

**Town of New Scotland
Regular Town Board Meeting
05/09/2018**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	William Hennessy Arrived at 7:05 PM Adam Greenberg Daniel Leinung Patricia Snyder
Engineer:	Garrett Frueh
Highway Superintendent:	Kenneth Guyer
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

1. Call to Order

Supervisor LaGrange called the meeting to order at 7:00 PM. Supervisor LaGrange advised that Councilperson Hennessy had to go out of town today on business, but he should arrive soon.

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:

- **April 11, 2018 Regular Town Board Meeting**
- **April 25, 2018 Special Town Board Meeting**
- **April 27, 2018 Special Town Board Meeting**
- **April 27, 2018A Special Town Board Meeting**

Resolution 2018-102

Supervisor LaGrange offered the following 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 April 11, 2018, and April 25, 2018, meetings.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes).

Supervisor LaGrange advised that we had to have a special meeting to approve an expenditure in the Feura Bush Water District.

Resolution 2018-103

Supervisor LaGrange offered the following 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 April 27, 2018, meetings.

Councilperson Snyder seconded the motion. All present and voting, the motion carried (3 Ayes, 1 abstained, 1 Absent). Councilperson Hennessy was absent and Councilperson Leinung abstained since he was absent from the meetings.

Councilperson Hennessy arrived at 7:05 PM.

Announcements:

- **Transfer Station to be closed Saturday May 26 – Memorial Day weekend**
- **Household Hazardous Waste Day - May 19, 8 AM - 12 noon**
- **American Legion Memorial Day Parade in Voorheesville – May 26**

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

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Supervisor LaGrange said that this is a resolution for Creekside dedication of the water line. This is the third month this has been on the agenda. They finally got the as-builts in, but it's still being looked into. Mr. Frueh said they submitted as-builts which Stantec reviewed and provided comments back. They are looking at that now to revise those and add more detail. Supervisor LaGrange said that we will wait on that again.

10. Report and recommendation re: examination/audit of the 2017 Town Clerk and Tax Collector records

Councilperson Snyder said that the Audit Committee met with the Town Clerk and the Town Tax Collector, and we went through a series of worksheets to audit the records for both the Tax Collector and the Town Clerk. The audit was a clean audit. We had no recommendations. We have check lists and we go through the processes and look at, for example, what the Tax Collector collected, how the deposits are made, how the remittances are safely and securely maintained here during business hours, and the reconciliations are done and initialed. As she said earlier, they had no findings or recommendations for the Tax Collector or the Town Clerk.

Resolution 2018-104

Councilperson Snyder offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby accept the audit for the 2017 records for the Tax Collector and the Town Clerk as provided by the Audit Committee.

Councilperson Greenberg said that Ms. Deschenes' efficiency, professionalism, and organization is incredible. She should be commended especially this year because some people had to pay their taxes earlier.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes – 1 abstained). Councilperson Hennessy abstained since he just arrived to the meeting and missed the discussion.

5. Discussion/Action re: SEQR for revised Proposed Local Law F of 2017

Councilperson Greenberg reviewed the Full Environmental Assessment Form with the Board. When reviewing part 1B, Attorney Naughton noted that we checked "yes" for Albany County Planning Board which is an advisory recommendation under the GML §239, and we did receive a January recommendation from the Planning Board that indicated they would defer to the local action, and then after the amendments we sent them a revised local law which is under consideration tonight with FEAF, and the County Planning Board indicated there were no countywide or intermunicipal significant impacts indicated by this action. Also under section C.1, Attorney Naughton wanted to point out where we go as a result of that section. Where we check what determines what other sections we have to proceed through, you'll see in the additional information section it points to the guidance document that tells you we can skip ahead; however, we did provide information in the mapping which is attached to this FEAF that Stantec does for us, and Mr. Frueh can speak to that when we get to that point. We also provided some information about the other issues that normally would come up in the EAF, but that's why there are some blanks when we get to other sections. Councilperson Greenberg continues with his recap of section C, Planning and Zoning. Attorney Naughton said that mapping indicated that there were no agriculture districts affected by this area. Mr. Frueh said agriculture district 3 was just outside of this. Councilperson Greenberg said that agriculture use is still permitted. After answering "no" to item #9 on page 6 of 10, Councilperson Greenberg commented that this law tried to protect aesthetic resources. Attorney Naughton commented on item 10 on page 6 of 10. He said that the mapping indicated that there was a SHIPPO that was triggered. Mr. Frueh said part of this is in an archeologically sensitive area, but that will be assessed as part of the future projects that come into the site. Councilperson Greenberg said that the zone change doesn't affect that, but a project may and that will be reviewed by the Planning Board. Attorney Naughton said that it's just like when we had Hilton Park and we had some SHIPPO when we were getting into the Rail Trail area. The whole area is covered by that but there is no specific action being proposed to disturb that at this point. Attorney Naughton commented on item #13 on page 8 of 10. He just wanted to mention that we took a look at the traffic studies that were

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done in connection with the Kensington Woods project. The study was done in 2008 and that took a look at all of the areas and all of the intersections that are near the site and would also be servicing this site. Those studies indicated that even with the Kensington Woods project traffic at full build out, there wouldn't really be any significant adverse impacts to existing levels of service which are very good with B's and C's. There was only one area that might be a D at certain peak times on one turning movement. It wasn't even right next to this site so traffic impacts were looked at and addressed in the additional information section. Councilperson Greenberg said again that any projects that come up, traffic studies would be requested by the Planning Board on specific application. Councilperson Greenberg read item #17 and answered "no." Attorney Naughton agreed adding that this is a double negative here. It's consistent with plans. Councilperson Greenberg said that we've had some talk even tonight about the Comprehensive Plan. He would just note here that he'd like to read a couple of sections from the Comprehensive Plan:

The introduction states: The Town welcomes growth. But it needs to assure that sufficient municipal services can be provided to accommodate development without posing a financial hardship to Town residents. In addition, its rural character should be preserved. In order to accomplish these goals, the community needs to plan for future development.

From the Summary of Surveys and Public Meetings section of the Comprehensive Plan it states, "Small-scale stores were the preferred type of commercial development; large "regional malls" were not favored.

Economic Development was viewed from a different perspective in the hamlet districts. It was perceived that commercial ventures within hamlets are overtaking and destroying the small town character possessed by these areas.

And then later on in the Hamlet Section it says: A trend in the hamlets has been noticeable. Homes are being converted into mixed-use buildings. Residential structures are now being used for residential purposes on one floor and for offices on another. To this point, the architectural character of New Scotland hamlet area has not been significantly altered by this phenomenon. However, this change in hamlet land use should be monitored and regulated by land development ordinances/zoning to ensure that new Scotland's hamlet character are maintained.

Councilperson Greenberg said that he would support the declaration here on our consistency with community plans. Councilperson Greenberg then continued to review the FEA and at the end stated accordingly, "This negative declaration is issued." Attorney Naughton said that he prepared a resolution. Councilperson Greenberg wanted to note that there is more information, brief explanations, and further descriptions of action if anyone wants to read them. Attorney Naughton said that he also wanted to point out that the mapping also indicated something positive for endangered species. Mr. Frueh said it applies to state listed bats that we're all aware of from the Hilton barn as well. Attorney Naughton said it's about habitat. Mr. Frueh said it's about trees that they roost in and certain times of clearing for future projects. Attorney Naughton said it merely indicates that the area covered by the mapping will pop up that there is this habitat for endangered species in the area. Now, we're starting to put in the resolutions that there can't be any tree cutting which is consistent with state law from a period of March to the summer because that's when the bats are roosting. That's why that pops up, and there is information at the back of the EAF.

Councilperson Greenberg wanted to make a couple of comments too in terms of environmental impacts because he's served on some of these committees. In terms of environmental impacts, obviously we tried to preserve open space and the rural character of the town, and that should lead to less not more environmental impacts because of cluster zoning and smaller lots; that will affect less land. We're requiring sidewalks and bike lanes next to the Rail Trail where possible. The mixed-use nature of the area means a more walkable community with less carbon footprint. We are asking for electric charging stations in commercial parking lots. We're protecting wetlands, streams, and ponds. We continue to allow agricultural use. We're trying to preserve forests, and we even have a section on passive solar where possible. So, in a lot of ways this has positive environmental impacts. He also wanted to comment here that a build-out analysis was done by our consultant, and it

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had significant findings. Under the assumption that some of the properties would be developed commercially and some residentially, under the present zoning it would allow a mix of residential and commercial development with 247 residential units and 362,000 square feet of commercial space with approximately 20 acres devoted to parking. Under this scenario, 448 acres would remain as open space. That's what's allowed now. ACOM performed a build-out analysis, and the likely scenario that this zoning would lead to would involve 369 residential dwelling units and 387 strip commercial spaces. So both of those numbers are a little bit higher than what's allowed now. It would still require, just like scenario two, 20 acres devoted to parking, but in contrast to scenario two, scenario three preserves 137 acres of 448 acres of open space, and that's the tradeoff. The build-out analysis shows that actually more is allowed in terms of numbers of residences and commercial, but the tradeoff is that we also protect some open space. That goes to the environmental analysis, as well.

Supervisor LaGrange commented that there is a possible typo on page 2 regarding the Right-to-Farm Law. It says Local Law 2 of 2016. It's definitely not 2016. It might be 2006.

Attorney Naughton said that after walking through the form the next thing to do, if everyone is ready and feels they have enough understanding and has had a chance to look at the form and the attachments and the additional information that's provided, is to address some of these other issues that come up even though there is no project. We're looking at this in a conceptual way. Then the thing to do is to take up the draft resolution that he prepared. If it were to pass, it would be a negative declaration of significance.

Resolution 2018-105

RESOLUTION ADOPTING NEGATIVE DECLARATION PURSUANT TO
NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (6 NYCRR § 617.7)

Proposed Action: Adoption of proposed Local Law F of 2017, entitled "A Law Amending the Town of New Scotland Zoning Map, creating the New Scotland Hamlet zoning district and amending the Town Zoning Law."

SEQRA Classification: Type I

Lead Agency: Town Board of the Town of New Scotland, New York.

WHEREAS, the proposed local law and the Full Environmental Assessment Form ("FEAF") recites the planning process that preceded the formulation and drafting of the proposed law, and identifies the professional planning consultants that were engaged by the Town to assist with the process over the period 2008 through 2017;

WHEREAS, the formal advisory Committee appointed by the Town Board to formulate zoning regulations for the proposed Hamlet area, with the assistance of AECOM, (1) presented its Report to the Town Board in 2017, and (2) recommended adoption of a local law to create a new Hamlet zoning district with proposed regulations for uses within the new Hamlet district;

WHEREAS, the Town Board held public workshop meetings regarding the draft regulations for the Hamlet area, and eventually referred a draft of the law to the Planning Board for its comments;

WHEREAS, the Town Board incorporated the Planning Board's comments, and then referred a draft of proposed Local Law F of 2017 to the Albany County Planning Board ("ACPB") for its recommendations; ACPB responded in January 2018 that it would defer to the Town's local action;

WHEREAS, on February 14, 2018, the Town Board held a hearing regarding proposed Local Law F of 2017;

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WHEREAS, on February 27, 2018, the Town Board held a workshop public meeting with: (1) landowners who own land within the proposed Hamlet area, and (2) owners of businesses within the Hamlet area (and other areas of the Town) to receive comments from the “stakeholders;”

WHEREAS, after receiving comments during the hearing and workshop meeting with the “stakeholders,” the Town Board made further revisions to proposed Local Law F of 2017, and referred the revised draft, together with a Full Environmental Assessment Form, to the ACPB pursuant to GML § 239-m;

WHEREAS, the Town has received the ACPB’s referral recommendation, dated April 19, 2018, which indicates that the County does not anticipate any significant countywide or intermunicipal impacts from adoption of the proposed law;

WHEREAS, the Town Board scheduled a public hearing for 6:00 p.m. on May 9, 2018, to receive comments regarding the revised Local Law F of 2017;

WHEREAS, a public hearing was held at the Town Hall on May 9, 2018, regarding the proposed law;

WHEREAS, the FEF for this SEQRA action included: (1) a conceptual analysis entitled “Comparison of Development Capacity,” which was prepared by AECOM; and (2) a supplement discussing additional environmental considerations related to the proposed law;

WHEREAS, consistent with 6 NYCRR § 617.7, the Town Board thoroughly considered the reasonably foreseeable potential environmental effects resulting from the proposed law;

WHEREAS, the Town Board considered a full environmental assessment form (“FEAF”), carefully considered the criteria set forth in 6 NYCRR 617.7 and identified the relevant areas of environmental concern; and

WHEREAS, the Town Board has considered all the questions in Parts 2 and 3 of the environmental assessment form, and has determined that the FEAF identified and addressed all areas of concern and none of the potential environmental impacts associated with the law are significant.

NOW, THEREFORE, BE IT RESOLVED, that based upon its review of the FEAF and comments received during public meetings and hearings; the comments of the Town Planning Board and the County of Albany Planning Board; the Town Board’s independent analysis of the proposed law; and evaluation of the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the law will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Laws, and the Town hereby determines that the requirements of the regulations promulgated under SEQRA at 6 NYCRR § 617.7 have been met; and it is

FURTHER RESOLVED, that the Town Board hereby determines that the law will not result in significant adverse environmental effects, and that no environmental impact statement or further SEQRA consideration is required; and it is

FURTHER RESOLVED, that the facts and reasons supporting this determination are set forth in the Findings annexed hereto as **Exhibit A** which the Town Board hereby adopts as the reasons for its finding of no significant impact.

A motion by Member Greenberg, seconded by Member Hennessy, to adopt **Resolution No. 105 of 2018**.

Attorney Naughton pointed out that we have the findings attached that were prepared based on all the information in the FEAF and expanded EAF and circulated those findings to

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everyone. He put them in as Exhibit A. Everyone has had a chance to review that. If anyone has any issues or questions regarding the findings he drafted for consideration, now is the time to talk. There is support for all of this. He would also point out that we got the draft resolution up a little late on the website, but if anyone needs to see a copy there are sets of them in the back of the room.

Michael Bashant asked with respect to the town's workshop meeting did we ascertain whether or not we had meeting minutes for that. Attorney Naughton asked if he was referring to the workshop meeting with the stakeholders. Mr. Bashant said that he was. Attorney Naughton said that he didn't know the answer, but he doubted that there are because the Town Clerk wasn't there. It wasn't a regular meeting, and it was held at the Community Center as a roundtable discussion with the landowners. It was a very open discussion, and he doesn't think anyone took notes. Many of the participants are here tonight, though. Councilperson Greenberg said that it was actually a meeting requested by the stakeholders. Councilperson Snyder said that it was organized by the commercial owners. Councilperson Hennessy said that it was a follow-up meeting to the one that was actually organized by the Planner that occurred a year or two prior. That stakeholders meeting was separate from all of the public hearings and public meetings that occurred through the process.

Engineer Frueh said that he noticed a few things toward the end of the document. On page 13 it says that there is no public sewer in the hamlet study area but for Stewart's there is. Also under Endangered or Threatened Species we said none in the area. We might just want to say "as indicated in mapping." Attorney Naughton said that he would make that revision.

A roll call vote was taken on **Resolution No. 105** as follows:

Supervisor LaGrange	Aye
Member Hennessy	Aye
Member Snyder	Aye
Member Greenberg	Aye
Member Leinung	Aye

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

Attorney Naughton said that with SEQR out of the way, the Board could take action on the law. Supervisor LaGrange asked if the Board was ready to move forward on this. He was and it would be nice to finalize something. This has been hammered out for a long time. He thinks, like with any law, we will find things that we might want to amend in the future. None of this is in stone, but he thinks it's time to get some structure out there, and he thinks we've come to a pretty good resolution of that. This has been a long comprehensive journey, and he is ready to vote on that tonight. The rest of the Board agreed that they were prepared to vote.

Resolution 2018-106

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby adopt proposed Local Law F of 2017 regarding the amendment of the Town of New Scotland zoning map creating the Hamlet Zoning District and amending the zoning law.

Councilperson Greenberg seconded the motion.

Councilperson Hennessy wanted to summarize. This is the culmination of a lengthy and painstaking at times process that the Town has endeavored. It's a zoning process. There will always be people supporting it and opposing it; therefore, we went through an incredibly lengthy transparent process with numerous public meetings and numerous hearings. Behan Communications provided some of the basis for it. They are a professional planning firm. We applied for grant funding to allow for the actual zoning to be prepared, and we secured it from an engineering firm, AECOM. We had a Study Advisory Committee made up of residents to help guide them for specific items in the Town. They prepared a draft. We then had another town committee help review and edit the draft made up of Town Board members, Planning Board members, and Zoning Board members. So, this has been vetted

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quite extensively. I'm very proud of the work the Town did and all of the help we had. He does support this law.

Councilperson Leinung wanted to thank the Board for moving this forward. When he was on the Planning Board, he was on one of the committees that looked at this. He attended maybe a dozen meetings over the course of several months where we literally went line by line analyzing every part of that draft. Sometimes we literally would go through a paragraph and discuss a paragraph for an hour and a half. It's definitely well thought out. Later on after we met with landowners and heard public comments, we did make some revisions to the law, but he thinks the law itself does strike a good balance between allowing appropriate development in the area while still preserving open space and the character of the Town. As Councilperson Greenberg pointed out earlier, all that analysis that is in here or associated with the EAF suggests that we are allowing significant development in this area and that development will fit in with the nature that the Town wants to see moving forward. So, again, he wants to thank the Board. Councilperson Hennessy spearheaded this for a while and Councilperson Snyder, as well. He wanted to thank everyone for working on this. He is ready to move forward.

Councilperson Snyder echoed Councilperson Leinung's sentiment and thanked all the volunteers who were involved with this multi-effort of drafting all of the many parts that went into formulating this master plan. She recognizes that it was a huge effort on everyone's part. You're never going to please everyone with what we have here, but she thinks it does strike a balance with preserving our agriculture and rural community to a certain extent while also hopefully encouraging development in the future. She thinks that, without repeating a lot of the other things that we talked about with respect to the environment, it respects the environment and the landscape and it also provides clear guidelines architecturally which she thinks will give crystal-clear guidance to a development. No developer wants to come here and be whipsawed by competing visions from individuals in different groups. She thinks this lays out very clearly what the guidelines are, and hopefully it will encourage development along those guidelines. We want to create commercial development, and we want to also respect what this community's history is. She hopes that this does strike a good balance. It's a mixed-use hamlet and it recognizes people's concerns. We can't please everybody all the time but she thinks we have made a huge effort here in trying to strike the right balance.

Councilperson Greenberg wanted to sum it up. An amazing amount of work went into this. A lot of time and work that went into drafting this over the years. It should be noted that every meeting we held was open to the public and sometimes even a few people attend. They were all publicly noticed. Two presentations were held at the High School polling residents on their desires and concerns and also the format on the general direction we were taking. We often updated the process, at least to Town Board members, almost on a monthly basis and we answered any questions at those Town Board meetings that the public had. We asked business owners and our Planning and Zoning Boards for their input. In short, we tried to keep anyone interested in the process informed and to gather input and have an open public process. The big picture is that zoning change helps protect the Town of New Scotland from the kind of sprawl that we have seen over on neighboring municipalities. We heard from a resident earlier along those lines about when things are left up to developers' wishes. Do you try to encourage small-scale commercial development while still allowing landowners to build residential residences that tax open space with a walkable, bikeable, friendly hamlet district? I think it's the kind of zoning most New Scotlanders have been requesting for years. He fully supports it. He wanted to take one second here because there are a lot of people to thank and a lot of committees served. He did want to single out one person who deserves a lot of recognition. He was elected to the Town Board in 2015 and was initially asked to chair the Residents Advisory Committee on this by Councilperson Hennessy. It should just be noted that from a personal perspective and public Town perspective he deserves a lot of credit for shepherding this major achievement through this often trying and often complicated process. Thanks for being at the helm on this. Councilperson Hennessy replied that he couldn't have done it without Councilperson Greenberg and he thought everybody knew that.

Supervisor LaGrange said that he would note one thing that he was a little confused about. Since before 2008 he has been involved, read, and been reported to. He has never ever

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seen any suggestion that the Town is looking to just devalue the properties so we could acquire them. He can't speak for the Board in total, but that would never be his intent. He wants to see that built out like this is designed to do. A couple of projects were proposed in the past that you might not be aware of. It was just surprising when he read your letter today. Having said that he called for a roll call vote.

A roll call vote was taken on **Resolution No. 106** as follows:

Supervisor LaGrange	Aye
Member Hennessy	Aye
Member Snyder	Aye
Member Greenberg	Aye
Member Leinung	Aye

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

7. Discussion/Action re: public hearing for Proposed Local Law A of 2018, a law extending the Cold War Veterans Exemption

Supervisor LaGrange said that we have proposed Local Law A of 2018. This is a law extending the Cold War Veterans Exemption. We are in the middle of a finite period of time. The Board and the public last month asked how it has been affecting the tax revenue. The tax revenue based on 2018 was about \$770 with 17 veterans affected by this in a very slight way. It goes from \$35 up to \$40 so it's a minimal impact. A Cold War Veteran is a male or female that served on active duty in the United States Armed Forces from the time period September 2, 1954, to September 6, 1991, and was discharged or released therefrom under honorable conditions.

Resolution 2018-107

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby set a public hearing for Proposed Local Law A of 2018, a law extending the Cold War Veterans Exemption for Wednesday, June 13, 2018, at 6:55 PM.

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

8. Discussion/Action re: proposed Addendum #1 to the May 15, 2016, contract with Robert Wright Disposal, Inc., for solid waste and recyclables collection

Supervisor LaGrange advised that the Board asked him to talk to Mr. Wright, which he did, asking for an extra year's extension so we could get something out of helping him with the increased cost from \$10 to \$40 that he's absorbed since October and will until June. Attorney Naughton said that this is really the first public discussion of this. The background is that we have a five-year contract with Robert Wright for collection of solid waste throughout the Town so all the residents have their recycling and their garbage picked up. There is a fixed price per stop. We're into finishing up the second year, and we have three more years left on the contract. We learned from Mr. Wright that the cost for his company to dispose of the recyclables has increased from approximately \$10 per ton, when the contract was entered into, to approximately \$40 per ton, which is a significant increase. He estimated that on an annual basis that is basically a cost to him of approximately \$24,000, and so Mr. Wright came to the Town and asked for some relief because the contract terms were onerous and getting worse, yet he was locked into this for another three years. As a result of those discussions, we were able to reach a compromise with him and increase for one year approximately half of the amount he was seeking to increase the contract price by and in connection with that we asked him if he would be willing to extend the contract term for an additional year because we considered this a favorable contract in relation to other bids that were significantly higher than the Robert Wright bid two years ago.

That's the background of the situation. We had an Executive Session to discuss these issues and a proposed addendum to the contact has been drafted that the Board has for consideration tonight. He is told that Mr. Wright is agreeable to the terms of the addendum.

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Supervisor LaGrange said that he's actually already signed it. He thanks the Board for working with him on it. Attorney Naughton then summarized the addendum. It's a one-year adjusted contract. There are adjustments every year for the Consumer Price Index. We are making those calculations now. There are adjustments that happen with respect to the number of residents or stops that occur. We agree on that. He believes Mrs. Kavanaugh and Mr. Wright are working on that also. The adjusted price that we're agreeing to in this addendum just locks the Town in for one year; however, we've indicated that if this \$40 per ton cost continues we'll take a look at it. If it continues at \$40 a ton for next year we would presume we would enter into another addendum to adjust the contract price for one more year and in future years. We will continue to look at this so that there will be a fair allocation for recycling costs.

The other thing we did was that we required him to report to us on a quarterly basis through the remainder of the contract term so we can keep abreast of pricing of recyclables and know where we stand and don't get caught in a surprise increase in future years. That pretty much sums up the terms of the addendum.

Resolution 2018-108

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby enter into Addendum #1 beginning July 1, 2018, for an increase of \$15,685 to the agreement dated May 15, 2016, between the Town of New Scotland and Robert Wright Disposal and authorizes the supervisor to sign it.

Councilperson Snyder seconded the motion.

Councilperson Greenberg thanked Mr. Wright for coming to a quick compromise and Councilperson Leinung for coming up with the suggestion.

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

11. Discussion/Action re: Stantec Engineering Feura Bush Water Main Replacement Project Contract Change Order #2

Supervisor LaGrange said that this item is for discussion and possible action regarding the Stantec Engineer Feura Bush Water Main Replacement project contract change order #2. This was discussed at our last special meeting. The Board wanted to get some further information. Since then, additional services had to be rendered because of the value replace we had to do. Supervisor LaGrange said that we probably should have done this a little differently because we blurred it a bit. The original amount for Feura Bush was \$2,000. That was for the district itself for general engineering to do the work like the history and stuff we presented to the Board in earlier meetings. We probably should have done a separate task order for the capital project; we didn't. He wanted to make that clear because it does kind of throw things off a bit in perception. The original amount was \$5,000 and we did it as a change order to the district rather than a separate task order. Since then there have been overrides which Mr. Frueh can explain.

Engineer Frueh said that originally we came in at \$5,000 to get us through the pipeline construction. That was anticipating a substantial completion date of April 15. The substantial completion actually occurred on April 30 due to weather and several complications experienced on the site. Also added to the contract was the additional hydrant and valve replacement which added more hours of observation, as well. During construction the suspected area where we supposed there could be a leak and why we were pushing this project decided to let go as we were doing the replacement. It required a little more observation for that day. Supervisor LaGrange added that that caused the open trench. Engineer Frueh agreed saying that they had to excavate alongside the road and close a lane there and take everybody out of service to get that repaired in order to continue construction of the new main. Overall, they're requesting an additional \$2,600 for those fees, \$3,000 total which includes \$400 for us to review Emmons proposed emergency alarm system so we have a better way of tracking if there is a leak out here in our system. Hopefully we don't have the 8,000,000 gallon leak again which he still can't believe happened. Supervisor

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LaGrange said they had the issue with the leak with the open trench. Engineer Frueh said luckily he was right there on site and he called Mr. Hensel immediately to go down and check the pumps. He went down and both pumps were going. Supervisor LaGrange said that there were several holes. Engineer Frueh said there was a long crack along the top of it. In that area the soils just must be so corrosive that we're corroding that ductile iron from the outside inward, but with this new HDE piping we shouldn't have that issue. Engineer Frueh said that if anyone has any questions about the construction or any process, he has photos documenting the whole procedure. Councilperson Snyder asked if it's completely done now. Engineer Frueh said that they are completely done. The only thing that's happening is one day he'll drive by and see that there is 80% grass growing there and he'll say it's done. Councilperson Snyder said that she didn't know if there is any follow-up. Engineer Frueh said that the only thing is that we are just going to review Emmons Alarm System. Supervisor LaGrange said that the reason for that is it's not a normal SCADA system. It's a very cheap way to monitor the pump. We've never been aware of this. It's something they are proposing that we want to make sure fits the bill.

Resolution 2018-109

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby approve the change order from Stantec Consulting Services, Inc., as it applied to the Unionville-Feura Bush Road Water Main Replacement for \$3,000 and authorizes the Supervisor to sign it.

Councilperson Leinung seconded the motion.

Councilperson Greenberg just wanted to comment that he keeps hearing a couple of different dates thrown around on this project. Stantec assumed April 15 as the completion date, and the contract had April 30 as the completion date. He thinks that in the future he would like to have a date we agree on so that estimates can be accurate, and our timeframe assumptions can be accurate. He keeps hearing April 15 over and over, but was told that it's really April 30. Now, he's hearing costs were higher because you assumed April 15 too. So, he thinks we should attempt to be on the same page. He also thought that you were going to request an hourly price. Engineer Frueh said that that's in his last email. Supervisor LaGrange commented that Attorney Naughton fashioned the contract. Why did we go with the 15th as the completion time and then allow until the 30th? Attorney Naughton said that he did that because he anticipated that there might be weather issues. Since this was being done in such an expedited process to avoid another leak, he wanted to give them a deadline but I didn't want to make it "time of the essence" that time of the year because you can run into lots of problems. They wanted to get it done, and they said they could get it done. As it turned out, there was a delay at the end of the project. He let them know that they would have two weeks after our deadline but that was going to be it. That was a way to make sure we got our value and make sure the water supply was secured as quickly as possible. That's why he did it that way.

Councilperson Hennessy asked if we had full-time inspections out there. Engineer Frueh said that it was part-time inspection, and during key phases of the work he would stay there for a longer period of time. He was trying to balance it the best he could. By stopping out there daily, he would stop and check in with the contractor. Depending on their scope of work for the day, he would either leave after checking in with them or he would stay depending on the degree of work being done. Supervisor LaGrange said that we tried to dilute that a little bit with Mr. Hensel, Mr. LaChappelle, and himself, but Mr. Hensel primarily. That helped a lot. Supervisor LaGrange said that he was pleased with it.

Councilperson Leinung said that he drove by the other day, and it looks good. It's early but he would be interested to see when we do have numbers. Supervisor LaGrange said that we took numbers today and we're going to take them again next week to see if the loss ratio decreases. Today, with very rough calculations, it put us down in the low 20s. There are so many variations there so we want to do it again a week apart. Hopefully it helped a lot. There was no question it was leaking. Mr. Hensel sent a picture of the fire hydrant where the valve was replaced. He said it was definitely leaking when he dug it up. He felt that it might have had a year left. That was good to get done too.

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

15. Recommendation from Stantec re: Payment Application #1 from Wm. J. Keller & Sons for installation of infrastructure in the Feura Bush Water District

Supervisor LaGrange said that we have Stantec's recommendation on this. Obviously if you go down there, substantial completion is done, and per the contract there is a payment of \$94,077.90 due the contractor.

Resolution 2018-110

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby approve the payment application of the contractor for the Feura Bush Water District Main replacement, Wm. J. Keller & Sons Construction Company in the amount of \$94,077.90.

Councilperson Hennessy seconded the motion.

Councilperson Hennessy commented there is no retainage on this contract. Obviously we are still going to owe him \$13,000 after this, but you're saying he's substantially complete. Attorney Naughton said that that's 90%, correct? So, he's getting 90% so there is retainage. Councilperson Hennessy said that it wasn't by contractual definition. It says zero percent retainage on his job. It's just that at the time of completion of this document he was likely done by this amount. I'm looking at the document which says zero retainage just because he's not paid in full. Attorney Naughton asked if the document he was looking at was the application for payment or the contract? Councilperson Hennessy said that this is the document application for payment. Attorney Naughton said that we go by the contract, and the contract says there is 10% withheld. Councilperson Hennessy said that he's going to have to correct his forms. He didn't know if we could pay it legally. Councilperson Leinung said that on the second page it does break it down. The balance to completion is \$10,453.10, and he understands get what you're saying. Attorney Naughton said that this is an AIA form, but it's not an AIA contract so he doesn't see a legal problem with that. It shows that we're withholding and that's pursuant to the contract. Councilperson Hennessy said that you may want to look at the contract later and see how long we're supposed to have that retainage for. He may not be able to come and apply for another payment very soon if the contract says we're supposed to hold the retainage for 60 or 90 days or something. Engineer Frueh said that we have it until the work is completed. Councilperson Hennessy asked that we just verify that. Councilperson Greenberg asked if all that's left is seeding. Engineer Frueh said they've done everything. They've mulched down near the ravine crossing and hydroseeded all of the grassed area. Supervisor LaGrange said that he was impressed. Engineer Frueh said that they added stone to all the entrances of all the driveways. Supervisor LaGrange added "even the driveways that weren't disturbed." He was very pleased with it.

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

12. Discussion of the Climate Smart Communities program

Councilperson Leinung said that he circulated to the Board before the Climate Smart Communities program which is actually through DEC. As everyone is aware through the Clean Energy Communities program through NYSERDA, we've gotten a few grants. This is kind of a parallel program. This is really a certification program that DEC does where we take certain actions and submit the documentation to DEC and they approve it. It's a point system to get varying levels of certification. He thinks that a lot of the things that are on there we might have already undertaken such as energy audits. Even the solar permitting might be one of those actions. If we decide to go down this route, we can look to see what we've already done. We can get credit for things we've already done. The program in general is meant to help communities identify actions that help them adapt to climate change or at least mitigate effects of climate change. A part of this, the Climate Smart Communities Grant program that he actually just discovered recently from DEC, has a new round of grant applications that have just been released. He thinks we'd have to get something in by the end of July. It's very broad. He looked at some of the awards from last year and they go

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from things like creating solid waste or organic waste recycling to protecting against flood damage to mitigating flood damage to even sidewalks to make more walkable communities. He thinks this is something we can take a look at, and maybe there are some projects that are already in the hopper that we're thinking of and we can put an application together to apply for this funding. He thinks it's 50-50 grant funding, so we have to put up some money, but if we're already thinking about spending money for a program then it make sense to get the matching funds. Some of this is even fixing culverts around streams, things that every town has. It's something maybe we can talk to Highway Superintendent Guyer about. One of these was even fixing a road that was falling into a creek. Krumkill Road work comes to mind but there might be other projects out there too. In general he thinks it's a really good program. He thinks it's something that other municipalities have been doing. He thinks Berne and Bethlehem are registered communities. There are about 200 around the state. The next actual step, if we decide we want to do this, is a model resolution that we would need to do and show our intent to be a Climate Smart Community. The Climate Smart Community has a model resolution that we can maybe discuss at the next meeting. Supervisor LaGrange asked if Councilperson Leinung could give us a one-page bullet point of what they are looking for the grants. With the Clean Energy Communities, we had a list of 10 things and we had to pick four of them to do. Maybe there is something like that to give us all an idea. Councilperson Leinung said that a lot of this is actually just planning. One of the other sections is to actually have a committee formed to determine what actions the Town should take. There is greenhouse emissions inventory and a whole list of priority actions that he can circulate. Some of this stuff is even changing plow routed to be more efficient. He's sure our plow routes are already efficient, but it's things like that which we may already be doing. He can circulate a lot more information before our next meeting.

Attorney Naughton asked if Councilperson Leinung mentioned the meeting next Thursday at the Bethlehem Town Hall. Councilperson Leinung did not. Attorney Naughton said that they are having DEC come and talk about it, and it's being sponsored by DEC. Councilperson Leinung said that that would be interesting. He also wanted to mention the Regional Planning Commission who has a designated representative for our area that would help us determine what we want to do. He said he would send around some more information for everyone to look at and everyone can do their own research. Attorney Naughton asked if Bethlehem did this. Councilperson Leinung said that they did along with Berne. There are a lot of communities; he thinks 200 across the state. Councilperson Leinung added that we would get extra points for being a Climate Smart Community when we're applying for these grants so we're already in the program and we get extra consideration. Councilperson Snyder asked if the first step is the resolution. Councilperson Leinung said that it was, adding that then it's kind of a tight turnaround. The grant applications are due at the end of July. We can think about things that are already in the pipeline or things that we wanted to do. Supervisor LaGrange said that there are culverts to be replaced. He knows that we did one on Pangburn, and they paid 50% of it. Councilperson Snyder asked if Councilperson Leinung has seen the application. Is it something we can manage in house or do we have to ask outside assistance from somebody? Councilperson Leinung said that he took a glance at it and it's maybe 15 pages. You need to take a look and make sure it's something we can do ourselves, but he's never done a grant application himself. Councilperson Snyder added that he knows that from time to time we've had to get outside resources. Councilperson Leinung offered to take a look at it. Supervisor LaGrange said that that's what we wanted the outside planner to help us with, too. We will get to that later on.

Supervisor LaGrange said that along that line, with the Clean Energy Communities we completed all four stages. We were one of the last municipalities in at the \$80,000 level. It seems like that's going to be available to us. What we have to do to get that is by 90 days after the approval, which came on May 2 so that would mean August 2, we have to submit paperwork as to what we want to do with the \$80,000. His thought would be that a couple of Board members get together. Unfortunately Mrs. Reynolds left NYSEDA, but she's given us the name of another person who will take her place. If a couple of us want to get together and start brainstorming we can certainly do it. We need to focus on it and get some ideas out to the Board. Mrs. Reynolds' replacement will sit down with us and discuss what other towns have done. Councilperson Greenberg suggested a workshop meeting. We may all have ideas and it's nice to quiz the person on what the money can be used for. Supervisor LaGrange suggested the fourth Wednesday of this month. We don't want to postpone it too

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long. He can see if she's available, and then we can work around her schedule if she's not. Councilperson Snyder asked if this would be for us to forward ideas. Supervisor LaGrange said that it would, adding that he believes she could give us other examples too. Councilperson Greenberg said that we're going to need to pass a resolution for what we want to do. Supervisor LaGrange suggested shooting for May 23 with the 30th as a fallback. Councilperson Snyder has a meeting at 6 PM on May 23, but it would only be an hour. Councilperson Greenberg said that he had something on the 30th. Councilperson Snyder said that she could try and work around it. Councilperson Leinung said that the 23rd is fine.

Resolution 2018-111

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby set a special Town Board meeting for May 23 at 6:30 PM with a fall-back date of May 30 at 6:30 PM.

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

13. Discussion/Action re: lease of space in the Community Center to the New Scotland Historical Association

Supervisor LaGrange advised that with everything else, Attorney Naughton hasn't had a chance to review the lease. We've been going since October without the lease. We will get to it but we want to have it done right. The old one needs some cleaning up a little bit. Attorney Naughton said that he recognizes that it's only a one-page document but he hasn't thought about it enough. Supervisor LaGrange said that Mr. Kowlowitz asked if it could be longer term, but he thinks the Board would probably look toward a similar year's. Councilperson Greenberg asked if we know why he wanted it longer. Historian Parmenter said that it's just so it wouldn't be a problem. Supervisor LaGrange said that we'll put this on next month's agenda.

14. Discussion/Action re: request for speed limit reduction for a section of Tarrytown Rd.

Supervisor LaGrange said that there was another accident recently at the four corners. It's Route 32, Tarrytown Road, and Cedar Grove Road. There have been a number of close calls there. It's Mead's Corners. We did request something be done there, and they did put in stop signs coming up on either side of the county roads and then stop signs on both sides of the roads. This is as you come up Route 32 from both roads. It's interesting that Clarksville is 35 mph and if you come out of Tarrytown a little past Bennett Hill Road, which is a good deal of similar rural area in that whole stretch, it stays 35 mph to there and then it jumps to 55 mph out through to the intersection where it goes to Lawson Lake and then it bends around and comes out to Mead's. Cedar Grove Road still is 55 mph and continues down until you get to the Bethlehem line. Supervisor LaGrange said that Legislator Plotsky called him and asked if we could request this. The Town Clerk last requested this in 2005. Legislator Plotsky is talking about asking for a flashing stop and caution light there. He thinks it's appropriate to ask for a reduction here and for them to study it, but at the same time the real problem is that you get to that intersection and you start up and somebody is flying south on Route 32. It comes upon you quick when you're going too fast. His feeling is that it should be 45 mph from there down to Feura Bush and then decrease in Feura Bush, but we'll never get that. Councilperson Greenberg asked if all we need now is a resolution? Supervisor LaGrange said yes. Councilperson Leinung asked if this is for Route 32 or Tarrytown Road. Highway Superintendent Guyer said that he'd have to read the accident reports, but he doesn't believe the issue is people on the county roads running the stop signs. He thinks what Supervisor LaGrange is saying is that they come to the signs and they stop, they start to go, and then they realize these cars are coming too fast. He thinks the speed issue would be on Route 32. Councilperson Leinung added especially coming from Feura Bush. Supervisor LaGrange said that it would almost be nice to start a decrease at the town line coming in from Coeymans. Really the speed limit in Feura Bush is just too much too. It's 40 mph through there. Engineer Frueh thought it changed right after Onesquethaw Creek Rd. Supervisor LaGrange added that that's basically after the hairpin turn. He thinks it's probably more appropriate to ask for a reduction for Route 32. Highway Superintendent Guyer wondered if during the State's big rehab they had drawn up 20 years ago there were any speed reductions in that plan. Supervisor LaGrange didn't know adding

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that they have some weird ways of deciding if the speed is appropriate or not. Attorney Naughton said don't you just ask for it and they do the study? Supervisor LaGrange replied that basically that is what happens. We will ask for a study of Route 32 from the town line of Coeymans to the town line of Bethlehem. Councilperson Greenberg said that if we ask for a study we can just include the corner too right. Highway Superintendent Guyer said that it's in the middle of it. Councilperson Greenberg said that he knows it's in the middle but it would also take in some of Tarrytown which is what the request was. It wasn't just Route 32. Councilperson Hennessy said that the agenda says Tarrytown. Councilperson Greenberg said that that's because that's what Legislator Plotsky requested. His point is can we broaden it to Route 32? Town Clerk Deschenes asked for clarification. Supervisor LaGrange said "all of Route 32 from Coeymans to Bethlehem, including Cedar Grove Road and Tarrytown." He is going to give Regional Director Zhou a call and tell him it's coming.

Resolution 2018-112

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby request a speed limit study for Route 32 from Coeymans to Bethlehem and include Cedar Grove Road and Tarrytown Road.

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

Councilperson Snyder asked how long this takes. Highway Superintendent Guyer responded "about a year." Councilperson Hennessy asked if Highway Superintendent Guyer felt Tarrytown wasn't the issue. Highway Superintendent Guyer didn't think the issue was people stopping. They are stopping but they go to take off, and it's the traffic on Route 32 along with the site distance. Supervisor LaGrange said that oftentimes it's farm equipment.

16. Fire and Ambulance:

- **Resolution authorizing Supervisor to sign the 2018 EMT/D Services contract with Albany County to cover the Voorheesville Area Ambulance District as well as town-wide services**

Supervisor LaGrange advised that the EMT contract continues at the 2017 rate, and it's in our budget. One component is like \$71,000 and that's for outside of the New Salem district, which was the old Voorheesville Ambulance District, and then we split the Voorheesville Ambulance District with the Village. The Village pays us and we pay the County. That's how it was set up last year. The Advanced Life Support is \$267,082.48. That's what we budgeted and it was a 5% increase. Councilperson Greenberg added that we discussed this during budget season, and these numbers were more or less agreed to.

Resolution 2018-113

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to sign the 2018 EMT/D Service contract with Albany County to cover the Voorheesville Area Ambulance District as well as town-wide services, the cost being \$71,396.83 for the town-wide service and \$81,931.16 which is our portion of the former VAAS District and New Salem District.

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

- **Resolution authorizing Supervisor to sign the 2018 Advanced Life Support contract with Albany County, not to exceed \$267,082.48.**

Resolution 2018-114

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby authorize the Supervisor to sign the 2018 Advanced Life Support contract with Albany County not to

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exceed \$267,082.48.

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

Fire and Ambulance:

Onesquethaw Volunteer Fire Co. Membership request for Octavia Lyman of 1605 Delaware Turnpike, Delmar

Supervisor LaGrange advised that we had a late request from the Onesquethaw Fire Department. It's a regular membership request.

Resolution 2018-115

Supervisor LaGrange offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby accept the membership request for Octavia Lyman as a regular member in the Onesquethaw Volunteer Fire Co.

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

Councilperson Snyder asked to go back to the EMT agreement. Please check it before signing off to make sure the terms are corrected. It should be 2018. Supervisor LaGrange said that we will make those adjustments.

17. Liaison Reports

Planners position

Supervisor LaGrange advised that we have received two resumes and applications for the Planner position. He believes Councilperson Greenberg and Councilperson Hennessy were going to do the interviews. He will ask Mrs. Kavanaugh to start coordinating that so we can get somebody in here.

Hilton Barn

Councilperson Greenberg said that he and Councilperson Hennessy met Highway Superintendent Guyer at the barn a week or two ago and discussed trying to get a trail through the park based on the landscape architecture plan we got from Weston & Sampson. Highway Superintendent Guyer is helping us out with that. He was going to ask Voorheesville about borrowing their brush hog. Highway Superintendent Guyer said it would at least give us a vision of where this trail is going to go and then we'll have to see what's left after using the brush hog. Councilperson Greenberg added that we would like to get vehicles in there if certain areas need to be cleaned up. Supervisor LaGrange asked if once we use the brush hog would it be kind of leveled down a little bit? Highway Superintendent Guyer said that he's never used it so he doesn't know what it's going to leave for stubble on the ground surface. Supervisor LaGrange asked if we're talking a trail-like skid loader wide. Councilperson Greenberg said that Mr. Duncan wanted to be able to get a truck in because there might be clean up. Highway Superintendent Guyer said that this brush hog is the width of the bucket and just a little bit wider than the skid loader. If we can drive through, then Mr. Duncan could make another 2-3 passes with this brush hog so the trail is 5-6 feet wide. Supervisor LaGrange asked if we would then cut it out a little bit and then lay fabric under the gravel. Highway Superintendent Guyer replied that he didn't know but we may have to. He won't be sure until we brush hog. He's never used it. Those tracks that he got don't fit the skid steer so he's hoping it's dry enough. Councilperson Hennessy said that it's dry enough. Supervisor LaGrange asked if there are a couple of areas where we might need a little bridge. Councilperson Hennessy replied "possibly."

Census Registration

Councilperson Greenberg asked if we need to get involved with the census registration. Councilperson Leinung said that he has to look into that. He gets emails from the Census Bureau. With the 2020 census coming at us, there is a program where the census sends stuff to the municipalities asking them to confirm lists of addresses. It helps them clean up their list so they're not sending as many people out because more people are getting the

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actual census form. He'll forward the information to Supervisor LaGrange and Town Clerk Deschenes. He's not sure if we signed up or if we've gotten information from the Census Bureau. Supervisor LaGrange said that we were approached by Albany County to participate but what they wanted from us we did not have the staffing to do. It was onerous and a couple of other municipalities begged off too. Anything we can do that will help get an accurate count we would love to. Councilperson Leinung thought Albany County itself signed up for it so they may be covering us anyway. This is something that's coming up, and obviously it's very important. Once he finds it he will follow up with the Board.

Fire Hydrant Valve

Councilperson Greenberg said in the special meeting we had about the water line, Supervisor LaGrange brought up the accident that hit the valve in the fire hydrant. Mr. Purinton suggested contacting the County to get an accident report. We thought it might be covered by insurance. Supervisor LaGrange said that we contacted the insurance company, and they were going to contact the sheriff for the paperwork. We are also still waiting on an accident report for out front. We've requested it a couple of times. The trooper called me and said he would get it for me. There was another report we were waiting on too. Highway Superintendent Guyer said that it was for vandalism in the park. Councilperson Greenberg said that this was for \$3,100 so hopefully that will be covered.

Attorney Naughton said that we are looking for a report from the trooper regarding the park. We want to put a request in through the courts and DA's office for a restoration order on that. Councilperson Greenberg said that he thought we already did that. Highway Superintendent Guyer said that he put together a price for the Sheriff on Town letterhead, but the report wasn't completed yet. Supervisor LaGrange said that the insurance company could be waiting on a report like we're waiting on this.

Solar Law with Prime Soils

Councilperson Greenberg said that the Planning Board and Zoning Board were having some issues with the solar law and prime soils. Let's say you have a 100-acre site with prime soils on two acres so we would not allow solar on it. He didn't believe that was our intent. He believes the law to be read the way he thought we meant it to be taken, but if it isn't read that way he thinks maybe we should change it. Attorney Naughton suggested letting the process take its natural course with ZBA. If they construed it in a way that's consistent with what your thought is, then it's taken care of and we don't need a zoning amendment. If you don't like the way it comes out then the Town Board can take up a quick amendment of the law. Councilperson Greenberg asked about possibly sending them a letter telling them our intent with the law. Attorney Naughton said that we're not really supposed to get involved in the planning process. Councilperson Leinung said what if they ask the Board what the interpretation would be. Attorney Naughton said that that would be a little different. Someone might have asked me but he didn't want to say what the lawyer was doing; it's the intent of the Board. Supervisor LaGrange asked if they wouldn't look at our minutes? Attorney Naughton didn't think they would normally do that. They are just going to review what the law is right now and interpret it. Councilperson Greenberg said that that's the way he interpreted it. Supervisor LaGrange said that he did too. We want it to protect the prime soils. Attorney Naughton said that you don't want to stop someone from using 100 acres because of two acres. Engineer Frueh said that the Planning Board came to that conclusion. Councilperson Snyder said that at the end of the meeting the Planning Board referred back to the Zoning Board and then quantified what the Planning Board's definition of site meant because really all they were asked to do was to explain what the work site meant in the context of the law. She explained to the Planning Board what she felt the intent of this Board was. She was speaking for herself. The Planning Board referred it back to the Zoning Board and gave them what they thought the work site meant. It didn't mean, in your instance, if it was a 100-acre site and there was one acre with prime soils then the whole 100 acres got thrown out. It's now in the Zoning Board's jurisdiction. Supervisor LaGrange said that his interpretation, and maybe we don't have it spelled out a lot, is the property size and the site is where the project is. It's obvious to him but they tend to blur and interchange in the code. That's what he's been told that people have found. Again, we need to update not only the code but get the definitions down correctly. Councilperson Greenberg asked if we're waiting to hear from zoning?

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Memorial Day Parade

Councilperson Greenberg said that he always feels like we're walking in the parade and nobody knows who we are. He thinks a sign that says New Scotland Town Board or something would be good. Councilperson Snyder said that she supports that. Councilperson Greenberg said that he doesn't know how to push this through. Councilperson Snyder suggested Corner Gateway. Councilperson Hennessy asked if the Village will have a sign too. We march in concert with them so we should see what they do. Councilperson Greenberg said that we could let them know. Every other group carries a sign. Supervisor LaGrange asked if this is a Town expense or should we go in on it? Councilperson Snyder felt it was something we would always use maybe in addition to the parade or other events. Councilperson Greenberg added that he assumed Boards into the future would use it. Councilperson Snyder added that it could be a backdrop for here sometimes or used for a lot of reasons. Highway Superintendent Guyer questioned if it would say Town Board or Town of New Scotland with a seal. Councilperson Leinung thought it would say Town of New Scotland. Supervisor LaGrange added that Corner Gateway has the seal and he offered to ask. Town Clerk Deschenes said that she thought she mentioned it before but there was a banner downstairs. Councilperson Greenberg said that Mrs. Kavanaugh looked at it but it didn't work. Councilperson Greenberg didn't know if we could purchase one of these. Attorney Naughton said that we would need to know the price. You could do an up-to amount. He suggested \$250. Supervisor LaGrange hoped it wouldn't be more. Are we talking like 8 feet by 2 feet? Councilperson Greenberg replied that it would be something like that. Councilperson Hennessy said that he talked to Councilperson Greenberg about this and he doesn't think it's necessary. He's not a supporter of it. Supervisor LaGrange said that he can see doing it. Town Clerk Deschenes said that she can kind of see Councilperson Greenberg's point but that whole group in the front is County, Legislative, Town Board, Village Trustees, and you kind of mingle a little bit. So, I agree with Councilperson Hennessy, too. The Village and County don't carry anything but the fire departments do. Councilperson Snyder said that all of the other organizations do. Councilperson Greenberg said that if people don't want to do it, that's fine. Supervisor LaGrange said that he's not opposed and then he asked if the Town Clerk walks in it. She replied that she sometimes does, but she planned to walk with the auxiliary this year since she belongs to that too. Councilperson Greenberg asked if they have a sign. Town Clerk Deschenes replied that they do. Supervisor LaGrange asked if Highway Superintendent Guyer walks. He said he did the first few years. Supervisor LaGrange added that the Justices do. Town Clerk Deschenes said that it's not just Town Board so it should say Town of New Scotland, and Supervisor LaGrange added that the seal should be on it. Supervisor LaGrange said he would check into it.

Resolution 2018-116

Councilperson Greenberg offered the following and moved its adoption:

Resolved, that the Town Board of the Town of New Scotland does hereby allow the Supervisor to purchase a sign that says "Town of New Scotland" with a seal on it for up to \$300.

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

Councilperson Greenberg asked that we let Voorheesville know.

Volunteer Day

Councilperson Snyder reported on Volunteer Day. There were 12-15 projects that were completed. It was very successful. The weather held out for us. We came back here on Sunday for the barbeque. It was a lot of fun, and we recognized the Volunteer of the Year. Councilperson Snyder had the plaque in front of her. Michael Malark was the Volunteer of the Year. Last year it was James Hladun. It was a very nice event. Councilperson Leinung said it was a great event. There was a good turnout this year, and he was surprised at how well organized it was. Supervisor LaGrange said that the new white board was used. Councilperson Leinung said that the white Board had 15-20 different projects on it that they would cross off as they went along. It was very well organized. Town Clerk Deschenes said that she was at the firehouse on Saturday. There was a ton of people there. She worked on

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the bottle drive, but they also had a clothing collection, paper shredding, and a book collection. Several people stayed for the lunch that day, too.

18. Departmental Monthly Reports:

- **Town Clerk, April 2018**
- **Registrar, April 2018**
- **Justice Wukitsch, March 2018**
- **Justice Johnson, March 2018**

19. Pay the Bills

Resolution 2018-117

Supervisor LaGrange offered the following and moved its adoption:

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

Pay the Bills May, 2018		
Abstract #	Vouchers	Amount
	20180550-20180647	\$136,178.98
Prepays		
Abstract#	Vouchers	Amount
1814	20180394-20180406	\$4,897.16
1815	20180397	\$47.96
1816	20180407-20180411	\$33,828.30
1817	20180412, 20180427	\$5,268.78
1818	20180413	\$177.10
1819	20180414	\$24.30
1820	20180415	\$154.27
1821	20180416	\$755.01
1822	20180417	\$78.96
1823	20180418	\$62.81
1824	20180419	\$335.50
1825	20180420	\$24.11
1826	20180421	\$373.93
1827	20180422	\$39.56
1828	20180423	\$207.57
1829	20180424	\$68.53
1830	20180425	\$50.36
1831	20180426	\$185.01
1832	20180428	\$15,541.88
1835	20180530-20180533	\$1,139.27
1836	20180534	\$111.08
1837	20180535	\$22.82
1838	20180536	\$142.36
1839	20180537	\$39.56
1840	20180538-20180542	\$34,886.05
1841	20180543	\$130.01
1842	20180544-20180547	\$2,383.01
1843	20180548	\$1,062.70
1844	20180549	1017.64

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

20. Approve any Budget Modifications

Resolution 2018-118

Supervisor LaGrange offered the following and moved its adoption:

**Town of New Scotland
Regular Town Board Meeting
05/09/2018**

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:

FROM	CODE	TO	CODE	AMOUNT
Contingency	A1990.4	Taxes and Assessments on Muni. Property	A1950.4	\$521.49
To appropriate money from Contingency to Taxes and Assessments on Municipal Property for Town and County tax bill for Kensington Woods open space parcel 35.89 acres dedicated to Town on 6/14/17 \$404.62 and Kensington Woods Rail Trail Parking 3.43 acres dedicated to Town on 6/14/17 \$116.87.				
Contingency	A1990.4	Other General Gov. Support	A1989.4	\$83.06
To appropriate money from Contingency to Other General Government Support for Key Bank fee at closeout of A checking.				
Fund Balance	A0909	Other Home and Comm. Service	A8989.4	\$2,500.00
To appropriate funds from fund balance to Other Home and Community Service for amount received in 2017 from NYSEKDA.				
Contingency	A1990.4	Other Home and Comm. Service	A8989.4	\$891.34
To appropriate money from Contingency to Other Home and Community Service for balance of cost of 2 electric charging stations at Town Hall.				
Fund Balance	WH0909	BAN Interest	WH9730.7	\$54.88
To appropriate money from fund balance to BAN interest for amount over budget.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2018 budget as stated above.				

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

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

There were no comments.

22. Adjourn

Councilperson Snyder made a motion to adjourn, seconded by Councilperson Hennessy. The meeting adjourned at 9:10 PM.

Diane R. Deschenes, Town Clerk