any pharmacy to get Naloxone and administer it to reverse a heroin overdose. Some have accused Executive McCoy of creating a crutch, thus enabling the addict. He disagrees, saying instead that what it is doing is saving lives; however, the addict has to be ready to change. We as loved ones can do all we can for them, but if they are not willing to take the step toward recovery on their own we have to help them get to the point where they are willing to start recovery. An Opiate Task Force was established three years ago using a three-pronged approach. A summit is coming up shortly that will bring in experts to help. The heroin epidemic is only getting worse. New drugs are coming in from Canada that are cheaper. A Youth Bureau was started thanks to the Legislature including Mike Mackey and Frank Commisso. With the 2% cap, it is challenging to try to fund programs for kids who have a lot of energy but nothing to do. You want to direct their energy in positive ways, but it is hard when there is nothing to do. When they end up in trouble and you ask them why they got in trouble, they will reply that they have nothing to do. The County has partnered with Sheriff Apple, the Legislature, and AAU for a first-of-its-kind program in New York State that teaches kids not only things like lacrosse, karate, field hockey, football and other sports, but an educational approach is being utilized. It also includes an anti-bullying component as well as gang prevention. New York City wants to use this program as a model and take it to the national level. The Sexual Assault Team comes in and speaks to them. Unfortunately, in Albany County there is a high rate of teenage suicide. There is a County HOPE suicide prevention program (Help, Options, Prevention, and Education) that has an app that can be downloaded. The 1000<sup>th</sup> child was just enrolled in the youth program. A partnership with the Town of Colonie was just established, and 179 children signed up for karate. In Coeymans-Ravena, 100-plus kids signed up for karate. The County is trying to introduce programs like this into areas that never had things before for kids, for example in the Hilltowns. This will be the third year that, through a partnership with the Legislature and the

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

Sheriff's department, there are programs that take place at Lawson's Lake. Kids can go there free of charge all summer through Boys' and Girls' Clubs. For example, DEC teaches the kids how to fish; this is a big deal for city kids. They are taught how to use a compass and find their way in the woods. There are music classes, art classes, and computer training. A kid can build a computer and take it home at the end of the summer. These are all things that are being done to enhance our next generation to build a foundation to make them good citizens. So at the County level, we have been trying to provide this opportunity to these young people. The County is starting a Mental Health Court to go along with the Vets Court. People with mental health issues should not be put in jail. When a former governor closed down all the state mental health hospitals across the state, some patients were basically put on the street. The County just put a \$17 million addition on the jail that is a mental health wing with doctors in attendance 7 days a week. This may have saved the state money in the short run, but in the long run the cost of caring for these people got shifted down to the counties. The county is trying to take a new approach to keeping these folks out of jail and get them the help they need, give them the medications they need, get them on the right track, and give them opportunities. There is a 12-week program involving people who are on probation. They are taught how to dress, how to do a job interview, how to fill out a resume, and how to fill out a job application. So far, 98% of graduates of that program have not re-offended.

Working with the Legislature, taxes have been under the cap for the last two years. A lot of what the County has undertaken has been initiatives for partnerships with outside companies. There are 44 unfunded mandates that the County is forced by the State Senators, assembly people, and Governor to achieve. It is very challenging to fund these mandates and still try to stay under the tax cap and stay at zero. That is why the County was willing to get involved in the Hilton Barn move and why partnerships are so important. This was an investment in the future. The barn move will eventually have an economic impact. In addition to preserving a bit of the Town's history, people on the Rail Trail will have an opportunity to stop and perhaps shop and eat here. The County also partnered with the Town of Berne to purchase the Buddhist property and turn it over to the Town of Berne. It's a beautiful piece of property and will eventually be someplace the public can visit.

Partnerships have helped the County accomplish many things, and this is why the County has been back-to-back zeroes and under the cap for the last three years. Next year, property taxes can only be raised 0.38%. Executive McCoy doesn't want the County to just provide essential services but services that make a community. Our County reserves are doing well. The County's economy is driven by several sources of revenue, one of them being sales tax. Sales tax revenue from car sales is the primary source of this. Recording tax from house sales is another source of revenue. That's where we generate our money. The state gets a good portion of it and the County uses the rest. The County budget is roughly \$610,000,000. The sales tax revenue beginning this quarter was down, but we just came back a little. It's something we watch. Executive McCoy said there are a lot of positive things going on. On our website you can see how we spend our money. At the end of the day, the citizens have a right to know where their money is going. We have to work together to make it happen.

Herbert Reilly commented that a few years ago we did a study on the unfunded mandates. Our property tax was coming in around \$95,000 and the unfunded mandates were amounting to \$135,000.

Executive McCoy added that we have the 5<sup>th</sup> lowest taxes in NYS. Saratoga is the 4<sup>th</sup> lowest in the state, but they should have no taxes. Rensselaer is 27<sup>th</sup>, and Schenectady is around 37<sup>th</sup>. Executive McCoy said that he feels that we are doing a great job. We turned our nursing home around. We took an \$18,000,000 deficit and got \$4,000,000 this year. We are making hard decisions and unpopular decisions, but we have to if we want to right the ship, but it can only be done with input from county residents.

Supervisor LaGrange thanked Executive McCoy, the County Legislature, and the County Highway Department. We had an opportunity to move the historic barn. It was going to be demolished. There is great opportunity for economic development that the county saw. We applied for a \$50,000 grant. We were approved, and we are grateful. The amount of help that Commissioner Duncan and the County Highway Department did was appreciated by this Board and the majority of the town.

**Approval of the Minutes of the Following:**

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

**March 1, 2016 Special Town Board Meeting**  
**March 9, 2016 Regular Town Board Meeting**  
**March 16, 2016 Special Town Board Meeting**  
**March 28, 2016 Bid Opening**

**RESOLUTION 2016-117**

Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does approve the minutes as presented by the Clerk.

Councilperson Hennessy seconded the motion. All present and voting the motion carried (5 Ayes).

**Thom Smith of Voorheesville Area Ambulance – discussion re: formation of a Town-wide EMS Committee**

First Lieutenant Thom Smith and Kate O'Dell, representing the VAA, were here to ask the Board to consider forming a committee to evaluate the status of EMS within the town and to do an assessment of where we stand today and what the expectation is of the stakeholders involved with both agencies, Town and Village governments, and the community at large, and then to develop a plan going forward. We want to make sure we provide proper and adequate coverage in a timely manner with qualified personnel. Lieutenant Smith said that it's their goal to preserve the volunteers and to work hand-in-hand with the County, which they've done very well recently. They have been meeting with the County on a regular basis in order to accomplish that. Lieutenant Smith added that they invited Supervisor LaGrange shortly after the election to attend one of their meetings. There was agreement that there was some interest on both parties' parts to form this committee, but the contract had to be taken care of first. We got the contract signed by the Village and the agency, and it was delivered to the Town this week, so they would like to move forward with the formation of this committee. The Town was asked to take the lead on this because the Town is the only stakeholder that manages a financial relationship and a contractual relationship with Onesquethaw EMS, Voorheesville EMS, and Albany County EMS. Supervisor LaGrange said that they had spoken about this at length. The opportunities that we might have to better preserve our volunteer service are an important part of this; it saves all of us money. We have some excellent volunteers, and while the Sheriffs are not volunteers they are very conscientious. In spite of the ups and downs over the years, the one thing that was consistent was a passion to help the community. That's immeasurable. Of course, the more volunteers we have the better we can provide an excellent service to the community at a reasonable price. This is something we'd like to do. We would like to get a member of Onesquethaw, the Sheriff's department, VAA, and the Village and the Town Boards along with an extra person who would bring expertise to help guide us. We'd meet and start to discuss these things. Supervisor LaGrange added that they had already started working with Onesquethaw in various ways. There is a co-training coming up on Saturday. Lieutenant Smith said it was a joint training exercise at the New Salem Fire Department for vehicle extrication with Onesquethaw, Voorheesville and Altamont Rescue Squads, Altamont Fire, New Salem Fire, Onesquethaw Fire, and Voorheesville Fire. They have begun those conversations. Where we had drifted apart in the past for various reasons, they are beginning to realign. They met with Onesquethaw on April 4 and presented this same conversation. They wanted to know opportunities there were for a shared schedule. Lieutenant Smith added that the VAA knows their weaknesses, and Onesquethaw knows theirs. They overlap them, and then they ensure that at no point in time does a resident experience a delay for EMS services. In an instance where there are overlapping periods of non-coverage, they would be able to coordinate through the County and get a resource much quicker. Those conversations have been initiated, and The invitation has been extended to participate in this desired committee. Supervisor LaGrange said that on his desk for tomorrow is to initiate an email chain to all parties and to facilitate the jump start of the committee. Supervisor LaGrange added that he was going to ask Councilperson Greenberg, since he is our Public Safety Liaison, to be part of that committee. Councilperson Greenberg said that they talked about it a couple of months ago. Supervisor LaGrange said that we do have the contract, the council has reviewed it, and he anticipated that it would be passed this evening. We are in a good place in all aspects.

**Peter Henner discussion re: Time Warner Cable**

Supervisor LaGrange said that the Board has an overview in their packet from Mr. Henner on Time Warner including the issues that are out there with them and the opportunities we might have. Our

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

contract is up for renewal in 2018, and we've already been approached by Time Warner. They provide high-speed Internet to various places in the Town. There have been some things from the Governor and other opportunities that suggest that we may have an opportunity to broaden the service in this town if we approach it the right way.

Mr. Henner is an attorney who has lived in the town for 20 years. When he moved to New Scotland he built a house with an attached office. It was a great place to practice law until the problem with the Internet really got bad. Mr. Henner said that about a quarter of the town does not have Internet. That is a major problem. There are kids in school that can't do their homework. Internet is a necessity in the 21<sup>st</sup> century. The problem is how we are going to get Internet. About a year ago the Legislature appropriated \$500,000,000. It was thought that that might be used for broadband expansion; however, the \$500,000,000 will not be used for communities like the Town of New Scotland. In January 2016, the Public Service Commission approved the merger of Time Warner and Charter Communications creating a very big company. PSC said that if they were going to create this merger then Time Warner would connect 145,000 housing units throughout the state in communities like New Scotland where Time Warner has a franchise agreement with the town and they have to connect everybody. This is important. What the PSC said was that Time Warner was going to connect everybody in areas where they have franchises. Nobody in a town like New Scotland where there is a franchise agreement can apply for any of that \$500,000,000. So, that's off the table as far as we are concerned. The only thing that the town has to be concerned with is what we can do to get a part of those 145,000 units that the PSC has directed Time Warner to connect. When the PSC issued their order, they came up with this number of 145,000 units. Nobody knows what it is, where that number came from, or how many units there really are in the state. The PSC said that, assuming the merger was ultimately approved by the Feds, which is expected to happen later this spring, they would grant final approval. Starting sometime this fall, they would have to develop a plan and connect these 145,000 units – 25% a year for four years beginning presumably in 2017 and continuing on until 2021. This means that, assuming everything is fine, which it isn't, we could possibly not be getting ourselves connected to the Internet until 2021. Mr. Henner said that there are several things that need to be done. One: Because the PSC has said that there are 145,000 units, we need to be involved in discussions with Time Warner to get our place at the table. We want to be included early and efficiently. We also want to urge the PSC to speed up the agenda. It is not acceptable to go on over 4 years. Mr. Henner then said that the number 145,000 was made up. No one knows where it came from. Time Warner may have an idea, and we know that Time Warner has some idea because they filed a document with the PSC showing how many housing units by municipality there are in the state. There is a list by municipality so we could find out the actual number. If there are more than 145,000, then some people are not going to get Internet service at all. Mr. Henner submitted a FOIL request to the PSC seeking this information. Time Warner says it's a trade secret and they won't give it to us. Mr. Henner said that if the PSC sustains that trade secret, then he will bring an Article 78 proceeding against the PSC to challenge that. From our perspective, we need to know even within the town how many unserved units there are. We are going to ask for that information from Time Warner but we haven't gotten it. To summarize, there is a proceeding with the PSC and it is going to go on. The PSC will be making their decision regarding how to apply for this funding, how you get hooked up, what does Time Warner have to do, and what will the PSC order them to do. We need to be involved in those arguments, and the only way to do that is to formally intervene in the PSC proceeding. It's an easy enough process to do. One of the things Mr. Henner urged the Town Board to do is to formally move to intervene in that process. We want to be a party, and we want copies of everything. We want to be able to communicate with the department staff at the PSC to raise our concerns. We want to be part of that discussion, and we want to respond to everything that Time Warner submits. We want copies of what they submit both formally and informally. The second thing is that Supervisor LaGrange mentioned that we have negotiations coming up. In 2018, the contract is renewed. A franchise agreement between a town and Time Warner is something that can be negotiated. Typically, Time Warner has certain minimum standards that have to be put into their agreement. The PSC law and the regulations say that if you have more than 35 housing units per mile you must hook everyone up for free. We've negotiated that down to 20 in our present agreement. If you are not one of those 20 and you ask Time Warner to hook you up, you are in for a shock. Mr. Henner added that they quoted him \$70,000, and that's not unusual. Now, with the PSC order it's going to be for free. Nevertheless, we still have a contract coming up. Under Federal law, Time Warner has to give us a notice of intent to renew. They did that, and we responded. Mr. Henner drafted a letter for the Supervisor saying that we want to renew and we want to discuss how many housing units there are in the town that are unserved, and we want to discuss all

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

of these things. We are also aware of the PSC work. Mr. Henner added that we have to start negotiating with them. We can say that we want to negotiate, but they have to respond and be willing to negotiate with us. Obviously we want to do it, but we have to press them so that they take us seriously. Once we start negotiating with them, then a wide range of things can be on the table. Various municipalities around the state have negotiated all kinds of agreements with Time Warner and have been able to get various kinds of benefits. Now, as part of the benefit of what the PSC is going to order them to do there may be other things we can ask for, as well. That should be part of the negotiations. The third thing Mr. Henner wanted to mention was how to get Time Warner to take us seriously. One of the things we can do is audit their account. Time Warner is probably not paying what they should be under the franchise agreement. There are companies around the state that do these audits. These companies are so confident that they can audit Time Warner and make money for the town by doing it, that they are willing to do this on a contingency basis. Mr. Henner said that he would argue that this is a "no brainer." The Town can hire one of these companies. We could issue an RFP for a proposal. The one company that Mr. Henner has been talking to is Computel. They say that if we hire them, they will audit our Time Warner franchise agreement and see what we are being paid under the agreement. Computel would take 40% of whatever they recover, and the Town pays Computel nothing.

These are the things the Town should do. It should be noted that we are in for a long fight here. This is not something that will happen easily. Time Warner is going to give the Town a hard time. The PSC is an uncertain ally. They've certainly been willing to step up to the plate and say that they are going to force this as a condition of the merger, but they haven't spelled it out. If the devil is in the details, and we don't know what those details are going to be, we need to be involved in that fight.

Those are the three things that Mr. Henner is asking the Town to do. One: Decide to formally intervene in the process. Two: Aggressively negotiate. Three: Do an audit of Time Warner. Mr. Henner added that, as a lawyer he has been very involved in this issue, and he certainly has experience in PSC proceedings and would be happy to represent the town in the PSC proceeding and to help with the negotiations.

Supervisor LaGrange said we've had a lot of residents with issues over time, and this looks like an opportunity to get involved and be able to do something. Supervisor LaGrange asked Mr. Henner to possibly give us an estimate of what he would charge. Obviously he has been knee deep in this for quite some time. We've been discussing it with him for probably the past two years.

Attorney Naughton said that in many of the PSC proceedings when you apply for an intervener status you can get paid out of the fund that is created. If there are funds available for that, could we use that to help offset the legal fees? Mr. Henner said that he thought Mr. Naughton was referring to what used to be called Article 8 and it's now Article 10 or 7 proceedings involving payment expert witnesses in cases of construction of power plants for Article 8 now 10 or Article 7 for transmission lines. The fees were only limited to expert witnesses and not attorney fees. Attorney Naughton said that his firm was able to get it for the Town of Greece. Mr. Henner said that he wasn't sure how he got legal fees because the statute is pretty clear, but even if he did it's for transmission lines under a provision of Article 7. There is no provision here that would govern it. Supervisor LaGrange noted that we haven't committed to Mr. Henner as far as representing us, but we certainly want to explore representation. If Attorney Naughton has something he can share, that would be great. Mr. Henner said to remember that PSC authority is under Article 11 of the Public Service Law which governs cable television. They did not contemplate any intervention by towns. Mr. Henner recently had a broadband program office conference and asked one of the PSC representatives what would happen if a municipality did intervene. They said that that would be a reasonable thing to do and something that could be done.

Councilperson Snyder said that Mr. Henner mentioned that Computel had had some success with auditing. She asked if he had any idea what these communities were able to recoup and had they been able to recoup the \$50,000? Mr. Henner said he didn't have a good answer. Councilperson Snyder then asked how hard is it to actually make the recovery. Mr. Henner said that he didn't have a number. Mr. Henner said that Computel represents a lot of towns that have much less in resources than New Scotland. Councilperson Snyder said that she didn't know how I just didn't know how easy it was to collect after a gap has been identified. Mr. Henner said that if you don't collect, they don't get paid. It's a fair question, and if we do an RFP we should ask how they expect to collect.

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Supervisor LaGrange thought that one of the companies took 40% and the town got 60%. Supervisor LaGrange asked if doing this audit would hurt up upcoming negotiations. Mr. Henner said that the contrary was the case. Time Warner is hard to negotiate with. The only way to get their attention is to intervene in the PSC process; you are then more likely to get them to negotiate.

Sharon Boehlke said that she was delighted to hear this. She's watched this process three times now. She still lives at the same address, and there are still nine houses in the middle of New Scotland South Road that have nothing. The estimate that to put it in her house would be almost \$20,000. One piece of the land was vacant. They wouldn't bring it to the one piece unless she did both pieces. Mrs. Boehlke said that in all the years, she has never heard anyone give us an encouraging thought on how you could do this. Mrs. Boehlke appreciated what Mr. Henner has done and is willing to continue to do. She felt that the Town needs to do the audit.

Supervisor LaGrange said that he appreciated Mr. Henner's tenacity. He witnessed it firsthand in keeping the Clarksville Post Office open. Once he has a project, he is thorough and does a great job.

Michael Dorgan asked if there was any possibility of a competitor to Time Warner.

Mr. Henner said that the problem is that it has not been economically feasible for any other broadband provider to extend service into the unserved areas of New Scotland. That's why we don't have FIOS. The topography is not favorable to wireless either. The only way we are going to get broadband service to the unserved areas is through an extension of the cable area. If it hadn't been for the PSC order, we could have argued that someone else could come up with some sort of rival application to the Governor. The PSC said that Time Warner has to do it, and, therefore, no one else can get money from the Governor's office. Time Warner has to do it at their expense.

Michael Dorgan asked if we are trying to expand the system. His thought was to take the system as it is. They have a monopoly. They have no incentive to negotiate for anything.

Mr. Henner said that it would be really nice to see some sort of public authority take over broadband. There are possibilities, but they are not feasible unless someone is going to help fund them. There is nobody out there with that kind of money. To do some sort of public authority requires state legislation and money that is not there.

Supervisor LaGrange thanked Mr. Henner adding that Councilperson Greenberg expressed an interest early on. The next step is to put together an RFP for the audit. Then Mr. Henner can get us an overview as he is able of what potential charges he might be looking at to represent us during the intervention and then possibly the negotiations. We appreciate his time and effort.

**Presentation of a proposal by Mr. Darrell Duncan and Mr. Gary Guyette**

Supervisor LaGrange said that Mr. Duncan and Mr. Guyette have a project they are interested in doing and it takes some Town Board action. Mr. Guyette said that he owns four barns on Route 308 which he'd like to use like an Agway. Mr. Guyette provided the Board with a map. Basically they would sell animal feed and things like Agway sells. It would be similar to the Applebee's that just closed up. They didn't go out of business; they just closed up. Mr. Guyette felt that there was a market for it. Supervisor LaGrange asked if he was picturing it somewhat like the original Applebee's. This was a farm service facility up toward Westerlo who sold mostly bag feed through Cargill Nutrena. They'd didn't have bins on the property. Supervisor LaGrange asked if they were looking to have big silos. Mr. Guyette said they were not, adding added that the other location on Route 32 got a little more in-depth. They sold everything from basic farm hardware to fencing and different products like that. Supervisor LaGrange asked if they talked to Nutrena. Mr. Guyette said that he didn't want to put the cart ahead of the horse unless he could utilize the barns. Supervisor LaGrange said that he used to patronize the original Applebee's. The next nearest high-quality feed stores are below Greenville or the Altamont Agway. Both are good places, but it's a stretch for people locally. There was concern originally voiced about having these popping up all over the place, but from his understanding they are regionalized. The first one in the door will probably be the last one in the door in our region. We have to see more investigation on that.

Councilperson Snyder said that if Mr. Guyette was talking about the barn area that now fronts Route 308. Mr. Guyette said that there are four barns. Councilperson Snyder said that as she recalled this

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

property has had a troubled history and that Mr. Guyette was part of that troubled history. She was a little concerned about the history of the property and the responsiveness in the event that there are any concerns as we consider anything else going forward. Mr. Guyette asked what troubles she was concerned about. Councilperson Snyder said that she was referring to the whole parcel, not necessarily just the barns. Her understanding was that it's been the subject of some controversy over the years about storage of materials and what's been going in and out of there. She said that she was concerned about the history and the responsiveness of the principals involved. Supervisor LaGrange asked if this was something that Mr. Guyette and Mr. Duncan were thinking of doing as a partnership. Mr. Guyette and Mr. Duncan agreed. Councilperson Hennessy said that he and Councilperson Greenberg were on the ZBA that issued variances for uses in the past on the land that Mr. Guyette sold to Hognestad. The town currently has issues with the land use that Hognestad has, and there are currently proceedings going on with the Planning Board and Code Enforcement. Councilperson Hennessy asked if that's what Councilperson Snyder was referring to. Councilperson Snyder said it was, but it's not issues unique to Hognestad; those were issues that pre-existed. Councilperson Hennessy said that historically Mr. Guyette came in for zoning use variances, and that's some of the concern. Councilperson Hennessy asked if there is any part of his use that will involve the Hognestad parcel. He asked Mr. Guyette if he has any relationship with Hognestad anymore? Is there going to be any work with them, or will this be a separate entity? Mr. Guyette said that they are adjacent to each other. They are selling bulk product in bins, and it borders the property next to the barn. Mr. Guyette added that he thinks they will have it cleaned up; it's just taking time. They are not a big corporation. Mr. Guyette thought it would look nice in a few years. Supervisor LaGrange added that he believed that they just started to introduce a site plan to the Planning Board to try and have the Planning Board corral some of the questionable uses. There were quite a few Planning Board members who were interested in having them come back to initiate some mitigation of some of the stuff that goes on and start to clean it up. Supervisor LaGrange said that if they can work together, it might help. Mr. Guyette said he thought the Board was aware of their plans to put buildings down along the property. Once the buildings are up, they will hide the manufacturing that is going on. Councilperson Hennessy said that he was generally supportive of the proposed use. It seems to be an appropriate use in the RA zone. It could actually buffer some of the land use behind it. Historically, it was an active farm building. We've just proven that we want to maintain and re-establish old farm buildings. Councilperson Ten Eyck asked if there were any new buildings planned. Mr. Guyette replied no. He then noted that the roof on barn #1 is touching the ground. Barn #2 has been jacked up 4 feet, and barn #3 has been reinforced with concrete in the front. Mr. Guyette added that it's not like he's just letting them deteriorate. He is trying to make it look a little better even though the Board might not think so. Supervisor LaGrange said that it seems like a lot of what has already been done over the past few years with the buildings themselves leads to not having to do a lot to try to put something like this together. Councilperson Ten Eyck said that she will have to look at the site with this concept in mind. She wondered if there was adequate space for parking, loading, and unloading, not only for customers but for delivery, and facilities for heavy pallets. Mr. Guyette said that if you visit the site you'll see that there is plenty of room for large trucks to pull in and unload. Councilperson Ten Eyck asked about future housing that may be in that area and what the impact would be on the residential zoning. We know the agricultural component of the zoning. That is a farm business that could be in companionship with this kind of a store but what about the residential use of the area and what will the impact be. Mr. Guyette said that he owns the land across the street. National Grid is down from him. Supervisor LaGrange added that he borders the National Grid right-of-way. The railroad is behind it, and the power lines bisect it. Councilperson Ten Eyck said that she thought that by considering putting a project like this in an area that already has its residential uses compromised by the situation just described; we're pretty much giving up the residential use of this area. Supervisor LaGrange said that that is assuming that the Board decides to change the zoning code for the definition of an agricultural supply facility as it was put together. Councilperson Ten Eyck said that she's not necessarily opposed to that, but we should go into it with eyes open. Supervisor LaGrange added that a lot of that is also a Planning Board issue. We wanted to hear what they had planned. It happens to be that it's in this spot. We did fashion an opportunity to add this type of business to the zoning code, but there is a lot to work through. They are just saying that this is a potential thing we might be able to do. If it is and we show that by passing this amendment to the zoning code definition, then they can pursue it further.

Stephen Reilly asked if he would have to go to the Planning Board anyway. Is this somewhat of a dry run for what he would inevitably need to do to get approved or get a variance?

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Supervisor LaGrange said that there would be a special use, and we are putting a lot of constraints into this new definition of an agricultural supply facility. A lot of our definitions don't constrain the practices as much as we'd like. We tried to fashion this to be something that would only be allowed on County and State roads, would have 500 feet of road frontage, and would have to be on at least 5 acres. Those are some of the things that would limit the areas it could be in, and that's not to mention the fact that there are a limited amount of these that could actually ever be put in the town.

Mr. Reilly was simply wondering if the Board stands any risk by making decisions on things like this without having the Planning Board. Supervisor LaGrange said that this will fall totally on the Planning Board; the Board just has to determine if they want to add this definition to the code. Right now they could do something of a higher magnitude in the industrial zone. With something like this in the RA and the Commercial and Industrial zone, we want to tailor it so that it isn't an encumbrance on the neighborhood. We're running alongside the cart with the horse. Councilperson Greenberg said that we have to allow the Planning Board to be able to consider it. It can't go in front of the Planning Board as it is now. Councilperson Greenberg said that he's supportive of it. If the town in general wants to keep the rural character of the town and keep the small farm and farming in the town, we need to allow the infrastructure for that. In general we need to zone it properly and plan it properly. Assuming that happens, Councilperson Greenberg thought it was needed. Councilperson Ten Eyck said that she doesn't necessarily have a problem with it either. The other point she wanted to make is that we have a big commercial zone that's fairly empty, and this kind of business would go well in there. If we are opening up to having it in our RA zones, it's going to make it all the harder to fill up our commercial zone in a way. This business would ideally be suitable for our commercial zone. Councilperson Ten Eyck added that she understands circumstances are that you have these buildings and that's what they are perfect for. We do have a need for it, but by the luck of the draw it just doesn't happen to be in the right zone. Supervisor LaGrange said that to that point you have an opportunity for a rural-type business that would accentuate our farms. It's in a spot where he doesn't know of anybody who would want to put a house. You have the industrial operation that's horseshoed around them. Councilperson Ten Eyck agreed that it's not your typical RA location. Supervisor LaGrange added that because they have the vision of what they'd like to do, it gives them a leg up on any other potential opportunities. Councilperson Greenberg added that it's also not a given. It allows them to go in front of Planning who will view it and decide whether the area is appropriate or not.

Sharon Boehlke said that it's turned out to be more of a Planning Board meeting on this issue. As Councilperson Snyder said, anyone who has sat in on the Planning Board meetings lately knows that that property is a very sore subject. There is a lot of traffic with the car carriers and heavy trucks. Mrs. Boehlke felt that there were a lot of questions that we as residents of that road would have. What is the added traffic going to be with tractor trailers coming in? We could go on and on about that piece of property. Mrs. Boehlke said that she really didn't think this was the appropriate place to be talking about this. Supervisor LaGrange said that she was correct as far as the specifics of it. Mrs. Boehlke didn't think anyone else would build houses unless the farm land sells. She added that she understands that Dr. Macomber's piece has sold and will probably be developed shortly. This piece of property in general right now is a real bone of contention in this town. Those issues need to be addressed and satisfied to the Planning Board before anything else goes in there. As Councilperson Snyder said, Mr. Guyette has this history with the land. Everything goes bad and then it just lays there and nothing gets done with it. Mrs. Boehlke thought that Mr. Hognestad said at the meeting that he was looking to eventually acquire those barns.

Supervisor LaGrange asked if that was an option. Mr. Guyette said that it's an option, but he thought the use they came up with would work well. Mr. Guyette added that he owns the house across the street, and the last thing he wants to do is make it worthless. Supervisor LaGrange asked if Mr. Guyette has any ownership as far as the situation at hand with the Hognestads. Mr. Guyette said that he didn't with the industrial. Supervisor LaGrange added that they are in front of the Planning Board now. The Town actually shut down their business for a few days because of a lot of issues. They have a list of things they have to complete within a certain period of time. That's why it's in front of the Planning Board with a site plan that replaces everything that was done in the past. Supervisor LaGrange said that he really has trouble, especially as everyone keeps pointing out this is a Planning Board issue eventually, deciding to shut everyone down until Hognestad cleans up their situation. That's unfair and out of the ordinary.

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Councilperson Snyder said that if we're considering a zoning change should we have an expectation that the overall property moves in the right direction and we see some improvements. Councilperson Snyder said that she didn't know who owned it a year ago, but she could guess, and there were continuing issues there. She thought that it spoke to the partnership, a willingness to address the issues in a time-sensitive manner and get them rectified. Councilperson Snyder said that she has a sense of history that she is uncomfortable with.

Supervisor LaGrange asked if there were any other Board questions. Councilperson Ten Eyck said that she thought that we also have to keep in mind when we're looking at a zoning change that we're not necessarily talking about people who are sitting here right now or who own that land right now. We have to think ahead about how this is going to impact a whole new cast of characters. Councilperson Greenberg added that it's also not just for this property. Councilperson Ten Eyck said that this issue could crop up of people wanting to do similar things like this in any RA zone. In some cases, it might not be an area that's already too far gone for residential use. We'd have to make a case for why it would be approved in one location and not the other instead of just trusting the market forces that another feed store won't come in because there's one already here.

Supervisor LaGrange noted that this isn't a zoning change per se; it's another allowed special use in a zone. Councilperson Snyder said that we are considering it for this particular request. Supervisor LaGrange said that that is as with anything that we ever consider, from big box down to a speed limit request. It's always one instance that brings things to light.

**Discussion/Action Proposed Local Law A of 2016, a local law amending the Planning Board and Zoning Board term limits**

**RESOLUTION 2016-118**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt proposed Local Law 2 of 2016, a local law amending the Planning and Zoning Board terms limits.

Councilperson Greenberg seconded the motion.

Councilperson Snyder reiterated her comments from the April 13, 2016, public hearing. Councilperson Ten Eyck said that from what she's heard and seen, the concerns on both sides are legitimate, and she thought that this was a good compromise. Councilperson Hennessey reiterated his support. The supermajority component of it allows the Board to not be restricted in utilizing Planning and Zoning Board members that have served the town well. It helps us if we have a situation where we don't have any potential candidates to fill that spot. Even now, we have a Planning Board opening; our alternate is serving there. We have that need to be able to have flexibility to deal with that. Councilperson Greenberg added that he stated his thoughts before, but he had thought of a couple of things since then. An applicant doesn't just come in and they are put on the board. We try to balance these boards geographically so that when a case comes in front of the Town, hopefully there is someone in that area who is more knowledgeable about it or has some history on it. We might want to balance it to make sure we have men and women on the Board. There are reasons that we don't want to tie the hands of the Town Board on who is there. People vote for us largely based on our views on planning and zoning, and he thinks that the Town Board should have the option to have who they want on these boards and who reflects the town. Supervisor LaGrange said that one of the concerns he had with only five members is that you have the potential to lose two or three people in a given year. You dilute the experience that's on the Board. This gives us an opportunity again through a supermajority. This is just another opportunity for us, and it's a good compromise to take care of this. Councilperson Snyder said that she wanted to follow-up on something Councilperson Greenberg said. She thinks that, as a board, they come from different geographic areas of the town. She thinks we have an opportunity to solicit and try to develop interest from our respective geographic areas to balance the boards and bring in a cross-section of individuals. She thought that it was incumbent upon this board to actively do that. We have a responsibility to develop and provide leadership to these boards, and we would be remiss in perpetuating reappointment after reappointment. Ten years is a long time to be on a board. It's a fallacy to say that we don't have enough interested people if we are not out there actively soliciting candidates. Councilperson Snyder added that she knows she has done this in the past. She has

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

brought several candidates to the Board and participated in interviews for some of the new positions. We had a cross-section of individuals from different parts of the town. We had six people come in and showed an active interest. She thinks that if we have an opening now, it's incumbent upon us to revisit some of those people or re-advertise. I think we have plenty of opportunities to engage people and hopefully get the right people on the Boards with the support of the resources we provide such as attorneys, engineers, and consultants. Councilperson Snyder said again that 10 years is a long time. She is grateful for those who have served and those on the Boards now, but it's an opportunity to bring new voices to the town. We have two former Zoning Board members and two former Planning Board members on the Town Board. It is an opportunity to bring a fresh look. Supervisor LaGrange said that we may come across as being on opposite sides of this issue, but he couldn't disagree with anything Councilperson Snyder said. He agreed with it all and didn't think that the things she brought up are precluded by passing this. We still need to get it out. It just gives us one more opportunity to fill a spot if a candidate comes in, and the committee that reviews him or her isn't satisfied as to what we already have.

All present and voting the motion carried (4 Ayes, 1 Nay). Councilperson Snyder voted nay.

**Discussion/Action re: Proposed Local Law B of 2016, amending zoning law by adding definition: "Agricultural Supply Facility"**

Supervisor LaGrange stated that this was in front of the Board. Tonight we just want to determine if we want to explore this. This would set in motion the process of going through the Zoning and Planning Boards. We would have to schedule a public hearing, obtain comments, and then decide if we want to pursue it. Supervisor LaGrange read section III making the following amendment: "Agricultural activities with a principal retail sales building." Supervisor LaGrange said that a tractor supply generally has a minimum of 18,000 and 20,000 sq. ft. of retail space. This definition was molded after what was talked about earlier, the original Applebee's store in Westerlo. It's on a county road off a state road, and it's similar in size. They are less than 5 acres and the square footage is less than 5,000 sq. ft. That's the proposed change. It would add it to the RA district and the Commercial district. It's already allowed in the Industrial district on a grander scale. Attorney Naughton said that the second part of the law would say that this new use as defined would be a permitted use in the RA district which under §190-12 of our zoning law requires a special-use permit. That would be part of the approval by the Planning Board. In addition, it would allow this same use to be in the Commercial zoning district. That would also be subject to a special-use permit by the Planning Board. The relationship between this proposed law and the earlier presentation by Mr. Guyette is a direct correlation. There was a question before that this sounded more like a Planning Board issue, but the Building Department has determined that this is a use that cannot be permitted in these barns on this property. There would be two routes that we would normally take, one to apply for a use variance, and the second one to ask the Town Board to make a zoning amendment to make it something that would be allowed or subject to Planning Board approval. A use variance is a difficult standard to meet. It is a cleaner approach that we need legislative Town Board approval to send it off to the Planning Board. Attorney Naughton wanted to point out that we have a proposed concept plan for the facility and it shows 4.5 acres. Supervisor LaGrange said from what he understands they've been intending to marry it to the land he owns across the street. He is proposing joining lot #2 with the unmarked lot of 9.455 acres. Mr. Guyette has a proposal into the Building Department to make those two lots into one. Councilperson Snyder said that there is a road in between. Supervisor LaGrange said a road does not negate the contingency of the properties. Councilperson Hennessy thought lot #1 and #2 may be the same parcel. Supervisor LaGrange said he wants to change it eventually so he separates that from the house. Either way he is covered. Councilperson Hennessy asked if its Supervisor LaGrange understanding that he is now going to merge the 9.455 with lots 1 & 2. Supervisor LaGrange said just lot #2. Councilperson Hennessy said lot 1 is part of lot 2 right now. Supervisor LaGrange said I think he is going to subdivide it. Councilperson Greenberg thought he was making a lot line adjustment where he moves the line between Lot 1 and the 9.455 acres. Councilperson Hennessy said I would prefer him to merge them because his limit is 20,000 sq. ft. If it includes that then he can't do another group of building. Supervisor LaGrange said that's what I've been told he's thinking.

Councilperson Snyder asked how Supervisor LaGrange came up with the 5000 sq. ft. and the 20,000 sq. ft. Supervisor LaGrange said 5000 sq. ft. is modest for retail size and that's similar to what was up at the former Original Applebee's. A tractor supply store runs between 18,000 sq. ft. and 22,000

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

sq. ft. of retail space. Mr. Duncan and Mr. Guyette said they were looking at something like the Original Applebee's. Councilperson LaGrange said he and Building Inspector Cramer modeled this definition after what was there. It's modest in size and in retail space. They will only be allowed a maximum of 5,000 sq. ft. of retail space in the barn and then they can utilize other parts of the barn or some of the other buildings to satisfy the storage aspect of it.

Stephen Reilly asked if there is any room for public comment on this or are you done. Supervisor LaGrange said we are just starting it. The public hearing will be next month.

Attorney Naughton's recommendation on procedure is we are still going to need to have a SEQRA at some point. The public hearing doesn't require you to take any action after you hear the public hearing comments. You may want to revised it further and then have another hearing if necessary. Attorney Naughton recommended that if the Board is satisfied with the general definition and this concept of including it in both the RA district and Commercial district, just as concept, then with those changes you've made send it off for a hearing. Then we can find out what other comments there are and you can decide if you want to make changes. Supervisor LaGrange said this will also go to County Planning. Councilperson Ten Eyck asked at what point the Planning Board would have opportunities to weigh in. Supervisor LaGrange said at their next meeting. Attorney Naughton said typically we refer it to Planning for comments before taking any action. Councilperson Ten Eyck said so they would have the opportunity to comment before the public hearing. Supervisor LaGrange agreed adding that it will also go to Albany County Planning for comments. Councilperson Greenberg had a question on the definition. When Supervisor LaGrange added retail, why do we want principal in there? Attorney Naughton said there are a couple of structures already on this piece of property. This is not your typical zoning amendment. What we try to do is at least make sure that you've accomplished what you wanted. Normally you would have someone build something new that would fit. You are taking these existing structures. Attorney Naughton thought they just wanted to have a limited area for retail. The retail is what creates traffic. If you are limiting it to about 5,000 sq. ft. it's a fairly small operation. Councilperson Greenberg said he's is all for limiting it; I just want to imply with "principal" that we were allowing more than one building. Supervisor LaGrange said we want to limit it to one. Councilperson Greenberg added one retail sales building not to exceed 5,000 sq. ft. Councilperson Greenberg thought we might want to eliminate the word "principal" completely. Principal applies there might be more than one. Supervisor LaGrange said it might be better to have an indoor retail sales "space" not "building". Supervisor LaGrange suggested it say, "an indoor retail sales space not to exceed 5,000". Supervisor LaGrange though the word building was inappropriate. He also thought Councilperson Greenberg was correct on the word principal. Councilperson Snyder asked how much square footage is there among all of those buildings. Supervisor LaGrange said I wouldn't know. Councilperson Snyder said this seems to be tailor made to one situation. Supervisor LaGrange said I'm trying to look at a concept not a particular issue.

Stephen Reilly said I think it's very possible you are several steps ahead of yourselves in certain respects. You spend a good amount of time, and rightly so, trying to evaluate how one might use a barn or all of those structures. It's good that you're talking about it. Hopefully you're suggesting that you might change a law for zoning code to fit the situation that exists right now but maybe it's worth letting this be a fairly stringent use variance situation instead for some of the reasons that you pointed out earlier that Mr. Guyette might want to tighten up his plan a lot. Put this in front of the Planning Board and try to get the variance for this one occasion and not put the onus on you to change the rules.

Attorney Naughton said Planning Boards don't grant variances, the ZBA does. There is a various stringent requirement test that has to be met. You can't have a return on investment on your property for any uses permitted. That's why you do this. This is not that unusual to have special zoning done to try and accommodate a use that you think is good. It's not that much different in many ways then a Planned Unit Development. For example, the senior housing project on Route 85, that's specifically done with very deliberate zoning that, was allowing that. There are other kinds of uses like very big shopping centers; sometimes have to have special zoning to make it work. This does happen in zoning. This is a little unusual. It is slightly tailored that's why the presentation by Mr. Guyette comes first. Attorney Naughton said we wanted to make sure that we're trying to accommodate this generally subject to the zoning and planning review that at least it will work on the sight.

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Stephen Reilly said I'm simply saying from the presentation that they gave there is a large disconnect from what I hear from them and what you're trying to accomplish. I would almost want to hear him spend more time showing us his business plan and showing how exactly he would use the space.

Supervisor LaGrange said this is not a public hearing. We are just trying to get everything started. He then proposed changing this to read "an indoor retail sales space not exceeding 5,000 sq. ft. and with a maximum accessory building or structure". This is to initiate the process. Attorney Naughton asked if we will get Planning Board comments in time for the public hearing. Supervisor LaGrange thought it would be on their May 3<sup>rd</sup> agenda and we meet May 11<sup>th</sup>.

**RESOLUTION 2016-119**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a public hearing for proposed Local Law B of 2016, a law amending the Town of New Scotland zoning law for May 11, 2016 at 6:30 PM; and

It is further resolved, that we send this to the Town of New Scotland Planning Board for comment along with the Albany County Planning Board.

Councilperson Snyder seconded the motion. All present and voting the motion carried (5 Ayes).

**11. Discussion/Action re: Proposed Local Law C of 2016, amending sections of Chapter 190 of the zoning law**

Supervisor LaGrange said we've had one primary issue in the town about a year ago that made him think about this possible change. It was a small enterprise that took advantage of our Right to Farm Law. Formally the definition of farming activity has been over 5 acres. We have farming personal which is less than 5 acres and regular farm activity is 5 acres and over. This has served us relatively well. When we get to situations where a farm wants to go into an area, you can run into issues. When you have something as small as 5 acres or less, even 7 acres or less, which is what he's proposing changing this to, there is more of an opportunity to guide this project as a farm with a site plan review. Right now if you are less than 5 acres you have to go through site plan and special use permit to do something. This also raises it to the level that the state recognized to a small personnel farm activity and a more commercial setting. It's in a couple of places but the primary place is, as the gentlemen from Cornell outlined, in the agriculture assessment law. Supervisor LaGrange said his proposal is to change it in the different sections as outlined in the proposed law. Farming activity personal would go from 5 acres to less than 7 acres and farming agriculture or nursery would go from 5 acres and above to 7 acres and above. It's just changing the acreage but it's getting it more in line with a couple state definitions. Supervisor LaGrange thought it was more appropriate for our area to make this change. It doesn't preclude anyone from have a farm personal but it gives us a little more latitude when they get between that 5-7 acre area that we've had problems with in the past.

Councilperson Ten Eyck had some questions. She understands that the town wants to say it has to be 5 acres or 7 acres. That's kind of within our ability to say that. What's considered agriculture by Ag & Markets law is not really based on acreage; it's based on gross revenue. If seven acres is agricultural and it gets \$10,000 in gross revenue, if you have less than 7 acres you have to have \$50,000 in gross revenue. That can come off one acre or a half acre. Councilperson Ten Eyck didn't understand what standard we are trying to meet. Supervisor LaGrange said in the Ag & Markets law they use 7 acres. This gives us the opportunity to mirror that and at the same time the difference between 5 acres and 7 acres is pretty healthy. Supervisor LaGrange said I'm more comfortable seeing agriculture business and experiences we've had with problems. We might say 10 acres is a better level. Councilperson Ten Eyck said you might have a problem with Ag & Markets Right to Farm Law at that point. An example might be a parcel that's 4 acres that generates a high value crop. You could say to somebody with 4 acres of agricultural land that's producing \$55,000; no you are not a farm. Supervisor LaGrange said, we're not saying that. Ag & Markets definition of a farm is different than what we are doing here; were giving the town the opportunity, in a town that is being pressed by development, to say if it's under 7 acres you're a farm regardless of how much you make but we'd like you to come in an present a site plan, not for 5 acres or less which we are now, but for 7 acres or less so that we can be sure it's compatible. Councilperson Ten Eyck said I get that but if you're trying to say it because that's what the Ag & Markets law is. Supervisor LaGrange said that's a

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

side bar. Councilperson Ten Eyck said you could go ahead and require that but you could potentially, if you're denying someone a special use permit, head up against the state Right to Farm law that you are being unduly restrictive. Supervisor LaGrange asked how our zoning code addresses it. We also don't allow swine in parts of the town. Councilperson Ten Eyck said I don't know about swine. Supervisor LaGrange said we can't pick and choose our agricultural industries, in your scenario. Councilperson Ten Eyck said I'm not the expert; I'm just raising these questions. That's why when I read this I was confused about what standard are we using. The other thing is, say a big farm like yours, could be renting 5 acres of land from somebody and getting crop off of it to feed your cows and because you make over \$10,000 that 5 acres qualifies for agricultural assessment but the town is saying they did a special use permit to rent you 5 acres of land. Supervisor LaGrange said no. This is going back for a new entity. They would have to have a specific agricultural business on that 5 or 7 acres. Councilperson Ten Eyck said so it doesn't apply to rentals. Supervisor LaGrange said no it wouldn't because they are already renting it to a larger farm. Councilperson Ten Eyck said what if they hadn't been. Supervisor LaGrange said to start renting wouldn't be a problem. Councilperson Greenberg said it gets folder in. That's the idea of renting. Councilperson Ten Eyck said so then we wouldn't consider that agricultural use of that property as being a problem because it's less than seven acres. Supervisor LaGrange said no, not at all, it if a new enterprise in and of itself, which is was the 5 acres or less do now. It triggers a site plan review. Supervisor LaGrange added I apologize if I confused the different aspect of what you are discussing now. That was a secondary point to doing this. The point to doing it is to give the Board an option. Do we want to increase farming personal to seven acres and less. Councilperson Ten Eyck said that's a separate issue. Supervisor LaGrange said that's really the only question. We are just changing the acreage. Do we want to have somebody that wouldn't come in now if they have 5.1 acres? Do we not want them to have to come in? If we don't then we leave it the same. If we want them to come if, when they are between 5 and 7 acres, then this is what that addresses. Everything else stays the same. This simply is to broaden the definition of someone who wants to establish a new agricultural enterprise. If they have 5 acres or less, they have to come into the Planning Board for site plan. That's the zoning code right now. I'm just saying lets go to seven acres and below.

Attorney Naughton said if you want to move this along you should make a motion to hold a hearing. Councilperson Greenberg said I'm ready to do that. I'm curious how many people this affects and what kind of comments we get back. Supervisor LaGrange said it won't affect anybody. If somebody is already in a situation like this they would be grandfathered in.

**RESOLUTION 2016-120**

Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a public hearing for proposed Local Law C of 2016, amending sections of Chapter 190 of the Town of New Scotland Zoning law for May 11, 2016 at 6:15PM; and

It is further resolved, that we send this to the Town of New Scotland Planning Board for comment along with the Albany County Planning Board.

Supervisor LaGrange seconded the motion. All present and voting the motion carried (5 Ayes).

**12. Please note for record that no petition was filed on the referendum regarding Lease and License Agreement between the Town and New Salem Water District for the water tank site.**

This is for information only.

**13. Standard Work Day & Reporting Resolution for Highway Superintendent Kenneth Guyer (correction to 2/10/16 resolution) and Town Supervisor Douglas LaGrange**

This is a correction to the February resolution for Kenneth Guyer. In addition, Supervisor LaGrange had to keep track of his hours for the first three months. Councilperson Hennessy said that each year the town has to submit reports to the NYS Local Retirement system regarding elected officials and employees on retirement hours.

**RESOLUTION 2016-121**

Councilperson Hennessy offered the following resolution and moved its adoption:

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

Be it resolved, that the Town of New Scotland/ location code 30376 hereby establishes the following standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement Systems based on the time keeping systems records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
<b>Elected Officials</b>									
Highway Superintendent	Kenneth Guyer	xxxx	xxxxxx39	7	1/1/2016-12/31/2017	N	22.54	<input type="checkbox"/>	<input type="checkbox"/>
Town Supervisor	Douglas LaGrange	xxxx	xxxxxx42	7	1/1/2016-12/31/2017	N	25.50	<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
<b>Appointed Officials</b>									
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>

If additional rows are needed, please use form DS2447-B and attach.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (4 Ayes- 1 abstained). Supervisor LaGrange abstained since this involved him.

**14. Ethics Board:**

**Appointment of Justin Corcoran as Attorney to the Ethics Board with a term to expire 12/31/2016**

This was an oversight from the organizational meeting.

**RESOLUTION 2016-122**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby reappoint Justin Corcoran as Attorney to the Ethics Board with a term to expire 12/31/2016.

Councilperson Snyder seconded the motion. All present and voting the motion carried (5 Ayes).

**Discussion/Action re: appointment of member of Ethics Board with a term to expire 12/31/2018**

Supervisor LaGrange said we do not have any applications for this position. If the Board wants to notice this we can but it causes a bit of a problem because we need to have no more than two people from a given political party on the Ethics Board. Right now we have two democrats, one conservative, and one republican. We need to reach out to people we know who might fill this position.

Town Clerk Deschenes advised that all the ethics form are in and once she gets one from Mr. Corcoran they can meet unless the Board wants to hold off until we fill this position. Supervisor LaGrange said they are meeting at this point solely to review the forms. He isn't concerned about missing one board member for that but he encouraged the Board to start looking for a candidate. Town Clerk Deschenes will advise them that they can meet.

**15. Discussion/Action re: purchase of upgrade to Laser fiche from Version 7 to 9**

Town Clerk Deschenes uses Laserfiche to scan all of the important records of the town such as deeds, contracts, and minutes from various boards. We started using this program in 2001 and she's looking to upgrade it since the version we have is no longer going to be supported. The money has been budgeted. The cost is \$3,600. Attorney Naughton looked at this and thought it might fall under professional services as far as the procurement policy. Town Clerk Deschenes thought it might even be considered a sole source situation. Town Clerk Deschenes asked for permission to purchase the upgrade.

**RESOLUTION 2016-123**

Supervisor LaGrange offered the following resolution and moved its adoption:

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize Mrs. Deschenes to purchase the upgrade to the Laserfiche program from version 7 to version 9 for a cost of \$3,600 and sign any document needed to facilitate the purchase.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**16. Hilton Barn Relocation Capital Project:**

**Award bid for foundation**

~~– Award bid for sill restoration - REMOVED~~

Councilperson Hennessy said that the foundation aspect didn't need to be removed. The town solicited three proposals. One declined because they were too busy. We have a proposal for \$18,000 from O'Rourke Incorporated and \$37,500 from Empire Stone. Councilperson Hennessy proposed that we authorize O'Rourke Incorporated to go forward with the foundation. It is well within the budget that we established and in accordance with the plans. O'Rourke Incorporated come highly recommended and obviously they are the low bidder.

**RESOLUTION 2016-124**

Councilperson Hennessy offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorized the Supervisor to sign the contact and enter into an agreement with O'Rourke Incorporated for no more than \$18,500 which is comprised of \$16,000 base bid plus no more than \$2,500 for a concrete pumping truck for the project.

Councilperson Greenberg seconded the motion.

Supervisor LaGrange noted that this does not include the concrete.

All present and voting the motion carried (5 Ayes).

**Request for reduction of speed limit on Hilton Rd.**

Supervisor LaGrange said we have a request for a reduction in the speed limit on Hilton Road. This has been taken on a number of times. A lot of things have changed. We have a barn / potential park there now along with the Rail Trail and construction has started on upwards of 170 homes. There have been a lot of changes since we last requested this. Supervisor LaGrange did get a letter of support to decrease the speed from the Mohawk Land Conservancy that he will give to the Clerk. Supervisor LaGrange said that the County Highway is also going to weigh in.

**RESOLUTION 2016-125**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby direct the Town Clerk to apply for this study by DOT to reduce the speed limit on Hilton Road.

Supervisor LaGrange asked if we request a certain speed limit or just a reduction. Highway Superintendent Guyer said you can ask but they rarely go below 35 mph. It's currently 40 mph. Highway Superintendent Guyer thought between the Rail Trail, the Barn and the proposed home would be our chance for reduction. Attorney Naughton said he has a name and contact at DOT for the Supervisor to make a phone call also.

Councilperson Snyder seconded the motion. All present and voting the motion carried (5 Ayes).

**17. Discussion/Action re: Request for Proposals for utility audit services**

Councilperson Greenberg said we discussed this last month. We want permission now to put out an RFP to get some bidders on the audit. We definitely want to do Time Warner Cable and we could potentially include some other utilities.

Peter Henner wanted to add two comments. One, he apologized for not having the information Councilperson Snyder asked for. He will get that to the Board. The second thing is when he

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

originally suggested this, to then Supervisor Dolin; he also said by the way his own experience was with dealing with electric companies, he would suggest that you definitely audit Nationalgrid at the very least. That's easy money.

Councilperson Greenberg said how about Verizon. Mr. Henner said that could be done to. Councilperson Snyder said so are we auditing our usage. Supervisor LaGrange said no. The financial aspect of it; what they are charging and if they are fulfilling their contractual obligation to us. Councilperson Snyder said in what way. Mr Henner said there are different kinds of things that you can do. You might be eligible for different rate classification. There are also various tariffs based on time of day usage. There may be possibilities there. It's the kind of thing an auditor will look at to see what possibilities exist. Councilperson Greenberg said it's a no lose situation. Mr. Henner said it's always done on a contingent basis. We would do an RFP and see who says what they will be willing to do and how beneficial it will be. Mr. Henner said he will call Computel and asked them a couple of detailed questions, which will just be generic. He's not pushing Computel. It will be for his own understanding which may be helpful in preparing the RFP. Councilperson Greenberg asked if Mr. Henner is offering to help prepare the RFP. Mr. Henner said I am. The Board expressed their appreciation.

**RESOLUTION 2016-126**

Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to put together a RFP on utility audits and allow him to present to the Board the results.

Councilperson Snyder seconded the motion. All present and voting the motion carried (5 Ayes).

**18. Discussion/Action re: bonding/financing of miscellaneous projects**

Supervisor LaGrange wanted to give an explanation of this item even though we won't take action tonight. This Board has already approved funding lights for the two town parks where we changed over to LED's along with lights outside of the Highway Garage. That was at a cost of about \$11,000. We also did the security cameras for Town Hall and outside for \$6,400. The twenty year old phone system was replaced too, which enhanced security at a cost of \$5,100. That was \$22,500 roughly that the Board has chosen to invest in our buildings this year. Mr. Puritan thought maybe we should look to BAN these projects including a couple of other things in front of us. One is the Community Center. The front entrance is getting into a state of disrepair and we are encouraging people to use the back door. We need to upgrade it. This has been an issue for about three years now. We will put that out to bid. We had one previous bid of around \$13,000. This is to put a top over it and new stairs. We also have the parking lot around Town Hall that is serviceable but needs repair. Twice, when it was plowed this year chucks were kicked up because it is heaved up in places. Highway Superintendent Guyer said he put it in the budget at least twice. Highway Superintendent Guyer added as part of the security measure Supervisor LaGrange envisioned employees parking in the back and adding lined parking spaces to better utilize the space that we have. Supervisor LaGrange added that there is also another project that's been in the works for the past few years to eliminate some of the immediate parking in the front. This is up for discussion in general. It's very hard to plow so we're considering doing something out there and having a different area for handicapped access. On top of those things we have the Nissan Rouge, which the lease is due to expire in June. We have several options. We could buy it outright for a little under \$14,000. We have an option of leasing something totally new or financing over 3-4 years the vehicle as it is and probably continue with similar payments. Supervisor LaGrange suggested we purchase this vehicle. We've had it for 3 years and it only has 12,000 miles on it. It was a nightmare to find a vehicle that pleased everyone. Supervisor LaGrange felt with 12,000 miles it was just broken in. Theoretically, if we bought it outright for a little under \$14,000 or we decide to purchase it through a loan, by the time the loan is done we will still probably only have 24,000-30,000 miles on it. It's a vehicle we can keep for quite some time without a great deal of expenditure. His point is that these are projects that we could incorporate into a BAN. Supervisor LaGrange and Mrs. Boehlke have been working on that and he met with our bond counsel yesterday. Supervisor LaGrange doesn't have anything to propose right at this moment. The big part of this is we would be able to do projects. We've already committed \$22,500 for the three projects we've approved already. That wasn't budgeted but we did have the opportunity through the mortgage tax that was a lot more than we expected to be able to facilitate doing these three. The point is we have an opportunity to do all of the projects we might consider. We could

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

spread them all out over ten years and complete them now, instead of trying to do one or two a year for the next few years. This is just an overall explanation and we will get into more details once we talk with bond counsel more.

**19. Discussion/Action re: Swift Rd. Park baseball field improvements**

Councilperson Hennessy said the lower youth baseball field improvements are in progress. The dug outs are half built and will be substantially complete over the next few days. We will then have to complete some of the soil amendments and installation of bases. They'll be ready to go in a week or two. Supervisor LaGrange said this was facilitated by donations. Stewarts Incorporated donated \$2,500 towards this project. Councilperson Hennessy said the suggestion is that we utilize that money that is now in the park account for this project to authorize the Supervisor to pay something in the order of \$1,900 for the block that they are now installing. The block was purchased from DePala by New Scotland Tile, one of the contractors working on the job. We have that invoice in the office. The original cost for that block was around \$4,000 but they negotiated a discount for the league, affording more of the donations from Stewarts for other field improvements.

**RESOLUTION 2016-127**

Councilperson Hennessy offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to pay the invoice for the block at the Swift Road Park lower youth baseball field for no more than \$2,000 as described on the invoice.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**20. Engineering:**

**– Heldervale Water Intermunicipal Agreement – Removed**

Supervisor LaGrange said that we did draft the Heldervale Water Intermunicipal agreement but we need to discuss that in executive session since it's contractual.

**Update Highway Garage Floor Drains/Oil-Water Separator**

Engineer Hansen said they hoped to make the application in the next couple of weeks. This originated from the audit a few years ago. The reason it was held off on is the fact that it discharges out to the roadway and down to the swale that was impacted by the New Salem Water District project. DEC has indicated that they are going to require DOT approval for the discharge to continue down that path so we want to make sure that was back to a sufficient quality so DOT would not take an offense to that. Now that the water district is complete we're back to taking this up. Supervisor LaGrange said so the water district held up moving forward on this. Engineer Hansen said yes, unofficially. We are pushing forward and we will have a conversation with DEC to verify a few things.

**21. Highway Department:**

**Voorheesville Baseball Club field applications**

Highway Superintendent Guyer said there are four separate groups in this league. We are going to postpone the 14's and the 16's and approve the 11's and 12's. Sunday is the main day for the youth 12's with one Friday. The youth 11's are asking for Sunday's and Wednesdays. They also have a Friday thrown in there. Most of the Sunday's are double headers. The Wednesday's and Friday's are single games.

**RESOLUTION 2016-128**

Councilperson Hennessy offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize use of the Swift Road lower field based on the schedule written to Teresa Campana in the Highway Department, dated March 31<sup>st</sup> and amended thereto regarding the schedule as describe by Highway Superintendent Guyer for the Voorheesville Baseball Club Youth 12 and under and 11 and under.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**Bid results & award for used paver**

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Highway Superintendent Guyer advised that we went out to bid for a used asphalt paver. We received one bid which meet all of our qualifications. It came within the budgeted amount. Highway Superintendent Guyer asked the Board to approve this purchase.

**RESOLUTION 2016-129**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the bid for a 2006 Mauldin Asphalt Paver for \$40,000 from Harry Lambert of Ravena, NY.

Councilperson Hennessy seconded the motion. All present and voting the motion carried (5 Ayes).

**Expenditure of Highway Monies 2016**

Highway Superintendent Guyer submitted his 2016 Agreement for Expenditure of Highway Money. His has the roads listed in order by importance to him. As we get towards the end of the list we have to play it by ear. Supervisor LaGrange said we increase the budget last fall. Highway Superintendent Guyer said we were around \$350,000. Supervisor LaGrange said we increased that. One reason was because we have a healthy reserve fund for B and DB which could cause us a problem with the Comptroller if we accrue anymore. This gives us an opportunity to do more. Supervisor LaGrange noted that there is some Krumkill Road on there. We also have money coming from the State to do a substantial part of Krumkill Road. Highway Superintendent Guyer said the portions of Krumkill on here we did some patching last year from the Normans Kill up to the top. He had enough money to do the worse sections, so they tended to the hill towards Salem Court. Then they jumped down from SeaBee Lane to the Town of Bethlehem line. The sections on here are to address the two sections left on the easterly side the Normans Kill. From the Normans Kill out to the Town of Bethlehem we will have new asphalt all the way. One the west side of the Normans Kill between Font Grove Road and the Normans Kill Bridge is what we've been awarded by the CDTC for construction next year. It was approximately \$320,000. We applied to CDTC and we put the road in. We were approved for 8/10 of a mile between Font Grove and the Normans Kill. We were approved for a cold in place reclamation. This is the process that they are doing on Route 146 and did on Route 85 up through Rensselaerville. Supervisor LaGrange added that this whole CDTC project is something that we contracted out. Highway Superintendent Guyer said that's correct and we won't have any labor in it. This is all going to be taken care of for us. It also addresses drainage issues just up from the bridge that has plagued the town for years. Supervisor LaGrange said for the public awareness you have a plan. You check out these roads and you try to address the worse places. Highway Superintendent Guyer said unfortunately the majority of our roads are lengthy. Clipp Road is 2 ½ miles long. We have just shy of 80 miles of road in the town and 9 of those are dirt; leaving us 70 miles of asphalt. With the size of our budget we are forced to hit and miss. We attend to the worse sections of roads. If it's a shorter road we can do the whole road. We just don't have the budget to do longer roads like Krumkill and Clipp. Supervisor LaGrange asked if this will finish Clipp Road. Highway Superintendent Guyer said it doesn't; there is a section by the Miller farm yet. Clipp and Koonze Road need attention. Waldenmaier has been on our wish list since we put the box culverts in ten years ago. This will finish Upper Flat Rock Road and we will do a few sections of Lower Flat Rock. We did a section there when Irene wash out a portion.

**RESOLUTION 2016-130**

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 2016 Agreement for the Expenditure of Highway Moneys.

Councilperson Greenberg seconded the motion.

Councilperson Hennessy asked what component is CHIPS. The \$515,000 is not all the town budget. Highway Superintendent Guyer said \$150,000 came from fund balance as a one year only. We are usually around \$350,000. Approximately \$184,000 is coming from the NYS CHIPS program. The remainder of that is budgeted. Councilperson Hennessy said didn't we get increase CHIPS money every year for the past three years. Maybe we will get more. Highway Superintendent Guyer said the last two years we got what they called winter recovery. Based on the winter we had, Highway Superintendent Guyer didn't think we'd see it. We have not received our CHIPS letter yet. We

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

normally see that letter mid April. Councilperson Greenberg asked how much the town saved from a light winter. Supervisor LaGrange said we do calendar year. This year we had a good beginning but we don't know what's going to happen from October through December. Highway Superintendent Guyer said we saved on fuel and overtime but we still had to buy salt. Our shed is overflowing so we're in good shape come fall.

All present and voting the motion carried (5 Ayes).

**Approval of summer hire Steven Matfeld at an hourly rate of \$12.50**

Highway Superintendent Guyer said that Manfred Engle, who is our parks seasonal employee, is returning. We had Donald Duncan mowing at the park for years. He worked 16 hours per week. Now we are looking to replace him. Highway Superintendent Guyer is looking to replace that mowing time plus have a few days for general maintenance. The Board has a rate set at \$12.50 per hour for part-time seasonal employees. Highway Superintendent Guyer is looking for up to 32 hours per week. This will fall within the Parks Department seasonal help budget. Highway Superintendent is looking to hire Steven Matfeld at an hourly rate of \$12.50 for up to 32 hours per week. The position was advertised for multiple weeks and we interviewed.

**RESOLUTION 2016-131**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve hiring Steven Matfeld at an hourly rate of \$12.50 for summer park help.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**Discussion/Action re: Dunbar Hollow Rd**

Highway Superintendent said last year the state started updating their local road list and we didn't catch one. There is a one mile section of Dunbar Hollow Road that runs from the Bethlehem Sportsman Club to the Town of Westerlo line he needs a resolution. It has been unmaintained by the town during Highway Superintendent Guyers seventeen years. Mr. Michael Kawczak said while he worked for the town we never did anything to that road. Highway Superintendent Guyer said so it's been 25-30 years since that town has done any maintenance on this section of road. Highway Superintendent Guyer needs a resolution stating that but he didn't know if we say it's abandoned or unmaintained. Attorney Naughton asked if we want it as a user road. Highway Superintendent Guyer said I'm not sure; the state wants to get it off of our local road list. Attorney Naughton asked if there are any other private uses or residences. Highway Superintendent Guyer said in the Town of Westerlo there are houses. Highway Superintendent Guyer didn't know if we wanted to say we're abandoning it because there are property owners, although there are no homes. Supervisor LaGrange said who plows it. Highway Superintendent Guyer said no one. Attorney Naughton asked if it needs to be done right now. Highway Superintendent Guyer said no. Attorney Naughton requested Highway Superintendent Guyer get him the map and information so we can prepare a resolution for next month

- **Hilton Road**

Highway Superintendent Guyer said we are still actively working on the hump on Hilton Road. Now that we have the barn moved and we're trying to get the speed reduced he went back to Sprint. The Rail Trail is scheduled to be paved next year and we want to take care of lowering the road this summer. We would like to lower it 6ft which means we have to cut back the Rail Trail a couple hundred feet in each direction to meet the ADA compliance. Supervisor LaGrange asked if the County will assist. Highway Superintendent Guyer believed so. Highway Superintendent Guyer said he went back to Sprint to make sure the quotes were still good and they were. Highway Superintendent Guyer has a few other things to do like getting in touch with Nationalgrid. There are some power poles that need to be moved. Nationalgrid gas called the other day. They are putting the gas line from Route 85A into Kensington. Highway Superintendent Guyer told him not to do it yet but they'd like to have the gas line done by the end of summer or fall. There will be a 6" gas line coming in off of Route 85A on the barn side of the road. That leaves the west side of the road available for a waterline. Northeast water is already on the corner of Hilton. So, the Sprint's fiber optic cable buried in the right-of-way is our hold up. Supervisor LaGrange said the Kensington Woods project also put money aside in escrow to help with this process. It should be enough to do

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

that. Highway Superintendent Guyer said we plan to use town forces to lower the road. Syracuse Utilities is Sprint's contractor and they are the only ones who can lower the cable. Councilperson Greenberg asked about the County. Highway Superintendent Guyer said in formal discussions with Commissioner Duncan and the engineer, they don't have any issues but Commissioner Duncan was concerned about lowering the road. If we lower the road we have to taper the roadway back. If CSX somehow acquires this rail bed again and they want to put train tracks in he doesn't want the County on the hook for bringing it back up to elevation. That will be something we'll have to work through. Councilperson Greenberg said Commissioner Duncan has to agree so that's the first thing we have to coordinate. Highway Superintendent Guyer agreed but as far as lowering the road and tapering back he said he would work with us. There are a lot of players in this but we are actively working on it. Attorney Naughton suggested we coordinate with the Kensington folks because there might be more going on with upgrades to service all of the homes. We might be able to get a power line along Hilton Road where the barn property is put under ground. Attorney Naughton suspected that the developer from Kensington will be on the hook for a fair amount of the service upgrade. Highway Superintendent Guyer said he didn't know if the poles along Hilton supplying the electricity will be staying there or if they'll be buried. Supervisor LaGrange didn't know either. Attorney Naughton suggested getting the developer with Building Inspector Cramer and have a construction update on the utilities to find out their timeframe and what upgrades need to be done. If we could anyway convince the utility and the developer to put it underground and do it in conjunction with that section, it would be a good way to go.

**22. Fire and/or Ambulance:**

**Onesquethaw Volunteer Fire Co. Out of District Membership request for Kevin O'Neil of 33 Swan Place, Slingerlands, and a Regular Membership request for Sean Mattice of 33 Upper Flat Rock Rd.**

**RESOLUTION 2016-132**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Onesquethaw Volunteer Fire Co. out of District Membership request for Kevin O'Neil of 33 Swan Place, Slingerlands, and a Regular Membership request for Sean Mattice of 33 Upper Flat Rock Rd.

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**Discussion re: identifying fire hydrants by their use**

Supervisor LaGrange said Public Works Commissioner LaChappelle has a plan to identify our fire hydrants by their use. The plan is to paint non-fire ready bleeding fire hydrants a blue color and all the fire ready hydrants red throughout the town. We would also make sure we notify the proper fire departments. If there was a mutual aide our fire districts would know which ones are usable. Councilperson Snyder mentioned the Rural Chef's Association adding that it would probably make sense if there were some conformity as to how the hydrants are marked. If there is some standard, and if there isn't, maybe there should be. If there is a mutual aide situation most of the fire departments would be aware of how each of the smaller districts mark their hydrants. It should be immediately recognizable. Supervisor LaGrange thought it was a good point and he will address it.

**23. Discussion/Action re: 2016 Voorheesville Area Ambulance contract**

This was discussed in part with Mr. Smith's presentation earlier. Attorney Naughton has reviewed this and there was very little differences if any and they were already agreed upon this past fall. Supervisor LaGrange told them to forget that one and get him the 2014 contract plugged in for 2015 with the 2015 numbers. That's what this Board approved a couple of months ago. That was tied up and Supervisor LaGrange told them before we went any further he wanted a contract by March 31<sup>st</sup>. We have an early in the year contract with VAA. Attorney Naughton has looked it over and finds is in good shape.

**RESOLUTION 2016-132**

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 agreement between the Village of Voorheesville, the Town of New Scotland, and the Voorheesville

**Town of New Scotland**  
**Regular Board Meeting**  
**April 13, 2016**

Area Ambulance Service Inc., for emergency ambulance service from 1/1/2016 to 12/31/2016 and authorize the Supervisor to sign it.

Councilperson Hennessy seconded the motion. All present and voting the motion carried (4 Ayes). Councilperson Ten Eyck had stepped out of the room momentarily and missed this vote.

**24. Liaison Reports**

Parks fees

Councilperson Hennessy said that he, Supervisor LaGrange, and Highway Superintendent Guyer discussed the little league field and some of the charges. The recommendation was we charge them a \$50 flat fee for practice sessions, which does not require striping on the field. Then they don't have to go into a whole scheduling ordeal with the Highway Department to reserve the field. They would just need to call ahead of time to make sure it's not taken or rained out. It seems to be an acceptable solution to a scheduling difficulty and a charging difficulty for the little leaguers. We also talked about something else. We had a 75% town resident requirement on our teams that would apply to a rate. The youth rate is \$40 per game but if the team has 75% town membership residency their rate is \$20 per game. The same applied to the adults. It's \$80 for an adult out of town team and \$40 if it has 75% town residents. The 75% residency rule is in effect but come to find out, on some of these youth teams the kids live in Guilderland, goes to Voorheesville School District and on the Voorheesville Baseball Club. There may be some in Berne also. We didn't want to come up with a rule that allows a wide range of school districts. We have six school districts in New Scotland. Highway Superintendent Guyer found out that Bethlehem has 50% residency rule. Councilperson Hennessy wants to request that we consider a 50% residency rule, which will afford our youth a bit of help on their games. If it affects \$200 of our budget, that's a lot. These are parks fees that go into our parks fund. They don't necessary go into the A or the B fund; they go into our parks improvement funds. Highway Superintendent Guyer said if the Board decides to do that it fine, but he doesn't think it would be appropriate to change mid-stream. Councilperson Greenberg asked if we have any idea how many teams this even effects. Councilperson Hennessy said there are four youth teams. Two of those four do not qualify but they would if we went to the 50% rule. Highway Superintendent Guyer didn't think it would affect the Men's baseball. Councilperson Greenberg asked someone complained. Councilperson Snyder said are they asking for this. Councilperson Hennessy said yes, they've been asking for it because of the issues living in another town but they go to VCSD. Councilperson Ten Eyck asked if it's driven by trying to keep the school teams together during the non-school season. Councilperson Hennessy said somewhat. The whole climate has changed recently in youth baseball because little leagues have given way a little more to travel baseball. Some rural areas couldn't field a league, so they made a team or two and traveled. Councilperson Hennessy said it's not just here there is some regional flavor to it. Supervisor LaGrange asked if it would be better to change the requirement to a resident or a school district student. Councilperson Hennessy said then you would open it up to five other school districts. Supervisor LaGrange said it's a town-wide park with a town-wide program. Councilperson Hennessy said we could table it to when there is more time for discussion. Councilperson Greenberg agreed. Supervisor LaGrange added we should keep in mind that the school district isn't paying for the parks, the residents are and that's why initially it was put at this level.

Barn Meeting

Councilperson Snyder asked to temporarily schedule Wednesday, May 4, 2016 to facilitate a meeting with respect to the future of the Hilton barn. Supervisor LaGrange asked if Councilperson anticipates a fixed number of people on the committee. Councilperson Snyder thought we should. Supervisor LaGrange asked are you going to invite any interested parties to come to a meeting that night. Councilperson Snyder said between now and then she will give the Board her suggestions as to representatives. We have to have a meeting to get the ball started.

**25. Departmental Monthly Reports:**

**Town Clerk, March 2016**

**Registrar, March 2016**

**Justice Adkins, February 2016**

**Justice Wukitsch, 2015 Annual and February 2016 monthly reports**

**26. Invitation to the Public to Discuss Non-Agenda Items**

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

**27. Pay the Bills  
RESOLUTION 2016-133**

Supervisor LaGrange offered the following resolution and moved its adoption:

Resolved, that the Town Board does hereby approve the following:

<b>Pay the Bills</b>		
<b>Abstract #</b>	<b>Vouchers</b>	<b>Amount</b>
	20160380-20160498	\$146,129.10
<b>Prepays or Three signatures</b>		
<b>Abstract #</b>	<b>Vouchers</b>	<b>Amount</b>
1233	20160356-20160360	\$16,769.70
1234	20160361	\$2,862.53
1235	20160362	\$362.00
1236	20160363	\$30,000.00
1237	20160364	\$310.00
1238	20160365-20160366	\$6,382.78
1239	20160367-20160369	\$51,674.18
1240	20160370	\$1,039.32
1241	20160371-20160373	\$2,225.03
1242	20160374-20160375	\$34,878.36
1243	20160376-20160378	\$1,153.25
1244	20160379	\$41,600.00
See attached abstracts for additional details.		

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**28. Approve any Budget Modifications  
RESOLUTION 2016-134**

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:				
<b>FROM</b>	<b>CODE</b>	<b>TO</b>	<b>CODE</b>	<b>AMOUNT</b>
Public Safety/Pers.	A3989.1	Public Safety/Contr.	A3989.4	\$1,244.93
To move Public Safety Office salary to contractual as per discussion at 3/16 Board meeting.				
Fund Balance	B0909	Interfund Loan Int.	B9795.7	\$10.00
To appropriate money from fund balance to Interfund loan interest to make transfers to other funds with interest.				
Fund Balance	WCC0909	Interfund Loan Int.	WCC9795.7	\$50.00
To appropriate money from fund balance to Interfund loan interest for interfund borrowing.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

Councilperson Greenberg seconded the motion. All present and voting the motion carried (5 Ayes).

**Executive Session**

Supervisor LaGrange said we have contractual issues that should be explored unless the Board wants to hold a special meeting. Councilperson Greenberg said we might have to get together next week for barn issues.

**RESOLUTION 2016-135**

Supervisor LaGrange offered the following resolution and moved its adoption:

**Town of New Scotland  
Regular Board Meeting  
April 13, 2016**

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a special meeting on April 21, 2016 at 7PM.

Councilperson Hennessy seconded the motion. All present and voting the motion carried (5 Ayes).

**29. Adjourn**

Councilperson Hennessy made a motion to adjourn and seconded by Councilperson Greenberg. The meeting adjourned at 10:45 PM.

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Diane R. Deschenes, Town Clerk