

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

The following Town Officials were in attendance:

Deputy Supervisor:	William Hennessy
Councilperson:	Patricia Snyder Adam Greenberg Laura Ten Eyck
Highway Superintendent:	Ken Guyer
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

Absent: Supervisor: Douglas LaGrange

1. Call to Order

Deputy Supervisor Hennessy called the meeting to order at 7:00 PM advising that Supervisor LaGrange is not able to be here tonight. His father, Marvin LaGrange, died yesterday morning. He was a lifetime resident of the town for 85 years, and he will be sorely missed.

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:

- **September 14, 2016 Regular Town Board Meeting**
- **September 29, 2016 Special Town Board Meeting**

RESOLUTION 2016-233

Deputy Supervisor Hennessy offered the following motion and moved its adoption:

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

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

• Schedule a Public Hearing for the 2017 Budget

Deputy Supervisor Hennessy advised that we need to schedule a public hearing for the budget. It needs to be held prior to November 10th. We discussed having it prior to the regular Town Board meeting of November 9th at 6:30. There were no objections.

Announcement:

• Fall Brush & Leaf Bag Clean-up October 11 – November 18

Highway Superintendent Guyer said that he is trying to stick to this schedule. We just don't have the manpower or the time to do this year round. They try to do six weeks in the spring, six weeks in the fall, and they go out in between when time allows.

5. Discussion/Action re: Proposed Local Law F of 2016, regarding notice to residents of pending applications for permits and approvals

Deputy Supervisor Hennessy said that we discussed this in our public hearing tonight. We are not going to take action this evening pending a revision and review of the Planning Board comments and other written comments that the Town has received from residents.

6. Discussion re: Intermunicipal Agreement with the Town of Bethlehem and the Heldervale Water and Sewer Districts

Deputy Supervisor Hennessy said that this is on the on our agenda again because we are continuing to try to discuss this agreement with the Town of Bethlehem. Tonight we still do not have any status of this. We are tabling this.

Michael Burnett said his mom is a resident on Mason Lane. In regard to the water and sewer district for

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

the last year and a half, they have been told two weeks, two weeks. Last week he was told to come to the meeting and that things had been resolved. Unfortunately now it's being tabled again. He's not sure what the situation is, but it's frustrating on our part. The Town puts deadlines on residents. He has been involved in a lot of communities, but he has never seen anything take this long. He's not a developer, but this has been going on for two years, even though it's only been the last year that it was really documented. In the spring of 2015, Engineer Dempf told me that everything is a redefining of the district. That was 2015. Since the fall of 2014, this has been on the table. It's frustrating, and he doesn't know what else to do. Is it a shuffling of papers? Deputy Supervisor Hennessy said it isn't. Mr. Burnett said that his parents have been residents of the town since the late 1970s. His mother is distraught over this. Mr. Burnett said he would like to know if there is a way we can find a definite answer.

Deputy Supervisor Hennessy said that he will explain where this came from and where it is now. What's happened is that the Town of Bethlehem has required the Town of New Scotland to partner our water and sewer agreement together, and the towns cannot agree on acceptable language. The Town of Bethlehem will not agree with our concerns over legalities in the agreement. Deputy Supervisor Hennessy asked if Attorney Naughton felt comfortable talking about more of it. Attorney Naughton said that this is contract negotiations so we really don't talk about it in public. Mr. Burnett said that what is difficult about this is that with attorneys, everything is done on their agenda. In the business world, you sit down and you work it out over the course of an afternoon. You don't leave until you figure it out. Deputy Supervisor Hennessy said that we had such a meeting. They didn't agree with what we were explaining and didn't truly know enough about the situation at the time. We're smaller than they are, and they hadn't done the research that we did. They didn't want to seek those answers as quickly as we want them. We have asked for a subsequent meeting, but they haven't agreed to do that. We may have to come to a vote on this and see if it passes. Deputy Supervisor Hennessy agreed that it's frustrating. He lives there too. Mr. Burnett asked how many meetings have taken place in the last year and a half. Deputy Supervisor Hennessy said that he was at one of them. Typically the engineer, public works, and Supervisor attend. Mr. Burnett said that he doesn't understand how water and sewer have been approved for all of the other neighbors all the way up and down Mason Lane. Why is it now? Deputy Supervisor Hennessy said that it was triggered by the Creekside Development application. That was a trigger it because it's an additional 17-19 homes going onto the system. It triggered the need to revise the intermunicipal agreement. It's essentially a 20% increase in service to the entire district. Mr. Burnett said that it is time for us to seek legal counsel. To be in this position for almost two years is absurd. Councilperson Greenberg asked what his mother's situation was. Mr. Burnett said that they are waiting for a water and sewer permit for two building lots on Mason Lane. We have 11-³/₄ acres, and his parents were responsible for bringing up the water line right through Mason Lane to Five Rivers. Now for the two lots out front, they can't tap into it. Thirty or forty years ago it was all approved, but now the water district has to be redefined and redrawn. It's been two years. If anyone of you people were in this position you would certainly understand where we are coming from. I don't know how anyone in good conscience can sit here and say, "Two more weeks." We've been hearing two weeks for two years. Deputy Supervisor Hennessy said that he doesn't have a choice but to say that. We don't have an agreement between the two towns. Mr. Burnett said that that is what is so comical. Deputy Supervisor Hennessy asked if Mr. Burnett has spoken to Mr. LaGrange and Mr. LaChappelle. Mr. Burnett said he did, and last week he was told to come to this meeting. Deputy Supervisor Hennessy said that we have to deal with Bethlehem. Our hands have been tied with them for over 50 years on these agreements. We have to do what they say, and we are trying to get these agreements to be fair to both sides. As Attorney Naughton has said, we're in contract stage. Mr. Burnett said that this is what he has been told for two years. He has asked if he should go to the Town of Bethlehem. Nothing seems to be happening on this end. Should he go there to get the same answers that he's getting from us? Deputy Supervisor Hennessy said that he didn't see why he couldn't. Mr. Burnett said that he was always told to stay put and don't ruffle any feathers. They don't like the public to go to Bethlehem; they want you to come here, but frankly this has gotten us nowhere. Deputy Supervisor Hennessy said that he wished he could tell Mr. Burnett more. Mr. Burnett said that it's hard to stand hear and listen to the same thing he heard two years ago, and we are in the same position we were then. It would be interesting to know how many meeting took place between the Town of Bethlehem and the Town of New Scotland regarding the water district. Attorney Naughton said that he didn't know. Deputy Supervisor Hennessy said that we could ask Supervisor LaGrange. Mr. Burnett said that it's frustrating. Councilperson Greenberg said that it isn't just meetings; there have been constant negotiations going back and forth. You can't force another town to agree to a contract.

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

Mary Miller said that maybe we need to change ours a little.

Deputy Supervisor Hennessy said that they won't change it; it will be us. We can't keep doing this. It's a contractual thing, and Attorney Naughton said that we have to be careful about dealing with that. He could not go on talking about the contractual negotiations.

Mr. Burnett asked what changed from last week when he was told to come to this meeting. Deputy Supervisor Hennessy said that he needed to talk to Supervisor LaGrange about that. Attorney Naughton said he didn't know who told Mr. Burnett that or why he was told that. Mr. Burnett said that Supervisor LaGrange and Wayne LaChappelle did. Attorney Naughton said that neither of them is here so be patient for another week and talk to him them. In the meantime, you might want to talk to your engineers because he hasn't seen any application. He knew that they just got approval for their subdivision maybe six months ago from the Planning Board. At the Planning Board approval, there was really no issue about water and sewer. Then he thought he heard something about them applying for an extension of the district. He didn't know if that occurred. That would be something that is submitted to the Board with a petition to extend the district. Mr. Burnett said that the last he spoke with Engineer Dempf, he said that before anything else could happen he was waiting for a redefining of the water district. That was almost two years ago, and from there it was all wait, wait, and wait. Attorney Naughton said that this Board hasn't heard anything about an application from you. Mr. Burnett said that Mr. Cramer probably has something. Everything has been in place, and they've been just waiting for the Town's approvals. Attorney Naughton said that he knows that their property is in one of the districts, water, and it may not be in the sewer district. Mr. Burnett needs to check and see which district it's not in and then check and see what's going on with his application with Stantec. Mr. Burnett said that he's right across from Mr. Hennessy's house; it the same district that Mr. Hennessy is in. Attorney Naughton said that it may not be. That's what the Stantec conversation was, and the last he heard Mr. Burnett was going to retain Boswell Engineering to prepare a map, plan, and report with respect to the property to make sure it's in the district. Mr. Burnett said that everything has been filed from Engineer Dempf. We are just waiting for redesign. Attorney Naughton said that as far as we know, there is some kind of process that has to be followed to extend the district or change the district lines. Mr. Burnett said that apparently that was all happening with this application and Boswell. Attorney Naughton said that it has nothing to do with this agreement, and he has to check with Stantec. This is the first time this Board has heard anything from Mr. Burnett about this property. That's why they are asking you questions. Mr. Burnett said that he was told by the Planning Board. Attorney Naughton said that that's different. This is the Town Board, and if there is a request it has to be made for an extension of the district or a change in the map so the property in both districts. The Town Board has to do that it, and it has to be done by petition. You may need to look into that. Mr. Burnett asked Attorney Naughton to repeat those last sentences. Attorney Naughton said that Mr. Burnett was welcome to call him. He then gave Mr. Burnett his card. Deputy Supervisor Hennessy added that sometimes when districts are formed and extensions are made, they don't encompass all of the properties because people may not want to be part of the district. Mr. Burnett asked, "When one property is improved and an adjacent property acquires a permit for the same district, all of a sudden it has to be redefined?" That's basically what this comes down to. Everyone on the street has an option of having water and sewer. His mom wants to have two lots out in front, and now there is a water and sewer issue. The water runs right down the street, and to not be able to hook up to it is absurd when 30 years ago you could. Mr. Burnett said he could understand the wait if water was half a mile down the street. It was half a mile down the street before his father moved in there. Deputy Supervisor Hennessy said that he recognizes that, but this isn't something we can solve tonight. We encourage you to talk to Building Inspector Cramer and Supervisor LaGrange. If it means talking to the Town of Bethlehem, he doesn't have a problem with that. Mr. Burnett asked who the supervisor is in Bethlehem. Deputy Supervisor Hennessy said John Clarkson, and George Kansas is the Department of Public Works employee.

7. Authorize Supervisor to execute "Addendum to June 25, 2007, Water Purchase Agreement" with the Village of Voorheesville regarding the Colonie Country Club Water District

Deputy Supervisor Hennessy said that we've received various versions of this in the past couple of months. The version we received today is the final which has some minor changes to make sure it was in agreement with all parties. This is essentially the same agreement that we've had for the past two months on our agendas. Councilperson Greenberg said that we were just waiting on the Village.

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

Attorney Reilly and Attorney Naughton have worked out the details. Attorney Naughton added that the Village incorporated the changes we requested in the agreement. They passed it once already, and they've now passed it again with the comments we had. Attorney Naughton said he can now recommend it for approval.

RESOLUTION 2016-234

Deputy Supervisor Hennessy 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 execute an addendum to the June 25, 2007, Water Purchase Agreement with the Village of Voorheesville regarding Colonie Country Club Water District as described in the agreement and revised by Attorney Naughton on October 12, 2016.

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

8. Highway and Parks:

Highway Superintendent Guyer didn't have anything for tonight's agenda.

9. Liaison Reports

Hilton Barn

Deputy Supervisor Hennessy said that construction is proceeding well, and the sill plates are being installed as we speak. We're about one-third done with that and the brackets. We are pleased to announce that we are tentatively scheduling that to be accomplished the first or second week of November so we can set the barn on the foundation.

Hamlet Zoning

Deputy Supervisor Hennessy said our Hamlet Zoning is proceeding well. We had a committee meeting on Monday. We are scheduled to have another meeting on October 17, 2016, at 6:30 PM. Town Clerk Deschenes said that that might be the Water Committee meeting. Deputy Supervisor Hennessy said that they could meet in Onesquethaw or at the Community Center if they have to.

Hilton Barn

Councilperson Greenberg said that he's been having discussion with Barton and Loguidice on another potential grant through the Parks and Trails of NY that may help us with either the roof or some site plan upgrades. We would apply for the grant in the next month or two. Deputy Supervisor Hennessy asked if that's in addition to the CFA grant. Councilperson Greenberg replied yes, adding that it has to be done through Friends of the Rail Trail. We've been speaking with them so they can help us out.

Seminar by Hodgson Russ

Councilperson Snyder wanted to mention that she went to a good seminar sponsored by Hodgson Russ Attorneys, who is our Bond Counsel. They gave a free seminar touching on very important topics such as the Safe Water Drinking Act. There is a lot of public concern about some of the water in many areas. They talked about compliance procedures for some of our bonding. They talked about SEQRA and some case law updates. There were about a dozen attorneys there giving presentations, and it was very well attended by a lot of local municipalities.

10. Departmental Monthly Reports:

- **Town Clerk, September 2016**
- **Registrar, September 2016**
- **Justice Adkins, July & September 2016**

11. Invitation to the Public to Discuss Non-Agenda Items

Robert Parmenter had a concern and a complaint about the Community Ccenter. Last Friday he spent the day there doing a defensive driving class and they froze. There is no heat in that building. He was there from 9:00 AM-3:30 PM and the temperatures were in the low 60s. Mr. Parmenter felt that it was a little disgraceful that here we were in the middle of October, there was no heat in that building, and it's being used frequently every week. Councilperson Snyder said that we just replaced that boiler. Mr. Parmenter said that he doesn't know what's going on. There is a box over the thermostat. We called, and Mr. LaChappelle came out, but he didn't have a key for the box. Mr. Parmenter said that he has a

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

key, but he didn't have it with him.

Mary Miller said that you can't change the temperature at all. You have to call to get someone to come, and if they come it gets changed. We have seniors that use that hall also, and it's been freezing.

Robert Parmenter added that when Mr. LaChappelle came out Friday he didn't have a key, and he said we should open the windows. He left and didn't come back. Last night the Historical Society met there, and it was the same situation. Mr. Parmenter said he brought his key, but the thermostat didn't respond. Mr. Parmenter added that last Friday it was still switched to air conditioning. We switched it over to heat, but it never came on. There is something going on, or there is a problem.

Deputy Supervisor Hennessy said that he would talk to Mr. LaChappelle in the morning. If we have to get the contractor up there, we will.

Steve Boyce asked when the blacktopping and landscaping was approved to be done. Deputy Superintendent Hennessy believed it was in the spring. Highway Superintendent Guyer said that a lot of the little projects were all lumped together. Councilperson Snyder added that we had someone come and do a landscaping presentation. Mr. Boyce said that he was just wondering because a couple of meetings ago Highway Superintendent Guyer mentioned that he's in dire need of trucks, etc. "I don't care what the landscaping looks like. It was fine to me, and the blacktop was fine." Deputy Supervisor Hennessy said that it was predicated on efficiency with snow blowing and security. By eliminating the parking in the front of the building, it adds to security. Security is becoming a bigger and bigger issue with municipal government. It eliminates an unneeded area for paving, parking, and maintenance. We're minimizing future maintenance at the expense of the improvement now. Mr. Boyce asked if that was a priority over the town garage. Deputy Supervisor Hennessy said that that's what was suggested at the time. The town garage is a much larger project that will require a much larger investment. Mr. Boyce suggested we could have put a fence up for now; it may not look nice. Councilperson Snyder said that he thinks much of the work was done on a donation basis, so he didn't think there was very large capital.

Mary Miller said that she heard it cost \$40,000

Deputy Supervisor Hennessy said that the budget was less than \$15,000, and we did it for less than \$10,000 not including the parking lot.

Mary Miller asked how can she find out how much it actually cost.

Town Clerk Deschenes said that the project was approved in the minutes, and she could check into that.

Sharon Boehlke said that some of it was because individuals with the American Disability Act came to inspect on Election Day. There were a few things that the Board knew had to be changed. Mrs. Boehlke said that she happens to think that what they did out front absolutely brings much esteem to Town Hall.

Steve Boyce said that it looks like high maintenance.

Councilperson Snyder said that actually it's just the opposite.

Mary Miller asked who designed the front.

Deputy Supervisor Hennessy said Gary Glath is a landscape architect, and he lives in town. He then asked for any other comments.

Sharon Boehlke thought the next thing we should do is get seats with cushions.

Mary Miller had a question on the barn. "How much do you pay to have those metal things that the barn sits on daily?"

Deputy Supervisor Hennessy said that we rent that on a monthly basis. It was all part of the overall

Town of New Scotland
Regular Town Board Meeting

October 12, 2016

budget. Councilperson Greenberg said that it's \$1,200 per month, and it's through the grant. Ms. Miller clarified, "When you say though a grant, we as taxpayers pay for those grants." Councilperson Greenberg added that that's true, but there are state and county grants. Its pennies. Ms. Miller said that that doesn't matter. Deputy Supervisor Hennessy said that we might as well seek those grant and get our fair share.

12. Pay the Bills

RESOLUTION 2016-234

Deputy Supervisor Hennessy offered the following motion and moved its adoption:

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

Pay the Bills		
Abstract #	Vouchers	Amount
	20161152-20161245	\$137,495.01
Prepays or three signatures		
Abstract#	Vouchers	Amount
1331	20161129-20161130	\$731.34
1332	20161131	\$194.36
1333	20161132-20161133	\$673.03
1334	20161134	\$10,184.37
1335	20161135	\$1,017.65
1336	20161136	\$8.47
1337	20161137-20161139	\$34,249.16
1338	20161140	\$92.99
1339	20161141	\$83.09
1340	20161142	\$25.86
1341	20161143	\$195.97
1342	20161144	\$22.32
1343	20161145	\$21.02
1344	20161146	\$276.04
1345	20161147	\$25.29
1346	20161148	\$323.78
1347	20161149	\$19.91
1348	20161150	\$24.14
1349	20161151	\$386.03

lperson
Snyder
ed the
. All
and
the
carried
s).

Council
second
motion
present
voting,
motion
(4 Aye

13. Approve any Budget Modifications

RESOLUTION 2016-235

Deputy Supervisor Hennessy 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	WN0909	NE Water/Admin.	WN8310.4	\$210.00
To appropriate money from fund balance to NE Water/Admin. for amount over budget and estimate through year end.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

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

14. Adjourn

Deputy Supervisor Hennessy made a motion to adjourn, seconded by Councilperson Snyder. The

Town of New Scotland
Regular Town Board Meeting
October 12, 2016

meeting adjourned at 7:45 PM.

Diane R. Deschenes, Town Clerk