

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

The following Town Officials were in attendance:

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

**1. Call to Order**

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

**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:**

- **June 8, 2016 Regular Town Board Meeting**
- **June 15, 2016 Special Town Board Meeting**

**RESOLUTION 2016-183**

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

**Announcement:**

- **Movie at Swift Rd. Park, July 22<sup>nd</sup> at dusk (8:30 pm): “The Last Dinosaur”**
- **American Red Cross Babysitting Class, Aug 12<sup>th</sup>, Town Hall, 8:30am–3:30 pm. Cost \$50 for residents, \$85 for non-residents**

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

**Steve Boyce**

Mr. Boyce was impressed that we said the Pledge because other boards don't. He also commented that Mr. Cramer saved the taxpayers a lot of money. The office furniture he purchased was used, and he only spent \$600. Supervisor LaGrange clarified it was about \$1,600 instead of \$5,000-\$6,000.

Mr. Boyce didn't want to turn this into a bitch session, but what he wasn't impressed with is the Planning Board. He didn't go into detail but said we need to work on it in the future and change a few things. Supervisor LaGrange said this is about a project that is across the street from Mr. and Mrs. Boyce on Thacher Park Road.

Councilperson Ten Eyck offered to recuse herself because this is a project of Indian Ladder Farms. Mrs. Boyce said that she thought she should stay. The decision was made. Supervisor LaGrange said that there was no decision to be made. Mr. Boyce just wanted to make some potential recommendations to the Board. Supervisor LaGrange said that this was a project that Mr. Boyce had some issues with, mostly definition.

Mr. Boyce said he would make a list and submit it, and possibly the Board could make it part of an agenda in the future. This particular item has been going on for the better part of two years. It was really drawn out and extremely unprofessional. The way the Board members treated it compared to other issues talked about was like night and day. Mr. Boyce said he would put it in writing with more detail. There were a lot of things that could have been done. Not only does he not want this happening across from his house, but there are an awful lot of safety issues that were just blown off. That is what really

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awakened him in that area. Councilperson Hennessy apologized but really didn't even know the topic. Mr. Boyce said that it was about putting a mobile food stand on Thacher Park Road, and the way it was handled. Since they approved it, he has talked to several people and found out that this is probably the best place to change things for the future. Nothing can be changed now for this, but he thought it needed to be, safety-wise. Last weekend there was an accident up at Indian Ladder; two people fell off the trail. One of the safety things that Mr. Boyce stressed during this whole thing was that on the back side of this lot it's so steep. If people lose their footing, they are not going to stop. Mr. Boyce said it's not a problem going up so much as it is going down. He was comparing it to Indian Ladder Trail as far as the safety. Mr. Boyce said that the state doesn't always do the safest things for us sometimes, but he wanted to put the same type of fence back there. Obviously the roped-off fence doesn't work. Mr. Boyce thought that the best way to handle this is to write down his concerns for the Board.

Supervisor LaGrange said that they had met and spoke, but this is a Planning Board decision. The Town Board doesn't have direct control. We give them the regulations that they implement. If there are some things that are lacking or tools that they could have used, that's where we come in. A good letter of recommendations that you might have or thoughts that you might have, we might entertain. We certainly would be happy to look at it and go from there.

**Sandy Boyce**

Going along with what her husband said, Mrs. Boyce felt that they felt that they were always behind with the way things unfolded. The first meeting that they went to, neighbors came and everyone was against this. At this last meeting, a couple of other neighbors came. Everyone was against it, but that seems to be ignored. It felt like everyone around the proposed project was against it, but that didn't matter. She didn't know what the process was. There isn't any grievance process. If we don't agree with something, we immediately have to go to the Supreme Court. It's not something that they wanted to do. They would like to feel that there is some kind of arbitration process that they could go to if they're not happy with a decision and where someone could take a look at what was decided and how it was decided and say everything was proper or maybe it wasn't. How do we implement some kind of process like that in the Town of New Scotland? They also felt that as far as the rule that this falls under, restaurants and taverns, there is no way that they believe or anyone they've spoken to agrees that a restaurant and a food truck or trailer would be considered the same thing. There doesn't seem to be a clear definition of it, so Mr. Cramer had to rely on what he had. He can't add things in there. They were thinking that maybe the Town should look at it and change it. They don't want to become a town where we have food trucks all over the place; that does happen. Is that the future we see for the town of New Scotland? Our neighbor now could have food trucks and the guy across the street from him. If you allow one person to do it, how does it get limited and how does it stop? It's also a safety issue. The cars drive through there at 55 mph, and now you're going to expect them to stop and turn. It's dangerous. Should the town look at reducing the speed limit? They aren't against people having businesses and trying to improve or expand; Mr. Boyce has a bakery. They aren't against it, but if it's going to be in a residential area should there not be even stricter rules concerning it? She doesn't want to smell hamburgers and hotdogs all day. It's not even as much of an issue for her to have someone selling apples there as it is to have someone cooking and smelling it all day. What they heard was, "What did we do three years ago when we did this?" You can't make a decision that way. You have to have guidelines. You have to have rules. The Town of New Scotland is a big place. There are a lot of people and a lot of businesses. You have to have concrete rules and guidelines; it's not "what did we do back then." That's not acceptable to them. She really doesn't know what the process is to get those things changed.

Supervisor LaGrange said that with Town roads, we have to petition DOT because we have less than 10,000 residents. He asked the Town Clerk if it's the same process with state roads. Town Clerk Deschenes thought it was the same process. Mrs. Boyce commented that not everyone pays attention to the speed limit, but we could try. Mrs. Boyce then suggested having some kind of grievance process. She said something to Mr. Baker about the determination of the food truck or trailer being considered a restaurant. He said that they had 60 days to challenge it. Mrs. Boyce told him that she's just an average person; how would she even know that. What is the process? She couldn't find anything about it online and there wasn't anything on the Town of New Scotland website. What would she do if she had known about it? What's the process? Those things are important. Supervisor LaGrange offered to look into it. This is the second time we've had an issue where the restaurant definition is relatively broad, and some people would like to see that different. That's something that we have to look into and potentially change. Whether that would help in this instance or not who knows? Mrs. Boyce said that it probably won't help in this instance, but it might help in the future. Supervisor LaGrange added that the other thing too is that there is a process if someone disagrees with that interpretation of a definition. That

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60-day window that Mr. Baker was talking about is time to file with the Building Department and go to the ZBA for their determination, so there is a process. Mrs. Boyce said that learning about that after the fact doesn't help. When they were invited to the first meeting in April 2015, they would have had no way to know how to appeal the fact that they were considering it the same as a restaurant. There is no process other than to go up against the TONS Planning Board or go to the Supreme Court. There has to be something in between. Supervisor LaGrange said that we will look into that. He believes that most of these things were constrained by state law. He didn't know if there was even an opportunity for that to be done. That's something we can get an answer on. Mrs. Boyce asked what to do now. Supervisor LaGrange asked if they could give the Board the list of the thoughts they had from the meeting, substantive things like definition changes or things like that or the way the Planning Board or ZBA handles themselves. This Board doesn't have direct oversight over them. The Board doesn't change the things they do. There is a process. There is good intent for that, so elected officials can't put undue pressure on the ZBA or Planning Board. Mrs. Boyce said that she did take a look at all the Boards in the town on the website. There is an Ethics Board, but the chairman of the Planning Board is on the Ethics Board. Supervisor LaGrange said that there is a long history to that, but it had to be an employee; that's how it was created. Supervisor LaGrange said that if the Boyce's could get the list to him, he would check into what our constraints are under the law. Councilperson Hennessy said that he thinks we should check also if challenging the Building Department decision is only available to the applicant, not necessarily to the public. Councilperson Greenberg thought it was available to the public too.

Sharon Boehlke said that she thought this was wrong. When their project didn't go through, she thinks they were told by the Town that a challenge had to come from Gerry Wright.

Councilperson Greenberg said that she was not told that by him. There have been people in the past who were not applicants challenge things. Councilperson Hennessy mentioned the storage containers. Councilperson Greenberg added that there was something on Font Grove Road. Supervisor LaGrange said that they would look into that. Mrs. Boyce said that she would appreciate getting a concrete answer. Councilperson Greenberg asked when the decision came down. Mrs. Boyce said it was at last week's Planning Board meeting. Councilperson Greenberg said that the 60 days is still running. Supervisor LaGrange said that they could go with an Article 78 and challenge the Planning Board's decision, but the decision by Mr. Cramer that it fell under "restaurant" in our definition is unchallengeable now because that's been well over 60 days. There are two different situations.

Steve Boyce wanted to throw out one other example as far as what was submitted. Plans were just submitted last week. Mr. Boyce showed the Supervisor what was submitted. He said a child could do that. Mr. Boyce came up with a plan with safety issues and much more detail. Supervisor LaGrange thanked them for their comments. Councilperson Snyder wanted to add one thing. She suggested that they address their concerns and recommendations to the Planning Board, as well. They should also be a recipient of their recommendations and concerns. As a sitting Town Board member, she would have the expectation from Planning Board members that if there are definitional concerns they would give us a written recommendation or suggestion to do something. Maybe this will prompt them to do that.

Mary Boyce said that she agreed, but they did address them regarding the food truck. The example she used was that she could not take their camper and put it on a piece of land and say it was their house. Councilperson Snyder said she knew because she was at the meeting. Mrs. Boyce said that the Planning Board said that it was an ongoing issue for 5-7 years and they had submitted their concerns, but it was basically not addressed. That's what was said at the meeting. Councilperson Snyder said that she knew; she heard that. Mrs. Boyce agreed to address them too.

**5. Resolution adopting the Emergency Management & Business Continuity Plan for Records Management**

Town Clerk Deschenes said that this plan was originally adopted in 2004 when we were working on records grants. At the time, it was recommended that we update the document occasionally. Town Clerk Deschenes said that she looked at it, and a lot of changes needed to be made. We have new tax, water, and building programs. We also have a new computer vendor and a new Supervisor. Town Clerk Deschenes said that she updated all the information, and she's looking for the Board to approve the updated version. Supervisor LaGrange noted that pages 6-22 of this document have a lot of confidential information that we couldn't share with the public, but the Board has the full document. Town Clerk Deschenes added that she did pass this around to the various departments for their input.

**RESOLUTION 2016-184**

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Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt the Emergency Management & Business Continuity Plan for Records Management as it has been updated for July 2016.

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

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

**~~SEAF and SEQR Resolution –TABLED–~~**

Supervisor LaGrange said that, at Councilperson Ten Eyck's request, he contacted Robert Sommers from Ag & Markets. If you look at page 4, we changed the definition in farming activity personal to include "the provisions of this definition shall not apply to family garden produce grown on site for personal consumption with the addition or be farm operations located in the county adopted and state certified ag district. In such case the farm operation must only comply with site plan approval." Supervisor LaGrange said that this was more than satisfactory according to him. Councilperson Snyder asked for clarification. Supervisor LaGrange said that on page 4 we added "b." The whole area was tweaked a little bit but only to add the "a" on the first part, and then "b" was a whole new sentence. Supervisor LaGrange wanted to give it to the Board tonight so they knew what was going on. Councilperson Greenberg asked what areas of the town are county and state certified ag districts. Supervisor LaGrange said that he'd have to show him on the map. Generally speaking, most places would be over 10 acres. Councilperson Greenberg wondered if it already includes farms over 7 acres and if so does it make a difference. Supervisor LaGrange said it did not matter if it does. Mr. Sommers wanted to make sure it was in there in case there were smaller subdivided properties and things like that. Supervisor LaGrange said that it will be on the agenda for next month.

Councilperson Ten Eyck said that she had concerns. She understands why Mr. Sommers wanted to reference the Ag districts because we really can't restrict acreage in an ag district necessarily according to the state's Right-to-Farm Law. Section 1 is misleading with the continued reference to the 7 acres as being criteria for an agricultural operation in State Ag & Markets law. That's simply not true. It's criteria for ag assessment. Councilperson Ten Eyck thought that a lot of the other language in this isn't really reflecting the amended language necessarily. Supervisor LaGrange said that if she had specifics to get them to him and we would discuss it.

**7. ~~Discussion/action re: Acceptance of Roadway & Utility Infrastructure at Phase 2 of Colonial Country Club Estates –TABLED–~~**

Supervisor LaGrange said that there were too many loose ends on this through engineering and legal, so we're tabling this until next time.

**8. Standard Work Day & Reporting Resolution – Town Board Member William Hennessey, Jr.**

**RESOLUTION 2016-185**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town of New Scotland, location code 30376, hereby establishes the following as standard work days for these titles and will report officials to the New York State and Local Retirement System based on the time-keeping system records or their record of activities:

Elected Officials Title: Town Board Member  
Standard Work Day: 7 hours  
Name: William Hennessey, Jr.  
Registration Number: ---3431  
Current Term: 1/1/2016 -12/31/2019  
Participates in Employer's Time Keeping System: N  
Record of Activities: 5.91

Seconded by Councilperson Snyder. Councilperson Hennessey abstained since the resolution related to him. All present and voting, the motion carried (4 Ayes, 1 abstention).

**9. Discussion/Action re: grant applications under the 2015 NYS Community Development Block Grant program for the following proposed projects:**

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Councilperson Hennessy said that these are standard resolutions for communities applying for grant applications for the CFA funding which will go in July 31. The three applications that we are putting forth are for Hilton Barn planning and implementation of some site and building measures and Swift Road and Feura Bush park improvements. We have three separate resolutions to include with the applications. It's not vital to the applications, but it helps the application.

- **Hilton Barn planning and design:**

**RESOLUTION 2016-186**

RESOLUTION APPROVING APPLICATION FOR GRANT AND AUTHORIZING ACCEPTANCE OF FUNDS

**[HILTON BARN STABILIZATION AND REUSE PROJECT]**

**WHEREAS**, the Town wishes to apply to the New York State Office of Parks, Recreation, and Historic Preservation for certain projects and improvements, and intends to accept the funds if the grant is awarded; and

**NOW, THEREFORE, BE IT RESOLVED**, that Douglas LaGrange, as Supervisor of the Town of New Scotland, is hereby authorized and directed to submit an application and directed to accept funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and enter into and execute a project agreement with the State for such financial assistance to the Town of New Scotland for the Hilton Barn Stabilization and Reuse Project and, if appropriate, a conservation easement or preservation covenant or public access covenant to the deed of the assisted property.

A motion by Member Hennessy, seconded by Member Greenberg, to adopt Resolution No. 186 of 2016.

Councilperson Snyder asked if Barton and Loguidice is preparing the application. Councilperson Hennessy said that they are. They are drafting the budget and going through the questionnaire right now. It's due July 31. Councilperson Snyder asked if we had already set aside funding. Councilperson Hennessy said that we did.

In favor:	<u>5 Ayes</u>
Opposed:	<u>0 Nays</u>
Motion Approved:	<u>5 Ayes</u>

- **Swift Road Park improvements**

**RESOLUTION 2016-187**

RESOLUTION APPROVING APPLICATION FOR GRANT AND AUTHORIZING ACCEPTANCE OF FUNDS

**[SWIFT ROAD PARK REHABILITATION AND SAFETY IMPROVEMENTS]**

**WHEREAS**, the Town wishes to apply to the New York State Office of Parks, Recreation, and Historic Preservation for certain projects and improvements, and intends to accept the funds if the grant is awarded; and

**NOW, THEREFORE, BE IT RESOLVED**, that Douglas LaGrange, as Supervisor of the Town of New Scotland, is hereby authorized and directed to submit an application and directed to accept funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and enter into and execute a project agreement with the State for such financial assistance to the Town of New Scotland for the Swift Road Park Rehabilitation and Safety Improvements and, if appropriate, a conservation easement or preservation covenant or public access covenant to the deed of the assisted property.

A motion by Member Hennessy.

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Councilperson Hennessy said this application will be close to the application submitted last year, however, in our debriefing with the state on the application last year they suggested we separate the two park applications.

Member Greenberg seconded the motion, to adopt Resolution No. 187 of 2016.

Councilperson Greenberg added that Barton and Loguidice also recommended separating the applications.

In favor: 5 Ayes  
Opposed: 0 Nays  
Motion Approved: 5 Ayes

- **Feura Bush Park improvements**

**RESOLUTION 2016-188**

RESOLUTION APPROVING APPLICATION FOR GRANT AND AUTHORIZING ACCEPTANCE OF FUNDS

**[FEURA BUSH PARK REHABILITATION AND SAFETY IMPROVEMENTS]**

**WHEREAS**, the Town wishes to apply to the New York State Office of Parks, Recreation, and Historic Preservation for certain projects and improvements, and intends to accept the funds if the grant is awarded; and

**NOW, THEREFORE, BE IT RESOLVED**, that Douglas LaGrange, as Supervisor of the Town of New Scotland, is hereby authorized and directed to submit an application and directed to accept funds from the New York State Office of Parks, Recreation, and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, and enter into and execute a project agreement with the State for such financial assistance to the Town of New Scotland for the Feura Bush Park Rehabilitation and Safety Improvements and, if appropriate, a conservation easement or preservation covenant or public access covenant to the deed of the assisted property.

A motion by Member Hennessy, seconded by Member Greenberg, to adopt Resolution No. 188 of 2016.

In favor: 5 Ayes  
Opposed: 0 Nays  
Motion Approved: 5 Ayes

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

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

Supervisor LaGrange said that this went up from last year, but it is in the budget. We just approved the 2015 contract a couple of months ago. Supervisor LaGrange asked them to get us the 2016 contract a little quicker and they did. They changed it a little bit. Attorney Naughton reviewed it, and he's good with everything. The major changes were some requirements. They are looking for physical requirements. When one of our volunteer organizations assists them in a call they expect them to be able to lift and do the things they require of themselves. Supervisor LaGrange gave this to both ambulance services. Voorheesville Ambulance was fine with it. Onesquethaw took it to the membership, and they understand the necessity.

**RESOLUTION 2016-189**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to sign the 2016 EMT/D Service contract with Albany County, not to exceed \$70,002.82.

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

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**12. Liaison Reports**

Hilton Barn

Councilperson Hennessy said that the barn project is moving forward. We made some decisions this morning regarding some of the brackets and fasteners to allow for quicker and more efficient installation of brackets and sill plates. Councilperson Hennessy is working with the contractor and the supplier to make that work. Supervisor LaGrange said that these were recommendations from the contractor. Councilperson Hennessy said that the structural engineer approved it this morning. We made some accommodations. We are actually adding more fasteners, but they are a different type which will be quicker to install.

Councilperson Snyder asked if the change is within the budget and the contract. Councilperson Hennessy said it's more of a material change. He didn't know what the monetary change is yet. It won't be more; it's likely to be less. The lag bolts were around \$700 and maybe these will be \$500.

Chester Boehlke asked how soon the brackets will be here.

Councilperson Hennessy said the supplier didn't finish their shop drawing detail on the bracket. He is supposed to have it possibly tomorrow. Hopefully the brackets will be here next week.

Chester Boehlke said that we will probably be getting a delivery Friday afternoon with some of the 10 x 10 timbers.

Councilperson Hennessy said that the second item has to do with the brackets. Part of the specification was for galvanizing of the brackets. We talked about utilizing a different type of process. This was in discussion prior to going out to bid. Councilperson Hennessy had these discussions with Architect Reilly. We will hopefully save \$1,000 on galvanizing. We're going to use a different product which is more of a zinc-coating painted product. This just happened this morning.

Appeal to a Decision

Councilperson Greenberg said that he took a moment to look up the Zoning Code. An appeal to a decision can come from anyone. You would have to know about it and do it within the 60 days.

Sandy Boyce said that there should be a way to let the public know. Councilperson Greenberg said that he understood her other complaints; he was just trying to let them know the process. Mrs. Boyce said that that is good to know. When they got their letter to come to the meeting maybe it should have included what to do if you wanted to question this classification. Councilperson Greenberg said that it's a good idea to include that in the notification letter. Supervisor LaGrange made a note of that.

Hamlet Study

Supervisor LaGrange mentioned that this Board has requested that two members of the ZBA and the Planning Board be selected to take part in the review of the hamlet study draft. Each member of those boards should have gotten a copy. We would like to get moving on that as soon as possible. Supervisor LaGrange said that he would send out a reminder to both Chairs tomorrow.

Vacancy

Supervisor LaGrange said that we have an opening on the Planning Board. We had three applications that came in, and Councilperson Greenberg and Councilperson Snyder were going to do the interviews. If we can start to do that, he will mention it to Mrs. Kavanaugh.

Comprehensive Plan

Supervisor LaGrange said that we started a review of the comprehensive plan a few years ago. Now we've gotten the initial draft from the hamlet study, so we should dig that back up and start working on completing that update.

Sandy Boyce said that she looked on the website because she was curious how one would get to be on a Board, but she couldn't find any information. Supervisor LaGrange said that when we have an opening we advertise in both local papers. Town Clerk Deschenes added that there is a spot on the website too. You can sign up to receive notices if there is a position open. Mrs. Boyce said that she's also interested in knowing what's required to be on a specific Board. Town Clerk Deschenes said that usually when we put the job notice up we give that information. Supervisor LaGrange said that he hoped people weren't hesitant to apply for those Boards. Everyone brings some level of expertise. It doesn't take a certain type

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of education. We look to have the agricultural community represented. Mr. Hennessy and Mr. Greenberg were both on the ZBA. They both brought different talents. This town has voiced through the last few elections the path we want to pursue in how we develop. This Board, being elected primarily because of those issues, has what we look for in candidates too. Again, it doesn't have to pertain to education or any of those other factors. We encourage anyone to put in an application and interview.

Job Opening

Supervisor LaGrange said that if this Board hasn't already heard, ZBA member Heather Dolin is moving. She'll be stepping down from the ZBA August 1<sup>st</sup>. We should advertise for that now. Councilperson Greenberg said that we should get that out so we can just hold one interview session.

Town Clerk Deschenes advised Mrs. Boyce that terms of office are always noted on the website too. Each Board normally has a position coming up every year, and we look to fill the spot at the organizational meeting. There are also term limits. Councilperson Greenberg clarified that the organizational meeting is held at the beginning of each year. Supervisor LaGrange went into more detail about the terms, adding that there is always a potential for an opening. With the new notification system on the website, it's a good way to keep abreast of those things.

**13. Departmental Monthly Reports:**

- **Town Clerk, June 2016**
- **Registrar, June 2016**
- **Justice Wukitsch, April & May 2016**
- **Justice Adkins, 2015 Annual Report**
- **Justice Adkins, April & May 2016**

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

Edith Abrams said signage for the Rail Trail on Hilton Road is inadequate. Supervisor LaGrange said that we've been working on that. He has a meeting set up with the County Executive on Wednesday of next week.

Mrs. Abrams said that the last time she attended a Town Board meeting she mentioned signage of a property that's going to be under consideration by the ZBA or Planning Board. She wondered if Counsel is developing legislation to that affect. Supervisor LaGrange said that he would ask him. He's aware of it and was going to look into it. Mrs. Abrams said that she had a question about that. If there is an existing property and an issue comes up, she understands that we might be able to put a sign notifying the public. If there is a proposed development, like what's being proposed on Route 85, will that come within the purview of that new law, as well? Supervisor LaGrange thought that it should. Councilperson Greenberg said that he was hoping that this included anything that goes in front of Planning or Zoning. Mrs. Abrams said that as she mentioned before, that was a recommendation in the RPAC report. Another recommendation was that we extend the notification distance. Mrs. Abrams said that, for example, none of her neighbors nor she were notified about the proposed developments on Route 85A. Supervisor LaGrange said that they haven't put in an application yet; that was a preliminary discussion. Mrs. Abrams said that it was before the Planning Board. Supervisor LaGrange said that it was just as a general introduction. There is no application in yet.

Chester Boehlke said that right now she doesn't fall in the 500 feet.

Supervisor LaGrange said whatever number we put on it, and he believes it should be more than 500 feet, if it's at 1001 feet she won't get it. It is a radius. At least we got that done.

Edith Abrams said that if you were in the Village of Voorheesville you'd have one neighbor next to another but in a rural area it's different.

Councilperson Greenberg said that he thought that that's what the signs were for. They are going to be more effective than extending to 1000 feet. Where he is, 1000 feet won't help. It's really the signage that's the most important thing. Councilperson Greenberg said that both would be good, but one is going to cost a significant amount of money and one isn't. If you do 1000 feet in a hamlet zone, you're sending an awful lot of letters.

Edith Abrams said that she had a general question. One of the things that Mrs. Kormos did during the big box is that she figured out the potential customer base of whatever a big box would have. She also

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looked at potential commerce. Are those appropriate questions for someone to figure out? The reason she asked is because in the senior housing next to the doctor's office the developer said he had a waiting list. The market went down, but we've rebounded and we have homes that are being built that are \$500,000 and up. It's not like we don't have people with money who can't afford them if they wanted to. It used to be that those houses were too expensive for the seniors in our community, but she thinks that there are seniors in our community to whom money would not be an object if they wanted to move in, but they are empty. The commercial space by the doctors is also empty. She spoke to some of the storekeepers at Stonewell to see if they'd be interested in going into this commercial space. Some of them were not. Some of them want to expand regardless, but they haven't been approached. Mrs. Abrams said that she was just wondering who asks those types of questions and are those valid questions for us to ask, or is that the responsibility of the land owner, the landlord, or the land developer? How does that work?

Supervisor LaGrange said that our responsibility is to have them do a traffic study as far as the impact. Mrs. Abrams said that she was talking about empty commercial space. Does the Planning Board ask those questions or the Town Board? Are those valid questions for us to even ask? Supervisor LaGrange said that it was. Councilperson Snyder said that her expectation of the developer proposing a project is that he's done his due diligence to make an economic profit. She would think that they would want to see those properties sold. Mrs. Abrams said that the example is right on Route 85 where we have empty buildings. Councilperson Snyder said that hindsight is 20/20 when you go into a venture like that. Your expectations are X, Y, and Z. She thinks it is incumbent on the Planning Board to see what kind of studies they've done and to see what's going to support this. In her opinion, those are appropriate questions. Supervisor LaGrange said that he thought that with the particular situation she brought up, the senior housing, he has heard that there has been some hesitation by people because it seems to be taking a long time to finish the project. There have been some things that need to be fixed. One of the biggest problems they've had is that we don't want them to top coat the road yet because they have all these construction vehicles going in. So, that detracts from the project. He has heard that said. Supervisor LaGrange said that they have to know what they are investing in, and if they make a poor investment it leaves us with empty space, but there is not a lot we can do. Councilperson Greenberg said that he thought the problem more comes when it's sold to the public as senior housing, and somebody comes back later and says we can't sell it as senior housing now so we want you to let us sell to people over 55 rather than 65. Suddenly how they sold it initially becomes different. To him, that's the problem, not so much the risk. The risk is on them. Councilperson Greenberg added that he doesn't like to see the public manipulated or it being switched. He thinks that's what the Boards to a degree have to protect us through the conditions they place on things and doing their due diligence on what the applicant is really saying.

Edith Abrams thanked the Board, adding that she's very happy to hear that we are moving forward on the Comprehensive Plan. Whatever is developed, if that development goes through it is going to set a standard. She didn't think that there was anything in the zoning code or the comprehensive plan to change to reflect that. Supervisor LaGrange said that nothing in the zoning code has changed yet, but he did say that he has been monitoring their proposal. The first couple of times they came in, he sat with them to tell them what to expect and what the public has voiced as far as concerns goes, parking in the back, and walkability. Mrs. Abrams said that she would make an appointment with the Supervisor so that we don't take up time here.

Sharon Boehlke said just as an FYI that there is one in Malta now, but it's vacant. There might be 2-3 ghost tenants that live in the apartments, but the retail space is empty. The waitress at the Window Box has a daughter that lives there and she's says it's like a ghost shop. Mrs. Boehlke added that on Tuesday when the project was presented, a couple of the Planning Board members were making comments to the developers as well as themselves about another project. Mrs. Boehlke read into it that they hope it doesn't end up like that. Mrs. Boehlke added that she doesn't think we should go into a project like that, hoping that it's not going to end up like the one in Malta. Mrs. Boehlke said that when she asked the people what kind of business they are going after it was identical to what's already in Stonewell. Her comment was that if you're not going to buy Stonewell or rehab it, you're going to take growing business that people in town already go to and support. Everyone is fighting for the same dollar.

Supervisor LaGrange said that he asked the developer to approach the owners of Stonewell because they had it up for sale in the past, but he hasn't heard anything. He also asked them if they would approach Falvo's Market because that's for sale, but the price was prohibitive. Mrs. Boehlke thought Stonewell would hold out as well.

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Chester Boehlke said that right now they are putting in the same type of project by the Slingerlands Price Chopper.

**15. Pay the Bills**

**RESOLUTION 2016-190**

Supervisor LaGrange offered the following motion and moved its adoption:

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

<b>Pay the Bills</b>		
<b>Abstract #</b>	<b>Vouchers</b>	<b>Amount</b>
	20160756-20160857	\$259,321.35
<b>Prepays or three signatures</b>		
	<b>Vouchers</b>	<b>Amount</b>
1271	20160742-20160746	\$2,466.17
1272	20160747-20160749	\$2,609.80
1273	20160750-20160751	\$683.29
1274	20160752-20160753	\$33,899.69
1275	20160754	\$1,200.00
1276	20160755	\$948.44
See attached abstracts for additional details.		

Councilperson seconded the present and motion Ayes).

Snyder motion. All voting, the carried (5

**16. Approve any Budget Modifications**

**RESOLUTION 2016-191**

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	A0909	Buildings/Equip.	A1620.2	\$6,200.00
To appropriate money from fund balance to Building/equipment for condenser and air handler at Town Hall.				
Fund Balance	DB0909	Attorney fees/contr.	DB1420.4	\$1,253.51
To appropriate money from Fund Balance to Attorney fees/contractual for amount over budget for BAN renewals.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

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

**11. Possible motion for Executive Session to discuss requested change in status by Town employee**

**RESOLUTION 2016-192**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve an Executive Session to discuss two contractual items along with a requested to change to the status of a Town employee.

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

Executive Session began at 8:15 PM.

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

Executive Session adjourned at 9:28 PM.

**RESOLUTION 2016-193**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Amanda Rosa's status from a full-time employee to a part-time employee beginning July 21, 2016, through December 31, 2016; and

It is further resolved that she will work three full days (Monday, Tuesday, and Friday) from 8 AM-4 PM at the same rate of pay.

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

**17. Adjourn**

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:35 PM.

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Diane R. Deschenes, Town Clerk