

**Town of New Scotland
Public Hearing
January 9, 2019**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg Daniel Leinung William Hennessy Patricia Snyder
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

1. Call to Order

Supervisor LaGrange called the hearing to order at 6:50 PM on proposed Local Law B of 2018 authorizing the use of a planning consultant primarily by the Planning and Zoning Board, but it's also allowed by certain Town Officials and Departments. This was advertised and there is proof of publication. Attorney Naughton said that this gives the Planning Board and other boards that need a consultant to assist them with reviewing applications and the ability to hire. This is something that most towns have. We are just getting up to speed on that. Councilperson Greenberg said that, just to be clear, it's not just planning; it's any kind of consultant, specialized engineering, whatever it is.

Edith Abrams asked if the Board could review some of the restrictions. Is there a time when somebody will not be able to hire somebody? Is there any approval process by the Board for the expenditure?

Attorney Naughton said that there is really nothing that addresses a restriction like that. Councilperson Snyder added that it's the applicant who will pay so it doesn't come to the Board; at least that's her understanding. Supervisor LaGrange said that if the Board has something else as it says in Section IV. A above and beyond what an engineer or applicant already included in the whole package they will ask for it and request an estimate from the consultant. He doesn't think there is any provision for anything other than the applicant paying for it because we already hire the engineering and planning consultant. We're covered on the town's end. If there are further, more specific needs that the Board is looking for they have the opportunity to request it. Councilperson Greenberg added that the applicant will know that first so they can decide if they want to proceed or not.

Councilperson Snyder said that this is the same question she has asked in the past. The origination of this is very good. It's for the Planning Board and the Zoning Board to hire consultants as they need for projects that require certain expertise, but we've also extended it to Town Officials and Departments. She then asked if it could be explained what is envisioned as the process for departments and who those departments would be just so she's not guessing. Attorney Naughton said that the thing that comes to mind, for example, is that we have minor subdivision authority that resides with the Building Inspector and Code Enforcement Officer for very small subdivisions. It may be that that would require some level of consultant. Normally if it's that complicated you would send it over to the Planning Board, but it could be that he wants to have someone take a look at something. That's one example. The Town Board of course has the authority to do this anyway, but there could be occasions where we want to hire someone in connection with an application to extend a water district, for example, or to take a look at hydrology or something of that nature. It just opens it up to those situations, broader than just the Planning Board and the ZBA, and this is consistent with models that we've gotten from other towns. Beyond that, he couldn't think of anything off the top of his head. Councilperson Snyder thanked Attorney Naughton adding that we all know the universe as it exists today so she's just trying to understand when we're not here what the universe would be, so when we say departments from your description we are extending it to the Building Department. Would it be any other department like the Water Department? Attorney Naughton said that he can't think where they would want to use it but maybe there would be an occasion where it would come up. Councilperson Snyder said that she was just trying to understand what we are envisioning going forward. Supervisor LaGrange said that he thinks it's being left loose enough so that we have something in the future if something comes up. As Attorney Naughton said, it's modeled after other municipalities. We're not reinventing the wheel. Councilperson Snyder said that it includes DPW and other departments. Would they need approval from anybody or is it just something they negotiate with the applicant? She's just trying to understand the process. Attorney Naughton said that he can see that this will not happen very often. He hadn't given a whole lot of thought to how it would work out. Councilperson Hennessy said that his understanding is that the Building Department or the Water Department has to get approval from not just the Supervisor but the Town Board if it's not in their budget. Attorney Naughton said that generally you would go to the Town Board, but we're talking about a situation where the applicant has to pay for it. Councilperson Snyder asked if it is a budgetary constraint for us? She's just trying to understand who has authority should they decide maybe a road cut doesn't have to go one way and they need to get a

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consultant. Where do you draw the line? Is that a negotiated situation between an applicant and a Department? She is just asking. Food for thought. We know the players today but going forward this is a local law. Who will the players be in the future? She just thought it would be helpful to be as clear as we could be with who can do what. She knows that you want to leave it open ended. Supervisor LaGrange replied that to an extent they do. Councilperson Snyder said that she just has questions more than anything else. Ten years from now there are different Department heads there and what can they do. She guesses that we don't have an answer for that. Supervisor LaGrange said that we don't specifically, no. Councilperson Snyder asked if it would come back to him as Supervisor or consultant or anything like that; a department head can just go out with an applicant and say we need to hire a consultant and it's just between the department head and the applicant. Attorney Naughton said that he supposed it could work that way. He asked if she had something she wanted to propose. Councilperson Snyder said that she just didn't know if it made sense to at some point go to the Supervisor for final review and approval. How do we know who is actually being engaged? Just to track a consultant we may use or somebody may use might be good. Attorney Naughton said that if you want to put some additional guidelines or regulations in place about how that all works you could do that by a Town Board resolution, but he thinks we'd have to come up with the guidance you want to do. Councilperson Snyder said that she thinks what she was probably envisioning was having the Supervisor be somehow included in the loop so to speak so that he is at least aware that this consultant or whoever is being engaged. Attorney Naughton said that that could be done by resolution.

Supervisor LaGrange asked if anyone else wanted to address the Board.

David Moreau said that, based on his own personal experiences with the Planning Board and all he knows is, before an applicant is allowed to present he has to have the data he is about to present gathered and prepared by licensed professionals. In his case, surveyors and engineers. In the course of the project, if there are changes made, then this gets communicated through these people and updates are made. He thinks that if the purpose of the law allowing Board members to hire additional professional people is to confirm, verify, validate, or somehow take away some level of distrust in this information, then he thinks that the cost of that really needs to come from the Town because if it doesn't there is really no modification or incentive not to control who they hire, how many they hire, or how often they hire. It seems that if it's a bottomless pit here and the cost is always borne by someone other than the town, in other words the applicant, then there is a big potential for abuse. The other point he wanted to make was that if the law is passed as it's written, again from his own personal experiences, he thinks that the Town should be obligated to publish a list of professionals that they trust so the applicant doesn't have to pay twice in case the applicant goes to one of these people and then there is not this level of additional review. As he read this, those are the thoughts that came to his mind.

2. Adjourn

Councilperson Greenberg made a motion to adjourn, seconded by Supervisor LaGrange. The meeting adjourned at 7:00 PM.

Diane R. Deschenes, Town Clerk