

**Town of New Scotland
Regular Town Board Meeting
February 13, 2019**

The following Town Officials were in attendance:

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

1. Call to Order

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

2. Pledge of Allegiance

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

4. Approval of the Minutes of the Following:

- **December 12, 2018 Public Hearing Proposed Local Law C of 2018**
- **January 9, 2019 Public Hearing Proposed Local Law B of 2018**
- **January 9, 2019 Regular Town Board Meeting**

Resolution 2019-041

Councilperson Greenberg offered the following resolution and moved its adoption:

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

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

5. Presentation by Mr. Alan Kowlowitz re: proposed Historical Preservation Law

Mr. Kowlowitz who is the President of the New Scotland Historical Association advised that on the agenda is a proposed Historic Preservation Law. It establishes a Preservation Commission. It sets up a joint village and town commission. Supervisor LaGrange asked if this had been presented to the Village yet. Mr. Kowlowitz said that we were the first. Mr. Kowlowitz said that each Board member has a copy of the proposed legislation as well as an information sheet. He did not go over that material; it was in front of the Board members. What he wanted to do was provide a little bit of context on how this was developed, talk about some of the principles applied in putting this statute together, provide a sense that he had realistic expectations of the extended process, express a couple of concerns, and then answer any questions the Board may have on the materials.

The proposed law that was partially based on a law passed by Clifton Park. Back in May, he asked John Scherer, who is the Clifton Park Historian and a Voorheesville/New Scotland native, to do a presentation on some of the challenges of preserving historic structures and historic sites in a rapidly growing town. Mr. Scherer did a presentation in May that focused on the Historic Preservation Commission within the town of Clifton Park. They had a number of people at the meeting and they were very impressed. What Clifton Park had done was set up a structure in which there were positive incentives for preserving structures. That really was attractive to members of our association. So they set up a committee and didn't want to limit it to just Association board members, so we expanded it to a number of folks who have been involved with open space and preservation issues in the town to get a really diverse prospective. He also wrote a letter to the Altamont Enterprise and we invited anyone from the public.

So I just want to quickly go through the names of folks who either attended our meeting or had a chance to look at drafts and comments on this legislation. Most of them you know: Al Breisch who lives in town and worked for NYS DEC; Christopher Albright who is on the association's Board and probably the most knowledgeable person in town on historic structures in New Scotland; Chuck

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Dollar, who is a member of the Planning Commission from the Village; Cynthia Elliott who is always at the Planning Board meetings and who has always impressed him with her ability to represent her clients but also present in a very constructive way; Daniel Leinung who is our Liaison with the Historical Association; Edith Abrams who provided some really good editorial assistance on developing the law; Mark Chapski who didn't show up at the meeting but did have a chance to look at the law; Mark King who is well known for the Hudson Mohawk Land Preservation; Peter Kelly who couldn't attend the meeting but with whom I had several conversations on the phone; Peter Richards who is on the Planning Commission here; Steve Mirabile who is an architect and also on the Commission in the Village; Susan Dee who is president of the Clarksville Historical Association; Lance Moore who does a lot of work on older buildings; Sarita Winchell who is on the Village Board; Robert Parmenter who is the Town Historian; Dennis Sullivan who is the Village Historian; and Richard Frohlich.

So the law had two drafts and a lot of comments. Councilperson Leinung was able to provide us with some comments. We also talked to Jeremy Cramer on the demolition permits before this meeting to make sure he had a chance to take a look at the law and make sure it didn't affect some of the things he had to do. That resulted in the law that Councilperson Leinung presented to the Board. That law is very different from the one in Clifton Park. It's much more conservative and much more restricted. It also is more tailored to some of the needs and issues that were brought up by the people that reviewed it and live in the town. It also foresees a joint commission between the Village and the Town. There are a number of principles. Mr. Kowlowitz did most of the draft. He did get help from Edith Abrams. He's not an attorney but he has a lot of experience in writing policies and some background in the area.

He then talked about some of the principles. First of all, the law is designed so it can be independently passed by both the Village and the Town but would result in a joint commission. There is no special trick or technique to have one law for both municipalities. There is some tolerance in the law for minor changes probably due to scheduling, names of structures, and other types of things that would not undercut the joint nature of the commission. He thinks the law is consistent with and supportive of the Village and Town Master Plan and desire to retain community character and open space. Historic building and buildings of value in some respect are the visual cues of what makes the town the town. It's cautious and incremental. It's a realistic approach to preservation. The law itself is designed to have zero impact on Town and Village finances. There is no fund or anything that is called for in the law. It puts zero requirements on property owners. The commission will be advisory and will depend on established authority. The commission itself cannot make independent decisions outside of the Town and Village Boards, the Planning Board, the Planning Commission, etc. The Commission would have a very light administrative footprint and work through existing processes. It doesn't set up any alternate processes but works through the existing planning and zoning processes in place. It would not step on the feet of the existing Historical Association, societies, or appointed historians. If you notice in the section on historic markers, it's a little bit vague and also defers to the societies and associations which have a major role in those markers and have a relationship with the town. The Commission will provide a central point for expressing historic preservation concerns, and it would be an asset to both the town and the village. It also leaves the door open for further exploration of potential preservation tools such as historic preservation easements tied to voluntary historic preservation zoning. That was an important piece of the Clifton Park law. It's a bit complex. The historic preservation easements were in a separate part of the law. They also have something called landmark designations which would be eligible for those easements. None of that is in this. It was felt to be too complex and going way too far.

He assumes the proposed law will be reviewed by the Town's and Village's respective counsels and will go through the respective processes. This will take time. So, he doesn't expect it to move very quickly. He also assumes it will be revised. As he said, he's not an attorney. There will be many things the counsels will see and tinker with to hopefully make it a better piece of legislation, but he hopes its essentials will be retained. He doesn't think there is anything in the essentials that would be a red flag. He assumes there may be variations in the town's and village's final version based on timeframes and processes, but he hopes the guts of the legislation remain the same. He hopes there will be a high level of cooperation and communication between the two governments. He thinks that to make sure this gets passed by both of those municipalities there has to be a lot of communication between the counsels' offices and also between the mayor and Supervisor

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LaGrange. He knows that both the mayor and supervisor are both reasonable people. He's had very good conversations with both of them. He hopes this works out. He also hopes that NSHA is kept informed. He'd like to attend as many meetings as possible. He'd like to be able to answer questions and learn what some of the concerns may be. You don't know what you don't know. He could go through some of the elements of the law but he would be reading from the fact sheets, so he's open for questions.

Supervisor LaGrange joked that after the last four years he would have thought that under "buildings" you would have added barn, but other than that it works well all the way through. It's very interesting and he personally likes the intent and the approach. He doesn't know how restrictive the other municipality is. This doesn't seem very restrictive but it certainly gives us a component that will help us to figure things out as they come around. There are a lot of things around this town that even we don't know about. They can show up so it's interesting.

Councilperson Leinung thanked Mr. Kowlowitz for presenting. We started working on this maybe in May or June. Mr. Kowlowitz said that we had our first meeting probably in the fall. Councilperson Leinung thought this was a very good stab at this, but we obviously need to fit it into our current town law. We will obviously have Attorney Naughton coordinate with Attorney Reilly in the village. Passing something simultaneously to make a joint commission is obviously something Attorney Naughton needs to look at to make sure we're using the correct mechanisms to do that. From his time on the Planning Board, there were a few times where we had a project coming and there would be questions about. For instance, isn't that near that site with the historic place on it? There wasn't any place for us to find that information so a lot of times a project would get delayed. We thought we were ready and all of a sudden something came up. We always knew the Historical Society was a resource but having an official commission that can actually be tasked with advising the Planning Board on historic structures and or historic areas in the town is definitely a big part of this law. He also liked the idea about the historic registry, not starting from scratch, but using current ones and then expanding on them. He thinks that that's a great idea as well. He's sure that Inspector Cramer would have a few comments about how the demolition permits would work in actual practice. We might need to mesh that a little bit more. The general idea that before a demolition permit is issued we check to make sure it's not a historic structure is a great idea. Councilperson Leinung then asked if Mr. Kowlowitz could just speak a little bit about the easement part. He knows we had spoken about that. He understands why we said to wait for a year after the establishment. Mr. Kowlowitz explained what happened in Clifton Park. He thinks that will be helpful. In Clifton Park, they have a designation called landmark. The registry and inventory of historic resources is very broad. A landmark building is something that has outstanding historical features. They tied their preservation easement to volunteer zoning. In other words, if a property is designated a landmark and that designation is accepted and the easement is accepted, which would be a tax break, you would also have to accept complying with certain zoning requirements on the exterior of the building. In the Clifton Park law, the zoning requirements are written into their historic preservation law. If you look at them they are mostly with the exterior of the building. It's something you accept because you get a tax break. He's not sure what we will come up with and what will be possible in this town. It may be that we don't see it as feasible; we may see it as an alternative. I would put that year in there so that it becomes the focus for the commission to come up with a proposal. It may not look anything like Clifton Park. He would like to see architects, an attorney, and somebody who is maybe a naysayer and will come up with something that gives a set of incentives to preserve historic structures and to maintain them in some historic way. He's not sure what that is, and that's why he didn't feel comfortable putting something in there, particularly if it's going to kill the law overall. Councilperson Leinung said that he thinks that will actually be a discussion on the board level too. We need to discuss that type of issue here, as well. Mr. Kowlowitz said that anything that's proposed is advisory. Councilperson Leinung replied that he knew that.

Councilperson Hennessy asked the significance of the 70-year threshold. Mr. Kowlowitz said that 70 years was embedded within the Clifton Park law and a state model law that is available through Parks Recreation and Historic Preservation. Mr. Kowlowitz added that Mr. Daniel McKay gave him a call and said he would help in any way that he could. Mr. Kowlowitz sent him a copy of the law but hasn't heard from him yet. Councilperson Hennessy asked if this is a rolling 70 years. Mr. Kowlowitz replied that it was adding that he's glad Councilperson Hennessy asked the question; Mr. McKay did too. Mr. Kowlowitz said that he was trained as a historian and has a sense of what history is. History didn't stop in 1950. So it's a rolling 70 years to give it some perspective on what

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sites may be historic. In 1960, that was 70 years ago, but if you look at what has happened in the last 70 years in this town and this society you know that suburbanization is a very important historic process. What will we preserve to document suburbanization? We don't really know, so we need that 70-year perspective. We don't know what will be architecturally significant 70 years from now; maybe the first completely solar house in New Scotland. We also know that we've had some events within the town; if they happen at the national level they will be major events. The Big Box movement essentially realigned political parties in the town. If it happened at a national level it would be equal to the election of 1960 or the election of Roosevelt in 1930. If it happened to the town what would we document of that movement. Perhaps there will be a sign at Edith Abrams' house, so we don't know. Seventy years is an attempt to give perspective. We're not going to say everything that's over 70 years and you're not going to saying everything that's over 100 years old. We may want to document a lot that we can't save. It's basically a way of giving perspective. Councilperson Hennessy said that he was thinking that the reason for it might have been post WWII which is pretty much 70 years. Mr. Kowlowitz replied that it could have been. Councilperson Hennessy said that that may not be a bad time. He understands the thought to go rolling. That was his thought on that. Councilperson Hennessy then asked if this is for partial structure demolition, full structure demolition, or renovation? Mr. Kowlowitz said that it would be for full structure demolition. Councilperson Hennessy asked about someone taking a porch down. New Salem has some interesting porches that are clearly 15-100 years old. Mr. Kowlowitz said this would be for full structure demolition. Bear in mind that the review might be a way of being able to document a structure that can't be saved. It looks like the Coughtry house on Hilton Road is just not saveable but we did a review through the association and took a lot of photographs and did as much documentation as we could. That might be all we can preserve of that structure. We talked to Building Inspector Cramer who said having a 30-year review period was not unreasonable given the fact that for many demolitions there's a period close to that anyway if there's asbestos in the building. He's perfectly willing to see that time period shortened if that's what's necessary from the point of view of the Building Department.

Councilperson Hennessy asked if we would need a different reference to town law. Attorney Naughton said that we could cover all that. There are a number of clauses at the end of these local laws that we have that we would put in. He offered to put it in the normal format for Councilperson Leinung if he wanted to but he thought it was a little early. That will cover that and we will figure out where this will go within the town code. Councilperson Leinung added that we need some definitions and we need to make sure it lines up within the code. Mr. Kowlowitz said that the Village will have the same issues.

Attorney Naughton added that Mr. Kowlowitz mentioned the demolition thing. Pretty much all demolitions would involve an asbestos survey unless someone is really on top of it and they come in with the survey at the time of apply for it. Most people don't know that, so the 30-day period really isn't going to be much of a delay in the normal course of what occurs right now. Mr. Kowlowitz added that that's what Inspector Cramer told him and he was surprised that he didn't really have an issue with that.

Councilperson Snyder asked how you see the law interacting with the historical preservation society. Will there be a need to have both? Mr. Kowlowitz said that the association is a non-government bond. Their mission is not necessarily preserving structures but preserving documentation of the history of the town in very different ways as well as increasing appreciation of history through their programs. They also run the museum. There are places where they may intersect. That's why he made sure not to step on the feet of the association or of the Clarksville Historical Society with historic markers. He left that out, and that would be a function of the Historical Association often funded by the town so that was left untouched. Councilperson Snyder asked if the commission would work with the association. Mr. Kowlowitz said that he hoped there would be some members from the association on the commission. The commission would be part of town and village government, not an independent body. They have a presence as far as advising both this Board and the Planning Board and other entities within town government. Councilperson Snyder said that she's asking because she sees or has used the Historical Association from time to time for that same kind of perspective and information. Mr. Kowlowitz said that they've had overlapping membership. He doesn't think they need overlapping functions. We have a relationship to the budget, putting up historical markers, and using town facilities for the museum. As far as advising on other types of issues that may come before the Planning Board or Town Board, we really haven't

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had much of a role and he doesn't believe Clarksville Historical has had any. Councilperson Snyder asked what role he would see for the commission then. Would he be attending meetings to further their mission? Mr. Kowlowitz said that if you look at the law and the level of communication between the commission and those boards, they would receive the agendas of the Planning Board, Zoning Board, and Town Board. They would either attend based on what they see or they'd be asked to attend because an issue would come up before the Planning Board that had some impact. Councilperson Snyder asked if the commission members would be receiving a stipend. Mr. Kowlowitz replied that it was voluntary. He added that John Scherer mentioned that regarding the Clifton Park Commission they had a Planning Board member, an attorney, and an architect with a range of expertise that we don't have in the Historic Association. He thinks there would be a wider perspective on the Commission than just people involved in the Historic Association. Councilperson Snyder said that it may be more of a direct line rather than the dotted lines that exist right now, and is that how he's envisioning it?

Mr. Kowlowitz said that they're a non-government, not-for-profit within the town. I have to talk to Supervisor LaGrange every so often mostly about facility issues. Most of the issues that we deal with about the town have to do with the Community Center. Councilperson Snyder said that he's always been under the impression that the Historical Association had a listing of historical structures, sites, and the markers to designate these sites. Mr. Kowlowitz said that what they do have is a listing of the markers that they put out. They have driving tours which have identified a lot of structures. Over the years Chris Albright on his own has put together an inventory of structures that he knows about, but there is no official or comprehensive inventory of historic resources in the town. Councilperson Snyder asked if there is a repository of that information. Mr. Kowlowitz said that they have pieces. They know about the Onesquethaw Historic District. They know about a number of the 18th century buildings in the southern part of the town. They know what markers are up but they don't have a comprehensive view. Another area, and we're talking about buildings, but we're also talking about cemeteries and other types of structures. They don't have an inventory of graveyards within the town. That's another important historic site that they don't have a complete inventory of. Councilperson Hennessy said that our Comprehensive Plan has all of that information in it. Actually, it listed at least the marked sites when it was originally done. He thinks Bob provided a lot of that information, and we have that. Mr. Kowlowitz added that Chris Albright provided a lot of information from committees. Mr. Albright probably provided one of the best listings that exist but you don't know what you don't know, and there has never been a formal inventory of historic structures and sites in town.

Supervisor LaGrange said that our next step is to maybe formalize something if the Board wants to pursue this. Councilperson Snyder thanked Mr. Kowlowitz for all the work he's done to get it to this point. She would be in support of moving forward on something like this simply because she thought there was a more official repository in each of these organizations for some of this information. Councilperson Leinung said that he's not sure whether the Board wants to review it before we move to that process or if we're ready to move into a more formal proposal and then look at it. He's not sure what the feeling is. The Board just got this a few days ago. He doesn't know if everyone went through it as much. He'd like to look at it again, as well. He doesn't think we're ready to introduce anything yet. Supervisor LaGrange agreed adding that he thinks we could review it. Attorney Naughton could possibly get started with the formulation and then we can chime in with anything we might want to add or have a question on. It seems like we are all in agreement that we want to move forward with something in the near future. Attorney Naughton asked if this is something we need a workshop session on. Councilperson Snyder said that she would be curious about the village, their interest, and any comments or remarks when they meet. Maybe a workshop would be a way to facilitate gathering that information to make sure we are all moving in the same direction. Mr. Kowlowitz said that it makes excellent sense to him to get everyone in the room and have the town and village work together on what the issues may be. Supervisor LaGrange said that he didn't know to what level everyone had read this. He read it and thinks it's an excellent start all the way through. If you want to have a workshop, we can. He would suggest that if Voorheesville isn't interested the town still would want to do something. Councilperson Greenberg said that he's read it, and there are a lot of details that we need to discuss from a legal end. He thinks that's more of what Attorney Naughton is talking about. Attorney Naughton agreed. Councilperson Greenberg said that he can see the point of a workshop, or at the very least we can email back and forth for a few weeks with questions. We could include Mr. Kowlowitz on it and get some answers that way. He's not totally clear on how it's going to work with Voorheesville. He knows it's four and three, but

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does Voorheesville really want New Scotland having a majority of members ruling on Voorheesville? Maybe they're fine with that and maybe they aren't. It's the details we need to discuss and work out. He's happy to do it either way, a workshop or just getting some email ideas out for a couple of weeks. There is no rush if it takes a few months. Mr. Kowlowitz said that he expects it to take at least as much time as he did. Councilperson Leinung said that we can reach out to Voorheesville and see if they're interested in sitting down. Supervisor LaGrange asked if Mr. Kowlowitz anticipated talking to them. Mr. Kowlowitz talked to the Mayor and Mrs. Winchell and said that Dennis Sullivan is a cheerleader, so that's good. The mayor is very interested because of grants. The Village does not have a historic district, and a lot of grants that he's looked at have asked if there's a historic district, so, he seems to be very interested. Councilperson Greenberg asked if this means that the Board members are volunteering to help write some grants? Mr. Kowlowitz said that he's written grants before. Supervisor LaGrange said that we should wait to see what transpires with the Village and in the meantime spend a little more time looking at things, making suggestions, or asking questions. Attorney Naughton can start to get a feel for where it might fit in the code. We can get a little more into it when we get an idea if the Village wants to join us on it. If we want a workshop at that point we can get together and do something.

Mr. Kowlowitz thanked the Board.

7. Discussion/Action re: Proposed Local Law amending cell tower law

Supervisor LaGrange said that Attorney Peck is here. She's been taking this on. Attorney Naughton excused himself because his firm, Young/Sommer, represents the regulated community that's part of this which would be Verizon, one of their clients.

Attorney Naughton left the room at 7:40 PM.

Supervisor LaGrange said that we received Attorney Peck's proposal letter. He then asked Attorney Peck to give an overview of the timeliness and what we're trying to go after here. Attorney Peck said that the Town already has a Wireless Telecommunications Law. It deals predominantly with cell towers. What we are starting to see, and you would have noticed there was a Times Union article about it, is that there is a small cell wireless deployment that is happening throughout the country right now. It's dealing with a lot of 5G services, but it's also dealing with gaps in cell service. It came into the City of Albany. There have been applications in the Town of Colonie and applications throughout the state and the country. What happened was that municipalities were coming in and they had a lot of regulations regarding them. They were dealing with them similarly to how they would deal with them with cell towers, requiring stealth technology, requiring them to go through what the cell companies considered a very long and prohibitive process for these deployments. What happened was that the FCC issued an order in September which was published and adopted in October which essentially addressed the extent and limitations on municipalities throughout the country in regulating the small cell claimants. A couple of key points from that FCC order was that it instituted what's called new shot clocks so that towns, cities, and counties now have to act on these applications, meaning to issue all permits relative to these applications within 60 days after the application comes into the town if they are going to be put it onto an existing structure. These structures and these deployments are happening in the public right-of-ways of these municipalities. If it's going to be a new structure, municipalities have 90 days to issue all permits. This is a very short timeline that a lot of municipalities, particularly larger ones like the City of Albany and the Town of Colonie, are concerned about because that can put a lot of pressure on their building and permitting departments. Another aspect of this is that essentially the FCC said that you cannot prohibit these in public right-of-ways but you can issue some aesthetic guidelines. These aesthetic guidelines can govern and control how these deployments are going to look, where they're going to be, and how they're going to be spaced out. There are criteria for this. They have to be reasonable and they have to be no more stringent than what you could ask of other utilities. The third significant point to come out of this FCC order is the fees. What the FCC did is to say that they're going to give these wireless companies a safe harbor provision so that when an application comes in for a small cell deployment they're going to say that a reasonable fee for five small cells is \$500 with an additional \$100 for every additional five cells. A reasonable access fee for these municipalities' right-of-way access fees would be \$270 a year. You've got to consider the significance of this because there are municipalities that were essentially taxing these cell facilities that were coming in because they were coming into these public right-of-ways. This gets rid of that completely. It says you can essentially charge \$270 per year for access for these small cells and no

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more. Another thing they're going to be looking at very closely is the consultant fees on this. What the FCC is essentially trying to prohibit is any sort of revenue producing or very much limit the revenue producing for municipalities in granting access to these cell companies and making sure all the costs are not just reasonable but they're the costs that are actually incurred by the municipalities in processing and reviewing these applications. I can tell you that this FCC order has gone through a lot of scrutiny throughout the country right now. It is being challenged currently in the 9th Circuit and being challenged in the District of Columbia and we don't know what going to come out of that, but the FCC orders say that if the municipality is going to have a set of aesthetic guidelines they have to be published in advance. That publication should happen within 180 days after that FCC order was published. That means October is when it was published. The FCC is giving guidance saying that any aesthetic guidelines should be in place by April 19th. It is important to note that this is a should and not a shall so there is some wiggle room with the time, but if the FCC order is not overturned, if municipalities wait a year, at that point there are going to be problems. Being close to and around the deadline is what municipalities should aim for if they want to be able to have aesthetic guidelines for these small cell deployments that will not automatically be challenged by the industry on this. That's what this local law does.

Attorney Peck didn't know if the Board wanted her to go through some of the points of it or if they had any questions. Councilperson Leinung asked if there's any guidance. It seemed pretty vague about what reasonable aesthetics is. Has there been model legislation out there or any more guidance from the FCC about what reasonable aesthetics are? Attorney Peck said that the guidance from the FCC is that "reasonable" cannot be prohibited. So mandating that, they have to use stealth technology without any sort of consideration as to the siting or if where it's going to be would be considered prohibitive. It was an example used in the FCC order. Mandating that these all have to be underground would be prohibitive. That was an example used in the FCC order. This is something that is going to be subject to litigation; to some extent it has already. In order for a Planning Board or a municipality to deny an application there would need to be on aesthetics substantial evidence shown. That is the legal standard; substantial evidence that was shown before the Planning Board or whatever entity denied it showing that there truly was a hindrance to aesthetics. It is going to be seen by the public or by the neighboring properties that it does not conform to what is already in this area, things to that extent. There needs to be a record built on it. It doesn't give you a lot. This is something that is going to be subject to litigation; probably a lot of future litigation and that may need to be tweaked as that litigation comes in. Councilperson Leinung added that because we have this 180 days we're kind of shooting in the dark. Attorney Peck replied that that is true to some extent. The way the proposed local law is written now says that these are what we really want to see in these applications and this is what you must do. If there is a finding that this is prohibitive, then the Board can vary from these standards. Maybe there's an argument made by the cell carriers that this is prohibitive and it's a reasonable argument, then the Boards, upon discussing with their counsel, can vary from these standards. Councilperson Leinung said that he's noticed throughout the aesthetics section that there is a lot of "if infeasible" you don't have to do this. I'm assuming that's kind of moving toward that. Attorney Peck said that that's exactly what that is. Throughout the country there are 20 states that came in before the FCC order, and they already adopted statewide legislation that was essentially similar to the FCC order, and the FCC kind of used that partially as a jumping board when they adopted their order. He kind of looked at some of the legislation that was passed in those municipalities and how they dealt with aesthetics because at this point that is the only guidance we have so far because municipalities are not catching up with the FCC order. There have only been a handful that have actually been adopting new aesthetic guidelines in light of that.

Councilperson LaGrange said that he went though it as quickly as he could. One of the points people have made is that these poles in certain situations are planted right in front of someone's house. Are we able to address that in a site plan review? Attorney Peck responded that we are. The siting of it is absolutely something that should be addressed by the Planning Board. There is a requirement that these companies have to look at multiple sites and at least have to consider them. It's something that they have to be able to show the Board and the municipalities that they have considered and why they are not going in those directions. There is a presumption in this law if there is a tower or a utility pole that what we want is to see it put on preexisting structures as opposed to new structures being erected because of small cell deployment. You have to understand that these small cells will cover about 300 feet to 500 feet. There is almost an enlarged Wi-Fi network to cover gaps so you'll see them in between where you have towers already set up.

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The other thing that she made a point to put in this is that it will go before the Planning Board. They are short shot clocks and the way this had to be written is that as soon as the application comes in the door, and this is something there's going to need to be conversation with the Building Department on, there is 10 days to take a look at that application and decide if there is any additional information needed. If you do it within the 10 days, those 60 days are ticking and there is no going back. If you notify the cell carriers within that 10 days and say that this application is incomplete we need additional information, it can restart the 60 days. As soon as the application comes in it will immediately get put on the next Planning Board agenda with a public hearing right off the bat. There will not be a meeting to introduce it to the Planning Board because there is no time for that with the 60 days. So what this will do is allow the public to be notified that this is happening in your neighborhood. It allows the public to come in and at least express their concerns to the Planning Board. It gives the Planning Board the opportunity to review the site plan and go over some possibilities in either the design of it or in the placement of it and to work with the cell carriers. However under these guidelines the Planning Board will have on an existing structure 45 days to issue their decision. This is essentially a one-meeting application and 60 days on new structures. That has a slightly longer shot clock. Everything will have to happen fairly quickly. A lot of this process is really going to need to happen as soon as these applications come in the door. Supervisor LaGrange asked if there is a good chance that they would use existing and new. Attorney Peck agreed. Supervisor LaGrange said that if they put in an application it has to be reviewed within 10 days by the Building Department. Does the shot clock start when the 10 days expires or back at the application filing? Attorney Peck said that it starts the minute the application comes into the Town whether it's complete or not. If it is incomplete, we have to notify them by writing explaining what they are missing and pointing to the places in the local law that require them to provide this information. Once we get that letter out, the 60 days starts from the supplemental information. Councilperson Leinung said he had a question about notice. It seems like that was another big issue, but it seems like the current process for public hearings was worked into the notice requirement so people get notified within 500 feet. He did notice that we have 500 feet in here. Attorney Peck said that we will change that to 1000 feet. Attorney Peck said that she thinks Assemblywoman Fahy is introducing legislation to make sure people are noticed. What was happening was that these applications were being made and they were either going to the Highway Department or Building Department and they were being administratively approved with no notice to the public at all. Councilperson Leinung added that that was because they were in the right-of-ways. Attorney Peck agreed.

Councilperson Snyder asked, under this law, how does an application come into the Town officially? Who is the recipient of the application and who begins the process? Attorney Peck said that it would go through the Building Department the way any of the planning applications come in. Councilperson Snyder asked if it should go to the Building Department and they officially acknowledge receipt of it. Does that need to be done? Attorney Peck replied that the way the FCC order works is that it gets done the minute it comes into the town. Councilperson Snyder asked what if the town says they didn't get it? Attorney Peck said that it she supposed it could be disputed. If you miss the 60 days there is a presumption that you're being prohibitive. Councilperson Snyder said that she's just trying to understand the process. Is it clear-cut where the application should be submitted so that somebody knows they have a responsibility to flag it and react? Attorney Peck said that we can add it to the local law, but some of that will have to be done administratively which is also a part of it. If this comes in and Building Inspector Cramer is on vacation there has to be some sort of mechanism set up in the Building Department that it's going to go to someone else. It will not sit in an in-box. It's something that really needs to be handled with administrative procedures for the Town. Councilperson Snyder said that that's why she was asking. She thinks the law is very good but she's just as concerned about the practical applications, as well. Somebody will have to send out notice if it's a real public hearing. Somebody will have to proactively look up who is within 1000 feet and who needs to be notified. That all requires proactive attention. Attorney Peck agreed adding that the list of properties within that is supposed to be coming in with the application. That's part of the application process. It's the same way we would handle it with the public hearings for the Planning Board. Inspector Cramer has a system that he uses where they go through the tax rolls and sees who is in that footage. The Town then usually puts out the notice. Councilperson Snyder asked if she was saying that that's not what happens here? Does the applicant provides that? Attorney Peck said that the applicant is supposed to be providing the list. This is something that she did discuss with Building Inspector Cramer while she was putting together the local law. They'd be working with Building Inspector Cramer to put together

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the package. Councilperson Snyder asked if that's our heads-up that something may be coming. Attorney Peck said that it should be. Usually a phone call is how these things start but if not it could just be as minor as a letter coming in, and then it would be up to someone on the Planning Board for that to trigger, "Hey, I need to look at this and tell them that they need to do XY and Z under our local law." Again, that's a procedure that truly has to be set down with the Building Department so that anyone it might come before in the Building Department will know to expect it. Councilperson Snyder asked if these can go on existing structures. What do they mean by an existing structure, just a tower or steeples? Attorney Peck said that usually it's a utility pole. Anything that is in a public right-of-way. It could be a utility pole or any sort of government-owned property. There are ground-mounted systems that they could be put into. Obviously, that's not an existing structure but when you look at these and where they've been going up they've been going up on utility poles. There are some attached to buildings, but we put in here that we did not want these attached to buildings. Councilperson Leinung asked if we could do that. Attorney Peck said that we can do that. Councilperson Greenberg asked if we are sure we want to do that? It seems to contradict another part of the law where it said not on existing buildings. He's not sure we want to say that in entirety because he can imagine a public spot where we might want to have the ability to put it on a building. It might be rare. Attorney Peck said that we might. Councilperson Greenberg added that there is something he thinks the Board should be aware of. You talked about (6) new poles in the right-of-ways are only permitted if the applicant can establish that. One of the things you say is that they can't be put on public property. Attorney Peck said that that's something you might want to consider. Councilperson Greenberg mentioned a water tower, adding that he doesn't know what a building is considered to be from a legal point of view. You might just want to make sure there's not a contradiction in there if we stick with three, and he's not sure what you gain by three necessarily because your building would have to be in a public right-of-way or on public property. Attorney Peck asked if he was talking about (6) (a) (i). Councilperson Greenberg said that he was, but you have to read (a) first. Attorney Peck said that it's something we can look at. The way she's reading it is that you can only put a new pole up if they can show that an existing structure is not feasible, but she sees what he means where it says "on a site outside of the public right-of-way such as a public park, public property, transmission tower, or water tower." So, perhaps there's an option to be able to put it somewhere that already exists. It's government property and you don't have to worry about it, but it's not necessarily in the right-of-way. Councilperson Greenberg agreed. Councilperson Leinung added that he thought Councilperson Greenberg had a good point about whether or not we want to prohibit it on buildings. If we prohibit it on buildings then there might be a new structure instead. He thinks part of this is wanting fewer newer structures when possible. Do these go on roofs and buildings? He doesn't know how they work. Attorney Peck thought that they want more of the side of buildings as opposed to on the roof. Councilperson Leinung said that that's something to think about too.

Councilperson Greenberg said that he knows that earlier in the cell tower law we prioritized where we would want larger cell towers. Maybe there is a way to prioritize where they should look at these without necessarily excluding something, but it could be the last possibility if nothing else or if the Planning Board decides it's the best place. Attorney Peck said that we can add that. Councilperson Snyder said that she was wondering if there's an option of putting it on the highway garage as opposed to putting up an additional freestanding pole. Why wouldn't we encourage putting it on the highway garage in that case? She wouldn't want it prohibited from at least considering that. Attorney Peck said that we can absolutely put in a priority of a structure at sites that we would be willing to consider. Supervisor LaGrange said that maybe there is some way of quantifying it without just totally prohibiting. Attorney Peck asked if there was anything else. Councilperson Greenberg said that we really need to have a public hearing set for our March meeting so that it's passed. I know April 15th would be the 180-day point from October 15th. We have a meeting April 10th, but it would probably be a good idea if we could have this finalized and voted on in March. Attorney Peck said that we can do that. If we're going to be doing substantive edits to this, April 10th might just be more realistic to be perfectly honest. What we want to do is amend the law. It needs to be submitted to the Board in its final form seven days before it's introduced in a meeting with five days public notice to the hearing. It's tight to try and do March 13 unless there is going to be a special meeting more toward the end of the month. Supervisor LaGrange said that, considering the timeframe we have, we can pass it in the best form we can come up with now and then amend it later. Attorney Peck agreed. Supervisor LaGrange said that he'd be more concerned about getting it done at the March meeting. Councilperson Greenberg asked if it is when it's passed or filed? Attorney Peck said that when it's adopted is how the FCC order is written.

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Councilperson Hennessy said that he didn't want to talk about the schedule yet but he's been talking to Attorney Peck a little bit about this and helping her in some of these things. He still wants to put more information in some of these clauses. He thinks it's just ridiculous that the FCC has gone and taken the planning and zoning out of the hands of local governments. Tying our hands is just a terrible thing that they're doing to us. This is going to come back to roost whether it will be within 10 years from now or 20 years from now. He doesn't know, but we have to consider that. That's our job and we really want to give this a real hard look because they're tying our hands on what we can write in this law and they're tying our hands on how we can try to meet the needs of our residents who for the past 20 or 30 years. The developers are putting utilities in the ground and they don't want the poles in front yards. There will be a stampede of people coming in here if these poles are put in their front yards. Everyone is saying that we have to have the population, but we will see. He knows that 20 years ago they said satellites were going to take the cell towers away. Well here we are and they don't exist yet. So, he applauds Attorney Peck's efforts, and he's glad Attorney Peck is doing this and taking the bull by the horns. He appreciates all of her efforts and he wants to help out more. We've talked about some of these clauses and he thinks the Board needs to take a harder look at this before just passing it. I think we can work it out in a week or two and have a meeting at the end of the month to schedule the public hearing for March 13th. If we can't do that then we'll make it fit for the April 10th meeting. He just doesn't want to shake a stick at it or pass it to get it under the guidelines. He'd like to make sure we do it right because they are indicating in all of this information that the industry won't take it lightly, so I don't think we should take it lightly either and give it as hard of a look as we can.

Councilperson Snyder asked Attorney Peck if she could tell us what other communities in our immediate area are doing. Are they looking at something similar to this? What's happening out there in terms of municipalities dealing with it? Attorney Peck said that there has been a little bit of a push toward passing some sort of regulation. She knows that there has been a lot of discussion. She's had conversations with the Town attorney's office in Colonie who's actually had these applications come in already, and they have been discussing whether or not they're going to try and adopt a local law, what the local law will look like, and if they're going to handle the shot clocks administratively versus going to Planning Boards. She hasn't seen anything else from a broader standpoint. There are places like the City of Saratoga. When she spoke with their attorney's office they actually had entered into the agreements with the telecommunications companies. The agreements may actually be potentially overturned based on the FCC order. It's something that they are starting to look at. To be perfectly honest, a lot of the municipal attorneys that I've spoken with were not all aware that this FCC order came out and what the implications of it were. So she's getting mixed responses from them to be perfectly honest. Once they were aware, they were very interested.

Councilperson Snyder asked what the City of Albany is doing. She knows that there are a number of these. One is off poles in the Buckingham Pond area. It's more than just one coming up. There is a couple. Attorney Peck said that there is a couple but she doesn't know what the City of Albany is doing. She's planning on reaching out to them but she hasn't gotten that far yet. Councilperson Snyder said that she asked because we benefit from the experience. Attorney Peck agreed adding that that's where a lot of this actually did come from, other municipalities that have been tackling these regulations. Almost all of this is based on that. It's been a collaborative effort at least between her, the Town of Colonie attorneys, and to some extent the City of Saratoga, as well. Councilperson Snyder added that Attorney Peck mentioned something about the FCC rules being challenged. Are they being challenged by the other states or municipalities? What's the challenge? Attorney Peck said that they are being challenged by counties and local municipalities. There are maybe six individual challenges that are being considered by the 9th Circuit. All are under a consolidated caption right now. They were in the 10th Circuit and they just got transferred over into the 9th. That happened January 10th maybe. She hasn't had a chance to pull the dockets in the D.C. ones to see how many different municipalities are challenging it there, but they are all being challenged. They are being challenged based on the fees and they're being challenged based on the reasonableness of the aesthetics regulations. Councilperson Snyder said that that's what she's trying to understand. What are the premises of the challenges? Do you have any idea when there might be some outcome? Attorney Peck replied that she didn't, adding that the way all courts work is that it takes time. So, she can say right now that when she was looking at the docket for the 10th Circuit one got transferred to the 9th Circuit, and that transfer just happened a month ago and that

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was still in the very beginning stages. The municipalities were requesting stays of the FCC order which were denied. The stays have not been granted yet. So, it's still in the early stages of those challenges. Councilperson Snyder asked this again because this happened in October so we've had a little bit of time go by. She was just wondering what's going on. Attorney Peck said that it takes time to litigate these cases. It's just the way it is; oftentimes it takes years to litigate on Federal and State levels. Supervisor LaGrange said that regardless of the litigation we need to do something in our timeframe. Attorney Peck said that if the Town wants to do something and wants to have any ability to review and regulate these, then she thinks that we do need to work with the order as it stands right now and then amend if the FCC order is overturned or if there is different guidance that comes out of the courts. Supervisor LaGrange said that he appreciates what Attorney Peck has here and he doesn't know as far as what Councilperson Hennessy is suggesting. He does want to see what that is, but if we were to have a meeting on February 27th that would give us two weeks before our Board meeting. What's our timeframe if we schedule a public hearing on February 27th for March 13th? Will that give us time? Attorney Peck said that that would give the Town time to notice a public hearing. Supervisor LaGrange said that he would still want to make sure Councilperson Hennessy has time to take care of this, but she'd like to have the public hearing on March 13th. Attorney Peck said that technically the law in its final form would need to be submitted to the Board seven days, excluding Sundays, before it is introduced again so you're looking at the 27th. With a deadline of February 27th you are looking at having this in its final form by February 19th. Supervisor LaGrange added that we have a solid start here. Supervisor LaGrange asked Councilperson Hennessy if he had an idea. Attorney Peck said that before it can be introduced at a meeting to call a public hearing it has to be on your desk for seven days. You have to have it introduced to call the public hearing. If you're going to have a meeting to introduce this and call a public hearing, you're going to want it on the 19th. Councilperson Greenberg added that from what Councilperson Hennessy is saying we're not going to have a final version then because we'll be working on the final version on February 27th. Councilperson Hennessy said that we moved the barn so we can do this. Councilperson Greenberg said that it won't happen at the March meeting. Attorney Peck said that we could probably work on it and have a final version by the 19th. Supervisor LaGrange said that that was great and then we could schedule a meeting for the 27th introduce it, and set a public hearing for March 13th. He likes that better than trying to wait until April. Councilperson Hennessy suggested shooting for March 13th and if we have to have a contingency of a meeting after we don't have to wait until April 10th. We can have a special meeting like we often do. Attorney Peck said that she can incorporate the changes we are talking about today, prioritizing sites. Councilperson Hennessy had some suggestions on some of the language. She can't imagine that those types of changes can't be done this week.

Councilperson Leinung asked if we made a decision about having them on buildings. He feels like we still need to make a decision for Attorney Peck to incorporate into the law. Supervisor LaGrange said that he would think that if we could somehow incorporate it it would be smart. Councilperson Greenberg said that he thought that was part of the prioritizing. Councilperson Leinung said that he just wanted to make sure we were all okay.

Resolution 2019-042

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a special meeting for February 27, 2019, primarily for this potential local law to amend the cell town law at 7:00 PM.

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

Supervisor LaGrange said that the other thing we have to do is deal with SEQR, and that would be for March 13th also but that's not part of Attorney Peck's agreement with us. Do we want to amend the agreement or should we look to Stantec? Attorney Peck said that it's whatever the Town Board wants. Supervisor LaGrange said that it should be fairly simple. Attorney Peck agreed adding that if the Board wants her to put together the forms for it and the recommendation she can do it. It's not going to change the proposal that went to the Board. The Board agreed to have Attorney Peck do it.

Attorney Naughton returned to the meeting at 8:20 PM.

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Resolution permitting the Kiwanis Club of New Scotland Memorial Day Race access to the Albany County Rail Trail via parcel 73.-4-1.2 off Smith Lane

Supervisor LaGrange said that Herbert Reilly has asked us on behalf of the Kiwanis Club of New Scotland to take an extra route through our property for the race. Highway Superintendent Guyer said that this is for Memorial Day. The longer race would typically go out of the village and run through Indian Ladder's property. They've done that for years. For various reasons, Mr. Reilly is looking to change the route. He's planned a new route. The proposed route involves the Orchard Park development. At the end of Smith Lane is our well field for Northeast Water. There is a very well-worn trail to the Rail Trail. He is looking to utilize that, and the race will commence on the Rail Trail. Supervisor LaGrange said that Mr. Reilly mentioned that it was to take a different route rather than going through the orchard. The past couple of years have been incredibly warm. Highway Superintendent Guyer agreed that the orchard is very hot but he thought the main thing was that Mr. Reilly does the majority of this on his own. It's a lot of work in the orchard. There is a lot of mowing and stuff that needs to be done to navigate the orchard. This is much easier for him. There will be very little work to get from Smith Lane to the Rail Trail. Councilperson Greenberg said that he has no problem with that but is there any legal issue or liability issue? Attorney Naughton said that we'd be covered by insurance. Councilperson Hennessy asked about access. Highway Superintendent Guyer said that this will be part of the race course. Councilperson Hennessy asked if the grade and the width are okay. Highway Superintendent Guyer said that it was.

Resolution 2019-043

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby permit the Kiwanis Club to access the Albany County Rail Trail via parcel 73.-4-1.2 off Smith Lane for the longer Memorial Day race.

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

8. Discussion/Action re: Resolution Regarding Real Property Tax Payment Extension for Furloughed Federal Employees

Resolution 2019-044

WHEREAS, certain federal employees were furloughed during the government shutdown during the period that included December 22, 2018, to January 25, 2019;

WHEREAS, the State of New York enacted a law, entitled "An Act to amend the real property tax law in relation to the extension for payment of real property taxes by furloughed or designated non-pay federal employees" (S.2523/A.881 and S.1675/A.881) (collectively, the "Temporary Extension Law"), which provides certain eligible furloughed employees with certain temporary relief, including: 1) authorization for local municipal governments to extend, for a period of 90 days, the deadline for payment of real property taxes that were due on January 31, 2019, and 2) waiver of penalties for late payment of taxes received on or before April 1, 2019.

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town of New Scotland, New York, hereby adopts the policy embodied in the Temporary Extension Law with respect to late payment of real property taxes that were due on January 31, 2019, for eligible, furloughed federal employees who are owners of taxable property in the Town of New Scotland, New York, and waives any late fees for such persons who are eligible under the Temporary Extension Law, provided payment is received on or before April 1, 2019, for the tax period January 1, 2019, to December 31, 2019. For the purposes of this Resolution, the term "eligible, furloughed federal employees" shall include those persons described in the Temporary Extension Law as eligible for such relief. The Town Clerk is hereby authorized to require written proof that the party seeking a waiver of late payment penalties/charges under this Resolution is eligible under the Temporary Extension Law.

A motion by Member LaGrange, seconded by Member Greenberg, to adopt Resolution No. 044 of 2019.

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Town Clerk Deschenes didn't think we would have any but you never know.

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

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

Attorney Naughton said that this resolution has already been discussed and there was a schedule A of Rules and Regulations that's attached to it. There were a couple of comments. One Board member suggested that we make clear that a shock collar is not sufficient. Also in the first paragraph of the rules in schedule A it makes it clear that except during the designated hours all dogs must be on a leash. So there was a little clean up but it looks pretty good right now. The Rules and Regulations could be the sign posted at the park. Other than that there were really no changes to the resolution. We talked about the off-leash hours being 6 a.m. to 8a.m. and there has been a lot of discussion about this. Councilperson Greenberg said that this will last for a year and then it needs to be reviewed at the end of each year. Attorney Naughton said that it's a trial period and it was part of numerous prior meetings and the public hearing for the dog law.

Resolution 2019-045

WHEREAS, Local Law No. 2 of 2019 authorizes the Town Board to establish "dog parks" and areas within a town park as areas that allow residents of the town to allow their dogs to run off-leash, under the dog owner's supervision, at certain times of the day;

WHEREAS, certain residents have requested that the Town Board permit dogs to run off-leash at the Stephen P. Wallace Park during certain designated times of the day when there is limited use of the park;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that for the period commencing February 18, 2019, and ending December 31, 2019 (the "Expiration Date"), and during the hours of 6:00 a.m. to 8:00 a.m. (and only during that two (2) hour period) residents of the Town shall be permitted to walk their dogs off-leash at the Stephen P. Wallace Park, located at 148 Swift Road in the Town of New Scotland subject to the rules and regulations set forth in **Schedule A** attached to this Resolution. (The time limitations and rules and regulations shall be known as the Swift Road Park Dog Policy); and it is further

RESOLVED, that on or before the Expiration Date, the Town Board, after consultation with the Superintendent of Highways and the Animal Control Officer (Dog Warden), shall determine whether to continue the Swift Road Park Dog Policy. The Animal Control Officer is hereby directed to keep records regarding any incidents or complaints involving dogs at the Wallace Park, and provide a report to the Town Board thirty (30) days prior to the Expiration Date; and it is further

RESOLVED, that Superintendent of Highways is hereby authorized to purchase and install a sign setting forth the Rules and Regulations, and install such sign or signs at the Park; and it is further

RESOLVED, that any dog off-leash must display a valid dog license issued by the Town of New Scotland. Any dog found off-leash at the Wallace Park that does not possess a tag to demonstrate that the dog has a valid New Scotland dog license shall be removed from the park, and, in the discretion of the Animal Control Officer (Dog Warden), 1) be impounded; and/or 2) the dog owner shall be subject to fines and penalties; and it is further

RESOLVED, if the Town Board does not continue the Swift Road Dog Park Policy after the Expiration Date, the policy, and the authorization to walk dogs off-leash at the Wallace Park, shall automatically expire.

A motion by Member LaGrange, seconded by Member Hennessy, to adopt Resolution No. 045 of 2019.

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Attorney Naughton noted that we did get a written comment that Councilperson Hennessy passed along to me. Everything that was said in the comment really is included in this resolution, all the concepts, so we've covered everything. The comments were consistent with what the Board is doing. Supervisor LaGrange said we also had someone contact us through the website to the Board members asking that we allow for something more in the afternoon. It's his opinion that we wanted to try something during a finite period of time that seemed to be a time when most people were looking for this opportunity. This is kind of a, for lack of a better term, probation time to see how this works out for us. Councilperson Greenberg said that in regard to that letter he didn't think that Councilperson Leinung was on it so the website needs to be updated. Town Clerk Deschenes said she would take care of that.

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

10. Discussion/Action re: Proposed Local Law A of 2019 Establishing a New Date for the First Meeting (Grievance Day) of the Board of Assessment Review

Supervisor LaGrange advised that we had our public hearing as it was noticed and there were no comments.

Resolution 2019-046

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt Proposed Local Law A of 2019 establishing a date for the Board of Assessment Review.

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

11. Highway/Parks:

• **Resolution authorizing the advertisement for a second full-time Parks & Building Maintenance position**

Highway Superintendent Guyer said that he put another full-time Parks employee in the budget. He felt it was time to get rolling on that for the year so he's looking to advertise for that position. He will put it in The Enterprise for two weeks and we will go from there. Supervisor LaGrange said that he had suggested that Mr. James Duncan be a part of the interviews along with Highway Superintendent Duncan and Supervisor LaGrange. The Board thought that sounded good. Councilperson Hennessy said that if they need him he could help as liaison if need be.

Councilperson Greenberg said that part of the reason for hiring a new Parks employee was because we have a new park. The parking has gone in, but we still have to connect that with the Rail Trail. Highway Superintendent Guyer said that it is a very crude parking area. We were just starting. That parking lot will have to be expanded. It was late in the year and we didn't have the right equipment there. That will need to be touched up and enlarged. It's not done but at least it's somewhere for people to park off Hilton Road. We were going to connect a path from the parking lot but the ground froze. Councilperson Greenberg said that he understood and he was just bringing it up. The other thing was putting all the trails into the actual Hilton Park which we laid out in the summer. He just wanted to make sure that part of the reason we're hiring now was so we could get started on those projects; he knows it is weather dependent. Highway Superintendent Guyer said that we also discussed eliminating our summer mowing position that we've had for years by going back to two full-time employees. With technology and the mowers, we think we can eliminate that position. Councilperson Greenberg said that it's even better if there's a deadline when these other things can be done.

Supervisor LaGrange said that on that note he was discussing the first Fahy grant from several years back that was for the Community Center, the parking, the pavilion, and at one time for the transformer but they allowed us to put it on the Community Center. We need some definitive numbers. Maybe Councilperson Hennessy can work with Highway Superintendent Guyer. We need to get cost figures. Supervisor LaGrange will have to talk to Masullo about how much they are going to participate. We need the amount of gravel we're going to need for full build out of the

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parking. We need to get that stuff together so we have those numbers and get them into the Dormitory Authority and make sure that keeps rolling. That's the only thing that's lacking right now for that. Highway Superintendent Guyer said that we need numbers for parking. Supervisor LaGrange added all parking. Councilperson Hennessy said that it can include the development of a dead man's curve parking area too. Supervisor LaGrange replied that parking associated with the Rail Trail is what the original request went in for. We have to keep it to that. Councilperson Hennessy asked if this was the \$15,000 grant. Supervisor LaGrange didn't recall if it was \$15,000 or \$20,000. He'd have to go back and look.

Councilperson Greenberg wanted to chime in on the Masullo part of that. There is not really a negotiation that was in the contract. Supervisor LaGrange said that that's correct. Councilperson Greenberg added that Supervisor LaGrange said we needed to get some numbers. Supervisor LaGrange replied that that was right but he needed to know what that is. He thought it was like eight spaces in his site plan so whatever that is. He needs him to do that and we need to coordinate it. It's something he has to do.

Resolution 2019-047

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve advertising in the usual venues for the second full-time Parks and Building Maintenance position for a two-week period.

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

• **Mohawk & Hudson River Humane Society 2019 Agreement**

Highway Superintendent Guyer said that there were some changes but a lot of the fees don't apply to us. A lot of it is cats and other domestic pets, and we strictly handle dogs. Some of this cleaned up numbers and some changed drastically. The redemption fee was \$34.65 and it went up to \$35 per dog now. Adoptable dogs surrendered to the municipality by residents were \$28.35 and it's now \$35. That's something we don't get into anyway. If a resident comes to us and says they have an adoptable dog we would direct them to the Society on their own. Attorney Naughton said that there are probably no real significant fee increases. They are all consistent with prior fee schedules. Highway Superintendent Guyer said that there is nothing drastic and a majority of the fees don't affect us.

Supervisor LaGrange asked if Attorney Naughton reviewed the agreement. Attorney Naughton said that it's fine. It's consistent with all of our prior contracts. They are our vendor for this and they've done a great job.

Resolution 2019-048

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 Mohawk & Hudson River Humane Society 2019 agreement with the Town of New Scotland and authorizes the Supervisor to sign it.

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

• **Discussion/Action re: Highway Garage heating system**

Highway Superintendent Guyer said that we've been going back and forth on this for a few years now. His guess at the time and what we put in the budget was \$10,000. That was a poor guess. We are at a point where we are going to need to replace our hot air furnace in the garage. It's the main furnace that heats the garage space. The lunch room and office area are heated by a smaller hot air unit which is separate from this. Councilperson Hennessy asked if it hangs on the ceiling of the garage. Highway Superintendent Guyer said that it is very large and sits on a pedestal in the garage area right outside the break room door. Mr. VanPraag has contacted 10 local heating companies. Two of them came out and said it's not what we do so were not interested. We have two that are interested. The rest of the people haven't responded. We have one quote that's for a complete system and installation from start to finish. The other vendor thought they would have a

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quote by tonight but they are still working on it. The one quote is \$36,000 for the unit. Supervisor LaGrange said that the only good part is that it was in the budget and it was the intent of the Board to do something, but it would obviously have to come from fund balance. He knows that Mr. Pine was concerned. Highway Superintendent Guyer said that two weeks ago Mr. Pine did their annual fire inspection. The hot air furnace in the garage was one of his concerns. Supervisor LaGrange said that there was some scorching. Highway Superintendent Guyer said that the fire box of the furnace has a crack in it. The outside of the tin wrap is darkened. We knew it had a crack because we have it serviced every year. A few years ago they said it would need to be replaced. That's when Superintendent Guyer first came to the Board and they said let's put in \$10,000. That year went by and now we're at the point where that dark spot is growing. Councilperson Hennessy asked if it's oil fired. Highway Superintendent Guyer said that it was. We don't have natural gas available to us, and he wishes that we did. The efficient way to go would be those radiant tubes that hang but they have to be either gas or propane. We don't want the hassle of a large propane tank. Councilperson Greenberg asked if anyone talked about just replacing the manifold. Highway Superintendent Guyer said that he didn't think we could get the parts. Councilperson Greenberg asked how old this unit is. Highway Superintendent Guyer said that he didn't know. He wouldn't guess that it's original, but he doesn't know. He thinks the building is from the late 1950s. It's old. Supervisor LaGrange said that we are waiting on another quote. Councilperson Hennessy said that we're going to have to go to a public bid if it's \$30,000. Councilperson Greenberg asked if we've listed it on any of the bid or trade sites. We should probably do that as well to try and get more quotes. Councilperson Hennessy said that he's looking at the one in the basement of Town Hall right now so he's texting the guy to see if he can look at the Highway's too. Highway Superintendent Guyer said that they've been through 10 local vendors. Councilperson Greenberg asked who the two were that put bids in. Highway Superintendent Guyer said Colonie Mechanical and James D. Warren. He believes that from their paperwork they are purchasing the unit from the same supplier. Councilperson Greenberg asked how much the unit is. Highway Superintendent Guyer said just shy of \$20,000. Councilperson Snyder said \$16,000 in labor. Highway Superintendent Guyer said that the first quote is \$35,910, and we'll see what the second one comes in at and go from there. Supervisor LaGrange asked Councilperson Hennessy to follow up with his contact. Supervisor LaGrange then asked if we checked with Roland J. Down too. Highway Superintendent Guyer said that they weren't interested. We checked with Long Oil, Main Care, Crisafulli Brothers, Danz Heating, Rowland J. Down, Colonie Mechanical, Competitive Advantage Group, Walters, James D. Warren, C & M Mechanical, and Michael Lee. Councilperson Greenberg asked when they started contacting vendors. Highway Superintendent Guyer said in the fall. Supervisor LaGrange said that we're running into this with everything including trying to get a plumber or an electrician. It's been like pulling teeth for some of these things. We were trying to look into kitchen cabinets for the Community Center and fortunately we had one that was a direct distributor that has so far given what seems to be a good price. We've tried a local guy and never got a response. We got halfhearted responses from Lowe's and Home Depot for similar stuff. It seems like nobody cares.

Legislator Plotsky said that Bill Reinhardt wanted to be here. She was just trying to channel him and she's sure he'd be asking what type of environmental considerations we are making while we're replacing this system. What is the best thing that we can put in for the environment? He thinks we kind of partially addressed that. It would be nice to go with propane but that's a little prohibitive because of the size of the tank. Is there anything else we would consider? Something environmentally sound? Supervisor LaGrange said that just an updated unit would be good. Highway Superintendent Guyer said that he thinks oil is our only option. Gas isn't available to us and we would need a large tank for propane. Councilperson Hennessy said that he's not sure the roof is big enough for solar. We have a long-range plan to build a smaller highway garage up there and this would only be a storage garage. It would be nice not to have to spend that kind of money for that kind of space heater. He thinks we'll have to look at some options. Supervisor LaGrange said that it would be interesting to know what the age is. Highway Superintendent Guyer said that he's sure somebody can look at it. There are numbers and plaques on it. He doesn't know if there is a date stamp, but you must be able to tell the age. Highway Superintendent Guyer said that he doesn't know how old it is, but he's been there 20 years and it was there when he showed up. Councilperson Snyder said that whatever you can get must be more efficient than what we have now. Supervisor LaGrange said that we're going to have to see this other quote and then look at the procurement to see what we have to do there. Highway Superintendent Guyer added that he did call the Department of Labor. There is not a maintenance agreement and we are upgrading the

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building, so it's a prevailing wage job. That may play a part in some of this cost. He's sure it does but to what extent he doesn't know. Supervisor LaGrange said that we should check on that. Councilperson Greenberg asked if he knows of anyone who's interested should they contact the Highway Superintendent or Teresa? Highway Superintendent Guyer said that they should talk to him, Mr. VanPraag, or anyone at the office. Councilperson Greenberg added that if Legislator Reinhardt has any specific recommendations we'd love to know what they are. If he wants us to look into something we can do that. Highway Superintendent Guyer said that that was just an update that this has to be addressed. Mr. Pine came up and did our fire inspection, and he didn't flag us on it but he's not happy. Supervisor LaGrange said that we would work on these things and the procurement, and if you can get an idea of what the age is that would be helpful too. We may not be able to do anything until the next meeting. Highway Superintendent Guyer said that it's not like we need it next week but we need it by next season. Councilperson Snyder asked if it's working. Highway Superintendent Guyer said that it works but it's slowly burning itself out from the inside out. Councilperson Snyder said that she just wanted to make sure that we have heat without causing a hazardous situation. Highway Superintendent Guyer said that they have heat.

Oil-Water Separator

Highway Superintendent Guyer spoke to Mr. Frueh the other day about the oil-water separator. We are still working on it. Everyone should have seen our SPEEDES permit issued by DEC. There was one question that came up on it. He read through it and noticed it, and Mr. Frueh mentioned it. He's going to check with DEC. They put a restriction on it that they didn't want us using hot water out of our steam generator, and he isn't sure why. Mr. Frueh is going to talk to them and see if he can get that restriction removed. He wasn't very hopeful but he is checking on it. We are moving along and Mr. Frueh asked Superintendent Guyer about what role he would like Stantec to play when we get to the construction of it. He told Mr. Frueh that once we get to construction he has a set of plans in the office and he can handle most of it in-house. He would probably like Mr. Frueh's assistance when it comes time for monitoring and sampling. We have to sample what comes out of this. He is going to put in minimal work from Stantec during the construction phase, but Mr. VanPraag and Superintendent Guyer will take care of the majority in-house. He's going to throw in a few site visits, a couple of hours of oversight, and we will go from there.

Krumkill Project

Highway Superintendent Guyer said that we are close to going out to bid. Our plans went to DOT and they came back. DOT is happy with the plans. They had one small question. Jeff Johns from Stantec and Superintendent Guyer discussed it. It is going back to DOT. He is hoping that within a week we will have a green light on advertising this to secure a contractor for hopefully a spring or early summer construction. Councilperson Greenberg asked if there is a timeframe in the contract, a start date and a completion date. Highway Superintendent Guyer said that there wasn't. There is going to be a road closure. There is a small piece, about 200 feet that will have to be excavated out for underdrainage. We anticipate a week, tops. DOT wanted to know if we wanted to put a stipulation on that in the bid specifications. He mentioned to Mr. Johns that he was afraid if we did that and we put a stipulation on it having to be done in one week and we get four or five contractors who want to bid on the job and they say it's a two-week project do we have to scrap this and go out to bid again? So, Mr. Johns was going to talk with our liaison at DOT and see what they thought about that. Supervisor LaGrange said that once it's bid and we accept the bid, then there is a contract involved. Those negotiations could take place then. Attorney Naughton said that the bid is based on what the job requirements are and part of that is what kind of protection they have to do. The timeline for completion will be built into their price. So, you could try to go back after that and clear that up in the contract, but a bidder might say no because it wasn't in the bid document. Highway Superintendent Guyer said that we're estimating a week tops, but he was afraid to lock it in in case everyone comes back and says that it's a two-week closure. Councilperson Greenberg said that he's fine with that. If people ask he wants to give them some details. Highway Superintendent Guyer said that he didn't have any timeline yet. We're very close, and that's exciting.

Packer Truck

Highway Superintendent Guyer wanted to update the Board on the Town/Village joint purchase of a packer truck for lawn waste. Earlier this week the Mayor, Mr. Hotaling, Supervisor LaGrange and Superintendent Guyer met at Village Hall. We went over a few things. He wanted to make sure we were all going in the same direction. He set up an appointment with H.L. Gage. We had our budget quote. He was there this afternoon with our mechanic and we went through a few things. Our

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mechanic had a few concerns and questions that they are checking on and they will be getting us a current number because the quote was done in the fall of 2018. He said on the truck end of it, cab and chassis, there shouldn't be any changes if any. On the packer body the unit, he has to get a quote on that because of what we're hearing with tariffs and steel. Councilperson Greenberg said that it was \$140,000 in the fall, right? Highway Superintendent Guyer said that the budget quote was \$140,000 and change. Supervisor LaGrange said that he checked with Mrs. Boehlke and we did budget \$70,000 as our half of a projected \$140,000, and some of that was coming from fund balance. That was our intent at budget time. Councilperson Greenberg said that as he remembered the conversation shared services came up. At that time the point was that we thought we might be able to get 50% back on something if we set up the shared services with the Village. He didn't know where that is or if that was discussed on Monday. The other possibility was just a \$70,000 used truck. He was waiting to see whether we were going to get some money back on the shared services or not if we went new. Supervisor LaGrange added that as we've said all along he would go in this with the intent of spending a certain amount of money on a new vehicle and be happy with what we get. He's sat here sounding like a fool every time he brings up the shared services agreement because it's so fluid. He did ask the County what their feeling was on the money back because he's heard about pro-rating and stuff like that. It sounds like if we went with used, there would be very little money from the State for this. If we go new, they feel that we should get very close to the 50% with this type of equipment and the longevity of it. That's why he has said right from the beginning that we have to go into this as a Board and say that we're comfortable with paying this amount of money on a new truck and we'll be really happy if some of it comes out of the State. We waited to go to 2019 because of the delay. Highway Superintendent Guyer said that we started this in 2018 and the County said that they want to wait until 2019. We kind of sat on it. Supervisor LaGrange said that he hasn't heard anything new on that, negative or positive. That's where it last stood a month ago. We haven't had any shared service meetings since then. Councilperson Snyder asked if the County has to do something, sign something, or agree to something? Supervisor LaGrange said that the County is collecting all of our information to submit. Again, it's one of those things that was declared from up high. They are chasing their tails trying to get the program. Councilperson Snyder asked if this is from the State? Highway Superintendent Guyer said that it's from the State through the County. Supervisor LaGrange said that the State told all the county executives that they had to come up with a shared services plan. Some of it is that we are looking at potentially sharing health care and we're looking at a consortium on that, but we won't see anything other than the savings of the actual program. We won't see any money back from the State. A purchase like this is something they didn't say originally new, used, or anything. Now they've got this pro-ration that they use. If you buy something used, even if it's really nice, is prorated so you get a lot less. We thought maybe if we spent \$70,000 between the two of us we'd get \$35,000 but that's not the case. It sound like it will be substantially less than that. For a new one it sounds like we'd be more likely to get somewhere between that 40% to 50% mark. Councilperson Snyder said that she's trying to understand whether we submit proof of purchase from the two municipalities to the County or to the State. Supervisor LaGrange said that he believes it is through the County to the State. Highway Superintendent Guyer agreed. Supervisor LaGrange said that the County and the Rockefeller Group are the ones doing this and facilitating it. We have to submit through them because the County was tasked by the State to do this and facilitate this whole thing. Anything we do like that would be approached that way from what he's understood. Councilperson Greenberg added that when you say they are pro-rating do we have a document that says how they pro-rate? Supervisor LaGrange said of course not; they just said they're going to pro-rate it. Councilperson Greenberg said that it sounds like they weren't going to pro-rate as much on a used item as they were on a new one. Supervisor LaGrange said that that's what he was told. He can only go by what is being suggested out there. That's what's aggravating. That's why he gets very frustrated with all of these meetings he's attended and all of these programs we've been trying to do. Albany County in general jumped on it last year to try and get involved, and then they suggested that we push it off until 2019 which in the end makes more sense. It's just been discouraging at times. Councilperson Snyder asked if the County is a pass-through for the State? Supervisor LaGrange said that the County Executive was tasked by the State to facilitate these discussions and get the municipalities together. Obviously we have to have a shared service agreement in place for 2019 with the Village and the purchase agreement. Councilperson Snyder said that maybe when the State budget is passed there will be funding allocated and that's how the process starts. Supervisor LaGrange said there is supposed to be \$22 to \$25 million that has already been allocated for this program and that's why Albany County wanted to jump on it last year so it didn't get sucked up from somewhere else with bigger projects, but it turned out that one great

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big project in the southern part of the state either couldn't get it together within a year or two or it didn't comply with the supposed rules. So that funding is still there and that's why the Rockefeller Group and the County felt it was fine to take a breath and do it for the calendar year 2019 instead of trying to stuff things in during 2018. Supervisor LaGrange added that supposedly there was a definitive number and for some reason \$22 million is in his mind but he'd have to check. That's statewide. Again, this is the same discussion he's had several times now. He wishes that he had a piece of paper that says what the exact rules and stipulations are of how to do this. That's why he also said let's go into this with eyes wide open and say that basically the Village packer truck is in incredible disrepair and they want to purchase a new one. We use it and we want to use it more regularly for the well being of our highway crew throwing those bags up on the truck. We'd be able to do a whole town pickup in almost a couple of days with one trip. We have to decide if we want to spend that money and just consider it gravy if we get something back from the State. Councilperson Snyder said that she hates to think of it as gravy because it's our tax money coming back to us. Supervisor LaGrange said that of course it is. Councilperson Snyder said that the Governor has put a lot of emphasis on shared services, and he always points to it as a reason why he can decrease our AIM funding, so why doesn't the mechanism exist now for us to be able to move forward with shared services? She guesses that she's saying this for the benefit of Legislator Plotsky, too. This is very frustrating. This is where the rubber meets the road. It doesn't seem like we can get any traction, and it's not for a lack of trying. Supervisor LaGrange said that this is the frustrating part on his end because he goes to all these meeting and there are all these grand plans and opportunities we look for and put a lot of time and energy into, and we still don't know.

Highway Superintendent Guyer said that he met with H.L. Gage today and he said he could not give me a number for tonight's meeting, but he said by the end of the week he will have a hard number. At that point he will email the Board, and we will speak with the Board as well. Supervisor LaGrange said that the other point made during budget time was that the B fund is more than capable of investing. This is something that we generally agreed was a good purchase. That's where that stands.

Councilperson Greenberg asked if Gage sells used ones as well. Is it worth getting a price on that at the same time just so we know? Highway Superintendent Guyer said that he didn't know if they sold used vehicles and if they did we'd probably end up with a cab and chassis and you'd have to track down a packer unit. He doesn't know if they sell used. Supervisor LaGrange said that he knows that Superintendent Guyer asked Jerry Wright. Highway Superintendent Guyer said that he spoke with Mr. Wright and asked him about used. He said we would spend \$75,000-\$80,000 to get something that's respectable. When he says that, he doesn't know if he's talking two years old, four years old, or eight years old, but he certainly knows the market. Supervisor LaGrange asked if he had a feeling on used or new and what we're looking for. Highway Superintendent Guyer said that Mr. Wright thought we should buy new for what we do with it and the amount of time we're going to keep it. He gave him our quote and he read through the whole thing. He had a couple of comments and things that should be changed in there as well what we wouldn't be happy with. We went back to H.L. Gage with that. He said that if we were all down in the Village we'd be fine but on the other end of town we wouldn't be happy with the motor. Supervisor LaGrange said that was only about a \$3,000 difference. Highway Superintendent Guyer agreed adding that it was a much larger motor. So Mr. Wright's thought when he saw the budget quote and the number we could get was that he pays \$20,000 more than that for the same exact truck. Of course looking at it he said he'd buy new. It's a different perspective.

The unit that was specified, the truck and the packer body, is what all of Bethlehem runs all year and they have 4-5 packers for lawn debris. This is what they are using and Mr. Wright said it's decent equipment.

Highway Superintendent Guyer said that he'd mail the Board when he gets the price. He added that the Village is pushing for new over used. Supervisor LaGrange said that that's what they seemed to indicate when we were there.

12. Engineering:

- **Authorize Supervisor to execute Town Designated Engineer 2019 Master Service Agreement with Barton & Loguidice Engineering**

Supervisor LaGrange said that everything is the same as last year on this other than they had a

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couple of bumps in price. He can't say what they are, but according to Mr. Straut they were modest increases mostly on the higher level people. Attorney Naughton said that he reviewed it and it looks fine.

Resolution 2019-049

Supervisor LaGrange offered the following resolution and moved its adoption:

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

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

- **Stantec Engineering Task Order Requests**
 - **Highway Dept. Consulting, Administrative, and Capital Outlay**
 - **Clarksville, Feura Bush, Swift Road, Heldervale Water, Heldervale Sewer**
 - **Storm Sewers**

Supervisor LaGrange said that we postponed this last month on the Stantec end of things. We have the task order for each of the water districts, the sewer district, the Highway Department consulting, and so on.

Resolution 2019-050

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the task order request dated December 21, 2018, with Stantec Consulting Services, Inc., for 2019 for :

- Highway Department Consulting Engineering – General government support from for up to \$5,000
- Highway Department Consulting Engineering – Permanent improvements for up to \$5,000
- Clarksville Water District – Transmission/Distribution for up to \$1,000
- Feura Bush Water District Engineering Services for up to \$2,000
- Swift Road Consulting Engineering for up to \$1,000
- Heldervale Water District Engineering Services for up to \$2,000
- Heldervale Sewer District Engineering Services for up to \$1,000
- Phase II Stormwater for up to \$1,000

and authorizes the Supervisor to sign them.

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

13. Fire/Ambulance:

- **Onesquethaw Volunteer Fire Co. Membership request for David Reed Warren as an out-of-district Auxiliary Member**

Resolution 2019-051

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve an application for membership for David Reed Warren as an out of district Onesquethaw Volunteer Fire Co. Auxiliary Member.

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

- **Review and approve the 2018 Service Award Program List for the Onesquethaw Fire District LOSAP**

Supervisor LaGrange thought everyone was familiar with this. Councilperson Leinung had one question. He remembered that there was an issue with part of the audit about the yellow slips but

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that's been worked through. Supervisor LaGrange said that that's correct adding that he hasn't received the latest audit results yet. Councilperson Leinung said that the audit report from last year suggested that they update the practice. Supervisor LaGrange said that they did and they were prepared for the 2018 audit. From what he understood from both houses that that went well. Again, he is still waiting on getting the final documents from the audit company. Councilperson Greenberg said, to follow up on what Councilperson Leinung is saying, Mr. Purinton audited those last year. Do we need to have Mr. Purinton audit them first this year before approving this? Supervisor LaGrange said that this is 2018 that we're approving. It's already been done. For 2019 we might want to do that pre-audit again. Councilperson Leinung asked if Mr. Purinton already looked at the 2018. Supervisor LaGrange said that that's correct, and that's what's been audited too. Councilperson Greenberg said he looked at the process but he didn't look at the slips to make sure. That's how he discovered there was a problem last year. Supervisor LaGrange said that that's how they discovered it too. Councilperson Greenberg said that we have not seen those slips for all of 2018. Supervisor LaGrange said that we haven't seen the newest ones. They were revised to get them up to date and then the auditor came in and we haven't heard of any problem with that. Councilperson Greenberg asked if this is time sensitive. Supervisor LaGrange said that it is and he would be confident that we are fine with it, finer than we've been at any other time. Supervisor LaGrange added that Onesquethaw in particular has been much more accurate over time. We are approving this tonight and then he believes they have to hang it for 30 days at the firehouse. Everyone gets to review it to be sure there are no mistakes or anything that's out of the ordinary, and then it's finalized. We are accepting what their program has totaled up here and he's very confident. They've been further ahead. Their problem was getting some of those signatures. New Salem had a couple of other issues but they addressed them. Actually we also had the revised letter for the 2017 results from the auditing firm. Both houses were very prepared. Supervisor LaGrange and Mr. Purinton went to both of them to get that started. Again, he hasn't heard of any issues from the auditor. He would assume that we are in good shape with him.

Councilperson Snyder said that since we are taking about it and we've already gone down this path, you said something about a revised letter. Supervisor LaGrange said that that was for 2017. Councilperson Snyder said that she remembers that when we left off we were asking the accountants to revise and correct the prior letter that they had given us. Supervisor LaGrange said that they did. Councilperson Snyder said she saw a draft of the letter. Supervisor LaGrange said that that was finalized after the draft. Councilperson Snyder asked if we have a final letter issued by the accounting firm. Supervisor LaGrange replied that we do. Councilperson Snyder asked if that could be shared with the Board or at least with her since she was involved in trying to facilitate this. The last she had seen, which was about two weeks ago, it was still in draft form. Supervisor LaGrange said that he's had it about a month. He hadn't received anything so he called them up and told them that he needed the letter before paying them for 2018. They sent it to him. Councilperson Snyder asked if we had gotten the revised letter. Supervisor LaGrange said that he could probably give it to her before we leave tonight. Councilperson Snyder said that that would be great; then she can close out that one year's audit.

Resolution 2019-052

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 2018 Service Award Program list for the Onesquethaw Fire District LOSAP.

Seconded by Councilperson Leinung.

Councilperson Greenberg said that he had no questions on the list itself, but in terms of process maybe next year we can try to have Mr. Purinton look this over when it first comes in to make sure it's being done the way he wants it done before we vote on it. Supervisor LaGrange said that we possibly could. Councilperson Greenberg said that we should look it over and make sure they do it properly. Supervisor LaGrange said that he hasn't gotten the results either. He can check on the timeline and see what we can do. Councilperson Snyder asked if we will get another version of this. Supervisor LaGrange said not unless somebody finds an egregious mistake. Councilperson Snyder said that it's not the revisions that she is concerned about. Everybody can make mistakes. It's the process that backs up these numbers. We want to make sure it's crisp at this point so we don't have to go through what we've gone through in the past. Supervisor LaGrange said that you just

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asked if we'd be getting another list. That's two different things. In the past it wasn't because of the process; it was because people in the house question their points. Councilperson Snyder said that she understands that and people make mistakes. It was this backup and it had to be signed off on, and proper documentation had to accompany it. Supervisor LaGrange said that those things help to make sure these numbers are correct.

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

- **Review and approve the 2018 Service Award Program List for the New Salem Fire District LOSAP**

Resolution 2019-053

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 2018 Service Award Program list for the New Salem Fire District LOSAP.

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

- **Report re: Onesquethaw and New Salem Fire LOSAP programs review**

Councilperson Snyder said that there was a meeting on January 15th with a representative from New Salem and Onesquethaw along with Morgan Stanley who is still the investment advisory on the LOSAP accounts. We did not receive as a group any recommendations for changes in the allocations for New Salem or Onesquethaw. We discussed the entitlements that were due this year, those that were new and those that were continuing, so the funds that need to be appropriated out of each of the LOSAP funds to pay for the installments are coming up. That was pretty much it. They did take notice at the meeting that Morgan Stanley will no longer be in a position to be advisor by March 29, 2019. Each firehouse was made aware of that. The Town also received official correspondence. We may need a resolution to accept the recommendations from Morgan Stanley as the portfolio advisor going forward. Attorney Naughton said that we don't have that recommendation in our agenda. There is no written recommendation. Councilperson Snyder said that adding that there were no changes. Attorney Naughton said that he thinks that can just be noted, and he doesn't think it needs a resolution. Attorney Naughton said that we asked the question and they said there is no allocation change. Councilperson Snyder said that there were no changes to the allocations in either the Onesquethaw or the New Salem fund. Supervisor LaGrange added that they have to pursue another investor. Councilperson Snyder said that that was also part of the discussion. The Town was made aware of the fact that Morgan Stanley can no longer act as the advisor for these LOSAP funds. They had recommended one manager in particular that they thought would be fully capable of handling their advisory role for each of the LOSAP funds. We have until March 29th to make a decision as to which direction we want to go in. Supervisor LaGrange said that we should put this on the March agenda. Supervisor LaGrange added that both houses were meeting with that investor. Councilperson Snyder said that that's right and she understood that both the folks from Onesquethaw and New Salem met with them. She doesn't know if there were any other recommendations or if anybody had any other suggestions. Supervisor LaGrange said that he had someone contact him. He seemed quite interested. He spoke with him on the phone sometime last week and he was going to talk to other people in his firm to see if it was something they wanted to get into and get back to me. He hasn't heard back from him yet. Councilperson Greenberg said that he sent something today or yesterday so he might want to check his spam folder. Supervisor LaGrange said that he would check tomorrow. Councilperson Snyder said that this was a representative from UBS that came to the meeting on January 15th. He was introduced by Morgan Stanley, and he gave the group his background. His team was very familiar with the LOSAP requirements and the kind of investments that are generally managed under that situation. She understands that he had met with each of the fire departments also or somebody from that team met with them. That's where we are in the process.

14. **Resolution appointing Lucas Weston as Member of the Board of Assessment Review for a term expiring September 30, 2023**

Supervisor LaGrange said that we have an opening on the Assessment Board of Review. We did advertise it and we had one response from Lucas Weston. Councilperson Hennessy requested that he send out the resume for everyone to review it. He's had good words put in by two or three

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people that know Mr. Weston.

Resolution 2019-054

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Lucas Weston as a member of the Board of Assessment Review for a term to expire September 20, 2023.

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

15. Discussion/Action re: proposals for replacement of flooring at Community Center

Supervisor LaGrange said this goes back to the grant money that we've applied for. A lot of the tile as has pulled up in places, especially in the doorway. It's very old. Mr. LaChappelle contacted five different vendors, and we got three to come out. They all seem to suggest this Vinyl Composite Tile. It's heavy-duty flooring. It comes in 7¼ inch by 48 inch sheets that they lay down. The proposal was to put down an underlayment and cover up the old tile rather than ripping it up. Supervisor LaGrange wanted to get a price for the full meeting room and the kitchen and we looked at the entryways for the back and the front. We thought it would be a good idea to get prices on those too. Ted's Flooring and Interior Design came in with the best prices. It was \$13,995.50 for the installation for the community room and for the kitchen and adjoining pantry. It's also to replace new primed quarter round where needed. They would take up the baseboards and replace them. It sounds like a pretty interesting project. There is pre-adhesive on it. Apparently you can use it right away, not like some of these things that have to be glued down and then there is a curing period. There is a 10-year commercial warranty on this particular product, and it has wood tones with many different colors we can choose from. Again, this goes back to the grant to take care of some of these things.

Resolution 2019-055

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 quote from Ted's Flooring and Interior Design for \$13,995.50 for the Community Center meeting room, kitchen, and pantry; and

Hereby accepts the \$4,352.75 bid for the front and rear entrances.

Councilperson Snyder asked if this would all be under a grant. Supervisor LaGrange said that it would. Councilperson Greenberg asked if it would exceed the grant. Supervisor LaGrange said that it wouldn't. There was \$30,000 for the Community Center because it shifted over. Mr. Dolin originally had five \$15,000 grants. One dropped off and he put it on the Community Center. That made that one \$30,000. He thinks the pavilion was \$20,000. He could dig these up. Councilperson Greenberg asked if we had gotten this grant money yet. Supervisor LaGrange said that we have to spend it to get it. We have to get it approved. That's why he asked Councilperson Hennessy about doing the parking lot. That's part of this grant. He believes it was \$20,000 for the pavilion. He will get that information from Mrs. Kavanaugh and get it out to the Board. It's whatever they allow us and we shifted some money over from that transformer that we decided not to do with the Clarksville wells. Councilperson Hennessy asked for more information on that. He could find the old stuff from 2012 or 2013. He asked if Supervisor LaGrange could send the Board anything that would give them the layout and the eligibility of it. He didn't know that it was something we had to spend in order to receive. Supervisor LaGrange said that member grants always are. The barn was and the roof will be. Councilperson Hennessy said that the State's CFA grants you can't spend before you receive them. It could be a reimbursement, but you can't spend it. Councilperson Snyder said that this is a reimbursement. Councilperson Greenberg asked if it had been approved. Supervisor LaGrange said that it's been approved, but it has to be spent to be reimbursed. In the meantime we have to keep giving them all sorts of documentation, plans, and all that stuff as we move along just like we did with the whole barn efforts. This has been there. We wouldn't have spent it because it was designated. Actually it was supposed to be for the Rail Trail parking I believe at Font Grove and then we got them to let us flip that to the barn site. So, that was one change. Again, we still have to do it to get it. It was down to parking, the pavilion, and the Community Center. He doesn't remember what besides the transformer was taken off but he can look that up and send an email

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tomorrow. Supervisor LaGrange said that we definitely have \$30,000 to work with at least.

Councilperson Hennessy said that he mentioned to Supervisor LaGrange and Attorney Naughton that we should have some clause in there making sure that the Town has no responsibility or liability involvement in any asbestos-related matters that may arrive while working on the floor regardless of whether we are removing, compacting, overlaying, touching, or anything. That should be totally on the contractor. Attorney Naughton said for the record that we don't know whether any of the materials that are on the floor right now are asbestos-containing materials. We will just add a clause that the contractor is responsible. Supervisor LaGrange said that that would be great. To Councilperson Hennessy's point, that's good because this particular gentleman said that there is absolutely no asbestos so he shouldn't have any problem having that clause in there. Councilperson Hennessy added that he's more than likely correct. He's tested the tile that's been talked about, and it's come back positive. Attorney Naughton said that it hasn't this structure. Councilperson Hennessy no, just typical tiles, so he's sure he's right. Supervisor LaGrange said that his point is that he agrees with you. We will put this in there; he'd be hard pressed not to agree to it.

Attorney Naughton said that he took the proposal and added up the numbers for the two, and it turns out to be \$18,348.25. He had a 50% down deposit. He called him up and he agreed to waive that, and so we will pay him at the end. He asked him about timing, and he said by the end of April 2019 he could complete it for sure. He also put a provision in there and explained it to him. He's saying it's a two-day job. We want him to begin and end so it will be done within at least 5 business days. As long as we give him a signed contract by the end of February he said he could do it by the end of April and maybe sooner. Councilperson Greenberg asked if he will need the building closed while he's doing it. Attorney Naughton said yes; you can't have people on the floors so we have to coordinate that. Councilperson Greenberg said that the Clerk needs to be notified. Supervisor LaGrange said that maybe we can focus on some weeks that are not booked.

Councilperson Greenberg said that he's in support. He just wanted to say that in the future when you are bidding projects could you let him know. He knows a lot of people that do work in the area and maybe he can get us a few more bids. Supervisor LaGrange said that we are looking at doing bids for the kitchen cupboards, so let's get together on that.

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

Form of the Agreement

Attorney Naughton said that we need a resolution on the standard form of agreement which everyone has on their desk. There is exhibit B, the warranty that we received. It wasn't printed out for this but I sent it around via email. It's the manufacturer's warranty. Supervisor LaGrange said that if anyone wants to see it here he has it. Attorney Naughton said that we will also add a provision that the contractor shall be responsible for anything related to asbestos-containing material for the existing floor and authorize the supervisor to sign the agreement.

Resolution 2019-056

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 form of the agreement including the provision that the contractor shall be responsible for anything related to asbestos-containing material for the existing floor and authorizes the supervisor to sign the agreement.

Councilperson Hennessy said that there were many styles. He doesn't want to say that the Board should look at the styles but frankly we might want to ask somebody who is more architecturally savvy to choose the material. Supervisor LaGrange said that it's all the same material, but the colors and widths are different. Councilperson Hennessy added that they can do different layouts. We may want to have someone look at that. Supervisor LaGrange said that he has a sample booklet in the office if anyone has any thoughts on who we might engage. Councilperson Hennessy said he did and offered to get together with the Supervisor tomorrow.

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

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16. Discussion re: Town Hall HVAC in front of building

Councilperson Hennessy said that there has been some history of difficulties with the furnace at Town Hall. We are trying to correct some of those deficiencies and we are looking at installing some safeguards in the furnace to try and improve it. It's done through different recommendations. He's had a contractor look at it and he's looked at it. We are trying to remedy the matter. We're talking \$1,000 for the procurement policy. Supervisor LaGrange said that when Roland J. Down came in to do maintenance it was their feeling that we should be looking toward replacing that furnace. He asked what Councilperson Hennessy's guy is thought. Councilperson Hennessy said that he didn't think it was vital right now. It's 20-25 years old and that's the expected useful life of those types of furnaces, but it seemed to be operating satisfactorily because it's probably been maintained over the years well enough. He didn't see any need to do that. He didn't see any indication that the furnace was causing any of the deficiencies or discrepancies that we have here. We are looking at installing some additional fresh air into the system to try to improve the air quality. Councilperson Greenberg said that maybe we can get a two-for-one deal. Councilperson Hennessy said that that's kind of where we are going. Supervisor LaGrange thanked Councilperson Hennessy. He knows it's come up often, especially with the smells we've had. We did dissipate that a little bit.

17. Liaison Reports:

VFDs in Feura Bush

Supervisor LaGrange said one of the VFDs was blown out in Feura Bush. We've been running on a single one. They are outdated. We ordered two new ones a month or two ago. They were supposed to come in today, so hopefully Feura Bush will be running full bore relatively soon. We are expecting Mr. Frueh to have a recommendation on some sort of alerting equipment for when the pumps run both at the master meter down in Feura Bush and at the pump station in Feura Bush. It's a lot cheaper than we ever thought it would be and that was part of our BAN that we had a resolution to do which was for the 800 feet of main and an alert system. So we will be well under the \$150,000 we anticipated.

Operation Share the Love

Town Clerk Deschenes said that the Town is involved in Operation Share the Love to support our troops. In the front of the building we are collecting until March 1st. This is in conjunction with the Village. There is a list of items we are collecting.

Conservation

Councilperson Greenberg said that the conservation event that we sponsored with the Town of Bethlehem was last Thursday and it was a big success. We had an estimated crowd of about 130-140 people. They were very thankful that we helped support that.

Barn

Councilperson Hennessy said that the bid to replace the barn roof is on the street if anyone has any roofing contractors of interest. We're certainly seeking from the original three bidders. We've cut the design down a little bit and made it more palatable. We hope to receive bids in February. Town Clerk Deschenes said she thought it was March. Councilperson Hennessy said that the award will be March 13th.

Zoning Revisions

Nan Stolzenburg, our part-time planner, is advancing quite well with revisions of the zoning. She is identifying important aspects for the Board to look at for zoning revisions. We hope to have that to you shortly.

Planning Board Meeting

Councilperson Snyder said that at the Planning Board meeting last week they had another discussion about the development on Krumkill Road. Mrs. Stolzenburg had a dozen or more observation points on behalf of the town. Those were reviewed at the Planning Board meeting. It seems to be a positive give and take thing with respect to suggestions that are being made by the town, the Planning Board and the developers. I think that's been a good situation so far.

Voorheesville School District Forum

Councilperson Snyder advised that the Sherriff, in conjunction with the Voorheesville School District,

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had a forum last week that was well attended on the dangers of vaping with respect to young kids starting from middle school all the way through high school. Most of the discussion was on vaping but there was discussion with respect to marijuana since that legislation seems to be out there. There are concerns about the broader implications for underage people with respect to marijuana. It was well attended and they had the SROs there from three different school districts as well as representatives from the Sheriff's department.

Planning Board Meeting

Councilperson Greenberg wanted to follow up on Mrs. Stolzenburg. She was asked not to come to the Planning Board meeting last week. She is representing us on the Krumkill Road issue. This is one of the main things she is working on. He thinks that, as our town planner when she's brought into a project, she should be at all of those meetings. He doesn't know who made the decision but he knows it wasn't her. He thinks that when there is a project on the agenda that she's working on she should be there. Supervisor LaGrange added that it should be part of the escrow. Supervisor LaGrange said that he would look into this.

18. Departmental Monthly Reports:

- **Town Clerk, Jan 2019**
- **Tax Collector, Jan 2019**
- **Registrar, Jan 2019**
- **Justice Johnson, Jan 2019**
- **Justice Wukitsch, Dec 2018 and Jan 2019**
- **Building Dept.**
- **Code Enforcement**

Supervisor LaGrange asked Mrs. Engle to give us something to kind of wrap up the year. He added that to the pile so that the Board can look that over at their leisure. She wanted to get something to you and he said to give a synopsis of miles traveled and the use of the equipment.

**19. Pay the Bills
Resolution 2019-057**

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 13, 2019 | | |
|--|-------------------|---------------|
| Abstract # | Vouchers | Amount |
| | 20190145-20190271 | \$746,895.17 |
| Prepays | | |
| Abstract# | Vouchers | Amount |
| 2061 | 20190085 | \$66.08 |
| 2062 | 20190086 | \$66.78 |
| 2063 | 20190087 | \$23.91 |
| 2064 | 20190088 | \$26.21 |
| 2065 | 20190089 | \$362.80 |
| 2066 | 20190090 | \$405.62 |
| 2067 | 20190091 | \$193.21 |
| 2068 | 20190092 | \$23.79 |
| 2069 | 20190093 | \$949.66 |
| 2070 | 20190094 | \$178.10 |
| 2071 | 20190095 | \$173.32 |
| 2072 | 20190096 | \$54.85 |
| 2073 | 20190097 | \$231.22 |
| 2074 | 20190098 | \$66.23 |
| 2075 | 20190099 | \$33.13 |
| 2076 | 20190100 | \$165.84 |

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| | | |
|------|----------------------------|--------------|
| 2077 | 20190101 | \$430.55 |
| 2078 | 20190102-20190105 | \$956.41 |
| 2079 | 20190106 | \$56.59 |
| 2080 | 20190107 | \$154.46 |
| 2081 | 20181073-20181074,20190108 | \$165.91 |
| 2082 | 20190109-20190111 | \$3,133.71 |
| 2083 | 20190112-20190116 | \$116,085.34 |
| 2084 | 20190117 | \$30,448.50 |
| 2085 | 20190118-20190120 | \$613,280.00 |
| 2086 | 20190121-20190122 | \$27,327.33 |
| 2087 | 20190123-20190124 | \$1,219.29 |
| 2088 | 20190125 | \$216.35 |
| 2089 | Void | Void |
| 2090 | 20190127 | \$92.81 |
| 2091 | 20190128 | \$54.13 |
| 2092 | 20190129 | \$990.46 |
| 2093 | 20190130 | \$24.16 |
| 2094 | 20190131 | \$277.65 |
| 2095 | 20190132 | \$494.14 |
| 2096 | 20190133 | \$24.17 |
| 2097 | 20190134 | \$28.14 |
| 2098 | 20190135 | \$499.00 |
| 2099 | 20190136 | \$192.69 |
| 2100 | 20190137 | 74.24 |
| 2101 | 20190138 | \$1,397.10 |
| 2102 | 20190139 | \$91.43 |

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

**20. Approve any Budget Modifications
Resolution 2019-058**

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 |
| Insurance Recoveries | A2680 | Senior Outreach/contr. | A6772.4 | \$206.20 |
| To increase revenue (Ins. Recov.) and expenditure (senior outreach/contractual) for amount needed to replace drivers side mirror and buff out drivers side of Nissan after 1/14/19 accident and insurance payment (\$885.89). | | | | |
| Fund Balance | WN0909 | Interfund Loan Interest | WN9795.7 | \$50.00 |
| To appropriate money from fund balance to interfund loan interest for amount not budgeted for – currently \$3.64 in 2019 as interest to repay due to/from. | | | | |
| Fund Balance | A0909 | Town Clerk/equip. | A1410.2 | \$259.99 |
| To appropriate money from Fund Balance to Town Clerk/ equipment for purchase of shredder. Town Clerk had begun purchase in 2018 with a sufficient budget in .4/contractual but the shredder did not arrive until 2019. | | | | |
| The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town’s 2019 budget as stated above. | | | | |

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

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

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There were no comments from the public.

22. Adjourn

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:50 PM.

Diane R. Deschenes, Town Clerk