

**Town of New Scotland**  
**Regular Town Board Meeting**

**August 10, 2016**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Patricia Snyder
	William Hennessy
	Adam Greenberg
	Laura Ten Eyck
Engineer:	Bruce Secor
Highway Superintendent:	Kenneth Guyer
Town Attorney:	Michael Naughton
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:**

- **July 13, 2016 Regular Town Board Meeting**

**RESOLUTION 2016-194**

Councilperson Greenberg 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:**

- **American Red Cross Babysitting Class, Aug 12<sup>th</sup>, Town Hall, 8:30 am–3:30 pm. Cost \$55 for residents, \$85 for non-residents**
- **AARP Defensive Driving, Oct 7<sup>th</sup>, 9AM-3:30PM at Community Center. Sign up in the Clerk's office. Cost \$20 for AARP members and \$25 not a member.**

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

• **SEAF and SEQR Resolution**

This has been on the table for a number of months. Supervisor LaGrange added at the last meeting that we made a change and postponed action until this month. A SEQRA form needs to be done along with a resolution. Supervisor LaGrange reviewed the Short Environmental Assessment form with the Board.

**RESOLUTION 2016-195**

RESOLUTION ADOPTING NEGATIVE DECLARATION PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (6 NYCRR § 617.7)

**Proposed Action:** Adoption of proposed Local Law C of 2016 to amend various provisions of Chapter 190 of the Town of New Scotland Zoning Law: (1) to make the Zoning Law consistent with the seven (7) acre threshold in Articles 25AA and 25AAA of the New York State Agriculture and Markets Law; and (2) to change the threshold for regulation (pursuant to a special use permit) of farming activities in certain districts from five (5) acres to seven (7) acres.

**SEQRA Classification:** Type I

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**Lead Agency:** Town Board of the Town of New Scotland, New York.

**WHEREAS**, a public hearing was held at the Town Hall regarding the proposed law;

**WHEREAS**, consistent with 6 NYCRR § 617.7, the Town Board thoroughly considered the reasonably foreseeable potential environmental effects resulting from the proposed law; and

**WHEREAS**, the Town Board considered a full environmental assessment form (“EAF”), carefully considered the criteria set forth in 6 NYCRR 617.7, and identified the relevant areas of environmental concern; and

**WHEREAS**, the Town Board has considered all the questions in the environmental assessment form, and has determined that the EAF identified and addressed all areas of concern, and none of the potential environmental impacts associated with the law are significant.

**NOW, THEREFORE, BE IT RESOLVED**, that based upon its review of the EAF and comments received during public meetings and hearings; the comments of the Town Planning Board and the County of Albany Planning Board; the Town Board’s independent analysis of the proposed law; and evaluation of the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the law will not have a significant impact on the environment; and,

**BE IT FURTHER RESOLVED**, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Laws and the Town hereby determines that the requirements of the regulations promulgated under SEQRA at 6 NYCRR § 617.7 have been met; and it is

**FURTHER RESOLVED**, that the Town Board hereby determines that the law will not result in significant adverse environmental effects, and that no environmental impact statement or further SEQRA consideration is required; and it is

**FURTHER RESOLVED**, that the facts and reasons supporting this determination are as follows:

- A. **Community Character.** The Town is a “right to farm” community. The law continues to allow farming but changes the threshold for small farms from 5 acres to 7 acres.
- B. **Visual Impacts.** There will be no significant visual impacts from the law. Instead, the law allows farming to occur.
- C. **Cultural Resources.** The law is consistent with the Zoning Law and the Comprehensive Plan and will not adversely impact cultural resources.
- D. **Land Use.** The law permits small farms subject to certain regulations and restrictions.
- E. **Geology, Soil, and Topography.** The law allows farming to occur subject to all other land use restrictions and regulations. Accordingly, there is no adverse impact on soils, topography, or geology.
- F. **Water Resources.** The law will not affect the water supply capacity of the Town.
- G. **Air Resources.** The law will have no adverse impact on air quality.
- H. **Ecology.** The law will have no adverse impact on endangered, threatened, or species of special concern or wildlife, endangered or rare plants, significant wildlife habitats, or unique natural communities. No impacts to such species, habitats, or communities are anticipated. No significant impacts to wildlife, vegetation, or wetlands are anticipated.
- I. **Transportation.** The law will not have an adverse impact on transportation.
- J. **Other Potential Impacts.**

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1. Agricultural Land Resources. The law will have no significant impact on such resources.
2. Historical and Archaeological Resources. The law will have no adverse impacts on these resources and may help preserve the rural character of the community.
3. Open Space and Recreation. The law will not affect the quality or quantity of existing or future open spaces or recreational opportunities.
4. Critical Environmental Areas. There will be no impact on such resources.
5. Energy. The law will not result in any significant increase on energy demand.
6. Public Health. The law will have no adverse impact on public health or safety.
7. Growth. It is not anticipated that the law will create a demand for additional growth in the community.
8. Economic. The law will not impact short term construction jobs or permanent jobs.
9. Solid Waste. The law will not result in solid waste production.
10. Other. Available environmental data did not reveal any other environmentally sensitive matters or issues that have not been addressed or areas requiring further study.

A motion by Supervisor LaGrange, seconded by Member Snyder to adopt **Resolution No. 195 of 2016**.

Councilperson Ten Eyck said that the second sentence in Section 1, “The protections under Section 301 of Agricultural & Markets Law apply to farmland of not less than seven (7) acres used as a single operation,” is not an accurate statement. That’s what’s required for agricultural assessment. Supervisor LaGrange said that we will look into that, but the SEQRA part of it is first.

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

**RESOLUTION 2016-196**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt a law amending the Town of New Scotland Zoning Law, Local Law C of the year 2016, changing the personal farming activity from 5 acres to 7 acres.

Supervisor LaGrange said that this would have subsequent changes throughout the zoning codes. It also addressed one part of the code, and in one of the zones they called it something different, that we don’t even have defined in the law. This would clean that up to.

Councilperson Snyder seconded the motion.

Councilperson Ten Eyck said that she believed that the essential premise of this was based somewhat on an inaccuracy: the belief that State Ag & Markets law defines agriculture as being 7 acres and up. Really that’s what the definition is of agriculture assessment; that 7 acres and up has to have \$10,000 in gross revenue. If it’s under 7 acres, it has to have \$50,000 in gross revenue. Our attempt to become in line with State Law doesn’t make sense. That is her impression. Not only does it not really make sense because it’s not the law, but it’s not allowed for us to put this acreage requirement under agricultural district law. That’s why when we went to Robert Sommers he asked that the law exempt all land in agricultural districts, which we did. That’s just leading her to question it even more. She believes that approximately half the town is in an agricultural district according to the agricultural district map, so the law now applies only to farms that are under 7 acres that are not in an agricultural district. This is now talking about a small number of people who will probably come up against this. Supervisor LaGrange agreed. Councilperson Ten Eyck guessed that it’s true that it probably won’t negatively impact a lot of people but her question is: What’s the point? Why are we doing it? Especially if it’s exempting

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everyone that's in an agricultural district. She doesn't see that it's an issue. We already have a 5 acre requirement which she thinks is really quite large. She thinks that this unnecessarily adds extra burden to people who are trying to do agricultural activities on a piece of property that's under 7 acres in size. I believe the enforcement of this law is going to cause a lot of administrative work that's really not necessary. Someone with less than 5 acres has to come in and apply for a special use permit for under 10 chickens. During the year when she was on the Planning Board, they spent umpteen hours discussing this, and they granted permits in both cases. She thought it was undue burdens on the property owners, so she wouldn't want to extend that to people who now have less than 7 acres. She just doesn't see the point of it.

Supervisor LaGrange said that he understood her point. When it comes to Section I, Background, Purpose and Findings, there is some relevance to it. We're saying why we came up with it, and it does address his thoughts originally. He wasn't using it as a definitive point to the whole thing. His problem was that we've had places where, outside of agricultural districts, there have been issues. Usually it's on the smaller areas. He thought it would be good to bring it to 7 acres to have a little broader overview. After talking with Cooperative Extension and Bob Sommers, he still feels strongly about this. He doesn't know that there is any reason to continue to discuss it; we should just vote.

Chester Boehlke said that the farm tax law was mentioned in there. Where do you find out if you qualify? Supervisor LaGrange said that you should ask the assessor. There is a certain level of income and, that's where the five and 7 acres come in.

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

**6. ~~Discussion/action-- re: Acceptance of Roadway & Utility Infrastructure at Phase 2 of Colonic Country Club Estates -- TABLED--~~**

**7. Engineering: Hilton Rd. Vertical Realignment Project**

**• Stantec Proposal for design services for Hilton Rd Vertical Realignment Project**

Engineer Secor said that the Board has already approved a portion of the work on Hilton Road. Supervisor LaGrange said that, as the Board might recall, we had a task order broken down for a total of \$25,000 a month or two ago. The Board chose to approve part of that. Those portions have been completed. Supervisor LaGrange felt it was time for us to move on to get this part of remediation of the Hilton Road Rail Trail hump issue moving along so that we have parameters we can go by to get cost estimates.

**RESOLUTION 2016-197**

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 task order request for design phase services for the Hilton Road Realignment at Albany County Rail Trail as outlined by Stantec Consulting Services, Inc.

Councilperson Snyder seconded the motion.

Councilperson Greenberg said that we talked about this a couple of months ago. We only passed partial payment to get Stantec started, and we wanted to hear from the County to see what their interest was before we moved ahead. Supervisor LaGrange was having a meeting with them. Councilperson Greenberg asked what happened. Supervisor LaGrange said that he met with the County Executive and his Policy Analyst, and they weren't aware of the situation. They're more than happy to take part, but just like another entity that he has had discussions with to help with this they need prices. They need to know what the finished project is expected to be so they know what they can do to help. Right now we're saying it may be this amount of money, but we don't have the finished product to give them. Engineer Secor said that they are looking for the final design, whether the path is paved or not paved, for handicapped accessibility. That drives the project in terms of excavating. We really need to set a final plan so everyone knows what they're agreeing too. Supervisor LaGrange said that he attended four meetings. Everyone has an interest in helping, but they want to know at what level. Superintendent Guyer said that we are waiting on a survey. Once that's done, then Stantec can give us a preliminary plan. All these players need a plan. Engineer Secor said that this involves utility companies because of power line relocations and gas line relocations. There is a coaxial cable that runs through that needs to be lowered. It's more than just the Town and County. It involves US Sprint and Verizon along with

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National Grid gas and electric.

Councilperson Snyder said that she saw some spray paint markings. Highway Superintendent Guyer said that that is US Sprint. Engineer Secor added that we are required by law to have utilities marked out. Councilperson Snyder asked if there is any reason why the Town did it. Engineer Secor said that it is so we can locate it on the drawing and then deal with them. Councilperson Snyder asked if it was at our request so that we can continue the drawing. Engineer Secor agreed. Councilperson Snyder then asked if the County is still committed to paving the unpaved portion of the trail done in 2017. Councilperson Greenberg said it is not. Highway Superintendent Guyer said that he believed in 2017, where the paving ends in Bethlehem behind the Slingerlands Fire Department, from there down to Upper Font Grove Road, it will be done. Supervisor LaGrange said that just the other day he was told that they would complete the Rail Trail next year. Highway Superintendent Guyer said that he believes they are completing our portion the following year. Councilperson Greenberg heard the same thing. Supervisor LaGrange said that there is an opportunity to have this addressed sooner even if the County doesn't do it. Councilperson Greenberg said that, as of now, it's not a definite for 2017. Councilperson Snyder said that that is unfortunate because they had committed to completing the paving in 2017. Councilperson Snyder asked what would prevent them from finishing next year? Supervisor LaGrange speculated that they've run into a lot of obstacles with the bridge at Toll Gate, and they are finding that it's going to cost them a lot more than their budget allowed. Supervisor LaGrange said that he would confirm all of that tomorrow. Councilperson Snyder said that it would be her desire to communicate to them that the rest of the trail be paved and to deal with the bridge with whatever they have. Supervisor LaGrange added again that he was just speculating on the bridge. There was a lot of discussion on what they have to deal with there with the bridge. Supervisor LaGrange said that he would talk to them. Councilperson Snyder said that she is on the trail almost every day, and that is the concern of almost everyone on the trail. Supervisor LaGrange said that the other day someone mention someone walking right out into the roadway without even looking. There has to be signage. The County has told him that they were going to get Stop signs put up for the Rail Trail. He was out there one day, and a bicyclist came flying through, more concerned with them getting out of his way then watching for traffic. Councilperson Greenberg said that this is why we need a significant amount of coordination from the County, and we don't seem to have it right now. Supervisor LaGrange feels that once we have a plan he can go back to the County Executive and talk it through. He believed him when he said he hasn't been made aware of some of these things. Councilperson Greenberg thought that that was what was discussed in June, and that's what we were trying to do over the last month or two. There was talk back in June that we might want this done during this construction season, and now we're into our August meeting and nothing will really happen until September. The construction season is over, and we're done. It feels like three months has gone by with no action. Supervisor LaGrange respectfully disagreed that there was no action, but unfortunately his meeting with the County Executive was cancelled. Supervisor LaGrange said that this is something we can talk about again in Executive Session because it's contractual if necessary. Councilperson Ten Eyck said that in the interim we need to place a priority on improving the safety of the crossing until this is accomplished. Some kind of stopgap measures should be done before there is an accident. It's on us to do something immediately. We should do something similar to the pedestrian crossway in the Village by the Church. There is an actual marker in the road. Councilperson Greenberg said that that would be tough to see on Hilton Road. Councilperson Ten Eyck agreed adding that we have to use all the available tools in the interim. Public Commissioner Miller said that they are looking for people on the Rail Trail to stop. Supervisor LaGrange thought it had to be addressed both ways. Commissioner Miller didn't think there was enough room for a marker in the road. Councilperson Greenberg didn't think it would work because of the hump; you won't see it until you're on top of it. Supervisor LaGrange added that we could put up signage. Councilperson Ten Eyck said that we could have signage before the hump. Supervisor LaGrange said that there is a sign before the hump. Highway Superintendent Guyer said that he didn't place any signs on the County's property because he did not want to be liable for doing so. He spoke with Dave Hansen at Stantec last week about a crosswalk. Highway Superintendent Guyer didn't know if he could do that. We only have one crosswalk in town at Five Rivers on Game Farm Road. Supervisor LaGrange asked if that has the similar signage that's in Bethlehem where they have a marker in the middle of the road. Highway Superintendent Guyer said that it's just a painted crosswalk. Supervisor LaGrange said that that's the only thing that would help on that hump. We can research that. We can start getting into what we can do on Hilton itself, and he will get back to the County because they told him that they would put up Stop signs for the Rail Trail users. Highway Superintendent Guyer said that as the trail is improved, they are improving all of the intersections. Supervisor LaGrange said that they told him a couple of weeks ago that they would get Stop signs up even before they improve it. Originally they didn't want to put up any signage until it was all done. Councilperson Ten Eyck said that she didn't think we could wait. Councilperson Snyder said

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that there are Stop signs in Bethlehem, and there are Stop signs in Voorheesville by the storage area and on the other side of the street where it's not paved. Somebody put up Stop signs. Highway Superintendent Guyer thought that the County put them up when they made that parking lot. Supervisor LaGrange suggested checking on that tomorrow to see if we can speed that up for Hilton, and then we will investigate what we can do ourselves. Councilperson Hennessy said that he saw something that came through this morning from Building Inspector Cramer regarding the Planning Board decision for Kensington which listed many different requirements of the developer. One of the requirements was for him to put signage up not just for construction purposes but actually roadway signage. It implied that such signs were supposed to be associated with the hump at Hilton. It didn't appear to be instead of removal of the hump; it appeared to be in concert with any work going on. They may be responsible for some signs also, so we might want to talk with Building Inspector Cramer. Supervisor LaGrange noted that it's not just a bunch of Rail Trail users that fly through, it's cars flying through too. Highway Superintendent Guyer said that he thinks we are all in agreement that it's not a good intersection, and it needs to be corrected.

Ed Peason said that speed bumps or a rumble strip will slow people down too.

**RESOLUTION 2016-197 Vote**

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

• **Discussion/Action re: Phase 1 Archaeological Services**

Engineer Secor said that Dave Hansen is still trying to forgive this requirement. Supervisor LaGrange said that there were emails flying around; that's why he's asking for an update. Councilperson Hennessy said that it's almost a formality that State Parks and Recreation along with the SHIPO filing for this that a Phase I archaeological study might be required. We have information that such studies are already done on either side of the Trail. We're not really excavating anything there. It's just removal of fill that was essentially brought in years ago. Engineer Secor said that we're trying to get exempted as a previously disturbed area. Supervisor LaGrange said that we already addressed it before the barn was moved, and Kensington Woods addressed it with their project. Councilperson Greenberg added that they did it across the street, as well. There is quite a large area where the development is going in that's been done.

**8. Discussion/Action: SEQR findings regarding grant applications under the 2015 NYS Community Development Block Grant program for the following proposed projects:**

• **Swift Road Park improvements**

We submitted three grant applications to the NYS Consolidated Funding Application Grant process and the Regional Economic Development Counsel. One grant application was for improvements and planning for the barn and site. It was done by Barton & Loguidice. They handled SEQR elements of this. Councilperson Hennessy put together the Swift Road and Feura Bush applications basically utilizing the application we did last year; we just separated them. Councilperson Greenberg helped him with the Feura Bush application. Councilperson Hennessy said that a formality in the applications is completion of SEQR Short Environment Assessment Forms. There was a question whether we even needed to do it, but in going through the process it appeared appropriate to complete the forms and bring them to the Board. These are two different applications, one for the Swift Road Park improvement project and one for the Feura Bush Park improvement project. Councilperson Hennessy then reviewed the form for Swift Road. The answer to item #1 was corrected to reflect "no" rather than "yes".

**RESOLUTION 2016-198**

Councilperson Hennessy offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the Short Environmental Assessment form for the Swift Road Park.

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

• **Feura Bush Park improvements**

The Feura Bush application was for a recreation pavilion expansion/improvement; drainage, parking and accessibility improvement, youth play apparatus, and ancillary related work. Councilperson Hennessy reviewed the form with the Board. The answer to item #1 was corrected to reflect "no" rather than "yes".

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**RESOLUTION 2016-199**

Councilperson Hennessy offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the Short Environmental Assessment form for the Feura Bush Park.

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

Attorney Naughton pointed out that by making these findings, the Board is finding in each case that it's a negative declaration of significance with respect to each of these actions. We should say that we are adopting the resolution issuing a negative declaration on the two actions considered under the EAFs.

**RESOLUTION 2016-200**

Councilperson Hennessy offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby determine that both park applications and projects in accordance with the Short Environmental Assessment Form reviewed at the August 10, 2016, Board meeting determine that there is negative declaration on the environmental act in regard to these projects.

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

**9. Discussion/Action re rules and requirements of employee mileage reimbursement**

- **Policy Manual revision of Section 606 Mileage Reimbursement**
- **Adoption of Town of New Scotland Mileage Reimbursement Request Form**

Supervisor LaGrange said that this is a proposal to change the employee manual as far as mileage reimbursement. It cleans up one component, item #5, addressing the Justice Court employees. This is the section that addresses where they originate from. Item #6 is a new sentence that says "all mileage reimbursement requests must be submitted no later than 30 days after the end of the month in which the expense occurred." Item #7 is also new which says, "All mileage reimbursement requests must be on the official 'Town of New Scotland Mileage Reimbursement Request Form' which has been attached to a properly executed voucher." Attachment 5A is an example of that. Supervisor LaGrange said that the reason for this is because we don't have a policy. Everyone turns in their mileage as convenient. Supervisor LaGrange had one turned in that went from January to July. That makes a nightmare for accounting and so forth. When Supervisor LaGrange was at the Cooperative Extension they had a form similar to this in the car. It's cut and dried, and it also gives us a level of proof if the Building Inspector or the Code Enforcement Officer goes to a place and later on are told that they never went. This just gives them or anybody more of a paper trail. It's accountability for where and how you go. Supervisor LaGrange felt that 30 days was generous. There are places that have a 60-day timeframe. The Cooperative Extension went from 30 days to 14 days and now 5 days. Supervisor LaGrange didn't expect to be that tight with it unless the Board felt otherwise. Thirty days allows everyone to gather their stuff and get it in, and it gives us a better chance to account for and be more prompt in our payments.

**RESOLUTION 2016-201**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby pass the amendment to the Town of New Scotland Employee Policy Manual section 606 as far as mileage reimbursement.

Councilperson Greenberg seconded the motion.

Mary Boyce said she printed out the attachments ahead of time, but some were not included on the website agenda.

Supervisor LaGrange said that the attachments don't always get in there in time. Councilperson Hennessy added that we also get some proprietary information sometimes that we can't necessarily make public. Mrs. Boyce said that this is more of an internal employment thing. Attorney Naughton said if there is anything that we are working on and it's not in the packet that was available to the public, you can always make a request for a copy of it and we'll do our best to get it to you. Supervisor LaGrange added that he wished we had everything together the night of the meeting. We try our best.

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

Supervisor LaGrange said that we should have an effective date on this.

**RESOLUTION 2016-202**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby make the effective date for the amendment to the New Scotland Employee Policy manual September 1, 2016.

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

**10. Authorize Supervisor to execute “Addendum to June 25, 2007, Water Purchase Agreement” with the Village of Voorheesville regarding the Colonie Country Club Water District**

Supervisor LaGrange advised that we are not ready to do this, and it’s a discussion item for Executive Session. Attorney Naughton said that he’s had email correspondence with Village Attorney Reilly regarding some additional language suggestions that we had. It’s really just one paragraph at the end to clean it up. He hasn’t had a chance to talk to the Mayor yet.

**11. Highway and Parks:**

- **Request to change job title for highway employee Adam Duncan from EO-1 at pay rate \$17.02 to EO-1 with Class A License at pay rate \$17.34**

Highway Superintendent Guyer had a title change for an employee who obtained his Class A license. These are all on our adopted pay scale. The employee would stay in the same step; he would just move down to Equipment Operator I with a Class A license. Supervisor LaGrange said that this has been our policy. It increases their ability for the town by getting their Class A License. We’ve made provisions for that to increase their salary.

**RESOLUTION 2016-203**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby change the job title for Highway employee Adam Duncan from EO-1 at a pay rate of \$17.02 for 2016 to EO-1 with a Class A License at a pay rate of \$17.34 for the remainder of 2016.

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

**RESOLUTION 2016-204**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby make the effective date for the title and pay rate change for Adam Duncan to start at the beginning of the next pay period.

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

**12. Proposed Local Law revising Zoning Law regarding notification requirements**

Supervisor LaGrange advised that there won’t be an attachment for this item or the next. The Board doesn’t have them either. We should have had these listed as discussion items. Supervisor LaGrange said that he’d rather drop things from the agenda than add them.

Councilperson Greenberg said that he is working with Attorney Naughton on developing a couple of laws. This is a notification law. We discussed some of this with Board members to try and get input. Councilperson Greenberg thought that we mostly agreed on an extension from 500 feet to 1,000 feet for notifications and also to get some signage up in the front yards on any Planning or Zoning issue that’s in front of a Board. We are still trying to figure out the wording of the signs. It will be something like, “Planning Application under review” and maybe direct people to the Town website for more information. Those are the two major things that are still open for discussion, and obviously we will hear public input, but he wants to move this along. It came up numerous times during his time on the Zoning Board, and obviously it came up a few months ago. Councilperson Greenberg agrees that we can do a better job of notifying the public. Councilperson Snyder said that it comes up at the Planning Board meetings too, and she felt that very often the Planning Board goes the extra step and asks the Building Department to

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extend the notification beyond the 500 feet, but there has to be a conscious effort to do that. This is a good change. This way it becomes a matter of process. Councilperson Greenberg said that in his mind the sign is going to be the most important thing because you are still going to have areas where 1,000 feet doesn't mean much. Supervisor LaGrange said that it always comes down to who's at 501 feet, who's at 1001 feet, and why didn't I get notified. The signage is a big component of this. Councilperson Greenberg said that he debated something that might exempt hamlet zones from the 1,000 feet because that may take too many people into account; that is still under discussion. Councilperson Greenberg thought that as a general rule it will be 1,000 feet. Supervisor LaGrange asked if it would be an issue separating it. Attorney Naughton said that if it's just a minor subdivision and doesn't require Planning Board approval, you might want to have less that has to be happening. If it's something small, we could figure out what the categories are. There is some cost to the applicant to mail all of these things out and administer this. As we look at it, if we want to put a couple of exemptions in there we could do that. The main thing is that we have bigger projects that are likely to have bigger impacts for the neighborhood. Supervisor LaGrange said that we don't want to leave it subjective to type of use. Attorney Naughton agreed. He then said that, for example, someone could go in right now and get a subdivision approval without having to go through Planning Board approval. You may want to change that too. Supervisor LaGrange asked if something could be fashioned. Councilperson Greenberg said that he was hoping to have it for tonight, and that's why the attachment was there. We are close but, we have a few things to work out. Supervisor LaGrange asked if there was anything else from the Board on this. Councilperson Greenberg suggested things people would like to see that maybe hadn't been thought of. Attorney Naughton thought that the best way to handle that is to shoot the Board an email with any suggestions. Supervisor LaGrange thought that we would have to give some value to the sign, and when someone came in for an application they would put the signs out. There has to be a timeframe of having them out and bringing them back. Councilperson Greenberg also said that distance from the road was important and making sure they are visible. Councilperson Snyder said that it would be helpful to know if other communities use this. Supervisor LaGrange said Colonie has a rigorous program. Councilperson Snyder said that it would be useful just to see it as it exists today. Supervisor LaGrange thought Colonie put a sign on a tree. He suggested signage like a 16" x 24" political sign with the pertinent information referring them to the town website.

Mary Boyce said that this came up the last time she was here. The letters that go out to the public could have more of an explanation for the regular layperson about time limits or if you want to challenge a determination. She suggested adding to the letters going out what's being proposed, what zoning law it falls under, and how long you would have, just a little more detail. Supervisor LaGrange said that that's in our notes and one thing we want to make sure is addressed.

Sharon Boehlke thanked the Board for doing this. She thinks that a sign is going to be an immense help, but she wouldn't get any notification if it was 1,000 feet on her road. New Scotland Yards is a perfect example. Mrs. Boehlke said that on Monday night one of their trucks jackknifed in her driveway. It fell off the side of the road over by the railroad tracks because the driver tried to do a U-turn in the middle of New Scotland South Road. "Those are the kinds of things we've been putting up with since all of that crap down there started." This is the second or third one of those trucks that has happened to on our end of the road, and yet she will not get a notification about anything that happens down there because she's farther away than 1,000 feet. The sign will be helpful. She was on the Village of Voorheesville site, and they actually have their public hearing notices on their website, but the Town doesn't. Town Clerk Deschenes said that she was right. Supervisor LaGrange said that it's on the agenda. Mrs. Boehlke said that this was the actual public hearing notice that the residents in the particular area got. It's on their website. That might be something the Planning Board might want to do. Supervisor LaGrange thought the big thing was the signage. Town Clerk Deschenes thought that the legal ads should have gone up, but the previous website wasn't as easy to work with. The legal ads were in the paper. Councilperson Greenberg asked who would put that up. Town Clerk Deschenes said that the Building Department would. Councilperson Greenberg said that it's a good suggestion.

**13. Proposed Local Law revising Zoning Law regarding storage containers**

Councilperson Greenberg said that the second law he is working on has to do with storage containers. This came up numerous times on the Zoning Board where people would bring in basically a storage container like what you would see a train carrying. They put it in their front yard or driveway and use it like a garage. It may be fine on a 40 acre parcel but on a one-half acre parcel, we've had some upset neighbors. We're looking into ways to tweak that. Right now those storage containers are considered accessory structures in our zoning law, and to him that's a problem. They are much different from a garage or a shed, and they should be treated differently, so we are looking into ways to do that. Right

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now they are thinking of changing the definition of accessory structure to not allow storage containers to be considered as accessory structures and instead to be considered a special use permit or maybe a six-month permit having to do with construction or something like that. This may be tweaked depending on the size of lots, setbacks, or zones, but that's where they're starting. Again, the public will hear more about this once the law is finalized. Attorney Naughton is doing some research because we think the Village of Voorheesville already has a law as well as a number of other towns.

Mary Boyce asked if we are saying that if you are moving and you got one of those pods you would need a special use permit, or could you get one but only have it there for a period of time? Councilperson Greenberg said yes, maybe for up to six months.

**14. Appointment of Planning and Zoning Board members to Committee to review Proposed Hamlet Development District Zoning Language**

Supervisor LaGrange said that we need to appoint a committee to review the proposed hamlet development district zoning language. We did a study of the 85/85A area in an attempt to define the zoning code to better express what we want to do. We've gotten the draft plan. This is a recommendation from the committee that undertook this. Councilperson Greenberg said that, to be clear, this is not a town committee. Supervisor LaGrange added that there were town representatives there, but it was not a town committee. Councilperson Hennessy added that it was an engineering consulting firm. Attorney Naughton said that he thought it was called the Study Advisory Committee. Supervisor LaGrange said that the consultant prepared it as a result of the committee's discussions. Councilperson Hennessy added that they didn't render any decisions in the process; they were just helping prepare the documents. Supervisor LaGrange said that now that we have the document, we need to check it out. This Board felt it would be appropriate to have two members from this Board, two from the Planning Board, and two from the ZBA at least to start. Supervisor LaGrange said that he thought this Board talked about Councilperson Greenberg and Councilperson Hennessy being a part of that. Councilperson Greenberg was happy to see it through unless someone else had a strong inclination. Councilperson Snyder asked if you could still attend even though you're not officially on the committee. Everyone agreed. Councilperson Hennessy said that he wanted to be on the committee too. We may want to have a meeting here for them to give a presentation of it. It would be more of a workshop. Supervisor LaGrange said that those are things that this committee could decide or suggest. We have six names: Edith Abrams and Lance Moore from the ZBA, Thomas Hart and Jo Anne Davies from the Planning Board, and Councilperson Greenberg and Councilperson Hennessy from the Town Board. Supervisor LaGrange asked if we wanted an at-large member from the community or did we want to focus on our Boards? Councilperson Hennessy said that this isn't really a committee, it is a review; it's all been done. This is more to review, edit, and adopt or not adopt. Supervisor LaGrange said that it's a review group of people to advise the Board; he would call that a committee. Councilperson Hennessy said that we've been letting others do this so long now, and it time for us to do it. Councilperson Greenberg said to answer the question he would prefer to keep it the six of us and bring it to the Board and the public for comment at that point. Supervisor LaGrange said part of the reason this has gone on for some time is because we source grant money, so this didn't cost the taxpayers money on the two levels of studies that have been done. The initial study gave us an overall view of things and took in a lot of public comment. If we could get this group of six people to get together to review this and advise the Board that that's what is being looked for. Councilperson Snyder asked if the Town Board will meet and start making changes to the Zoning Code based on what this group is going to put before the Board. Councilperson Greenberg said that they will bring ideas to the Board, and they can decide if they want to adopt or not.

**RESOLUTION 2016-205**

Supervisor LaGrange offered the following motion and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint a committee to review the proposed Hamlet Development District Zoning Language draft and make recommendations to the Town Board with a committee to consist of: Adam Greenberg and William Hennessy from the Town Board, Thomas Hart and Jo Anne Davies from the Planning Board, and Edith Abrams and Lance Moore from the ZBA.

Councilperson Ten Eyck seconded the motion.

Councilperson Snyder asked if there will be notices as to when the committee is meeting. Supervisor LaGrange replied that there would be. Councilperson Hennessy added that it's not a public meeting but Supervisor LaGrange asked why. Councilperson Hennessy said that it's a working session; there have

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already been umpteen public meetings on this. This is just for these committee members to review the documents that have been done with the consultant. Attorney Naughton said that right now we are just appointing the committee, and a legal question has been raised about whether we need to give public notice. I don't think we need to make the decision in connection with the appointment of a committee. He will let the Board know later if we need to notify the public. He thinks the answer will be yes, but he would rather look at the law. Supervisor LaGrange added that if it is, the committee controls the meeting as far as entertaining public comment. We will eventually have public hearings on it.

Sharon Boehlke felt that time is of the essence. We already have a project before the Planning Board that is coming right in the middle of that hamlet district. Mrs. Abrams has probably already informed the Board that she is unhappy with that structure as it sits right now. If the Board has looked at any of the design drawings, this structure is something that belongs in New York City. It doesn't look like anything that anyone in this town would envision in this hamlet. Not only is Mrs. Abrams disappointed, but she too is disappointed to think that we went through all of this work and expense to do these studies and then right off the bat a project is coming in that district and it looks nothing like anything that they've proposed. The Planning Board has no issue with that. They are moving along with smiles on their faces, and Mrs. Abrams is beside herself. Councilperson Snyder was there so she can attest that the building does not look anything like that hamlet district has proposed. What do you do about that now because none of this language is in place? The Planning Board's hands are tied.

Supervisor LaGrange said that unfortunately, aside from a moratorium on any building in that area, we have to do our best to control it. Mrs. Boehlke said that it's been three years now at least that this committee has been going on and nothing has been done to move it faster. Supervisor LaGrange said that he did speak to that, and there was a reason for the speed, good, bad or indifferent. Now we have to move forward and get this going. Mrs. Boehlke asked if this will set a precedent for the rest of it? Supervisor LaGrange said that he didn't know but we will see. Aside from a moratorium, we can't stop it. Councilperson Greenberg said that the Board hears what she is saying, and we are trying to move it along. Councilperson Hennessy added that the Planning Board is not beholden to zoning law. They can exercise their judgement and discretion in matters if they so choose. That is why there are 3-2 votes or 4-1 votes. It's not all cut and dried. Mrs. Boehlke said that when they have nothing that defines it other than that they have no choice.

Supervisor LaGrange asked for a vote.

**RESOLUTION 2016-205 Vote**

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

**16. Liaison Reports**

Vacancies

Supervisor LaGrange said that we advertised two positions potentially on the Planning Board along with one position on the ZBA because Heather Dolin moved. As soon as we get the resumes, Councilperson Snyder and Councilperson Greenberg will do the interviews.

LOSAP Meeting

Councilperson Snyder said that she and Councilperson Greenberg had their semi-annual LOSAP meeting with Morgan Stanley. They are in comprehensive review with the New Salem Fire Department and the Onesquethaw Fire Department. They made some decisions based on their preferences for their investments. It was very comprehensive. The meeting was informative for those present. We will meet again January 9, 2017, at 6:30 PM.

VAAS

Councilperson Greenberg said that it was announced Monday night that the VAAS is closing down. The Town is now dealing with that and trying to figure out the best way to cover that area. That's a big budget issue for us. They've done a fantastic job, and we want to thank those volunteers. They just were having trouble getting enough people to cover the amount of time they had to cover.

Audit Committee

Councilperson Greenberg said that he is on the audit committee, and they met and did an audit of the courts a few months ago. They found a relatively small discrepancy and asked Judge Adkins to give them a little bit more information. The judge sent on what she found to the Comptroller's office. Now we are awaiting a response from the Comptroller.

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VAAS

Councilperson Hennessy said that he is disappointed that things couldn't work out for the VAAS. He applauded their efforts along with Onesquethaw and Albany County for trying to work together to make a process work. He truly understands and respects their decision. He wishes them the best and certainly thanks them for their efforts. He is sad to see the whole matter arise. It's been a difficult process for the five years that he has been on the Board. In the very first year, we started having meetings and issues over this. He doubts that this is the end of what we are going to hear. He welcomes their involvement and their input in future dealings. He doesn't think we should be closing doors to potential future possibilities. He is not saying that he wants them to reconsider. He is just saying that he certainly welcomes their input in the process because of their knowledge and the information that they certainly have. Again, he thanked them for all of their efforts.

Councilperson Greenberg recognized their amazing dedication. Kate O'Dell had 32 years. There are not many of us that do that kind of volunteerism. We owe her a big thank you along with other members. Commissioner Miller added that we are trying to make provisions so that those who want to continue on in some sort of role will still be able to do that. Supervisor LaGrange said that they notified us a couple of days ago that it will be 60 days and they will be closing down. He has had an opportunity to work with these folks, Onesquethaw, and New Salem, and these volunteers are passionate. That's why they are volunteers, and that's why it went on so long. We've tried to do everything we can to help VAAS, and we're trying the same with Onesquethaw Ambulance. You do all you can. It's tough today to get volunteers, and these folks do such a tremendous job and save the taxpayer a tremendous amount of money. This is very unfortunate. You get that sinking feeling in your gut when something like this happens. He just wanted to reiterate his thanks, this Board's thanks, and previous Boards' thanks.

Tabletop Exercise

Commissioner Miller advised that last Thursday a tabletop exercise was held at the Voorheesville High School. It was attended by about 90 people. It centered on rail incidences, specifically bulk and crude oil, but it could be anything. The local community responded. The fire departments were there, EMS providers, and a lot of municipal people. It was well received. There was a lot of information. CSX was there. They took it so serious that they sent their #2 person. Commissioner Miller said that after attending, everyone walked away with a lot more confidence. Supervisor LaGrange asked who sponsored it. Commissioner Miller replied that it was the Sheriff's Department.

Grants

Councilperson Greenberg said that, having worked with the grants minimally with Councilperson Hennessy, who did an amazing job and spent a lot of time, he thinks in the future we should consider a grant committee and volunteers from the community who may have some expertise to work on some of these things and get out in front. We found ourselves at the last minute rushing to get a number of answers to questions we had on these grants. He thinks we should have a committee working on these things year round finding out potential things to apply for that we don't know about now. I think we should consider setting that up in the future, and he wanted to plant that seed.

**17. Departmental Monthly Reports:**

- **Town Clerk, July 2016**
- **Registrar, July 2016**
- **Justice Adkins, June 2016**

**19. Pay the Bills**

**RESOLUTION 2016-206**

Councilperson Hennessy 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>
	20160891-20160978	\$339,575.21
<b>Prepays or three signatures</b>		
	<b>Vouchers</b>	<b>Amount</b>
1281	20160859-20160873	\$127,101.21

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 d (5 Ayes).

1282	20160874-20160878	\$10,206.63
1283	20160879-20160880	\$1,427.35
1284	20160881	\$36,276.87
1285	20160882	\$3,596.36
1286	20160883-20160886	\$36,001.82
1287	20160887-20160888	\$18,489.73
1288	20160889-20160890	\$1,181.30
See attached abstracts for additional details.		

Councilperso  
 seconded the  
 present and  
 motion carrie

**20. Approve any Budget Modifications**  
**RESOLUTION 2016-207**

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:				
FROM	CODE	TO	CODE	AMOUNT
Fund Balance	A0909	Justice Courts/Contr.	A1110.4	\$679.91
To appropriate money from fund balance to Justice Court/contractual for amount over budget.				
Fund Balance	A0909	Unallocated Insurance	A1910.4	\$2,583.47
To appropriate money from Fund Balance to Unallocated Insurance for amount over budget.				
Fund Balance	DB0909	Disability Ins.	DB9055.8	\$3.40
To appropriate money from Fund Balance to Disability Insurance for amount over budget.				
Fund Balance	WH0909	Heldervale Water/Engineer.	WH8340.41	\$2,147.50
To appropriate money from Fund Balance to Heldervale Water/Engineering for amount over budget through 5/31/16.				
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).

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

Chester Boehlke asked how many miles of road were paved this year. Highway Superintendent Guyer said that they aren't done yet, but we've done 5 or 6 miles so far. Mr. Boehlke said that he had to compliment them. Supervisor LaGrange agreed that they've done a great job.

**15. Possible motion for Executive Session to discuss personnel issues**

**RESOLUTION 2016-208**

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 a couple of personnel issues along with a couple contractual issues.

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

Executive Session began at 8:55 PM.

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

Executive Session adjourned at 10:06 PM. No action was taken during Executive Session.

**21. Adjourn**

Supervisor LaGrange made a motion to adjourn and seconded by Councilperson Greenberg. The meeting adjourned at 10:07 PM.

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Diane R. Deschenes, Town Clerk