

**Town of New Scotland
Regular Town Board Meeting
03/14/2018**

The following Town Officials were in attendance:

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

1. Call to Order

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

2. Pledge of Allegiance

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

4. Approval of the Minutes of the Following:

- February 14, 2018 Regular Town Board Meeting
- February 14, 2018 A Public Hearing Proposed Local Law F
- February 14, 2018 B Public Hearing-Heldervale Water Ext. #10
- February 14, 2018 C Public Hearing-Heldervale Water Ext. #11

RESOLUTION 18-066

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.

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

5. Notice received re: Wren & Rail filing for liquor license

Supervisor LaGrange advised receipt of new liquor license application information from Wren & Rail. They are going to sell beer and cider. This is a seasonal establishment. The Town can comment. This is basically letting us know what's going on. There were no comments from the Board.

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

--for attachment please see Town of New Scotland website--

Supervisor LaGrange advised that this needs to be reintroduced so we can start the process over again. Attorney Naughton said that it's a continuation of the process. It has been revised, and the revisions are substantial enough to warrant a second public hearing. He would recommend that we schedule a public hearing. If we want to do it for the April meeting, that would be enough time to do notices. That would be April 11, and we could hear public comments at that time. Councilperson Greenberg said that we should refer it to Planning. Attorney Naughton agreed, adding that they've seen it a couple of times. That's really all we need to do.

RESOLUTION 18-067

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 public hearing for April 11, 2018, at 6PM for revised proposed Local Law F of 2017 and to forward it on to the County and Town Planning Boards.

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Councilperson Greenberg seconded the motion.

Councilperson Hennessy asked if the public hearing is for the entire law or just the changes. Attorney Naughton said that it would be open for the entire law. He thinks we can make a statement at the beginning that if something hasn't changed and someone is still unhappy with it we will accept their comments from the last time. Those are all under consideration as part of entire record regarding Local Law F of 2017.

Councilperson Snyder asked if we send this one with the changes on to the Planning Board or do we wait until after the public hearing? Attorney Naughton said that we send it now. The County's last recommendation was to defer to public action or consideration. That just means that they are not going to put in any comment or recommend disapproval or anything like that. He wouldn't expect that there would be any change in that position with the revisions that were made. Councilperson Snyder asked if we would send this on revised and anticipate that there will be no substantial changes after the next public hearing to have to resend it. Attorney Naughton said that we wouldn't expect to.

Roselyn Robinson asked if there would be a red-line version, and will there be a version of the revision one so we can see the difference between that and the original without going page by page and comparing it?

Attorney Naughton said that he fielded a couple of questions about that and because the formatting changes were so substantial, normally I would say that although black lines and red lines are very helpful, they really aren't all that helpful. The big thing that happened, from a formatting point of view, is that the text of the local law that was attached to the cover law had a lot of definitions in it that were at the back. They really should belong to a revision of §190-99 of the Zoning Law. Those are now up front in the local law, and those are substantial. There was a section about electric vehicle charging stations also. Those are now up in the front. There was a section that was really just a one liner indicating that there is a new subsection H that makes these applications in the hamlet district subject to site plan review. That all comes up front. With the definitions, there was a lot of underlining that was going on in the last version, and so all of that underlining is kind of out and it's formatted the same way that it is in the normal local law. Beyond that there were some changes to the definitions that largely were the result of the Building Inspector's review and comment. Then there were comments at the hearing that were also repeated at the workshop about the problem of complying with the open space provisions on pre-existing small lots. That provision was changed so that it basically exempts lots that are 2 acres or less from complying with these new regulations about open space but still requires them to comply with existing law which is basically a 25% open space. We overlooked the fact that there is something that's an approved use now which didn't come over in the chart of permitted uses which is building supply facilities. We also put dry cleaning back in there for the HD-C district where it's permitted by special permit. Finally the Building Inspector noted that there was nothing really for garages, and so we allowed garages as accessory use associated with residential uses and then we put in garages for public use in the HD-C district. In other words if you want to put up a parking garage facility in that commercial area that could be done by special permit. Those are really the main changes. Everything else was just cleaning up and formatting. Attorney Naughton found that the black lines could cause a migraine and not be helpful like they usually are, and that's why we're not going to make it available. Beyond that there were lots of different versions floating around and so it's not all that helpful depending on what you're comparing it to. Councilperson Greenberg said that the other main change was open space. Attorney Naughton said that that's a very big change. Councilperson Greenberg added that another one was that shared wells on septic systems, was taken out. Attorney Naughton said that on the incentive part there were many comments about a taking which was never the intent. It was always encouraged that open spaces that were suitable for public use would be donated to the Town or covered with a conservation easement. It's not mandatory but now what we've done is to put in incentives for a developer to donate the land to the Town or put in a conservation easement on it for public use. There is a 10% incentive for additional units, and there is a reduction in the open space option, and then there is an increase in permeable surfaces area. It's a menu of options that the developer can choose from if they

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want to go that route. We just wanted to create an incentive for people to make open spaces.

Timothy Stanton asked if the revised law is on the website. Town Clerk Deschenes said that it is. Maura Mottolese added that right now there are two things on the website. There is Local Law F of 2017 and above it is the revised Local Law F. Attorney Naughton said that we should probably take down the old one. Mr. Stanton asked why; if you do that then we can't compare. Supervisor LaGrange said that we could leave it up for now. Attorney Naughton said that that's what's being considered now so you would normally take that down. If you want to have a copy to compare it to now would be a good time to download it you haven't downloaded it already. Mr. Stanton added that what Attorney Naughton just summarized was great. Why couldn't that be put on a page on the website summarizing the main changes? Attorney Naughton said that we will talk about that. Mr. Stanton said that he would like to see a summary, nothing legal or binding. People would need to read the law to see for sure, and he just thinks that would help. Attorney Naughton summed it up really well. Mr. Stanton then asked if anything was done with drive-thru. Attorney Naughton replied no. Supervisor LaGrange said that he's still advocating for it in the two outer zones. Councilperson Greenberg said that it's not that they are not allowed; they would have to go for a variance. Mrs. Elliott added that that is what a use variance is. Supervisor LaGrange said that it wouldn't be very hard for a bank to prove a hardship. Mrs. Elliot said that it's still a use variance, the hardest thing under the law to get.

Attorney Naughton suggested holding the comment period for the public hearing.

Cynthia Elliott asked if we could keep the existing law up and do what Mr. Stanton has suggested with the highlights. What she saw was that the definitions were moved. She understands the format, and it was a good answer to move them to the front. If you print both you can really compare. Page numbers are different. It would be nice to get the colors the same on the map, but that's okay too. It would be great to do that, but please leave up the existing right now for at least a week.

Supervisor LaGrange said that it would certainly be considered.

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

Supervisor LaGrange said that there has been a lot of work put into this in the last month, and he wanted to thank everybody (Councilperson Hennessy, Councilperson Greenberg, and Attorney Naughton).

7. Discussion re: possible regulations regarding short-term rentals

Supervisor LaGrange said that he wanted to have a discussion of possible regulations regarding short-term rentals. These are the Airbnb types. This has started from an issue we had. We had complaints about a lot of late-night noise and one-day rentals that neighbors are uncomfortable with. We thought we had some answers just without getting into passing any type of zoning changes or this or that. He's talked to a couple of Board members who have a couple of questions about the Airbnb establishment and some other things. We're not really looking to introduce something, but we want to start to consider what options there might be like a minimum length of stay. Things like that might make for a safer environment for a neighborhood. If any of the Board would like to chime in, we will be working on that in the next three weeks to see what we need to do. He just wanted to bring it up tonight and have it on the agenda.

Councilperson Snyder said that she would just add to what Supervisor LaGrange already said. We are talking about this now because we had these concerns raised to us by people throughout the town unexpectedly. You wouldn't necessarily anticipate something like this, but evidently it is becoming an issue to certain neighbors. Communities feel as if they have no protection for very short-term renters that are coming in for an overnight stay or maybe even a weekend stay. Maybe the homeowner isn't home, things happen, emergencies happen, and people are not sure what protections or what rights they have, not only the people who are renting the house or the room but the people who live in the neighborhood. It's becoming an issue that's brought to the forefront not only here but throughout New York

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State, probably throughout the country. This is something different and we're trying to get our arms around it. She thinks she had said to somebody once before that she thought we'd try to work informally if we could as these things arose because she doesn't necessarily like to hit someone with a mallet when really all you need is a little tap to try and make an adjustment. So, we're trying to figure out what the right measure is if there is one to take, whether it requires a new law, or whether there are other mitigating things that we can think about. That's what brought us to this point tonight.

Supervisor LaGrange said that there is some legislation going on in other municipalities and the state that addresses this too. We're kind of interested to see what might transpire with that and what the results are. That's another thing to be mindful of. Councilperson Snyder said that she thinks New York State is actually working on some legislation that addresses these very same concerns. She thinks it's on the level that may not necessarily fit in with our community, but nonetheless it's a hot topic. Councilperson Leinung said that there is definitely state legislation. New York City has very specific regulations on short-term rentals right now, and the State is kind of looking at ways to address it, maybe having counties opt in, opt out, and have it regulated on the county level, especially when it relates to taxes and imposing occupancy taxes. Of course it's New York State and the tax concept. Also on the other side of things here, we also have to be mindful that before restricting something we need to look at the rights of the property owner, as well. Some property owners do want to rent out their properties and use it for some income. If that's the case maybe we do need some type of time restrictions; you can only rent out x amount of times a month, you can only have 3-4 guest at a time, the owner has to be at the property while they are renting it out to make sure things don't get out of hand, etc. There are lots of different thing we can do. A lot of other municipalities have passed legislation. He's not sure at this point what we would even look at for legislation right now, but he thinks it's something that we need to take a look at. It does seem like there is a hole in our enforcement right now. I don't think there is much our Code Enforcement Officers can do aside from enforcing noise complaints and maybe some other nuisance complaints, but that's already existing law so that always can help a little bit. He thinks this is worth discussing and considering, but before we jump in head first we need to think about what we're going to look at before drafting anything. Supervisor LaGrange said, again, it's probably been 6-8 months we have been trying to get this situation resolved privately rather than taking it to the next level.

Cynthia Elliott asked if the Board would consider and think about the difference between an Airbnb and a Bed & Breakfast. Our code has Bed & Breakfast and a definition. It is consistent with the State of New York code where the owner must be on site, where you must be serving just one meal, which is breakfast and/or brunch and a separate dining area, and where there are no more than 5 bedrooms but no less 3. That is the state code and our code; however, it doesn't exist in any zone. So, the first thing to do if we say yes to bed & breakfasts per State and New Scotland's definition and you put that in the RA zone and the MDR zone, then you could look at the Airbnb differently and you could enforce the code that you basically have by saying those need to go to just a site plan review and then look at one differently that may not have the owner on site. Those are two different entities. You might be renting the same house but it's a whole different game plan if the owner is sleeping in their own bedroom and serving you breakfast as a B&B. That's different from them taking off and going to the Cayman Islands and renting it for a week. Councilperson Snyder said that that's the avenue being explored. Mrs. Elliott said that we have it in our code so just put it in the zone.

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

Supervisor LaGrange said that this is a discussion/action regarding the appointment of a ZBA member for a term expiring December 31, 2022. This is a five-year term. For various reasons this has been delayed up until now.

RESOLUTION 18-068

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Jeffrey Baker as Zoning Board of Appeals member for a term expiring December 31, 2022.

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Councilperson Greenberg seconded the motion. Councilperson Hennessy said that he's not supportive. He just thinks that this would be a good time for a change. Councilperson Snyder said that she would echo Councilperson Hennessy's comments. Councilperson Greenberg said that he's very supportive. He thinks that Mr. Baker has as much knowledge of zoning law as almost anyone in the town and a lot of experience in his position as Chairman which he's held for a year or two now. He's helped out on numerous projects and donated in time both to the Comprehensive Plan Committee that he's been sitting on and has been invaluable on and also on the Hamlet Zoning Committee. He's from Clarksville which is a bonus. We often have trouble finding people to fill seats on the boards that give us some diversity geographically within the town. Right now on the ZBA we have people from Feura Bush, Clarksville, the Village, and a couple people outside of the village on the northern side of town. He likes the make-up and the work they generally do. Councilperson Leinung said that he worked with Mr. Baker when he was Planning Board Attorney for a while. We had a pretty good working relationship, and he would echo what Councilperson Greenberg said about not having many people out there with as much knowledge about zoning and zoning matters as Mr. Baker so he is supportive of him.

Cynthia Elliott said that it might be the kiss of death, but he's the most qualified and he runs a good meeting.

Mary Boyce said that she thought he ran a good meeting also, and they thought he was very good at explaining things to the public at a level the public could understand. He's very patient.

All present and voting, the motion carried (3 Ayes, 1 Abstention (Councilperson Snyder), and 1 Nay (Councilperson Hennessy).)

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

Supervisor LaGrange said that the Chairman role is a yearly term for both the Planning and the ZBA.

RESOLUTION 18-069

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Jeffrey Baker as Zoning Board of Appeals Chairperson for a term expiring December 31, 2018.

Councilperson Greenberg seconded the motion.

Councilperson Leinung said that he would repeat what he said for the last appointment. He is very qualified. Councilperson Hennessy gave the same reasons as before; he thinks it's time for a change.

All present and voting, the motion carried. (3 Ayes, 1 Abstention, 1 Nay). Councilperson Snyder abstained and Councilperson Hennessy voted nay.

10. Discussion/Action re: establishing hours of operation for Justice Court offices

Supervisor LaGrange advised that we are going to table this. There are some loose ends to catch up with. We have a meeting set up with a few of us for Monday at 5 o'clock to go over this with the Justices. We've had some questions arise. This not only includes the hours but the way we handle the Court Clerks' positions as employees and whether they have compensation time or not. Some of these other things have gone on that we talked about before the budget last year. We'd like to clean that up. We thought it was going to be easier but it's not, so we're going to get together with Justices. Attorney Naughton, Councilperson Greenberg, and Supervisor LaGrange along with Mrs. Kavanaugh will get together with the Justices and try to get this ready for our next meeting. In the interim they are pretty much following the rules that were set up except for the office hours that we haven't decided on yet.

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

Supervisor LaGrange said that we had a workshop on this with the Heldervale and the Feura Bush residents. Both areas were running yearly deficits. Some of the others are too, which we will get to, but these are the most troubled. They had a debt from the deficits. This Board, after much discussion and a workshop with those folks, decided to make some changes solely in the usage rate. This is something that the Supervisor's office and the Board will pay particular attention to each year to see if there is an opportunity to move the rates back down or if we need to bump them up again. These are special benefit districts and they are required to meet their revenue and expenses by the end of the year. This hasn't been done for many reasons in the past. There are so many things that went into this. These two districts especially got behind. A lot of times we project something and either usage is down or on some of these districts like Heldervale there's going to be almost a third again number of homes added to it in the Creekside development which will help to satisfy this issue in the future. The proposal is in front of the Board. For the Board's information, he and Mrs. Boehlke went over this extensively.

In Clarksville we have been using some fund balance to balance them out. We are also looking at about a 20% yearly expenditure as our goal to have in a fund balance. Taking all of those things into consideration obviously with Clarksville we don't want to keep reducing the fund balance. We projected at the end of this year to be \$11,000, and it really should be \$31,000 roughly so we're proposing \$1 increase there. A great majority in Clarksville use the minimum so you're talking \$0.54 a day after this change for water.

For Colonie Country Club Estates, we started out with a number, \$9/1,000 gallons. There are a lot of things going on for this as they build out. We need to keep adjusting a little bit to find out where we are going to be to satisfy the yearly expenses. Voorheesville bills us ahead of time on some of these. It's very hard for us to bring all of these numbers together and come up with a number, but because of the trend this past year we're proposing \$1 increase there. It goes from a minimum of \$225 to \$250.

Feura Bush we discussed at length. After the change that the Board suggested and we were moving toward, they will be paying \$1.30 a day for their water. He's just trying to put that into perspective.

Font Grove does not change. They have a healthy fund balance and a healthy rate.

Heldervale we've discussed. Heldervale residents will be paying about \$1.54 a day for their water, similar to what Feura Bush will be. There are a lot of opportunities and this includes sewer. We decided to go up \$1.40 there. Heldervale has those Creekside houses coming on. Depending on the usage and what people do, he thinks there will be opportunity next year to possibly do something here. We might catch up further than we expect.

Kensington Woods is staying the same for now.

In Northeast, we're suggesting bumping it up \$0.50. We've been using a little of their fund balance each year, and we need to reverse that. It goes from \$120 minimum to \$135.

In New Salem, we actually proposed lowering \$0.50 on this. They have a very healthy fund balance. By decreasing that, we're still probably going to add a little but we want to be sure that we don't just take a one-year picture and make rash judgements. We entertained proposing \$1 less, but to be conservative and not get into the position we have with other districts we are recommending the \$0.50 decrease.

Finally, Swift Road we're leaving the same. It has a good solid fund balance and it's been building, but as you're aware we have upgrades there. We have the pumps that were in the \$17,000 range. That hasn't come out of their fund balance yet. We are exploring the VFDs for the district which are going to be over \$30,000. Mr. Frueh said he thought they were about \$18,000. Supervisor LaGrange added that he might be \$30,000 for both combined. We can discuss that later. Supervisor LaGrange said that he does have a pipe to show the Board sometime that was taken out of the Swift Road District. It's a good example of how

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this ductile iron disseminates over the years. He has the section cut out from the Swift Road break the second to last week in December. It gives you an idea what these are looking like. So even though they are gaining on their fund balance, we have decided to wait and not decrease it. Let's see what we have to address in the district before we do that.

That's a quick rundown. Supervisor LaGrange will attempt to answer any further questions if there are any. After a lot of work and thought, this is what we came up with to present to the Board.

Councilperson Leinung thanked Supervisor LaGrange for doing this. He's new to the Board so seeing proactive steps here so we don't end up in these negative fund balances for years on end is maybe a good idea. Councilperson Leinung said that he's a little curious. In general, do we normally do this in the context of the budget? Supervisor LaGrange said that it's normally done in January. Councilperson Leinung asked if it's not part of the normal budget process? Supervisor LaGrange agreed. Councilperson Leinung said that he knows part of that is because we get the rates at different times from Bethlehem and Voorheesville. For some of our districts that have New Scotland water, we know the rates (Clarksville, Northeast, Kensington Woods) so it's just more monitoring how it's going from year to year. He almost thinks that maybe for those districts, instead of setting the rates part of the way through the year, we could think about those before the next year starts. Supervisor LaGrange said that the only problem we have is the billing for the second half of year goes out in early January. Until we know what the revenue is and how the usage is, it's difficult. We could but we generally look to the January/February meeting to set the rates. The only reason it was delayed this year was because of the issues we were having. We wanted to make the right decision, an informed decision, on Feura Bush and Heldervale.

Councilperson Leinung said that for Clarksville we're not in a negative fund balance yet, but it's been a decrease the past few years. Supervisor LaGrange said that it's been used to balance it. Councilperson Leinung added that he knows that the rates have been constant there for several years. Again, if there is a way we can get ahead of not having a negative fund balance and getting a healthy fund balance built up and then maintaining, that's a good idea. Supervisor LaGrange said that it's important because during the last two weeks in December we had three different districts with big leaks, and one with a tremendous leak. Those are all ductile iron places that we know will continue. They are not going to get better by themselves so to have a healthier fund balance we may be able to address them a little more regularly or postpone a major bond by doing some temporary fixes. Councilperson Leinung said that we don't want to get too big of a fund balance. Don't we get in trouble if it's too large? Supervisor LaGrange said that that was right, and that's why the 20% figure. That's what we've dealt with in other areas. It was suggested by Mr. Purinton, our Internal Control Officer. That's kind of a good range to be in. Nobody will give us any real numbers for our general fund balances on these. That seems to be kind of the accepted.

Councilperson Snyder said that to clarify these revised rates for 2018, particularly for Feura Bush and Heldervale, are we taking into account the deficits we are going to cover and to also include the debt payment? Supervisor LaGrange agreed adding that that's usage debt, not infrastructure debt. Councilperson Snyder asked if that was the debt that they incurred over time and the deficit? Supervisor LaGrange added that that was causing that debt. The yearly deficit from revenue and expenditures deficit has been adding to a negative fund balance. We can't do that. These benefit districts are not supposed to be borrowing from other areas for long term. What we are trying to do is, first, stop the bleeding and the yearly deficit and then start to pay back that usage debt which is what we discussed primarily on Feura Bush and Heldervale.

Cynthia Elliott said that she noticed in the past that there are several individuals who owe money on their water bills. Is there a method or will we be utilizing a method to come up with a better payment plan for them so it is not so much money due at once? It would certainly help with the fund balances if we could get the money that is already owed to be able to help a bit.

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Supervisor LaGrange said that these are six-month bills. Town Clerk Deschenes added that we do get the money that's owed. We're made whole through the taxes. Supervisor LaGrange said that we get it within the year. Mrs. Elliott said it's just that time period of waiting makes it difficult for the planning process and the budget process. Supervisor LaGrange said that it can. Again that's why it's good to have a healthy fund balance. If there is some lagging we can borrow from that fund balance and then put it back when it comes in, whether it comes in January or later.

Councilperson Leinung asked if they have 60 days to pay. Town Clerk Deschenes said that they do, adding that we try to send the bills out in January or February and if they don't pay it goes onto the second bills. The second bill has to be paid off by the end of October. The town is made whole by the County. Town Clerk Deschenes added that her office deposits twice a week for all these waters. Mrs. Elliott said that she's not being critical, but she is trying to figure out a better system. Supervisor LaGrange said that we've discussed going to four times a year billing. That might be in the future because we do have a new program now. We've looked into it. We've gone through three people that have handled our water billing over the past two years. It's a tremendous learning experience. We just went to the new program. It's great. We have the new cell-read meters. It sends a signal to our computer. We started them in Kensington Woods. We are also replacing them as we go in any new homes. We actually can set parameters. Normal usage is about 170 gallons a day depending on the size of the family. If we set parameters of twice the amount of normal usage we would get a signal. Its red flagged for us. We have a couple that used almost twice their monthly rate in a couple of days because a hose was left on and they were away. Leaking toilets are the biggest offender in water districts. It's amazing how much water they use. We are trying to implement these things. We're trying to do things to be able to notify people sooner so they don't end up with a bill of \$2,000 when it's normally \$600. We're constantly looking at those things. If things settle out, we might be able to entertain something like that regarding billing.

Roselyn Robinson said that she didn't think that would matter. I see relieved taxes all the time. There are people who struggle to pay but, the people who are getting relieved choose this. More often or not they never do. They just pay it in with their taxes. They will ignore the bills whether they come four times a year or twice. They pay it in January.

Town Clerk Deschenes said that Ms. Robinson was absolutely right. If you look back at the history of the relevy reports that are turned in every October, it's about the same dollar amount and same people. Supervisor LaGrange said that while there are people, we are always considering these things, and with these rates we are trying to get these districts back to where they should be and move forward.

Tim Stanton asked what the projection is with the new rates, especially with these districts in the red.

Supervisor LaGrange said that we are trying to set the rates for these two and get a five-year payment in a sense for the debt and get into a better place for the Heldervale District, both water and sewer. In Feura Bush we were going to originally do something similar but they had a catastrophic leak back in December that was almost twice what they use in a year. We are coming up to that on the next agenda item. There we have to be a little more flexible. The Board decided at our workshop that we would look at a 10-year payback on that, but he thinks it will be quicker than that. We're just trying not to pound these people but at the same time we have to invest probably \$140,000-\$150,000 in that district soon. They need 800 feet of main along with a warning system like if the pumps run too long. Fortunately their original bond is coming to the end in the next couple of years. They have a couple of BANS out there and then this \$140,000-\$150,000 or whatever it ends up being. They will actually end up paying less than they have on their bond in the future. We are trying to be respectful of people's finances and get this paid back, getting them into the compliance they need to be at the same time. We are really trying to make it easier on the folks and take into consideration those bond payments too.

Mr. Stanton said that you can also look at it the other way too. For the last so many years they've been going in the red and they really should have been paying more. That's the

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way he would look at it. He would rather see the Town charge them more and then when it gets paid off you can always lower them again. He doesn't like to see things keep perpetuating.

Councilperson Leinung said that he thinks part of the problem is if we did it in a five-year period it would actually almost double the rates in Feura Bush. It is substantial. Councilperson Snyder said that it would have been a 60% increase. Councilperson Leinung said it was a substantial enough increase that we thought it was just too large to actually shoulder on the people in the district at this point. Again, we are starting to make our way back. If it's not going fast enough, we increase the rates again. Hopefully we won't have to do that. Supervisor LaGrange added that these are big jumps.

Mr. Stanton said that it should have happened a long time ago. Supervisor LaGrange agreed adding that he'd rather back them off later if we get too aggressive than to not. He appreciated what Mr. Stanton was saying. He will say that as these districts borrow money there is a small interest rate to the fund that they borrow from. It's not like it's a free loan but we want to get away from that anyway both legally and just for the sake of doing things correctly.

RESOLUTION 18-070

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby pass the revised rates for 2018 Water and/or Sewer District as outlined:

2018 Rates

Town of New Scotland Water/Sewer Rates

Clarksville Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$6.50	\$97.50
15,001-60,000	\$6.75	
60,001-120,000	\$7.00	
120,000	\$7.00	

Colonie Country Club Estates		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-25,000	\$10.00	\$250.00
25,001-75,000	\$10.50	
75,001-150,000	\$11.00	
150,001 +	\$11.50	

Feura Bush Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$15.70	\$235.50
15,001-60,000	\$16.20	
60,001+	\$16.70	

Font Grove Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-5,000	\$26.00	\$130.00
5,001+	\$12.00	

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Heldervale Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$18.50	\$277.50
15,001+	\$18.50	

Heldervale Sewer District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$10.90	\$163.50
15,001+	\$11.90	

Kensington Woods Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$5.50	\$82.50
15,001-60,000	\$5.75	
60,001-120,000	\$6.00	
120,000	\$6.00	

Northeast Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-30,000	\$4.50	\$135.00
30,001+	\$5.00	

New Salem Water District		
	<u>Rate per 1k</u>	
<u>Gallons</u>	<u>gallon</u>	<u>Minimum</u>
0-15,000	\$9.00	\$135.00
15,001-60,000	\$9.50	
60,001+	\$10.00	

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

Councilperson Leinung seconded the motion.

Councilperson Hennessy said that as he said at the workshop session he doesn't support this. While he sincerely appreciates the efforts of the Supervisor's office and the accounting office in putting all this information together, he just doesn't think we've focused enough on the expense side of this equation. We're focused more on the charges side of the equation. Clearly we have to raise rates. It's very understandable here but he just want to make sure we maintain our focus on the expenses side. Obviously the majority of that is paying for this water from either Voorheesville or Bethlehem. I am not going to support this at this time. Obviously it's mostly Feura Bush, Swift Road, Font Grove, and Heldervale who buy from those communities but that's his point.

Supervisor LaGrange said what for clarification Feura Bush and Swift Road buy Albany water transmitted through Bethlehem. Councilperson Hennessy said that he is aware of

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that. Supervisor LaGrange added that Heldervale along with Font Grove sources their water from Bethlehem directly, and they pay two times the Bethlehem resident rate. Kensington Woods has its own source. Clarksville has its own source. Northeast has its own source. Colonie Country Club Estates sources theirs from the Village of Voorheesville which is also two times the rate that a Voorheesville resident pays plus there are a couple of charges on top of that.

All present and voting, the motion carried (4 Ayes – 1 Nay). Councilperson Hennessy voted nay.

12. Discussion/Action re: urgent repairs to portion of Feura Bush Water District water main

Supervisor LaGrange said that this Board understands what's been going on in the Feura Bush Water District. This is more of an update. The action would be scheduling a special meeting for March 28th. We received the parameters from Stantec on design and things associated with this replacement. This is more than an urgent repair. It's an emergency repair. Mr. LaChappelle has been contacting and meeting with seven different entities that deal with this type of stuff including directional drilling. We are trying to get every possible quote we can on this. Councilperson Hennessy said that he has three contractors he can talk to, but he hasn't been given the package yet. He asked for the bid package. I have the plan but is there a bid package that goes with it? Is there a front-end specification? Are there any town documents that are supposed to go with this? Attorney Naughton said that there is one sheet that shows the plan, and then there is a sheet that shows the specifications and all the notes associated with it. Then there is a proposed contract form that also has insurance requirements and the timing deadlines of when we want the work done. Those are the three documents he's aware of that really are the basis for the bidding process. Councilperson Hennessy asked if that's Stantec's office or Attorney Naughton's office? Attorney Naughton said that he could get those to Councilperson Hennessy. Supervisor LaGrange added that if you need the map in a blown-up version we could get that from Stantec. Councilperson Hennessy said that the one that was sent to him is sufficient.

Councilperson Leinung said that he might have a conflict. That is probably the day before the State Budget is due. It's very unlikely that he will be there. Supervisor LaGrange said that it's basically to entertain these quotes. We asked that they be in by March 26th. He's sure we will be probably picking the best quote depending upon anyone's feelings. Councilperson Greenberg asked if Thursday would be better for Councilperson Leinung. Councilperson Leinung said that that whole week is bad, and he just doesn't know his schedule. He may be able to attend, but he just can't commit. He knows this is also time sensitive. Everyone else said they could make it.

RESOLUTION 18-71

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 Town Board Meeting for March 28, 2018, at 6 PM to review quotes for the Feura Bush Water District main replacement.

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

13. Resolution re: Creekside Dedication of Water Line Infrastructure on Westover Rd. in the Heldervale Water District

This item was tabled. They haven't completed the requirements for the dedication per the development agreement so we're waiting on that. They won't be proceeding until we get done.

14. Resolution re: dedication of Water Line Infrastructure in the New Salem Water District Extension 1

Supervisor LaGrange advised that we haven't gotten everything yet for that so we're going to table this, too.

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15. Resolution authorizing Supervisor to execute master agreement with NYS DOT for the Krumkill Road Corrective Maintenance FHWA project

Highway Superintendent Guyer apologized for just getting this out today. We just received this from DOT this morning. This is something we've been waiting on. We had a meeting on Monday regarding it, and it showed up this morning. This is in regard to our Capital District Transportation Committee. It's a grant that we applied for. It's for the section of Krumkill Road between Font Grove and the Normans Kill. It's just shy of a mile. It is for a cold place recycling of the existing asphalt and then a new overlay over the top of it. It also includes a 200-foot section. We are trying to remediate this dip that we've been dealing with for years. Councilperson Hennessy asked if it's also called the "slide." Highway Superintendent Guyer said no, it's on our side the Normans Kill. Before you cross the bridge there is a slight dip. We put a Band-Aid on it and took some of it out. From what he understands this has been an issue since Mr. Van Zetten was Highway Superintendent. We are going to try and remedy that as part of the project. We were granted this project from CDTC. It's Federal money, FHWA. There is a resolution that we need to pass. Once the resolution is passed it goes back to the Federal government, and they will in turn green light it. At that point we can start working on it. Our hope is to have this done this year. Supervisor LaGrange said that the grants are staggered from September to August. Highway Superintendent Guyer said that they delayed us a year on this from when it was awarded. It's a five-year TIP, and they overextended themselves in the first year so they pulled some projects and we were one of them, but they put us on for this year. Supervisor LaGrange said that the engineering is done first and then, because we're in that staggered yearly cycle, the actual work will be done in late summer or early fall.

Attorney Naughton said that there is a number here of \$28,800 in the proposed resolution, and that comes out of our funds. Highway Superintendent Guyer said that that is correct. We pay 20% and the Federal government pays 80%. The \$28,800 is for engineering. It's for the design of this project. It's a reimbursement grant so the Town has to front this money and will be paid back 80% as it stands now from the Federal Government. We have applied for Marchiselli funds from the State. If we are awarded that, they will pay 15%, basically 75% of our 20%. That would bring us down to 5% for the entire project, but that's not a guarantee. Supervisor LaGrange asked if that was for engineering and construction. Highway Superintendent Guyer replied that it was for the entire project. Councilperson Hennessy said this agreement says that there are no Marchiselli funds. Highway Superintendent Guyer said that that is correct. It's been applied but they have not been granted yet. So, we have to go into this as we're paying 20%. We agreed to that when we went into this. We knew that's what this was. So, worst case is we're paying 20% and the government pays 80%. There is a chance that the State will come and pay 15% of that. Councilperson Leinung asked if the \$360,000 is the total cost and 80% is the \$28,800. Highway Superintendent Guyer said that that's the entire project. Supervisor LaGrange said that we put in \$360,000 for the sake of getting this together. Councilperson Greenberg said that this is a delay in what we were about to do a year ago. Highway Superintendent Guyer agreed. Attorney Naughton asked if we think the \$28,800 is enough for Stantec to do the engineering. Highway Superintendent Guyer said that that's engineering for the design. Supervisor LaGrange said Stantec submitted a scope for this before we sent it to the State and got this approval. The State said okay, and that's where the figure came from. Highway Superintendent Guyer added that this number came from Stantec and the State has to approve it, which they did, and now we're to the formal resolution.

Councilperson Hennessy asked if Mr. Frueh could comment on what goes into the design element of this job. Mr. Frueh said that Mr. Johns handled this. Mr. Frueh has worked with him a little bit but he wasn't overly familiar with this. That is the preliminary design and the detail design is the \$28,800. Councilperson Hennessy said that generally this is not the typical design of a highway job because it's just resurfacing and recycling existing. There's probably a lot of survey mapping, but it's not as in-depth a design like a normal new highway would be. Supervisor LaGrange added that that was with the exception of the addition of the drainage.

Councilperson Greenberg asked if this involves road closures and do we know how long the project will take. Highway Superintendent Guyer didn't know yet but assumed the drainage

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portion may involve a closure. He believed the recycling portion could be done one lane at a time. It is the same process that was done on Delaware Turnpike this summer. They take core samples, they recycle, and core samples will tell them what has to be added to the roadbed prior to the recycling. It's laid down and it sits a few weeks, and then it's topped. Supervisor LaGrange said that they did two tops on Route 443. Highway Superintendent Guyer said that they may have done two lifts. Supervisor LaGrange said that it's an amazing thing to watch. They lay down the gravel ahead of it and then they have the mix. Councilperson Hennessy said that similar to Route 443 they've been doing that on Route 85. Route 85 is way too high now. The lift of pavement is so high by Olsen's that you have some ravines that are not real safe along that highway. Supervisor LaGrange said that on Route 443 they went down 4 inches to 6 inches and then they used that as a subbase. Then they put the two thin coats on top, maybe a couple of inches each. Maybe it's been built up over time on Route 85 but over there it was so bad that there was some room to space. It didn't really change too much of the dynamic of driveways and other roads. There was some apron improvement but it wasn't terrible.

Highway Superintendent Guyer said that the resolution says that it authorizes the Supervisor to execute, and he and Supervisor LaGrange spoke to this today. We don't care but that's what NYS put on there so he doesn't know as far as signing this. Attorney Naughton said that he could sign it. We will make the resolution that either the Superintendent of Highways or the Supervisor can sign it.

Town of New Scotland
(Locally Administered Project)
RESOLUTION NUMBER: 2018-072

Authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

Supervisor LaGrange offered the following resolution and moved its adoption:

WHEREAS, a Project for Krumkill Road Improvements, Town of New Scotland, Albany County, P.I.N. 1760.30 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of New Scotland desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering work.

NOW, THEREFORE, the Town Board, duly convened does hereby

RESOLVE, that the Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of New Scotland to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$28,800.00 (Twenty-Eight thousand Eight Hundred dollars and no cents) is hereby appropriated from Highway (DB) appropriated pursuant to and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of New Scotland shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that either the Town Supervisor or the Highway Superintendent of

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the Town of New Scotland be and is hereby authorized to execute all necessary Agreements, certifications, or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of New Scotland with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately

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

Resolution establishing and funding Capital Project HKR

RESOLUTION 18-73

Supervisor LaGrange offered the following resolution and moved its adoption:

Whereas, the Town of New Scotland is desirous to make corrective maintenance improvements to involve cold in-place recycling with a new wearing surface as a primary treatment. A short, 200-foot section of roadway west of Normanskill Bridge will require reconstruction due to subsurface drainage deficiencies that are causing settlement in this portion of roadway on Krumkill Road,

Whereas, the Town desires to establish a capital projects fund for the purpose of accounting for the project,

Now therefore be it resolved, that the budget for the capital project (HKR) Krumkill Road is as follows:

Increase Revenues:

(HKR) 4597 Federal Aid/Transportation	\$288,000.00
(HKR) 3597 State Aid/Transportation	\$ 54,000.00
(HKR) 5031 Interfund Transfer In	\$ 18,000.00

Increase Appropriations:

(HKR) 5112.4 Permanent Improvements	\$360,000.00
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Now be it further be it resolved, that the Highway Fund – Town Outside Village (DB) fund the Town's local share of the project as follows:

Increase Revenues:

(DB) 0909 Fund Balance	\$ 18,000.00
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Increase Appropriations:

(DB) 9901.9 Interfund Transfer Out	\$ 18,000.00
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And be it further resolved, that General Fund Town Outside Village– (B) be authorized to loan to the capital project sufficient cash monies for adequate cash flow at an interest rate of 0.00% per annum

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Councilperson Greenberg seconded the motion.

Supervisor LaGrange said so that everyone knows, that \$72,000 is the most and it's depended upon the State's fund, if they come through, and it will take that down to a quarter of that. Councilperson Greenberg asked if there are in-kind services available. Highway Superintendent Guyer said that he wasn't sure and needed to check.

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

16. Highway Department:

• **Seasonal field use applications**

Highway Superintendent Guyer said we have a couple of seasonal field applications. One from the Voorheesville Lacrosse is back. They are looking for practice the same as they have in years past. They utilize the soccer field. They share the soccer field with the New Scotland Soccer Club. Capital District Senior Men's Baseball League has been with us for years. They are back looking for dates and times. What everybody has asked for so far we can accommodate.

At some point Superintendent Guyer would like to have a discussion with the Board as far as what direction we want to go with these field rentals because of the amount of games. We can accommodate everybody but it's a very full schedule for the season. Councilperson Snyder asked if Highway Superintendent anticipated more requests. Highway Superintendent Guyer said that his concern is that the majority of applicants are not from our town. If you do the math we are losing money on this. Councilperson Snyder that this is the case especially when you factor in labor and maintenance. Highway Superintendent Guyer said absolutely. Councilperson Leinung asked how much the fee is. Councilperson Hennessy asked who's not from the town. Highway Superintendent Guyer said the senior men and our softball leagues. Kiwanis would be our town along with the Lacrosse and New Scotland Soccer. With what the teams asked for this year, they are chewing up our rain dates as well. Some of those days he's not going to give them because we can't book every day; then we would have no rain dates. What he's asking is that the Board approve the timeframes and what is here, and then we will go through and weed out some of this stuff so we do have some open time on the field and some rain dates, as well. We have our four Lynn's Kiwanis, NYS Coed, and Senior Men's so far. He threw together a quick color-coded calendar. When you get into May, June, and July you have to multiply three games a day. With our one full-time park attendant and our part-time help, we spend a huge majority of our time dressing ball fields. It's just something we should look at and keep in mind. We can fit all these people in so he's asking the Board to approve these. Then he, Mrs. Campana, and Mr. Duncan will go through these and work the schedule so everyone is happy. Supervisor LaGrange said that maybe we need to look at this after we get through the season and see what the Highway Superintendent Guyer and the Board might recommend as far as how far out do we rent these for residents or if we have a big rate difference. Councilperson Snyder said that maybe there is a breakeven point if we figure out how much it costs us so we could at least break even. Councilperson Leinung said that the Town of Bethlehem starts doing things based on how many members of the organization are residents. Highway Superintendent Guyer said that we have an in-town rate versus an out-of-town rate and it's a percentage of the team. The New Scotland Kiwanis, the Lacrosse, and the soccer of course will meet it. We do have a Little League Club, that's not here this year, but they will probably be back. Things like that make it but our softball leagues don't make it so they pay the out-of-town rate. We do have that implemented. Anyway, he is asking that the Board approve the Youth Lacrosse and the Senior Men tonight. We will work with them and make sure everyone is happy.

RESOLUTION 18-074

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does accept these applications for field use permits from the Capital District Men's Sr. Baseball League and the Voorheesville Youth Lacrosse.

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

- **Authorize Highway Superintendent to advertise for summer/seasonal help**

Highway Superintendent Guyer is looking for authorization to advertise for our summer help for the parks and the highway department. We have two at the highway and then they bump back and forth between highway and the parks. He will also be looking for someone to mow at the park. The gentleman we had for the last few years got a full-time job so he will not be returning. Councilperson Greenberg asked if we increased this by one this budget season? Highway Superintendent Guyer said that we discussed this last year. Councilperson Hennessy said that it's in the budget. Wasn't that going to be a permanent person? Highway Superintendent Guyer said that it was seasonal. Councilperson Hennessy suggested back checking that to make sure. Councilperson Greenberg asked if we are asking for two now. Are we asking to advertise for the two seasonal? Highway Superintendent Guyer said that he's asking to advertise for summer hire so he doesn't have to come back next month. He can advertise for the park and the Highway in one shot. Councilperson Hennessy said that he thinks it's two existing, one for the mowing and then the new one. Councilperson Greenberg said that he thinks it's four. Highway Superintendent Guyer said that that is correct. We've had two and the mowing guy so we've had three seasonal so he's asking for one more. Councilperson Greenberg just wanted to make sure that the resolution was right. Councilperson Snyder asked if that could be summarized. How many is Superintendent Guyer asking for? Attorney Naughton said that if he's reading this correctly, Superintendent Guyer is just going to advertise that there is an opening and then you can decide how many you are going to hire. Highway Superintendent Guyer said that we did have a discussion last year about bumping it, and he did forget that. Councilperson Greenberg said that he just wants to make sure that we hire the right amount of people. Supervisor LaGrange said that we will narrow down what we discussed and what's in the budget.

RESOLUTION 18-075

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does authorize the Highway Superintendent to advertise for summer seasonal help for 2018.

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

Update on Pick-up Trucks

Highway Superintendent Guyer had a quick update. Last month there were a few pick-up trucks on the agenda to be ordered. One was a three-quarter ton pic-up truck and the other was a one-ton pickup truck. The three-quarter ton pickup truck went through. It's ordered and being built. The one-ton pickup truck, even though we were ahead of General Motors' deadline for ordering, OGS sent our paperwork back and said GM isn't going to make this truck. They are all built out for the year. Highway Superintendent Guyer asked OGS what we do, and they said we start the whole process over. We did start over immediately. We had to open it up to other manufacturers. We are waiting for our State paperwork to come back so probably next month he will be asking for the second truck.

Supervisor LaGrange said that these were primarily to get into the wintertime anyway. Highway Superintendent Guyer agreed adding that this is the old highway truck that may trickle down to the DPW.

17. Fire and Ambulance:

- **Review and approve the 2017 Service Award Program List for the New Salem Fire District LOSAP**

Supervisor LaGrange said that we did Onesquethaw's last month and now New Salem has theirs in. This is for our review and approval. We need to approve it so they can post it in the firehouse giving everybody a chance to look it over. I believe they have a 30-day comment time and then it's finalized.

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RESOLUTION 18-076

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept and approve the 2017 New Salem Fire District Service Award Program List.

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

- **Resolution in support of state legislation permitting cost recovery for certain fire departments**

Supervisor LaGrange said that next is a resolution in support of state legislation permitting cost recovery for certain fire departments. As this Board is aware and for the public's knowledge, if you have an ambulance that's part of a fire department they cannot by law collect revenue recovery to help pay for the services. This is legislation that would allow for that, otherwise they would have to separate from the fire department. There is a lot of legal work and cost to do that. This is something that we've been asking for for a while. This is to ask for support from our representatives.

**RESOLUTION NO. 077 OF 2018
Town of New Scotland, New York**

RESOLUTION REGARDING SUPPORT OF LEGISLATION
PERMITTING COST RECOVERY FOR CERTAIN
FIRE DEPARTMENTS/COMPANIES
(S 363-B Little / A 7717-B Jones)

WHEREAS, the Town of New Scotland Town Board has been provided with a copy of proposed Legislation that has been introduced in the State Senate (Bill Number S 363-B/Little) and Assembly (Bill No. A 7717-B/Jones) which will authorize authorities having control of a fire department or fire company which provides emergency medical services (EMS) to establish fees and charges for services, amend the insurance law, the General Municipal Law and the Town Law, and allow cost recovery for certain services.

WHEREAS, there are fire companies in the Town of New Scotland, including the Onesquethaw Volunteer Fire Company, that do not attempt to collect for the cost of providing ambulance/EMS services on the grounds that State law does not permit cost recovery by certain fire districts;

WHEREAS, cost recovery authority would help reduce the cost of providing ambulance/EMS services to the Town of New Scotland and its residents;

NOW, THEREFORE, BE IT RESOLVED, the Town hereby resolves that the Town of New Scotland supports Bill Numbers S 363-B and A 7717-B; and it is further

RESOLVED, that a copy of this Resolution shall be sent to:

Patricia Fahy
New York State Assembly
LOB 452
Albany, NY 12248 and

George A. Amedore, Jr.
New York State Senate
Legislative Office Building, Room 802
Albany, New York 12247;

with a request that Assemblywoman Fahy and Senator Amedore support the legislation.

A motion by Member LaGrange, seconded by Member Snyder, to adopt Resolution No. 077 of 2018.

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Councilperson Hennessy thought it was a magnificent thing. This Board has been urging this kind of action for as long as he's been on this Board. We can't support this bill enough. Supervisor LaGrange agreed. Councilperson Snyder said she hopes it passes this year.

In favor:	4 Ayes
Opposed:	0 Nays
Abstained:	1 Abstained
Motion Approved:	4 Ayes

Councilperson Leinung abstained.

18. Engineering:

Supervisor LaGrange said that we have some task orders from Stantec. These are to address the undertaking we've made on reviewing each water district. He's met with Mr. Frueh, Engineer Dempf, and Mr. LaChappelle. Councilperson Hennessy also attended one of the meetings. We try to do it weekly. We started with Swift Road. We did Feura Bush, Heldervale, and Font Grove. Next on the agenda is Clarksville. We have less to do with New Salem because that's relatively new and, of course, Kensington Woods which is relatively new. Supervisor LaGrange asked if he missed anyone. Mr. Frueh said Northeast and Colonie Country Club. Supervisor LaGrange said that we are hitting them, highlighting needs and some of the other things. We're trying to put together a synopsis for the Board as we did for the Heldervale-Feura Bush workshop meeting so that all of us are aware of what's going on, what the potential needs are, and where these districts are historically and what their future needs are possibly going to entail. It's just a general overall specific look at these. Supervisor LaGrange added that Councilperson Hennessy asked if we could use some of this potential task order money and maybe drop \$100 from each of these to put toward some work on a comprehensive plan. It was a good idea but after discussion with Engineer Dempf we'd like to do it a different way. This will come up later in budget modifications if the Board approves it. We'd like to just decrease \$2,000 out of General Engineering, put that back in the A fund and take out of B fund, and put \$2000 towards the Comprehensive Plan Engineering. Two-thousand is probably on the high side, but we didn't want to short it. Second, as the Board is aware, we sent out a quick outline of where we were. One year there was extra stuff, and we went over what we budgeted. Last year we used maybe \$12,000 between Barton & Loguidice and Stantec out of the \$20,000 General Engineering. Just for the sake of our bookkeeping, he would propose that we go that route rather than changing these task orders. If no one has any questions we can run through these and approve them. Councilperson Hennessy said that that was fine by him but there are six of these, and two of them we already have budgets for. He does not know if those task order requests were done in January or February. Supervisor LaGrange said they were in the budget. We budgeted a certain amount and then we did do them in January. Councilperson Hennessy asked if we are just going to skip the two that are already budgeted and just do four of them? Supervisor LaGrange replied yes, if it's budgeted for the same amount. He didn't have that in front of him so he didn't know just what they were. Councilperson Snyder questioned if they did two of those in January. Councilperson Hennessy said that our budget already had engineering for Heldervale and Kensington. Prior budgets had it for other districts but not all of them, so those are the only two that had it for the 2018 budget. He didn't write down the exact amounts but he's sure that our accounting office would have it. He thinks that the proposal that's in here is what was budgeted. He just doesn't know whether we had the task orders at the January meeting or not. Mr. Frueh said that the prior one had the budget within there. Some of them had "slash engineering" after it and those did not. We had not had a task order request submitted in January so we just wanted to formalize that that was the intent of that budget. Supervisor LaGrange said that maybe it was the other general engineering that we're thinking about. Councilperson Snyder said that she remembered those. There were quite a few. She just doesn't remember the water districts individually. Supervisor LaGrange said that if we find that this is repetitious we can withdraw them. Mr. Frueh said that the main goal here is to just have a fund for each water district. Supervisor LaGrange added that these reviews do take a good deal of time and effort. We want to have our maps straight and we want to have a good history. Primarily we want the Board to have an informed decision. We felt it was the way to do it and do it properly.

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Councilperson Hennessy said that we have six of these. Can we do them all at once? Attorney Naughton said if there are not going to be any objections or specific questions about each one, then you could have one resolution and just mention that it's for engineering, the district name, and the amount of the task order and then authorize the Supervisor to sign it. There are no signatures on these but we probably would want that anyway. Councilperson Hennessy said that there is an additional provision that we have to add into it because Engineer Dempf didn't have time to change the task orders individually. We do have one provision we are adding which he agreed to.

Stantec Task Orders for various water and/or sewer districts

RESOLUTION 18-078

Councilperson Hennessy 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 enter into and sign an agreement with Stantec Consulting Services, Inc., for six task order requests for the following districts:

- Heldervale Water District for \$1,000.
- Font Grove Water District for \$1,000.
- Colonie Country Club Water District \$1,000.
- New Salem Water District for \$1,000.
- Northeast Water District for \$1,000.
- Kensington Woods Water District for \$1,000.

The scope of services for the work is:

- Advise Commissioner of Public Works on district issues;
- Effort of technical staff to support DPW on district engineering, design, or construction issues;
- Technical staff to determine district boundaries
- Effort of technical staff for development of GIS Data;

And an additional provision that was agreed to by Engineer Dempf is to prepare a report to the Town Board on each district's deficiencies, recommended improvements, and cost-saving measures.

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

Feura Bush Water District Engineering Services

Supervisor LaGrange said that we obviously have some major issues in the Feura Bush Water District. The appropriation is for a water main replacement and to assist DPW through the bid phase and construction phase along with part-time construction observation of 20 hours. This is a change order for that project.

RESOLUTION 18-079

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland approve the Professional Service Agreement Change Order with Stantec Consulting Services, Inc., for engineering services as they relate to the Feura Bush Water District and the water main replacement at an additional cost of \$5,000 and authorize the Supervisor to sign that.

Attorney Naughton noted that this is for a total cost of \$7,000. Supervisor LaGrange agreed adding that there was already \$2,000 approved for that.

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

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Swift Road Water District Engineering Services

Supervisor LaGrange said that the next item is similar but for the Swift Road Water District. Again, we talked about this earlier. We couldn't build a fund balance because we need to look into putting a SCADA or equivalent emergency alarm system there. We'd like to and he would suggest that we need to. This Board has talked about this in the past on the Variable Frequency Drive components to these new pumps we put in. This will start up the pumps slower and stop them slower as needs go. That doesn't create that hammering effort on those old ductile iron lines that we're popping holes in way too frequently. He believes we're up to eight patches on Swift. Highway Superintendent Guyer said that there have probably been six of them in the last 5-6 years alone. Supervisor LaGrange added that we have a lot of patches there. We want to look into this in more depth. Swift Road does not have a bond right now. They are just paying for their usage but with 30-plus years of ductile iron for that first section that runs basically from the pump house almost to the park. Supervisor LaGrange said that between the old pipe, looking into the SCADA system and all this stuff we want to get more in depth than we did in just the overview.

RESOLUTION 18-080

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland enter into a Professional Service Agreement Change Order with Stantec Consulting Services, Inc., of an increase of \$3,000 for engineering services relating to the Variable Frequency Drive Review, the potential SCADA or emergency alarm, water main leaks, and so forth and authorize the Supervisor to sign it. This will be in addition to the \$500 from the original amount.

Councilperson Leinung seconded the motion.

Councilperson Snyder wanted to clarify. This isn't purchasing any of this; it's only reviewing it. Supervisor LaGrange agreed. Councilperson Snyder asked if specs come out of the review. It seems like a lot of money just to find out something we somewhat already know. Mr. Frueh said that the majority of the money would be talking with Mr. LaChappelle and Supervisor LaGrange and looking into a phasing replacement plan similar to what we are doing with Feura Bush right now with a bad area of pipe that has experienced a lot of breaks. We're starting to get where we are having a lot of breaks on Swift Road. We would be discussing a phasing option and funding for how the Town wants to progress with looking into upgrading the water infrastructure and taking a proactive route as to not experience this. It is also looking into an alarm system for this water district. The problem with the Variable Frequency Drives is that they supply a constant pressure to these users along this road and at times if the break is in a bad area that we don't see it could go unnoticed just like Feura Bush did for a week or more. The next thing you know we are losing seven million gallons and the water district is getting hit with that usage. Supervisor LaGrange said that if it hadn't been for Mr. Green happening to see water flowing down a driveway in a vacant house with that first break we had back in December on Swift, who knows how long it would have gone? It just happened that he observed it. The other thing we talked about was coming out of the pump house on Route 85 the pipe is only a 6-inch line. We also have to have a second review over what Emmons suggests by our engineers to say that if we change that to 8 inches in the future are the pumps that we're putting in and the VFD going to match up to that? We have to go with the hydraulics to get up to the top of the hill. We need to know how that measures out so we need somebody to review what the dealer is suggesting. That's a part of this equation too, not so much if we get into full-bore main replacement, but there has to be some review as to the proposal from Emmons on whether it be the warning system or the VFDs. Those are the things that are a part of this. All of these, keep in mind, are up to the dollar amount on these task orders.

Councilperson Snyder asked if this results in findings or a summary of information. Is it summarized in writing? Supervisor LaGrange replied that it is. He added that he'd still like to see the VFDs. That is something that may give us a little bit of a break on water main breaks by not having that hammer. Mr. Frueh added that it will help with the longevity of our pumps. Councilperson Hennessy asked if there is any discount available because we just authorized \$1,000 on the district for the other study. Mr. Frueh asked what other study?

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Councilperson Hennessy said the study of the Swift Road Water District task order. Highway Superintendent asked if he meant that list that was read off for the previous resolution? Swift Road wasn't on that. Councilperson Hennessy asked why not. Mr. Frueh said that Swift Road was already approved originally for \$500. Councilperson Snyder said that she just wanted to understand if there was a tangible work product other than just conversation. Supervisor LaGrange said that we hope to have a work product from every district to present to the Board. This is a little more aggressive than the other districts because we see an immediate need in the VFD controls and the possibility of having to replace that line too. It's a little more aggressive than the other districts at the moment, other than Feura Bush obviously. Mr. Frueh said that this was the first district where we had the meeting with Supervisor LaGrange and Mr. LaChappelle, as well. We did submit meeting notes for Heldervale and Feura Bush which we will do for this one, as well. It was only approved for \$500 at the initial phase, and that was gone after the first meeting that we had with them.

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

19. Liaison Reports

Rail Trail Meeting

Supervisor LaGrange said he met with a woman who has been a part of the Rail Trail and she asked if she could meet with himself and Mayor Conway along with Pat Conway from the Voorheesville Community and School Foundation. We were asked last minute and Supervisor LaGrange attended. They did a mural on one of the buildings in Bethlehem and they are trying to see if they can add to the Rail Trail in any way. Her name is Julie Sasso. He told her that maybe for the Town, and this can change too, we're trying to concentrate on working on the barn area and the 14 acres of woodland there to try and develop it. It seemed that there was more of an immediate opportunity on the Village end of things where things are finished off a little bit more. They are talking about things like sculptures and murals that might be of interest in the future. He just wanted to let everyone know about that. They are looking to get artists out there to try to incorporate things into the Rail Trail.

LED Street Lights

Supervisor LaGrange said that he has been meeting with Trustee Straut and a couple of private entities that deal in LED street lights, coordinating the buyback from National Grid, replacing the heads, and so forth. We were approached by the NY Power Authority. He had two meetings recently, one with Trustee Straut, a gentleman from Guilderland, along with Peter Barber, the Guilderland Supervisor, and the Mayor of the Village of Altamont. We were made aware that the Power Authority has been tasked to take on the changeover. It's like half of the lights in the state. They have many different opportunities for us. They would actually lead us through the buyback. National Grid was just in front of the PFC to get their rate increased. PFC said that if they would like that they need to reduce the amount they're trying to claim these fixtures are worth. We have a window now so we can go after that.

He had another meeting with the same guy plus a couple of others from the NYS Power Authority and Assemblywoman Fahy's office along with Supervisor Van Luven from Bethlehem. It reiterated the program and what they could do. Supervisor Van Luven was excited about it for Bethlehem. We hadn't included them because we thought they had a big changeover. The more of us that get together the better. The more fixtures there are, the better buying we have for the cost and by hooking up with the NYS Power Authority they've already got the cost lower. Now it comes to the installation and the labor, and that's where the municipalities gathering together as one can get a better rate on the installation. Those are things that are going on right now that we are trying to work on. Supervisor LaGrange said that he has another meeting on Thursday in the Village to continue to pursue that.

Community Choice Aggregation Workshop

Supervisor LaGrange advised that he also attended the Albany County-sponsored Community Choice Aggregation workshop where we discussed the opportunities for renewable energy and possibly being able to go as municipalities and offer it to our residents if they choose to belong. It's in the very early stages. There are a couple of them

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around the state. We're trying to look into that. We were supposed to meet last night but it was cancelled due to weather. It's going to be back on for April 10th if anyone would like to go along. It's something that he wanted to keep an eye on. We were made aware of that. Robin Reynolds is involved, and she's been working with others to see if this is something local municipalities will want to get together on and get buying power.

Clarksville School

Councilperson Snyder said at the Planning Board meeting earlier this month there was a request about the sale of the Clarksville School progressing through the Bethlehem School District to eventually the Albany County Sheriff. Albany County will probably be lead agency on this and will be making comments and taking comments on anything related to the sale and any future changes to the property. The question arises as Albany County will be Lead Agency, more than likely they'll notify the Town of developments, meetings, and opportunities. The question arises how we filter that notification down to the residents most impacted in that immediate area. She was bringing that to this Board to ask for either their ideas or some consideration to filter the meeting dates and any other opportunities to comment down to the residents. How do we get that out there other than putting it on the website? Supervisor LaGrange said that there is still an infrastructure of those residents that dates back to the Clarksville School closing. If we get those announcements and put them on our website there are certain people that could be made aware too, and that could flesh out those email chains. That's one way. We should add it to our website too. Councilperson Snyder asked if we have a mailing list. Supervisor LaGrange said that we do not. Councilperson Snyder said that she thinks we need to communicate to the folks in that community somehow or another when these comment periods occur so they can have some input. She just didn't know what the right vehicle is or maybe there are multiple vehicles. She loves the website but just doesn't know how effective it is. Supervisor LaGrange said that we should put it on there. He knows of three people he can contact and it will be spread throughout the community in 10 seconds. Councilperson Leinung asked if there is a requirement for Albany County. Councilperson Snyder said that that's what she doesn't understand. Councilperson Leinung said that they should have to do the same notifications that we would have to do if it was a public hearing. Councilperson Hennessy asked if it's specifically the Sheriff's office or the County alone. Councilperson Snyder said that we would notify within 1,000 feet but she doesn't know if they are responsible for notifying like that. Supervisor LaGrange said that it's the Sheriff purchasing, but it's the County who would be the lead agency on SEQR. Councilperson Hennessy asked if he could suggest that we request the Sheriff's office to buy one of those sandwich board signs that the town has and put it out on the highway when a meeting is coming up. Councilperson Snyder said that that's a good idea. She just doesn't know if Albany County becomes lead agency. How did they communicate meetings and comment periods to the town? Attorney Naughton said that normally what you do in those situations is craft their own process that will be a lot like but not necessarily as exacting as the process we have for notifying neighboring towns and residents in the area and have a public hearing. Usually there will be at least a public hearing near a facility where it's happening, even at the Clarksville School. They have some flexibility in how they craft that process, and we don't know what it is right now. We should be asking that question. What will the process be and how will people be notified? Councilperson Snyder said who asks? Attorney Naughton said Supervisor LaGrange could write a letter and ask the County to let us know how that will work so we can notify our residents. Councilperson Snyder said that she is requesting that we do that. She can foresee a big communication gap here unless we are proactively trying to obtain this information. She just doesn't know who or how they would communicate anything. We're not really a party to it. It's the school district, it's the Sheriff's office, and it's not the Town of New Scotland. Attorney Naughton added that we may have an interest in seeing how it works and what they are proposing. Maybe we can also ask one of these residents that have expressed an interest to act as a volunteer to get the word out, collect emails, and help get the word out to other residents in Clarksville that may be interested. Supervisor LaGrange said that he's on that list. Attorney Naughton asked him to try and formalize it and take on the relationship. Take proactive measures to find out what's going on and distribute the information. Councilperson Snyder said that she likes the sandwich board idea also. This is the transfer of the building officially, but it's also going to involve the addition of a new structure there and that could begin to impact some of the homeowners in that area. We have an obligation to at least keep them informed so she

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would ask that Supervisor LaGrange do that. Supervisor LaGrange agreed.

School Board Meeting

Councilperson Snyder attended the School Board meeting the other night, and there was a lengthy discussion that had to do with school sports and getting more female participation with the sports that are offered, at least in the Voorheesville School District. On several occasions some members of the Board of Education and some other people there, Athletic Directors and various other people, said that they were looking to perhaps partner with the Town in some way to see if they could maybe develop a program. She's not sure exactly what they have in mind, but they want to develop some programs to at least generate interest in some additional sports that they'd like to begin to offer to attract more female participation. Councilperson Snyder advised that we may be hearing something from the Voorheesville School District about that.

20. Departmental Monthly Reports:

- **Town Clerk, Feb 2018**
- **Tax Collector, Feb 2018**
- **Registrar, Feb 2018**
- **Justice Wukitsch, Feb 2018**
- **Justice Johnson, Feb 2018**

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

There were no comments from the public.

22. Pay the Bills

RESOLUTION 18-081

Supervisor LaGrange offered the following resolution and moved its adoption:

Pay the Bills March, 2018		
Abstract #	Vouchers	Amount
	20180307-20180393	\$127,195.55
Prepays		
Abstract#	Vouchers	Amount
1791	20180273-20180277	\$53,876.01
1792	20180278	\$220.13
1793	20180279	\$76.41
1794	20180280-20180285	\$32,658.40
1795	20180286-20180287	\$1,304.79
1796	20180288	\$824.14
1797	20180289	\$24.52
1798	20180290	\$214.96
1799	20180291	\$212.03
1800	20180292	\$71.56
1801	20180293	\$201.34
1802	20180294	\$75.46
1803	20180295	\$224.77
1804	20180296	\$373.51
1805	20180297	\$37.43
1806	20180298	\$24.19
1807	20180299	\$422.09
1808	20180300	\$73.60
1809	20180301	\$86.54
1810	20180302-20180306	\$2,292.30
1811	20180304	\$34.41
1812	20180305	\$168.54

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

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Ayes)

23. Approve any Budget Modifications

RESOLUTION 18-082

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
Fund Balance	B0909	Comprehensive Plan/Contr.	B8030.4	\$9,500.00
To appropriate money from Fund Balance to Comprehensive Plan/Contractual for supplemental fee and task order as approved by the Town Board on 1/10/18 as per Resolution 18-031.				
Engineering/Gen.	A1440.41	Fund Balance	A0909	\$2,000.00
To reduce amount allocated to General Engineering to allow for Engineering for Comp. Plan.				
Fund Balance	B0909	Comp. Plan/Engineering	B8030.41	\$2,000.00
To appropriate funds from fund balance to Comp. Plan/engineering for Comp. Plan work.				
Fund Balance	DB0909	Perm. Improvements	DB5112.2	\$28,800.00
To appropriate money from fund balance to Permanent Improvements as per Resolution to be signed for Capital Project on Krumkill Rd. – this will obligate funds as required by resolution.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town’s 2018 budget as stated above.				

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

24. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:15 PM.