1. Call to Order  
   Mr. LaGrange

2. Pledge of Allegiance

   Mr. Greenberg
   Attachment #1

4. Discussion/Action: Grant application for Hilton Barn and Hilton Park improvements  
   Mr. Hennessy Jr
   Attachment #2

5. Discussion/Action re: Intermunicipal Agreement and Amendment/Addendum #3 to Sewer Agreement, dated March 23, 2005 (Heldervale Sewer District)  
   Mr. LaGrange
   Attachment #3

6. Discussion/Action re: extending time period in which court clerk may work additional hours if needed, per resolution 2019-103 as amended.  
   Mr. LaGrange

7. Resolution authorizing implementation and funding of federal-aid project and appropriating funds therefore  
   Mr. LaGrange
   Attachment #4

8. Adjourn  
   Mr. LaGrange
Proposed
Town of New Scotland
Local Law C of the year 2019

A Law Amending the Town of New Scotland Zoning Law in relation to municipal solar facilities.

Be it enacted by the Town Board of the Town of New Scotland as follows:

SECTION I. BACKGROUND, PURPOSE AND FINDINGS

In July, 2017 the Town of New Scotland enacted Local Law 5 of 2017 (the “Solar Law”), which amended Chapter 190 of the Code of the Town of New Scotland and established special regulations regarding solar collector systems. Among other things, Local Law 5 of 2017 includes regulations for Large-Scale Solar projects and ground mounted solar energy systems.

In August, 2018, the State of New York, through the New York State Energy Research and Development Authority (NYSERDA), announced a policy of encouraging development of solar collector systems on municipal properties, including former landfills and brownfield sites. NYSERDA provided a “toolkit” to municipalities to facilitate development of solar projects on such properties. Since closed landfills cannot be developed for other uses, they are under-utilized properties that are especially well suited for solar collector systems. NYSERDA also provides certain financial incentives for development of solar collector systems on landfills and brownfield sites.

NYSERDA’s program coincides with other legal developments designed to encourage development of solar projects and streamline the approval process. In January, 2019, the regulations applicable to the State Environmental Quality Review Act (SEQRA) were amended. The regulations now provide that solar energy installations involving 25 acres or less on closed landfills and certain “brownfield” sites are “Type II” actions, exempt from the requirement of SEQRA environmental review.

This Local Law is intended to adopt provisions recommended by NYSERDA and streamline the approval process for solar collector systems and solar storage battery facilities sited on closed municipal landfill sites. It is the intent of the Town to encourage development of solar collector systems on municipal properties, maximize potential for solar energy development on closed landfills, and maximize the resources of the Town in relation to under-utilized landfills.
SECTION II. AMENDMENTS

Chapter 190, Section 190-57-A of the Code of the Town of New Scotland entitled “Town of New Scotland Zoning Law,” is hereby amended as follows:

A. Subsection (A), entitled “Definitions,” is hereby amended by addition the following definition:

**Municipal Solar Facility** – A solar collector facility sited on: a) land owned by the Town of New Scotland; and (b) which involves 25 acres or less of physical alteration of a closed landfill.

B. Part II, Subsection (G) is amended by adding the following subsection:

6. Notwithstanding the provisions of Subsection (C)(6) and Subsection (G)(1)-(4) of Section 190-57-A of the Zoning Law, a Municipal Solar Facility which satisfies the criteria for a Type II action under 6 NYCRR § 627.5(14) of the State Environmental Quality Review Act (“SEQRA”):

   a. Shall not require a Special Use Permit or Site Plan Approval from the Town Planning Board; and

   b. Is exempt from the set back, bulk, area, front and side yard set back requirements and all other siting and utility connection restrictions set forth in Subsection (G)(4) of the Solar Law.

In lieu of a Special Use Permit, private developers leasing land from the Town of New Scotland for a Municipal Solar Facility shall, prior to construction and installation, (i) apply for and obtain a Building Permit and Unified Solar Permit from the Building Department, (ii) provide proof of New York State Department of Environmental Conservation (NYSDEC) approval of a post-closure modification plan for the closed landfill, and (iii) agree, in writing, to adhere to the approved post-closure monitoring and maintenance operations manual as required by 6 NYCRR Part 360. The Building Inspector shall not issue a permit for a Municipal Solar Facility unless the developer presents a signed lease with the Town for such facility and complies with the application requirements regarding a decommissioning plan, as set forth in Subsection (G)(5) and (H) of the Solar Law.

7. A Solar Storage Battery facility is a permitted use in the RA zoning district provided it is: (A) sited and constructed on a closed landfill owned by the Town of New Scotland, and (B) the Town Board approves a lease for the construction, operation, and
The decommissioning of such Solar Storage Battery facility. A Solar Storage Battery facility located on property owned by the Town of New Scotland shall not require a Special Use Permit or Site Plan Approval from the Town Planning Board.

SECTION III. AUTHORITY

This local law is enacted by the Town Board of the Town of New Scotland pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Article 18 of the General Municipal Law, and the Municipal Home Rule Law.

SECTION IV. VALIDITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

SECTION V. REPEAL OF OTHER LAWS

All local laws in conflict with provisions of this local law are hereby superseded. This local law supersedes any inconsistent provisions in Chapter 190 of the Town of New Scotland Zoning Law relating to zoning and permitted and special uses.

SECTION VI. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law, upon filing with the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board on ______________________ 20__, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the Town of New Scotland was duly passed by the New Scotland Town Board on ______________________ 20__, and was (approved) (not approved) (repassed after disapproval) by the ______________________

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.
June 24, 2016

Douglas LaGrange, Supervisor
Town of New Scotland
2029 New Scotland Road
Slingerlands, NY 12159

Re: Hilton Park Improvements - Task Order for Technical Services
File: P710.1230

Dear Supervisor LaGrange:

Barton & Loguidice, D.P.C. (B&L), is pleased to provide this proposal for continued Technical Services to assist the Town of New Scotland with a 2019 Consolidated Funding Application for the Hilton Park Improvements that include, but may not be limited, the Hilton Barn and CFA application.

B&L proposes to provide the above-described Scope of Services in accordance with our Master Services Agreement for hourly services up to $1,500.00 (One Thousand Five Hundred Dollars). If additional work is required beyond this scope, we will prepare a supplemental proposal at that time. Work can commence upon receipt of authorization from the Town of New Scotland.

Following your review and concurrence with this proposal, we have provided for countersignature approval below. If you have any questions, please feel free to contact me or Skip Francis.

Sincerely,

BARTON & LOGUIDICE D.P.C.

Donald H. Fletcher
Senior Vice President

DHF/stf/tms

Authorization
Barton & Loguidice, D.P.C. is hereby authorized by the Town of New Scotland to proceed with the services described herein, in accordance with the current Master Services Agreement between Barton & Loguidice, D.P.C and the Town of New Scotland and the terms herein.

________________________________________  _________________
Douglas LaGrange, Supervisor  Date
Town of New Scotland

Z:\BL-Vault\D2\18217AD2-1c71-4823-8927-99D5C4054147\0\1789000-1789999\1789369\\\P710.1230_LaGrange Task Order Ltr_S (ID 1789369).Docx
ADDENDUM #3
TO INTER-MUNICIPAL AGREEMENT, DATED MARCH 23, 2005

THIS AGREEMENT dated as of this ___ day of May, 2019 by and between the TOWN OF BETHLEHEM, a municipal corporation of the State of New York with offices at 445 Delaware Avenue, Delmar, New York and the TOWN OF NEW SCOTLAND, a municipal corporation of the State of New York with offices at 2029 New Scotland Road, Slingerlands, New York.

WITNESSETH

WHEREAS, on March 23, 2005 the Town of Bethlehem and Town of New Scotland entered into a written Agreement (the “Sewer Agreement”) concerning the Town of Bethlehem accepting for treatment at its waste water treatment facility waste water from the Heldervale Sewer District, as well as Extensions 1 through 4 thereof; and

WHEREAS, on December 9, 2009, the parties amended the Sewer Agreement pursuant to an Amendment of Sewer Agreement, dated December 9, 2009 to cover the Heldervale Sewer District Extension No. 5, containing approximately 6.79 acres of land on Route 85 in the Town of New Scotland to service a 30 unit residential subdivision project and a commercial unit; and

WHEREAS, on October 21, 2015, the Town of New Scotland approved: (A) Heldervale Sewer District Extension No. 6; and (B) Heldervale Water District Extension No. 9 in connection with the “Creekside” residential subdivision project and certain neighboring properties described and depicted in the Orders establishing such district extensions, and the parties amended the Sewer Agreement pursuant to Amendment/Addendum #2, dated as of March, 2016; and

WHEREAS, the Sewer Agreement, as amended by: (A) the Amendment of Sewer Agreement, dated December 9, 2009; and (B) Intermunicipal Agreement and Amendment/Addendum #2 to Sewer Agreement shall be referred to in this Addendum #3 as the “Agreement.”

WHEREAS, on October 10, 2018, the Town Board of New Scotland approved an Order extending the Heldervale Sewer District, which is enumerated Extension #7. Extension #7 relates to the Maxim Real Estate Development, LLC four (4) lot residential subdivision (the “Project”) on “Toby Lane”/Mason Lane in the Town of New Scotland, New York, and a neighboring parcel; and

WHEREAS, the Town of Bethlehem has determined that it has sufficient capacity to accept waste water for the residential properties encompassed by the Project, and the neighboring property encompassed by Heldervale Sewer District Extension #7;

WHEREAS, it is the intention of the parties that the property described in the Extension Order annexed as Exhibit 1 to this Addendum be included within the Sewer Agreement;
NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed that pursuant to paragraph 6(e) of the March 23, 2005 Sewer Agreement, the properties described in the Extension Order appended hereto as Exhibit I shall be, and hereby are, covered by the Agreement (as amended) on the same terms and conditions set forth in the Agreement. This Addendum to the Sewer Agreement shall expire on the same date the Agreement expires.

In witness whereof, the undersigned have set their hands on the date below written.

TOWN OF BETHLEHEM

By: [Signature]
David VanLuven, Supervisor

TOWN OF NEW SCOTLAND

By: [Signature]
Douglas LaGrange, Supervisor

Dated: June 18, 2019

Dated: ___________, 2019
EXHIBIT 1
IN THE MATTER OF THE ESTABLISHMENT OF THE
HELDERVALE SEWER DISTRICT EXTENSION #7,
in the Town of New Scotland, Albany County, New York.

ORDER ESTABLISHING
SEWER DISTRICT
EXTENSION

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

WHEREAS, a map, plan and report (last revised, September, 2018) relating to the establishment of Heldervale Sewer District Extension #7, prepared by Jacobson Engineering, PC (d/b/a “Insite Northeast”), a duly licensed civil engineer of the State of New York, in a manner and in such detail as has been determined by this Town Board to be adequate, has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

WHEREAS, an order was duly adopted by the Town Board on September 12, 2018, reciting the filing of a map, plan and report, the improvements proposed, the boundaries of the proposed district, the proposed method of financing, the fact that the map, plan and report describing the same were on file in the Town Clerk’s Office for public inspection, and stating all other matters required by law to be stated, and specifying October 10, 2018 at 6:45 p.m. on said day as the time and date, at the New Scotland Town Hall as the place where this Town Board will meet and consider the map, plan and report, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law; and

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

WHEREAS, a hearing on said matter was duly held by said Town Board on September 12, 2018, at 6:45 p.m. on said day, in the New Scotland Town Hall and the petitioners appearing in favor of the petition, and the Town Board having heard comment from all interested persons; and

WHEREAS, all construction and other costs for creation of the extension, estimated at $104,870.00, will be paid by Maxim Real Estate Development, LLC, with no cost to the Town of New Scotland, it is hereby
RESOLVED AND DETERMINED:

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

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

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

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

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

RESOLVED AND DETERMINED:

That the establishment of the proposed extension as set forth in said map, and report, be approved and such extension shall be known and designated as Heldervale Sewer District Extension #7 and shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and be it further

RESOLVED AND DETERMINED:

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

A motion by Member LaGrange, seconded by Member Hennessy, to adopt Resolution No. 193 of 2018.

A roll call vote was taken on Resolution No. 193 as follows:

<table>
<thead>
<tr>
<th>Supervisor LaGrange</th>
<th>Aye</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Hennessy</td>
<td>Aye</td>
</tr>
<tr>
<td>Member Greenberg</td>
<td>Aye</td>
</tr>
<tr>
<td>Member Snyder</td>
<td>Aye</td>
</tr>
<tr>
<td>Member Leimung</td>
<td>Aye</td>
</tr>
</tbody>
</table>

BY ORDER OF THE TOWN BOARD
TOWN OF NEW SCOTLAND
DATED, OCTOBER 10, 2018
DIANE R. DESCHENES, TOWN CLERK
LEGAL DESCRIPTION
Heldervale Sewer District Extension #7

Town of New Scotland
County of Albany
State of New York

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Scotland, County of Albany and State of New York, more particularly bounded, and described as follows:

Beginning at a point on the west side of Mason Road and the south line of Joanne Cristolone, reputed owner; and the northeast corner of this parcel and running thence along the West line of Mason Road (a/k/a Mason Lane) S 00° 44' 00" W a distance of 313.51 ft. to a point of curve; thence along the arc of a curve to the right having a radius of 25.00 ft. and an arc length of 39.85 ft. to a point of tangent; thence along the Northerly line of I, Michael Naughton and Maureen F. Leaf, reputed owner the following three (3) courses and distances: (1) N 89° 24' 00" W a distance of 210.00 ft. to a point of curve; thence (2) along the arc of a curve to the right having a radius of 350.52 ft. and an arc length of 208.53 ft. (208.62 deed); thence (3) S 34° 42' 00" W a distance of 25.00 ft.; thence along the Northerly line of Keith J. Roland and Susan F. Novotny reputed owner the following two (2) courses and distances: (1) N 49° 10' 00" W a distance of 234.20 ft.; thence (2) N 57° 13' 00" W a distance of 537.19 ft. (542.00 deed); thence along the Easterly line of William and Jaqueline Tureby reputed owner and Easterly line of Dorothy Anderson reputed owner N 53° 30' 00" E a distance of 623.19 ft. (624.00 deed); thence along the Southerly line of James R. and Angelique Z. Hueter reputed owner, Southerly line of Timothy and Cathryn Doyle reputed owner and Southerly line of Joanne Cristolone reputed owner the following two (2) courses and distances: (1) E 47° 40' 00" E a distance of 616.21 ft. (620.80 deed); thence (2) E 47° 27' 00" E a distance of 154.40 ft. to the point or place of beginning and containing 11.419± acres.

AND;

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Scotland, County of Albany and State of New York, more particularly bounded and described as follows:

Beginning at an iron pipe set in the ground in the westerly line of a private roadway within the lands of B. Robert Joel and Joan Joel, his wife, which is the continuation of Mason Road (a/k/a Maison Lane) southerly from the northern boundary line of the lands of Said B. Robert Joel and Joan Joel, as it now exists, and which said iron pipe bears S 0° 44' E, a distance of 364.1 feet from the point of intersection of the southerly boundary line of Mason Lane with the northerly boundary line of the lands of the said Joel, thence running N 89° 24' W a distance of 236.18 feet; thence northeasterly on the arc of a 375.22 foot curve to the right a distance of 223.49 feet, thence N 49° 10' W a distance of 234.2 feet to an iron pipe, thence N 57° 13' W a distance of 542 feet to an iron pipe, thence along the south line of lands now or formerly of Tarosei S 53° 30' W a distance of 100 feet to an iron pipe;
thence along the south line of lands now or formerly of Jarosl and Plato S 38° 54’ W a distance of 454.0 feet to an iron pipe; thence S 16° W and still along the lands now or formerly of Plato, a distance of 640.2 feet to an iron pipe; thence S 48° 30’ E and still along the lands now or formerly of Plato, a distance of 518 feet to an iron pipe in a fence line and bank of a creek; thence through the lands of Joel S 34° 40’ E a distance of 560 feet to an iron pipe on the bank of a creek; thence N 58° 36’ E a distance of 362.7 feet to an iron pipe in the gully; thence N 58° 04’ E a distance of 334 feet to an iron pipe; thence easterly along the south line of a proposed private 50 foot roadway on the arc of a 400.52 foot curve to the left a distance of 73.4 feet; thence S 89° 24’ E a distance of 212.34 feet, thence southeasterly on the arc of a 25 foot curve to the right a distance of 38.69 feet; thence along the west line of said private roadway which is the continuation of Mason Road N 0° 44’ W a distance of 49.42 feet to the point or place of beginning. Containing 20.36± acres.

AND;

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of New Scotland, County of Albany and State of New York, more particularly bounded and described as follows:

Beginning at an iron pipe set in the ground in the westerly line of a private roadway within the lands of B. Robert Joel and Joan Joel, his wife, which is the continuation of Mason Road (a/k/a Mason Lane) southerly from the northerly boundary line of the lands of Said B. Robert Joel and Joan Joel, as it now exists, and which said iron pipe bears S 0° 44’ E a distance of 513.51 feet from the point of intersection of the southwesterly terminus of Mason Lane with the northerly boundary line of the lands of the said Joel, thence running in southwesterly direction along the arc of a curve to the right having a radius of 25.00 feet and an arc length of 39.85 feet to a point of tangent; thence N 89° 24’ W a distance of 210.00 feet; thence northwesterly on the arc of a 350.52 foot curve to the right a distance of 208.53 feet; thence S 34° 42’ W a distance of 25.00 feet; thence in a easterly direction along the arc of a curve to the left having a radius of 375.52 feet and an arc length of 223.49 feet to a point of tangent; thence S 89° 24’ E a distance of 236.18 feet to a point on the westerly line of Mason Road; thence along the aforesaid westerly line of Mason Road N 00° 44’ W a distance of 50.60 feet to the point or place of beginning. Containing 0.26± acres.

Prepared by:
Michael I. Groff, P.L.S.
Dated: August 1, 2018
Revised: August 20, 2018
CERTIFICATION

STATE OF NEW YORK
COUNTY OF ALBANY

I, the undersigned Clerk of the Town of New Scotland, Albany County, New York, do hereby certify:

That I have compared the foregoing copy of the Order Establishing Sewer District Extension, dated October 10, 2018, with the original thereof on file in my office, and that the same is a true and correct copy of said original and the whole of said original.

In witness whereof, I have hereunto set my hand and affixed the seal of said Town this 11th day of October, 2018.

DIANE DESCHENES
NEW SCOTLAND TOWN CLERK
Town of New Scotland
(Locally Administered Project)
RESOLUTION NUMBER:__________

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 Design and Construction/CI work.

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

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

RESOLVED, that the Town Board hereby authorizes the Town of New Scotland to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/CI 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 been 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 been 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

STATE OF NEW YORK )
COUNTY OF Albany )

I, ____________________________, Clerk of the ______________ New York, do hereby certify that I have compared the foregoing copy of the resolution with the original resolution of file in my office and that the same is a true and correct transcript of said original resolution and of the whole thereof as duly adopted by said ______________ at a meeting duly called and held at __________________________ on ______________ by the required necessary vote of the members to approved the resolution.

WITNESS, my hand and the official seal of the __________________________ of __________________________, New York, the ______ day of ________________,20__.

__________________________
Clerk