

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
JANUARY 11, 2017**

The following Town Officials were in attendance:

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

1. Call to Order

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

2. Pledge of Allegiance

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

4. Approval of the Minutes of the Following:

- **December 7, 2016 Special Town Board Meeting**
- **December 14, 2016 Regular Town Board Meeting**

RESOLUTION 2017-023

Supervisor LaGrange offered the following resolution and moved its adoption:

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

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

5. Discussion/Action re: 2017 changes to Water and/or Sewer District Rates:

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

The Village of Voorheesville and the Town of Bethlehem are entertaining increasing their water rates tonight so Supervisor LaGrange postponed this until February. These changes are for 2017 anyway.

6. Bond resolution regarding purchase and financing of highway department dump/snow plow truck

RESOLUTION 2017-024

The following resolution was offered by Supervisor LaGrange and seconded by Councilperson Greenberg, to wit;

BOND RESOLUTION DATED JANUARY 11, 2017

A RESOLUTION AUTHORIZING THE ACQUISITION OF ONE (1) DUMP TRUCK, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$190,000 OF THE TOWN OF NEW SCOTLAND, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of New Scotland, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of one (1) Dump Truck and related equipment. The maximum cost of said purpose will not exceed \$190,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by

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the issuance of serial bonds in an amount not to exceed \$190,000 of said Town, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the acquisition of one (1) Dump Truck and related equipment, is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 63.00 and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, has been authorized by a "Notice of Intent" approved by the Town Board at a meeting held on November 9, 2016 and is therefore authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. The "Notice of Intent" approved by the Town Board on November 9, 2016 shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c12-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town has determined that the acquisition of one (1) Dump Truck and related equipment is a "Type II action" that will not have a significant effect on the environment and, therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

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(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00 b.1.(1) of the Local Finance Law and shall take effect immediately.

Councilperson Greenberg said that the Board discussed this last month so they're familiar with the situation. Highway Superintendent Guyer asked if the Town is going to bond this. Supervisor LaGrange said that this is the bond resolution for up to \$190,000, but they are still going to explore their options.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call which resulted as follows:

Douglas LaGrange	VOTING <u>Aye</u>
Adam Greenberg	VOTING <u>Aye</u>
William Hennessy, Jr.	VOTING <u>Aye</u>
Laura TenEyck	VOTING <u>Aye</u>
Patricia Snyder	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

7. Discussion/Action re: appointment of Town Justice for a term of February 1, 2017, through December 31, 2017, to fill Justice Margaret Adkins' vacated position.

RESOLUTION 2017-25

Councilperson Hennessy offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland consider retaining Mr. Robert Johnson III to fill the position vacated by Margaret Adkins for the Town Justice position for a term of February 1, 2017, to December 31, 2017.

Councilperson Greenberg seconded the motion.

Councilperson Ten Eyck questioned the wording of the resolution, "to consider retaining." Attorney Naughton said that it should be to appoint.

RESOLUTION 2017-25 Amended

Councilperson Hennessy offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Mr. Robert Johnson III to fill the position vacated by Margaret Adkins for the Town Justice position for a term of February 1, 2017, to December 31, 2017.

Councilperson Greenberg seconded the motion.

Councilperson Greenberg noted that the town had five incredible candidates. Mr. Johnson is currently our Zoning Board chairperson and did a good job. He was also our Town Justice years ago, so he has experience with the position. He has a close relationship with Judge Wukitsch so Councilperson Greenberg was confident that they will be able to work together.

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

7B. Appointment of David Wukitsch to fill the vacated position of Margaret Adkins from January 1, 2017, to January 31, 2017.

Supervisor LaGrange advised that the Board appointed David Wukitsch to fill in the vacated position

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from November 15th through December 31st. That needs to be extended.

RESOLUTION 2017-26

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint David Wukitsch to continue to fill Justice Margaret Adkins' vacated position from a start date of January 1, 2017, to January 31, 2017, under the same conditions as previously approved.

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

8. Fire and Ambulance:

• **Discussion/action re: 2017 Onesquethaw Fire and Ambulance contract**

Supervisor LaGrange said that we used the 2016 contract and plugged in the figures that we put in the budget as requested by Onesquethaw for fire and ambulance service.

RESOLUTION 2017-27

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 contract with Onesquethaw Fire and Ambulance and authorizes the supervisor to sign it.

Attorney Naughton noted that its attachment #2 and the numbers are \$246,800 for fire and \$28,000 for ambulance. Councilperson Snyder said that this was appropriated in the budget.

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

• **Review and approve the 2016 Service Award Program List for the Onesquethaw Fire District LOSAP**

Supervisor LaGrange had a description of service awards program for Onesquethaw. Points are earned in several ways. There is a meticulous way of tracking this, and it goes towards an eventual retiree payout. Fifty points is what triggers it for the year. This is kept track of throughout the year, and these are outlined for Board approval and acceptance. This is also part of the audit that we've done as Board members, but we also have a professional firm audit this too. We recently had some results from that. The findings were excellent with a little tweak here or there.

RESOLUTION 2017-28

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 2016 Service Awards Program list for Onesquethaw Fire District LOSAP.

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

• **Discussion/action re: 2017 New Salem Fire contract**

Supervisor LaGrange said the text is the same as last year for the New Salem Fire contract. The only change is the amounts.

RESOLUTION 2017-29

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 2017 contract with New Salem Fire Department at a rate of \$292,000 in the form attached as exhibit 2B and authorizes the Supervisor to sign this.

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

9. Engineering:

• **Authorize Supervisor to execute Town Designated Engineer 2017 Master Service Agreement with Barton & Loguidice**

RESOLUTION 2017-30

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 Master Service Agreement for Town Designated Engineer for 2017 with Barton & Loguidice as outlined and

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authorizes the Supervisor to sign it.

Councilperson Hennessy seconded the motion.

Councilperson Greenberg commented that other than cost the agreement remains the same as last year.

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

- **Authorize Supervisor to execute Town Designated Engineer 2017 Master Service Agreement with Stantec Engineering**

RESOLUTION 2017-31

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does enter into the Master Service Agreement for Town Designated Engineer for 2017 with Stantec Engineering as outlined and authorizes the Supervisor to sign it.

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

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

Engineer Dempf said that this is for general advice to the Town Board and the Department of Public Works on town-wide issues. The dollar amount is the same as last year.

RESOLUTION 2017-32

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 a task order request for general town engineering services with Stantec Consulting Service Inc., for the year 2017 and authorizes the Supervisor to sign it.

Councilperson Hennessy seconded the motion.

Councilperson Snyder asked how much this was for. Supervisor LaGrange replied \$20,000.

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

- **Zoning Board Consulting**

Engineer Dempf said that this is to participate in Zoning Board meetings and advise on items that do not have a major project before the Board that might have its own escrow.

RESOLUTION 2017-33

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 a task order request in the amount of \$2,200 for Zoning Board consulting with Stantec Consulting Service Inc., for the year 2017 and authorizes the Supervisor to sign it.

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

- **Planning Board Consulting**

Engineer Dempf said that this is for attendance at Planning Board meetings where there are not any major projects with a special escrow account. This is for \$4,400 for the year.

RESOLUTION 2017-34

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 a task order request in the amount of \$4,400 for Planning Board consulting with Stantec Consulting Service Inc., for the year 2017 and authorizes the Supervisor to sign it.

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

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

Engineer Dempf said that there are two highway department task orders. One is for general consulting to

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the highway department and the other is for permanent improvements. These are on a time and material basis if requested by the Highway Superintendent or the Town Board.

RESOLUTION 2017-35

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 a task order request in the amount of \$5,500 for Highway Department Consulting Engineering with Stantec Consulting Service Inc., for the year 2017; and Highway Department Consulting Engineering - Permanent Improvements for \$5,000 for the year 2017 and authorizes the Supervisor to sign it.

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

- Clarksville Water, Feura Bush Water, and Swift Road Water

Engineer Dempf said that this is for general engineering relating to the Clarksville, Feura Bush, and Swift Road Water districts.

RESOLUTION 2017-36

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 a task order request with Stantec Consulting Service Inc., for the year 2017 for the Clarksville Water District – Transmission/Distribution at an estimated cost of \$3,000, the Feura Bush Water District Engineering Services at an estimated cost of \$1,000, and Swift Road Consulting Engineering at an estimated cost of \$1,000 and authorizes the Supervisor to sign them.

Councilperson Greenberg seconded the motion.

Councilperson Hennessy asked if this means there won't be any charges to the Heldervale Water and Sewer districts since they are not included. Engineer Dempf said that they did not prepare agreements for any district that did not set up a budget (Font Grove, Heldervale, Northeast, and New Salem). Engineer Dempf said that if there's an issue, they will address it when the time comes. Supervisor LaGrange will check on it anyway and see.

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

- Storm sewers

Engineer Dempf said that this year there is a new Stormwater permit, and he called Inspector Cramer to see if he may need assistance. There was a budget allotted in the fall, and we submitted those numbers in here. This is for work with the coalition so that we are in compliance with the Stormwater Management rules and regulations enforced by DEC.

RESOLUTION 2017-37

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 a task order request with Stantec Consulting Services Inc., for Phase II Stormwater in 2017 at an estimated cost up to \$5,000 and authorizes the Supervisor to sign it.

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

• Stantec recommendation to reduce Phase 3 letter of credit for Colonie Country Club Estates Subdivision

Engineer Dempf said Stantec is making a recommendation to the Town Board for consideration of reducing the existing infrastructure security letter of credit for Phase 3 for Colonie Country Club Estates. We did the retaining wall along Route 85A, and the road and storm drainage has been completed to date in accordance with the plans revised November 6, 2009, and approved June 2, 2015. It complies with the specifications for acceptance of streets and public utilities. Water system components were installed late in 2016 and satisfactorily tested under our observation. The components were installed in accordance with the approved project plans. The Phase 3 work that remains will be completed along with the estimated cost as given in the table. We have four items totaling \$67,320 left that we are recommending because it was the remaining work required prior to completion and dedication for Phase 3. Supervisor LaGrange asked what the amount is that they are looking to have back and to retain. Engineer Dempf believed the original amount was around \$300,000, and we want to still retain \$67,320. This is the amount of uncompleted work that we have, and we'd like to retain that amount. Supervisor LaGrange

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said asked if this is the difference between what's left there now and the \$67,320 when we move to reduce infrastructure security. Engineer Dempf agreed. Highway Superintendent Guyer said that the original amount in escrow was \$297,280. Attorney Naughton noted that there is a revised letter being provided by Dave Hansen today. It's updated but has the same results with their recommendation being \$67,320. Councilperson Greenberg asked what they have left to do. Engineer Dempf recapped the letter which included: furnish and install roadway pavement binder, coarse for \$54,530; furnish and install permanent stormwater surface sand filter treatment system for \$8,000; concrete ROW monuments for \$300; and the retaining wall and site distance improvements along NYS Route 85A for \$4,490. Supervisor LaGrange asked if that includes the road they are building now. Engineer Dempf said that it does. Councilperson Greenberg asked if Engineer Dempf was confident that the \$67,320 would cover the roadway pavement. Engineer Dempf said that that portion is \$54,530.

RESOLUTION 2017-38

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby reduce the infrastructure security for Phase 3 of the Colonie Country Club Estates from \$297,280 to \$67,320 in accordance with the letter of recommendation from Stantec Consulting, Inc.

Councilperson Hennessy seconded the motion.

Councilperson Snyder asked if there is an expiration date that needs to be adjusted. Attorney Naughton said that he asked Building Inspector Cramer to check the expiration dates. These were recently updated. What will happen is that the bank will send a letter saying it's been reduced to this amount, and it will have a new expiration date. Councilperson Snyder asked how long it will be. Attorney Naughton said that it's usually two years.

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

• **Project Updates**

Engineer Dempf said that Attorney Naughton suggested he do an update on where each project stands.

Colonie Country Club Estates

Engineer Dempf said that the pavement and curb establishment will be done in the spring. Right now National Grid is on site running the power to Colonie Country Club Estates.

Levie Farm

Engineer Dempf said that all the infrastructure is built except for the roadway pavement. The water main is installed but not yet pressure tested or disinfected. The work is to be completed in the spring and dedicated to the town.

Kensington Woods

Engineer Dempf said that the road construction is complete including the pavement. The storm drainage is also complete, and the final pond basin is being finished this week. Water mains are all installed and pressure tested for this phase. Flushing and disinfection is not complete. That won't be done until the well pumps are wired and powered. National Grid is on site now installing the electric. The water treatment system is under construction. We had a few discussions on special meetings that we need for the intricate construction and how we would like to see that certified and witnessed potentially by a town representative who might be running that system. We will have a discussion on that next week. The sewage treatment system is under construction. The treatment building and NEP is underway. The Orenco pods and tanks are set. We are ready to do the piping and conduits. Integration for monitoring only is being coordinated. The one outstanding issue that we have with water is the SCADA. We notified the developer this week that we need a little more diligence on his coordination with our SCADA provider. SCADA lets our people know what's going on with the system itself. National Grid is on site working in the subdivision and off site for extensions and upgrades along Hilton Road. We have received the preliminary maps for dedication and documentation. Engineer Dempf said that he would let Attorney Naughton see some of that. It includes the easement, legal descriptions, and record plans. As Engineer Dempf mentioned to Supervisor LaGrange earlier, they are going to verify with Building Inspector Cramer that they have the legal dollars in place. They checked on that to make sure because they have an ongoing discussion with them because of their Orenco design which is not really adequate to the construction portion of the project. They are preparing a request for the developer to replenish the escrow funds for both legal and engineering. Building Inspector Cramer is aware of that also. Supervisor LaGrange asked if they had pressure tested the water lines there yet. Engineer Dempf said that they did. Supervisor LaGrange asked if there is any water in the tank. Engineer Dempf said that there was not. They did an initial test on the water mains, but the final flushing and disinfection will

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need to be completed when the wells come online. They used colored water to do some of the testing. They need to flush it, chlorinate, and retest the chlorination. Supervisor LaGrange said that they were discussing using the generator to fill the tank. Engineer Dempf said that they decided against it.

Councilperson Snyder said that there are a number of lots that are sold and asked when they anticipate construction to start? Engineer Dempf said that he asked for a revised schedule today. His concern is that they are going to try to push us into a corner. They have a lot of work that they need to do in order to get the waste water treatment system up and running. It all depends on them right now. They have not given him the schedule this week. It's the second time he's asked for the completion of this phase. That's why they are having a full developer/contractor meeting scheduled for 3 PM tomorrow in the field. They are looking to schedule another one at Town Hall so that everyone can get on the same page. The one in the field deals directly with the waste water treatment system. Councilperson Snyder said that listening to Mr. Dempf, her concern was the outstanding improvements that need to be made and all of those sold signs. She wants to make sure that the expectations are met. Highway Superintendent Guyer said that there are three houses constructed there. Engineer Dempf said that he knows they have permission to actually build those. Attorney Naughton added that they could build four houses. Engineer Dempf said that he doesn't think it's legal for them to actually sell them right now. Attorney Naughton agreed that they can't sell them right now. Engineer Dempf said that he was dealing with Attorney Naughton on how to approach that situation. He thinks we're going to have to tell them to remove those signs because they have not dedicated the roads so they are not legal lots. If they had dedicated the roads and some of the other facilities potentially they could actually do that, but he doesn't think they can sell them because they don't have road frontage right now. Councilperson Snyder said that there wouldn't be a certificate of occupancy because none of the improvements are available at this point, adding the comment that as long as everyone is communicating that from our side. Supervisor LaGrange said that they might just be putting those up to say they're committed to a potential owner because people are looking. Whether it is appropriate to say it's sold or not, he didn't know.

10. Highway Department:

• **Mohawk Hudson Humane Society 2017 Agreement**

Highway Superintendent Guyer said that there are no changes to the 2017 contract at all.

RESOLUTION 2017-39

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 an agreement with Mohawk Hudson Humane Society for 2017 and authorizes the Supervisor to sign it.

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

11. Discussion/Action re: franchise and utilities audit by Computel

Supervisor LaGrange said that we need to discuss this and item #12 in an Executive Session because these are contractual situations. We may act on them when they come out, but at this point we will postpone them.

12. Discussion re: Charter Communications (formerly Time Warner Cable) franchise agreement renewal

This item was also postponed.

13. Update on Hilton Barn

Councilperson Greenberg said that work is continuing at the barn. They are finishing up the interior beams, and it's all set for the winter. There are no frost issues. Councilperson Greenberg said that he put it on the agenda because he thinks we need to start moving forward with the committee that's looking into what to do with it. He thinks the next step is to apply for grants, but until we know what we are doing specifically inside we can't really apply. Supervisor LaGrange said that Councilperson Snyder put together a meeting last fall. He then asked if she wanted to continue with that. Councilperson Snyder said that she did. Supervisor LaGrange advised the public that we had 1.1 acres there that the town donated on which to put the barn. Last month the Board approved receiving a donation of another 14.1 acres which is the remainder of the property that the Hilton heirs owned with the potential to be a park of some sort at some time. These are things that can also be entertained. We were very thankful to Callahan Industries for donating a substantial amount of fill for the inside of the barn. We protected the footings and the foundation for the winter. We will probably finish the fill in the spring. We are looking at installing some motion detector lights for security relatively soon. Supervisor LaGrange said that we are hoping to get some of the old wood that was taken out of the barn and stockpiled on the corner of Route 85A inside to protect it for the winter. We need to determine what we can use and what we can't use. Highway Superintendent Guyer said that the Highway Department did some clean up there last

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week. They took a few dump truckloads of trash out and wrapped the barn in snow fence just to keep people out. Supervisor LaGrange suggested adding some type of posted signs. Highway Superintendent Guyer said that the Highway Department will get the old floor boards inside for the winter. Supervisor LaGrange said that there has been tremendous progress. He couldn't thank everyone who has donated or contributed, but he thanked the Town Board and their work, especially Councilperson Hennessy and Councilperson Greenberg. What they did this past year was above and beyond. In the beginning of the year, they brought it all together, acquired the land, moved the barn, and eventually got it on the foundation to the point that it is now. He is amazed. It was a tremendous undertaking, but he thinks that in the future those who were skeptics will realize it was a good decision. We are still waiting for the grant money from the state; hopefully it will come soon. It will still be to the point of not costing New Scotland taxpayers directly for the process of moving it and getting it settled down. We are excited about it, and he hopes we can make some accommodations soon to secure an area of the barn that residents can go in and observe what it looks like.

Councilperson Hennessy added that the inclusion of the donated extra 14 acres modifies some of the potential uses on the land and the barn. As such, it's important to put together an accurate and appropriate plan for that. We may want to ask for some consultations with some professional landscape architects and/or planning architects to look at some of that use. Whether we request that as part of our committee or bring folks in, he thinks we should investigate that, not right now, but it's something we can do this winter. Supervisor LaGrange said that part of the agreement with the donation of the 14 acres were restrictions that we mentioned last month. The deed restrictions keep it a park. The barn is still separate from that, and we can do as we wish. It is a good point that we should start to explore that. Councilperson Ten Eyck said that she thinks we need a landscape designer rather than an architect to look at how people walk and the different types of environmental issues. Perhaps we could apply for a grant to hire them as a consultant to design the park. We don't want to just landscape it. Councilperson Hennessy said that that's what he meant. Supervisor LaGrange added that we can do that at a more leisurely pace this coming year. Councilperson Greenberg said that we might want to hire Mr. Bohl who cleared the land last spring to clean up the 14 acres now so it is professional looking. Councilperson Ten Eyck said that we need to have a better appearance during the transition before we start designing. Councilperson Greenberg offered to contact Mr. Bohl and get a price to move forward on that land. It would just be the shrubbery, no trees. Supervisor LaGrange agreed. Councilperson Greenberg thought that we would want to do it while the ground is frozen but there are some wet spots otherwise. Councilperson Hennessy asked Engineer Dempf if we should do that before doing a wetlands delineation there. Engineer Dempf said that we can remove vegetation.

Public Safety Commissioner Miller asked if the Town is still considering selling the lumber. Supervisor LaGrange said that the lumber from the floor is what the Highway Department is going to move inside. We are going to take an inventory and see if it can be reused in places to keep the rustic appeal inside. We just don't know. Councilperson Hennessy said that the architect we had thus far thought we could reuse it inside. Councilperson Greenberg added that we are just waiting for a plan. Commissioner Miller said that it's been sitting there, and every once and in while someone will ask. Councilperson Hennessy said that clearly we can't use it all, but we're hopeful that we can use a majority of it. Highway Superintendent Guyer asked if Mr. Miller was talking about the firewood. Commissioner Miller replied "probably both." Supervisor LaGrange said that the planking, the flooring and things like that are going to be moved inside the barn to see what can be used. Councilperson Greenberg said that we've been having discussions about a wood bank for the other firewood. We are supposed to have a presentation by Steven Reilly about that, hopefully next month. That would allow the public to come in and use it.

Commissioner Miller mentioned that he heard over the weekend that there is a time limit on grant funding associated with the Rail Trail. Supervisor LaGrange said that he'll have to talk to the County Executive. We've been told that they were going to complete our end of the paving this coming year. Councilperson Greenberg said that the original plan was for this spring. Supervisor LaGrange added that we were trying to figure out if we could do some sort of remediation of the Rail Trail up on Hilton Road. We've run into so many unknowns, and it could blow up into an incredibly expensive project. We just don't know if we can do that. Commissioner Miller said that he knows there is a hold up in Slingerlands behind the fire house. Supervisor LaGrange said that the last time he talked to County Executive McCoy he told him we'd like to get this done even if we don't have it connected in that area until that issue is settled. He said that that was the plan. The conversation was two months ago. Commissioner Miller said that this was this past week. It was a discussion about funding that was available that's going to go away. Supervisor LaGrange said that he would touch base with Executive McCoy. We were told this spring.

14. Liaison Reports

VAAS

Commissioner Miller said that yesterday he had a conversation, and there is still no movement on the

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VAAS. Supervisor LaGrange said that we will take some time to discuss that in Executive Session too.

Councilperson Snyder advised that she and Councilperson Greenberg attended the semi-annual meeting with Morgan Stanley for LOSAP. They reviewed the balances with the Fire Department Board member, and they readjusted based on their recommendations. Supervisor LaGrange advised that that's the money that the two fire departments invest for LOSAP.

15. Departmental Monthly Reports:

- **Town Clerk, December 2016**
- **Town Clerk, 2016 Annual Report**
- **Registrar, December 2016**
- **Registrar, 2016 Annual Report**

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

Irving Mosher said that living in the area and traveling on Hilton Road may not be a complete problem; however, it will be. Now we have a contractor working there, tearing everything up, cutting down the trees, and also tearing up part of the road. There are going to be 300-400 more cars going over there every day. Is the contractor going to put a new wider road in or is that going to be a taxpayer responsibility? Supervisor LaGrange said that when the Planning Board addressed this several years ago there were a couple of members who tried to have that accounted for, but they were somewhat overruled. They would have liked to see a widening of the road. The telephone poles are right on the edge. Some of those will be addressed from Route 85A to the end of Kensington's property, just before Coughtry's. Mr. Mosher added that they are putting new ones in there. Supervisor LaGrange said that we were able to secure about \$125,000 for some road work. Supervisor LaGrange added that now that we have the property on the 85A end, we could possibly have a turning lane to help facilitate the traffic. The engineering studies suggested that there wasn't enough impact with the added traffic to necessitate any major improvements. Supervisor LaGrange added that a couple of Planning Board members disagreed with that. We do have a decent amount of money to get it cleaned up, but that's it in that regard. Supervisor LaGrange said that there was some consideration about not doing anything there until this project was complete, and then it would go on the schedule for repaving. Highway Superintendent Guyer said that prior to him Mr. Duncan did the same. We kept hearing that the development was coming so we put off repairing the road, knowing there were going to be construction vehicles on the road. As far as the surface goes, it's deteriorating. Highway Superintendent Guyer said that at some point in the near future he will have to address a temporary surface on the road. We all know there are years of construction to go on with this site so we don't want to do a full-blown rehab at this time, but we need to do something with the surface to get us by until the project is wrapped up. Councilperson Ten Eyck said that it seems that the tricky part will be when the construction is semi-complete and it's partially inhabited and the construction is still going on. There will be residential traffic and construction traffic. Supervisor LaGrange said that, hopefully, the heavier construction equipment will be the first portion to phase out of it. Councilperson Ten Eyck said that she had been wondering because these big trucks that come from there through Route 156 seem to be hauling large amounts of stone going back multiple times a day. Where are they going and what are they doing? Highway Superintendent Guyer said that they are going to Schoharie for stone. It's probably washed stone for the treatment plant. The blacktop came from Schoharie as well when they paved the road. Councilperson Ten Eyck said that she was surprised by the extreme frequency of the traffic of those heavy trucks going through the farm especially when they were open; they were clearly speeding. We even had a situation where one was passing the other going up the hill towards Altamont. Councilperson Ten Eyck added that the trucks are big and heavy so she can see the wear and tear. Mr. Mosher said that he can just see a lot of problems down the road for Hilton Road. When the people move in there they are going to be walking, riding, and driving on Hilton Road and it's not even wide enough for two trucks. Two cars can squeeze through now. They are going to be complaining to the Town Board, so we're going to be required to do some work there. He doesn't think it's fair that taxpayers are going to have to fund that since the development is being put in. The contractor is going to take their money and walk away.

Councilperson Greenberg said that he thinks Mr. Mosher makes a great point, and this is why he ran for the Board. He saw what he considered poor planning and Board decisions in the past that allowed this to happen. He is curious if there is a lot of damage done to the road. If he took farm machinery down the road and did damage to the actual pavement, would it be on him to repair it? Is there any recourse here? Mr. Mosher brings up a good point, and it really shouldn't be on the taxpayers to pay for this. Attorney Naughton said that that's something that's usually addressed during the approval process. You would enter into road agreements with the County and the Town so that there are bonds in place and a means to have them repaired if there is damage to the roads. Unfortunately that wasn't one of the conditions when the Planning Board granted the approvals on the project. We don't really have a lot of leverage on that. We do have a development agreement, and there may come a time when we may have the ability to revisit some of these issues. We should keep an eye on that. Otherwise we have to show that the weight

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of these vehicles has damaged the public road in a way that wouldn't happen with normal wear and tear. Councilperson Greenberg said that that doesn't seem like a heavy lift to me. Attorney Naughton said that it shouldn't be, but it's not that easy. Engineer Dempf said that it's a little more in depth. The lift isn't as easy as you many think unfortunately, but that's not to say there is some room. Councilperson Greenberg said that this is why Planning Board appointments are so important. Mr. Mosher added that he guessed we didn't get started at the right time. Supervisor LaGrange said that there actually were people that voiced a similar concern. The best we could do at the time was to get the \$125,000 and put off our general upkeep of the road. Highway Superintendent Guyer has a pretty good schedule of addressing the roads throughout the town each year. The more we put it off without causing issues, the better it was to get through this, and then we could do our normal resurfacing later. Mr. Mosher asked if this might mean moving the poles back a little bit so we can have it wide enough for two vehicles? There is no sense in paving that because you need to have it wider to begin with. Mr. Mosher suggested that we go over and ask the contractor to do that. Highway Superintendent Guyer advised that National Grid has to stay on public right-of-way. They won't put a pole on private property. They have to work within the right-of-way, but they have agreed that any pole that has to be replaced for the project they will place back as far as they can. Commissioner Miller asked if that is for the whole road. Highway Superintendent Guyer said that it's anything from Route 85A to Coughtry's property. Commissioner Miller said that he was sitting here envisioning what Mr. Mosher is saying, and you're going to have one end of that road where it's wide enough to comfortably fit two cars. People are going to come out on bicycles and walking, and halfway down the road it's going to have a chunk point where none of the stuff is going to be good, causing major problems. Councilperson Snyder said that these are things that were talked about when that project went through the Planning Board, and there were many of us there who brought this to their attention. Unfortunately, there were enough members on the Planning Board that were unwilling to consider some of these issues and make the developer responsible for the mitigation of what we saw. Unfortunately there were three members of the Planning Board that did not agree. Supervisor LaGrange said that we were lucky to get what we did. Councilperson Greenberg said that they are lucky we went through with it. We didn't need that development. Supervisor LaGrange said that the way the Planning Board was constituted at the time, we were lucky to get what we got. Engineer Dempf added that the original estimate was around \$900,000 to do the entire road. Councilperson Greenberg added that the Town should not subsidize the developer's development. Councilperson Ten Eyck said that the whole complexity has taken a twist since the Rail Trail and now this park. She thinks we really need to prioritize getting as much out of them in terms of support as we can go forward when we have other opportunities. Really in terms of them selling their homes, the quality of the road is going to be an issue. The existence of the Rail Trail and the park right there at the end of their road is going to actually raise the value of those homes probably. Maybe we could use that as some sort of argument to make. Supervisor LaGrange said that we'll take any opportunity that we legally can at this point down the road to address it.

Mary Boyce asked if the roads will continue out and exit onto other roads, or is the only way to come out on either side onto Hilton.

Supervisor LaGrange said it is; otherwise they would have had to acquire more property from the next landowner, and they didn't do that. The Planning Board did discuss that.

Mr. Boyce said that that's why we need to slow down now and not get involved in all of these other things. We should take care of what we have.

Supervisor LaGrange said that there was a Town Board that sits here now that was elected because of the Big Box situation. This Board was also elected to plan for the future in a methodical way. Unfortunately this Board is saddled with the development, for good or bad, that was already in place. This Board has also undertaken, as best we can, replacements of Planning Board members through interviews especially to reflect what the folks in the town were saying when they voted for us. Yes, unfortunately the horse got out of the barn on a few of these. Now, we're just going to have to do the best we can.

Update on Church Project

Councilperson Greenberg asked for an update on what the church project actually is. Supervisor LaGrange said that it's over on Krumkill. As you enter the circle and come into town you have the church on the right side and then the Gelfand project. Engineer Dempf thought that it was one building with six units. Supervisor LaGrange said that they are looking to get water from the Town of Bethlehem, and both the church and the developer, Gelfand, are willing to run the supply line to it from Bethlehem. Bethlehem is requiring at this point a master meter, and we will have to form a district. We have a couple of New Scotland landowners that are off Bethlehem's water line now. They are more or less spaghetti lines as we call them. We are looking to tie that all in and set up a district and an eventual way to continue to extend water if possible. The Church and Mr. Gelfand are willing to put out the money to get this project to that point. We did get a petition. Supervisor LaGrange asked if that was sufficient.

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Attorney Naughton said that he would have to look at it.

**17. Pay the Bills
RESOLUTION 2017-40**

Supervisor LaGrange offered the following resolution and moved its adoption:

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

Pay the Bills January 11, 2017		
Abstract #	Vouchers	
	20170018-20170109	\$190,529.85
Prepays or three signatures		
Abstract#	Vouchers	Amount
1410	20161518-20161519	\$813.77
1411	20151520	\$38,487.26
1412	2011471	Void
1413	20161521	\$1,380.52
1414	20162522	\$16.45
1415	20161523	\$36,513.52
1416	20161524	\$4,214.00
1417	20161525	\$2,420.14
1418	20170001	\$1,571.46
1419	20170002	\$1,995.00
1420	20170003	\$466.98
1421	20170004	\$84.41
1422	20170005	\$124.32
1423	20170006	\$23.34
1424	20170007	\$421.59
1425	20170008	\$25.63
1426	20170009	\$381.53
1427	20170010	\$59.80
1428	20170011	\$332.15
1429	20170012	\$34.41
1430	20170013	\$169.39
1431	20170014	\$23.80
1432	20170015	\$141.41
1433	20170016	\$649.14
1434	20170017	\$160,522.00

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

18. Approve any Budget Modifications

There were no budget modifications.

19. Possible motion for Executive Session to discuss requested change in status by Town employee and to also discuss ongoing contract negotiations

RESOLUTION 2017-41

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby suspend the regular meeting and go into Executive Session to discuss some contract negotiations and some points on a town employee.

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

Executive Session began at 8:40 PM.

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

Executive Session adjourned at 9:10 PM

There was no action taken in Executive Session.

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RESOLUTION 2017-42

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set the hours for the Assessment Clerk from 10 AM-3:30 PM beginning January 9, 2017.

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

20. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Snyder. The meeting adjourned at 9:14 PM.

Diane R. Deschenes, Town Clerk