

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 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 Clerk:	Diane Deschenes

1. Call to Order

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

2. Pledge of Allegiance

Moment of Silence

Supervisor LaGrange asked for a moment of silence for Corrine Cossac who was the previous Town Clerk. She served as Town Clerk for about 23 years. Supervisor LaGrange also asked for a moment of silence for Patricia Geurtze who worked in our Highway Department for a number of years.

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

5. Presentation by Mr. Steve Reilly re: Firewood Bank

Mr. Reilly said this is a concept to benefit the general public and those in need during the heating season. They might have trouble pulling together the funds or have physical limitations. The concept of a wood bank came to mind. It would be nice to have an organized clearinghouse opportunity town-wide and maybe beyond the town where we could make firewood available for folks to take because they can't afford it or purchase it. That way we don't compete with those who sell firewood for a living. We could take the proceeds from the sale of wood and put it back into a fund to help underwrite the cost. Mr. Reilly had a slide presentation of wood banks across the United States. In the eastern United States they tend to run along the Appalachians and run north and south. Mr. Reilly pointed out that as you get closer to NYS there are none, but there are a couple dozen around the state. Mr. Reilly grew up in Bangor, Maine, and there four within a 75-mile range. Their intent is to serve people who have the need. They often will pull as few as 5-10 cords of wood together in a season. The Cumberland wood bank had a goal last year of 100 cords. They are a not-for-profit. They do more than simply gather wood, cut it, stack it, and deliver it. They actually try to be as fair as they can in a community where a lot of people sell wood. They do their best to be respectful of that kind of a thing. Mr. Reilly showed the Cumberland Wood Bank website. They started their organization in 2007 with a bunch of volunteers. They have equipment that they own and some they borrow and a lot of connections with local organizations. This was borne out of a need from a church and to help support a couple of families that needed to stay warm. They have another unique connection that they made back to something called the Small Woodlot Owners Association of the State of Maine, the equivalent in New York is called the New York State Forest Owners Association. They have from time to time been able to help foresters and people who own wood lots. They look to clear out property and help take it off allowing individuals to remove some wood. There is a bit of a symbiotic relationship. Mr. Reilly said that there are a lot of folks that enjoy cutting and splitting wood, but there are plenty of folks who don't so you'd have to have a repertoire of volunteers. Mr. Reilly said that he and Attorney Naughton have discussed a couple of times the layers of liability. Mr. Reilly would be happy to start a process, but he didn't know if he could do it without support. It's one thing to get volunteers and another to have support from an organization. Supervisor LaGrange asked in what sense he was referring to support. Mr. Reilly replied that he was referring to support in the sense that, for instance, the property where the wood sits now would be made available for certain periods of time to process what's there now, stack it, and prepare it for being distributed. From time to time he imagined there would be projects where Highway Superintendent Guyer might have to clear some wood off a site or there is trimming to be done and he's left with pieces here and there that are not exactly the most desirable but would do just fine in donated material. There would be coordination between a group of volunteers and the Town to make sure that this thing was perpetuated. The system works well all over the place, and he has no doubt that liability issues are not a whole lot different in Massachusetts, New Hampshire, Vermont, or Maine than they are here. They found a way to get through it, and he thinks we could too. The rest of it is left up to

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

organizing volunteers and protocol and working with other towns establishing where the need is. We know that it exists. Mr. Reilly talked to the Center for New York State Rural Housing Authority and they have already done a few of the demographic research issues for him. We haven't really dug deep enough yet, but he is sure that if you make things available people will start to come. Mr. Reilly said that there is a lot more to talk about in the logistics, but he's confident that if more and more people want this to happen it can. Mr. Reilly said that that's the background. Attorney Naughton had pointed out that we have a more immediate need to clear the property at the site where it is now. We would like to get it cleaned up no matter what happens whether there is a wood bank or not. It may be a good beta test for whether this is worth having in the long term. We could put together a series of waivers, training, and a volunteer group and deal with what we have now on that site. If it worked out well we could keep going, and if not we chalk it up to a learning experience and move on. Mr. Reilly said that that's his offer. The notion of things like business plans and how this thing will work as a not-for-profit has not been fully vetted. Mr. Reilly talked to seven of the chairpersons of these other banks. It sort of evolves and grows. It starts small and uncomplicated, and if it is done right it grows and becomes sophisticated.

Councilperson Hennessy asked if any of the mills have products from their processes that might be eligible. Councilperson Hennessy wondered if Long Lumber or Mr. Boehlke ever had any extra from any of their processes. Mr. Reilly said that he knows that's true in other locations. In Maine they had some soft material that went in a pile or there was scrap left over from furniture making. It doesn't generally amount to huge piles. It's something that we might have available. It's better to be used as heat than to shred it up in piles. Mr. Miller said that a lot of those places use it for campfire wood and sell it for that kind of thing. Councilperson Snyder asked if Mr. Reilly envisioned people in the surrounding area chopping wood from their lots and bringing it to the established location. Mr. Reilly said possibly bringing it or asking for the help of a truck and trailer. They could want to clear out the edge of their backyards. Each situation might be a little different. Councilperson Hennessy asked if this was primarily for low to moderate-income individuals. Mr. Reilly said that for most of these organizations the answer is yes. In Cumberland they learned early on as they started to deal in more and more volume that it's better to sell to those who can afford it because of the competition for devaluing and undermining those who do this for a living. The profit margin on firewood is very low. It's not really fair to give it all away. The idea was to have those who can, pay and have a voucher system for those who can't. Any funds that are collected get put back into the cost to run the thing. If there is some left they use it as a basis to underwrite other fuel types that people have. Not everyone burns wood. Those who have propane tanks deserve a chance to have some assistance, as well. Councilperson Snyder asked if they just put up a sign that says "free wood." Mr. Reilly said that no; ultimately there will want to be a broad footprint of communication, everything from sending flyers, website, or word-of-mouth notification. Mr. Reilly already knows of two or three people who need assistance, and there are school associations, churches, simply posting things at Stewart's, or half a dozen other ways people will know. Councilperson Hennessy added that the Rural Housing Alliance is also a good resource. Councilperson Greenberg asked what the hours are for these. Mr. Reilly thought that they started out with a weekend blitz, and they didn't have a lot of control about where the wood came from or how much it would be, but once they accumulated something approaching 10-15 cords they would bring in 20 people and go at it. The beauty of it is that once it's split and stacked, it's going to season. Cumberland ran out of wood one time. They ended up with the money they got from selling the wood to purchase log lengths at a discount. Councilperson Greenberg said that the first hurdle for us to get over is to find a location and figure out the insurance. Mr. Reilly said that the spot that's been discussed so far is ideal. It has multiple ways in and out without a lot of turning around. There is a long stretch where you could put material off to one side. Councilperson Hennessy said that that's not an official driveway; it's a state highway. Mr. Reilly said that the reality of that site would have to be confirmed. Councilperson Snyder asked if Mr. Reilly is talking about the turn-off near the barn. Mr. Reilly replied yes. Mr. Miller asked who is responsible for saying yes or no to unwanted wood. Mr. Reilly said that the goal is to have one person or a Board organize and run the whole thing. There would be one or more people on the Board with the wherewithal to determine what the right wood is. It doesn't take a whole lot of experience to understand it. There will be a learning curve for the organization that will ultimately run the whole thing. Similarly there would be people that need to be trained for these weekend blitzes so they are making sure that safety protocols are maintained throughout the day. Mr. Miller asked if the equipment is owned by the volunteers or the organization. Mr. Reilly said that initially, for each of the groups he's spoken to the people brought their own. Much of the time they start out with mauls and axes. Mr. Reilly said that there is something to this. It's a little odd that New York State doesn't seem to have any of these, but it's easily started especially if we have a critical mass to get rid of now, and it works out that it could be pushed into something more perpetual. Supervisor LaGrange asked how much wood we have at the site now. Highway Superintendent Guyer estimated it at 10 cords. Mr. Reilly said that there is a fair amount of stock to start with, and if it doesn't work because of the logistics then it's a lesson learned and we move on.

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Councilperson Hennessy said that one of the thoughts was about where the wood is now on the old curve. What are some of the available driveway options? It's a tough curve to have any kind of driveway on. Would they entertain a driveway at an angle, or would the state want one perpendicular in the middle? Engineer Dempf thought that we had looked at that before. Didn't the State own a sliver in between? Councilperson Hennessy said that they did. Highway Superintendent Guyer said that we didn't own the triangle in the middle; we owned the old road bed and that was it. Councilperson Hennessy said that it's just a right-of-way so we could do a driveway through it. Engineer Dempf said that it's an awful lot of driveway. Councilperson Hennessy said that maybe they'd consider it surplus. Highway Superintendent Guyer said that there's an existing driveway. Mr. Reilly said that the toughest entrance is going to be the southeastern end. Mr. Miller suggested making it one way. Highway Superintendent Guyer said that we could block it off and widen the existing driveway. We would have an in lane and an out lane. Supervisor LaGrange said that those are things we can look into. Councilperson Hennessy said that we have to do some planning on what we are going to do with the park. There may be other places that are more conducive. Councilperson Hennessy was supportive of perusing it further. He thought it was a fine idea, and it helps answer some concerns the State has about firewood crossing county borders. Supervisor LaGrange said we should continue to research this. We could start to build a volunteer base. Mr. Reilly said that that is the plan. He wanted to make sure that the Town was officially behind the idea. Supervisor LaGrange asked if the Board had any issues toward a project with this. Councilperson Ten Eyck thought that it was a great idea. Councilperson Snyder asked if there was any intent to use that wood for anything else. Supervisor LaGrange said that there wasn't. Mr. Reilly added that as some of that wood sits there in the brush it rots. Supervisor LaGrange said that we don't want it to go another year. Highway Superintendent Guyer said that the logs went last year so what's left is firewood. Councilperson Greenberg asked Mr. Reilly if he could find out how others handled the liability. Mr. Reilly said that they have their waivers online along with procedural forms. It's pretty well laid out so people can't say they don't know what rules are, and that then is reiterated when a group of 20 people show up ready to go. There is training to begin with. Councilperson Snyder asked if there is on-site training in addition to what people are reading and signing off on. Mr. Reilly agreed adding that several of these have a strong town presence like the Town of Athol and a couple in Vermont. Ultimately it's a bunch of volunteers that do the work, but the town is involved so the waivers have to be strong.

Mr. Miller asked about using the transfer station. We own it, there is plenty of property, and if you end up with stuff you can use, you can get rid of it. There is a gate to close it off, and we already have established hours. If the volunteers are there sawing and making noise they are not bothering anyone. Mr. Reilly discussed that potential with Highway Superintendent Guyer a few years ago. Rightly so, there are some distinct concerns about how that's going to work. There is a certain amount of space. How much do we need and how much access do we need. Mr. Reilly didn't really know how it would work. Mr. Miller said that it would be no different from what we have to figure out down here. Supervisor LaGrange said that if we start down here and see how it progresses, then we could explore other places.

Councilperson Snyder asked what the next step is. Mr. Reilly presumed it was ironing out all of the legalities. With what he had just described, ideally certain things would happen. Attorney Naughton and he have already gone back and forth. It looks like it can work, but we've got to get these waivers nailed. Supervisor LaGrange said that that's a start, and we want to make a decision that this Board is comfortable with if this goes in the direction that we hope to see. We'd want to use the wood we have over there to start this up and see how it progresses. Mr. Reilly said we should try this, clear up the site, and use it as a test. If it works, we will find another site and keep going.

4. Approval of the Minutes of the Following:

- **January 11, 2017 Organizational Meeting**
- **January 11, 2017 Regular Town Board Meeting**
- **January 25, 2017 Bid Opening**

RESOLUTION 2017-55

Councilperson Greenberg offered the following resolution and moved its adoption:

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

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

Announcement:

- **Public Hearing March 8th, 6:30 PM-Proposed Local Law E of 2016 re: cargo/shipping containers used as storage**

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

- **Public Hearing March 8th, 6:45 PM-Proposed. Local Law F of 2016 re: notice to residents of pending applications for permits and approval notifications**

14. Fire and Ambulance:

- **Request from Onesquethaw Volunteer Fire for revision to LOSAP Plan Document regarding points (~~language to be removed~~: italics and language to be added)**

Chief LaDuke discussed revisions to the service award point system. In 2014 the State Comptroller audited 10 fire companies across the state. After that, Penflex, who runs the program, did a review based on the recent audits. Onesquethaw then updated the program according to what the audits found to be inaccurate and what Penflex said was their interpretation of the law. Chief LaDuke said that under training, the 45 to 100 hours and over 100 hours were approved in 2015. Under the drills, Monthly Rescue Squad meeting shall be considered drills, due to the activities usually performed is crossed out. According to the old by-laws, the rescue squad meeting was considered a drill. They used to do skills training, but they shortened the meeting. In the audit, they said for it to be a drill it has to be two hours and it has to be skills practice or skills training related to EMS. They cut out meeting so people don't have to be out an extra night for another meeting. It went to the miscellaneous category, and that line was moved from the drill category to a miscellaneous activity. They still have the rescue squad meeting, so we give them a point under miscellaneous activity which is capped at 15 points in the program. Section II is sleep-in and stand-by ambulance duty crew and would get a 1/2 point for 6 hours of being on the schedule and staying in the town. There is still a sleep-in and stand-by, but a stand-by has to be four hours. A sleep-in has to be a full night, but it has to be done at the station; it can't be done at home. When they were on our ambulance schedule, they were home. The only thing we said was that they had to stay in the district. We removed that completely. We're not giving any credit for people standing by, but it ties into Section VI. There's a whole section with points for fire calls or ambulance calls. We only allow them to earn 25 points for 10% of fire or ambulance calls. When the audit came out they said you could award points for fire calls and EMS calls. What we want to do is switch to awarding the people fire and EMS points. They can get points for answering an EMS call, but we no longer give them points for standing by at home. Supervisor LaGrange asked if there are really only those three changes. We moved one to another category, we deleted the ambulance duty and five paragraphs under section VI, and we also added two items at the end for 25 points each.

Councilperson Greenberg asked how many fire and ambulance calls they have a year. Chief LaDuke said that in 2016 we had 86 fire calls and 206 EMS calls. For people to get credit under the fire side, we had to have 9 fire calls and for the ambulance we had to have 21 calls. If you made that many calls, you got the 25 points in each category. In 2016 we had 19 people that made both. One person of that 19 didn't make the 50 points for the year. The other 18 had their 50 points with all of the other categories so it wouldn't change any cost to the town except that one person who would have been over 50 points if we followed the new program. Our people that are active are normally active in both. Councilperson Greenberg asked if the other changes affect it up or not. Chief LaDuke said that it really did not. Changing the rescue squad drill to a meeting goes from a category that can be capped at 20 points to a category that can be capped at 15 points. It might drop a few points but it will be basically the same.

RESOLUTION 2017-56

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby amend the Onesquethaw Volunteer Fire Company's Service Award program point system, LOSAP, as outlined to be effective January 1, 2017:

Onesquethaw Volunteer Fire Company Service Awards Program Point System LOSAP

Upon the establishment of the Service Awards Program on January 1, 1995, a year of firefighting service shall be credited to any active volunteer firefighter of the Onesquethaw Volunteer Fire Co., Inc., who completes one year of firefighting service for each calendar year and accumulates at least 50 points. Points shall be granted by the Onesquethaw Volunteer Fire Company, Inc., for participation in the Activities outlined herein, pursuant to the provision of Article II-A, Section 217 of the NYS General Municipal Law.

Points shall be granted for the following activities:

	Activity	Maximum Points
I.	Training Courses	25
II.	Drills	20
III.	Sleep-In or Stand-By	20
IV.	Elected or Appointed Positions	25

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

V.	Attendance at Meetings	20
VI.	Department Response A. Fire 25 B. EMS	25
VII.	Miscellaneous Activities	15
VIII.	Service-Connected "Line of Duty" Disability	60
IX.	Teaching Fire Prevention	5

I. TRAINING COURSES

To be considered a training course, the activity must be:

Authorized by the Chief, and presented by an instructor uniquely qualified to present the course.

To receive credit for a course, the entire course must be completed. Points are allowed for individual courses as follows:

Course Length	Points	Maximum Points
Less than 20 hours	1 point per hour	5
20 to 45 hours	5 plus 1 point for each hour over 20	10
Over 45 hours to 100 hours		15
Over 100 hours		25

II. Drills

Individuals participating in drills of at least 2 hours in duration will be awarded 1 point per drill.

The following are considered drills:

Monday night Company drills;
Monday night in-house drills;
Mutual aid drills; and
Activities authorized by the Chief, the main purpose of which is to train or familiarize firefighters with emergency equipment or apparatus.

Drills are encouraged and expected

Time spent in authorized training courses shall not be considered towards drill time.

III. Sleep In or Stand By

- A. Sleep-In – 1 point will be awarded for each full night.
- B. Stand-By – 1 point will be awarded for Line of Duty activities not otherwise described of at least 4 hours in duration.

IV. Elected or Appointed Positions

- A. Points for the offices listed shall be awarded upon completion of a 1-year term.

Title	Points	Title	Points
Chief	25	President	25
Assistant Chief	25	Vice President	15
Engineering Officer	12	Secretary	25
Battalion Chief	18	Treasurer	25
Battalion Captain (1)	12	Assistant Treasurer	15
Battalion Captain (2)	10	Membership Secretary	15
Rescue Squad Captain	22	Quarter Master	10
Rescue Squad Lieutenant	12	Chaplain	10

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Fire Police Captain	15	Board of Directors	10
Fire Police Lieutenant	12		
Fire Police Sergeant	10		

- B. An active firefighter elected to serve as a delegate to a firefighter's convention will receive 1 point each meeting attended.

V. Attendance at Meetings

Individuals in attendance at any official meetings of the Company shall be awarded 1 point per meeting.

Official meetings are considered to be:

Monthly Business Meeting; Annual Meeting; Special Company Meetings.

VI. Participation in Departmental Response

Points are not awarded on the basis of individual responses. To receive points under this activity the firefighter must respond to a certain percentage of the total number of annual calls.

- A. 25 points will be awarded to a firefighter who responds to 10% of the total annual fire calls.
B. 25 points will be awarded to a firefighter who responds to 10% of the total annual ambulance calls.

VII. Miscellaneous Activities

Participants in other activities covered by the Volunteer Fireman's Benefit Law and not otherwise listed shall receive 1 point per activity. These include:

- Committee Meetings
- Board of Directors Meetings
- Officers Meetings
- Fire Prevention Details
- Maintenance & Clean Up Details.
- Parades
- Funerals, Wakes, and Memorial Services
- Fund-Raising Activities including the Calendar Drive, Chicken BBQs, Breakfasts, etc.
- Monthly Rescue Squad Meeting
- Activities performed pursuant to the orders or authorization of the Chief or the President.

VIII. Service Connected "Line of Duty" Disability

Any active firefighter either totally and temporarily or partially and permanently disabled as a result of line services duty shall receive 5 points for each FULL month of disability.

IX. Teaching Fire Prevention

Any active volunteer firefighter who presents or participates in public education on fire prevention to a school, not for Profit Corporation, or civic organization shall receive 1 point per class up to a maximum of 5 points per year.

Other points of information in connection with the Service Awards Program:

Activity sheets submitted for points and/or credits must be countersigned by the Officer in Charge.

Individual accumulated points and credits will be posted in each firehouse on a quarterly basis. Individuals are responsible to see that they are accurate.

16- and 17-year-old firefighters shall be included in the Service Awards Program.

(As adopted by the Board of Directors, the Chief and the Assistant Chief on December 7, 1994, and amended in September 2003, June 2008, April 2015, and January 2017.)

Councilperson Greenberg seconded the motion.

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Councilperson Snyder asked if there was a minimum number of points that they have to obtain during the year. Chief LaDuke responded that there isn't, but they have to meet our by-laws. Its 50 points for them to get the service credit for the year. Chief LaDuke added that the department has a program that they enter the points into. He's hasn't entered any for 2017 yet.

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

Executive Session

Supervisor LaGrange would like to have an Executive Session at the end of the meeting to discuss an employee-related issue and a contractual issue.

6. NY State Retirement System Standard Work Day & Reporting Resolution Planning Board Member Crystal Peck

Mrs. Peck charted her time for her short stint on the Planning Board, but we do have to send it in and acknowledge it. She'll now have to do the same for her new positon as Planning and Zoning attorney.

RESOLUTION 2017-57

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby move that we accept the Standard Workday and Reporting resolution as it pertains to Crystal Peck and as outlined:



Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

RS 2417-A
(Rev. 8/15)

BE IT RESOLVED, that the Town of New Scotland / 30376 hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
Appointed Officials								
Planning Board Member	7	Crystal Peck		61686796	<input type="checkbox"/>	10/1/16-1/31/17	.93	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>

SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Diane Deschenes, secretary/clerk of the governing board of the Town of New Scotland, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 8th day of February, 2017, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of New Scotland on this day

Councilperson Hennessy seconded the motion.

Councilperson Snyder asked what the 0.93 represents. Supervisor LaGrange didn't recall but offered to look into it.

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

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

Supervisor LaGrange said that we were going to do this in January but we heard that there was something happening in Bethlehem and Voorheesville with their rates. Voorheesville did not do an increase. Bethlehem increased theirs 1.5% so we had to make that accommodation in ours. We were already going to look for an increase a year ago. We did some rate increases knowing that we had to do more for Feura Bush and Heldervale. We were going to do them anyway, but we had to make an adjustment for Heldervale and Swift Rd. Heldervale and Swift Road water districts come from Bethlehem. We were comfortable with Font Grove. We didn't have to entertain anything further than we were going to for Feura Bush. We had to do something with Swift because they have other issues. Feura Bush didn't have to go 1.5% higher because it is Albany water, and Bethlehem told us that they weren't going to make an increase there. We were going to raise the rate \$1.35 either way because they've fallen behind. Councilperson Snyder asked if we're raising it for other reasons. Supervisor LaGrange said that they're short. There was a timeframe when the majority of their fund balance deficit was because we didn't start to make increases soon enough. It's actual water usage that they are behind in, not necessarily other things. So we have to make that up through usage. We got our wrist slapped from the Comptroller because these districts shouldn't be at a deficit. We have to address it. As you know from the discussions, Heldervale was at a fund balance deficit and Feura Bush was too. Engineer

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Dempf said that from the beginning of time we were always following all of the districts that bought from Bethlehem. Our bills were never ahead of the curve on what Bethlehem was charging us. Eventually it was going to catch up and take away the fund balance because we did not establish our rates based on their rates. Councilperson Snyder asked if we were slow to implement their rate changes. Engineer Dempf added that if we did it at all, sometimes we went two years without changing our rates. Councilperson Snyder wondered why. Supervisor LaGrange said that he felt the same way. It happened and we have to deal with it. Councilperson Snyder asked if when Bethlehem raises their water rates do they raise them effective at a date in the future or retroactively. Supervisor LaGrange said all of the above. Sometimes we've made the adjustment in time, and sometimes the rate change from Bethlehem was so dramatic it was decided to implement the change slower. Councilperson Snyder said that she wasn't pointing fingers. Supervisor LaGrange said that we are trying to stay ahead of it now. We have to make an effort to satisfy the Comptroller's concerns. This money has been borrowed from other funds to make up that difference, and we need to get that back. First we need to get even on the fund balance. Engineer Dempf said that we can add one other item on that for Feura Bush. Over the years there had been different periods of time where there were losses that were not paid for by the meter readings. Again, that deficit would be if you weren't collecting enough to cover the loss from a leak or what have you; that was another location of where the revenue didn't cover the bill. Councilperson Snyder asked if the Town was basically covering the district between what we were able to bill out to the users and what we were being billed from Bethlehem. Was the Town kicking in that differential? Supervisor LaGrange said that the differential always had to be paid back by the district. When the district's fund balance got to zero, it had to be borrowed from another area of funds. Councilperson Snyder asked if any of that transfer pricing from Bethlehem to the Town was covered in the IMA that we have under discussion. Councilperson Snyder specifically mentioned the timing of notification or the timetable of who will notify who and when does the price take effect. Supervisor LaGrange said that he could not answer that but he would check. Councilperson Snyder said that maybe that's not even the right question, but it seems like it's a point of operation between the two municipalities that should be clear if you're saying that Bethlehem changes the water rates and we don't even know about it in a timely fashion to make an adjustment. Supervisor LaGrange said that their timely fashion and ours are two different things because of the way they bill us off the master meter and when we send our bills out from the meter readings of the individual homes. Sometimes it is out of sequence, and that makes it hard to adjust on the fly. We usually have to come back and adjust at the second billing of the year. Supervisor LaGrange said that he would check to see if it's addressed in the IMA too. Engineer Dempf said that he thinks there is a provision in the New Salem IMA for when, but not for how much because in New Salem the increment is based on a cost of living index. Councilperson Snyder said that that's good to know. She guessed that she was thinking about the underlying mechanics of a funds flow versus the water flow. We're talking about a lot of money between two municipalities so she was wondering if there was any underpinning to the actual billing operations. Councilperson Snyder asked Engineer Dempf how other communities handle it. Engineer Dempf said that typically they have a contract, but there are other communities he deals with in worse shape than New Scotland.

Public Safety Commissioner Miller said that to Councilperson Snyder's point, if Bethlehem raises their rate it should be an email or a phone call. Town Clerk Deschenes said that in this case it wasn't. We were all set to have it go on the agenda last month. That's the way it has always been. Councilperson Snyder said that she not pointing fingers, but she's thinking that for the good of both communities we should want to make it a more regimented process. Supervisor LaGrange said that he would check that.

RESOLUTION 2017-58

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve of the revised water and sewer rates as outlined below:

2017		
<u>Town of New Scotland Revised Water/Sewer Rates</u>		
Feura Bush Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$11.35	\$170.25
15,001-60,000	\$11.85	
60,001+	\$12.35	

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Heldervale Water District		
<u>Gallons</u>	<u>Rate per 1k gallon</u>	<u>Minimum</u>
0-15,000	\$16.50	\$247.50
15,001+	\$16.50	

Heldervale Sewer District		
<u>Gallons</u>	<u>Rate per 1k gallon</u>	<u>Minimum</u>
0-15,000	\$8.50	\$127.50
15,001+	\$9.50	

Swift Road Water District		
<u>Gallons</u>	<u>Rate per 1k gallon</u>	<u>Minimum</u>
0-15,000	\$15.50	\$232.50
15,001-60,000	\$16.50	
60,000+	\$17.50	

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

8. Appointment of Christine M. Galvin as Planning Board Member with a term from March 1, 2016, through December 31, 2019.

RESOLUTION 2017-59

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Christine M. Galvin as Planning Board Member for a term from March 1, 2017, through December 31, 2019.

This fills the position vacated by Crystal Peck.

Councilperson Snyder seconded the motion.

Councilperson Snyder was grateful that Mrs. Galvin is offering her service to the Planning Board. She brings a wealth of planning experience in the prior roles that she's had and in her legal background. She has a depth of knowledge of the Town that not everyone possesses having been through a lot of the planning stages for various projects and has been instrumental in some of the direction that the Town is taking. She thinks she will be a welcome addition to the Board. Supervisor LaGrange said that Mrs. Galvin was a Planning Board member and a chairperson of the board she was on before she moved here.

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

9. Resolution approving the retention of Samuel Breslin, Esq., as attorney for the Ethics Board

RESOLUTION 2017-60

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve retaining the services of Samuel Breslin, Esq., as attorney to the Ethics Board and authorizes the Ethics Board to avail themselves of his services when needed, at a rate of \$200.00 per hour and a maximum retainer of \$3,000.00.

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

10. Resolution renewing the retention of John Keenan, Esq., to represent the Town in animal control cases

RESOLUTION 2017-61

Supervisor LaGrange offered the following resolution and moved its adoption:

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

RESOLVED, that John Keenan, Esq., be retained, subject to the consent of the Albany County District Attorney, as an Assistant Town Attorney for a term to expire December 31, 2017, for the purpose of prosecuting violations of Town Animal Control regulations, and that he be retained at the rate of \$175.00 per hour for both in-court and out-of-court services, with a maximum retainer amount of \$2,500.00, or as further modified by the Town Board.

Councilperson Snyder seconded the motion.

Councilperson Greenberg asked how many of those cases we have. Highway Superintendent Guyer said it varies but there are certainly more in the warmer months. He thought there were close to 10 cases a year. Supervisor LaGrange said that Mr. Keenan has been in the position for several years, and all indications are that he's done a good job.

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

- 11. Appointment by Justice Robert Johnson III of Karen Creed to the position of Clerk to the Justice to serve with a requested pay rate of \$19.05 per hour (step 5 of the 2017 Salary/Paygrade Schedule) effective March 1, 2017.**

RESOLUTION 2017-62

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the appointment of Justice Robert Johnson III of Karen Creed to the position of Clerk for the Justice to serve with a requested pay rate of \$19.05 per hour (step 5 of the 2017 Salary/Paygrade Schedule) effective March 1, 2017.

Councilperson Greenberg seconded the motion.

Supervisor LaGrange advised that Justice Johnson has been working with Justice Wukitsch to try and get things together as far as getting a clerk. He's been getting material to be able to notice the job description. Karen Creed is a retired clerk from Bethlehem who lives in Berne. She has the experience and wherewithal to come in. This is a temporary appointment until Justice Johnson can get someone he's comfortable with as clerk. There are opportunities for Ms. Creed to make some suggestions on how the office is run. Mr. Miller said currently Ms. Dudwoire is working nights which isn't conducive to managing that office during the day when most of the business takes place.

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

- 12. Resolution appointing Robert H. Markel as a part-time constable in the Town Court at a rate of \$21.17 per hour**

RESOLUTION 2017-63

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Robert H. Markel as a part-time constable in the Town Court at a rate of \$21.17 per hours.

Councilperson Snyder seconded the motion.

Mr. Miller said that Mr. Demarest has been helping him for a few years but he also works a full-time job. It's hit and miss with him being available. Mr. Markel is a retired Bethlehem detective. Mr. Miller has worked with him a number of times. Mr. Markel will help while Mr. Miller is laid up with a leg injury. Mr. Markel is a town resident. Councilperson Greenberg asked how many hours he will work. Mr. Miller said that it will be 2-3 hours per week during court on Thursday.

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

- 13. Highway Department:**

• Authorization to declare 2005 Ferris Zero-Turn mower as surplus

Highway Superintendent Guyer needs the Board to declare our 2005 Ferris lawn mower surplus so he can get rid of it. He will be trading it in on the new mower. Councilperson Greenberg asked if it was something we don't use. Highway Superintendent Guyer said that we have plenty of mowers.

RESOLUTION 2017-64

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize Highway Superintendent Guyer to consider the 2005 Ferris Zero Turn mower as surplus.

Councilperson Greenberg seconded the motion.

Mr. Boyce asked if it's worth trading it in. Highway Superintendent Guyer said we are replacing it. Mr. Boyce said why not sell it outright. Highway Superintendent Guyer said that out of the three quotes he received one was not interested in a trade-in and another business gave him a price. This one was \$1,000 higher in price. Abele Tractor offered him \$1,500. He was going to go to Auctions International at \$1,500. Chavin Enterprises offered him \$2,500. He didn't think we would do any better than \$2,500 and we're gambling at that point what it is going to bring. Highway Superintendent Guyer said that he was happy with that and he was the low bidder. Councilperson Greenberg asked how much lower. Highway Superintendent Guyer said that the closest one was around \$700-\$800, and he beat the closest bid by around \$700-\$800.

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

• **Bid award recommendation re: cab & chassis for new dump truck**

On January 25th we had a bid opening for the cab and chassis that we are purchasing. We received one bid on that. Highway Superintendent Guyer recommended that the Board accept the bid.

RESOLUTION 2017-65

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the bid from SBD Holding Company, LLC, dba Albany Mack Sales for the cab and chassis at the price of \$111,537.20 and authorizes Highway Superintendent Guyer to sign any contracts pertaining to it.

Councilperson Greenberg seconded the motion.

Supervisor LaGrange asked if this is within the budgeted amount. Highway Superintendent Guyer said that it is. We had a budget of \$190,000. Our total buildout will be approximately \$186,000. The second part of this project will be purchased out of Oneida County's contract. That's the snowplow, wing, dump box, and all of the hydraulics that makes the truck run. What you're approving here is the bid from Albany Mack. It's a frame with a cab on it. It's just an empty truck. Supervisor LaGrange asked about the expected delivery date. Highway Superintendent Guyer said that once they receive our letter of intent our order will go in. He believed that the cab and chassis takes about 2-½ months. At that point it goes to Viking, and they will start putting on the parts. He hoped to have the whole truck by the end of summer. Supervisor LaGrange said that the Board will have to decide if we want to put this out to bond, pay it in cash, or split it. Highway Superintendent Guyer said that Mrs. Boehlke was going to put together a spreadsheet of options. Supervisor LaGrange said that they would discuss those options when they get them.

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

14. Fire and Ambulance:

- **Review and approve the 2016 Service Award Program List for the New Salem Fire Protection District LOSAP**

RESOLUTION 2017-66

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 Award Program List for the New Salem Fire Protection District LOSAP.

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

15. Engineering:

- **Kensington Woods**

Engineer Dempf advised that Kensington Woods is marching forward to dedicate the roadways and facilities. We are working with them on that. Supervisor LaGrange asked when he anticipated phase I roads and water to be dedicated. Engineer Dempf thought that the dedication is all imminent in March. Highway Superintendent Guyer had been talking with the County, and brought to his attention that they have been doing testing along the Rail Trail because there is paving and excavating that the county is

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

involved with. The County has said that they have not found any contamination. Engineer Dempf is going to find out exactly what they are talking about because with all of the experience he's had on grade crossing eliminations and removals there has always been contamination. We will work with them on that. Supervisor LaGrange said that in light of that, there is a possibility that we wouldn't run into those tremendous costs of testing. Engineer Dempf said that it's a possibility. Supervisor LaGrange said that we were well over \$100,000 if we had to dig that slope out and take it to Rochester. Councilperson Hennessy said that the chances of it having to go there are not high. If it's contaminated, more often than not it's something that would go to a local landfill. Given that it's a railroad crossing, there are other types of chemicals and contaminants that can be there. It's not worth conjecture over the positives or negatives until we get some good data. Supervisor LaGrange asked if they are coming down as far as where we might be taking out the hump. Engineer Dempf said that he didn't know that yet. He is still trying to get a hold of William Amslow to figure that out. Councilperson Greenberg asked to be kept in the loop because they are working on a number of things.

- **Boswell**

Boswell is requesting a pre-construction meeting. We are working on getting ready for those activities.

- **Krumkill Road**

Councilperson Greenberg said that we got a large grant to repair Krumkill Road this year. Do we have to do anything ahead of time with engineering? Highway Superintendent Guyer said that we are moving forward with that. Councilperson Greenberg asked what dates are being talked about. Highway Superintendent Guyer said that he went to a meeting last week at CDTC. CDTC for the 2016-2021 tip have overextended themselves. They have frontloaded too many projects into the first few years to the tune of nine million dollars. FHWA, which is where the money comes from, is not happy. They went to CDTC and said you need to rearrange the project. They put together a proposal and sent it off to FHWA. They did not have answers at last week's meeting. We have a March 1st meeting, and they should have answers by then. Councilperson Greenberg said that it may not happen this year, and it may not even happen in two years. Highway Superintendent Guyer said that we are on the revised schedule. Our project was picked to be put off a year. There is a good chance we will not be doing construction this summer. Supervisor LaGrange said that he thought we were doing engineering the first year and construction the second year. Highway Superintendent Guyer said that it's done by the state fiscal year 2016-2017. There would still be time at the end of 2017 to do this project, but it looks like it's not going to happen. Highway Superintendent Guyer spoke with Engineer Dempf, Jeff, and Mr. Distefano from NYS DOT. We are still going to go ahead with our procurement selection process for our consulting firm in case something happens with funding. We would then be able to say we're ready in case someone else backs out. We are still going to get the ball rolling but it doesn't look like we will be constructing this summer. Supervisor LaGrange asked how much we were awarded. Highway Superintendent Guyer thought it was \$352,000. Supervisor LaGrange said that that was basically with the asphalt procedure. Highway Superintendent Guyer said that it's the reclamation process, and there is some under drain work just before you hit the Normans Kill. There is a dip in the road that we've attempted to patch on our own for years. The project involves removing that, under drains under the road to correct that issue, then a reclamation of the asphalt that is there, and then rip topping with new asphalt. Supervisor LaGrange asked if this is from the bridge to Voorheesville. Highway Superintendent Guyer said that it's from Font Grove Road to the bridge at the Normans Kill. It's under a mile. Engineer Dempf said that we went through a lot of machinations trying to determine how much we could possibly get. You should know that they will not give you money to rebuild. It's all rehabilitation and replacement money. Highway Superintendent Guyer added that, being new to the process, because it is a reimbursement program could we front the money, construct the project, and just be a year behind on the reimbursement? The answer was no.

Engineer Dempf said that if you recall when we did Youmans, we had to sign the agreement with the government before we could actually start spending. Highway Superintendent Guyer said that this isn't in stone yet. CDTC assures us that they should have an answer at the March 1st meeting.

- **Roof on the Highway Garage**

Highway Superintendent Guyer reminded the Board that if we decide to keep the garage we need a roof on it. Once the snow goes off we will be patching again because we have more leaks. We're looking at a \$120,000 price tag.

16. Liaison Reports

- **Hamlet Review Committee**

Councilperson Hennessy said that the Hamlet Zoning Review Committee is done reviewing and commenting. Councilperson Greenberg and Councilperson Hennessy are now revising it, and there will be meeting with them on February 27, 2016, at 6:30 PM. We are planning to be done with that on March 31st. We believe that that is the end of the grant cycle. Councilperson Greenberg said that the

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

hope is to have something in front of the Board between September and October. Councilperson Hennessy said that we have to bring things to the Board before that to start the SEQR process. We would come to the Board with this in April and May unofficially. We would have an official presentation or discussion in May. Supervisor LaGrange commended the committee for their efforts.

- Bethlehem meeting March 8th

Councilperson Snyder advised that the Bethlehem School District is having a meeting on March 8, 2017, to discuss the Clarksville School. Supervisor LaGrange said that the Sherriff would like to purchase the building or move on. The Superintendent of the Bethlehem Schools called Supervisor LaGrange prior to sending out the notification for comments since Supervisor LaGrange was involved in trying to keep the school open. They have to come up with something that Sherriff Apple can live with as far as a price, but she also wants to get community input. Supervisor LaGrange said that the meeting is at the High School.

- Voorheesville School District

Councilperson Snyder said that the Voorheesville School District is starting their budget process. Right now they are projecting about a 1.5% increase according to their presentation. They are also developing a capital project plan that they will be rolling out over the next year.

- Bethlehem Meeting

Councilperson Snyder said that unfortunately the meeting to discuss Clarksville falls on the same night as our Town Board meeting. She thinks it would be important to hear the sentiments of those who show up. Supervisor LaGrange was disappointed too when he heard the date. Councilperson Greenberg said that we could move our meeting. Town Clerk Deschenes advised that we also have two public hearings that night. Supervisor LaGrange said that he didn't everything would be decided in one meeting regarding the Clarksville school, but at the same time he was disappointed that he couldn't attend.

- Grants

Supervisor LaGrange advised that we have two grants through Assemblywoman's Fahy's office. One was for \$75,000 a few years ago. That was to do some different projects and parking for the Rail Trail. There was potential for something to change due to the transformer for the potential solar field on Winnie Lane which we've been able to adjust and move to something else. There was a rehabilitation of the kitchen and some other aspects of the Community Center. There were five projects altogether at \$15,000 each. Supervisor LaGrange said now it's down to four projects because of the transformer. Supervisor LaGrange said that we haven't got anywhere with that. They have finally been calling us from the department that's in charge of that and asking more questions, but there have been tremendous delays.

Regarding the \$125,000 to move the Hilton barn, we received an approval letter. We also received another letter that acknowledged receipt of our application. Then all a sudden we hear that the application was lost. Assemblywomen Fahy is pursuing this. One of her staff sent an email, and Supervisor LaGrange replied with a few comments expressing our thoughts. She is going after this to find out what is going on. We've been getting all of our stuff in. Councilperson Greenberg asked when we heard it was lost. Supervisor LaGrange said that it was this past week. He added that he didn't think it was lost; they said it wasn't received, but they acknowledged receipt of it several times. Councilperson Snyder asked if this was the Dormitory Authority. Supervisor LaGrange believed so; he thought that that was the last stage. Supervisor LaGrange said that we're working on it, but he just wanted to make the Board aware. Councilperson Greenberg said that we have emails from March saying that it had been sent on to the Dormitory Authority. Supervisor LaGrange added also that on each stage we had to send more information. It's there and it's been there. Assemblywomen Fahy has been disgusted, and she's working on it. Supervisor LaGrange added that we've applied for another \$250,000 grant to use on various projects. In his opinion, this town cannot front \$500,000 in projects. We need that \$125,000 from the Assemblywoman's office and the \$75,000 from the Senator's office which is different from the \$75,000 from the Assemblywoman's office the year before. Assemblywoman Fahy is working on her things, and Supervisor LaGrange has a call in to Senator Amedore to find out why we are not seeing the \$75,000 from him. Supervisor LaGrange didn't think this town could invest \$200,000 in these projects and then another \$250,000. We need to get the first \$200,000 replaced, and then we can expend the money and have it given back to us. Councilperson Greenberg said that the Amedore grant also went on quickly to the Dormitory Authority. That was ahead of the Fahy grant. Supervisor LaGrange added that we put hers in first, but his went through faster. Supervisor LaGrange said that he thinks it has to go through the Assembly Ways and Means Committee in a couple of stages first. Councilperson Snyder asked if we received any fund reimbursement from Senator Amedore's grant. Supervisor LaGrange replied that we hadn't yet. Supervisor LaGrange added that he didn't think it was a panic situation. We did the barn move acknowledging that we had funds that weren't direct taxpayer funds that we could use, but this would

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

basically use up all of our funds which we don't want to do. Supervisor LaGrange said that he didn't mean to suggest that it's not coming. Councilperson Ten Eyck said that it's not uncommon for grants that are approved by the State to take a very long time before the cash is disbursed. It's all about the Department of Budget and when they decide to open up the money pipe. The chances of them renegeing on it are very slim. Supervisor LaGrange agreed but, again, he's not comfortable having \$500,000 invested of Town funds on these projects. This is just a point of information.

17. Departmental Monthly Reports:

- **Town Clerk, January 2017**
- **Tax Collector, January 2017**
- **Registrar, January 2017**
- **Justice Wukitsch, November and December 2016**
- **Justice Wukitsch, acting for retired Justice Adkins, December 2016**

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

Mary Boyce attended the Planning Board meeting last night. There was something before the Board for Mrs. Elliott. A question came up from a lot of the residents regarding no written interpretation on the restaurant/tavern. It came up again that there is no clarification on it and that people don't agree with it. It seems like it's come up a few times now. Mrs. Boyce said that she can see that we're going to have a hearing for the containers and the signage for projects in town. She thought this might be a good time to bring this up again. Maybe someone could work a better definition for it. It seems to be a very wide umbrella, and people are not in agreement with that. She's sure that it's not the only thing, but it seems to come up quite a bit.

Supervisor LaGrange said that we've tried to cleaning up our zoning code. The definitions are a large part of that, but we've hesitated on doing a lot until we have had our Comprehensive Plan updated. We waited on the Comprehensive Plan update which is pretty well done. We just got grant money. Supervisor LaGrange was in Hyde Park to accept the Greenway's \$10,000 grant we applied for. We budgeted another \$10,000 so we can cover that Comprehensive Plan update. We were putting that off because of this study that Councilperson Greenberg and Councilperson Hennessy spoke of earlier for the zoning. Now, we can start moving through those things. A number of years ago we started working on a basic rehab of the definitions. We're going to get our focus back on that. We looked at Bethlehem and other towns to see how they defined things. We are going to make a point of getting that work out in the next month or two so we have something to present to the Board. Supervisor LaGrange said that the definition section can be changed without all of the other stuff we are talking about, but you have to know what the Comprehensive Plan says to change the zoning. You want to have that ready. There is actually a procedure we are trying to do.

Mrs. Boyce said that she could see when you start to pull someone apart it's not that simple. She saw that with other things too. Supervisor LaGrange said that we are going to make that effort. Planning Board Chairperson Voss and Supervisor LaGrange have committed to start working on the definition section. That can be done without really worrying about the rest of the code. We need to clean that up, and hopefully we can attack the code next year.

Councilperson Hennessy asked if Supervisor LaGrange had a schedule on the Comprehensive Plan grant from the Greenway. Supervisor LaGrange didn't know off the top of his head but it's in the folder that Barton and Loguidice gave us. Supervisor LaGrange offered to look that up and let him know.

Supervisor LaGrange added that the problem to that which Mrs. Boyce alluded to is that there is discussion that there should be a written decision published at the time by the Building Inspector. That was a question last night. Planning Board Attorney Peck is looking into that to see if that is actually a requirement or not. Then we will need to figure out if we have to do something for that particular situation. Mrs. Boyce said there is one thing about which people are not happy. It has come up a few times now. There really isn't anything. You can't go into the Town Code and see where the thinking is. It's just not there so it's open to be interpreted by whoever happens to be the Building Inspector at the time. Supervisor LaGrange said that there is something there. It's just not specific enough. Mrs. Boyce said that it's no specific at all. It's a permitted use, but it doesn't clarify the definition of what it is at all. Supervisor LaGrange said that there is a definition of restaurant, but it is loose. It basically says an establishment that serves prepared food onsite or for take-out. Supervisor LaGrange said that it's very vague.

Mrs. Boyce said that the other thing she wanted to discuss was the fact that we have term limits in the town. She added that Mr. Voss, who she likes and thinks is good at what he's doing, was given another term even though his term had expired. Mrs. Boyce didn't disagree with that. She thought he was given three years.

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Supervisor LaGrange said that he was given a third term. We had a term limit law that we put into place a number of years ago. It also had an attendance and education requirement. The term limit was two five-year terms. It was subject to when you started a term. If you started a term to replace somebody and if it was past the middle point, it didn't count as a term. When you do something like that you create a law and you learn from experience. Right now we have what he would consider to be a pretty inexperienced ZBA. To be able to retain somebody for one more term while that correction is made is a good thing. It takes a supermajority of this Board to do that. It's not just a whim.

Mrs. Boyce said that she's not saying that it wasn't a good decision. All she is saying is that the way she read it was that it was done because there was a deficit. There were two seats open on the Planning Board. To replace someone of that caliber, there wasn't anyone. What she was thinking was that instead of a whole term you could add on a year and then if you still don't have anyone you could add on another year instead of giving someone the whole shot. Supervisor LaGrange said that that's why the whole Board had to be very confident in the person and consider them an asset that we probably wouldn't be able to replace. It still encourages us to get people that our competent replacements in place so after the person is gone we have someone to move in. Councilperson Greenberg said that by law he didn't think we could do a one-year term. Part of the idea of that is that they have their independence and they're not looking over their shoulder all the time. Mrs. Boyce said that she could see where it's not an easy thing to get somebody of the proper caliber to put in a position like that.

Mrs. Boyce questioned why the Town wouldn't require their own engineer or one they hire so there would be no question about the credentials of a sound study person or the procedures. It was brought up whether it was true or not. Supervisor LaGrange said that the applicant hires their sound study person, and then our professionals review it to be sure it's done correctly. Sometimes it requires an escrow for our attorneys. In Mrs. Elliott's case, she had to pay for a review by our engineers. It's a double look at it. Engineer Dempf said that it didn't come out in the meeting last night, but Planning Board Chairperson Voss asked them to do a sound study and before they determined what parameters they were going to use they went and did something. They gave it to us, and we had to tell them they didn't meet any parameters that we would establish. We set the parameters for them to go back out and redo their study. Engineer Dempf said Stantec actually reviewed it three times and rejected it until it came back the fourth time with at least sufficient information that showed a procedure that looked at the town noise law and compared it to those standards with which we could then accept and make recommendations on what conditions should be put on it based on the noise level. Mrs. Boyce said that they made it sound like they just went and did a study; it was presented to the Board and that was it. Engineer Dempf said that that wasn't the case at all. There are various ways to come before the Board and present and some people are more dramatic than other people. It entered into the length of the meeting and the heightened emotion of the meeting. The fact of the matter is that it was done in a scripted manner by professionals of Stantec, and we have 23,000 employees. Mrs. Boyce said so what she is suggesting is already being done. Mrs. Boyce said that it was a tough meeting, and there were people talking almost 40 minutes.

Mr. Boyce asked what the points achieve for the fire and ambulance. Supervisor LaGrange said that they have to make a minimum of 50 points to start becoming part of the LOSAP. That is a very modest amount of money that's accrued over time they get paid out when they retire from service. Mr. Boyce asked if it has anything to do with taxes. Councilperson Greenberg said that the idea is to retain people so that once they're trained there not just there for 2-3 years. There is a benefit for them to stay. Councilperson Greenberg believes that the State pays for half and the Town pays the other half. Supervisor LaGrange said that it's a great investment even though it's a minimal amount. It is a nice chunk when they leave, and it encourages them to get their points and training. Councilperson Greenberg added that it allows the town to keep an experienced fire and EMS service. Town Clerk Deschenes advised that it does appear on your tax bill as Fire and LOSAP.

Pay the Bills

RESOLUTION 2017-67

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 February 8, 2017		
Abstract #	Vouchers	Amount
	20170142-20170220	\$94,531.17
Prepays		

**TOWN OF NEW SCOTLAND
REGULAR TOWN BOARD MEETING
FEBRUARY 8, 2017**

Abstract#	Vouchers	Amount
1436	20170110-20170120	\$20,264.92
1437	20170121	\$31.11
1438	20170122	\$532.15
1439	20170123-20140124	\$1,006.80
1440	20170125-20170129	\$276,466.80
1441	20170130-20170139	\$460,510.17
1442	20170140-20170141	\$2,420.14

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

**20. Approve any Budget Modifications
RESOLUTION 2017-68**

Supervisor LaGrange offered the following resolution and moved its adoption:

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:				
FROM	CODE	TO	CODE	AMOUNT
Contingency	A1990.4	Supervisor/Equipment	A1220.2	\$311.24
To appropriate money from Contingency to Supervisor/Equipment for amount over budget – main printer needed to be replaced.				
Contingency	A1990.4	Bldgs-Town Hall/Equip.	A1620.2	\$950.00
To appropriate money from Contingency to Bldgs-Town Hall/Equip. for gutters.				
Contingency	B1990.4	Workmen’s Comp. Ins.	B9040.8	\$1,509.50
To appropriate money from Contingency to Workers’ Comp. Ins. for amount over budget.				
Fund Balance	WC0909	Disability Ins.	WC9055.8	\$1.20
To appropriate money from fund balance to Disability Ins. for amount over budget.				
Fund Balance	WH0909	Disability Ins.	WH9055.8	\$.12
To appropriate money from fund balance to Disability Ins. for amount over budget.				
Water Service Charges	WKW2144	Source/Supply Pump Power	WKW8320.4	\$3,000.00
To create budget numbers for new district – WKW – Kensington Water district for expected revenue and expenditures.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town’s 2017 budget as stated above.				

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

Executive Session

RESOLUTION 2017-69

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does enter into Executive Session to discuss contractual and personnel matters.

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

Executive Session began at 9:10 PM.

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

Executive Session adjourned at 10:21 PM.

No action was taken during Executive Session.

21. Adjourn

Councilperson Ten Eyck made a motion to adjourn, seconded by Supervisor LaGrange. The meeting adjourned at 10:21 PM.