

**Town of New Scotland**  
**Regular Town Board Meeting**  
**June 8, 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:	Bruce Secor
Town Clerk:	Diane Deschenes
Town Attorney:	Michael Naughton

**1. Call to Order**

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

**2. Pledge of Allegiance**

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

**4. Approval of the Minutes of the Following:**

- **April 21, 2016**      **Special Town Board Meeting**
- **May 9, 2016**      **Bid Opening**
- **May 11, 2016**      **Public Hearing, Proposed Local Law B of 2016**
- **May 11, 2016**      **Public Hearing, Proposed Local Law C of 2016**
- **May 11, 2016**      **Regular Town Board Meeting**
- **May 25, 2016**      **Special Town Board Meeting**

**RESOLUTION 2016-163**

Supervisor LaGrange offered the following motion and moved its adoption:

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

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

**Announcement:**

- **The 2015 Annual Financial Report has been filed**
- **Stay connected with us by signing up for email or text notifications on our website.**

Supervisor LaGrange has had issues regarding notification, whether it is a variance or whatever. He's been collecting what's done in other towns, and there are things we can consider. We expanded the area in the past from 500 feet along the road to 500 feet from the property lines. We are hoping to extend that maybe to 1000 feet. Also a lot of towns use a sign of some sort. His preference is something similar to political signs. They could identify a potential project coming in front of the Planning Board or ZBA.

John Dearstyne said that in the Rochester area there are a lot of towns that flag property boundaries along the roadside so you know that there is some action that is going to take place before the Town Board, Planning Board, or ZBA.

Councilperson Snyder said that at last night's Planning Board meeting it was suggested, and the Chairperson endorsed, the extension from 500 feet. She didn't think there was an outward boundary line mentioned.

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

• **SEAF and SEQR Resolution**

Supervisor LaGrange said that the Planning Board and ZBA are in favor of this, and the County has deferred to local saying to notify adjacent municipalities. Our Town Attorney has been looking into this

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and decided we might better take a different path. Attorney Naughton said that many of the comments at the public hearing were asking if not only are we trying to open this up to the commercial areas so that this would be a business that could be opened up, but if there is also a specific property that's being looked at in connection with this zone change so that it could be permitted over on the Guyette property. Because this came to light from a request from Guyette with a sketch plan of what he's thinking about doing, much of the idea is really tied to one specific concept and one piece of property. Many of the comments at the public hearing were that we should really take a look at this specific property, and isn't this more related to a zoning/planning-type issue. Attorney Naughton recommended that Mr. Guyette apply to the Planning Board for a special use permit, site plan approval, and at the same time petition the Town Board for a rezoning. That would also allow all of the SEQR and basic planning, including traffic, to be looked at by the Planning Board which is a body that's equipped to handle that kind of thing. When the Planning Board gets it all sorted out, whether this is something that's appropriate for the site and if so what kind of controls should be in place, then the applicant can come back to us and we could probably hold another hearing about this same law the way it stands. If it's decided that they want to do it in a different way to rezone the parcel for Commercial or Industrial use, which would be something more consistent with that use, that could be done too. That would be a slightly different local law. So, we can let the applicant and the Planning Board make some recommendations and take a look at that. The Planning Board then would be like a lead agency for SEQR, and they would notify us. It would be a coordinated review. At the end of the process, if it's something that the Planning Board thinks is right for that site they would come to us, and we would rezone it in connection with that. The Town Board kind of has the final say on it. Supervisor LaGrange asked if it would be a rezone. Attorney Naughton said he was calling it a rezone but we're changing the zoning ordinance one way or another, either by changing the zone the property is in or by changing the definitions to allow it. It's basically a rezoning, one way or another. Attorney Naughton said that he wasn't really hearing from the Board that this piece of property where Guyette is something they would never consider doing. He wasn't hearing from an applicant's point of view that it would be a waste of time to go to the Planning Board. If it's something that the Board currently feels they are dead set against, then you should let the applicant know so they don't bother with it. Attorney Naughton thought there would still be merit in making some zoning changes to allow that kind of use at least in the commercial zone. That's a question that Adam Greenberg asked during the public hearing: Is anyone opposed to having this thing in the commercial zone because it really seems to fit in the commercial zone? Attorney Naughton said that he didn't hear any opposition from the public to that affect so that would be his recommendation on how to handle it. He has talked to Planning Board Attorney Baker who agrees that this is something that could be done. Some people might feel like it's a strange thing if it's not a permitted use now to have the Planning Board handle an application of this nature. We might not do it that often, but it's something that's not uncommon. Attorney Naughton has handled cases, for example, the Hannaford Distribution Center in Schodack. That's exactly the process they used there. It was challenged, and the court said it was fine. We run into this with wind projects. Towns will have a wind law. The Planning Board will handle the entire application, but at the end of the process the Town Board will then have to enact the wind overlay zone to permit so they will have a final say on things. Attorney Naughton said that his recommendation is to table the law for now. We've had a hearing. We could inform the applicant of what our thoughts are on how to precede.

Supervisor LaGrange said that Bethlehem passed a solar law. Throughout the state of New York, especially farms, are getting inundated with requests from solar companies to build large arrays, anything from an acre up to 10 acres or more. We've had a couple of people say that they've been approached. The Town Building Department has decided that since it's not a permitted use right now we should put a law together first, but how would it differ in this instance. Attorney Naughton said that first of all it's very common. His office is running into the same thing. They represent a number of municipalities, and they are helping a number of towns and villages enact laws for solar facilities. It's kind of like what happened with cell towers. When cell towers came in, towns realized that they were not very well equipped with their zoning laws to handle these things. Sometimes you have a moratorium until you have a law in place. A lot of towns run into that with wind projects. Now, the next phase is solar. Attorney Naughton agreed that we don't have a solar law. Attorney Naughton added that they have some laws in his office that they've been working on for towns like Schaghticoke which is like our town in many ways. The way it's different is that this is going to be happening all over town as opposed to something that is kind of site specific. The concept that came to us was site specific for the Guyette property, so it's really tied to that. It could possibly have been elsewhere but this applicant is trying to do it there and needs a zone change to make it happen, whereas, we need a law for the town for solar for all sorts of things that will pop up and there is no pending application. If it were someone trying to jam an application through because there was no zoning whatsoever, he would recommend probably having a

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moratorium in place. Luckily we don't need to do that. We have the time to prepare a law and get it on the books. Most of the towns are doing them not for just the large arrays, but also making sure you don't have something in someone's yard that is really kind of out of character and on a scale that's way too big for a normal neighborhood. Attorney Naughton thought it was fine to make those distinctions and for SEQR reasons. In this case he thought it made sense to handle it as a project. Supervisor LaGrange asked if the Planning Board got an application, would they then do a site plan and basically pass something pending the Town Board action. Attorney Naughton said that it would be conditioned on the Town Board passing a zoning law. Supervisor LaGrange asked if they would make a recommendation as to changing the zone or adding the definition. Attorney Naughton felt that they should make a recommendation about how to zone the parcel. As you take a look at it where Scotland Yards is, it's Industrial and the front where Guyette owns is RA. There already are buildings on it. It could go into an Industrial zoned, or you could create a separate little zone to allow it. It's more than 5 acres. You could just zone the part that's on that side of the road even though the entire parcel goes across the road. You could zone just one part of it as Industrial or Commercial. It probably makes the most sense to make it Commercial, but we should have some more input from the Planning Board on that. We could craft a law to make it work so they would just be simultaneously or contemporaneously putting in a petition to us to rezone it to allow the project.

Supervisor LaGrange asked if tonight we should have an idea from this Board if they would entertain a business. Attorney Naughton said it would more along the lines of just getting a feeling from the Board whether anyone is adamantly opposed to having that kind of project over there on that site. You wouldn't want these folks to waste a lot of money if it's something people would never consider changing. Supervisor LaGrange asked if any Board member was adamantly against entertaining it. Councilperson Ten Eyck said that after looking at the site and listening to the proposal and looking at the area surrounding the site, she was not opposed to that use for that parcel. She is opposed to allowing that use, even with a special use permit, in any RA parcel throughout the town. That's not wise because this situation is unique. There is a lot of Industrial wrapping around it. She doesn't think it's a problem right in that location, but she wouldn't want to open the door to it in any RA zone. However, with all the people that came in for the public hearing they don't seem to like the idea of the feed store being there. She heard what they said, but her feeling is they are objecting more to the allowed industrial uses and the mishandling of some of the industrial uses than they are to the feed store itself. They are just mad about everything. She isn't sure that it's this particular project that's tipping the scales for them. Councilperson Snyder said that she agreed with the first part of what Councilperson Ten Eyck said. She is not adamantly opposed to it, but she would feel much more comfortable because this is site specific. There are no two ways about it. Let the applicant go through the process with the Planning Board, and if the right process initiates something with this Board then we will figure out the right way to handle it. She thinks she would be more comfortable having the input from the Planning Board with respect to this parcel and these applicants before we move any further. Supervisor LaGrange asked if anyone is opposed to this type of project. Councilperson Ten Eyck added "on that parcel." She would then be concerned that the zoning change we'd be asked to make would cover beyond that parcel. She would not be comfortable with that, but the parcel itself she is okay with. Councilperson Snyder added that to follow up with what Councilperson Ten Eyck said, she thinks we can ask the Planning Board to follow up. We should have a better understanding of the implication of these changes as they occur on all of the parcels throughout the town. It seems that we are focused on one, but we're changing it throughout the town. She would like to see the implications as to what other parcels would be affected and how they spread throughout the town. Supervisor LaGrange said that Mr. Hart did give us a graph of sorts. Supervisor LaGrange said that he would resend it. Supervisor LaGrange said stated that we are going to postpone this but hold onto the proposed law in case this is the direction we want to go as opposed to changing the zoning.

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

**• SEAF and SEQR Resolution**

This law would increase farm personal from 5 acres to 7 acres which would just bring them in to do a site plan; it doesn't prevent it. Having said that, this went to the Planning Board, ZBA, and the County, and all of them liked it. The problem we have is that we attached what we believed is one of the first drafts. We had a change recommended by the Planning Board to go under acreage. Not calculated in that 7 acres are things like wetlands. We wanted to add slope, which is something like 17% for building lots, so we wanted to make that consistent. In addition, Building Inspector Cramer found part of the zoning code that we missed when we were trying to write this up and have it address areas that already allow farming personal. This needs to be tabled tonight so we can make those changes. Neither of the

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changes would send it through the process again.

**7. Engineering:**

- **Task Order request re: Hilton Road Rail Trail alignment**

Mr. Secor said that we are still getting more information together. This was postponed until the next meeting.

- **Clarksville Water District Task Order**

**RESOLUTION 2016-164**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Task Order Request #2 for the Clarksville Water District for Stantec Consulting Services, Inc., in the amount of \$300.

Councilperson Hennessy seconded the motion.

Councilperson Hennessy asked if this was in the budget. Supervisor LaGrange asked Mr. Secor about the specifics. Mr. Secor said that it's from questions that came up in phone calls and emails. Supervisor LaGrange said that if these get to the agenda, Mrs. Kavanagh has thoroughly reviewed them. Councilperson Hennessy asked if she said it was in the budget. Supervisor LaGrange said that it's not in General Consulting, but we have General Consulting for the Board which amounts to about \$20,000 for the year. Councilperson Hennessy said that there is something in there for water, and that's why he was curious. Supervisor LaGrange said that he would have to check on that. Councilperson Hennessy said that that doesn't preclude us from passing this. Supervisor LaGrange said that he would still check on it.

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

- **Heldervale Water Task Order**

Supervisor LaGrange said that this has to do with efforts on the intermunicipal agreement. Mr. Secor agreed, saying that they've been responding to questions from Bethlehem and following up on details. Councilperson Greenberg stated that at this point we are waiting to hear from them. Supervisor LaGrange said he asked George Kansas today where it stood because Attorney Naughton requested the standing from their counsel. They said they were gathering the comments from Mr. Kansas and legal. They anticipate having something to us by the end of the week. This was some of Stantec's work getting that information together to initiate some sort of outline for the intermunicipal agreement. Councilperson Hennessy said that he would like to see if this has any budget implications because advice of the Commissioner of Public Works on districts is a typical budgeted issue. Supervisor LaGrange said that we may have the water district, but he didn't think we had one for DPW, but he will check. Councilperson Hennessy said that he doesn't think there is an extra charge for advice from the Commissioner of Public Works. Supervisor LaGrange said that either way it comes out of Heldervale Water. Councilperson Hennessy understood that but said that it may already be budgeted. Supervisor LaGrange said that he would find out.

**RESOLUTION 2016-165**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Task Order #2 for Heldervale Water District engineering services from Stantec Consulting Services, Inc., for the sum of \$1,000.

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

- **New Salem Water District Task Order – Project Closeout**

Supervisor LaGrange said that this is the final restoration oversight. Engineer Secor said that it really goes to updating the as-builts during the construction. We just have to finalize some of the paperwork. Supervisor LaGrange said that it says final restoration, but there are some issues that we've been asked to address by a number of property owners in New Salem. Engineer Secor said that Casale is scheduling their crew to come out. He talked to them again this week, and he hopes to get a schedule from them by the end of the week. There are a couple of issues with restoration along the state road. We have to close

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out all of the permits. We have to close out the storm water management. There is a lot of paperwork that needs to be done. Councilperson Snyder said that one of her concerns would be addressing constituents that still feel that their issues have not been addressed. She would like to get an understanding from Engineer Secor or maybe from Casale as to where that stands. Engineer Secor said that it's going to be addressed. We gave them a list. They are going to start on one end and move forward. There is no sense doing every other yard. Specific issues that we got in letters were passed on to them, and we're going to address those also. Councilperson Snyder asked if they started any of that. Engineer Secor said that they didn't. The list was given to them, and we expect them shortly. Supervisor LaGrange said that when we started getting a couple of the complaints he drove out through New Salem with Mr. LaChappelle to check everyone and get an explanation. We noted those things and got them to Stantec. Stantec put the list together. There was a couple that Mr. Secor had aside from that. Those things just all got gathered and sent over to them. Councilperson Snyder asked if there has been any communication to the people who have been reaching out. Supervisor LaGrange said that Mr. LaChappelle has been on the phone with several, and he had answered at least three emails. Councilperson Snyder just wanted to make sure that we're communicating in both directions. Councilperson Hennessy said that we might want to table this. Our original contract had record drawing from the contractor, preparation close-out documentation, and complete all project for operation and start-up. Councilperson Hennessy wanted to make sure we clarified whether or not this is already in the original agreement. We've already had a multi-hundred thousand dollar agreement which included project close out. He thought we needed better clarification. Mr. Secor agreed to go back through it. Councilperson Hennessy said that there was a renegotiation of a lot of this. If that was taken out of the scope so be it, but that was not his recollection. Supervisor LaGrange agreed to table this. Engineer Secor and Councilperson Hennessy will get together to review it.

**8. ~~Discussion/Action re: Heldervale Water Intermunicipal Agreement~~**

*--Postponed--*

**Discussion / Action of Appointment of Marriage Officer**

Supervisor LaGrange advised that Jesse Sommer sent a request to the Board to be appointed as a Marriage Officer. He was appointed about 5 years ago as a Marriage Officer.

**RESOLUTION 2016-166**

Supervisor LaGrange offered the following motion and moved its adoption:

**WHEREAS**, Chapter 14, Article 3, § 11-c of the New York Domestic Relations Law authorizes the Town Board of the Town of New Scotland to “appoint one or more marriage officers who shall have the authority to solemnize a marriage” (§ 11-c(1)) performed within the Town of New Scotland (§ 11-c(2)); and

**WHEREAS**, the appointment of one or more Town of New Scotland “marriage officers” neither does nor will “nullify the authority of other persons authorized to solemnize marriages” (§ 11-c(1)); and

**WHEREAS**, Jesse Shepherd Sommer, a native and current resident of the Town of New Scotland, and a licensed attorney in the state of New York, has requested appointment as the Town’s marriage officer, and has agreed to officiate and solemnize any marriage conducted in the Town of New Scotland upon request by the Town Board and its agents, or upon request of the parties to be married; and

**WHEREAS**, Mr. Sommer meets the statutory requirements of § 11-c(2), which stipulate that “marriage officers shall be eighteen years of age or over” and “reside in the municipality by which they are appointed”; and

**WHEREAS**, Mr. Sommer, if appointed, has agreed to perform his services as a marriage officer at no charge to the Town of New Scotland throughout the entirety of his appointed commission; and

**WHEREAS**, and in accordance with § 11-c(4), the marriage officer “shall serve at the pleasure of the” Town Board of the Town of New Scotland, which may remove the marriage officer from appointed office with or without cause at any time throughout the marriage officer’s term of commission; and

**WHEREAS**, the Town Board of the Town of New Scotland has the statutory authority to appoint a marriage officer to a term of service not exceeding four years (§ 11-c(4)); then

**NOW THEREFORE, BE IT RESOLVED**, that Jesse Shepherd Sommer, who resides at 665 Clipp

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Road, Voorheesville, NY 12186, is hereby appointed to serve as a Marriage Officer of the Town of New Scotland for a term of service extending from this date through December 31, 2017.

Councilperson Snyder seconded the motion.

Councilperson Snyder asked who else have been marriage officers. Teresa Balfe is currently. Cathy Connors was appointed in the past. Mr. Sommer was appointed before. Supervisor LaGrange asked how long Mrs. Balfe was appointed for. Town Clerk Deschenes didn't recall. Councilperson Snyder asked if the Supervisor is a marriage officer. Supervisor LaGrange thought he could be, but he never looked it up. Attorney Naughton suggested making the term expiration 2019.

**RESOLUTION 2016-166 Amended**

Supervisor LaGrange offered the following motion and moved its adoption:

**WHEREAS**, Chapter 14, Article 3, § 11-c of the New York Domestic Relations Law authorizes the Town Board of the Town of New Scotland to “appoint one or more marriage officers who shall have the authority to solemnize a marriage” (§ 11-c(1)) performed within the Town of New Scotland (§ 11-c(2)); and

**WHEREAS**, the appointment of one or more Town of New Scotland “marriage officers” neither does nor will “nullify the authority of other persons authorized to solemnize marriages” (§ 11-c(1)); and

**WHEREAS**, Jesse Shepherd Sommer, a native and current resident of the Town of New Scotland, and a licensed attorney in the state of New York, has requested appointment as the Town’s marriage officer, and has agreed to officiate and solemnize any marriage conducted in the Town of New Scotland upon request by the Town Board and its agents, or upon request of the parties to be married; and

**WHEREAS**, Mr. Sommer meets the statutory requirements of § 11-c(2), which stipulate that “marriage officers shall be eighteen years of age or over” and “reside in the municipality by which they are appointed”; and

**WHEREAS**, Mr. Sommer, if appointed, has agreed to perform his services as a marriage officer at no charge to the Town of New Scotland throughout the entirety of his appointed commission; and

**WHEREAS**, and in accordance with § 11-c(4), the marriage officer “shall serve at the pleasure of the” Town Board of the Town of New Scotland, which may remove the marriage officer from appointed office with or without cause at any time throughout the marriage officer’s term of commission; and

**WHEREAS**, the Town Board of the Town of New Scotland has the statutory authority to appoint a marriage officer to a term of service not exceeding four years (§ 11-c(4)); then

**NOW THEREFORE, BE IT RESOLVED**, that Jesse Shepherd Sommer, who resides at 665 Clipp Road, Voorheesville, NY 12186, is hereby appointed to serve as the Marriage Officer of the Town of New Scotland for a term of service extending from this date through December 31, 2019.

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

**9. Appointment of Justin Perry as Alternate Member of the Planning Board**

Supervisor LaGrange said that this is something that we neglected. We should have had it on the agenda in January. Mr. Perry has served as the Alternate Member of the Planning Board for the past two years. He was held over, but that's not something we can do indefinitely. Mr. Perry has also applied for the regular membership along with two others.

**RESOLUTION 2016-167**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Justin Perry as the Alternate Member of the Planning Board for a term to expire December 31, 2016.

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

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Supervisor LaGrange advised that we did notice this position and received three resumes. In the past, Councilperson Snyder and Councilperson Greenberg did the interviews. They both offered to do it again. Supervisor LaGrange offered to coordinate the interviews, and hopefully we can appoint someone next month.

**10. Utility audit services update; results of request for proposals**

Councilperson Greenberg said that we've had three proposals come in. The original idea was to audit Time Warner Cable because we have a franchise agreement that is ending within the next year. We widened it a little to include other utilities if we're interested. TriStem was one of the proposals. Councilperson Greenberg did not recommend them because they could only do a partial. They have a non-compete clause with another company that didn't allow them to look at the actual franchise agreement. We also got one from the Cohen Law Group out of Pennsylvania. Councilperson Greenberg sent these out to the Board about a week ago. He assumed that everyone had had a chance to look them over. Cohen Law Group would take 30% of whatever they recoup from the audit; however, they only bid on the Time Warner Cable part of the audit. Computel is a NYS-based company, and they want 40% of what they recoup. They've done a number of audits in the area. They are willing to do not just Time Warner Cable but any audit of any utility that deals with the town that we'd like. Councilperson Greenberg said that he's a little bit on the fence between Cohen and Computel. He likes the idea of a law firm because we're probably going to get into some negotiations with Time Warner Cable that they may be helpful with, but he is also attracted to the fact that Computel is more local and has dealt more in New York State and would deal with all of the utilities. He added that there is a possibility of going with the Cohen Group on Time Warner Cable and Computel if we did other utilities, but it would probably be easier to deal with one company. Councilperson Hennessy said Computel talked about telephone, electric, and gas as well as our television franchise. Computel can do all of that. He was asked if they were including water and sewer. Councilperson Greenberg said that he discussed that with them, and it's a possibility. We could include whatever we wanted. Councilperson Snyder asked about Cohen. Councilperson Greenberg said that they were mostly interested in Time Warner Cable. That is the only thing their proposal dealt with. Supervisor LaGrange noted that Cohen was 30% and Computel was 40%. Supervisor LaGrange added that it was recommended to us that an audit is something we should look into, especially of the Time Warner franchise agreement. These companies do it on a percentage basis. Right now we don't get anything. It seems like 30% and 40% is quite a bit of money, but it's money we also don't have. This is how they operate. It's a question of the Cohen group doing it for 30% of recovered monies, but they won't continue to work with us on utility audits which we are considering. Councilperson Greenberg added that they also have a \$300 per hour fee if they took on negotiations that weren't included directly in the audit. There are potentially other costs above that 30%. Attorney Naughton said that the 30% does not include the unlikely possibility of extraordinary services requested by the client outside the scope of services contained in this proposal or any significant unforeseeable developments. Attorney Naughton said that if we decide to go with them, before they embark on any kind of service like that they have to give us a proposal in writing before they start the clock on anything they consider to be significant outside of the proposal. Attorney Naughton asked if Mr. Henner gave a recommendation. Councilperson Greenberg said that Mr. Henner looked it all over but did not give a strong recommendation other than going with Cohen Law or Computel. In discussions, we both leaned slightly towards Computel because they had done more in New York State and with rural towns in New York State. That seems more specific. We also in discussions seemed interested in the legal background for future negotiations. Those are the two things it comes down to. Attorney Naughton said that generally it's nice to have the professionals there, but they're only saying they did Grand Island and Town of Lancaster in terms of New York jobs. Councilperson Hennessy said that Computel didn't get real specific. Councilperson Greenberg said that they were specific in phone conversations, and Mr. Henner has been dealing with them on his lawsuit with the Public Service Commission. He has been impressed with Computel and his dealings with them. Mr. Dolin dealt with the Cohen Law Firm a little bit in his time as Supervisor. He had started this process, and that's how we originally came into contact with them. Councilperson Greenberg said that he would move for Computel because he thinks it's a little simpler. Councilperson Hennessy said that that was fine by him, and he could make a few phone calls. He also recognized a couple of clients. Attorney Naughton asked if we were looking for action on this tonight. Councilperson Greenberg said that it's about a seven-month process, so we shouldn't delay it a whole lot longer. We don't pay anything as a Town, so he didn't know what the Town Board would vote on. Supervisor LaGrange said that we have to enter into a contract. Attorney Naughton said that we don't have a contract. Supervisor LaGrange said that they would send us a contract if we decide to hire them. Councilperson Greenberg said that maybe we could move forward with Computel. Attorney Naughton said that if we are selecting them, we would need to see their contract. Attorney Naughton said that in that case there is no formal action; the Board would

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just be saying that you want to move forward with Computel and you will ask for the contract for the next meeting. Supervisor LaGrange asked if the Board was good with that, and they agreed.

**11. Highway Department:**

• **Approval of Voorheesville Baseball Club Field Use Permits**

Highway Superintendent Guyer said that a majority of the Voorheesville Baseball Club regular season games will be played at the High School field, but they have a list of dates that they need with us. Supervisor LaGrange noted that they put down weekdays and weekends. Highway Superintendent Guyer said that that was their original request. Now he has an email outlining the dates they want. There are four single games on June 8, June 9, July 28, and July 29. They also have a five-day tournament July 28-August 1. There are two double-headers on July 30 and 31 along with an August 1 championship game. This fits our schedule, and, upon the approval of these dates, Mrs. Campana will generate an invoice.

**RESOLUTION 2016-168**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the two applications for field use permits from the Voorheesville Baseball Club as outlined instead of weekdays from 5 PM-9 PM and weekends 9 AM-9 PM, they will be June 8, June 9, July 28, and July 29 with a tournament scheduled from July 28-August 1.

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

• **Discussion/Action re: highway employee temporarily assigned to mechanic duties as needed**

Highway Superintendent Guyer said that the mechanic is currently out on workers' compensation. We have an existing highway employee filling in to do the work. Highway Superintendent Guyer spoke with Supervisor LaGrange and Mrs. Kavanaugh to see if this was feasible. What we came up with is that we would like to compensate this gentleman for the hours he is putting in as mechanic. It's not every day. It's on an as-needed basis while our mechanic is out. The first day of absence for the mechanic was May 9. We'd like to go retroactive from that date with a 60-day cap. If for some reason it goes past the 60 days, Highway Superintendent Guyer will come back to the Board to revisit this. Highway Superintendent Guyer proposed a rate of pay increase of \$1.50 per hour for the hours that are applicable to the mechanical work which he keeps track of. Supervisor LaGrange noted that at one time we had a position called Operator II/Maintenance Mechanic. That was paid under two different levels. Obviously there is a value to having a mechanic. Our regular mechanic is out on workers' compensation, and this particular gentleman stepped in at Highway Superintendent Guyer's request. Highway Superintendent Guyer said the employee is very knowledgeable. He added that he asked all of his employees to help out when the mechanic needs assistance, but this is way beyond that. We have upwards of 35 pieces of large equipment (trucks and loaders), and then you throw in a dozen chain saws or half a dozen weed whackers, etc. We have a very large fleet for one person to take care of. There is a definite need. Attorney Naughton confirmed that Mrs. Kavanaugh checked this out with Civil Service. Supervisor LaGrange said that she did. Highway Superintendent Guyer said that this would only apply while the mechanic is out. Once he returns, this would be null and void.

**RESOLUTION 2016-169**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby create this temporary position while the mechanic is out which will be filled by an Equipment Operator I whose current pay is \$17.02 but during the identified times that he's working as temporary mechanic he would be paid \$18.52 per hour.

It is also resolved that this be retroactive from May 9, 2016, to July 7, 2016.

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

• **Resolution authorizing filing of grant application for Household Hazardous Waste State Assistance Program**

Highway Superintendent Guyer asked for a resolution for the Household Hazardous Waste day so we could be reimbursed 50% from DEC.

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**RESOLUTION 2016-170**

Supervisor LaGrange offered the following motion and moved its adoption:

**WHEREAS**, the State of New York provides financial aid for household hazardous waste programs; and

**WHEREAS**, The Town of New Scotland, herein called the MUNICIPALITY, has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

**WHEREAS**, it is necessary that a Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Aid;

**NOW, THEREFORE, BE IT RESOLVED BY** the Town Board of the Town of New Scotland;

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Highway Superintendent of the Town of New Scotland, or his/her designee is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application, to sign the resulting contract if said application is approved by the STATE; and to provide such additional information as may be required.
3. That the MUNICIPALITY agrees that it will fund the entire cost of said household hazardous waste program and will be reimbursed by the State for share of such costs as indicated in the contract.
4. That two (2) Certified Copies of the Resolution be prepared and sent to the New York State Department of Environmental Conservation together with a complete application.
5. That this resolution shall take effect immediately.

Councilperson Ten Eyck seconded the motion. All present and voting, the motion carried (5 Ayes).

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

- ~~Resolution authorizing Supervisor to sign the 2016 EMT/D Services contract with Albany County, not to exceed \$70,002.82 --Postponed--~~

**Proposal from Blair Supply Corp.**

Supervisor LaGrange asked the Board to consider a contract for Blair Supply Corp. These are the folks that we buy our water meters from and we originally bought our software from. Right now DPW goes out with a laptop, and it automatically loads water usage as they pass houses. The Village has had the same software and setup. Theirs is about a year older than ours. They decided to go with this new software. The problem is with the Badger meters it's almost a monopoly. We can't really go to another Badger representative because they are regionalized, and they don't cross over. Supervisor Dolin tried that before to see if we could get a better price. The other regional distributor said he could send a quote, but it would be twice as high. Supervisor LaGrange said that it certainly is a reasonable price. It's discounted because they already have our business. He added that Voorheesville's laptop died, and they are borrowing our laptop for a couple of weeks. They can use it part-time to get by. They did order this new software which also includes a handheld device rather than the laptop which reads it the same. They are still waiting for their new software to come in. It takes anywhere from 4-7 months. They're hoping it comes in time. If we decide to purchase this, then we will probably receive it a little bit quicker because they have an out-of-state training group that comes in. If they have two or three municipalities that need training, they are more apt to get it out to us. The other good part about this, which is why it came up, is we are getting Kensington Woods which is somewhere in the neighborhood of 170 homes along with Traditional Builders. What this has available to us for future meters is a cell read. What that does is sends signals from the meters, which are basically the same price as the meters we install now, with the daily usage each day to our computer. If there is a leak or excess usage it immediately notices that and sends an alert to us. The other neat thing it does is it shows usage of an individual on an hourly basis. If you have a spike at 3AM, you know they probably have water sprinklers or they've used a

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tremendous amount for something else. At least we have that ability to better track water usage. We had one instance where thousands of water was wasted, a cellar was half filled when the resident was out of town, and their pipes burst. We looked into this a number of weeks ago and we got this quote. Supervisor LaGrange said that he's concerned that we're going to be putting meters in these developments, and if we're going to have to go to this system eventually maybe we should find out if we can use the old system to read the cell heads. That's not the case but the new system will read our old heads. The representative came in and said that the quote was still good. We went over things with Mrs. Boehlke and Mrs. Martin, and it seems to be the consensus that we should order this and start the process. It would cost all of our water users a one-time charge of \$12 at this point. We could wait on that charge until we have the build-out in Kensington Woods, Traditional, and Amedore. In that case, more people will share the initial cost. If we wanted to we could even split it between the two bills for one year. Supervisor LaGrange said that in his opinion we should do this, but it's something the Board needs to consider.

Engineer Secor said that several years ago there was a big analysis done regarding what type of meter to go with. The Town Board actually standardized on this type of meter so that everyone would have the same meter and be on the same system. It isn't a monopoly. It's something that after everything was looked at these were very cost competitive, and the Board agreed to standardize on this specific one in order to have uniformity throughout the town. There are certain things that the town standardizes on for the good of the public.

Attorney Naughton asked if this equipment is under the existing standardization. Supervisor LaGrange said that it is. Highway Superintendent Guyer said that what we standardized on a few years ago were the meters themselves. This is the software to read those meters. Supervisor LaGrange added that he didn't mention that the software that we have now is obsolete. It's gone on for a number of years so now they are moving to this Orion system for software. We could plug along with ours, but we've kind of been forewarned. Voorheesville's computer went down. We have to make this change. Attorney Naughton said that the purpose of his question really was to highlight that this is something that we wouldn't need three bids on because we have a standardized system.

Councilperson Greenberg said that since we're sharing equipment with Voorheesville, now is the time that we could enter into a shared service agreement and maybe cut the cost by 30%-40%. Why can't we use the same equipment all the time? Supervisor LaGrange said that we could have done that in the past too, but when we do it at similar times of the year and there are times when Mr. Hensel has to run out and do spot checks it's preferable to both municipalities. We did ask both Mr. Hotaling and Mr. Hensel to give us their thoughts on sharing the equipment. We can't share the software because it's basically site specific. This software talks to our software which is different from their software regarding the billing part of it. The software is the big component of the cost. The handheld equipment we could share. That's what we are doing with the computer right now, but that's a minimal cost. Highway Superintendent Guyer agreed that there are some pieces of equipment we can share and we do share, but other things are nice to have. Councilperson Greenberg wondered if there was any way in the future to link up the software. Supervisor LaGrange said he didn't know. Engineer Secor thought it was a licensing issue. Councilperson Greenberg said that he was saying that it's something we should look into. Councilperson Hennessy asked if this is different from the software we purchased two years ago that's now Internet based. Highway Superintendent Guyer said that it is not; that's the SCADA system for the water tanks. Councilperson Hennessy said that it's comforting to hear that Voorheesville is using a similar product that we can use in a contingency situation. Supervisor LaGrange added that from what we've learned it's not a bad price. Councilperson Snyder asked if there is a licensing fee in there because they don't distinguish the software from the hardware. Supervisor LaGrange said that the bundle system upgrade is the software with the Ranger 3 handheld. The date viewer software is another component of the software package. They also have mobile cloud-based software which is another update. This may allow us to go to quarterly billing. It would be nice so that people are not getting these big bills. Supervisor LaGrange said that he thinks Voorheesville only bills once a year. Town Clerk Deschenes agreed, and they send their bills out around June 1. We send our bills out in February and then again in July. Town Clerk Deschenes added that she'd like to see us talk to BAS about credit card payments. A lot of people have taken advantage of that on the tax bills. Some of our district bills are getting large and people might like being able to do that. Councilperson Hennessy said that he thinks we have to seriously consider including Kensington, Levie's farm, and Amedore. He believes that the Town Clerk brought this up several years ago. Once the district is established, there is a legal allowance to bill those communities for certain components of the water. He believes that that would be the bond. He suspects that this would not be in the water rate but that this would be on taxes. He thinks there is an

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allowability to give that proportion share to those lots that are in an improved district even if the houses are not built yet. Supervisor LaGrange said that they are on the books and they are going to be built so it was his thought that we were going to buy this. We don't pay for it until it comes in. We'll even have a better idea of the number of homes it will involve once we get it. We would then split the cost by the number of homes.

Councilperson Snyder asked how long the software agreement was for. She was confused because it was bundled together. Is it a 36-month commitment? Supervisor LaGrange said that that's what the maintenance agreement is for. The software is ours for the life of the software subject to possible updates. They will do updates like they did on the old software. Our billing software is supposed to be updated. We decided not to do that right away. If we can tie that new update for billing into this new software, it will clear up some issues. Councilperson Snyder asked if we're paying for the software that has something unique that prevents us from sharing it. Supervisor LaGrange said that it has something to do with the municipalities. They mentioned a couple of places nearby that have already made the change. Voorheesville is the closest one. Supervisor LaGrange then asked how old our laptop is. Highway Superintendent Guyer thought around 13 years old. Supervisor LaGrange said that when Voorheesville's system died it made us think, not to mention that our software isn't going to be updated anymore. Councilperson Snyder asked how much they charged Voorheesville. Supervisor LaGrange didn't know but offered to check on it. Board members agreed that they were comfortable passing it now.

**RESOLUTION 2016-171**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED that the Town Board of the Town of New Scotland does hereby accept this quote from Blair Supply Corp. for the new software from Badger Orion as outlined and authorizes the Supervisor to sign a contract with them for \$10,299.

Councilperson Greenberg seconded the motion.

Councilperson Snyder just asked that we investigate the price. Supervisor LaGrange said he would call Voorheesville tomorrow. Councilperson Hennessy asked that we investigate the cost of the potential to distribute the cost amongst all approved districts. Supervisor LaGrange said that that's already been looked into, and he didn't think there would be any issue with that.

Edith Abrams said that she does not like the idea that government has to know hour by hour how much water she uses. Why is it their business? She understands that there are pros and cons. She understands that when there is a leak you know right away, but if there is a leak the homeowner is going to know. Supervisor LaGrange said they would if they were home. He added that he would guarantee that Mrs. Martin doesn't have the time to monitor everyone's water usage. This is just something where she would see an alert if there was over usage depending on how we set it up. We've run into so many instances. We've had several people question how we account for their usage. The only way we can account for it is if we have something we can go back to. It's not to the level of NSA and Homeland Security, but it gives us the opportunity to show a homeowner that there was this usage, but it's not something we have the time to monitor. Councilperson Greenberg said that he understood what Mrs. Abrams was saying. It occurred to him, as well, but to him it just comes down to if we are monitoring it once a month or every week. It's a timeframe more than whether or not it's being monitored. Supervisor LaGrange added that we're not actually monitoring; we're just being alerted. Councilperson Greenberg added we take water readings every six months.

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

**13. Liaison Reports**

Hamlet Rezone

Councilperson Hennessy said that the CDTC Study Advisory Committee issued their draft zoning regulations, and Supervisor LaGrange circulated copies to everyone last month. Hopefully the Board has had a chance to review them. Councilperson Hennessy now would like to circulate them amongst the Planning Board and the ZBA. Supervisor LaGrange said that he did that. Councilperson Hennessy said that now we need to solicit their comments. His suggestion was to set up a little internal committee with two people from each Board to get together and meet with the consultant, Marion Hull, with AECOL to do some more review. Supervisor LaGrange said that obviously during the process we will be sending

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this to the Boards officially for comment. Do we want just general thoughts at this point? Councilperson Hennessy asked if Supervisor LaGrange sent it officially. Supervisor LaGrange said it was an informational distribution. Councilperson Hennessy thought this would be more of a planning and working group. Supervisor LaGrange said that he gave the copies to Building Inspector Cramer to pass out, but he'll check to see if they were distributed. Councilperson Greenberg asked if we should set up a committee. Councilperson Hennessy suggested we let each Board decide, but we can discuss that. Councilperson Greenberg suggested that we ask each Board to pick a couple of members. Councilperson Hennessy said that he didn't want to schedule anything yet; he just wants to keep everyone going. Supervisor LaGrange said that the ZBA hasn't got the copies yet, but he'll look into it.

Hilton Barn

Councilperson Hennessy said that the footings and foundation have been constructed. They all look great. We are in the process of retaining a company to do the installation of the sills so that we can set the barn down. We have had proposals. Right now we are negotiating with the low bidder on material and labor for that. We are not ready to award that tonight. Councilperson Greenberg said that we might want to set up a special meeting. We should have some information within a week. Supervisor LaGrange suggested waiting until we have the information. Councilperson Greenberg also wanted to say that the Town owes a big thanks to Willie O'Rourke who gave us a great price on the foundation and did an awful lot of that work himself.

Chet Boehlke asked how many days do we have left on the 45 days. Supervisor LaGrange said that it is up. The cost is \$1,200 a month for the cribbing, so we're anxious to get it done.

Grant Application

Councilperson Hennessy said that we talked to Barton and Loguidice about renewing our grant applications this year. We went over an appropriate grant application for the barn. It's a planning and design grant which will help establish inspection of existing conditions and documents of what's needed to be renovated and fixed along with planning what can and should be done there. It will work hand in hand with the town's committee that we've started to establish as far as developing options. This didn't make the agenda packet. Councilperson Hennessey suggested that it be put on the subsequent meeting.

Councilperson Hennessy advised that we put in a park grant application last year for improvements to Feura Bush and Swift Road parks. We had a debriefing meeting with some of the application people from NYS. One of the suggestion that may be more attractive to us is to separate Swift and Feura Bush. Since it's already been written, it's more handwriting exercise to actually separate them. You could then resubmit similar materials. Right now it looks like we may do that with Town Hall or Town Board efforts. It doesn't look like it will require a \$5,000 fee to a consult to do it. That's what we're looking to do right now.

Supervisor LaGrange asked if we have an opportunity to apply again for the sidewalks in Clarksville. Councilperson Hennessy said that that was talked about. It would be best to apply to CDTC and the Transportation Improvement Program. It may be eligible for a component of the existing one but it may be more appropriate to put it in that. Councilperson Hennessy didn't think we could get it in again this year because we were lax in receiving the income survey information. We would have to hire someone to go door to door. If we went through CDTC we wouldn't have to do that. Supervisor LaGrange said that Voorheesville got a sidewalk grant through CDTC recently. Supervisor LaGrange said that at the same time we got a grant for \$300,000 to \$350,000 for work on Krumkill Road. That would be for engineering this year and construction next year.

Councilperson Hennessy said that he didn't feel comfortable asking to approve the application for the barn which is due July 31. We can deal with it at the special meeting.

Supervisor LaGrange said that one of the other things we were going to consider doing a grant application for was to change the lighting in some of our districts, especially Clarksville, to LEDs. It would cost the residents less to operate, and the lighting up there is horrendous. Feura Bush needs some help too. We also have Douglas Lane. Town Clerk Deschenes added that we also have 6 or 8 poles that we own. Supervisor LaGrange advised that he's been notified by National Grid that the state has some pressure on them. Apparently there is a program that the state is doing that's getting National Grid out there to contact municipalities to replace those Cobra headlights. There is a webinar June 15 that Supervisor LaGrange is going to participate in. They are pushing it big time, so he's hoping we can see those changes made.

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Councilperson Snyder has a contact at NYSEERDA, and she thinks they are pushing more energy-efficient lighting for communities. She gave them Supervisor LaGrange's name so they may be in contact with him.

Changing the Notification

Councilperson Snyder said that she'd like to advocate again for changing the notification limits whenever there is any kind of Planning Board or ZBA action with respect to surrounding residents. Supervisor LaGrange said that we will try to get something together for our next regular meeting.

Speed Problem on Thacher Park Road

Councilperson Snyder said that evidently there are some issues again with excessive speeding on Thacher Park Road. She said that she would leave it to the folks to come forward and ask that we are doing something about it. Councilperson Snyder said that she knows it's not a town road, but we could advocate for that. Public Safety Commissioner Miller said that there are a lot of tickets coming through the court. The current speed limit was discussed. Highway Superintendent Guyer said that its 40 mph in the hamlet of New Salem, and when you round the bend it turns into 55 mph. Councilperson Snyder thought that there were some residential areas where it transitions from 55 mph.

Supervisor LaGrange asked if we had received anything on Groesbeck Road so that we could put up our sign. Highway Superintendent Guyer said that he did not have the Order of Notice yet.

Sharon Boehlke said that it was the residents that live in the area where they are going to have a food truck that asked about the speed. They have children and can barely get their paper. They felt that putting the food truck there would increase the traffic possibly. Councilperson Ten Eyck said that it's just before the park. Public Safety Commissioner Miller said that there are tickets given out there all the time. That's where they do the road checks.

Egress out of Salem Hills

Public Safety Commissioner Miller had a conversation the other night with two Village Board members and two fire chiefs about putting an emergency egress in the back of Salem Hills. He met at the school yesterday, and it came up again about a possible train incident or any incident and the people in Salem Hills having no way to get out. Supervisor LaGrange asked what the hesitation has been in the past. Commissioner Miller said it was people getting together and actually doing something. One of the things Commissioner Miller proposed to the fire chiefs is that the fire departments could help by doing drills with tree removal or emergency rescue. They can be a little creative in doing that. What we need to do is have Highway Superintendent Guyer and Superintendent Hotaling come up with the best place to do it and then have someone mark out what has to come down. Supervisor LaGrange said that at minimum it would have to have gravel. Commissioner Miller thought that maybe we could get hazardous mitigation funding. Highway Superintendent Guyer said that the easiest spot would be to bring it out to Great View Terrace, but that's private property. The Town owns property that abuts Salem Hills, but it would have to be a major roadway. Councilperson Hennessy said that if we were going to do something like that, we should consider something he found in a deed when we were doing the park grants last year. The deed said that the town park has a right to connect to the Village sewer. Councilperson Snyder asked if there had been any formal attempts to do this. Commissioner Miller didn't know. There have been conversations with the Village Board and others. Supervisor LaGrange said that it's something that has to be engineered, and Highway Superintendent Guyer could take a look at it. Supervisor LaGrange added that we do have some negotiations with the property owner going on for different things off Sky View. Who knows what we might be able to do? Engineer Secor said that under the paper shuffle we live in today, you have to check archeological, wetland, and habitat. There are a number of environmental things that you have to do to see if this potential roadway is constructible. Supervisor LaGrange said that he just wants to see what we have to start with as far as options. Supervisor LaGrange recommended that he along with Commissioner Miller and Highway Superintendent Guyer keep the ball rolling, start some investigation, and see what we can find.

Hilton Road

A question arose about the speed limit on Hilton Road. Highway Superintendent Guyer said that he has the letter from the Sheriff on his computer. Supervisor LaGrange asked for a copy.

Chester Boehlke said that last night there was a proposal about a shopping center behind Stonewell. He looked at the prints but there is no way a ladder truck can get in there for firefighting. He mentioned that

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to the Planning Board on all of these developments. They have to start considering the emergency equipment. These are 35-foot long trucks. If you get a major fire in a project, you can't get equipment in to fight it. The Planning Board should take that into consideration before approving a development. Supervisor LaGrange said that usually is considered, but this project was in the early stage. Supervisor LaGrange offered to check on it. Councilperson Greenberg said that it is always brought up on the Zoning Board as well. Councilperson Snyder said that they've been asking for letters from the fire companies to acknowledge and agree that there is sufficient room.

**14. Departmental Monthly Reports:**

- **Town Clerk, May 2016**
- **Registrar, May 2016**

Town Hall Project

Supervisor LaGrange said that we've approved a lot of projects to be undertaken and we're going to BAN them over 5 years. We had a specific number. It was either \$13,000 or \$15,000 to do the work out front. Supervisor LaGrange wanted to acknowledge that what we tentatively budgeted will be at the most half price, and he wanted to publicly thank Mr. LaChappelle who has donated a lot of time and equipment to do that. It's coming along nicely. There is better handicapped access now. There was also a partial security reason that came out of the Workplace Violence Committee. The main issue was that we constantly had issues with people backing around in those spots. The biggest issue was the snowplowing. We'd spend money every year fixing what can't be avoided. Supervisor LaGrange added that this is the public's office, and we have a duty to keep it up, keep it nice, keep it accessible, and keep it secure for the public and the people who work here. We're doing it economically, and he thanked the Board for entertaining the way we are handling it. He especially wants to acknowledge Wayne LaChappelle's efforts. He's saved us several thousand dollars.

Edith Abrams wanted to thank the Board for setting an example on aesthetics in the town.

Timothy Stanton asked Supervisor LaGrange to elaborate more on the donation of Mr. LaChappelle's time. He understands that is donating time but how do we work that. Supervisor LaGrange said that he's donating time and equipment. He works 5 hours a day here at his job. There have been times where he has worked into the afternoon at the job he does here. He has plenty to do. His afternoons are free some days he would take off the whole day because he had built up too much time. He spent at least two whole days out there. That's 10 hours that he would normally be working. He and Supervisor LaGrange were there last Saturday for a good part of the morning and afternoon. He gets about \$65 per hour to run the excavator, and that was at no charge to the Town. We carried a bunch of asphalt along with some fill to the Hilton Barn at no charge. Mr. Stanton asked if the only money being spent was for materials. Supervisor LaGrange said that the plantings that are coming will be installed by Mr. Engl. The sidewalk we helped with, but we had a good price. Mr. LaChappelle helped out with that. The Town bought the concrete straight out. Mr. LaChappelle is going to keep his equipment here to move some rocks around, and then we will have a cost for some mulch too. Mr. Stanton said that he thought it was important to keep this up front because this is so visible. The appearance is that a town employee is also getting paid. It's good to get this out. Supervisor LaGrange said that if anyone has questions they should ask.

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

Sharon Boehlke wanted to thank Attorney Naughton for giving the explanation he gave about proposed Local Law B. She would like to think that the public's voices were heard. She also appreciates the fact that he understood that the perception was that changing that law had become very political. This change was specifically being made for this plot. Supervisor LaGrange stated that we said that all along. Mrs. Boehlke disagreed, saying that the Board did not. Mrs. Boehlke appreciated Attorney Naughton's explanation, and she thought it was back where it belonged in the first place. Hopefully the Planning Board will have some oversight on what's going to happen down there and what's continuing to happen at New Scotland Yards.

Edith Abrams asked if Robinson's wanted to sell feed for horses, would it change its designation of what it is as a retail store. Supervisor LaGrange said that he didn't know. Mrs. Abrams said that she really didn't understand the whole issue. Supervisor LaGrange added that Robinson's is established, and they are a nursery. Mrs. Abrams said that they are not a nursery anymore. They are a hardware and nursery. A lot of those kinds of stores have branched out. Mrs. Abrams didn't understand the issue about another commercial enterprise wanting to do something similar. We've never said that we would stop competition just because we have one kind of store in town. Councilperson Ten Eyck said that they

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wanted to locate their store in the non-commercial zone.

Timothy Stanton asked if, in our commercial zone as it exists, a Tractor Supply store could come in. Forget about the size; just say it's a hardware store that also sells feed. Is that not allowed in our commercial zone?

Attorney Naughton said that he thought we tabled this issue. Supervisor LaGrange said that he appreciated the comments, but he really didn't know. We would have to look into that. We have to allow business entrepreneurs to decide if they can succeed with the competition. He sees see Robinson's totally different from the Original Applebee's or Altamont Agway.

Timothy Stanton asked if it was just because we're calling it an ag retail facility.

Attorney Naughton asked why we were talking about this.

Timothy Stanton said that this is a public meeting, and this is the part of the meeting where the public can speak and is asked to speak. Why are you coming in front of that?

Attorney Naughton said that he was asking the Supervisor to keep this to questions before the Board. We already talked about this. We had a public hearing and there have been several meetings where this has been discussed. We've decided what we are going to do. It's going to the Planning Board. Why talk about it more.

Timothy Stanton replied that it is because this is the time when the public can talk.

Attorney Naughton said for Mr. Stanton to make his comment. It's not on this Board's agenda anymore.

Timothy Stanton said that he would appreciate some respect to the public.

Supervisor LaGrange said that when this moves on to the Planning Board there will be plenty of time to move further with those discussions. Councilperson Ten Eyck said that she thought Mr. Stanton's question was simple. Is the feed store an allowed use in our commercial zone?

Timothy Stanton said that it's that and it's also did we just come up with the term "agriculture retail facility." Are we going to come up with other terms for other stores? That was his point.

Sharon Boehlke added that she thought Robinson's could sell bag feed if they chose to do that.

**16. Pay the Bills**

**RESOLUTION 2016-172**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby pay the following:

<b>Pay the Bills</b>		
<b>Abstract #</b>	<b>Vouchers</b>	<b>Amount</b>
	20160650-20160717	\$373,064.31
<b>Prepays or Three signatures</b>		
	<b>Vouchers</b>	<b>Amount</b>
1258	20160624-20160631	\$2,571.06
1259	20160632-20160633	\$823.42
1260	20160634-20160636	\$40,740.00
1261	20160637	\$13,706.00
1262	201600638-20160640	\$746.88
1263	20160641-20160642	\$896.70
1264	20160643-20160647	\$6,192.28
1265	20160648-20160649	\$36,835.70
See attached abstracts for additional details.		

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Councilperson Ten Eyck seconded the motion. All present and voting, the motion carried (5 Ayes).

**17. Approve any Budget Modifications**

**RESOLUTION 2016-173**

Supervisor LaGrange offered the following motion 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>
Fund Balance	B0909	Safety Inspections/Equip	B3620.2	\$1,723.00
To appropriate money from fund balance to Safety Insp./equipment for office furniture.				
Records Mgmt/Contr.	A1460.4	Records Mgmt/Equip.	A1460.2	\$725.00
To move appropriation of money from Records Management/Contractual to Records Management/Equipment for the purchase of filing storage.				
Fund Balance	A0909	Senior Outreach/Equip.	A6772.2	\$13,706.00
To appropriate money from Fund Balance to Senior Outreach/Equipment for purchase of Nissan Rogue.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

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

**Resolution to set Special Meeting**

**RESOLUTION 2016-174**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a special meeting for June 15, 2016, at 6:30 PM.

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

**18. Adjourn**

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:20 P.M.

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Diane R. Deschenes, Town Clerk