

**Town of New Scotland
Regular Town Board Meeting
01/09/2019**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	William Hennessy Adam Greenberg Daniel Leinung Patricia Snyder
Highway Superintendent:	Kenneth Guyer
Town Engineer:	Garrett Frueh
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

Mr. Boehlke requested people on the Board pull the microphones up so he can hear them.

4. Approval of the Minutes of the Following:

- **December 12, 2018 Regular Town Board Meeting**

Resolution 2019-025

Supervisor LaGrange offered the following resolution and moved its adoption:

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

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

5. Discussion/Action re: Proposed Local Law B of 2018 Authorizing the Planning and Zoning Boards and certain Town Officials and Departments to retain consultants and experts.

Supervisor LaGrange asked if the Board had any questions or comments. Councilperson Snyder asked when it would be appropriate to propose a resolution to have the Supervisor have at least some awareness of what we are doing. Attorney Naughton said that if you want to pass the law, you could then make a proposed resolution to whatever you're suggesting. That would be the time to do it.

Attorney Naughton advised that there is really no SEQR required for this, so if the Board wants to move forward we just need a resolution to adopt Proposed Local Law B of 2018.

Resolution 2019-026

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt Proposed Local Law 2 of 2018 authorizing the Planning And Zoning Boards and certain Town Officials and Departments to retain consultants and experts.

Seconded by Councilperson Hennessy.

Supervisor LaGrange felt that Mr. Mauro brought up some good points. Maybe along with the resolution we could get together a list of Board-approved consultants. Councilperson Greenberg said that he didn't think we would know what other people need. He would like to respond to that. At the moment anything that is prepared is reviewed by our Town Engineer, and the idea behind this law was that occasionally and rarely our Town Engineer does not have the expertise to review something as thoroughly as someone trained in that area does. The idea of this law is actually to help move things along at the Planning and Zoning Boards. You

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would be paying anyhow for the Town Engineer to review it. Now instead you are going to have an expert, and you will no longer be paying the Town Engineer. You will be paying someone with more expertise. Let's say that the Town Engineer doesn't have a landscape architect. You would hire one to review your process. That would move things along quicker. They would have to review it anyway. It's not a double charge. It actually streamlines the application process. We've seen it. We just recently did it with the solar application that was in front of the Planning Board. That company was very happy with the hiring of the expert so they didn't have to waste time. We've heard the public complain about going back and forth with the Planning Board months and months on end. Now, the expert reviews it. The Planning Board has hired that expert, and hopefully in a month's time you come to a resolution with the applicant on what needs to be done.

Mr. Moreau said that he thinks the details of that explanation should somehow be incorporated in the language of our law, and that there is not a double charge, and the reason we are doing this is because our town personnel doesn't have the expertise. Councilperson Greenberg said that he thinks it does say that in the law. Mr. Moreau asked about the double charge. Councilperson Greenberg said that there is no double charge. Mr. Moreau said he knows that you pay an escrow amount to the town when you go through these processes. Councilperson Greenberg agreed adding that it's for a town engineer to review. Supervisor LaGrange added that they are not designing. This was a landscape engineer situation. The Planning Board wanted to be sure that it was done according to what an expert would consider. Although we have our town engineer who could review it from that perspective, they hadn't presented it. Their engineer who designed it hadn't done it to the level that was needed, so they suggested that they hire somebody to complete that task so ours could review it. There was no double charge. There is always going to be the review. You could call that a double charge in a sense, but it's not to do the work; it's to review the work, so it's two different charges. The reason he brought up the town having certain ones to choose from is because as we learn, like landscape engineers, maybe something we might want to say is here are some that we've worked with that were competent. Councilperson Greenberg said that his only problem with that is that we don't know what's coming. Mr. Moreau said that he didn't mean to have the names of the people published in the law. He just meant that if an applicant came to the town and said this is what I'm doing, and perhaps at that time the town could give a recommendation. Councilperson Greenberg said that he thinks that would happen in the Planning or Zoning Board process. You would come in as an applicant and say that you have a project. It's a wind project maybe. Let's say our town engineer doesn't know a lot about wind projects. If he thinks we need to have a certain consultant we could hire that person now so we'd know who to speak with as he puts his application together.

Councilperson Snyder said that she has seen that happen either at the Planning Board level or at the Building Department level. She's witnessed where suggestions were made. She thinks people are willing to share information but not necessarily make a recommendation. Attorney Naughton said that the town really can't make a recommendation of outside consultants and vendors. We're just not allowed to legally do that. It's not a bad idea, but we can't do it.

Mr. Moreau asked if the Board understood his point. Attorney Naughton replied yes. It should happen at the discussion level so everyone is agreeing in advance that this is a person that's appropriate and has the qualifications and the resume to do it. The idea of the general concept is in the law and what the purpose is, but the specifics of the logistics of how it works wouldn't be appropriate to put in the law. Mr. Moreau said that maybe he hadn't read this law carefully enough or enough times. He only read it once. He didn't read the law. He read the preamble description, and it just sounded to him like there was no control over how many times or under what circumstances you could hire professionals. That was his biggest concern. You can do whatever you feel like doing. That's why he brought up the language of how you explain it. Maybe that's in the law that says these are the circumstance that we will do it under. In other words we don't have the in-house personnel to address these issues.

Councilperson Leinung said that he thinks this law is a great idea. On the Planning Board there were several times where they get two or three meetings in and all of a sudden the Board realizes that they need more information. It kind of delays the whole process. Then they go another one to two 2 months. He thinks having this upfront will really help alleviate a lot of the Board's concern so they feel comfortable moving forward. He feels this has happened anyway.

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There are definitely requests from the Planning Board saying that they want a little more information. A lot of this happens anyway so having a formalized process would really help and actually move applications along faster.

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

6. Discussion/Action re: Revised Proposed Local Law C of 2018 amending the Dog Control Law relating to the control, confining, and leashing of dogs.

Supervisor LaGrange advised that we did have a public hearing last month on this. We decided on a couple of minor changes that wouldn't trigger the necessity of another public hearing. Attorney Naughton said that there was a comment about rural areas where farm dogs, for example, are crossing the street because the farmer or landowner has property on both sides, and you shouldn't have to put your dog on a leash. We include a provision that made an exception for that and limited it to the zoning districts that are relatively rural, RF and RA. The other change was that the law that was the subject of the public hearing had provisions that allowed the Town Board to create by resolution dog parks in certain areas and certain parks and set forth regulations for that sort of thing. There were comments during the public hearing suggesting that people thought it would be a good idea to have one park, for example Swift Road Park, where people could walk their dogs off leash during certain hours. The concept of a dog park was already in there, and that would usually be some kind of place where there would be enclosure. We just added some minor language to expand it so that the Board could also create by resolution hours in which dogs could be walked off leash if you choose to do so. Whenever there are revisions to a local law you have to make a determination whether it's a minor revision or such a substantial revision that you'd want to have it go through a public hearing. When we were talking about it last month he thought that maybe we'd have to have a public hearing, but then when he actually made the changes they were pretty minor. So these are the kinds of revisions that we could do without another public hearing. If you wanted to run it through another public hearing you could do that, but he thinks we have the gist of the comments and we've made revisions in response to those comments that are relatively minor. Those are the main changes from the public hearing. The next thing would be if you want to do something about that you would do that by resolution and set rules and regulations. This just gives you the authority to do that. There is something on here, a proposed resolution, that is a separate item. We will take that up separately after we address the law.

Resolution 2019-027

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enact the revised Proposed Local Law C of 2018, a law amending the Dog Control Law relating to the control, confining, and leashing of dogs.

Seconded by Councilperson Hennessy.

Councilperson Snyder said that she knows some changes were made but she just saw this tonight. Attorney Naughton said that on December 17, 2018, he also sent out a black-lined document you can pull up on your computer. Councilperson Leinung referred to the bottom of page 3 regarding the contiguous property. Attorney Naughton said that the other part is under Dog Parks on page 5 which is section VIII. That's really it.

Councilperson Leinung said that he thinks this is a great law and he's glad we are able to incorporate the concern of the people that came last month to express their concerns about having at least some time available to have their dogs be off leash in the parks. He knows other jurisdictions allow this from time to time. We will talk about what those hours are going to be when we talk about the resolution. He thinks this is a good compromise and he is fully supportive of this. Supervisor LaGrange said that this has been going on a long time and we had a Board member from 20 years ago say that they talked about it back then. He thinks that this is at least a good start. Councilperson Hennessy said that this is also cleaning up some ambiguities out there that may exist regarding requirements for leashes. There is a sign on the trail at Swift Road that says you are required to leash your dog whereas that is somewhat in opposition to the standing law of the town. So, we can clean that up because that's an ambiguity, and confusion may exist out there.

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Chester Boehlke said that the only comment he had was that different towns have dog parks that are fenced in, and the dogs are kept in that area. From past experience as an animal control officer for the town, we tried to keep dogs in the parks on leashes but we still had confrontations with dogs that were on leashes with dogs that weren't on leashes. He doesn't have to enforce the law anymore so he doesn't care.

Sharon Boehlke asked for clarification about the dogs crossing the road in the rural areas where there are farms. One of the areas is the RA zone.

Councilperson Greenberg said that Mr. Stanton brought this up last month using his farm as an example.

Sharon Boehlke asked if the RA is the district that the Planning Board is going through now with the gentleman who lives there with all the animals that he lets roam free. Isn't he in RA? Does that mean that he can also have dogs that he doesn't need to fence in which she doesn't think he does anyway?

Councilperson Snyder replied that that's not what this is saying. This is if he owned property on both sides of that street, for example. In that situation, he does not. This situation, as Councilperson Greenberg started to explain, is where somebody owned property on two sides of the street. Supervisor LaGrange added that the street is the only thing the dog has to be leashed on. Councilperson Leinung said that they would have to leash their dog to walk their dog from one part of their property to the other. Supervisor LaGrange added that we are only trying to control the public areas like streets, sidewalks, parks, and so on. What Mr. Stanton was saying is that he'll have to leash his dog to walk him from his property on one side of the street across the town road to his property on that part of the street. Mrs. Boehlke asked if in the truly designated farm area they have to leash them at all on their property? The Board responded no. Councilperson Hennessy added that you don't have to leash them at all on your own property. Councilperson Snyder said that what the law says here is that on public property the dogs have to be leashed, so what we are trying to do is make a provision, in this case when there is a street, which would be public property that divides the same landowner's property so he doesn't necessarily have to put a leash on the dog to cross from one side of the road to the other side. He owns both sides in this example. We are just trying to alleviate that. Supervisor LaGrange said that his concern was if there was a neighbor that didn't like him and saw his dog cross the street with him he would report him for not having his dog on a leash. We're trying to avoid that.

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

6.-A Discussion/Action re: Resolution Designating Swift Rd. Park as Park Permitting Dogs to be Walked Off-Leash During Certain Days/Times

Supervisor LaGrange said that we do have a resolution on the agenda. This was to possibly consider hours of off leash at the Swift Road Town Park. Again, as Councilperson Hennessy mentioned there was some discussion of possibly accommodating this type of situation.

Councilperson Hennessy said that during the public hearing it was discussed that there may be a possibility to residents having a brief period during the day where leashes were not required, what we refer to as off leash. Many people run and the dogs can run alongside or they have certain activities. Many people in the public hearing seemed to embrace that possibility. We've discussed that, and I propose that we do provide a two-hour period during the day allowing for that. I didn't get a chance to speak to Mr. Guyer about it. He hates to put him on the spot, but he did send us a document that showed a breakdown of when there were residents at the park with dogs. It seemed to be concentrated after 7 AM. He's not so sure about the 6 o'clock time, but we have heard people are running at that time. He suspects we may not have had employees there at 6 o'clock to gauge that. Highway Superintendent Guyer said that he can't speak to the time before that because we punch in at 7 AM. We haven't been going there early, sitting and taking notes. He has been keeping track while he's at the Swift Road Park of the dogs and owners that come in and out, both leashed and unleashed; we've been trying to get a feel. We can continue to do this when we are at that park.

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Councilperson Greenberg said that he has been talking to Mr. Guyer about this for a while and also supports carving out some time for people to have dogs off leash. He thinks 6 AM to 8 AM may be the best time. We discussed the fact that if it was much later than that there are baseball programs, specifically starting in the spring and summer, that begin at 9 AM with warmups starting earlier. We could have an issue if we push it back much later than that with dogs interacting with some of these games going on at that time. Highway Superintendent Guyer said that he also discussed weekdays versus weekends, and he thinks we can just make it seven days a week. We are already going to split a time; let's not split weekdays. It will be cleaner, and we will try it.

Councilperson Snyder said that she agreed with that, and she thinks that if you have fewer family interactions, probably between the 6 AM to 8 AM timeframe, then you would say around 9-ish. Then I think you have more families probably starting to use the park. Highway Superintendent Guyer said that once baseball starts in April and then it's nice enough on the weekends the little leaguers are there Saturdays and Sundays. Games are at 9 AM. At 8 o'clock families start showing up, getting stuff ready. If the Board would like to try this, he thinks the earlier the better. Councilperson Greenberg noted that this resolution runs for a year and then sunsets; we would have to renew it. He and Highway Superintendent Guyer also talked about the idea that they would try and keep track of the number of incidents we had, if any, during the year so we could see how that timeframe works. We can review it again every year and change it if we come to the conclusion that there is a better time to have it or that it isn't working.

Councilperson Leinung said that he agreed. He thinks the 6 AM to 8AM time period is especially good. It also gives a little bit of time for people who are running to be in there before it gets later in the day, so you still have some daylight hours in there so it's not getting to 9 AM. It gives people some time to still be able to use the park. One thing he was thinking was of special events when people are using the park early in the morning. He doesn't think there are any official things going on in the park at that time. Highway Superintendent Guyer agreed. Councilperson Leinung said that was his only concern. There may be like a cross-country team running through there or practicing, but he thinks that that would probably be more in the evenings. So keeping this in the morning he thinks is a good idea.

Highway Superintendent Guyer said that what Mr. Duncan is keeping track of now is just who's there, what time of day, leash or no leash, and not if there's been any trouble. Attorney Naughton said that he would report if there were some kind of problem. Highway Superintendent Guyer responded "absolutely." Another one of his concerns would be with the off-leash community themselves because these range from 8 AM to 2:30 PM. He just worries that there may be some people saying they like to walk their dog off leash, but they are working at that time. That's something that may come up. Councilperson Leinung said that we have to pick a time period. Another part of this too is that we probably have to update signage for the park. He would assume that we have to post off-leash hours from 6 AM to 8 AM. Supervisor LaGrange asked if we have leashed signs at the Feura Bush park. Highway Superintendent Guyer replied "no." Years ago there were signs that were up that said dogs must be leashed at the park. Councilperson Hennessy said that there is still one on the trail at Swift Road. Highway Superintendent Guyer said that that will have to be changed, and we will have to put up signs that said dogs must be leashed between certain hours, and then we will get signs for the Feura Bush Park. We can also get a sign for the barn and at least one now by the parking lot to the Rail Trail. Also for the barn, once we get rolling, the dog waste containers. Supervisor LaGrange asked how many we have. Highway Superintendent Guyer thought we had 2-3 of them left. Supervisor LaGrange asked if that was out of six. Highway Superintendent Guyer said that we were given five to seven of them by the County, and he thinks there are two or three left in the shop. Councilperson Leinung thought putting one by the barn would be a good idea. Councilperson Greenberg asked if we need one at either end of the Rail Trail and the New Scotland portion of the Rail Trail, as well? Councilperson Snyder said that she thinks we do. There isn't anything there now. Councilperson Leinung asked if there is one in Voorheesville where the Rail Trail starts. Highway Superintendent Guyer didn't know. Councilperson Leinung said that he knows that's in the Village. That could be a good spot, but he doesn't know whether that's more for the Village to do or not. Highway Superintendent Guyer said that he would check with the County to see if they want posts there. Supervisor LaGrange said that it's up to them on those, but we've talked about having one just

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off the trail at the barn. We were waiting to see where our trail went up from the parking lot. We're getting a pretty good idea where that is now.

Attorney Naughton wanted to point out one other thing. This draft resolution also has this concept of getting a dog park permit. You would buy a tag. It would be similar to your license and there would be a fee for that so you would know who is a town resident that has a right to have their dog off leash. It's just another way of trying to regulate it. It's just a concept. You could strike the whole thing if you wanted. There is a blank in there. It would make a little more work for the Town Clerk. I would suspect it would be something people would do in conjunction with their licensing. I left a blank for how much that fee would be. Attorney Naughton asked how much a dog license is. Town Clerk Deschenes replied \$5.50 if the dog is fixed and \$15.50 if it is not. Attorney Naughton said that this may be a minor charge and you'd have to cover what the tag would be. Town Clerk Deschenes added that we would have to get additional tags besides the tags that we have now. Attorney Naughton said that would be the idea. You could also just strike the whole concept. He didn't know that in Bethlehem you had to have a tag to be able to use the park. If you don't see that red tag, then someone would know that the dog isn't registered and you're not a resident. This is designed to be for residents of the town. Town Clerk Deschenes said that dogs should have their tag on anyway which identifies that they live in the Town of New Scotland. Councilperson Leinung said that they already have a dog license tag. Town Clerk Deschenes didn't think a lot of people would like having two tags. Councilperson Greenberg said that he is okay with striking that. Councilperson Leinung added that as long as they have their license on them, which they should anyway. Councilperson Hennessy agreed. Attorney Naughton said that at the end of the resolution there are two sentences. You would say, "Any dog off leash must display a dog license." Councilperson Leinung added "issued by the Town." Attorney Naughton added that we would just cross out the rest of the resolution at the bottom of page 1. He suggested that this commence on February (blank). The dog law will be filed with the Secretary of the State within probably a week or so. You could make this January 20, 2019, but Highway Superintendent Guyer is going to want to get the signage up. Do we want to make this effective February 1? Highway Superintendent Guyer thought that that would give him enough time to have signs made. Attorney Naughton added that it would be ending on December 31, 2019. Councilperson Greenberg said that it would be nice if it went into effect the same time that the leash law goes into effect. Is there a way to line those two dates up? Attorney Naughton said that he could hold it until approximately February 1. Councilperson Greenberg thought that it's fair to people so that they don't have a two-week period where they can't walk their dog. Attorney Naughton added that we could educate people a little bit that way. Councilperson Leinung said February 1 should be more than enough time for it to be filed with the Secretary of State.

Attorney Naughton added that we're saying between the hours of 6 AM and 8 AM, and there was a provision for PM but we will strike that. Councilperson Greenberg asked if we could pass the resolution before the dog law is filed. Supervisor LaGrange said that if there is doubt, there is quite a bit of cleanup here. Attorney Naughton suggested putting this on the February agenda. Supervisor LaGrange said that he would do that because even on the first resolution you have to strike the PM and residents of the Town who have purchased a Dog Park Permit. Attorney Naughton agreed that we should clean it up. Councilperson Greenberg asked if we could hold off on the filing of the law so that it goes into effect approximately the same time. Attorney Naughton replied that we could. Councilperson Greenberg said that that would be his preference. Attorney Naughton said that it would be sometime after the February meeting.

Attorney Naughton asked if there was anything else the Board wanted to change now. I just made up this list of regulations that's attached to it. We haven't had much discussion about it. Councilperson Leinung said that we should say that you must have your dog license rather than dog permit. Actually almost every bullet says dog park permit. Attorney Naughton said that he would take care of that. Supervisor LaGrange asked if 8:30 AM would be too late or too long. Highway Superintendent Guyer said that he knows when they have games scheduled they are there ahead of time so he doesn't know. If you want to stretch it to 8:30 AM you could. Councilperson Leinung said that he thinks he wants to keep it 6 AM to 8 AM just because it gives a little more time for runners in the morning before you get to 9 o'clock. It gives them a little bit more time to be there instead of having the dogs there up until closer to 9 AM. He thinks 6 AM to 8 AM is probably a little better. Councilperson Snyder said that she agreed with Councilperson Leinung. She thinks people would like a little bit of time early in the morning to

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use the park. If you can have the dogs off leash until 8 AM rather than 9 AM it gives you a little bit of time. Highway Superintendent Guyer said that you're talking about people that are not dog owners. Councilperson Snyder agreed.

Robert Callender said that he's a dog walker and a dog owner. He had one comment on the time from 6 AM to 8 AM. He thinks that in the summer that works great. Most of the dog walkers are all there early in the morning and usually we're done by 8 AM. Perhaps we can think about stretching it to 8:30 AM for the winter months. Again, in the winter months it's dark at 6 AM. If you could give some leeway during the winter, from November 1 to April 15, that would be helpful. He'd like the Board to at least consider that.

Councilperson Snyder said that she thought that sounded reasonable. Councilperson Hennessy asked how do you do signs that vary? Highway Superintendent Guyer said that for half an hour that muddies the whole thing. If we do it year round everyone knows. It's like the weekday/weekend thing. We're going to have so many rules and regulations you'll be pulling your hair out. Councilperson Leinung said that that's maybe something we could consider when we renew this next year. We will see how this works and if that becomes a concern we can always adjust the hours if it is becoming an issue. In the winter, there is a point where it's not light at 6 AM; it's closer to 7 AM, but that still leaves an hour.

Edith Abrams asked if the park is closed when it's dark?

Highway Superintendent said the sign says, "Park closes at dusk."

Robert Callender said that again maybe the thing to do is a pilot for one year. As Councilperson Leinung said, the Board can consider it when this is up for renewal. Again, he thinks it's something that the Board should consider. He understands saying that we don't want to have eight different signs. He gets it but at 6 AM in December it's dark. He walks there every day. There's nobody there.

Highway Superintendent Guyer said that there are quite a few people. A lot of the names on his list are repeats day after day but it's throughout the day. Some of these dogs don't just show up in the morning and disappear.

Robert Callender said that he does. He walks the same time every day. He sees Mr. Duncan every day.

Highway Superintendent Guyer said that we go right though on a regular basis until 2 PM to 3 PM with dogs both leashed and unleashed. He's going to instruct the Dog Control Officers, especially Mr. Duncan because he's there and knows the faces, as he meets the people to tell them about this new law once it does go into effect. We will give them a warning in the beginning. Once he tells them after that we will be handing out tickets. Councilperson Leinung said that this isn't even going to be taking effect until mid-February at the earliest.

Attorney Naughton said that the other thing he wants to call to the Board's attention is this concept, because it's kind of a temporary one-year experiment, where the Dog Control Officers would kind of give the Board a report, probably an oral report, 30 days prior to the expiration about how it's all working out. He just wanted to bring that to the Board's attention. Councilperson Leinung said that we're keeping the expiration date of December 31. Town Attorney Naughton agreed.

Stephen Boyce asked if we could come up with a definition of what a leash is. They have electronic leashes now. He had an experience this weekend up in Thacher Park. These people had an electronic leash and their dog was out of control and was about to attack his dog. He got out of the situation but thought we needed a definition as to what a leash actually is. There was no physical restraint. They had an electronic collar and they zapped the dog. They were far enough away that he didn't even hear them.

Supervisor LaGrange said that they say it's a shock collar, not an electronic leash. Mr. Boyce added that they are advertising them as electronic leashes. Councilperson Leinung said that we do say "restrained by a leash." If we wanted to say leash includes electronic leashes we

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could. At least his opinion is that we're meaning this to be a physical leash. Attorney Naughton said that for things that are not defined in the law, you go to the dictionary. The dictionary will tell you what a leash is, and there is a picture of it probably in some dictionaries. Councilperson Leinung thought that that was a good point so we're kind of on record that our intention is that this is supposed to be a physical leash.

Mr. Boyce said that people will argue that point. Councilperson Leinung added that our dog enforcement people will say a leash is a leash.

Robert Callender wanted to thank the Board for considering this and carving out some time for dogs off leash.

David Moreau asked if the town will open itself up to some liability because of the off-leash situation? Say he's walking through the park during the appropriate hours, but the dog attacks him?

Attorney Naughton said that if something happens on public property there always can be lawsuit. Just as if you don't have it perfectly flat and people fall over and hurt themselves, they can sue you. Whenever you allow people to do anything on your property there is the possibility that that could happen. Councilperson Leinung added that currently people can have their dogs off leash, but they have to be under the control of the owner. Highway Superintendent Guyer said that that applies town-wide. In his eyes we are moving in the right direction. Mr. Moreau said that he thought he heard earlier that having an unleashed dog was a new thing. Highway Superintendent Guyer said that currently they can be unleashed anytime in the park. We are trying to condense it.

Supervisor LaGrange said that we will postpone this resolution until next month.

Highway Superintendent Guyer asked if we are going to stick to the 6 AM to 8 AM timeframe because he wants to order signs. The Board agreed.

7. Discussion/Action re: Resolution Establishing a New Date for the First Meeting (Grievance Day) of the Board of Assessment Review

Supervisor LaGrange said that next is a discussion regarding a resolution to establish a new date for the first meeting of grievance day for the Board of Assessment Review. He believes it's been the last Tuesday in May, and our new assessor has two other towns he works for that do it that same day. He asked if the Board would pass a local law to change our grievance day to the first Tuesday in June. This has to go to public hearing for next month.

Resolution 2019-028

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a public hearing for 6:50 PM on February 13, 2019, for Proposed Local Law A of 2019.

Seconded by Councilperson Greenberg.

Councilperson Leinung said that the Board will establish the actual date by resolution. Attorney Naughton said that this local law has it. Just so everyone knows, this is something that is contemplated by NYS Real Property Law. This is a common thing that you have assessors who are representing other taxing units. They have conflicts so they allow you to do this. You can't do it by resolution; you have to do it by local law. If you look at Section II, if we pass this it will be the first Tuesday of June each year. Councilperson Leinung said that he was reading the Purpose and Finding and did catch the actual body of the law. Supervisor LaGrange said that he did ask Assessor McGuire to check with the Board of Assessment Review Members to see if there were any plans already made. There was nothing and they were all fine from what he told me from those who responded. They were just concerned because people are used to this last Tuesday in May and how do we get the word out? That's something that we will take care of. Obviously if people are going to grieve, they've usually spoken to the Assessor's office anyway so we will be sure there is adequate notice made. Councilperson Leinung added that he thinks it's good to have it later so if people show up they didn't miss it. Councilperson

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Greenberg asked if there is a way to write this law so that it's a resolution each year on what the date is. Attorney Naughton replied that we have to change it, and it remains that way until we change it again.

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

8. Discussion/Action re: Intermunicipal Agreement providing a referral mechanism when a member of respective Board of Assessment Review has a direct or indirect interest in a subject property

Supervisor LaGrange said that this is expanded to include a Town Board member or an Assessment Board of Review member who wants to grieve their assessment. He's been told that we are supposed to go to another Board in an adjoining town. He asked our Assessor about this, and he said that in the two towns he works with they have gone into an agreement similar to what we have here. He believes it has to be on a contiguous border to do this. So, he took the resolution that Saratoga passed and he formed it into what would work for Bethlehem and us. He asked the Bethlehem Supervisor to look at it. He sent it to his Council, and there has been some discussion. Attorney Naughton said that we have made some minor revisions, and Mr. Potter was fine with it. This has been approved by their Town Attorney, and they will have to take it up. Maybe they will take it up tonight at their Town Board meeting. Until both towns approve and sign it, the agreement won't be in place but that wouldn't stop us from taking action on this tonight.

Resolution 2019-029

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does approve entering into this Intermunicipal Agreement between the Town of New Scotland and the Town of Bethlehem providing a referral mechanism when a member of the Board of Assessment Review or the Town Board has an assessment complaint. They would go to the other town's Board of Assessment Review as outlined in the agreement, and authorizes the Supervisor to sign it.

Attorney Naughton noted that the term of the agreement is five years.

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

9. Request from Frank DeSorbo to purchase Town-owned parcel 73.-4-75 consisting of approximately 24,312 square feet running from Rt. 85A to Albany County Rail Trail

Supervisor LaGrange said that he added this for discussion and to have the Board think about this. We've had a gentleman, Frank DeSorbo, from Delmar who apparently owns this property which is across from the old entrance to Colonie Country Club. It's just to the right of the storm water retention pond for Douglas Lane. He believes it is a 28 foot-wide swath. It goes from Route 85A back to the Rail Trail that the Town owns now. That was part of the whole Garrison/Masullo/Kensington Woods land exchange. We took possession of it. This gentleman is the owner. Attorney Naughton said that it has a Delmar address.

Supervisor LaGrange said that he got it late, but he wanted to give it to you folks to see if we had any thoughts or ideas. His inclination is that when you have an area that's directly going from Route 85A to the Rail Trail it would be nice to retain it in case we ever wanted to do something with it to help people get from like Colonie Country Club Estates or the Levie Farm. They could go to Hilton Road and enter there. He's not against selling it. There has been no offer or anything. He thinks they also just wanted to see if the Town would be interested. He's not looking for an answer tonight unless there is a resounding no. It's something that we might want to consider. Does anyone have any thoughts? Councilperson Snyder said that she likes his thought about access to the Rail Trail since there is no sidewalk along that part of the road. It would be nice to be able to get off of Route 85A a little sooner depending on where you are coming from. You would be able to get out of traffic and over to the Rail Trail. Supervisor LaGrange asked Highway Superintendent Guyer if this is cleared. Highway Superintendent Guyer said that it's half wooded and half cleared. The gentleman in the house kind of mows part of it. It kind of looks like part of his yard. I think they are kind of utilizing it. Highway Superintendent Guyer said that he doesn't know what Amedore has or what they are required to do. As you exit Country Club Estates heading toward Slingerlands, if there was some sort of

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sidewalk or something there you could exit at the development and you could access that trail. Maybe there is some way you could lease this land on a two- to five-year basis to the people. Supervisor LaGrange said that he has a fence put up with goats on his property. He then asked Attorney Naughton if he maintains it and pastures on it does that cause us any issues in the future? Attorney Naughton said we would not want him to have fencing and that sort of thing. Mowing is okay but we wouldn't want him to have it fenced in. We may have to take a look at what's over there and ask him to modify it.

Supervisor LaGrange asked for other thoughts as far as the property itself. Councilperson Greenberg thought it was a valuable piece of property and we should hang on to it. Selling it doesn't make any sense to him. Councilperson Leinung added that any possible connection to the Rail Trail is good. If that goes to the Rail Trail he would be hesitant to sell it. Obviously, he doesn't think this would be a significant amount of money. Regardless, he thinks the value of that land is more valuable than the market value of that land.

Councilperson Hennessy said that he wanted to look at the parcel of land that the town sold to Biernacki for the development of Picard Road. In the end the appraisal cost probably as much as the receipt for the land so it may not have been the wise thing to do. It might have been a wash. That might be an interesting comparison also to see if that even has that economic liability.

Councilperson Snyder said that she likes the thought of walkers being able to get off the highway, Route 85A in this case, to get over to the Rail Trail more safely than if they had to walk to Hilton Road.

Supervisor LaGrange said that it seems like the best answer here is to write a letter and tell him that at this point in time we are not interested in selling the property because we want to maintain the option of possible connection to the Rail Trail. Everyone agreed.

Attorney Naughton and Highway Superintendent reviewed the parcel on a map. Highway Superintendent Guyer thought there was a little stone driveway that goes to the backyard if that's where our property is. He thought it was somewhere in there. Supervisor LaGrange said that it might be. That will be something that Building Inspector Cramer will have to address, especially with the animals.

Councilperson Hennessey added that, according to Albany County GIS, the intersection with the Rail Trail is not that steep right there. Highway Superintendent Guyer said that if you've been on the trail it's about 200 feet east of an old concrete cattle underpass. It's behind Northeast water. It's only a few feet down. It would be very easy to make that into a path. Councilperson Snyder said that you can see right through to Route 85A from the Rail Trail almost in that spot. Highway Superintendent Guyer said that it's right behind the houses in Douglas Lane.

10 Highway/Parks:

• **Capital Region Solid Waste Management Partnership Planning Unit Recycling Coordinator Intermunicipal Agreement January 1, 2019, to December 31, 2021.** Superintendent Guyer said that we need to renew the Capital Region Solid Waste Management agreement. That allows us to dump our solid waste, our curbside trash, at the Answers Facility that is owned by the city. Two years ago we received a letter in October 2017 that tipping fees were going to go up in January 2018. They didn't. We watched it. For the majority of 2018 there was no movement. We paid \$52 per ton forever. During budget time last fall he called the Answers Facility and asked how we should budget. They said to budget with the higher number because it will move. It did. As of January 2, they are higher. If we sign on we're locked in at \$62 per ton. If we don't, we are on our own. There are other things that we have to do that this partnership takes care of for us. Our tipping fees are in the \$67. We renew this every three years. Supervisor LaGrange said that in 2017 for the 2018 budget we raised it. Highway Superintendent Guyer said that we raised it because we got the letter from Albany saying that this was going to happen. At the last minute he came back to the Board, and we raised it but never used it. Supervisor LaGrange said that we maintained that level for 2019. Highway Superintendent Guyer agreed adding because they called and said it was going to move, we

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kept it in there for 2019. Supervisor LaGrange asked if the \$62 we're getting charged reflects that? Highway Superintendent Guyer said that he believes that's in what we budgeted. Councilperson Greenberg said that he thought it was \$63. Highway Superintendent Guyer replied that it could be. It's right there.

Attorney Naughton said that really what we are doing is renewing a contract that's been in place now and expires by its own terms at the end of the year, so this new term will be from January 1, 2019, to December 31, 2021. It's all as set forth in attachment 5. You would also need authorization for the Supervisor to sign it. Supervisor LaGrange said that he didn't see a signature page. Is it the Supervisor? Attorney Naughton said that the signature page is missing in the attachment. Supervisor LaGrange said that he knows that on some of these things the Highway Superintendent would sign it. Highway Superintendent Guyer said that he believes it's the Supervisor.

Resolution 2019-030

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does renew the Capital Region Solid Waste Management Partnership Planning Unit Recycling Coordinator Intermunicipal Agreement for a term from January 1, 2019, to December 31, 2021, and authorizes the Supervisor to sign it.

Seconded by Councilperson Greenberg.

Councilperson Snyder asked if they said that the new fee is \$62? Highway Superintendent Guyer said that that's correct. Councilperson Snyder said that there is mention here somewhere about the tip fee structure providing a 20% municipal discount applied to the public commercial. Highway Superintendent Guyer said that that's where the \$62 comes into play. There would be 20% on top of that if Mr. Wright went in on his own from his private company. They pay 20% more than the \$62. Councilperson Snyder said that what Highway Superintendent Guyer is saying is that the \$62 represents the discount. Highway Superintendent Guyer agreed.

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

- **Request to hire David Martin as part-time laborer/attendant at the Transfer Station at an hourly wage of \$16.52**

Highway Superintendent Guyer requested permission to hire David Martin for the Transfer Station to replace Mr. Tesch who retired. Mr. Martin is a Feura Bush resident and he currently works for us at the Parks Department in Feura Bush. Mr. Martin locks our bathrooms up at night so he is a current town employee. He's done that for years and years. We are looking to hire him for the Transfer Station Attendant position. I'm proposing an hourly wage. It falls into the laborer part-time on the pay scale with a 2019 rate of \$16.52 which is at level 2. Supervisor LaGrange said that he's worked the Transfer Station before. Highway Superintendent Guyer agreed. Councilperson Leinung asked if he needed any training or can he just step right in? Highway Superintendent Guyer said that that's correct. Councilperson Snyder asked if he's been doing it since Mr. Tesch retired. Highway Superintendent Guyer replied no. Mr. Tesch has been gone for six or seven weeks now, and we've been filling in with Highway employees.

Resolution 2019-031

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby honor Highway Superintendent Guyer's request to hire David Martin as a part-time laborer as an attendant at the Transfer Station setting the hourly wage at level 2 which for 2019 is \$16.52 effective immediately.

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

11. Engineering:

- **Authorize Supervisor to execute Town-Designated Engineer 2019 Master Service**

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Agreement with Stantec Engineering

- **Stantec Engineering Task Order Requests**
 - **General Town Engineering Services**
 - **Zoning Board Consulting**
 - **Planning Board Consulting**
 - **Highway Dept. Consulting, Administrative and Capital Outlay**
 - **Clarksville, Feura Bush, Swift Road, Heldervale Waters, Heldervale Sewer**
 - **Storm Sewers**

Supervisor LaGrange said that he had a couple of Board members ask about discussing this in Executive Session. He also hadn't gotten Barton & Loguidice's contract until about an hour before our meeting. He would postpone this until after our Executive Session or possibly next month. In the interim, basically everything is the same except there was a slight increase of 2% to 3%, in the hourly rates. Mr. Frueh responded that it was roughly 3%. Supervisor LaGrange said that everything else is pretty much the same. Mr. Frueh said that everything else matches our budget that we allocated for those funds. This just sets us up and if we were to reach those limits we would come with a request to extend. Supervisor LaGrange added that we did that with Feura Bush last year because of the extra stuff we had to deal with there. We were under budget for most everything.

Supervisor LaGrange asked if anyone had any questions for Mr. Frueh. There were none. Mr. Frueh asked if the Board is aware that Mr. Dempf is no longer with Stantec. Supervisor LaGrange said that that's what we were going to discuss. He called Mr. Dempf to make sure that he was okay with him bringing it up at this point. That's part of the discussion.

12. Liaison Reports:

Audit and Finance

Supervisor LaGrange said that one thing he would suggest to our newly formed Audit and Finance Committee is that we do have a little bit of a lull for the moment. We have to get the Supervisor's office done. That was not done last year. We also have the Courts. They did send us their annual letter to remind us. If we could maybe hit those two in the near future it would knock that out for the year and then we would just have the Town Clerk and Tax Collector's office to do. Those are the primary ones that we do every year.

Councilperson Greenberg said that to follow up on that we need to look for a new company to run LOSAP. We might want to get on top of that in terms of interviewing potential firms. He believes March 1st or 29th was the deadline for having a new company in place. Supervisor LaGrange said that the former company decided that they no longer wanted to entertain programs that are less than two million or something like that. With all Morgan Stanley did it was well over that but they decided that they want to set those parameters over the individual ones like Onesquethaw, New Salem, and so on. He was asked by our representatives from Morgan Stanley to give them a little time to sort it out. They really couldn't make any headway with the main company. Next Tuesday there is a meeting for the Board members with Morgan Stanley. Councilperson Snyder added that we have our semi-annual meeting with the fire departments. Supervisor LaGrange added that our representative was going to bring somebody we could talk to who might be recommended to take it over. Councilperson Snyder asked if she communicate that to him? Supervisor LaGrange replied that she called him. Councilperson Snyder said that she sent her an email a few days ago and asked her what the process is and should we be preparing to interview. Supervisor LaGrange said that she called him Monday. Councilperson Greenberg asked if we should advertise for this. Attorney Naughton said that he believed so. Councilperson Greenberg said that we might want to get an ad in the Enterprise. Attorney Naughton said that we could ask her to send out an expression of interest letter. Supervisor LaGrange said that we might want to say that we're going to do that tonight. Attorney Naughton said that he didn't think we needed a resolution. We're just going to be asking other vendors to provide this service and make a proposal.

Councilperson Snyder wanted to get back to the Courts. We typically do their audit in March. She was going to reach out to Councilperson Leinung. Councilperson Leinung said that March and June are probably his worst months. Supervisor LaGrange said that their letter suggests that they are ready now. Councilperson Leinung said that if it's even possible to do this in the next few weeks that would be good. He then asked if it has to be done during the day. Councilperson Snyder replied that it did. Councilperson Leinung said that generally a Thursday

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or Friday is better for him. Councilperson Greenberg said that in the past it's been done on a Thursday because they are preparing for Court night. Councilperson Snyder will try to arrange something. Councilperson Greenberg said that he can be included on the emails in case Councilperson Leinung can't make it that day. Councilperson Snyder added that we have to get Mr. Purinton, of course. Councilperson Leinung said January 17 or 24 would be good. Councilperson Snyder said that she didn't know. Supervisor LaGrange asked if February would be okay. Councilperson Leinung said that if we need to it would. Supervisor LaGrange asked if Councilperson Snyder will initiate the conversation. She said she would send something to Mr. Purinton. She wanted to get some dates from him first and then contact Supervisor LaGrange who can go to the Courts. Supervisor LaGrange said that she could get rid of the middle man and just copy him.

Planning Board Meeting

Councilperson Snyder said that there are a number of items, but the one that may be of most interest, it's really still in the update stages, is for the development off Krumkill Road. It's a 22-lot residential subdivision. There was a representative there who was further describing what their intentions were and taking some input from the Planning Board. They are going to come back again to submit some more sketches and hopefully continue to work with the Board on their suggestions. The Board needed some time to digest some of the information that they received the night of the meeting. That's probably the one that's of most interest to everybody.

Senior Services Coordinator

Councilperson Snyder said that the new senior services coordinator started and things seem to be going well from her assessment and her interaction with her. We still have the benefit of Susan Kidder here for a little bit longer helping with that transition which is going well too. Supervisor LaGrange thought it was too. He sees it daily. We hired Mrs. Engel and she's doing well. It looks like she is going to do a good job.

13 Departmental Monthly Reports:

- **Town Clerk, Dec 2018**
- **Town Clerk 2018 Annual**
- **Registrar, Dec 2018**
- **Justice Johnson, Nov & Dec 2018**
- **Justice Wukitsch, Oct & Nov 2018**
- **Building Dept.**
- **Code Enforcement**

14 Pay the Bills

Resolution 2019-032

Supervisor LaGrange offered the following resolution and moved its adoption:

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

Abstract #	Vouchers	Amount
	20190005-20190078	\$92,908.72
Prepays		
Abstract#	Vouchers	Amount
2044	20181522	\$29,646.47
2049	20181542	\$89.82
2050	20181543	\$28.60
2051	20181544	\$381.73
2052	20181545	\$173.73
2053	20181546	\$122.15
2054	20181547-20181549	\$782.56
2055	20181550-20181553	\$4,286.00
2056	20181554-20181559	\$73,085.31
2057	20181560-20181562	\$16,394.83
2058	20190001-20190004	\$2,592.95

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

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**15. Approve any Budget Modifications
Resolution 2019-033**

Supervisor LaGrange offered the following resolution and moves 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
Contingency	B1990.4	Storm Sewers/contract.	B8140.4	\$314.00
To appropriate money from Contingency to Storm Sewers/contractual for Stormwater Coalition fee over budget.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2019 budget as stated above.				

Seconded by Councilperson Leinung. All present and voting, the motion carried (5 Ayes).

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

Mr. Boehlke asked with these new projects going, do we have enough manpower to handle it yet or are we starting to plan for it? Highway Superintendent Guyer said that we're getting there. He talked to the Board during budget time. We are getting close to needing equipment and men. We touched base on that a few months ago during budget season. Mr. Boehlke said that he didn't know if his road was figured in the last budget. They are talking Krumkill with 25 houses. There are substantial roadways and plowing there. Highway Superintendent Guyer commented that with Levies, Country Club, Masullo, and Hilton Road, we're getting there and the Board is aware of that. Supervisor LaGrange added that we've been discussing the possibility of getting a moderate-sized truck. Highway Superintendent Guyer said midsize, different style trucks than we have for the rest of our roads.

Mr. Boehlke added that these new projects with all these cul-de-sacs don't seem to have enough area to push the snow out of the middle. He sees nothing down on Miller Road. He thinks they have a wide enough swing in there to keep it in the center. Some of the other cul-de-sacs don't have enough room. The snow gets just so deep and you have no place to push it. Highway Superintendent Guyer said that some of the older areas, like in the back of Heldervale, are tight but with the newer ones like Country Club you could land an airplane in the cul-de-sac. It's humongous. It's way bigger than necessary. He spoke with Mr. Frueh about it last week. We spoke briefly on possibly coming to the Board at some point and maybe amending the size of the roads or giving a second option depending on the project, a small project with a small subdivision and maybe a smaller road. Some of these new roads are huge. It's unnecessary in some instances. Supervisor LaGrange mentioned the fire companies. Highway Superintendent Guyer said that there may be more issues than he has. Mr. Frueh said that that was a request by Mrs. Stolzenburg our planner, as well. Councilperson Snyder said that that came up at the last Planning Board meeting with the subdivision on Krumkill Road. They are trying to make it less asphalt but still safe. Highway Superintendent Guyer said that he thinks they are for certain projects. He didn't know if we amended the whole code or just for certain projects but he thinks it could be a viable answer. As far as we look at it, from a Highway point of view, it's easier to plow and less costly to pave and maintain in some instances. Attorney Naughton said that we did amend the law to allow for low-volume roads in connection with when they were fixing up something with the railroad crossing off Youmans Road. There is another option for a smaller road. Maybe what you're saying is something in between those. He thinks that's a good idea. Highway Superintendent Guyer said that we would have a few different options when these developments come in depending on the project and what the project would demand for travel lanes. Councilperson Snyder said that she thinks the Planning Board would be interested to hear that. Highway Superintendent Guyer said that we spoke briefly on that last week.

LaGrange Lane

Highway Superintendent Guyer had an update for the Board. We've been working on altering

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the intersection of LaGrange Lane where it meets Route 32. There is currently an old-fashioned "Y" type intersection there. We've been working with DOT. It's looking very good. We almost have a green light from DOT that things can be done and they will entertain it. There are a few more measurements they're asking for. We're going to do that sometime later this week and get the measurements back to DOT. It's looking like we may get this done. There are some power pole issues and things like that. We have to deal with National Grid, but we want to make sure we have DOT's blessing before we involve National Grid. Supervisor LaGrange asked if DOT helps us with National Grid or is that all on us? It's in DOT's right-of-way. Highway Superintendent Guyer said that maybe that pole is in their right-of-way; he didn't know. The only thing he's done with National Grid so far has been the Hilton Road Rail Trail when we lowered the hump. We spoke with the one planner and she was very helpful. We'll start with her and see. We can take some measurements and find out if DOT's right-of-way is there. If it does fall within their right-of-way, maybe they will have some pull. Supervisor LaGrange said that, for the record, this is at the end of LaGrange Lane and Route 32.

Highway Superintendent Guyer said that the only other thing is our Krumkill project. He's been working with Jeff Johns from Stantec. That's progressing very well. We're down to submitting to DOT a few copies of some bills from Stantec for engineering. Our bid packet should be approved in the next few weeks. We will be going out to bid hopefully within the month to secure a contractor for our Krumkill Road project through our CDTC grant. Councilperson Greenberg asked if he asked for an estimated start date when he put it out to bid. Highway Superintendent Guyer said that he would have to talk to Mr. Johns on that; he doesn't know how this works. He's never been involved in a project like this. We are looking to get it done if we can secure a contractor when the construction season starts. Anyway, it's progressing well. Supervisor LaGrange asked if we anticipate any closings of the road. Highway Superintendent Guyer believed there would be a slight closing because there is some drainage work to do, so he believes the road will be closed.

Supervisor LaGrange said that, on a side note, he was kidding about his road but that was on DOT's plan back 20-plus years ago to straighten Route 32. It was never done. Living there and hearing from neighbors, there are a lot of near misses or accidents. Councilperson Leinung said that he drives there every day. There was supposed to be a yield there but no one yields. Highway Superintendent Guyer said that you take an intersection with three points of contact and you condense it to one point on contact. Supervisor LaGrange said that if you're heading north to Feura Bush you cannot see. The sight distance is only maybe 50 feet. Just from practice, the sight distance will be so much better and safer there. That will be great.

Mr. Hornick said that he and his wife have been residents of New Scotland for 48 years and for the past 44 they've lived on the corner of Slingerland and Delaware Turnpike. His good friend and neighbor Mrs. Hogan died and her son Joseph took possession of the property in a way that his two brothers haven't spoken to him since. It used to be beautiful. Since she died there are five or six tall weeds. He cuts them down once a year usually in November. In 2010, Mr. Hornick took down the last section of his fence. It was there when he originally broke the property. It was erected in 1952. Mr. Hogan went absolutely berserk. He shook his fists in my face and screamed obscenities. He paid for a survey and found out that he was on my property by a foot and a half in that very area and along the south by three feet. His garage was actually built on the property line. He begged me for some land so he could get in his garage. I gave him more than he asked for. As soon as he got that land he started his eight-plus year-long harassment of me and my wife. He will not forgive us for his being wrong about the property line. The 2012 Local Law 3, Lighting Law, exists because of Mr. Hogan. After the law was passed Councilperson Snyder stepped forward. Mr. Hornick first came to the town, and they said they could do nothing because there was no law. He's put up a commercial power light on the front his garage and a floodlight on the side of his garage that lights up seven rooms of my house and 8,000 square feet of my property. Eventually the law passed with input from Mr. Dempf and many others like Mr. Mackey. There were two years which were pure hell. Try to imagine seven rooms of your house lit up all night long by a neighbor. I wrote a letter to Mr. LaGrange and all members of the Board along with Mr. Cramer and Attorney Naughton on December 18 suggesting amendment to the law. Mr. Hogan is such an individual that he latched onto the exemption for holiday lights and put up, which only I can see, red, green, and blue flashing lights 14 hours per night. They have been on since November 30, and they are still on tonight. Mr. Hogan is the kind of person who'd say he celebrates Christmas all

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year long, and holiday lights are exempt. He will look for a way around it for Thanksgiving or Easter. Having a blanket exemption for holiday lights gives him a way around. That's what he's been doing to us for the past 41 nights. He was just recently found again in violation on my side of the property. He keeps adding brighter bulbs, changing the angles. He keeps going until he breaks the law again. Thankfully Mr. Hornick said that he's not the only nut here complaining. Our Assistant Highway Superintendent complained about the lights on his side too. That's where we are. Again, each of the three times he's violated the law he has taken more than the 10 days that the law says you have. He always pushes it and as soon as it's settled he starts pushing it again and again. So he's going to suggest, as stated in the letter, three areas that need amendment. The blanket exemption for holiday lights has to be changed. If you simply add to it "except where it causes impact as stated in the law where it shines on a neighboring property in such a manner as to be a nuisance or annoyance to a neighboring residential property and interferes with the physical comfort of the occupants," that would stop him from what he's doing. The second amendment that is needed is in the general requirements section, Section 190-33A 1 and 2 that specifically say that you must meet one candle-foot requirement at the property line for there to be violation. Section 3 does not. Mrs. Snyder, you have to remember you stood right there along with Mr. Mackey and Mr. Greenberg. The point was made that you can have severe impacts with how they're doing the candle-foot measurement, such as glare. Glare was separately included. Mr. Cramer does not believe that glare can exist unless you first have the foot-candle light criteria. The other thing is there was no need to include anything about blacking out the night sky. Where on the property line do you measure blocking out the night sky with the one candle-foot measurement? He does nothing in implementation of the law unless that candle-foot measurement is met. We have not used our back porch in two years because of all those lights facing us. Before after it's original, where they put the shields on and everything else, things were okay. It was bearable. Since then he keeps changing the angles of the lights so that now we see the center bulb of them. He stopped using yellow and now he has a bright light. So, we've been denied use of our enclosed back porch for two years. It needs to be clearly stated in the law that the candle-foot measurement does not need to be met in this section. He's consulted with four attorneys on it and they agreed with him. One of the attorneys was one of our Town Justices. He said it can be misinterpreted if they wanted to. It says "or" if they did this "or" this "or" this. In the last law, all it has to do is create that nuisance. It does not say it has to meet that candle-foot measurement. I cannot afford an attorney. We are experiencing extreme medical bills with my wife. Communication makes it the most difficult. Previous to this violation he adjusted the lights to shine in our house. It took more than a year to get something done because he contacted Attorney Naughton. He made 29 requests before something was done. He has it all documented here. People, that's so unreasonable. If you ever lived through what we've lived through in the past eight years, and we are still living through, you would never tolerate it. Some people have offered to go over and pull down his lights. He envisions me as the devil or something and will not stop. His Christmas lights that he puts up prove it. Mr. Hornick suggested that when a person files a complaint in violation of the law the town has to respond in some way within a reasonable period of time, like 10 days or something, and also either by phone, email, a letter, whatever. He got nothing. When it was finally proven after more than a year of his being in violation nobody apologized. He thinks the Board can see how stressed he is. "Please help me. Please answer me. Please respond."

Supervisor LaGrange asked if Attorney Naughton had anything to add. Attorney Naughton replied no. Councilperson Greenberg asked that Mr. Hornick submit the documentation that he just referred to regarding contacting us. Mr. Hornick said that several contacts were by phone and many were in person. He came right here to the office and spoke to Mr. LaGrange. Many of them were in writing. Anything that was in writing he has a copy of.

Councilperson Snyder asked Mr. Frueh if he's been here recently. Mr. Frueh said not recently but he's been there two times after a couple of Planning Board meetings to measure the foot-candles at the property line. He knows that the last time for certain they were below the thresholds of that amount. Mr. Hornick asked if we are talking after he put up those shields? Mr. Frueh said no, it was prior to the shields. Mr. Hornick asked why he had to put up the shields if they weren't in violation? Mr. Frueh replied that it was to reduce the glare at the site and to mitigate some of those other nuisances. Mr. Cramer requested that those items be done. Councilperson Snyder asked if Mr. Frueh could let the Board know by email when he was there, what the results of the test were, and what was used to measure. Mr. Frueh said he

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would.

Mr. Hornick said that when Mr. Hogan put up those holiday lights, after his experience with him, they are certainly not celebrating the birth of Jesus. He stood there in front of his garage as he often does staring through my back porch at me every night. He found his loophole.

Mr. Frueh said that the last time he visited the site was May 2, and the candlelight measured 0.07 at the back corner of Mr. Hornick's garage. That was where most of the light was. The highest readings were on the back side of his garage. The real argument would be whether there was a nuisance glare or another type of nuisance. Councilperson Snyder said that she thinks we would like to get an understanding. She can't speak for everybody. Mr. Hornick has made many requests and she would just like to see what the responses were. Mr. Hornick said that this was more recent. The 29 requests were for the second violation he was under. This is the third one. Also every night Mr. Hornick closes his blinds and pulls the curtain to stop the frame of the window from flashing red, blue, and green. When he opens his closet door he has to hang a blanket over there because when they were first on his wife thought the ambulance was coming for her again. Another time she thought the house was on fire. In the kitchen he has a tarp that he has to put across the doors, the windows, etc. As soon as the wind is above 12 miles per hour it blows off. So, the lights come in. The holiday lights come into my kitchen all night long and they flash. How many of you could put up with that? It's unreasonable. I can't believe any of you would say yes.

Councilperson Hennessy asked if that warrants an appearance ticket by either the Code Enforcement Officers or do we have to contact the Sheriff for such a thing? Attorney Naughton said that if you are enforcing our law you can do it with an appearance ticket. Mr. Cramer can do that. Mr. Hornick said that the Sheriff tells me that it's civil law and not criminal law. The Sheriffs have been there. You're only getting his part of it. You're not hearing all the others that Mr. Hornick has called - the Sheriffs and the State Police. Councilperson Greenberg asked if his last complaint to the Building Department was in December. Mr. Hornick said that it was the very next day that we were open. November 30 was a Friday, and he was here Monday morning about the Christmas lights. Councilperson Greenberg said that he hasn't seen it in the Building Department's monthly report which we recently requested. He hasn't seen this listed once. He asked Supervisor LaGrange if he had any idea why. It should at minimum be on a monthly report to tell us it's been resolved or it hasn't been. Supervisor LaGrange said that this may have been before the December report. Councilperson Greenberg said that he didn't think so. We've got the reports for two months now. This seems to be a recurring theme that we seem to be revisiting whenever we get some neighbor complaints. He's not here to say what's right or necessarily wrong at the moment, but it should be on the monthly report. Supervisor LaGrange said that he didn't know if there was anything done in November or not. Town Clerk Deschenes said that it's on the December report. Councilperson Greenberg said that it's not resolved on tonight's report.

Mr. Hornick said apologized to everyone for his emotions; it's been difficult.

Councilperson Snyder asked Attorney Naughton if there is any timeframe for holiday lights or is it just open ended. Councilperson Snyder added that she didn't have it in front of her. Attorney Naughton said that he didn't either. Councilperson Snyder said that maybe we could take a look at that at least to see if we could put in some timeframes. Mr. Hornick said that if it's only Christmas, he didn't think that by US Constitutional Law you could do that. Councilperson Snyder said that she didn't know; she was just trying to offer some parameters. Mr. Hornick said, six other neighbors have lights and they have no problem. Their home is invaded every night. They don't have normal use of their home.

Councilperson Hennessy said that the holiday portion says, "temporary holiday lighting fixtures." The word temporary is in there. Whether that's an enforceable component of it or not, maybe that definition can be elaborated on to be a little bit more definitive. We could look at that. He's interested in not just Mr. Hornick's property but even the newer houses going up at Levie's and Kensington. They have flood lights that shine brightly out. They might meet the 0.1 candle threshold at the property line but they potentially may not meet the glare and the nuisance components of the law. This might be something that we need to pay a little bit more attention too. We definitely have to pay attention to it in this case, but we have to look at some

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of the newer properties also. He hates the view of the bare bulb on any lighting fixture. Visors should always be required on all of these lights. The glare from the lights as you drive down Route 85 from where the doctors' office building is substantial. The efficiency of that light past the property line is minimal so what's the point? Visors should be required on all of these fixtures.

Councilperson Snyder asked Mr. Hornick if there are visors on these lights? Mr. Hornick said there are but he's now adjusted the angle. Before you could not see, but now he can see every single line in the house. Councilperson Snyder said that that really should be a Code Enforcement issue if the visors are not on their appropriately. Supervisor LaGrange asked if the lights have changed in the past week. Mr. Hornick replied no. Supervisor LaGrange said that he was up there Monday or Tuesday last week and the visors covered the light from both sides. Mr. Hornick said maybe from the road but not from his house. Supervisor LaGrange replied that it was from his house. Mr. Hornick said that he repeatedly invited Mr. Cramer to come and see what it's like in his house. He said he didn't need to come onto my patio or porch to know what it's like. He doesn't want to relive that drive-by assessment fiasco. There are other people who are afraid to come forward and complain because they know about Mr. Hogan's behavior. He used to go visit Mrs. Blessing in her last days. It was in the beginning when his lights came on when she would say, "Oh no, there they go again, the lights." Mr. Hornick told her that we have a lighting law now and you can object. She said, "Oh God no. Who knows what he would do?" He doesn't know what he would do to him. She was deathly afraid of complaining. There is another neighbor, he wouldn't mention his name, who is afraid to come forward yet it shines in that neighbor's property. What do you want to call him, a village terrorist? It's not just the lighting. I don't know which way to turn or what to do. It seems like the police always give him a slap on the wrist for some of the things he's done. Two of the policemen have thanked me for warning them about his rage. That's the kind of individual you are dealing with. This is what we've been living with for nine years.

Councilperson Snyder asked Supervisor LaGrange if he could ask Code Enforcement to look at this again. Supervisor LaGrange said that he will see, but, again, he went up there himself and he believes Mr. Cramer was up there the next night. It was after last week's Planning Board meeting. Councilperson Snyder said that that's why she was asking. She thought Supervisor LaGrange was going after last week's Planning Board meeting with Mr. Cramer but she's learning that maybe that didn't happen. Supervisor LaGrange said that he didn't hear that discussed. He wanted to go up there because he wanted to. Mr. Hornick said it looks very different now with the last two shields he put up for Mr. Van Praag. His side was longer and brighter. It actually has reduced some of the light bouncing off the fence back into his house. The other thing is this house has been empty for 20 years. This is a vacant house that is being lighted. Supervisor LaGrange said that he would check on that tomorrow and see and we will go from there. Mr. Frueh added that if Mr. Cramer wants to request it, he would gladly go up there at night and take measurements. Councilperson Snyder said that she thinks that's the least we could do at this point, have a revisit in the evening and see what's going on.

Executive Session
Resolution 2019-034

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby suspend the Board meeting and going into an Executive Session to discuss contractual issues.

Seconded by Councilperson Greenberg. 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 9:25 PM. No action was taken during Executive Session.

Engineering:

- **Authorize Supervisor to execute Town-Designated Engineer 2019 Master Service**

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Agreement with Stantec Engineering

Resolution 2019-035

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to execute the Town-Designated Engineer 2019 Master Service Agreement with Stantec Engineering.

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

- **Stantec Engineering Task Order Requests**
 - **General Town Engineering Services**

Resolution 2019-036

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to execute the General Town Engineer Services task order dated December 21, 2018, with Stantec Consulting Services, Inc.

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

- **Zoning Board Consulting**

Resolution 2019-037

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to execute the Zoning Board Consulting task order dated December 21, 2018, with Stantec Consulting Services, Inc.

Seconded by Councilperson Leinung. All present and voting, the motion carried (5 Ayes).

- **Planning Board Consulting**

Resolution 2019-038

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to execute the Planning Board Consulting task order dated December 21, 2018, with Stantec Consulting Services, Inc.

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

- **Highway Dept. Consulting, Administrative and Capital Outlay**
- **Clarksville, Feura Bush, Swift Road, Heldervale Waters, Heldervale Sewer**
- **Storm Sewers**

These items were postponed.

17. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. All present and voting, the motion carried (5 Ayes).

The meeting adjourned at 9:30PM.

Diane R. Deschenes, Town Clerk