

**Town of New Scotland  
Special Town Board Meeting  
September 20, 2018**

The following Town Officials were in attendance:

|                |                                  |
|----------------|----------------------------------|
| Supervisor:    | Douglas LaGrange                 |
| Councilperson: | Adam Greenberg<br>Daniel Leinung |
| Town Attorney: | J. Michael Naughton              |
| Town Clerk:    | Diane Deschenes                  |
| Absent:        |                                  |
| Councilperson: | Patricia Snyder (Recused)        |
| Councilperson: | William Hennessy                 |

**1. Call to Order**

Supervisor LaGrange called the special meeting to order at 8:35 AM. We are going to discuss two things, one is advertising for an Assessor if we want to start that now, and the second item is accepting a contract with E. Stewart Jones Hacker Murphy, LLP, to represent the TONS in a small claims assessment proceeding. This is a resident versus the TONS.

Advertisement for Assessor

Supervisor LaGrange said that he's asked for and received the start of a note from Assessor Corbari of what's coming up that's important. He and the Town Clerk it the other day, and they felt it was important to get that. He spoke to Mrs. Corbari on two things. One, what she thought the level of need was for part or full time. She feels that it is still a part-time position with a full-time clerk. That's the important quantifier there. She felt that we'd have to have somebody, this is dependent of course on the experience, but we'd have to have someone before February 1, 2019. She would say before January 1, 2019, and he would say, depending on the people out there, it's important to get it ASAP. It's in the budget. Obviously if it's someone with less experience we'd want to get them started sooner. If it's someone with her experience or more we can take our time and get that person.

Attorney Naughton asked what her last day of work is. Supervisor LaGrange said that it was a two-week notice. Town Clerk Deschenes said she put October 1, 2018, on her resignation. Attorney Naughton asked if we're going to get any training or hand off? Supervisor LaGrange said that she would try to make some kind of arrangements to get back and discuss things, especially if it was somebody who is really new. Councilperson Greenberg asked if her new job is full time. Supervisor LaGrange said that it is. She's been running back and forth from Clifton Park, and he expected this a while ago but he was happy that she stayed as long as she did. It's a job that's 10 minutes down the road, and the school for the kids is halfway between her house and the job. Councilperson Greenberg said that he just didn't know if she was working part time she might still have a little time to assist. Supervisor LaGrange said no, it's full time. It's unfortunate. She's been here about 10 years. It's a thankless job at times. Attorney Naughton said that January 1 would be a better time to have someone on board. Supervisor LaGrange said at the very least. It depends on experience. He would be happy if we could get someone October 1. Councilperson Greenberg said that he wouldn't advertise it for January 1. He'd advertise it for now. Supervisor LaGrange said that if we could get a top-notch Assessor with all sorts of experience he doesn't think it would be a problem to go with January 1 if that was the closest they could come. He thinks we have to see what the pool is and decide.

Attorney Naughton asked if, when we advertise, we would put the same salary that's she's at or something lower? Supervisor LaGrange said that he thinks it's one of those things that's commensurate with experience. Councilperson Leinung said someone could probably look it up if they're really interested. Supervisor LaGrange said that he doesn't know what it is off the top of his head. Town Clerk Deschenes thought it was around \$35,000. Councilperson Leinung asked if there is not much that has to be done between now and then? Supervisor LaGrange said there was nothing that an Assessor has to do. The clerk can still process the stuff. Let's just say that he feels we have the luxury if necessary to wait until January. If we have someone who wants to start he would rather get them in sooner. Town Clerk Deschenes said that she thinks we need someone sooner. She is concerned. It's not like the Assessor doesn't have anything to do with the tax roll. Right now the numbers are going in. If there are changes in Assessments, that information has to be given to the Albany County Department of Finance. Councilperson Greenberg asked if clerks don't do that. Town Clerk Deschenes said that she guesses she can, but Mrs. Latham is new too. Supervisor LaGrange said that the small claims stuff will be done before she leaves. That has to be done before September 30. He doesn't know about others. Town Clerk Deschenes said that she would really like the Board to identify hours for this person. Assessor Corbari has no hours posted on the website. She just

**Town of New Scotland  
Special Town Board Meeting  
September 20, 2018**

thinks it's important to set hours and have the Assessor here for those hours. Supervisor LaGrange said that they are supposed to be posted. Town Clerk Deschenes said that they were but they were taken down. Councilperson Greenberg asked if that's been an issue. Town Clerk Deschenes said that she felt it has. Supervisor LaGrange said regardless of that, if we're going to have it be part time people need to know when they can see the Assessor. So, theoretically anybody that wants to see the Assessor has to make an appointment. Even if you have hours, appointments can conflict. Town Clerk Deschenes said that it's just nice for everyone involved, even the employees here. Supervisor LaGrange said that he agrees. Honestly, the Assessor has had things come up and she's come in a little later or something and it's worked out. As long as she was doing the role and doing the job he wanted to keep her as long as we could.

Councilperson Greenberg said that we should list it. Who is writing this up? Supervisor LaGrange said that Mrs. Kavanaugh was. There are parameters that we are under. Town Clerk Deschenes added that eventually we have to have a certified Assessor. The Assessor she spoke with yesterday about another topic asked if he could spread the word and she replied yes. So this will get around to the various Assessors soon. Councilperson Leinung said he got an email yesterday from Mrs. Stagnitta. Councilperson Greenberg said she used to work here.

**Resolution 2018-187**

Supervisor LaGrange made the following motion and moved for its adoption:

Resolved that the Town Board of the Town of New Scotland advertise for the Assessor's position as soon as possible.

Mrs. Kavanaugh will put something together and we will make sure it's what we have to do. We will talk about it as a part-time position. Councilperson Greenberg added with specific hours. Town Clerk Deschenes said that she thinks we can deal with the person on that. Supervisor LaGrange added that it will be part time with regular hours. He thinks we will advertise it that way and then they will at least know that that's what we're expecting. Attorney Naughton said that when you say part time is it like 20 hours a week? Supervisor LaGrange said he would have to check. Town Clerk Deschenes thought that it was around that, but the Assessor also works out of her home. Supervisor LaGrange said at times if something happens she has access. Attorney Naughton said that when you say part time, we should know what that means.

Councilperson Leinung seconded the motion. All present and voting, the motion carried (3 Ayes).

Councilperson Greenberg asked who will do interviews. Supervisor LaGrange said that he would like to with some Board input. Councilperson Leinung asked if the Board appoints. Supervisor LaGrange said yes we do. Actually this will be for a one year and two month appointment. Town Clerk Deschenes added that it's a six-year term. Supervisor LaGrange agreed adding that that would expire, and then we would have to reappoint but it is a Board appointment. Because of the term, they try to keep it from being a political position as much as possible.

Supervisor LaGrange said that if anyone thinks of anything else to let him know. Supervisor LaGrange added that we should advertise for at least two weeks. Councilperson Leinung agreed. Supervisor LaGrange said that he would anticipate we will get a lot of action relatively quickly. Councilperson Greenberg asked if there is any other place to put it like a trade magazine. Town Clerk Deschenes said that she thinks you'll see what you get from the Assessor offices and their clerks. She doesn't think it will be that easy to fill. People don't come here because we're one of the smaller municipalities. We're a training ground for other places; we're not a place that people come to. Councilperson Greenberg asked if there is any one in particular to contact to get the word out. Town Clerk Deschenes said that Assessor Corbari is probably part of the Assessor's Association, and she could forward the legal on to the group.

Small Claims Court

Supervisor LaGrange said that the Town is being taken to SCAR (small claims assessment review) and it's going to be handled in Guilderland. This is something that we've done on occasion, hiring outside counsel to represent us. Supervisor LaGrange said he believes the Board will have to okay a settlement. Attorney Naughton said that basically the Assessor would handle the SCAR without counsel but because this involves a Town employee, Assessor Corbari has recused herself from this matter so we will need to be represented by counsel at the SCAR proceeding. We have on many occasions used this firm who specializes in this area of law. We have retained the firm on a number of occasions. They have a standard retainer agreement for us that will need to be approved and signed by the Supervisor. It provides that they are being retained under normal hourly rates. Supervisor LaGrange said that it's \$265/hour for the principle, \$225/hour for the senior associate, and \$125/hour

**Town of New Scotland  
Special Town Board Meeting  
September 20, 2018**

for the paralegal. Attorney Naughton added that we would then be responsible for expenses. The initial retainer amount is \$500. They are asking for an initial retainer amount of \$500 which will probably be sufficient with respect to an appearance and preparation for a SCAR proceeding. If the matter continues we would have to be paying for them on an hourly basis. Supervisor LaGrange said that there is also the potential for an appraisal fee. They've listed on the contract to not exceed \$1,000 if needed. Attorney Naughton said that those are all standard rates. They are reasonable rates and much lower than his hourly rates for his clients. It's also in keeping with the rates that we charge for municipal work so he sees no problem with that. Normally the SCAR proceeding resolutions are not something that need to be approved by the Town Board as a whole, but we will ask Mr. Seeley what their recommendation is with respect to that if there is a settlement. The next step would be if the property owner is not satisfied with what the Town offers or if the assessment remains the same, then the property owner would have the ability to go to the next step with an Article 7 Proceeding in State Supreme Court, but we don't need to get into that right now. Let's take this one step at a time.

Councilperson Greenberg asked if he could have a little history. He doesn't even know how this developed. Do we need to go into Executive Session? Attorney Naughton said that he didn't think so. Supervisor LaGrange said that this is an employee who first went to the Assessor and then went to the Board of Assessment Review and did get some relief. Councilperson Greenberg said so the individual went to the Assessor and the Assessor sent her to the Board of Assessment Review which should not have happened in New Scotland. Supervisor LaGrange said that from what we've come to understand, yes. Councilperson Greenberg asked if that was a mistake by the Assessor or the Assessment Board of Review. Supervisor LaGrange said that he thinks everybody has some culpability there, both parties. He would guess that we should know it, but he didn't know it either. Councilperson Greenberg stated that the Assessment Board of Review then ruled to not lower the assessment. Supervisor LaGrange said that they gave some relief. Town Clerk Deschenes said that it's her understanding that the assessment was lowered a couple of years ago. Supervisor LaGrange said that they then lowered it again this year. He's not positive what the number was so he doesn't want to say. It wasn't what the person was looking for. Town Clerk Deschenes said that there are minutes from the Board Assessment Review. Councilperson Greenberg asked that the minutes be forwarded to him. Councilperson Leinung asked for them too.

Attorney Naughton said that we should mention that this involved Patricia Snyder and her husband so she has recused herself from today's meeting. Basically we will need a resolution to approve the retainer agreement and authorize the Supervisor to sign it. Supervisor LaGrange said that we have to make the deposit agreement too because that's not in the contract but it was part of the correspondence. Councilperson Greenberg clarified that it's not just for the retainer, it's for the whole contract. Attorney Naughton said that the Board is approving the contract. A retainer is a contract. A retainer amount is like a deposit so they can work off that. That goes into their account which is like an escrow account that they bill against.

**Resolution 2018-188**

Supervisor LaGrange made the following motion and moved for its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby approve the retainer agreement with E. Stewart Jones Hacker Murphy, LLP, and authorize the Supervisor to sign it.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (3 Ayes)

Councilperson Greenberg asked about how long this usually takes. Supervisor LaGrange said that the hearing is September 25, 2018. Attorney Naughton said that this will be pretty quick. Councilperson Leinung said that they will probably have a decision that night. He's assuming that the Judge looks at the papers beforehand and then just hears from the parties. Attorney Naughton said that there will be an opportunity to settle at or immediately after. Councilperson Greenberg asked in terms of a settlement do we do anything? Supervisor LaGrange said that he believes the Board has to approve it. Attorney Naughton said that we will hear from Mr. Seeley on that. He doesn't believe that we deal with any SCAR settlements. Supervisor LaGrange said that he heard otherwise. Councilperson Leinung said that that's why we are hiring this outside firm to make that determination. Attorney Naughton said that he thinks that's what's probably going to happen. Attorney Naughton said that he's sure it's not the first time this has happened with Mr. Seeley's firm. Councilperson Greenberg said that he didn't know if a settlement was something the Board would have to vote on. Attorney Naughton said that the Board would in an Article 7 proceeding, but we will ask him in this context.

Senior Outreach

**Town of New Scotland  
Special Town Board Meeting  
September 20, 2018**

Councilperson Greenberg asked if we had anything on the Senior Outreach front like resumes. Supervisor LaGrange said that he thinks that today was when it went in the paper. Town Clerk Deschenes said that she hasn't seen it, but Mrs. Kavanaugh was working on it. Supervisor LaGrange said that he'd have to check with her but we were trying to get it in. We've had one person with some interest because she heard it through the grapevine. Supervisor LaGrange said that he wants to see what our opportunities are and he also would like to be sure that we have a good understanding of what's expected and maybe go back to what the original intentions for the job itself were just to make sure we're on the right track.

As a side note we've had some concern about where the money and keys are secured when a driver comes back from a trip after hours. He purchased a lock box similar to the one outside the Clerk's office to put at the back door so the keys and anything like that can be dropped in. It's just one more thing he's trying to clean up. There hasn't been anything that happened in that regard and there hasn't been anything that we questioned. It always seems to be consistent and right, but they look at that as we go through audits and things like that. Things have to be better taken care of and cleaned up. Hopefully we will have that up this week.

**2. Adjourn**

Councilperson Leinung made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:00 AM.

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Diane Deschenes, Town Clerk