

**Town of New Scotland
Regular Town Board Meeting
June 12, 2019**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange	
Councilperson:	Adam Greenberg	
	Daniel Leinung	Arrived at 7:06 PM
	William Hennessy	
	Patricia Snyder	
Highway Superintendent:	Kenneth Guyer	
Engineer:	Garrett Frueh	
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. State of the County discussion by Albany County Executive Daniel P. McCoy

Supervisor LaGrange introduced County Executive Dan McCoy. This is his eighth time doing this. Eight years ago when he took over as County Executive, he thought what better way to get out into the community and let people know what our budget does and how many services the county provides to the community but most importantly he wanted to let us know where our taxes are going. As of today our budget is roughly seven million dollars. We have over 26 different departments. Most important is being in a partnership and working with everyone. There are 19 municipalities in the county. He thinks everyone here loves being under the property tax cap. He jokes around but it's a challenge. He asks everyone if their insurance goes down every year? Does their phone or cable go down? Everything goes up every year so you get to a point where you've cut where you can and you're trying to maintain quality services and still stay under the cap. It's challenging. It's tough to go down this path without really dipping into our reserves or being creative. He takes a lot of pride in the fact that when he took over we had about twenty-one million in reserves and now about sixty-five million which is an all-time high. We need fifteen million to make payroll, and we owe the State Comptroller about twenty-nine million. We've been chopping at our bills and for six years we've stayed under the cap. Last year we lowered the tax rate by 1.5% by being creative and still delivering great services.

He doesn't know if anyone's had an opportunity to go to Lawson Lake, part of which is in our town. We took over 421 acres back in 2013 from the Boys and Girls Clubs which were running since the 1990s. He and the Sheriff started the first ever program in the nation with AAU. Basically we took every kid and made a parks and recreation program. The unions all pitched in, and we're creative. We put in a beautiful pavilion down there for picnicking. Its handicapped accessible. We redid the Welcome Lodge and the caretaker's house. You can go there anytime seven days a week. In the wintertime we have cross-country skiing. You can get a cup of hot coffee or cocoa. It's all there for folks to get warm. We just put a 141-seat amphitheater in with a little stage.

Councilperson Leinung arrived at 7:06 PM.

The Scouts have gotten their Eagle badges by doing a lot of projects down there. If you know anyone in a wheelchair who likes to fish we built a ramp that goes out into the water. You can take a wheelchair right out and fish. It was pretty cool because when we did the ribbon cutting someone actually pulled in with a wheelchair and went out fishing. There are a lot of neat things going on out there. We run the Boys and Girls Clubs. We run a free program all summer long. We bus kids in from all over the county. It's an eight-week program, and we teach kids how to fish, how to read a map, how to read a compass, reading classes, math classes, and IT classes. We do a variety of things so it's something to check out.

On the County side, he hired Camoin Associates to really look at how we are doing. Everyone knows we're seeing IBAS. There are multiple layers of everything. So, they are coming up with a plan, and it's coming out soon. He believes that with a ton of business owners around the county that obviously have a stake in this county, we are working with them on how we can better service everyone and figure out how we can work together moving forward.

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The Rail Trail has been a huge success. We purchased the home right by the Slingerlands Fire House and the old Rail Station. Now we're trying to figure out if we should keep the house or move on and make a little pocket park. We also have to fix that bridge. We added benches and workout stations. One of the scouts just finished up a project mapping out historical sites on the trail. We had over 200,000 people last year use the Rail Trail. It's been phenomenal. New Scotland moved the barn. We need to come up with ideas for the barn like a farmer's market. These are things that we have to do working together.

The sales tax revenue in 2017 was roughly 2.7 million and in 2018 it went up to about 3.12 million. It went up and it's going to be up again this year probably a little bit, but the issue is we are going into another recession. All the numbers are showing it and all the business people are talking about it. Things are going to slow down. Not like it did in 2008 and 2009 but it's something to brace for. We predict growth on that type of revenue is probably going to plateau out a little bit so it's probably something to be aware of.

Some of the other things we've been doing are fighting the opioid epidemic in this country. There are 139 people a day that lose their lives. The National Safety and Health Council did a press conference. We had a display at the Empire State Plaza in 2015, and it had 22,000 pills with the pictures of people who overdosed that year on them. From 2015 to 2017 it was from 22,000 to 17,000. He kind of jokes that he knows if there is beer missing from his refrigerator or if something is less in the liquor cabinet from the last time he used it. He uses that analogy because when is the last time you went into your medicine cabinet and knew how many pain pills were left? You don't think about it. Your kids or your kids' friends come over they go to the bathroom and they're raiding your medicine cabinet. You don't even realize it. The pills are worth money or they are taking it themselves. It's an epidemic. We started this lawsuit on a national level. He got elected President on a national level and he's co-chair of the Opioid Taskforce. This Friday we're going to make a huge announcement. He has said this to Judge Polster in Cleveland, Ohio, that no amount of money is going to bring anyone back. How do you say to parents that their kids are worth a million or worth five thousand dollars? He can't do it. We have to change it. In the New York Times a couple of years ago he read that more and more kids are in foster care because their parents are involved in drugs and they lose their kids. The problem isn't the kids going into foster care; it's the fact that their lungs are underdeveloped, they have learning disabilities, speech problems, etc. We're going to be paying for this for the next eight years and probably beyond that, and it's not slowing up. He went after CVS and Walgreen. The pharmacies were pushing that stuff out. The pharmacies are supposed to be identifying it and flags are supposed to go up, but they were making a ton of money off it too, so everyone is pushing it.

He likes to remind people that our taxes are the 8th or 9th lowest taxes in the State of New York. Our population is roughly about 320,000. If you look at Rensselaer County, their population is about 150,000 and their taxes are 27%. They are the highest in the state. Schenectady is about 150,000. The two counties combined that just touch our county and Schenectady is about 37%. That's probably changed a little bit more with the Racino; hopefully it's gone down. Saratoga which has a population of under 200,000 people is about the 5th lowest tax in the state. They have a racino and two tracks. If we had a racino and two tracks, we'd be number one in the state. He just likes to remind us of this. It doesn't mean that's a reason to raise our taxes. It's just a reason to say we are working hard for the people that put us here and we will continue to work hard.

There are so many great things going on in the County. He fought for the past three years to change the way our public defender's office handles 18B, which is when there is a conflict. If you get arrested and there is a conflict between the public defender's office and you know somebody, we have to hire you a private attorney. This can cost over a million dollars a year to hire private attorneys for people going to court. The other problem is when you go up against the DA's office and they have done a good job and they have all the tools in the shed to be effective meaning that they have 10 investigators, and they have more Das, and pay more, and the police that make the arrest wrap it up in a bow and say here you go, prosecute. We have prosecutors that are underpaid that basically have to do their own investigation and have a caseload three times that of the District Attorney, so things fall through the cracks. He made it his mission after he read the story again in the Post about this 15-year-old kid that got accused of stealing a backpack in NYC. His parents couldn't bail him out. He spent three years in prison. He finally got out, and he killed himself. That's not what this county is about. So he lobbied and Assemblywoman Fahy helped him on the State level, and the State and Assembly passed our bill. The Governor vetoed it the first time, but he came back the second time. We are getting \$26.7 million dollars in the next three years

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to help our public defender's office. We will be hiring 70 people in the next three to four years in those offices. We put investigators in there, and they will have more investigators. We will have the tools in the shed to represent people at their hearings, and it's not coming out of any county taxes. This is coming from the State of New York. This money will continue to go on. He just got an award from the Bar Association for achieving this. It's not only changing the face of what happens in Albany County but the other 62 counties in the State of New York. If anyone knows of attorneys who are looking for jobs, we will be looking to hire a lot of people in the next couple of years which is good. We have the Immigration Office. We not only represent Albany County; we go up to the Champlain border. We work with public defenders on people's rights. One of the questions he had at one of those meeting was why are we helping people that are here illegally, and he said that there are reasons the Immigration Office helps. We have students who come into Albany and RPI, and they're here on visas. Unfortunately there is a girl from China who had a 4.0 average and got a DWI. The way her attorney pleaded it she had to leave the country. If they had pled it a different way she could have finished school and continued on. To be effective, you have to work with everybody. There is enough glory to go around for everybody.

One of his biggest problems, too, is the nursing home. We were losing 20 million dollars a year when he first took over as County Executive. Actually it's 1.6 million per month. As of today we are doing a 90 million dollar project out there. It's going to be a phenomenal nursing home. Phase I will be open in July or August. Phase II will fully be remodeled this time next year, 2020. We took a 20 million dollar deficit, and we knocked it down to 3.7 million this year. That's what it's costing the taxpayers, and as we continue to go forward that 3.7 million in the next few years will be closer to 2 million, and to take care of a 250-bed facility that says a lot. The unions all work with us up there and we'll turn it around. It's made a difference and he takes a lot of pride in that because it was a huge fight when he first took over as County Executive trying to figure out what to do. We have an obligation to our senior population. We were identified by AARP as an Age-Friendly Community. We got the award two years ago. We strived for it, and he was happy, but he should have read the fine print about how much more you have to do to continue to have that award. We have over 65,000 seniors over the age of 60 here in the county that are living longer, and they don't want to relocate. We did an outreach program that's been successful up in Berne. We moved some of our senior services out there, not just senior services but veterans and probation. We just opened up a veterans' office in Westerlo. People don't want to come off the hill. That's been successful so we're doing more outreach into the community to make it easier. One of the things we're striving to do is senior housing. Up in the hill towns there is no senior housing. People live here for a reason. They raise their families and they want to stay a fabric of the community, but all of a sudden their house is too big or they can't keep up with taxes and there is no place to move to. We need to really address it. He feels bad for them. They spend their whole life in a community and now they have to spend their final years in some nursing home in the City of Albany which is not easy for them or the family.

So, we continue to move forward and it is fun working with New Scotland. We continue to keep taxes low and we deliver great services and expand on services. County Executive McCoy then opened it up to questions.

Councilperson Hennessy said that he thinks it's great what County Executive McCoy is doing with the whole opioid crises. He knows he is still working on the oil train issue down in the city. His question is this: Have you heard anything lately in regard to any issue in the industry for the oil trains? There are still a significant number going through Voorheesville and New Scotland. County Executive McCoy said that that's a great question. He brought it to a national level. Being President, he represents 700 other counties across the state. He's gone to DOT. All the standards for the brake control mechanisms and everything we fought for to get rid of the different cars have kind of slowed up. That was his issue when we were fighting this. He said let's do it while we have the respect. President Obama is there. Let's get this done. If you push it out to the future, then the next person that takes over can just undo everything you were going to do and that's where we are. We're still on it and luckily the oil prices are really high again. Trains have slowed up. Once the prices go back up they will be back. They will be back, so we're staying on top of that.

Councilperson Snyder thanked County Executive McCoy for all his efforts on the Rail Trail. It's very well used out here. People really enjoy it and she knows that the County really helped us out. Executive McCoy said it's been a great partnership. We put some free sun lotion on the trail for people. We also put stuff to help you fix your bike if it breaks. It has been great and people keep giving us great ideas.

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Councilperson Hennessy said that we have another consolidated funding application this year for the barn and Hilton Park so you'll be seeing that coming soon. Executive McCoy said that that's good. Supervisor LaGrange said that we have a good relationship and we do appreciate the help we've gotten with things like the barn move, the hump on Hilton Road, and hopefully the quiet zone will move along. Executive McCoy said that it's been good.

Presentation by Louise Gava of MEGA re: Community Choice Aggregation

Councilperson Greenberg introduced Ms. Gava who works for the Municipal Electric and Gas Alliance and is the Community Choice Aggregation Leader. MEGA is a not-for-profit local development corporation that started in 1998, so for 20 years they've been doing aggregations of municipal government energy supply. They started in Tompkins and Tioga Counties, and now they are up to 300 municipalities and other businesses. What they do is expand their services as our Board, who are all municipal officials, sees the opportunities or needs the opportunities themselves. A couple of years back when NYS started getting into renewables, we increased our offering to include hydro and solar opportunities for counties. Most recently, because of our experience with energy aggregation, when New York State made it possible to aggregate energy of residents within a municipality, our municipalities that have been with us for 20 years said that this is a "no brainer"; municipalities need this opportunity. So, a quick Energy 101. When you pay an electric bill you pay two main things. One, you pay for delivery. You are paying for the wires, the substation, maintenance, and outages. That's with National Grid now, and that's pretty much always going to be National Grid in the foreseeable future. The second thing that you pay for is supply. That's the physical electric. Back in the 1990s New York State said that you no longer had to pay the State company for your electric delivery and your supply. You can go out and find someone other than National Grid. The default was always National Grid and it's still National Grid, but what CCA looks to do is see if there is a default that a local government might create parameters around that better serves the community. When we're talking about CCA, we're talking about finding a supplier and an energy source that better fits your needs and interests.

So, a little bit of background here. New York State has been in the process of performing the energy vision. New York realized that our grid infrastructure is aging. It's aging at a rapid rate and it's all getting old at the same time, so the cost to repair that is going to fall on all of us and it's very high. New York said, "All right. We need to think about how to modernize our grid system and make it more reliable, affordable, and resilient for things like storms. How are we going to do that?" Since 2014 we've been undergoing this conversation and everyone realized that conversation is better the more engaged and empowered consumers are like our citizens. It's one of the first pieces. Again the CCA has been a conversation in New York since 2014 and it's active and possible to do just since April 2016. So, it's fairly new in New York. So what is it?

A CCA allows local governments to aggregate the electricity in this case of your residents and small businesses within your municipality. So, cities, towns, and villages have this authority. Counties can't do this. They can facilitate and they can maybe supervise, but they can't do this. An important thing is that the Town can only take action for the residents and small businesses outside of the Village. So, the Village would have to do this themselves if they wanted to participate. There are some reasons for that which we can talk about later. The other important thing is that local governments can work together. So the idea of aggregation is that the bigger you get the better it gets. This is just a bulk purchasing program. So, there are lots of people we could work with, and she thinks the Town of New Scotland deserves the credit for bringing a couple of municipalities together. Guilderland and Bethlehem are also investigating the opportunity at the same time. So we already know who might be interested. The two main rules of who can work together are that you have to have the same utility and you have to be in the same independent system-operated load zone. That's basically nine counties worth of towns, villages, and cities (on the map) and then the balance of three more. There are lots of opportunities. We don't have to be adjacent and we honestly don't need that many people to derive value.

What is the value? There are a couple of things. The first obviously is better rates. So we would be using both purchasing and competition to create competitive pricing and budget certainty. It's a fixed rate. The utility is variable and the CCA is fixed. Ms. Gava then discussed consumer protections. When she started doing CCA she did not imagine how important this was. If she had been out in the state as much as she has been meeting people in communities that have been taken advantage of including houses being broken into, it goes beyond what you can imagine. This consumer protection comes in multiple ways. We had a conversation at the community level about energy. That's really important. It goes a long way for protecting ourselves and each other and then you are having experts evaluating the bid and

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contract so you're making sure those terms and conditions are spot on. That marketing all adds up to a huge difference, and we're seeing it right now in the aggregation we're working on right now in the southern tier. There are some very happy people, particularly seniors. Last and most important is tailoring the CCA to the needs and goals of the community. For a lot of folks, and she thinks for this community, it may be access to renewable electricity. It may be figuring out how to incorporate local generators now or in the future as they come into our community.

Ms. Gava wanted to mention a couple of other things. Those benefits come primarily because of the model is an opt-out model. What that means is all automatically eligible customers are participating. Right now National Grid is the default. We would find a new default and everyone would have that. The caveat is that we don't take away someone who has already made a different choice than the default now. If they have already left National Grid and found another supplier, we are going to assume they did their research and we're going to honor and respect that. Other people have said that they've been reading the news and don't want this thing to happen to me where their bill is suddenly really high and they didn't notice. People are going to put a block on their account. If they have a block on their account, they've made a choice, we will honor that choice. She thinks that's really important to tell the Board as municipal officials because every municipality we are in has constituents who are against this program in concept. What's really important is that we focus on an opt-out process that is as easy and robust as possible. The way this happens is education, education, and education.

MEGA has two different times during the process where we focus on education. We have to prove to New York State that we've done education. Every eligible participant in the community would get an opt-out letter. They will get a letter in the mail on municipal letterhead. Hopefully it looks official so folks don't throw it out. It explains the terms and the conditions, and it explains how they can opt out. There are multiple ways to not participate. That decision-making time period once they get the letter is 30 days. It gives you a whole month to think about it and talk to your neighbors. Again, the community where we are in this process that ends Friday is having great conversation. The other important thing is that even after those 30 days if they got put into a CCA they can always leave at any time and go back to National Grid with no penalty. So again, it's structured in a way to be friendly and it's also meant to not be a trick; it's meant to offer a value so when it doesn't that's when we know we're not doing the right thing.

Ms. Gava wanted to mention a couple of other things. The CCA is all about choice. The first choice is to opt out, not to participate. That again is really important. The second choice is to opt in. Those people that have contracts often don't have a good contract and so a lot of the calls she's fielding right now are actually people who paying 18 cents when supply is free. They are very happy to have their municipality make a decision like this because they didn't know what they should be paying. Then, depending on the structure and what the community decides is most interesting for the community and their constituents, residents can either opt up into 100% renewables or opt down to lesser renewals. Municipalities make different decisions based on choice and values, but their residents still have options beyond that and that's really important.

This is a highly regulated program. It's very regulated by New York State and these are some of the things that each municipality has to do to check the box to be able to give itself authority. MEGA has done all of this with well over 20 municipalities so we have the templates, and we have everything. They are mostly editable by the municipality if there are specific details it wants to change. She ran through some of the types of things that New York expects. One is an implementation plan. How are you going to do this? Specifically the focus is on how you are going to do the education and outreach and what's that opt-out letter going to say. The State wants to make sure they're doing right by everyone. Next is a data protection plan. We are in an era of cybersecurity issues and data security issues. She said that MEGA spent a lot of time and money checking this box. That computer would never have our data on it because it's here and even though her computer is protected, that's not protocol. Every "T" is crossed and "I" is dotted. They try to keep our data safe. Then every municipality has to pass a local law. That's the municipality's local law. MEGA does not get their name in that local law; you never have to use that local law if you don't want but it has to be put on the books. That's how you actually give yourself the authority to do CCA. That just gives you an idea that New York is here watching for good or for bad so we won't be doing too many missteps plus again we've done this before.

Okay, so this is actually not scary. It's in the brochure too for reference later on. These are the steps for CCA. They really are pretty easy. The first step that MEGA actually starts with is a handshake

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agreement called an administration agreement where we outline our responsibilities. We outline the expectations of our partner, the municipality's, responsibilities. What that does is it obligates the municipality to work with MEGA if it goes forward with CCA, but it does not obligate the municipality to do CCA. The reason we do that is that we call this whole process steps 1-5, exploring CCA. You can leave at any time through this process and, as a matter of fact, the reason why educating the public is the second step is because whatever pitchforks and flaming torches you have out there we want to see them right here. She has done this in a number of municipalities where we sign the agreement, we publicize, we have a meeting, and they come out. Some municipalities have said, "My constituents don't like this and this is not going to work for us," and they back away right then. MEGA spends money on behalf of the municipality. They don't pay them anything ever for this process but they spend money on the municipality's behalf from step one all the way to step seven. That's why they ask for that relationship so that they know we're in this together unless there is a good reason for the municipality to not process. So we have the handshake agreement, and we start educating the public. Assuming no pitchforks or flaming torches in a reasonable number, then it's moving on to the public hearing and local law. Again, we educate the public first because how do you have a public hearing with a public that can participate when they don't understand the process? The timeline here is a little bit interesting. In order to go to step four, going out to bid, they want to have that aggregation form. There is a process here where they are tracking multiple municipalities together. So, they want to all sync up on step four when they go out to the suppliers and they say that they have 40,000 plus households, what can you do for us, how low can you go, what's are our renewable option, and what's our term? They run that process and then they come back and say that, based on the process, here are our recommendations. Here's what we have to offer and that's when the municipality has to make the actual decision whether it's going to offer this opportunity to its residents or not. Assuming that it does, then they go back to educating the public again. Now we all know the price, the terms, supply sourcing, and we want residents to know that before we send out that opt-out letter. We want to try and prepare them. The opt-in period is 30 days. Once they have the letter they can make their decision and then they actually get enrolled with a supplier and they begin to have their benefits.

Ms. Gava opened it up to questions. Councilperson Snyder asked if they need more than just New Scotland? How many do you need? Ms. Gava said 40,000 is sort of the bottom number. She could say that the municipalities (Guilderland, Bethlehem) who are in the next month having this conversation are about 30,000 and if you add our two villages in, we're already creeping up there. MEGA already has some relationships in the northern part. There is one in Saratoga County that's already signed and a couple in Warren County, so assuming those all work 40,000 is achievable. Ms. Gava added that there are some others that may or may not be as excited about having their name said until they sign the document. We just did this in the southern tiers where municipalities are smaller and farther spread out and maybe don't all have quite the same vision that it seems some of our communities do. Supervisor LaGrange asked if it could be anywhere as long as it's in zone F? Ms. Gava said that there is no need for municipalities to be touching. Their Board is municipal officials so one of the things we need to do is work together. There is no intermunicipal agreement. In other words, it's MEGA's job to facilitate all of that. You could track doing what you're doing and another municipality can track what they're doing, and it's MEGA's job to make it all fit together seamlessly. In that handshake agreement they outline that. They outline how many households they need to bring us in and the timeline that needs to happen on. That's what they're doing. That's the efficiency they're bringing.

Councilperson Leinung asked if they help gather the bids? Ms. Gava said that there are different choices between percentages of renewable. He's assuming that that's part of the bid process. Ms. Gava agreed. You always want to write an aspirational RFP, so you always want to write an RFP where you know you're going to get something of value. They just did that with the first RFP they put out for those 21 communities. They learned a lot about how they are going to work with renewables. Asking for 50% or 100% are artificial lines in the sand. They knew that but it's interesting to see what that looks like. Ultimately municipalities that choose renewables in this first round want 100% or nothing. It was a value, not a dollar value, but it was what they believed in value. They were not interested in splitting hairs. Councilperson Leinung asked if we would be able to look at the price first and percentage of renewables and make that balance. Ms. Gava replied yes. It's a very complicated spreadsheet with a lot of numbers.

Councilperson Snyder asked if Ms. Gava had some data to share with us? She has done this before in other communities so she would like to see the economic value that MEGA brings. When she looks at her utility bill, what value does MEGA bring? Ms. Gava said that they have done this before. The CCA program they are doing right now is just ending step six on Friday. So, she can't tell us for our CCA what

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the math is because no one know what the prices are going forward. She can tell us what they've projected and she can tell you that their price versus the utility's historic price, but only as the months go on will they know that exact information. Otherwise it's just modeling. Councilperson Snyder said that maybe she misunderstood but she thought they had done this lots of times with other municipalities. She's asking for historical information , for example, this was MEGA's price, this was the National Grid price, and this was the value these people received by aggregating. Ms. Gava said that since 1998, MEGA has been doing this for municipal governments. This is the first time it's for residents, so it's different. Those are two different things. They've done one for the first CCA in New York State outside of Westchester which was a pilot program. They just finished with 21 communities. Ms. Gava referred to a graph. They have actual data. It's a different utility and a different zone. Ms. Gava said that this is an actual graph that our municipalities were looking at when they made their decisions to form a CCA. The dash line is the utility and then there is the actual price the residents paid. It went down and up and sometimes really high up. The CCA price is flat and fixed with no increases for the whole time. Then there is a line that actually goes forward, but when you compare the average of all of these prices with the CCA line this line is cheaper, and you save money. This is for the residents. This is what we're projecting for the 21 communities. Councilperson Snyder asked if there was data for the municipal ones. Ms. Gava said that she knows what they saved but they are not her clients and she doesn't have that information with her. Councilperson Snyder thought that it would be helpful. Ms. Gava said that this is why municipalities felt comfortable doing this because when we looked at the forward curve we would expect that this price is actually better. This price is good for a couple of reasons. They have to include things in their price that NYSID doesn't have in their price but will have to add so the municipalities learned a lot about energy and energy purchasing and they could make a good decision.

Councilperson Greenberg said that we see the price before we join the CCA. Ms. Gava said that that was right. Councilperson Greenberg said that we would have more information when we get to step five and that's when we would officially join. The other thing to remember, which he didn't think she mentioned yet, is that the terms are anywhere from a year to three years, or maybe more like a year and a half zone so it's not a giant commitment up front. During that year and a half you have a chance to renegotiate, go with different suppliers, whatever you want to do. We are not talking about a 20-year contract. Ms. Gava agreed adding that everyone always gets to see the price and terms before you sign. You are really exploring. You can't know if you want to do something until you know the exact price and terms which are driven by market conditions, the size of the aggregation, and what you're asking for.

Councilperson Snyder asked for the other data if Ms. Gava could get it. Ms. Gava said she would.

Bridget Burke said that there are a number of CCAs, correct? Ms. Gava asked if she meant in New York State. Mrs. Burke replied yes. Ms. Gava said there is one in Westchester County and that's on its second contract term. There is ours in the southern tiers (Ithaca and south) but none are functional yet. Mrs. Burke asked if there are others trying to be functional? Ms. Gava said that there are. Mrs. Burke asked how we would distinguish their programs from MEGA's. Ms. Gava said that there are three primary CCA administrators. That's the role that MEGA plays and then there is Westchester which is its own administrator. New Scotland, Bethlehem, and Guilderland interviewed all three, and they invited MEGA to the table to continue the conversation.

Councilperson Hennessy asked what kind of mechanism she projected for putting together the RFP? Do they list the requirements for the type of power? Do they list the locations the power must come from? What do they list and how do they present it? Do we just decide? Ms. Gava said that this is the conservation that we have now. If we're looking for 40,000 we are looking for 40,000 that generally want the same thing. Now, that doesn't mean that within the 40,000 if one municipality wants to do one thing that's slightly different it doesn't still benefit all the rest. These are the conversations that we have early on in the process. The way their RFP is structured right now is it prefers certain things. It prefers renewable resources that are closest to the municipality but it will accept those that are farther away. It's sort of like if two suppliers bid the same price and one says I have an asset that I'm including that's in Albany County and the other says mine is in western New York, then our RFP is structured to the one who has the more local assets. All other things being equal, they would win the bid. It's actually a very complicated document. We had to do a ton of editing and a ton of answering questions from suppliers because they weren't used to seeing something that was really trying to bring this value to customers. You can see what it says now. She's happy to share a copy with the Board. She thinks we're going to be meeting to make a ton of edits because they're learning every day. This is a new industry in New York, and New York is a different market. She's happy to share it with us for our thoughts.

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Councilperson Snyder asked if we would have to work with Guilderland and Bethlehem and all come to some agreement with suppliers? How does that work? Ms. Gava said that it's a tradeoff. We can't have everything on day one because this is a new market. If we wanted to power our residents with renewable energy that's located in the Town, they couldn't do that within the next year. They could do it but it's going to take a lot longer. Part of the conversation is what are the values that we're hoping for and if we're hoping to start with competitive prices and access to renewables and then slowly make the renewables closer and more local, then that's how it has to build, but that's only if we want to start today. If we're willing to wait three to four years then it can be a different conversation. Councilperson Snyder said that she was talking about between municipalities. Ms. Gava said that it's the same conversation. We all have to want the same thing. That's the most important thing. Councilperson Snyder asked if then they bring us all together. Ms. Gava said that she would talk to us all individually. In this case they are already having conversations. Supervisor LaGrange said that he and Councilperson Greenberg have been meeting with Guilderland. His understanding is that you want renewables. Supervisor LaGrange added that they did get an opportunity to interview with three of the administrators and they were trying to lay the groundwork so we would have a group together that would all be interested. When they spoke the last time, we thought we might want to have two representatives from each municipality and start to lay the framework for it. Councilperson Snyder said that she didn't realize that.

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

6. Approval of the Minutes of the Following:

- **May 8, 2019 Regular Town Board Meeting**
- **May 16, 2019 Special Town Board Meeting – Bid Opening**
- **May 23, 2019 Special Town Board Meeting**

Resolution 2019-125

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the Clerk for the May 8, 2019, meeting. Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes – 1 abstained). Councilperson Snyder abstained since she was absent.

Resolution 2019-126

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the Clerk for the May 16, 2019, Special Town Board meeting. Seconded by Councilperson Greenberg. All present and voting, the motion carried (5 Ayes).

Resolution 2019-127

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the Clerk for May 23, 2019. Seconded by Councilperson Leinung. All present and voting, the motion carried (4 Ayes-1 abstained). Supervisor LaGrange abstained since he left the meeting early.

Announcements:

- **LS Power Grid NY Marcy to New Scotland Electric Transmission Upgrade Project public information meeting June 20th at Guilderland Town Hall**

Supervisor LaGrange said that for reference these are the lines that basically bisect the town and go across Route 85A between the Village and Martin Road. From what he understands there is going to be an additional pole but they will be shorter than the tallest ones there. As he recalls they run about 170 feet now. These are going to be possibly 120 feet. This is the AC current that is coming again from the Western part of the state. They are going to start at the New Scotland substation and do the project toward the west. It's all in the right-of-way that's already there but they do have to have an informational meeting. Our area is scheduled for Thursday June 20th from 7-9PM at the Guilderland Town Hall. He

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believes New Scotland and Guilderland are the only municipalities it goes through in Albany County. The announcement is also on the website.

Councilperson Hennessy asked how specific they were? Did they say they were just adding a pole? Supervisor LaGrange said that they told him they were replacing it and putting another line down through. Councilperson Hennessy said they're not replacing a line, they are adding another line. Supervisor LaGrange agreed. Councilperson Hennessy said that maybe there are specific areas where they are replacing towers. Supervisor LaGrange said that there could be, and we can confirm that later.

7. Discussion/Action re: Proposed Local Law C of 2019 amending zoning law in relation to municipal solar facilities.

Supervisor LaGrange stated that as Councilperson Greenberg said before we are waiting on a response from the County, but it's probably a good idea to set up a special meeting for June 26th. He also thinks we're going to have something else coming up solar related that we might want to entertain that evening too.

Resolution 2019-128

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 on June 26, 2019, at 6:00 PM. Seconded by Councilperson Greenberg. All present and voting, the motion carried (5 Ayes).

8. Discussion re: planning Board request for authorization to utilize a cluster design in relation to Major Subdivision Sketch Plat Application #638 on Krumkill Road.

Supervisor LaGrange said that the Board had a presentation last month by the developer. We did learn of some different thoughts and ideas that they wanted to pursue. He said that that's outside of the request by the Planning Board to entertain a cluster development. He would like to see it go in that direction unless anyone has an issue with that. Councilperson Snyder asked what was outside? Supervisor LaGrange said it was the issues like the septic and the water are outside of allowing them to move forward with the subdivision plan. They will have to understand that we do have numerous outstanding issues that have to be addressed before they get approval. They would be proceeding with the process at their own risk. At least this would give the developer and the Planning Board an opportunity to pursue the cluster rather than the standard development. Councilperson Greenberg said that he is a proponent of the cluster and he knows that our planner, Nan Stolzenburg, is as well. It was her recommendation, and he backs her on that. He thinks Attorney Naughton suggested that we do have some guidelines about what we are thinking about the sewer and water. Attorney Naughton said that just to be fair we should advise them. Councilperson Greenberg said that his position on that is that he's uncomfortable with a small public sewer system. He believes Stantec is supportive of that position, as well. Highway Superintendent Guyer said that they are proposing a septic system not a sewer. Councilperson Greenberg apologized saying he misspoke.

Highway Superintendent Guyer said that he spoke with Mr. Vadney who does a lot of work for the Town. He ran this by him and he had a lot of interesting thoughts on what was presented last month. It didn't sound like he would be a fan coming from that line of work. Councilperson Snyder asked if meant the septic system. Highway Superintendent Guyer said, "the shared system." He said there is a lot to think about there. One of the things he asked about was the bedrooms and the sizing of the tanks. They said it would be oversized. Mr. Vadney said that unless everything is taken into consideration you might start out with a three-bedroom house but once everything is done nobody know what's going on inside the house and what kind of upgrades they've done. Are they adding bedrooms or hot tubs? He said that all needs to be taken into consideration. On a quick note, it didn't sound like he was in favor of that design.

Supervisor LaGrange said that he thinks that that was the biggest concern by the Board last month. Highway Superintendent Guyer added that Mr. Vadney said that each house would have to have its own tank on their property so you are just sending effluent down the line and you would still need another settling tank before you would get to your sand-bed filter. Councilperson Hennessy asked if Stantec had done any project review of this yet? Engineer Frueh said that they did a conceptual review without getting into the nitty gritty of the design, but they had discussions with Mr. McIntyre from Guilderland today. He said that they would entertain a sewer connection over to Guilderland. Mr. Frueh knows that

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one of the big hold offs with Prime Companies was water over to Guilderland and they were requiring water infrastructure improvements in order to connect with the water but he didn't believe they've pursued only a sewer connection over to Henry Street. We'd want to see some numbers and at least some additional conversations between the developer and Guilderland for that interconnect. Councilperson Snyder said that it's interesting that Guilderland would entertain sewer. Engineer Frueh said that they would entertain sewer and water, but in order to do the water they also need water infrastructure improvements to extend it. They would have to run it out all the way to Schoolhouse Road and improve that stretch of water main, as well. Attorney Naughton said that the developer's engineer who attended the last meeting mentioned that Guilderland was looking for additional infrastructure work. He was saying it's just too expensive.

Councilperson Leinung said that he agreed with Councilperson Greenberg. At the last meeting his concern was having this eventually turned over to the Town and not knowing what our liability would be or cost for us. This is something he said he's not super comfortable with. He thinks as long as we're approving it to look at a cluster development he thinks that's fine. He'd prefer a cluster development but he thinks we need to be clear that this isn't saying we're approving a septic system that the Town will then take over. He thinks that's what Councilperson Greenberg was saying.

Supervisor LaGrange said that he thinks the Town Board is comfortable telling the Planning Board that we could live with a cluster development and authorize that. He thinks we could fashion some of our concerns into a letter authorizing a cluster development, but it's entering at your own risk and here are our concerns. Attorney Naughton said that we could do it by letter or he fashioned a draft resolution.

Resolution 2019-129

WHEREAS, the Planning Board of the Town of New Scotland has submitted a request to the Town Board, pursuant to Section 190-61 of the Zoning Law, for authorization to proceed with review of a cluster design (as opposed to a conventional subdivision) with respect to Application No. 638, submitted by JL Development (the "Applicant") regarding a 26 unit residential subdivision located on Krumkill Road in the Town of New Scotland, New York;

WHEREAS, the site of the proposed development is not currently serviced by public water or public sewer, and there may be boundary line issues between the neighboring towns that complicate the formation or extension of sewer and water districts;

WHEREAS, the Town of New Scotland does not have a public water supply that could provide water to the site, and, therefore, any development would require the approval of the Town of Bethlehem or the Town of Guilderland to supply water to the site;

WHEREAS, the Town of New Scotland does not have a public sewer plant to receive sewage from any future residential development at the site;

WHEREAS, a cluster design likely would require a public sewer connection or a community sewer system;

WHEREAS, the Town of New Scotland is generally not in favor of accepting dedication of a private sewer system for a residential subdivision without the protections and process associated with a Transportation Corporation, and the warranties, financial undertaking/security and process similar to those incorporated in the Development Agreement and related conditions incorporated in the Kensington Woods subdivision approval;

NOW, THEREFORE, IT IS HEREBY

RESOLVED, that the Town Board hereby authorizes the Planning Board to continue with the review process of the pending application for a cluster design subdivision at the site. This authorization is not intended, and shall not be construed, as an indication that the Town Board will, in the future: 1) agree to form a water district or water district extension to provide public water to the site; 2) agree to form a sewer district to provide public sewer services to the site; 3) agree to enter into an agreement with a neighboring municipality to supply water to, or receive sewage from, the site/subdivision; 4) agree to accept dedication of a community sewage treatment system/infrastructure designed to service the

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site/subdivision; and, it is further

RESOLVED, that the Town Board is hereby informing the Applicant that: A) the Town Board is unwilling to accept dedication of a community or private sewer plant or system for the proposed cluster subdivision, and B) without a public water and public sewer system to service the subdivision, the Applicant is proceeding with the approval process at the Planning Board at its own risk. Because: 1) there is no pending application or offer of cession for dedication of such a system; and 2) there is no pending petition for formation or extension of a water or sewer district to service the proposed subdivision/site, this aspect of the Resolution is advisory, and is solely intended to place the Applicant on notice.

A motion by Supervisor LaGrange, seconded by Member Greenberg, to adopt Resolution No. 129 of 2019.

Councilperson Greenberg noted that there are downgrade issues, so any extension of a water district certainly with Bethlehem that comes across Bethlehem and New Scotland property around the traffic circle could be problematic.

Anne Carson asked what a cluster design is. Attorney Naughton said that a cluster is 24-26 houses. A traditional development for a subdivision would be kind of boxes of homes where you put them in the middle and there are setbacks. Clusters are intended to put the housing units closer together and preserve open space and features you have on the property. It allows the developer to put the homes and units closer together. The benefit to the town is that you are saving open space and it also saves the developer money because they don't have to put in as many driveways and roads. They can have less infrastructure. Councilperson Greenberg added that it also saves the Town because there are fewer roads to take care of in the future. Mrs. Carson said usually it's one in road only. Attorney Naughton said that in this case it would be and they are making spots for future connections for future developments that would be nearby if that were to occur. Mrs. Carson commented that it was like in the Town of Guilderland. Attorney Naughton replied possibly. Councilperson Greenberg added that part of the property is actually in the Town of Guilderland. Thirty acres or so are in New Scotland in the back. Sixty (those are estimates) are in Guilderland.

Councilperson Hennessy asked Mrs. Carson if, when she was here, she recalled any property line disputes, questions, or issues, from that side of town with Bethlehem. We've actually had a few in the past five years. Mrs. Carson said that she did not. The only one she recalled was off West Street in the Village of Voorheesville.

Councilperson Greenberg said that for the record the non-cluster subdivision is 26.

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

9. Discussion/Action re: Facility Use Agreements with Board of Elections regarding Town Hall and Community Center

Attorney Naughton said that these are repeats of what we did a few months ago. This is for the next round of elections. We had been doing this for a while but it had dropped off their radar. Whoever is doing this at the County is now paying attention to it again. They are the same as they were, and he sees no objection to these.

Resolution 2019-130

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enter into the Facility Use Agreements between the County of Albany and the Town of New Scotland for the use of Town Hall and the Wyman Osterhout Community Center for the Primary Election on June 25, 2019, and for the General Election on November 5, 2019, and authorizes the Supervisor to sign it. Seconded by Councilperson Greenberg. All present and voting, the motion carried (5 Ayes).

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10. Supervisor LaGrange requests approval to declare the DPW 1987 14-foot tow- behind trailer as surplus

Supervisor LaGrange had a correction for the agenda. He wants to declare the DPW 1972 Comet utility trailer as surplus.

Resolution 2019-131

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby declare the DPW 1972 Comet utility trailer as surplus. Seconded by Councilperson Greenberg.

Supervisor LaGrange advised that the 1987 was our utility trailer. Highway Superintendent Guyer said it went from the Parks to DPW. The 1987 is the DPW's new trailer. Supervisor LaGrange added that it is fine. It's in good shape and everything. Supervisor LaGrange added that it was replaced by a new Parks one last year. This should have probably been surplus further back than this. Highway Superintendent Guyer said that it still has some life in it. Mr. Hensel and Mr. Green tow it around once or twice a week with the mower on it. Mr. Duncan uses his trailer at the park every day so we upgraded his, and the DPW had a used one so we want to get rid of the 1972 one which is too small for their needs. Supervisor LaGrange added that it's 37 years old.

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

11. Discussion/Action re: recommendation from Stantec Engineering – results of request for proposals for VFDs for Swift Rd. Water District

Supervisor LaGrange said that this is the result of requests for proposals for VFDs for the Swift Rd. water district. We got three quotes and there was some delay because one of the quotes didn't have the actual hooking up of the electricity and so forth. We had to get prices on that from them. We've got that.

Engineer Frueh said Stantec reviewed the three quotes to provide new VFDs to the Swift Road Booster Pump Station. It's going to replace the motors for the pumps with new premium efficiency motors and it will upgrade the outdated controls needed for the VFD operation. It's our recommendation that the Town move forward with the low bid provided by Emmons for an amount of \$32,020. Supervisor LaGrange clarified that that's an up-to amount. Engineer Frueh agreed. Supervisor LaGrange added that Emmons installed the pumps a couple of years ago. Engineer Frueh said that he was not sure of the exact date. Supervisor LaGrange said that it's been a little while. They went bad and we had to replace them. This will also help with the line by not coming on and hammering as much. Engineer Frueh said that the VFDs will provide soft starts and stops. Supervisor LaGrange said that in this line we've had nine breaks. Engineer Frueh said that there have been a fair amount of breaks in the last few years. Supervisor LaGrange said that hopefully this will help us and we might not have to address new lines as quickly plus it's better overall service to the residents.

Resolution 2019-132

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the recommendation of Stantec to hire Emmons Pump & Control, Inc., to replace the VFD controls and assorted things that go along with it at the Swift Road Water District Booster Pump Station for an up-to amount of \$32,020 and authorizes the Supervisor to sign it. Seconded by Councilperson Leinung.

Supervisor LaGrange said to remember that as part of the Clean Energy Community Grant we committed \$10,000 of that towards helping with this situation. There is no bond there right now, but we have had some expenditure there, and there is going to be some need for more infrastructure work in the future. For right now they have a healthy fund balance. We might want to do something as far as stretching out the retainment.

Councilperson Hennessy said that he just wanted to reiterate the fund to help supplement payment for the VFD. Supervisor LaGrange said that when we did that two of the things that were highest on the scale for funding in that grant were VFDs and LED lights and that's what we went with.

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

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12. Highway/Parks:

• **Discussion/Action re: hiring of seasonal employees at a rate of \$12.50 per hour**

Highway Superintendent Guyer said that he is looking for the approval of two seasonal summer college students. Two students applied. The first gentleman's name is Eric Long and he resides on Waldenmaier Road. The second is Christian Tomlin who resides on Birch Lane in the Village. Highway Superintendent Guyer is looking for approval on those two individuals to utilize for summer help.

Resolution 2019-133

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve hiring Eric Long and Christian Tomlin to the seasonal employee positions at the rate of \$12.50 per hour. Seconded by Councilperson Hennessy. All present and voting, the motion carried (5 Ayes).

• **Resolution re: Undertaking for the benefit of the NYS Department of Transportation in connection with work affecting state highways**

Highway Superintendent Guyer said that he has a resolution from NYS. He and Engineer Frueh are working on a project for the intersection of LaGrange Lane and State Route 32 which triggered some permitting. In that process NYS said that we don't have an undertaking from us. Highway Superintendent Guyer said that he would like Supervisor LaGrange to sign the actual undertaking itself. It's a 20-year undertaking and it's good for when the Town of New Scotland works in a state right-of-way. Highway Superintendent Guyer didn't know what it was but they explained it to him. If we were a private contractor the State would require us to put up a bond for the price of the job so that in case you walk there is money to fix the job. This is basically in lieu of that because we're a municipality and they don't require us to bond these when we work on the roadway. It's basically in good faith that we're going to put the road back the way that the State is happy with. The actual undertaking itself is a quick signature, which Supervisor LaGrange will sign, and then the resolution has to go with it to the State and it will be on record for 20 years.

Attorney Naughton added that there is also an indemnity in paragraph five if people are injured or something goes wrong during the project that the Town would indemnify the State to the greatest extent permitted by law. That's something that would be covered by our insurance anyway.

Councilperson Hennessy said that the way he reads this it has no bearing on Town roads, even though they give us CHIPS funding. This is only for State highways. Highway Superintendent Guyer said that this is only for when we work within the state right-of-way. Supervisor LaGrange added that since the project came up, it's "T-ing" Route 32 so we will be in the right-of-way. Highway Superintendent Guyer said that that's correct. Usually we are digging water mains in the state right-of-way.

**RESOLUTION NO. 134 OF 2019
Town of New Scotland, New York**

**RESOLUTION AUTHORIZING AN UNDERTAKING
WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, the NYS Department of Transportation reviews requests for permits by municipalities to work upon highways and/or with right-of-ways controlled by the State of New York;

WHEREAS, NYS Department of Transportation requires that a municipality provide a signed Undertaking setting forth the terms and conditions for a municipality's operations and /or actions upon New York State highways and/or within right-of ways.

WHEREAS, the Town of New Scotland has submitted a permit application for work upon New York State highways and/or within right-of-ways;

WHEREAS, the Town Board of the Town of New Scotland has reviewed the accompanying Undertaking and has determined that its signing is in the best interest of the Town;

NOW, THEREFORE, the Town Board duly convened on June 12, 2019:

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RESOLVED, that the Town Board hereby approves the signing of the accompanying Undertaking and related permit application by the Town Supervisor to allow the Town's operations and/or actions upon New York State's highways and/or within right-of-ways;

RESOLVED, this resolution shall be filed with the New York State Department of Transportation by attaching it to any necessary permit application or agreement relating to the Undertaking; and it is further

RESOLVED, this Resolution shall take effect immediately.

A motion by Member LaGrange, seconded by Member Hennessy, to adopt Resolution No. 134 of 2019.

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

Supervisor LaGrange said that we should keep this on file. Attorney Naughton added that we could have a stand-alone resolution if they ask for it, and the Clerk can just certify it. Councilperson Leinung said that this is good for future work too. Highway Superintendent Guyer said that it's good for 20 years. In addition to that, we have an annual permit that has to be filed with DOT for work within the right-of-way, as well. It's a maintenance permit. On top of that, depending on what you are doing, like this intersection project, that gets its own permit on top of everything else. There are layers.

• **Discussion/Action re: funding for new highway garage furnace**

Highway Superintendent Guyer said that he's looking for some discussion. We know we need a new furnace at the highway garage. They've been up to service it but it's getting to the point where it's not going to be safe. He put \$10,000 in the 2019 budget which he grossly underestimated. We went out to about 11 suppliers and we had interest from three or four of them. We put out an RFP to three suppliers, and two came back. The two that came back are at the threshold which triggers public bids on our procurement policy. One came back below the threshold and one came back above it. He believes the threshold is \$35,000.

Attorney Naughton said that he checked around in his office with other lawyers that do municipal work and it's kind of an unusual situation. He thinks that everyone agreed that the conservative thing to do would be to go through the bid process again. He thinks that when we were seeking proposals it was during the winter season. Everyone was busy that time of year so there may be a benefit in bidding it again and maybe we'll get more participation. That's the conservative thing to do. He can't say with legal certainty that that would be a real problem for us, but just because it's a public job he would recommend taking the conservative approach. Supervisor LaGrange agreed.

Councilperson Hennessy asked if Stantec had any mechanical engineers. Engineer Frueh replied that they do. Councilperson Hennessy said that they might have some ideas. Attorney Naughton said that there is something in this *Talk of the Towns* that he read. They were talking about value added and it was a furnace job at a highway garage. They worked with the engineers to find the most cost effective way to replace the heating system. That might be something we'd want to look at. Councilperson Hennessy asked if it is something that Mike Hammer mentioned might be eligible too. Highway Superintendent Guyer said that he talked to Mr. Hammer after that meeting and he asked him a few questions. It's not eligible for what he's involved in but he said that maybe there is something out there. Councilperson Greenberg said that he spoke to him and thought he said he might be able to get a \$5,000 grant or something like that. Highway Superintendent Guyer said that that's not what he understood but there might be something out there. Either way we need to address this. If the Board would like, he will work with Mr. Frueh. He needs to get this ball rolling. Supervisor LaGrange said that we do have two meetings coming up within the next month. Highway Superintendent Guyer said that he'll work with Mr. Frueh and we will try to get some bid specifications together. As soon as we can, we will come back to the Board for permission to advertise going out to bid.

Councilperson Leinung said that there is the Climate Smart Communities Grant program. He needs to look at it but it might be eligible for some matching funds from that too. There are some pretty specific guidelines but there are also some larger energy-efficient projects. He'll look at that and let everyone

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know.

13. Krumkill Road FHWA Project:

• **Resolution amending Capital Project HKR resolution**

Highway Superintendent Guyer said that they had their bid opening, and the bids were all above what was projected. They had a special meeting and he thought they were going to go through it but they couldn't. They finally got their paperwork back from DOT and they're good on that. The first thing they need to do is amend the Capital Project to raise the ceiling on the funding.

Resolution 2019-135

Councilperson Greenberg 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	\$337,762.00
(HKR) 3597 State Aid/Transportation	\$ 60,320.00
(HKR) 5031 Interfund Transfer In	\$ 24,120.00

Increase Appropriations:

(HKR) 5112.4 Permanent Improvements	\$422,202.00
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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	\$ 24,120.00
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Increase Appropriations:

(DB) 9901.9 Interfund Transfer Out	\$ 24,120.00
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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

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

• **Resolution authorizing implementation and funding of federal-aid project and appropriating funds therefore**

Highway Superintendent Guyer said that this is what we saw that month. It has updated dollar amounts in it with the higher construction costs. The engineering stayed the same at \$28,800 but the \$393,402 has been elevated due to the construction costs from the bids that came in. This is stating that the government will reimburse their 80% and then we have the 20% Non- Federal. The State will do the 15% and we will be responsible for our 5%. This is basically our main contract with DOT.

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Town of New Scotland, New York
(Locally Administered Project)
RESOLUTION NUMBER:2019-136

Councilperson Greenberg offered the following resolution and moved its adoption:

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.

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

RESOLVED, 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 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that the additional sum of \$393,402.00 (Three hundred Ninety three thousand Four hundred Two dollars and no cents) is hereby appropriated from Highway DB and made available to cover the cost of participation in the above phases 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 the Town Supervisor of 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 Hennessy seconded the motion. All present and voting, the motion carried (5 Ayes)

- **Resolution authorizing revised Supplemental Agreement No. 1 to contract D035923 for the Krumkill Rd. FHWA Project amending previously adopted Schedule A and Schedule B**
- Highway Superintendent Guyer said that this is the schedule A. It breaks down the cost from the

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resolution that Councilperson Greenberg read showing the engineering cost, total project cost, the federal share, the state share, the Marchiselli share, and then our local share. This is an amended Schedule A.

Resolution 2019-137

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Supplemental Agreement No. 1 to contract D035923 between NYS DOT and the Town of New Scotland. The Federal cost is \$337,762, Marchiselli funds \$60,320, and local cost is \$24,120 with a total cost from all these sources of \$422,202 for the Krumkill Road Project.

It is further resolved that the Supervisor is authorized to sign this agreement.

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

• **Bid results and award recommendation re: Krumkill Rd. FHWA Project**

Highway Superintendent Guyer said that next are the bid results which we saw last month from the three contractors that bid on the project with Prime Highway Contractors, LLC, being the low bidder. We also have a recommendation from Stantec to accept the low bidder for the Krumkill Road project.

Resolution 2019-138

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby accept the low bid of \$367,901.56 from Prime Highway Contractors, LLC, in regard to the Krumkill Road Corrective Maintenance Improvement as recommended by Stantec Consulting Services.

It is further resolved that the Highway Superintendent is authorized to sign this.

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

Councilperson Greenberg asked if there is any information on the start date? Highway Superintendent Guyer said that there wasn't yet. Councilperson Greenberg also mentioned for Mrs. Carson that this improvement is from the bridge over the Normans Kill back to Font Grove Road. He thinks she was talking about the hill. Highway Superintendent Guyer said that this is about 0.8 mile from Font Grove to the bridge.

14. Discussion/Action re: proposal from Robert Wright Disposal, Inc., to amend the May 15, 2016, contract for solid waste and recyclables collection

Supervisor LaGrange sent the Board information on this from Gerry Wright. We are coming up on our contract anniversary date and it gives the opportunity according to a previous addendum that the recycling cost can be discussed and changed. The Board has the increases that have come up. The last two months were \$90-\$95. He thinks that that was March and April. Mr. Wright looked into the City of Albany's municipal Capital Region Solid Waste Management Group that we are a part of. Right now they are contracted with Sierra for the recyclables at \$71.75 per ton. Obviously a much better price and we can take advantage of that if we choose too. Supervisor LaGrange asked Attorney Naughton if he got a chance to look through the agreement at all with Sierra. Attorney Naughton replied that he did not. He asked Mr. Wright for a copy of the agreement and any details regarding this arrangement, and he didn't get back to him. Attorney Naughton did call the Capital Region Solid Waste Management Partnership which is really the old Answers. It showed that we were in fact one of the partners' participating municipalities and it talked about single-stream recycling. He called but the gentleman didn't know anything about it. The person who is supposed to be there was out but will be in tomorrow. So, we are relying on Mr. Wright's representation and his letters that we are able to participate in that program and the price would be \$71.75 per ton for May versus what would be charged to Wright which would be \$95 per ton. He is representing that there would be savings by amending this contract and just paying the tipping fee directly through this partnership and the contract with Sierra. He would recommend that if you want to go forward with it before we're buttoned down making sure that we have this arrangement available. You can authorize the Supervisor to sign it but conditional transmittal of the contract back to Mr. Wright for counter-signature on satisfactory confirmation that we are entitled to use this contract and this pricing. This draft agreement notes in the whereas clauses that even the Sierra or the CRSW pricing

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fluctuates on a monthly basis and it's tied to a certain kind of index for cardboard and paper, so it's still not a fixed price. It's just an example of the differential that we'd be able to take advantage of through that.

This basically takes the \$15,000 that was built into the original contract price for SSR and then makes the Town responsible for payment of the tipping fees directly. It is his understanding that we are on our third addendum on this, and when Mr. Wright came to the Village of Voorheesville they opted to go this route right off the bat. There has been a request for changing at least every four months because there is such fluctuation in pricing and because we have in our agreement the ability to make changes on at least an annual basis. It's getting to be kind of cumbersome. Councilperson Leinung asked if we know if there is this discount for municipalities for the tipping fee? He didn't remember talking about that. Attorney Naughton said that he seems to recall him saying that it was in process and they were using their bargaining power and the City was taking the lead. He remembers hearing that but nothing had been solidified. The last addendum, addendum #2, was still in the works. Councilperson Leinung said that he'd be more comfortable getting confirmation that we are part of this. We don't need the fee necessarily in here if we could get an idea of what the tipping fee can be. If it's \$71.75, fine. He guesses that he's okay with conditioning this. Attorney Naughton said that these numbers came directly from Mr. Wright's letter. He had hoped he would provide this and make it easy for us but he thinks he's been traveling. Supervisor LaGrange said that he has a copy of the Capital Region Solid Waste Management contract that he has on his desk. He did answer his text today. He said he did send it to us. Attorney Naughton checked and he did find it. He'll give it to the Board before they leave so they can review it. Attorney Naughton said that the other thing he should point out is that there is a CPI increase. That's an annual thing. That information was available as of today. Mrs. Kavanaugh made that calculation. There are a number of stop or house increases we have built into our contract that will be adjusted. Mrs. Kavanaugh's numbers have been put into this draft addendum #3 that's in front of us. It's got all of those numbers in there. Councilperson Leinung asked if that included the reduction from last time? Attorney Naughton agreed.

Resolution 2019-139

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve addendum #3 to the contract with Robert Wright Disposal for a total price of \$298,635.99 commencing July 1, 2019, which extends the contract term by one additional year; and

It is further resolved that the Supervisor is authorized to sign it on behalf of the Town but transmittal to Mr. Wright would be conditioned on the Supervisor being satisfied that the pricing is available through the CRSW as represented by Mr. Wright and possible review by Attorney Naughton.

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

15. Discussion/Action: Grant application for Hilton Barn and Hilton Park improvements

Supervisor LaGrange asked if Councilperson Hennessy was satisfied with getting things a little further together for our meeting on June 26th. Councilperson Hennessy said that he thought we could still go forward with it but it's not on the agenda. Supervisor LaGrange said that he has it on his desk if Councilperson Hennessy wants to try and do something with it. Councilperson Hennessy said that we can do it in two weeks. There may be some other things we need to put on it. It's just a formality. Attorney Naughton asked if we need to authorize a Town Designated Engineer to proceed with up to \$4,000. Councilperson Hennessy replied that we do not. We already authorized Ms. Stolzenburg to prepare the application. Part of the application may take less than \$1,000 of time from either Stantec or Barton & Loguidice or whoever we need. We had Barton & Loguidice involved, but they may not have the time to put it together. Stantec has done some of the recreation work in town previously. We're just not prepared to do that yet. It was his understanding that if it's less than the procurement level we don't have to get quotes or even a task order for that matter. We can do it through the department. At this time we don't see that level of significance. Ms. Stolzenburg has already been authorized to do the application. Supervisor LaGrange said he would get this together for June 26th.

16. Request from New Salem Volunteer Fire for approval for financing of replacement of Station #2 building

Councilperson Hennessy said that the New Salem Fire Department is replacing the fire hall on New

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Scotland Road. They have had all of the necessary planning, zoning, and town approvals through the budget process but they are financing part of the construction. Under IRS law they need a resolution from the Town and a public hearing from the Town approving and authorizing that. We had a public hearing last week for it at the fire district. If no one has any questions we need to pass a resolution to address that financing requirement. Councilperson Greenberg said, just to be clear, all the financing does is give tax-exempt status. It's saving residents' money. Attorney Naughton said that the projected cost is approximately \$390,000 and they are planning to finance up to \$250,000. Attachment 9 is a resolution indicating the Town Board is aware of the \$250,000 financing that may be used.

Resolution 2019-140

Councilperson Hennessy offered the following resolution and moved its adoption:

WHEREAS, the New Salem Volunteer Fire Department has requested that the Town Board approve its construction of a new fire house in the Town; and

WHEREAS, the New Salem Volunteer Fire Department proposes to finance up to \$250,000.00 of the construction costs with a loan in a sum up to \$250,000.00; and

WHEREAS, the New Salem Volunteer Fire Department will be solely responsible for payment for such construction and any other related costs, including financing costs; and

WHEREAS, the full faith and credit of the Town of New Scotland is not pledged or obligated in any way in connection with the cost or payment of any indebtedness incurred in the financing of this project; and

WHEREAS, it appears the request is appropriate and in the best interest of the residents of the Town of New Scotland within the New Salem Volunteer Fire Department District;

NOW, THEREFORE, it is hereby **RESOLVED** that the Town Board hereby adopts this resolution for the sole purpose of permitting any debt instruments issued in the financing of this project to be given tax exempt status under any State or Federal tax laws that might apply.

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

17. Liaison Reports:

• **Douglas LaGrange update re: LED conversion at Community Center**

Supervisor LaGrange thought that he would have something on this tonight but there was a little snag so he will put that off. We redid the lights in the Town Hall and the Highway Garage with a higher efficiency fluorescent a few years back. Someone from Rise in conjunction with National Grid approached him and Town Clerk Deschenes to take a look. We got some ideas from that person. He gave us some quotes on the different buildings. His main concern was the Community Center because that still has the standard old fluorescent lights, not the high-efficiency ones. He'd really like to see us do something there for two reasons. First, they are inefficient. Second, there are several ballasts that are not operating up there. As we lose more and more of those we are going to run into trouble. He's hoping we can see some opportunity there at the Community Center to do a full change out. Here in this building it really didn't pencil out in the end. The representative from Wahlberg's that helped us the last time suggested we try four of the LED bulbs in these fixtures which are adaptable. He just put two in his office just to see the difference. It didn't make it any brighter. He will try the other two in the office just to see how it is. If that's an option as we replace these in here as they go bad we might go that route. The Highway Garage is a different story. She's been working on a price for up there as she did for Rise. Highway Superintendent Guyer said that they met with both of them. They both seem to think there will be substantial savings over what we have now which was a step above what we used to have. That had to be about eight or nine years ago because it was Mr. Duncan that started the process. It's been awhile but there were significant savings. We went through a year and the Town of Guilderland called to see how we made out. The Clerk pulled the National Grid bills. Of course they fluctuate a little bit but our seasons run pretty much the same. He didn't recall the number but it was substantially cheaper. If we can do that again that would be good. Supervisor LaGrange said that from what he understood there are pretty predictable savings in the Highway garage because of the amount of lighting and the amount of use. In the Community Center there is a little less regular use and because of that it doesn't pencil out with the potential rebate situation. It's not quite as good as he had hoped. The person from Wahlberg's contacted

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him while he was away and he said that we would sit down and discuss it when he returned. That might be something we want to look for because it won't be quite as cost effective to do. If we can source some money through the grant that would be great too.

Conservation Stories

Councilperson Greenberg said that tomorrow night is the second part of the Conservation Stories. This is an event that we co-hosted with Bethlehem at Five Rivers. Tomorrow night it's at Indian Ladder Farms and it starts at 6 PM. At 5 PM there is supposed to be a farm tour. There are a number of people speaking including our supervisor and there are some tastings and he thinks the Cidery will be open.

Village of Voorheesville Meeting

Councilperson Snyder attended the Village of Voorheesville meeting with Tom Hart about the Hudson River Estuary Grant and they very much would like to be participating with us. That next hurdle has been taken care of. He thinks right now that what we are waiting for is to get some feedback from the Town of New Scotland Board of Ethics. Supervisor LaGrange said that they met last Thursday but we haven't received anything yet. Councilperson Greenberg said that they did come to a conclusion and the attorney is in the process of writing it up.

Energy on Town Buildings

Councilperson Greenberg said that he'd like to put on people's radar that he had another conversation with Mr. Hammer who was looking into solar for us. He mentioned that he could look into energy progress on Town buildings. He's done this with Guilderland and they had a substantial savings. He just wants to put it on radar and maybe have him come in and give us a quick presentation. We can bid out the cost of our energy and see if we can come in with a lower cost supplier than we have now. We can't do that through the CCA because that's only for residential and small commercial. Town properties are not considered that. The one issue with it is we'd have to pass a resolution. When he puts something out to bid and the bids come back the Supervisor will have about one day to decide whether to sign it because energy prices fluctuate so much. We would have to pass a resolution and the Supervisor would have the ability if the costs are going to be lower to sign. If people are interested he'll ask him to come in next time. Councilperson Snyder said yes if we can save money. Highway Superintendent Guyer said that that's similar to what she was explaining on the residential end. Councilperson Greenberg said that we can't do that with Town property. Highway Superintendent Guyer said that it would be a lower price on supply. Councilperson Greenberg agreed. Councilperson Hennessy said that we looked at this in past years but no one ever pulled the trigger. Town Clerk Deschenes thought we did it once. Councilperson Hennessy said that he was interested.

Councilperson Greenberg said one of four steps for the Clean Energy Program was to benchmark our properties so we will know exactly what our bills are at the time. He will have a great way of comparing whether we are getting a good price. Councilperson Greenberg said that he can ask him to come on June 26th. Councilperson Snyder said that if he's available .

18. Departmental Monthly Reports:

- **Town Clerk, May 2019**
- **Registrar, May 2019**
- **Justice Johnson, April & May 2019**
- **Justice Wukitsch, April & May 2019**
- **Building Dept., 2019**
- **Code Enforcement, 2019**

19. Pay the Bills

Resolution 2019-141

Supervisor LaGrange offered the following resolution and moved its adoption:

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

Pay the Bills June 12, 2019		
Abstract #	Vouchers	Amount
	20190653-20190769	\$130,025.24

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Prepays		
Abstract#	Vouchers	Amount
05/07/2019	20190608-20190628	\$44,013.75
05/15/2019	20190636-20190640	\$1,039.17
05/21/2019	20190641-20190644	\$30,680.17
05/22/2019	20190645-20190646	\$632.08
05/29/2019	20190647-20190648	\$5,664.70
06/04/2019	20190649-20190652	\$1,339.00

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

**20. Approve any Budget Modifications
Resolution 2019-142**

Supervisor LaGrange offered the following resolution and moved its adoption:

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:				
FROM	CODE	TO	CODE	AMOUNT
Contingency	A1990.4	Parks/contr.	A7110.4	\$2,500.00
To move appropriation from Contingency to Parks/contr. for amount approved by Board as per Res.#2019-083 for N. Stolzenburg grant application work.				
Contingency	B1990.4	Central Print & Mail/contr.	B1670.4	\$500.00
To move appropriation from Contingency to Central Printing & Mailing contractual for \$64.37 over budget (mainly due to multiple mailings for public hearings) and additional amount for balance of year.				
Fund Balance	B0909	Zoning/contr.	B8010.4	\$3,000.00
To appropriate money from fund balance to zoning/contractual for Attorney Peck services for Local Law 4 of 2019 approved by Town Board as per Res.#2019-039 Amended.				
Planning/contr.	B8020.4	Zoning/contr.	B8010.4	\$6,100.00
To move \$6,100.00 from Planning/contr. to Zoning/contr. for N. Stolzenburg work on zoning law audit work approved by Board – amended resolution #2019-114.				
Metered Sales	WF2140	Water Admin/Contr.	WF8310.4	\$2,060.50
To increase Revenue (WF2140) and Expenditures (WF8310.4) for equal amounts for cost of parts and labor for repair of Sensaphone dialer.				
Fund Balance	WG0909	Purification/contr.	WG8330.4	\$350.00
To appropriate money from fund balance to purification/contractual for amount over budget (\$4.75) an additional amount as estimate to cover through year end.				
Metered Water Rents	WH2140	Interfund Loan Int.	WH9795.7	\$100.00
To increase both revenue/Metered Water Rents and Expenditures/Interfund Loan interest for amount not budgeted for (\$14.73) and additional amount as estimate to cover through year end.				
Metered Water Rents	WKW2140	Interfund Loan Int.	WKW9795.7	\$25.00
To increase both revenue/Metered Water Rents and Expenditures/Interfund Loan interest for amount not budgeted for (\$3.58) and additional amount as estimate to cover through year end.				
Fund Balance	WN0909	Trans./Distrib./Co ntr.	WN8340.4	\$1,000.00
To appropriate money from fund balance to Transmission/Distribution/contractual for amount over budget (\$832.81) and additional amount as estimate to cover through year end.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2019 budget as stated above.				

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

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

22. Possible motion for Executive Session to discuss a legal matter

Attorney Naughton said that we have a request from the Building Inspector for authorization to proceed with an enforcement matter regarding a zoning violation. That will require Town Board approval. That sort of thing is litigation. It would authorize him to go to court on behalf of the Town. If there is any discussion about whether or not we need to proceed with that or if anyone needs details he thinks we could do that in Executive Session because it's litigation; however if you just want to authorize Building Inspector Cramer to proceed with that enforcement proceeding we could do that. He thinks the landowner is Mathias Keib. It will be no surprise to him. He had been served with an order to remedy months ago and given 10 days to comply and he has not. There have been follow-up emails. He operates with a company named Advantage Tree Services, LLC. At some point a company, an LLC named DJK Holdings, LLC, was involved with the property and had applied for a permit to do something there but never followed up on the approval from the Planning Board. If the Board just wants to approve the Building Inspector going forward with that we can just have a motion and approve it or if there is further discussion we need to get into we should go into Executive Session. Councilperson Snyder said that she's okay. Supervisor LaGrange agreed.

Resolution 2019-143

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Code Enforcement Officers/Building Inspector to proceed with enforcement proceedings against Mathias Keib and related companies this is being done in connection with section 190-86 of the Zoning Law.

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

23. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:30 PM.