

**Town of New Scotland  
Regular Town Board Meeting  
1/10/2018**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	William Hennessy Adam Greenberg Daniel Leinung Patricia Snyder
Engineer:	R. Mark Dempf
Highway Superintendent:	Kenneth Guyer
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

**1. Call to Order**

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

**2. Pledge of Allegiance**

**3. Invitation to the General Public to Comment on Agenda Items: Please use the microphone available and state your name for the record**

**4. Notice received re: Seasons Hospitality filing for liquor license**

Town Clerk Deschenes advised that we have the standard notification from Seasons Hospitality which is over at Colonie Country Club. They have to notify us 30 days in advance that they are applying for a liquor license. Councilperson Hennessy asked if this is a new vendor that they are having. Supervisor LaGrange said that it is a new vendor. Councilperson Hennessy asked if it was a renewal and not a new restaurant. Supervisor LaGrange agreed adding that they have to apply for the liquor license.

**Planning and Zoning Board minutes**

Supervisor LaGrange said that we've had some concerns that Planning Board and Zoning Board minutes haven't been on the website. Last week he mentioned it to Building Inspector Cramer. There are two problems. One is with the Planning Board. They were going back and forth on how they wanted to do them, and there were corrections. Regardless, they should be done. He was told that they passed about five months' worth of the Planning Board minutes at their last meeting. One of the reasons the ZBA minutes haven't been up is because they haven't had too many meetings. He asked Building Inspector Cramer to note the meetings that were cancelled in the minutes section so people realize we're not missing minutes, there is just no meeting.

**5. Discussion/Action items re: Proposed Heldervale Water and Sewer Extensions**

• **Discussion/Action re: petition to create Heldervale Water District Ext. #10**

Supervisor LaGrange advised that we received a petition requesting an extension from Dr. Bevilacqua. We have the petition, map plan, and report that addresses this property. This is about a 3-acre lot behind Stonewell. The project has been through the Planning Board and has gotten their approvals. Bethlehem has told us they would supply the water so now we need to go through the process of extending the water district.

• **Order Scheduling Public Hearing: Proposed Heldervale Water Distr. Ext. #10**

**RESOLUTION 18-026**

**WHEREAS**, a petition dated January 2018 has been duly presented to the Town Board of the Town of New Scotland according to law requesting a certain extension to the Heldervale Water District; and

**WHEREAS**, pursuant to said petition a study of such proposal was made and maps and plans in relation thereto prepared; and

**WHEREAS**, the boundaries and a map of the said proposed extension are set forth in **Schedule A**, appended hereto; and

**WHEREAS**, all construction and other costs for creation of the extension, estimated at \$212,000.00, will be paid by The Grove at Maple Point, LLC, with no cost to the Town of New Scotland;

**NOW, THEREFORE**, be it resolved, that it is hereby determined by the Town Board as follows:

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**IT IS HEREBY ORDERED**, that the Town Board of the Town of New Scotland shall meet at the Town Hall, 2029 New Scotland Road, Slingerlands, New York, on the 14th day of February, 2018 to consider said petition and hear all persons interested in the subject thereof, and further

**IT IS HEREBY FURTHER ORDERED**, that a public hearing be held at the New Scotland Town Hall on February 14, 2018, at 6:45 PM to consider said proposal and to hear all persons interested in the subject concerning the same, and it is further resolved that the Town Clerk is hereby authorized and directed to publish a notice of said hearing in the official town newspaper and to post a copy of the same on the sign board (and website) of the Town in the time and manner required by law.

The foregoing resolution offered by Supervisor LaGrange and seconded by Councilperson Greenberg was duly put to a roll call vote as follows:

Supervisor LaGrange	Aye
Member Hennessy	Aye
Member Greenberg	Aye
Member Snyder	Aye
Member Leinung	Aye

**6. Discussion/Action items re: Proposed Heldervale Water and Sewer Extensions**

• **Discussion/Action re: petition to create Heldervale Water District Ext. #11**

Supervisor LaGrange said that the next is the same for Heldervale Water District Extension #11. Engineer Dempf said that this encompasses two lots. Supervisor LaGrange said that it's a little over 11 acres. As he understood it, the two lots are being merged. This is for the Olsens, and their property is behind Stewart's, primarily right off Route 85. Again, we have the petition request along with the map, plan, and report. This is also a project that is primarily, right now, storage units, and it's gone through the Planning process and had its approvals.

• **Order Scheduling Public Hearing: Proposed Heldervale Water Distr. Ext. #11**

**RESOLUTION 18-027**

**WHEREAS**, a petition dated January 2018 has been duly presented to the Town Board of the Town of New Scotland according to law requesting a certain extension to the Heldervale Water District; and

**WHEREAS**, pursuant to said petition a study of such proposal was made and maps and plans in relation thereto prepared; and

**WHEREAS**, the boundaries and a map of the said proposed extension are set forth in **Schedule A**, appended hereto; and

**WHEREAS**, all construction and other costs for creation of the extension, estimated at \$8,500.00, will be paid by James and Robin Olsen, with no cost to the Town of New Scotland;

**NOW, THEREFORE**, be it resolved, that it is hereby determined by the Town Board as follows:

**IT IS HEREBY ORDERED**, that the Town Board of the Town of New Scotland shall meet at the Town Hall, 2029 New Scotland Road, Slingerlands, New York, on the 14th day of February, 2018 to consider said petition and hear all persons interested in the subject thereof, and further

**IT IS HEREBY FURTHER ORDERED**, that a public hearing be held at the New Scotland Town Hall on February 14, 2018, at 6:55 PM to consider said proposal and to hear all persons interested in the subject concerning the same, and it is further resolved that the Town Clerk is hereby authorized and directed to publish a notice of said hearing in the official town newspaper and to post a copy of the same on the sign board (and website) of the Town in the time and manner required by law.

The foregoing resolution offered by Supervisor LaGrange and seconded by Councilperson Leinung was duly put to a roll call vote as follows:

Councilperson Hennessy said that in light of the discussions we're going to have a little bit later regarding the water rate issues we have with Heldervale and Feura Bush Water District he would encourage the Board to dig into the map, plan, and reports. They are basically identical on these two extensions, but they give a nice history to these water districts. He and Councilperson

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Leinung have talked a little bit about some of the water district history, but Stantec has put together some good documentation in these reports to give some historical perspective. We going to need to understand that when we discuss the water rate issue.

Councilperson Greenberg wanted to add that there was a long discussion on this last month about the Olsen property never being referred to the Water Committee. It was, and they met just before or after Christmas, and the Water Committee gave a positive recommendation on this extension.

Supervisor LaGrange	Aye
Member Hennessy	Aye
Member Greenberg	Aye
Member Snyder	Aye
Member Leinung	Aye

**7. Discussion/Action re: appointment of Zoning Board of Appeals Member for a term expiring December 31, 2022**

This item was tabled because the Board has some further work to do on that.

**8. Discussion/Action re: appointment of Zoning Board of Appeals Chairperson for a term expiring December 31, 2018**

This item was tabled also.

**9. Discussion/Action re: Department of Publics Works Fee Schedule**

Supervisor LaGrange said that we've had different meter rates over the years. Sometimes it was enough to cover the cost, and sometimes it wasn't. We've now upgraded to the new system for collecting the water meter readings. We have the new cell read meters which are part of the new software package. They cost more. We looked at what Bethlehem was charging, and we were well below where we felt we should be especially with these cell read meters. There is not only installation; there is the component on going back and checking on them. You have to start them up, and that's usually after the fact, after the installation. There are several different things that go into it. We still have the water application fee that's been \$145 for a resident; non-residential its \$165. We rarely have non-residential. The meters are purchased separately. We're proposing that the meter fees go up to \$475 for a ¾ inch and a one inch. For the 1-½ inches, we're proposing \$825, and for the 2 inches we're proposing \$1,120. The additional fees are the things we haven't had charges for in the past, but we should and these mirror Bethlehem. For hydroseeding Bethlehem charges quite a bit more. This is a start, and this was asked for by our DPW Commissioner, Wayne LaChappelle. Supervisor LaGrange and Commission LaChappelle have been talking about it over quite a period of time. The only difference that will happen is when a developer's agreement has been drawn up and implemented with Kensington Woods. They have a \$250 application fee, but their meters will be the same price as these. That was negotiated in the developer's agreement way back when.

**RESOLUTION 18-028**

Supervisor LaGrange offers the following resolution and moves its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby adopt the following Department of Public Works Schedule of Fees:

**A. Permit and Inspection Fees:**

Residential water service and meter installation	\$145
Non-Residential " " " " "	\$165

Note: Meters purchased separately

**B. Tapping Fees:**

It will be the responsibility of the customer to select an approved contractor for the purpose of tapping the main and installing a corporation tap. This will be approved by the Commissioner of Public Works or the Department of Public Works Field Technician. All material and labor costs will be the responsibility of the customer. All underground boring, necessary to reach a water main, will also be the responsibility of the customer utilizing an approved contractor.

**C. Testing Fees:**

Meters ¾ inch and 1 inch only	\$145
All additional costs to be paid by customer	

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Meters over 1 inch

Customer will pay for and have meter tested. Test results shall be submitted to the Town of New Scotland Department of Public Works.

**D. Meter Fees:**

3/4 inch	\$475
1 inch	\$475
1-1/2 inch	\$825
2 inch	\$1,120

**Additional Fees:**

Hydroseeding Permit	\$200
Service Calls (e.g. locating curb boxes and turning water on/off)	\$60
Nights, weekends, and holidays	\$120

Councilperson Hennessy seconded the motion.

Councilperson Leinung asked if these fees are for people who are getting new meters. Supervisor LaGrange replied that they are. Councilperson Leinung asked if everyone eventually has to upgrade to these new meters. Supervisor LaGrange said they do not; they'll have to upgrade to the new meters if their meters go bad. There are two components to the meter. There is the main component and then the heavy electronics portion. Oftentimes the base is no problem, but the head has to be replaced. So, that would be allocated.

Supervisor LaGrange said that there was a time we were replacing the meters at no cost. Do we still have that? Councilperson Greenberg asked about the New Salem Water District. Mrs. Boehlke said New Salem had a reduced cost because there was money in the bond. Supervisor LaGrange thought Clarksville might have replaced meters at no cost. Mrs. Boehlke said that she believes that when they bonded there were a certain number of meters that they purchased with the bond so they had some to give to people who paid on the bond. They weren't free; they were purchased in with the bond. Supervisor LaGrange added that if there was an open lot that was paying on the bond and they built on the lot they would get a meter. He didn't know where those stand now.

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

**10. Discussion/Action re: financial plan addressing debt repayment by the Heldervale Water, Heldervale Sewer, and Feura Bush Water districts**

Supervisor LaGrange said that we will kind of combine items #10 and #11 on the agenda. We're not going to take any action tonight. He did give the Board an update as to some issues we are having in the Heldervale Water, Heldervale Sewer, and the Feura Bush Water districts. We've tried in the last couple of years to bump up the rates a little bit to make up the difference. We were made aware probably 2 to 3 years ago that there were these issues. They're just not catching up. We tried to inch them up so we could catch up. Feura Bush is getting close to \$60,000 debt. Generally speaking, it's usage. There are some costs that you could construe as infrastructure work, and what he means by that is that there haven't been new lines put in but there have been so many repairs in many places. The frequency of the repairs was offset when we installed the Variable Frequency Drives. On Swift Road right now we're looking into getting the VFDs for that. The drives start up at full speed, and it hammers the water out into the system, and that oftentimes starts leaks. Again, Feura Bush is nearing \$60,000 of debt. They have a deficit this year. We are approximating again about \$3,500. A lot of factors go into this. There are things that happened years ago that started this. There are things recently that have caused this. Again we tried to slowly address it, but it has to be addressed sooner as our Attorney showed us in an email. The Comptroller also brought it up to us. This is something that can't lag. It's something that has to be addressed. Supervisor LaGrange had proposed that we do something to the extent of having a charge on the water bill twice a year divided out among the customers in each district over a five-year period. It would be a rather modest \$30-\$37 over six months. He knows that Councilperson Hennessy was questioning if that was fair in the sense that this was primarily a usage issue, so people who have used a lot of water didn't pay what they should have and people who used less didn't pay what they should have. Those are things that we've been looking into. We can do it either way. It's this Board's preference. Again, he and Mrs. Boehlke just put together something just to give the Board a sense of where we are, where we are still going, what it would take if we just stopped and charged and then a slight rate increase to stop the yearly bleeding. He does have numbers. We did some calculations to decide what the water rate increase would have to be to hopefully still address it in five years but doing it through a usage rather than a fixed amount.

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Right now in Heldervale we're at \$16.50 per 1,000 gallons, and we feel that we have to go to \$18.00 to address it in a five-year period. That does include Creekside coming on with other 20-some houses. It doesn't include Kay's development. There are things that are coming that will help decrease what we have to do over five years or get it paid off quicker, one or the other. We don't just want to pay it off. We have to start to get a fund balance so when things come up we can address them. He thinks that we're going to have to do this as a Board once we decide the direction we are going to go on all three of these districts. We are going to have to maybe review it at the end of every year to see where we stand, see if we've stopped the bleeding, and to see how much we're catching up on the negative fund balance. We figured Heldervale Water has 75 customers at this point. We are going to increase that by a third in the relatively near future. They'd be right around \$34-\$35 twice a year on their water bill for five years, and that would satisfy the debt they have. Heldervale Sewer also has a debt. There are 89 customers with sewer, and it would be approximately \$22 twice a year on the sewer bill. In conjunction with that, we need to bump the water rate \$.50 and the sewer rate \$.50 to again stop the bleeding yearly. If we were to again raise the water rate instead of putting a twice-a-year charge on the water bill, the water rate would have to go to about \$18 (up from \$16.50) and the sewer rate would go up \$1.50 in each category (0-15,000 gallons from \$8.50 to \$10.00 and 15,000+ from \$9.50 to \$11). In Feura Bush, there are 155 customers so it figures out to be about \$37, and we would have to increase the rate from \$11.35 to \$12.00 to again stop the yearly deficit. If we were to do it all in a water rate charge, we would pretty much jump from \$11.35 to \$15.00, and then for the next water usage amount, which is 15,001-60,000 gallons it would go to \$15.50 (that's up from \$11.85), and 60,001+ gallons would have a charge going from \$12.35 up to \$16.00. He knows that this is throwing a lot of information at the Board, but he wanted to give the Board a perspective. Councilperson Hennessy asked if that was in one year, two years, or three for the rate suggestion? Supervisor LaGrange asked if he meant to satisfy the debt and the deficit? Councilperson Hennessy replied yes. Supervisor LaGrange said that we are approximating five years and then it all depends on usage and additions to the water district. Councilperson Hennessy asked if Supervisor LaGrange is saying that he thinks Feura Bush would have to go up \$4 per 1,000 gallons for five years? Supervisor LaGrange said that it would be close to it. Councilperson Hennessy added that Heldervale would only be like \$1-\$2 per 1,000. Supervisor LaGrange said that that was right mostly because Feura Bush is a lot lower and they have a whole lot more debt. Councilperson Hennessy said that he estimated that for Heldervale, but he thought it would have been half that for Feura Bush or equal. Their debt is twice Heldervale's, but they have twice as many users. Supervisor LaGrange added that they have less usage per user; that's the other quantifier.

Engineer Dempf said that one of the things under discussion here is in addition to the extensive repairs in Feura Bush. There have been several enormous wasted water issues. We still get metered by the Town of Bethlehem no matter what happens. For instance, a couple of year ago when Houghtaling's was vacant they had a freeze up over there and he didn't remember how many hundreds of thousands of gallons that was. We're still paying Bethlehem per 1,000 gallons on that. Supervisor LaGrange said that we billed Houghtaling's. Mrs. Boehlke added that that was the best estimate we had. Engineer Dempf said that in addition to that, most recently we had one break. Supervisor LaGrange asked what an acceptable loss is between the master meter and individual meter. Engineer Dempf said it's usually 10% to 12%. Supervisor LaGrange said that Feura Bush is running over 20%. This leads us to a whole other issue later that he's going to give an update. A direction he's trying to develop is to hopefully obtain some grant money and take care of a lot of these issues we have in our water districts, but that's later.

Councilperson Hennessy said that he wanted to elaborate on the discussion earlier that was touched upon. He believes it's not something that should be issued a flat fee on. He believes water usage operation and maintenance is based on water usage. From what he's read on some of the Comptroller's guidelines that the Supervisor and Attorney Naughton have provided, he tends to lean that way. He'd like to ask Engineer Dempf a little bit about it, too. The general reason things fail is from the usage of the water. Surely there are life cycles for the equipment, pipes, and other things, but he thinks that generally usage is one of the reasons things fail. We have leaks or issues. Councilperson Hennessy asked what they think about cost in our history and knowledge from the engineering standpoint. Engineer Dempf said that generally speaking the lost water has typically been spread over the entire district. He's not saying that that's correct. Typically it would be because of a break or something that wasn't caused by anybody specific. Generally speaking it's been assessed over the whole district. You have an issue where you need to replace the tank. We've touched on it. We've said that we understand that it's something the whole district should pay for. He guessed that the case could be made that if person A uses 10,000 gallons a year, person B uses 2,000, and then based on water through the Bethlehem meter we should assess the person at 10,000 gallons more than we should the person at 2,000,

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but typically he knows we haven't done that. Councilperson Hennessy asked if Engineer Dempf was saying that that's only on the lost water charge. The whole charge here is O and M. Two-thirds of it is the cost of the water from Bethlehem. Engineer Dempf said that, generally speaking, if it's O and M or a capital project, as far as he understands it's always been a flat charge spread over everybody. Councilperson Hennessy said not O and M. O and M is based on water use. O and M is taxed under a ban. The O and M is just based on people's water usage, and all of our charges for operation and maintenance are paid for through the water usage. Engineer Dempf said that that was correct, but the excess water charge that isn't metered at someone's house has been rolled into everybody's evenly, not based on what somebody uses. Councilperson Hennessy said that he didn't know that. Supervisor LaGrange said that we go by a percentage of loss and assign it on a percent basis to individuals. Mrs. Boehlke said Councilperson Hennessy's point is that that's how he would recommend we do it. Again, we had a conversation with Heldervale where they learned a lot and we learned a lot. They've cut back on their water usage. They've been much more thoughtful in how they are using it. They will also obviously be thoughtful in how they're assisting to pay this back. Those who have cut back their usage will be paying less on this essentially. Councilperson Hennessy said that he wasn't thinking only of the excess water. He was talking about the whole picture. He just assumed that because we send a bill and that bill is paid for the six million gallons that we have per year that is lumped in to the overall O and M calculation. Supervisor LaGrange said it that is. Engineer Dempf said that, generally speaking, the calculation takes care of itself. Mrs. Boehlke said that if you charge enough for it, then it takes care of itself. Supervisor LaGrange said that we have a fixed charge from Bethlehem and that's to address the water component. Then we have to come up with an amount that will satisfy the O and M spread out amongst all the districts, the 2-½ people we have now, the van, and anything else that we use. This office has always proportioned it out painstakingly almost to the penny in a way to be fair to all districts, even if Heldervale might have more breaks this month and Feura Bush next month. We are trying to be as fair as possible. We're not in any disagreement here. He just wanted to get the conversation going and give a perspective. He thought that maybe this might be the best way to do it, but upon reflection it would probably be better to raise the rate. Again, he wanted to give the Board an idea of what that rate would be. This is something we'll decide on tonight. His concern was getting it in front of everybody and getting a discussion going. Attorney Naughton had to find some things for us which were really helpful. Supervisor LaGrange added Councilperson Hennessy's point about it going to usage obviously being a better choice here. That's what we want to corral. If the Board wants to go in that direction for all three districts, we can review our numbers about what the water rate increases would be. We do have to make some modest touches to most everybody else too, but nothing to the degree that these two districts have because the others are in relatively decent shape. We still need to bump it up. Bethlehem is meeting tonight. Supervisor LaGrange talked to George Kansas last week asking him to get the rates. He feels Bethlehem rates are going to go up 2% which means 4% for us. We took 4% into account when making these calculations. He just wanted to give the Board an idea tonight. If this Board chooses to go solely with rates then we will fine tune those numbers, and we will have a proposal for next month to set the rates for 2018.

Councilperson Greenberg said that he was leaning in that direction but also wonderful if it wouldn't be possible to have a meeting at the end of this month with people from these districts and see if they have an opinion on how they want to pay for this. Councilperson Hennessy said that we did that for Heldervale already. We should do it for Feura Bush. The thing about Feura Bush is that it's huge; it's a \$50,000 deficit. Given that their rate is lower than Heldervale's, maybe it's a good thing to get the Feura Bush people here and have a discussion before their rates get too high. We did it for Heldervale when there were a couple of dollars per thousand less. Maybe it would be good to do that. Councilperson Greenberg said that it needs to be informational so that they understand what's being done and why it's being done. Supervisor LaGrange said that his intent, whatever this Board decides, was to send out a letter explaining it to the districts, especially these two. He planned to describe what's going on, what the necessities were, and try to do it with some bullet points as far as what the Comptroller is expecting, and what the law says so that they understand. Heldervale already seemed to have a good idea from our meeting with them what the issue was 2-3 years ago now. Councilperson Greenberg said he and Councilperson Leinung weren't here then so we don't know exactly what was said or agreed upon. He's surprised to hear that it was discussed three years ago and nothing has been done. Supervisor LaGrange said that something has been done. We tried to inch up the rates, but as the rates went up a little bit the usage went down and other things happened. It's just an easy thing to address quickly, but it needs to be addressed. Councilperson Leinung asked if they still have a deficit in Heldervale. Supervisor LaGrange said that they do. In the past couple of years we've been better able to implement it. There are so many things that go into this, and it's got to be stopped. Councilperson Leinung said that he understands Feura Bush and Heldervale. We get Bethlehem water for that so it's a little out of our control, but there are some other districts too. Why are these

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two districts so much a problem with a deficit? We have other districts that also have Bethlehem water. Swift Road and Font Grove have Bethlehem water. Councilperson Leinung said that he knows that some of those have small deficits. Supervisor LaGrange said that for Font Grove their first 1,000 minimum has been \$26 per 1,000 gallons. Councilperson Leinung said that that could be part of it. Engineer Dempf added that Font Grove has no master meter. Mrs. Boehlke added that they do not have many breaks either. Mrs. Boehlke said that Heldervale has had breaks much more regularly than Feura Bush. Councilperson Leinung said that he is looking year by year at the amount of water loss, especially in Feura Bush. He understands that there are a lot of breaks. It looks like almost every year. Last year it was 23%, and it's been 20% the past few years. Something is going on. Supervisor LaGrange said that depending on the time it was read you have a little fluctuation. In the past there was some hesitation to send out the water bill in the same month as the tax bill so there was a delay in reading by almost a month or more. You'll get some fluctuation there, too. We need to get out to Feura Bush and on Swift Road and hire someone to do leak detection. Mr. LaChappelle has been talking to National Water to see if we can get a grant. I believe the village just had a \$10,000 grant for leak detection. We're going to see what we can do for that. The problem is we have these districts and we have these issues so we have to spend money to find out what the issues are. When does it get to the point where you have to do something while they're still paying debt?

Mrs. Boehlke said we are going to be in a situation with Swift Road soon if we don't do something with the V.F.Ds. We've had multiple breaks within the past couple of weeks. They do have a fund balance, but that too can get eaten up by loss. Supervisor LaGrange said that the only good thing about the Swift Road district is that they don't have a bond right now, so we can invest a little money into it. We did hesitate because we had two projects over there. In both situations, a developer wants to add to the district but we would need some upgrades to protect what's there, but those haven't come to fruition yet. We replaced the pumps last year when they were going bad, and that was to the tune of \$17,000. The V.F.Ds are around \$26,000-plus because there is some electrical work, too. It's going to get to the point where maybe we're just going to have to drop some new pipe in the ground and put these V.F.Ds in, and then they're going to have a bond. Then if other projects happen there will be more people paying into the bond. We've got issues in each district. They are older districts.

Councilperson Hennessy said that last month he mentioned that this is kind of a two-sided equation. It's not just the charges; we need to look at the expense side of this. The leak detection and the variable frequency drive potential there were mentioned. Maybe we need to have some kind of a report, study, and analysis of not just Heldervale or Feura Bush but maybe we can include them all. Engineer Dempf said that these two are high priority right now. We had a meeting with Emmons earlier this week where they proposed the V.F.Ds, but we want to make sure that if we do have other proposals coming, and if we have other issues on the lines that we're concerned about, what is the effectiveness of changing the V.F. D.s? We know we need them now, but what are the other parts and pieces? We're supposed to get together with them again next week. We should have some information compiled at the end of this week to say here's where we are, how effective are your V.F.D.s, but remember this is important to us and do we need to phase in the V.F.D. program with taking care of other issues? Councilperson Hennessy proposed that we talk more before we get into the specifics and try to formalize something. He's almost thinking now that within the past five years we have had three new significant districts or users, if not four (New Salem, Kensington, Levie, and Amedore's Country Club Estates). We need to look at some bigger-picture items here like sources. We've talked about it. He wouldn't even mind throwing that to the Water Committee. We don't use the Water Committee enough, in his opinion. We need to staff that a little bit better because those issues are going to become larger and larger. He thinks the Board needs to talk about this a little bit more. This is an issue that we have to deal with so let's talk about it. He doesn't want to just continue raising rates. He wants to look at the expense side.

Supervisor LaGrange said that the other issue in the sewer district that we're starting to see is that the grinder pumps go bad. They were all installed in the old section. Councilperson Hennessy said that Mr. Hensel tries to replace 2-3 per year. Councilperson Hennessy asked Engineer Dempf if he thought the life expectancy was about 15-20 years. Engineer Dempf said that that's a good life expectancy. Councilperson Hennessy said that they are good pumps, they're E/Ones. Supervisor LaGrange said that most of the ones he's replaced lately are rebuilt for about \$1,000 or so. The last three he did were because people called and said something was going on with their grinder pump. Councilperson Hennessy said that for the record he was one of them. His was 20-plus years, and it was the first time it ever was replaced since he's been there. He said it was many years before that so it was more like 25-30 years old.

Councilperson Greenberg said again that he would like to have an information session with the

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residents. Councilperson Hennessy said that he thought that that was a great idea. Councilperson Greenberg added that maybe they have some ideas that we haven't thought of. He knew that Attorney Naughton has done some research on this; can this be bonded? Attorney Naughton said that he didn't look at that specific issue in this context, but there is a possibility of doing that. Supervisor LaGrange said that the only problem is that it doesn't address what Councilperson Hennessy wants to in the sense that it's a usage thing. If you bond, it will be everyone with a unit charge. Councilperson Greenberg said that he agrees with Councilperson Hennessy and we've discussed that he thinks it's the best way to go, but he would like to hear from the residents. He would like to be able to present them with the options. Attorney Naughton added that there is then an expense to bonding. Councilperson Hennessy said that he knows that Engineer Dempf knows a lot about it. His understanding is that bonding is typically what people like to do. Engineer Dempf said that he believes that the Comptroller is not a fan of that and again specifically, as Mrs. Boehlke had said, if we were collecting enough money to begin with then the rate issue would have taken care of it, and the guy using more would be paying more for the wasted water. Our problem is now to play catch up. We need \$10,000, and how do we spread that out? Now it's going to look obvious that the guy who uses more pays more of that charge twice a year as opposed to the person who uses less. It's hidden or masked if the money is already collected and then paid because those people have already paid that greater share. Playing catch up is where your calculation really comes into play if we collected enough up front, but how are you going to collect for 25% more? You can't raise your rates the 2% you want plus the 25% that you're going to lose. That's why it becomes the issue. Councilperson Hennessy said that he appreciates what you're saying because three years ago Mr. Dolin actually proposed something along those lines and we didn't want to do it, so we staggered it over three years and that's what we are doing now with Heldervale. Supervisor LaGrange said that we did it with Heldervale and Feura Bush at least his first few years. We took a jump both years on both districts.

Mrs. Boehlke said that we haven't had water billing completed yet for the last six months of last year but in her best crystal-ball estimate we are much closer to a break-even on almost all districts. In her opinion, if we've got a \$2,000-\$3,000 loss we're good, and if there are districts that can handle that \$2,000 loss they have to. In the last few years, we've gotten to a point where we are at least breaking even with these districts. We are at the point now where we need to chase that back. We need to be more realistic about the increase we need. Clarksville hasn't been increased in a long time, and they are just starting to catch up themselves on what those costs are. You start eating away at that fund balance very quickly. When you have a large district like Clarksville, \$.50 can make a difference but again if we do a \$.50 increase they are only paying \$6.00 per 1,000. Having your own source makes a difference. Councilperson Leinung said that in Clarksville there is also a tax. He pays much more on his tax bill than he does on his water rate. Mrs. Boehlke said that they have three bonds. Councilperson Hennessy said that in light of your suggestion they could be upwards of \$4.00 in Feura Bush. He thinks we ought to get together and have a meeting with these districts. Supervisor LaGrange said that we certainly can. He doesn't disagree. He thinks it's a good idea, especially with Feura Bush, because they haven't been through it like we did with Heldervale. We really just have just two choices. We are elected to make the tough decisions, but at the same time if we want to have a meeting and see if we can get some people out the Board has to decide how we're going to advertise. This is site specific in a sense. We have 155 residents. We can send them out information in the water bills at the end of the month. We don't have to make a rate change until the mid-year billing per se. The meeting wouldn't be at the end of this month. We would have to figure out a date in February and then do the rate adjustment in March. Mrs. Boehlke said that we like to give people the rate before they use the water but not everyone does that. Supervisor LaGrange said that that's also assuming that they pay attention to when we change the rates this time of year. We don't send out that we're going to change the rates in June, but this way we could notify them. What we should do is give the Board an idea of the impact on an average household. Is this going to mean their household goes from \$500 to \$800 or \$500 to \$550? Mrs. Boehlke said that in Feura Bush there is a \$55 increase every six months. Councilperson Greenberg added that that's because that's how you came up with that number. Councilperson Leinung said that we'd have to increase that minimum number. Mrs. Boehlke said that by increasing that rate the first hit does not matter whether you use 2,000 or 15,000. That's part of why it is set that way. That let's us determine what we need to get. The minimum is where we start.

Supervisor LaGrange asked if we should firm up our rate increase numbers to begin with so we can keep the discussion going. We can shoot those out to you and at the same time we can fashion something to go in the Feura Bush water bill if you want to set a date. The bills will go out hopefully by the end of the month. We're still having some trouble getting the new software programs to go back and forth between Beacon and Badger. It's getting there. We could tentatively set a meeting for the fourth week in February. Councilperson Snyder thought it would

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be good if the notice could go out in the water bill. People will be more alert to a change. Councilperson Greenberg added to Mrs. Boehlke point, saying that the rates could be different in the future to what they are assuming they are now. Supervisor LaGrange said that we are also inviting them to come to a meeting. Councilperson Greenberg agreed. Supervisor LaGrange suggested February 28, but we don't have to set it now. Everyone on the Board agreed.

**RESOLUTION 18-029**

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 special workshop meeting on February 28, 2018, at 6:30 PM to discuss water rates with the Feura Bush and Heldervale Water Districts.

Supervisor LaGrange said that that is 225 users right there. Councilperson Hennessy said that when they had the Heldervale meeting only about 10 of probably 60 users showed up.

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

Supervisor LaGrange said that in the interim we will tidy up the math on the rates and shoot that out to you. He will have the 2017 rates and the proposed rates. He will also come up with a letter to address both districts just to give them an outline regarding the reasons and the potential increases. He thinks we are all in agreement that we're probably going to go towards a rate increase depending on what we hear from the residents. If we do, as Attorney Naughton noted in his email, rate increases don't require a public hearing but a change in the manner of how you bill would require a public hearing. Councilperson Greenberg asked if we should just schedule the public hearing. Attorney Naughton said it could be. Supervisor LaGrange asked if we wouldn't want to identify it. Attorney Naughton said that you would want to identify it. Supervisor LaGrange said that we can set it at our February meeting if we want a public hearing.

**11. Discussion/Action re 2018 changes to Water and/or Sewer District Rates:**

- **Feura Bush Water District**
- **Heldervale Water District**
- **Heldervale Sewer District**

This was covered above.

**12. Comprehensive Plan Update status update**

Councilperson Hennessy said that Barton and Loguidice has issued a final version of it that's being reviewed by the committee right now to try to be closer to completion. We are just really doing some editing. Councilperson Greenberg said that they have a number of appendices that they want to add that they don't need Barton and Loguidice's help with. The committee is going to take care of that, and they hope to have that done by the end of January. Otherwise it's done.

Supervisor LaGrange said that Laurie Ten Eyck and he are members of a committee countywide to update the Ag and Farmland Protection for the County. Right now we have a 153-page document that's come out of that in draft form. He didn't think we would have it in time. He thinks it might be a good idea for the Comprehensive Plan Committee itself to maybe take a look at it. It's not in final form yet. We had some changes to do today, but is that something the Board would like to look at and see if there is anything there that might be helpful? He didn't think it would be to this point but he just had it handed to him today. It's up to the Board. There are some things in it that are quite interesting. Councilperson Greenberg said that he would be happy to pass it on to the members. Two of them are out of town now for two or three months so it's going to be difficult to have a committee meeting. They've done a lot of work on agricultural issues in town, but he can certainly pass it along. Supervisor LaGrange said that he thinks he can forward the electronic version.

**13. Resolution re: Kensington Woods Sewer Transportation Corporation rates**

Supervisor LaGrange said that this is something that is supposed to be approved before Kensington Woods starts charging. There was a little confusion. We did have a resident in Kensington Woods get a bill for 2018. He thinks it was for \$450. We started to look into it and, according to the developer's agreement, that was supposed to be something that the Town Board passed. We had discussions with Attorney Slevin, who is the attorney for Kensington Woods and Masullo. Supervisor LaGrange said that he felt the first thing the Board would ask is these estimations for the developer's agreement were done several years ago, and are we finding that they are consistent with what's happening today. Because there are only a couple of homes going into it so far, there is really no way to tell. Attorney Naughton decided that it might be prudent for

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us to approve this resolution and then revisit it after a year. This is a one-year approval in a sense. Attorney Naughton added that we've asked them to actually get us more information prior to January 2019 so we could take a reality check to see whether the projected costs associated with this project for the sewer are consistent with actual history, and so we will have more data by then. Engineer Dempf asked if there is a fund balance created here, does that stay in the district or is that given over to the developer? Attorney Naughton said that right now it's the Transportation Corporation. Is that why you're saying that? Engineer Dempf agreed. Attorney Naughton said that he thinks that would have to work as a matter of law and he doesn't know the answer to that. Engineer Dempf said that if we were running the district, any surpluses we collected would stay and create that fund balance. He doesn't know how that Transportation Corporation works from that purpose. Councilperson Greenberg asked what happens if the opposite occurs and we're running a deficit? Attorney Naughton said the same thing happens. Engineer Dempf said that that's the exercise we're doing right now. Supervisor LaGrange asked if we would run a deficit. Right now they have to cover the cost, and the developer is supplementing the cost. They're paying for that right now by these homes that are starting up now and are contributing \$450 a year so they wouldn't run a deficit would they? Attorney Naughton said that they're responsible so when they hand it over to us we're not going to be assuming any debts. Supervisor LaGrange said that that is a very good question. He'd be hard pressed to believe it will have a fund balance. He can't remember how many homes will be up before they turn it over to us after two years. Attorney Naughton said that he's not sure Supervisor LaGrange's timing on that is right. Is it two years? There are different things in the development agreement regarding when they turn it over. Supervisor LaGrange said that he thought for the sewer it was after a certain number of homes were built, and that it triggered a two-year timeframe to us taking it over. He thought that's how it worked; we can look into that. Councilperson Greenberg asked if Supervisor LaGrange had an idea of when they will hit that number of homes. Attorney Naughton said that they are not even close. The idea was that we had an engineer's report with their analysis of what it was, so we have no reason to say right now that we disagree with the numbers in their report. It was updated. It wasn't from the original Kensington application. It was updated in 2014. We have no reason to question their numbers right now, but with another year's data we can take a look at it. Attorney Naughton added that there are a number of phases, and the numbers change a little bit, but right now we are only talking about phase 1 and phase 6. There were different numbers attached to the map, plan, and report for all of these various phases, but these things that are relevant now are the same numbers. Supervisor LaGrange thanked Attorney Naughton saying he felt this was a good way to address it by just approving it for one year.

**RESOLUTION 18-030**

**WHEREAS**, the Kensington Woods subdivision uses a private sewer system, which is owned and operated by a transportation corporation, the Kensington Woods Transportation Corporation;

**WHEREAS**, the Development Agreement between the developer of Kensington Woods, Garrison Projects, LLC, and the Town of New Scotland states that the Town shall approve the rates for sewer charges when the sewer plant is operational;

**WHEREAS**, the Development Agreement contains schedules of proposed sewer charges for the various phases of the Kensington project, which was last revised in 2014, and such schedules were appended to the Map, Plan, and Report for the district;

**WHEREAS**, Developer requested that the Town approve the rates/charges for Phase 1 and Phase 6 of the project, which are annexed to this Resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the schedule of rates for Phase 1 and Phase 6 set forth on **Exhibit A** to this Resolution for sewer charges applicable to Phase 1 and Phase 6 of the Kensington Woods subdivision shall be, and hereby is, approved for the period January 1, 2018, to December 31, 2018; and it is

**FURTHER RESOLVED**, that Garrison Projects, LLC, shall, prior to January 1, 2019, provide the Town with information comparing the budget set forth in the Map, Plan, and Report of projected costs of operating the sewer plant to actual operating costs.

A motion by Member LaGrange, seconded by Member Leinung, to adopt Resolution No. 030 of 2018.

Attorney Naughton noted that on phase 1 and phase 6 they show a typical sewer bill would be \$449.70. That's an attachment to the resolution.

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

**14. Discussion/Action re: Barton and Loguidice Supplemental Task Order for Comprehensive Plan Update**

Councilperson Greenberg said that the Comprehensive Plan update started out as an update, and as they've been apprising the Board for the past few months they had quite an aggressive committee that wanted to do more with the plan and what's become the scope. It started when Mrs. Ten Eyck was on the Board and asked for more public outreach and meetings. It got even broader when they decided to do a survey and a mailing to every town residence and then to calculate that survey and analyze it. They've had about 8-10 more meetings than they were originally scheduled to have. They were all open to the public so the cost was more than they originally estimated. That was paid for largely by a grant. They went over that by approximately \$9,500 in terms of the consultant fees, so they are asking the Board to pay the consultant.

Councilperson Hennessy said that frankly Councilperson Greenberg's reasoning is more specific than his own. He has a very general summary of it. They originally were planning on doing an update of the 1995 Comprehensive Plan that he and Mr. LaGrange had actually started 5-8 years ago, taking into account the information that we wrote and really just repaginating and updating it with new census data, new building code data, etc. Basically, however, the committee was so thorough in their review that they were able to actually create a new Comprehensive Plan, and we even questioned whether we should say, "We have a new Comprehensive Plan," or is this actually just an update. An update of a comprehensive plan is not nearly as comprehensive as redoing the plan in totality. We stuck with the update because there were sections that we felt would have some financial issues so we did not go that full route. It certainly will get us another 10 years. Updates usually don't do that well but this will get us a significantly longer time. We actually cut down some of their costs a little bit, but this was the best we could come up with.

Supervisor LaGrange added that he thinks it was even longer than what Councilperson Hennessy said. He thinks we started the update 12 years after the original plan. We like to look at every 10 years, but then we had that whole big-box issue come up which took the air out of everything in that sense, and so now we're more like 24 years out. He can see why the scope went a little bit higher than what we thought it would. It is what it is. He thinks that so far, from what he's seen, the transparency at the meeting, the survey throughout the town, and all the things that have been added to it have certainly been well worth it. He does believe and we've talked about it that Barton and Loguidice has been very fair taking on these extras. They still have some finalization to do as part of this. This isn't all they've done; it's to complete the task.

**RESOLUTION 18-031**

Councilperson Hennessy offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby approve an additional supplemental fee and the task order from Barton and Loguidice of \$9,500 for their contract for preparation of the Comprehensive Plan Update and authorizes the Supervisor to sign it.

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

**15. Engineering:**

**• Authorize Supervisor to execute Town-Designated Engineer 2018 Master Service Agreement with Barton and Loguidice**

Supervisor LaGrange said that we have the start-of-the-year engineering agreements. We have the Master Service Agreement with Barton and Loguidice. Attorney Naughton said that there is basically a schedule of updated fees that they charge at the engineering firm. That's the only thing that changes when you compare it to prior years. Supervisor LaGrange said that without them here he doesn't how this compares to last year, but the Board decided a couple of years ago that we'd like to have the opportunity to use them. The costs are outlined. It's a similar scope if not exactly the same as last year. Attorney Naughton said that he reviewed it. The idea again is that this sets up the ability to have a task order. They would provide us with a task order for a specific thing we want them to do, and then we would know what the rates are. Councilperson Greenberg added that it commits us to nothing at this point.

**RESOLUTION 18-032**

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Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby enter into the 2018 Master Service Agreement between Barton and Loguidice and the Town of New Scotland as outlined and authorizes the Supervisor to sign it.

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

- **Authorize Supervisor to execute Town-Designated Engineer 2018 Master Service Agreement with Stantec Engineering**

Supervisor LaGrange said that we have the same type of agreement with Stantec Engineering.

**RESOLUTION 18-033**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town of New Scotland does hereby enter into this 2018 Master Service Agreement with Stantec Consulting Services as outlined and authorize the Supervisor to sign it.

Councilperson Greenberg seconded the motion.

Engineer Dempf said that, generally speaking, we added some classifications for some of the lower category of people, and our increase was 2%. Engineer Dempf clarified that Stantec added different levels into their classifications. He believes that last year they might have only had 6-7 categories and now they have 10-12. They have a varying array of levels of people they can use; otherwise they have people that don't fit the maximum billing rate.

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

Councilperson Hennessy asked if Mr. Hansen is coming to most of the meetings now. Engineer Dempf replied that Garret Frueh is. Councilperson Hennessy asked if he comes under PE or civil? Engineer Dempf replied PE. Supervisor LaGrange said that we have done a lot of work with Mr. Hansen. He's had a personal situation where he'd like to work more regular hours, and so Garrett Frueh now is the person who's available to us mostly along with Engineer Dempf.

- **Stantec Engineering Task Order Requests**

Engineer Dempf gave an overview for all the task orders. When we prepare our budget, they either make suggestions or give ideas and thoughts. We decide what we think is reasonable, and we put that in our budget. These individual task orders reflect budget item codes and what we assign to them during the budget period. He doesn't know where we ended up last year, but he knows there were some codes that were not touched. He believes that that goes to the fund balance for whatever districts. Generally speaking, if there is something specific other than some general advice that you ask for we will submit to a task order. Basically all of these orders are what was included in the 2018 budget.

- **General Town Engineering Services**

**RESOLUTION 18-034**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board does hereby accept the task order request for General Town Engineering Services between the Town of New Scotland and Stantec Consulting Services Inc., for Town Fund A1440.41 in the amount of \$20,000 and authorize the Supervisor to sign it.

Councilperson Greenberg seconded the motion.

Councilperson Hennessy said that under Highway we have permanent improvements of \$5,000 and then consulting of \$5,000. Engineer Dempf said that it's always been two budgets, and typically Highway Superintendent Guyer will assign us a task or have us look at something depending on what it is, whether permanent or just a quick task. He will make the distinction on what budget he charges it to. Councilperson Hennessy said that he's heard of technical staff on bridge rehab projects and the only difference is in descriptions between the two. Engineer Dempf said that he believes originally it was called the bridge fund and they changed it.

Engineer Dempf said that he had two explanations again. When you look at Planning and Zoning to have someone present at every meeting when there is no developer or escrow, we are always there and always at the meetings. Those fees cover if nobody is paying the escrow. Sometimes

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there is a charge for that night and sometimes there isn't if we're already there for a developer.

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

Councilperson Snyder noted that at one spot it said Supervisor Dolin.

**- Zoning Board Consulting**

**RESOLUTION 18-035**

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 task order request from Stantec Consulting Services, Inc., for Zoning Board consulting for Town Fund B8010.41 in the amount of \$2,200 and authorize the supervisor to sign it.

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

**- Planning Board Consulting**

**RESOLUTION 18-036**

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 task order request from Stantec Consulting Services, Inc., for Planning Board consulting for Town Fund B8020.41 in the amount of \$4,000 and authorize the supervisor to sign it.

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

**- Highway Dept. Consulting, Administrative and Capital Outlay**

**RESOLUTION 18-037**

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 task order request from Stantec Consulting Services, Inc., for Highway Department consulting engineering for Town Fund DB5010.41 in the amount of \$5,000 and authorize the supervisor to sign it.

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

**- Highway Department Consulting Engineering – Permanent Improvements**

**RESOLUTION 18-038**

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 task order request from Stantec Consulting Services, Inc., for Highway Department consulting engineering – Permanent Improvements for Town Fund DB5112.41 in the amount of \$5,000 and authorize the supervisor to sign it.

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

**- Clarksville, Feura Bush, and Swift Road Water Districts, Heldervale Sewer**

**RESOLUTION 18-039**

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 task order request from Stantec Consulting Services for Clarksville Water District – Transmission/Distribution for Town Fund WC8340.41 in the amount of \$1,000 and authorize the supervisor to sign it.

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

**RESOLUTION 18-040**

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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 task order request from Stantec Consulting Services, Inc., for Feura Bush Water District Engineering Services for Town Fund WF8340.41 in the amount of \$2,000 and authorize the supervisor to sign it.

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

**RESOLUTION 18-041**

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 task order request from Stantec Consulting Services for Swift Road consulting engineering services for Town Fund WS8340.41 in the amount of \$500 and authorize the supervisor to sign it.

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

**RESOLUTION 18-042**

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 task order request from Stantec Consulting Services, Inc., for Heldervale Sewer District engineering services for Town Fund SS8130.41 in the amount of \$2,000 and authorize the supervisor to sign it.

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

Supervisor LaGrange asked if we've had one for Heldervale Water. Engineer Dempf said that he would check and see.

- **Storm sewers**

**RESOLUTION 18-043**

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 task order request from Stantec Consulting Services, Inc., for Phase II Stormwater for Town Fund B8140.41 in the amount of \$2,200 and authorize the supervisor to sign it.

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

**16. Highway Department:**

- **Mohawk and Hudson River Humane Society 2018 Agreement**

Highway Superintendent Guyer asked the Board to renew the contract with Mohawk and Hudson River Humane Society for 2018. We do this every year. The contract is the same with the exception of the costs which went up 5% across the Board. His question to the Board is: Should we go through our own fee schedule and adjust for this or leave it the same? Councilperson Greenberg asked if we went over this last year. Highway Superintendent Guyer said that he thought there was an increase last year, but he thinks we kept our fees the same. Councilperson Greenberg wondered if we budgeted enough or not. Last year did we go over? Mrs. Boehlke replied that she doesn't believe we did, but we probably should forward that to the Courts as well so they are aware. Councilperson Greenberg said that he thinks we should increase all of our fees by a percentage like they did. Councilperson Snyder said that we should be at least recovering the cost of what the contract is requiring us to pay to the extent that the fees don't do that. Supervisor LaGrange said we have two things. We have the contract with Mohawk Hudson River Humane Society for their charges, but we also the issues we have to satisfy if we have to keep a dog. Highway Superintendent Guyer said that we try to keep the dogs before we send them, depending on the type of dog and when we pick it up. Supervisor LaGrange said that that's part of our fees, too. Highway Superintendent Guyer said that there are fees that we charge. As COLA and insurances go up, maybe we should adjust those fees as well because all of that is costing us more. If the Board wishes, he can go through this and update these fees and bring it back in February. Councilperson Greenberg said that he would appreciate that. Highway Superintendent Guyer added that hopefully we can act on this tonight.

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**RESOLUTION 18-044**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby enter into the contract with Mohawk Hudson Humane Society for 2018 and authorizes either the Highway Superintendent or Supervisor to sign it.

Councilperson Greenberg seconded the motion.

Councilperson Greenberg asked if Highway Superintendent Guyer would prepare something for the February meeting. Highway Superintendent Guyer agreed.

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

• **Discussion/Action re: addition to Employee Policy Manual of Highway Department “On Call” policy and “Call Out Pay” policy**

Highway Superintendent Guyer said that this is the same attachment that we discussed last month. He just sent information that Supervisor LaGrange and he spoke about last year and got it out to the Board to show what the implications would be per calendar year for what he is proposing. Councilperson Leinung said that he saw the breakdown and it looked like it was an equivalent of 17-20 extra overtime hours. Highway Superintendent Guyer said that he went back three years. The highest year was around 29 hours, and the lowest year was about 19-½ hours. That’s cumulative for the entire year for the entire crew. It won’t come into effect if it’s attached to a regularly scheduled shift whether it’s before or after, so we can rule those out. Anything that’s over 3 hours worked we rule those out because we’re here more than three hours. After you weed those out for the entire year we ranged between 19-29 hours. This is for what we are calling “call out pay.” Councilperson Leinung asked if this was overtime so it’s 1-½ times? Highway Superintendent Guyer said that that was correct. Councilperson Leinung asked what the average salary is. If the high is about \$30 per hour, at the end of the year what would that total cost be for those 30 hours. Councilperson Greenberg said that if you estimated \$30 an hour that would be \$900. Councilperson Snyder asked if the 30 is at 1 time or 1-½ times. Highway Superintendent Guyer said 1-1/2. Councilperson Leinung said that he assumes there is room in the overtime budget to fit that \$900. Highway Superintendent Guyer said that there is.

The second half of this is for what he’s going to call “on call.” Superintendent Guyer, his deputy, and his mechanic these duties throughout the winter on a three-week rotation. A third of the winter is Superintendent Guyer, which doesn’t come into play. Two-thirds of the winter this would come into play. What he’s proposing is ½ hour per day for a weekday to be on call and then an hour a day for a weekend to be on call. In addition to that, you would receive your time worked. You would not fall into the three-hour minimum that we’re proposing for the “Call Out Pay.” When they get up at 3 AM, they run out and it takes them an hour to check the road. They would not be paid 3 hours for that every day of the week. It would just add up to too many hours, so that’s the reason for the on-call pay. For these two items we looked at all of our surrounding towns. The “on call” is very similar to what the Town of Bethlehem uses. We shrank the hours a little bit from what they use. For the “Call Out Pay” we pulled all the information from the surrounding towns, and we kind of mimicked this towards the Town of Berne’s which seemed to be the cleanest written. All the towns around us do this (Guilderland, Bethlehem, Westerlo, Rensselaerville, Knox, and Berne) along with the Village of Altamont and the County. The only one that we polled that doesn’t is the Village of Voorheesville. Everyone else is already doing this.

Supervisor LaGrange said that this wouldn’t affect Mr. Duncan who goes in on Saturdays and Sundays to work on fields. Highway Superintendent Guyer agreed, adding that this is for the Highway Department and this is for what we’re going to deem emergency whether it’s plowing the road, there’s a tree down, or a water main break. It’s stated in here that any highway department employee assigned to be on call, that would be for the “on call” section. In the other part, the three-hour minimum, it says that any highway department employee who is called in for emergency duty by their supervisor (that would be Superintendent Guyer, Mr. Van Praag, or Mr. Klink). Supervisor LaGrange said that there are times during a snow storm that Mr. Duncan could possibly come out because he takes care of a lot of the parking lots. Highway Superintendent Guyer said that he does the parking lots here and at the Community Center. There are also times when Mr. Duncan sits in a big truck as well. Supervisor LaGrange said that in those cases, even though he’s not a highway department employee, he would be considered one in those situations. Highway Superintendent Guyer agreed. Supervisor LaGrange asked if there is anyone else like him. Highway Superintendent Guyer said no, just Mr. Duncan.

Supervisor LaGrange said that he and Highway Superintendent Guyer went over these other

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towns. We did look over a lot of different ways that they presented it. Again, the two that we chose and modified a little bit seemed to be the best of the ones we reviewed. He thinks it's a very low-impact reward in a sense for people after they get home and settle in to all of a sudden have to go back out for a half hour or hour. The rarity of it was outlined. He's supportive of this.

**RESOLUTION 18-045**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby accept this change to the policy manual to create a Highway On-Call and Highway Call-Out Pay title:

*Highway Department On-Call:*

*Any Highway Department employee assigned to be on-call to handle emergencies will be paid one-half hour of overtime per day to be on-call on week days. Employees will get one hour per day of on-call pay for weekends. In addition, they will get paid for the amount of time they work when they get called in.*

*Weekday On-Call: Hours 3:30 pm-7:00 am each day, Monday-Friday, one-half hour for each day.*

*Weekend On-Call: Hours 7 am Saturday-7am Monday, one hour OT for Saturday and one hour OT for Sunday.*

*A person On-Call for one week would receive 2.5 hours for the weekdays and 2 hours for the weekend for a total of 4.5 hours OT.*

*Highway Call-Out Pay:*

*Any Highway Department employee who is called out for emergency duty by their supervisor, which is in addition to and does NOT attach to the employee's regular working hours, will receive overtime pay at the rate of one and one half times the employee's regular rate of pay for a minimum of three hours or for the hours actually worked, whichever is greater.*

Councilperson Greenberg seconded the motion.

Councilperson Leinung had a question about total cost. If we're doing 4-½ hours, what would that equate to? Highway Superintendent Guyer said that it would be around \$2,000. We talked about that last month.

Councilperson Hennessy asked if he thought this was just for winter snowplowing and water breaks? Highway Superintendent Guyer said that generally it was, but throughout the summer the Sheriff or a resident will call about a tree being down. Councilperson Hennessy asked if anyone is on call during the summer? Highway Superintendent Guyer said there isn't, but if there is an issue the Sheriff will call him. If they can't get me, they call Mr. Van Praag or Mr. Klink. We're not really on call then. They kind of start at Thanksgiving, and end around Easter. It tapers off, but you do have 4-5 trees down throughout the summer or if there is a water break they're called. So, no we don't do the on call; it ends. Councilperson Hennessy added that Superintendent Guyer explained to him earlier that there was no impact based on the recent storms, and that was helpful. Highway Superintendent Guyer said that it's very rare in a snow situation. It's if there's a little bit of ice or something or just cold enough that the dirt roads freeze. Nine out of 10 times when there is a snow situation you are there longer than three hours not matter what so it doesn't really come into play.

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

New Trucks

Highway Superintendent Guyer said he did receive information today from OGS. They have a whole new system. We got the paperwork offline. We filled it out and talked to OGS. They gave us some pointers, and we sent it in back in December. It came back today. They call it a mini-bid. They do they leg work. You tell them what you're looking for. You have to pull out the contract number and the award number. You fill out what you want like four-wheel drive, extended cab, snow plow, etc. You send that to OGS and they do the work for you. They receive four bids for each truck. We put two pickups in this year. They came back today. Now we will go through the information and make sure what we sent in is what's outlined, and then we will call OGS to see what the next step is. The prices on both were roughly \$5,000 under our budget numbers.

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Supervisor LaGrange said that he asked Highway Superintendent Guyer about a truck recently. There was one of the two trucks that we were going to stop using that we might be just disposing of. He wondered if it might be good enough to use by DPW with a plow on it to address different situations like plowing out the water tower and eventually the sewer. Instead of trying to work a new truck into the budget with a plow that we'll eventually have to do maybe this would be an opportunity for us to have something that would get us by for a couple of years or so. Highway Superintendent Guyer said that Supervisor LaGrange asked him that question a week or so ago. Of the two trucks we are replacing, one we are going to keep for now and the other one would be going down the road. That's the one that Mr. Van Praag and Mr. Klink share throughout the winter. Two-thirds of the winter we rely on that truck to be out every morning; what we have is aging. He needs a more reliable truck for all that time, but it would fit the needs of the DPW for an occasional plow out of the water building, the pump station, and that kind of stuff. You could get a year or two out of it probably for that use. When we're out plowing now when we pass the water stations we take care of them but it's only when we're in the area. There are times when Mr. Hensel has to borrow a highway truck to do that stuff. Supervisor LaGrange thought it was a good opportunity if it will hold us for a couple of years.

Trench box

Supervisor LaGrange wanted to make another point about DPW. We didn't budget it but we need to seriously look into something. We purchased a trench box that was easier to handle and easier to use last year. This is for when you're digging in a water area. It can be as deep as 8-9 feet. You can set something in to support the sides while someone is working in there. We have that and pumps. He and Mr. LaChappelle were talking about that recently, and Mr. Hensel has been asking for a while if there is any way we could find something to transport these items like a small trailer. That way you would have all of your equipment there. There was a breakdown on Font Grove Road and it would have been nice to have this equipment consolidated. This would reduce the time spent and leakage. Anyway, it's something we might want to consider sometime this year, see what the prices are, and see what the opportunities are to get that. I think it would be a great addition. That's just for information. We're looking into it.

**17. Fire and Ambulance:**

• **Review and approve the 2017 Service Award Program List for the Onesquethaw Fire District LOSAP**

Supervisor LaGrange said that the review and approval of the 2017 service award program list for Onesquethaw Fire District LOSAP is next. LOSAP is kind of a retirement program, and individuals in the membership of the fire districts build up points. If they get over 50 points, then they get credit for that. If they get less than 50 points they don't get any credit for the year. It's a yearly thing. The points are accrued in different ways through trainings, calls, etc. There are several ways to accrue points. It's well implemented, and there is a series of things that each member has to do to have their time documented. It's further approved by the Chief. Once the points are compiled for the year, then it's our responsibility to okay it. As soon as they get this back they will post it for the next 30 days. If the members see any discrepancies, they have an opportunity to change that and then they get approved. They get compensation from the state. That's basically what it is. Again we get this and we're supposed to review and approve it, but we're basically taking the Fire District's word that this is what's been accrued, but we've also done audits in the past to make sure this is right. Their whole program is audited by an independent firm, too.

Councilperson Greenberg added that LOSAP was designed to retain volunteers. Supervisor LaGrange commented that it's a good program.

**RESOLUTION 18-046**

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 2017 Service Award Program list for Onesquethaw Fire District's LOSAP.

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

**18. Discussion/Action re: extension of the Cold War Veterans Exemption beyond the initial 10-year period.**

Supervisor LaGrange said that we don't have the attachment for this. We will put it on next month's agenda. There is no rush. The 10-year limit is still a little bit away for the original allotment for Cold War Veterans Exemptions. This is a proposal for each municipality to extend it independently at their choice. It's a good program. It's not very impactful. It's a nice recognition of the veterans, but since we don't have the attachment we will wait on it. Councilperson Greenberg asked to get the numbers so we know how impactful it is. Supervisor LaGrange

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agreed. Councilperson Leinung said the information sent around had a value but not a total. We can discuss it more, later. Currently the exemption expires after 10 years. If we choose to extend it, this would possibly be for perpetuity or until they sell their house. Supervisor LaGrange said that the point is we obviously have a fixed number of people who are getting this already. If we let it expire, all we would be doing is basically increasing their taxes. The only change is that it's not going to decrease what we're receiving in revenue; it will just cost them more. Councilperson Leinung said it's just good to know what that is. Supervisor LaGrange agreed and offered to check on that.

**19. Liaison Reports**

Tax Collection

Supervisor LaGrange said that at the end of last month the Governor decided that there was going to be a provision to pay taxes early. You all know about the SALT components of the Federal Tax bill for 2018. We have a lot of sources and Mrs. Deschenes gets information for the re-leivies and everything else. We had a lot of people starting to call, and Mrs. Deschenes did an incredible job of getting things together, giving people the opportunity to pay taxes ahead of time. On Wednesday December 27<sup>th</sup> she had the ability to print out the tax bills on her computer and give them to residents as they came in so they could pay in 2017. Late Thursday, BAS was able to get it up on the website so people could make payments. Mrs. Deschenes was coordinating that. There was a constant line of people coming in, not like some other places, but it was constant and she was short staffed because Mrs. Barber was still recovering from her surgery. We were able to get a little help in for a day or so, but on behalf of the town I just want to thank Mrs. Deschenes for an incredible job. You should have been here to see what was going on. She had her phone in one hand, the computer in the other, and talking to somebody at the desk. It was just a really good job and I just wanted to acknowledge that.

Councilperson Leinung said he came in and decided to renew his dog license on one of those days so he saw it. He thinks the phone rang three times in the two minutes he was in there. He thanked Diane for making it possible. Councilperson Greenberg added that he believes we got about a third of the taxes paid early. Town Clerk Deschenes said that we collected about a million dollars, and then it just died down.

Leak Detection/DPW update

Supervisor LaGrange advised that recently he and Mr. LaChappelle sat down with someone who deals in grants. He thinks the Board might have heard about a \$2.3 million grant for Guilderland having to do with water. He's was a part of that, and he is associated with Delaware Engineering. He has property in TONS, and he is going to move here and build a house so he wants to participate as much as he can in a pro bono sense to help us with possibly sourcing grants. He asked Supervisor LaGrange to put together a list of water-related issues that we have. His concerns are leak detection, of course. We might be able to get that through the other source. Fences are another concern. We have areas that just have to have fences. There are liability issues and there is also the issue of the potential of someone coming in and doing something to the property or the water itself. He thinks that's a big component. The building in the Clarksville Water District, which is off Winnie Lane, is in very rough shape and it houses important equipment. We have several of our water districts that don't have generators. The worst one is Swift Road because if the electric goes out on Swift Road there is no water because there is no water tower. At least we have some time with Feura Bush and Clarksville. Highway Superintendent Guyer added that Northeast has a generator. Supervisor LaGrange added that Kensington has a tower and a generator. Obviously in Heldervale, there is no pump. Clarksville has two generator needs because we have the pump to go up the hill on Delaware Avenue. We would like to try and get generators. There was an opportunity after Irene. Highway Superintendent Guyer said that he put in for generators for the water districts as well as the highway garage just before Mr. LaChappelle started. He's checked that online and it's pending. Engineer Dempf added that it has been 10,227 days. It was a program and they sent out consultants to assist us to make sure we had the right paperwork and then it just died. It got defunded.

Supervisor LaGrange said that we are now trying to look into the opportunities we have again. These are things that we need to get done and possibly infrastructure upgrades. During the coldest days we had so far we had the first break on Swift Road. That was our new employee, Ryan Green's, initiation to TONS water and sewer. There was a break on Swift Road, and it was miserably cold out. The highway guys came down to help. Mr. LaChappelle was sick and he showed up in awful shape. Mr. Green was in the hole. Brett Hotaling and one of the guys came over from Voorheesville to help. A week later we had a leak in Feura Bush during those frigid temperatures again. Mr. Hensel and Mr. Ryan tackled that with the help of the highway crew again. Mr. LaChappelle was there, and I think Mr. Hotaling showed up. They got that fixed into

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the evening and then the next day there was the fire on Font Grove Road which attracted attention and there was a resulting water leak probably in part from using the hydrant. It's just one of those things that happen. Again the guys were out there in these single-digit frigid temperatures. I think they got done about 7 PM that night. Supervisor LaGrange said that his point is that we have issues that we are going to need to address. He's hoping we can find grant money to maybe replace some of this aging infrastructure too, but on top of that he wanted to acknowledge those guys. That was just miserable. He went out to all of the breaks, at least a couple of times on each, and those guys did a tremendous job getting out there in the wet and cold. He wanted to thank the highway crew and our DPW guys and make the Board aware if they didn't already know.

Semi-annual LOSAP meeting

Councilperson Snyder advised that she and Councilperson Greenberg had their semi-annual LOSAP meeting with Morgan Stanley. That was on Monday night, and it went well. Both fire companies were represented and made some decisions going forward.

Hamlet Zoning

Councilperson Hennessy said that the Hamlet Zoning has been completed, and we have a public hearing here on Wednesday, February 14, 2018, at 6 PM.

Albany County

Supervisor LaGrange said that Albany County has hired a new planner. Since the previous planner left there was a bit of a slowdown on things we had sent to them being addressed. Now, hopefully they will be catching up. He met her today at the farmland protection meeting, and she seems to be enthusiastic and really ready to get into it. That's been something that has been lacking for a while.

**20. Departmental Monthly Reports:**

- **Town Clerk, December 2017**
- **Town Clerk, 2017 Annual Report**
- **Justice Johnson, Dec 2017**

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

**22. Pay the Bills**

**RESOLUTION 18-047**

Councilperson Greenberg offered the following resolution and moved its adoption:

<b>Pay the Bills January 10, 2018</b>		
<b>Abstract #</b>	<b>Vouchers</b>	<b>Amount</b>
	20180001-20180074	\$90,563.33
<b>Prepays</b>		
<b>Abstract#</b>	<b>Vouchers</b>	<b>Amount</b>
1725	20171421-20171422	\$256.43
1726	20171423	\$22.51
1727	20171424	\$320.00
1728	20171425	\$24.50
1729	20171426	\$106.90
1730	20171427	\$36.61
1731	20171428	\$135.66
1732	20171429	\$44.43
1733	20171430	\$385.14
1734	20171431	\$25.71
1735	20171432	\$24.31
1736	20171433	\$44.19
1737	20171434	\$37.35
1738	20171435	\$628.69
1739	20171436	\$114.17
1740	20171437	\$190.22
1741	20171438	\$345.34
1742	20171439	\$49.35

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1743	20171440	\$376.11
1744	20171441-20171446	\$43,640.11
1745	Skipped	\$0.00
1746	20171447-20171448	\$205.75
1747	20171499-20171452	\$168,257.37

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

**23. Approve any Budget Modifications**

There were no budget modifications.

**22. Adjourn**

Councilperson Snyder made a motion to adjourn, seconded by Councilperson Hennessy. The meeting adjourned at 9:15 PM.

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Diane R. Deschenes, Town Clerk