

**Town of New Scotland
Regular Town Board Meeting
2/14/2018**

The following Town Officials were in attendance:

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

1. **Call to Order**
Supervisor LaGrange called the meeting to order at 8:00 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 13, 2017 Regular Town Board Meeting**
 - **January 1, 2018 Organizational Meeting (Ms. Snyder absent)**
 - **January 10, 2018 Regular Town Board Meeting**

RESOLUTION 18-048

Councilperson Hennessy 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 for the December 13, 2017, regular Town Board meeting.

Supervisor LaGrange seconded the motion. All present and voting, the motion carried. (4 Ayes- 1 Abstention). Councilperson Leinung abstained since he was not on the Board at the time.

RESOLUTION 18-049

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the Clerk for the January 1, 2018, Organizational Meeting.

Councilperson Hennessy seconded the motion. All present and voting, the motion carried. (4 Ayes- 1 abstention). Councilperson Snyder abstained since she was absent.

RESOLUTION 18-050

Councilperson Snyder 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 for the January 10, 2018, regular Town Board meeting.

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

5. **Request for use of 1 Town truck, 1 Town employee for truck, and the Town Hall on Community Care Days on Saturday April 28, 2018, and Sunday April 29, 2018.**
Lance Moore and Jana Shillinglaw attended the meeting to discuss Community Care Day which used to be called Town-wide Volunteer Day. It's being combined with the Village Green Day for the second year. This is an effort by the Town of New Scotland, the Village of Voorheesville, and New Scotland Kiwanis. Mrs. Shillinglaw advised that last year they had two days a week apart. They regrouped and decided to do it on one weekend, the weekend of April 28th and 29th. Mr. Moore said they'd like to have permission to use the Town Hall for two of those days, but the bulk of the business will be on Saturday at the VFD. They would like to be able to store the tools at Town Hall. They would like to send the people on the project to Town Hall to collect the tools so that the tools come back here. They would also like to ask Highway Superintendent Guyer for the use of a town truck or two and a couple of laborers if possible. Mrs. Shillinglaw said that the BBQ will be at Town Hall. Supervisor LaGrange asked if both days are full days. Mrs. Shillinglaw said that both days will run from 9 AM to 12 PM, but they will need the building from 8 AM to 1 PM. Mr. Moore added that

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they're looking at half days. The Green Clean events will take place on Saturday at the Voorheesville Fire Department. There are a dozen groups that collect various types of materials for their fundraisers or organizations. Also that day will be the roadside clean-up, park clean-up, and clean up of the Vly Creek. They are also possibly going to do some senior projects on Saturday and Sunday. The bulk of Sunday will probably be for other roadside clean-ups and senior projects. Supervisor LaGrange asked if that would be Sunday morning. Mr. Moore said that that's up in the air. He's had a suggestion that they might want to do that in the afternoon, but that is opening day of baseball. Mrs. Shillinglaw added that sports programs and everything else spills into Sundays anyway. There are a lot of families that can't help us on Saturday because they're involved in sports, so we'll ask them to come and help us on Sunday. Mr. Moore added that they moved it up a week because they used to lose people because of the SATs. Supervisor LaGrange said that these are the usual requests: one town truck and one town employee. Mrs. Shillinglaw added that they could provide a list of residents that were left over and then throughout the week maybe the Town could go to those sites and pick up whatever is remaining like brush. Mr. Moore said that they did that last year.

RESOLUTION 18-051

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the use of 1 Town Truck, 1 Town Employee for the truck, and use of the Town Hall along with general clean up afterward for Community Care Days on Saturday April 28 and Sunday April 29, 2018.

Councilperson Snyder seconded the motion.

Councilperson Hennessy said that it's a great day, and he encouraged people to participate. He also thanked Mr. Moore and Mrs. Shillinglaw for all of their efforts.

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

6. Discussion/Action re: Proposed Local Law F of 2017

There was no action taken at this time. The Board will take some time to digest tonight's comments. Supervisor LaGrange asked if there is an interest in a business owners meeting to just review it. Councilperson Hennessy said that he thought they should talk about it and consider whatever they can to help it along.

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7. Discussion/Action items re: Proposed Heldervale Water Extension #10

Supervisor LaGrange said that this is for the Kay project on Route 85A. Attorney Naughton said that there are a couple of different things that we have to do before taking action on this. We would want to walk through the SEQR EAF. He prepared a resolution for that assuming we find that there is no significant environmental impact that would require an EIS. As you know, this has already gone through the SEQR process at the Planning Board level, and the Town Board was listed as an interested agency on that. This is very limited just to the aspect of the water part. After you get through SEQR and you find that there are no impacts, you'd act on the resolution, and then the next order of business for this would be that you would actually vote on the order establishing the water district. In connection with this, the developer has agreed to enter into a development agreement and has signed one. The form of that agreement is attached. We would need approval of that and authorization of the Supervisor to sign it on behalf of the Town. The highlights of that development agreement are principally that the developer would pay the cost of construction for that water line extension and related improvements. That is estimates only. The engineers prepare an estimate that is in the map, plan, and report for \$204,000. They are agreeing to pay for that, and they also agree that once they start they will finish within 90 days. Of course, if there are any mechanics liens it would take care of it. If there is any damage to neighboring properties it would fix that up and seed it and all of those kinds of protections.

When we get to the next agenda items, we have a similar set of documents for that. That's the package. The first thing to do is to go through the SEQR document and you can do that on an abbreviated basis. Everyone has had this package for a while. Councilperson Greenberg reviewed the SEQR document with the Board. On page 3 of the SEQR, item C.4.c, Supervisor LaGrange advised that for medical service that should be the Albany County Sheriff. Mr. Boehlke advised that the fire district should be Slingerlands rather than New Salem. Attorney Naughton said that that will be put in there.

• **Discussion/Action re: SEQR for the proposed Heldervale Water Extension #10**

RESOLUTION 18-052

WHEREAS, the Town Board of the Town of New Scotland has received a Petition requesting an extension of the Heldervale Water District;

WHEREAS, the Town Board of the Town of New Scotland has reviewed an Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF;

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of New Scotland Town Board hereby declares that the extension of the Heldervale Water District as requested in the Petition will not have any significant adverse environmental impacts and hereby issues a negative declaration of significance.

A motion by Member Greenberg, seconded by Member Snyder, to adopt Resolution No. 052 of 2018.

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

• **Discussion/Action re Order Establishing Heldervale Water Extension #10**

RESOLUTION 18-053

WHEREAS, a Petition has been duly presented to the Town Board of the Town of New Scotland requesting a certain extension to the Heldervale Water District; and

WHEREAS, a map, plan, and report relating to the establishment of Heldervale Water District Extension #10, prepared by Stantec Consulting, Inc., a duly licensed civil engineer of the State of New York, in a manner and in such detail as has been determined by this Town Board to be adequate, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

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WHEREAS, an order was duly adopted by the Town Board on January 10, 2018, reciting the filing of said map, plan, and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan, and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying February 14, 2018, at 7:45 p.m. on said day as the time and date, at the New Scotland Town Hall as the place where this Town Board will meet and consider said map, plan, and report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such notice of the hearing and order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on February 14, 2018, at 6:45 p.m. on said day, in the New Scotland Town Hall and the petitioners appearing in favor of the petition, and the Town Board having heard comment from all interested persons; and

WHEREAS, all construction and other costs for creation of the extension, estimated at \$204,000, will be paid by The Grove at Maple Point, LLC, with no cost to the Town of New Scotland, it is hereby

RESOLVED AND DETERMINED:

- a. That the petition is signed and acknowledged or proved as required by law and is otherwise sufficient;
- b. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;
- c. That all property and property owners within the proposed extension are benefitted thereby;
- d. That all property and property owners benefitted are included within the limits of the proposed extension;
- e. That it is in the public interest to establish said extension; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed extension as set forth in said map and report be approved, and such extension shall be known and designated as Heldervale Water District Extension #10 and shall be bounded and described as set forth in **Schedule A** attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this Resolution in the Office of the Clerk of the County of Albany, which is the County in which the said Town of New Scotland is located, within ten days after the adoption of this Resolution, pursuant to the provision of section 195 of the Town Law.

A motion was made by Member LaGrange, seconded by Member Hennessy, to adopt Resolution No. 053 of 2018.

A roll call vote was taken on Resolution No. 2018-053 as follows:

Supervisor LaGrange	<u>Aye</u>
Member Hennessy	<u>Aye</u>
Member Greenberg	<u>Aye</u>
Member Snyder	<u>Aye</u>
Member Leinung	<u>Aye</u>

8. Discussion/Action re: Development Agreement for Kay Mixed-Use Development

Attorney Naughton said that what we needed is a resolution. We have a signed copy at Town Hall that the developer signed. We need an approval of this as an authorization of the Supervisor to sign the development agreement attached.

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RESOLUTION 18-054

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enter into this development agreement for Kay Mixed-Use Development as outlined and authorizes the Supervisor to sign it.

Councilperson Snyder seconded the motion.

Attorney Naughton said that this is similar to prior development agreements that we used for Kensington and Creekside. It's a little more simplified because it's just the water district extension.

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

9. Discussion/Action items re: Proposed Heldervale Water Extension #11

Councilperson Leinung reviewed the SEQR with the Board. Attorney Naughton noted for the record that this is just like the Kay project for extension #10 went through the Planning Board process for approval. The Olsen project, which is the property that's the subject of extension #11, also went through the Planning Board approval process and a SEQR at that time, and the Town Board was an interested agency on that review. While reviewing the SEQR, Supervisor LaGrange noted that Albany County EMS should be listed on page 3, Section C.3.c. Attorney Naughton pointed out on the long bat part of that (on page 12) that this project's site has already been cleaned. The main concern there normally is the tree habitat, and it's already all been cut. The project that we're looking at is for putting in an underground water line with a meter pit, so that wouldn't have an impact on the bats. Supervisor LaGrange asked about part II. Attorney Naughton said to just note that all the answers are no.

- **Discussion/Action re SEQR for the proposed Heldervale Water Extension #11**

RESOLUTION 18-055

WHEREAS, the Town Board of the Town of New Scotland has received a Petition requesting an extension of the Heldervale Water District;

WHEREAS, the Town Board of the Town of New Scotland has reviewed an Environmental Assessment Form (EAF) pursuant to the mandates of the State Environmental Quality Review Act (ECL Article 8 and 6 NYCRR Part 617); and

WHEREAS, the Town Board has duly considered the contents of the EAF;

WHEREAS, the Town Board has identified the relevant areas of environmental inquiry and taken a hard look at them; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of New Scotland Town Board hereby declares that the extension of the Heldervale Water District as requested in the Petition will not have any significant adverse environmental impacts and hereby issues a negative declaration of significance.

A motion by Member Leinung, seconded by Member Snyder, to adopt **Resolution No. 055** of 2018.

In favor: 5 Ayes

Opposed: 0 Nays

Motion Approved: 5 Ayes

- **Discussion/Action re Order Establishing Heldervale Water Extension #11**

RESOLUTION 18-056

WHEREAS, a Petition has been duly presented to the Town Board of the Town of New Scotland requesting a certain extension to the Heldervale Water District; and

WHEREAS, a map, plan and report relating to the establishment of Heldervale Water District Extension #11, prepared by Stantec Consulting, Inc., a duly licensed civil engineer of the State of New York, in a manner and in such detail as has been determined by this Town Board to be adequate, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an order was duly adopted by the Town Board on January 10, 2018, reciting the

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filing of said map, plan, and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan, and report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying February 14, 2018, at 7:55 p.m. on said day as the time and date, at the New Scotland Town Hall as the place where this Town Board will meet and consider said map, plan, and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

WHEREAS, such notice of the hearing and order was duly published and posted as required by law; and

WHEREAS, a hearing on said matter was duly held by said Town Board on February 14, 2018, at 6:55 p.m. on said day, in the New Scotland Town Hall and the petitioners appearing in favor of the petition, and the Town Board having heard comment from all interested persons; and

WHEREAS, all construction and other costs for creation of the extension, estimated at \$8,500, will be paid by James Olsen and Robin Olsen, with no cost to the Town of New Scotland, it is hereby

Councilperson Greenberg said we should note in the Whereas clause that we have \$8,500. Attorney Naughton added that Mrs. Elliott pointed out that there were some inconsistencies. It switches from \$8,500 to \$8,000. Attorney Naughton advised that \$8,500 is the correct number in this resolution. When we get to the next document we will fix that. He just talked to Mr. Olsen on this before we got started and pointed out that the map, plan, and report actually says \$8,500. That is the estimated cost. Councilperson Greenberg added that the fact is that it's estimated.

RESOLVED AND DETERMINED:

f. That the petition is signed and acknowledged or proved as required by law and is otherwise sufficient;

g. That the notice of hearing was published and posted as required by law, and is otherwise sufficient;

h. That all property and property owners within the proposed extension are benefitted thereby;

i. That all property and property owners benefitted are included within the limits of the proposed extension;

j. That it is in the public interest to establish said extension; and be it further

RESOLVED AND DETERMINED:

That the establishment of the proposed extension as set forth in said map and report be approved, and such extension shall be known and designated as Heldervale Water District Extension #11 and shall be bounded and described as set forth in **Schedule A** attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

That the Town Clerk be, and hereby is, authorized and directed to file a certified copy of this Resolution in the Office of the Clerk of the County of Albany, which is the County in which the said Town of New Scotland is located, within ten days after the adoption of this Resolution, pursuant to the provision of section 195 of the Town Law.

A motion by Member LaGrange, seconded by Member Hennessy, to adopt **Resolution No. 056** of 2018.

A roll call vote was taken on **Resolution No. 2018-056** as follows:

Supervisor LaGrange	<u>Aye</u>
Member Hennessy	<u>Aye</u>
Member Greenberg	<u>Aye</u>
Member Snyder	<u>Aye</u>
Member Leinung	<u>Aye</u>

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10. Discussion/Action re: Development Agreement for Olsen Storage Facility Project

Supervisor LaGrange asked Attorney Naughton if there was anything we should highlight on this agreement. Attorney Naughton said again that this is an even further simplified version of the agreement we just did for the Kay project. It contains provisions that state that once they start the work they will finish, and most of the cost relates to a meter pit that's involved. These are pretty modest costs, and the developer is agreeing to pay all the costs for the extension. Mr. Olsen is still here. Attorney Naughton asked that he acknowledge that we can change that from \$8,000 to \$8,500. Mr. Olsen is indicating that that's okay. Attorney Naughton said that they've already signed it and dropped off signed copies at Town Hall. Any tests that need to be done, which should be minimal, they also agreed to pay.

RESOLUTION 18-057

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enter into this agreement for installation of water-related improvements associated with the Olsen Storage Facility Project and authorize the Supervisor to sign that.

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

11. Discussion re: sale of Miller Road Town parcel

Supervisor LaGrange said that we acquired the property along Miller Road off New Scotland South Road because the bridge was in disrepair and had to be either replaced or something else done. Engineer Dempf advised that the bridge estimate was \$165,000, and the property cost us about \$90,000. Supervisor LaGrange said that it was substantially less, and the Board at the time decided to purchase the property. It's about 9 acres and the Town put a road in which snakes around that white farmhouse in the front. We own that whole field to the left of it. Those 9 acres we have now. In the 2016 budget, the Board at the time along with Supervisor Dolin had revenue included in the budget that year of approximately \$100,000 with the intent to sell it and get it back on the tax rolls and to guide the development of that by moving the road further away from the sharp corner. The property is zoned R2 so there would probably be four lots there. The next year the Board decided that they wanted to postpone that sale and wait until water was closer thinking possibly as we got water closer to that spot it would increase the value of the potential sale. Now we've gotten to that point. The water line is in. It's not active yet but it's been sanitized. So we still have to eventually take that over after the rest of the infrastructure is done. Now that the water is close, the Board wanted to get this back on their radar and decide what they want to do and how they want to do it. Supervisor LaGrange asked for thoughts from the Board.

Councilperson Greenberg asked if we've talked to a real estate agent or anyone who's given us an estimate. Supervisor LaGrange said that we had an appraisal at the time. Attorney Naughton said that we don't want to talk about the price. Councilperson Greenberg asked if we've done research to even know what we could set as a minimum. Attorney Naughton said that we had Bauer provide an appraisal. At the time, it was based on no water. Councilperson Greenberg said that we need to know how much since we have water now. Attorney Naughton said that we may want to have that updated. Councilperson Greenberg said that that was his concern. Attorney Naughton said that we would want to put out a bid package so it would be open and we would advertise it. Any kind of sale would have to be subject to a permissive referendum. We would allow the petition period to go, and if anyone objected then it would bring it a further process, but if no petition gets filed after the 30-day period where we approve a contract and accept a bid we could go ahead with it. The deal under that permissive referendum process kind of sits for about 30 days after we accept anything. Attorney Naughton added that he thinks he provided the Board a while ago with kind of an outline of what that process is, and he also might have done a summary list of the ideas people had about what was wanted. Supervisor LaGrange said that in the interim he would contact Bauer. Attorney Naughton said that he would send him an email with his contact information. Supervisor LaGrange added that he knows he has the old appraisal on file.

Attorney Naughton asked Engineer Dempf if Creekside was required to bring a line all the way out to South Road. At one point there was discussion of having a loop, but believe it got dropped. Engineer Dempf agreed. Supervisor LaGrange said that it ends just as you start to go up the hill. Mr. Olsen said that it ends where his driveway comes in. There is a hydrant that is more toward New Scotland South, but it doesn't end right at his property. Supervisor LaGrange didn't know if it was right at the Town property line. Mr. Olsen said that it is a little bit back. It runs about 20 feet short of the town line. Supervisor LaGrange said that it's been our policy of late. If it were today, we would have had that done here too. Planning Board Chairperson Voss said that it was his understanding that they were required to bring it to the edge of the property, but whether they did or not he didn't

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know. Supervisor LaGrange said that he would check on that and then will start getting this other information out. Maybe we can put it on the next agenda if we get an appraisal.

James Olsen had a question on the Creekside Development with that. Are they or are they not required to pave that road? Supervisor LaGrange said that they are required to pave Miller Road. Mr. Olsen asked if whoever buys the property has to move the road? It makes no sense to pave the road only to have it torn up and done again. Supervisor LaGrange said that his point would be that if the Board is going to consider selling that property soon then he would think it would be important to decide what those resources would be to do it, postpone it and put it toward the realignment, or something else. We've got to get into the legalities of that and the engineering. Engineer Dempf said that it would probably just go into escrow. Supervisor LaGrange said it seems silly if we're going to sell this property in the near future.

Councilperson Snyder asked when the property was purchased and for how much. Town Clerk Deschenes said that she would check into that and get back to the Board.

Chester Boehlke asked if that would entitle the guy next door to water where the hay bales are.

Supervisor LaGrange said that what we hope is to have it come out to Route 308, and that would be the furthest point. We'd be coming up along the road; we wouldn't want to go through properties. Mr. Boehlke said he'd want both pieces. Would that entitle him to water? Supervisor LaGrange said that he'd have to bring it to the far end but he would be. Attorney Naughton said that he'd also have to have a water district extension. Mr. Boehlke asked if the potential is there for him to get water. ? Councilperson Snyder added that there are only a certain number of tapes that are approved for that water line for now. Supervisor LaGrange said that you would have to go through a map, plan, and report, and the engineers would figure out the capacity. Engineer Dempf said that even for the Town property, you are going to need to extend the district with a map, plan, and report whether it's the Town or a purchaser.

Thomas Hart said that if it does move forward for sale, since it is publicly owned now, you have the opportunity to specify what the nature of the development could be on that property. So, you could come up with a vision of what the subdivision might look like as a description that's appended to the sale.

Supervisor LaGrange said that because of the way the contour is and the way the road is going up in there, the likely way to handle this to be consistent with the R2 is to have four lots of some sort on it with the road bisecting the property more gently. Mr. Hart said that we have the opportunity to specify that, and he would encourage us to look at it and determine if it's appropriate.

Councilperson Snyder asked if it could be a condition of sale. Mr. Hart said that it could be. It could be put in the deed restrictions or you could have a described development plan that applies to the sale. That would make it a lot easier on the Planning Board.

12. Engineering:

- **Stantec discussion re: water district capital improvement needs and budgets for same**
Engineer Dempf wanted to give a quick synopsis of what they've been working on for the past month and a half. They've collectively determined with a few members of the Board and the Supervisor that there are various maintenance issues in each of the districts that need to be addressed that have been overlooked for a while rearing their heads and certain physical issues that are occurring like the pumps in Swift and some pipe needs in Feura Bush. What they've been doing with the Board on a weekly basis is sitting down and going step by step through each of the issues, one district at a time. Once a week they would meet, typically on a Friday, with the Supervisor, the DPW, and most recently Councilperson Hennessy was at one of the meetings where we discussed issues in and around Heldervale. We are going to need some task order requests because our budgets were either eliminated or cut. We will deal with that at a different time. They are also preparing a list of those specific items dealing with Heldervale and Feura Bush for the February 28th meeting. They've advanced those because they are preparing for a financial discussion and we are classifying how our needs are going to have financial implications. Hopefully we can understand what we are looking at now and into the future.

Supervisor LaGrange said that he asked Engineer Dempf for this because we've had issues. We had three breaks in a row. Swift, Feura Bush, and Font Grove all had breaks within a week's time. The Board knows that we have dead issues. Feura Bush and Heldervale have been discussed at previous meetings. The Comptroller is looking for a plan. He didn't want to go into the February 28th meeting naked to all of the facts. Again, as Engineer Dempf said, the focus is going to be on the debt and letting people know what they are up against, but at the same time he didn't think it

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would be smart to not have a full picture of what each of those districts need and require in the near future. We've been working on those. We did Swift Road first and then Feura Bush, Font Grove, and Heldervale. Next week they're going to hit Clarksville. So, they're just trying to encapsulate everything. What they're trying to do is get strong specific bullet points that they can give to the Board that gives an overall view of what's going on not only with the infrastructure but financially just where each one of these districts stand. They've all gotten things over the years through the budget and through Engineers Dempf's reports, emergencies, and extensions. What they're trying to do is compile this information so that all Board members are aware of what's going on. Engineer Dempf said that our vision is that we have summarized the two most important meetings. The Supervisor will have that information tomorrow morning so the Board can start reading through it and understanding it so that by February 28th the Board will have an understanding of what's backing up our financial discussions that are going to occur. Obviously behind that we have the rest of the districts. They have similar thoughts and issues. For instance, Feura Bush may have an issue near term with a break, but long term maybe we can connect Clarksville to Feura Bush someday in the future. These are near-, mid-, and long-term type things. In addition to developing the capital plan, we are running a Pilot program with an accounting program on Feura Bush. We are inputting all of the Feura Bush information, and we should be able to balance out how to work our district budgets depending on what our future spending is supposed to be. We can do the "what if" scenario. It's a Pilot program being done behind the scenes, and we're still using the same information that you guys are doing. Hopefully we'll have a nice surprise in a month or two on something that again isn't costing the town; it's a Pilot. Engineer Dempf added that this may mean we'll have a workshop meeting at the end of March that just deals with water districts and the rest of what you're not doing on February 28th.

Supervisor LaGrange wanted to add to the water discussion. We have been looking into what's available for leak detection. We did have Rural Water come out and do some work in Feura Bush. It was very interesting. Now, there is another step further. He's been after Stantec to maybe give us an idea about inventorying the whole district. As with everything, technology has gone crazy, and there would be somewhat of a stopgap measure in some of the available leak-detection equipment. They use an iPad. If one of the guys from DPW goes out and flushes hydrants and flushes valves he could take pictures, and the coordinates for the valve would automatically go in. We would get a full inventory over a period of time on our own, so that's something we're exploring and will maybe bring to the Board sometime to consider. It has a cost, although it's not a tremendous cost, and we have to take that into consideration for what it gains us in the long term. Second to that is, from personal experience on those three leaks and going out to them with the Highway Department and the DPW guys, they should be investing in some sort of trailer to haul behind the van. It would be for their trench box. It has to be used. For example, he was at the break on Font Grove Road and all the guys that were there on the clock had to wait because we had the wrong size clamp. We didn't have an assortment of clamps, so everyone had to wait around while Mr. Hensel went to get a clamp. He's seen this several times where they have to make a run for something. It's just something he's making the Board aware of. He thinks we might want to consider it in the future. Maybe we could get something through grant money. Again, remember what he and Engineer Dempf have been trying to do is get all these numbers and ideas of what we need because there are grant opportunities. It's twofold. We have to fix some things immediately, how are the districts financially at this point, and then on top of that what can go into a mega grant for water infrastructure and the needs in these districts. There are a lot of different things that we are trying to narrow into a package, and that's why we are doing this.

● **Stantec Supplemental Task Order for Highway Garage Floor Drains**

Engineer Dempf said that since we had our audit DEC has pushed back on allowing us to put in a filter system and put in the discharge out to the state highway. We've jumped the hurdles. Our latest hurdle has been that we tested the water coming out of the highway garage, and it was too high in zinc. DEC was upset that it was too high in zinc. Come to find out it's high in zinc because the Town of Bethlehem uses zinc. So we had to explain the situation. We are working through some of those issues, but we are getting closer to a resolve. It just doesn't seem like the DEC is going to go along with some of the original issues or explanations and/or procedures that they had agreed to when we first started this process. Councilperson Hennessy asked if we were under a SPDES permit. Engineer Dempf said it will be but it isn't now. Currently it's unpermitted. The only issue that we had when we had our Stormwater Management inspection and audit was the highway garage floor drains. They asked us to fix that. We offered them a solution, and they asked us to show them it's going to work. We've been working and stepping through the process. Each time we give them a little more, they want a little more. We're trying to solve that problem. Again, he can't solve a problem with the constituency of zinc if it's coming through the water that we buy from the Town of Bethlehem. We need to have further discussion, but we need to hammer out a final solution with DEC.

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Thomas Hart asked where the zinc was being used. Engineer Dempf said it was for corrosion. It's something that they added at the water treatment plant in New Salem. The high level is for discharge out to the state right-of-way. That's why they don't want to let us do it.

13. Highway Department:

Deputy Van Praag said that he believes we need resolutions to accept the low bids for two pickups. Supervisor LaGrange said that these are state contracts. Deputy Van Praag agreed saying that they are through the OGS marketplace. Supervisor LaGrange said that these were within the budget that we had. Deputy Van Praag said that both were \$3,000-\$5,000 under.

- **Authorize Highway Superintendent to accept state contract bid of \$31,116.71 for 2018 Chevy Silverado 2500 HD Crew Cab**

RESOLUTION 18-058

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 Highway Superintendent to accept the state contract bid and purchase under a state contract bid of \$31,116.71 a 2018 Chevy Silverado 2500 HD Crew Cab.

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

- **Authorize Highway Superintendent to accept state contract bid of \$40,154.82 for 2018 Chevy 3500 with plow and spreader**

RESOLUTION 18-059

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 Highway Superintendent to accept state contract bid and purchase for \$40,154.82 a 2018 Chevy 3500 with plow and spreader.

Councilperson Leinung seconded the motion.

Councilperson Greenberg asked if we are auctioning off a couple of trucks too. Deputy Van Praag said that they have one that the water department may take over, and the other one we are keeping. Supervisor LaGrange said that the lesser of the two is set up with a plow, so we thought maybe we could use it in the water department. There is no plowing of the water facilities, so it's usually at the convenience of Highway Superintendent Guyer or Deputy Supervisor Van Praag. Quite often they are too busy plowing the roads. We were looking into the possibility of DPW being able to make use of one. It's still roadworthy and it has a plow. That was the thought we had on trying to spread the resources a little bit.

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

- **Seasonal field use applications**

Deputy Van Praag has three applications for field use permits. Supervisor LaGrange said Highway Superintendent Guyer said that this is their normal schedule. Councilperson Leinung noted that the form says "TBD" for the day of the week on the soccer club. Did they submit anything? Supervisor LaGrange said that they are taking a chance because if somebody else slides in with specific times they lose out. They have to get their schedule in, and they are well aware of that.

RESOLUTION 18-060

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 field use permit with the New Scotland Soccer Club with the understanding that until they get their dates and times set it is subject to someone else getting in there.

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

RESOLUTION 18-061

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 field use permit of the Kiwanis – Minor Division for the dates and times as outlined on the permit.

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Councilperson Leinung seconded the motion.

Councilperson Hennessy wanted to point out that this is the use of the new small little league field that was rebuilt a couple of years ago. The Voorheesville Baseball Club almost fielded a team this year, but they're telling me that they may field two teams next year. Everything can work in tandem with Kiwanis and work out well. I think we're getting more use out of that field.

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

RESOLUTION 18-062

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 field use permit with the NYS Coed Softball League as requested for all three permits with their individual times and days.

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

• **Discussion/Action re: dog control fees**

Deputy Van Praag said the fees are the same that we already have. Supervisor LaGrange said that the only difference is Mohawk Hudson. The Board knows because we passed the Mohawk Hudson Humane Society contract at the last meeting. Some of their costs went up, so Highway Superintendent Guyer suggested that we change the fees accordingly that we get and basically just round them up. He's recommending we charge \$71, and right now Mohawk Hudson charges us \$70.35 per day. He's also recommending \$35 and right now they charge us \$34.65 per dog per day. We are just amending these fees.

RESOLUTION 18-063

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby adopt the fee schedule for dog redemption fees having to do with NYS Ag & Market impoundment fees along with the fees New Scotland is charged per the agreement with Mohawk Hudson as outlined:

- \$71 per dog per day commencing on the day the dog is brought to Mohawk Hudson
- \$35 per dog per day additionally, if the municipality requests, or per court order directs that a dog be held for a period greater than the statutory redemption period in the contract with Mohawk Hudson

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

14. Fire and Ambulance:

- **Onesquethaw Volunteer Fire Co. Membership request for Richard T. Augar, Jr. of 2447 Delaware Tpk., Voorheesville**

RESOLUTION 18-064

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 membership request for Richard T. Augar, Jr., of 2447 Delaware Tpk., Voorheesville, NY, as a regular member of the OVFC.

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

15. Discussion/Action re: retention of a planner

Supervisor LaGrange said that during the budget workshops we put \$20,000 in the budget for a part-time as-needed planner to help the Building Department guide major subdivisions and other such applications. We did solicit a couple of examples of two planners. One was Marion Hull who helped us with the Hamlet Study and also Nan Stolzenburg who is a pretty renowned planner in the area who has helped us on occasion in the past too. They both gave us similar concepts that they would talk about and ideas of prices. The point of that was so that we would know what we might want to put in the budget for such a position. The main part of the \$20,000 is to help us review and possibly amend or possibly do a major renovation of the zoning code. The part about looking at potential projects is major subdivisions and the like, something like the Kay project. When it first comes in, this planner would look into that, and it would be paid for not unlike the engineer costs or legal costs. We'd set up a modest escrow account that would service that particular project and the

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planners review. Most of you should remember that from the budget workshop. He just wanted to get it going because you never know when these things come in. He just wanted it on the agenda tonight. He did get an email from Mr. Engstrom who was a Planning Board applicant the last go round. He requested that the Board entertain his qualifications. He read through everything and will email it to the Board tomorrow. It came in late today. He happened to see it on the agenda. We've already talked to Ms. Hull and Ms. Stolzenburg. Both of them have an interest. Again, we haven't talked to them in probably 4-5 months because we were just trying to get an idea for the budget. What's the Board's pleasure on moving forward? This is a professional service. We don't necessarily have to go out and get bids. Councilperson Greenberg thought we should move forward. He thought we should probably have a couple of people find out prices. He knows Ms. Stolzenburg was talking about a charge per hour. He's talked to Ms. Stolzenburg and he's worked with both of them. Maybe a couple of Board members could do that and come back with recommendations or pros and cons for each candidate. Supervisor LaGrange said that we can contact both of them to see if they have anything they want to add to it. Councilperson Snyder said that she thinks we should be transparent about it. We could put it on the website or other avenues to show that we are transparent in seeking applicants. Supervisor LaGrange asked if we wanted to advertise it as a part-time planner? The Board agreed. Engineer Dempf suggested Town Designated Planner. The paperwork should be the same. Attorney Naughton replied yes, unless we're going to do a salaried position. Councilperson Greenberg thought it would be part-time hourly. Attorney Naughton said that we could have a master agreement like we do with Stantec and then have task orders as it goes along. Councilperson Hennessy said that he'd like to be involved in that. Supervisor LaGrange asked if the Board is comfortable advertising it for maybe a couple of weeks in the regular venues. Councilperson Snyder agreed. Supervisor LaGrange asked if the Board was good with Councilperson Greenberg and Councilperson Hennessy as the interviewers. There were no objections. Councilperson Snyder asked how much was budgeted. Supervisor LaGrange said \$20,000. We were considering it at the time for working on the zoning code and updating definitions. Councilperson Hennessy said that that wouldn't take into account potential fees that typically go along with review; that might add to that. Councilperson Greenberg added grant writing. Councilperson Snyder said that she thinks that that's very important. Supervisor LaGrange asked if we wanted to describe what we are looking for in the advertisement or do want to do that at the interview. Councilperson Hennessy said that he would put something together for the advertisement and get it to the Supervisor. Supervisor LaGrange said that once we get that we will put it on social media and the website along with the Altamont Enterprise.

16. Liaison Reports

Shared Services

Supervisor LaGrange said that he is attending a meeting tomorrow of the County to continue the efforts pertaining to shared services with the other municipalities around us. The Governor decreed this awhile back and put it on the County Executives in each county to gather everyone to come up with plans to save money. It doesn't take into consideration all that we do now which is a lot. He wanted to assure everybody that we do a lot of this already and save a lot of money doing it.

LED lighting

Tomorrow afternoon the Supervisor has a meeting with Richard Straut at the Village to continue our discussions on opportunities for LED lighting. Things are moving at a crawl because of the parties involved on a high level that don't necessarily want to give up their lights. Tomorrow's meeting is with the State programming of this. It's another way to go on this to see if we can start to get a direction here.

Age-Friendly Symposiums

On Fridays, he's been taking part in the County's Age-Friendly symposiums and workshops which have been interesting. We have one tomorrow. He just wanted to let the Board know that he will be busy.

Courts

Councilperson Greenberg said that they talked a couple of weeks ago about codifying the changes we made at the courts in the new employees' handbook. Where are we on that? Attorney Naughton said that he owes the Board a draft resolution on that. He was going to try to return your email that outlines the points into a more formal resolution. He started a draft but has to finish it up. He'll have that to the Board next week. Councilperson Greenberg asked if it could be added to the February 28th agenda. Supervisor LaGrange said that it was possible that it could. He also asked that Attorney Naughton contact Mrs. Kavanaugh because she had a thought on it today that might make this much more simple. Supervisor LaGrange added that we also have to set their office hours too. He would suggest separate resolutions. Councilperson Greenberg said that that was included in the email.

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Audits

Councilperson Snyder wanted to mention as part of the Audit Committee that it's that time of year again when we need to do the audits. We try to focus it around March.

NSHA

Councilperson Leinung said that two Sundays ago he attended the New Scotland Historical Society's monthly program at the Community Center. The last one was on the Women of Schuyler Mansion. It was a great program. I would encourage everyone to try and go to these. Next month, March 4th, is Beer, Brewing and Pieter Bronck: Brewing in Beverwyck & Early Albany. Every month they have one of these.

17. Departmental Monthly Reports:

- **Town Clerk, Jan 2018**
- **Tax Collector, Jan 2018**
- **Registrar, Dec 2017 & Jan 2018**
- **Registrar, 2017 Annual**
- **Justice Wukitsch, 2017 Annual**
- **Justice Wukitsch, Dec 2017 & Jan 2018**
- **Justice Johnson, Jan 2018**

19. Pay the Bills

RESOLUTION 18-065

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:

Abstract #	Vouchers	Amount
1749	20180092-20180125	\$780,521.42
	20180160-20180272	\$523,054.64
Prepays		
Abstract#	Vouchers	Amount
1750	20180075	\$72.47
1751	20180076	\$79.41
1752	20180077	\$34.66
1753	20180078	\$59.78
1754	20180079	\$213.14
1755	20180080	\$67.39
1756	20180081	\$194.32
1757	20180082	\$145.49
1758	20180083	\$481.83
1759	20180084	\$23.90
1760	20180085	\$193.12
1761	20180086	\$372.39
1762	20180087	\$1,224.41
1763	20180088	\$130.46
1764	20180089	\$422.40
1765	20180090	\$25.47
1766	20180091	\$23.72
1767	20180126-20180128 20180131-20180136	\$38,960.30
1768	20180129	\$1,877.94
1769	20180130	\$52.43
1770	20180137-20180139	\$39,917.16
1771	20180140-20180141	\$977.24
1772	20180142	\$100.79
1773	20180143	\$1,152.08
1774	20180144	\$225.56
1775	20180145	\$24.42
1776	20180146	\$1,782.62
1777	20180147	\$27.39
1778	20180148	\$772.07
1779	20180149	\$208.46
1780	20180150	\$108.72
1781	20180151	\$99.75

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1782	20180152	\$31.14
1783	20180153	\$24.09
1784	20180154	\$49.48
1785	20180155	\$545.86
1786	20180156	\$705.95
1787	20180157	\$83.09
1788	20180158	\$228.89
1789	20180159	\$325.06

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

20. Approve any Budget Modifications

There are no budget modifications.

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

James Olsen said that if we do want to move forward and meet with business people, he would facilitate that meeting with members of the Board.

Supervisor LaGrange said that we will need to get some discussion going.

Edith Abrams asked if that would be open to the public. Supervisor LaGrange said yes, if it's a Board meeting.

Stephen Reilly said that Marian Hull invited property owners to a meeting. Mr. Reilly said tonight that he can initially sit in and listen to comments. His first email from Daniel MacKay was April 3, 2015, as part of the Advisory Committee. He's heard a lot of people who were utterly dumfounded that they had not been invited to discuss this, so he feels like, having been on this Committee, maybe he missed something too. He'd like to be part of that meeting, as well.

Supervisor LaGrange said that he thinks there are two things going on here. He remembers inviting landowners, but he thinks we also possibly neglected, simply as an oversight, inviting business owners who aren't always property owners.

James Olsen said that other than just being around town he doesn't recall ever getting a formal invitation to attend any of the meetings on Local Law F.

Supervisor LaGrange said that he didn't recall how it went out. He wasn't directly involved.

Councilperson Hennessy said that what Mr. Reilly is elaborating on is also the fact that we had numerous public hearings, public meetings, and public presentations, and all of our committee meetings were open. We didn't send invitations out, but they were all advertised and open. This one meeting was something that the consultant offered to do, and it wasn't a necessity for the project, but they offered to do and it was sent out by the Building Department. There was a list and Mrs. Mottolese will get the list. Mr. Murphy's doctor's office at St. Peter's was on the list.

Stephen Reilly wanted to suggest that to make announcements for public meetings simply put it out on the website and keep reiterating that all you have to do is check the website. We have heard a lot of really pointed positions tonight and in the very same sentence has an incredibly good analysis of certain legal issues and a variety of other things. We frankly should galvanize better in our process of developing our advisory comments. No one talked to him about this, and that can't happen again, especially for those of us who are on this Advisory Committee. We need to be invited to participate in a conscious manner. We are now pushing three years, too long to have that be a reason for why we are at odds with businessowners and landowners for any reason. I'm putting it out there. All he is suggesting is that he's happy to keep meeting with people who feel like they have not been informed.

Supervisor LaGrange said that that's fine. He thinks that that's probably appropriate.

Timothy Stanton wanted to make one quick comment about that. When that committee first started, he was at the initial meeting and the big thing he talked about at the meeting was that nobody was aware of it and he actually found out about it by accident. The landowners and the people who are stakeholders need to be notified better. The committee was saying that that was something that was going to be done and maybe they tried, but that didn't happen as well as it could have because too many of the businesses didn't know what was going on. I think there are two things on that, too. He thinks that the letters that came out for the public hearing didn't go to a wide enough area. All of this stuff was made for the private people. They put signs up and they extended out the range, but

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he's not sure it got out to as many people as it should have in that area.

Supervisor LaGrange asked if he meant this meeting tonight. Mr. Stanton said that he did. Supervisor LaGrange said that we took every address we had and sent out letters above and beyond usual notifications for every property owner in the affected zone. We didn't certify them but he has the list. James Olsen said that he got one. Mr. Stanton said that he got one but other people said they didn't.

Councilperson Greenberg said that he wanted to push back on this a bit because we have a reporter here. We also got a letter from Mr. Baltis who owns about 80 acres in the zone. Councilperson Greenberg read a portion of the letter which said: "I also want to mention that approximately two years ago I was invited to a meeting at Town Hall to discuss potential uses for my property and other properties in the area. I was one of several property owners in attendance. The meeting was led by a representative from a research company who is a consultant from Pennsylvania, Marion Hull, that was hired by the Town to study potential and ideal uses for this area." Councilperson Greenberg said that Mr. Baltis goes on to talk about that meeting a little bit more, but this was done. Now, people may have come to that meeting, decided it was going to be a long two-year process, and did not go on to the Residents Advisory Meetings that Mr. Reilly was talking about. We have ways to notify people in town, and the Town Clerk mentions all the time that anyone can sign up and they can get an email whenever there is a public hearing. All of these hearings, which were happening almost on a weekly basis and certainly a monthly basis were notified. There is some responsibility as a resident and a landowner to follow that. People were notified at the beginning of the process. As you said, you were at the first meeting. He assumes most of your family that spoke tonight knew this process was going on.

Timothy Stanton said that he wasn't talking about his family.

Councilperson Greenberg said that what he was saying is that a number of the people here tonight he would assume were aware that this process was going on. We were not hiding anything.

Timothy Stanton said that that's not his point. He thinks Mr. Reilly is more on his wavelength here. Rather than saying who is to blame here, we need to say how we can do it better, that's all. That's all he's saying. At least let's make sure for this next process, where we are going to get people together, that everything is done to try and get people notified. Frankly, and he's heard this from the beginning, if there was a member of the business community on that committee it would have gotten spread better, but because there wasn't the business community felt left out.

Supervisor LaGrange said let's move forward. There are a lot of people that don't quite have all the right information.

Stephen Reilly said that' he was simply following up on Mr. Olsen's offer and saying that if that meeting comes to bear, the Advisory Committee members would benefit from sitting in on that and then following up after it in the event that there are things that need to be modified in the language.

Supervisor LaGrange said that he appreciated the offer.

21. Adjourn

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Snyder. The meeting adjourned at 9:35 PM.

Diane R. Deschenes, Town Clerk