

Town of New Scotland
Regular Town Board Minutes
01/08/2020

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	Adam Greenberg Daniel Leinung William Hennessy Bridgit Burke
Town Clerk:	Diane Deschenes
Town Attorney:	Michael Naughton
Highway Superintendent:	Kenneth Guyer

1. Call to Order

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

2. Pledge of Allegiance

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

Supervisor LaGrange invited the public to speak on agenda items. He also welcomed our newest Board member Bridgit Burke and acknowledged Councilperson Snyder's past service.

4. Approval of the Minutes of the Following:

- **December 11, 2019 Regular Town Board Meeting**
- **December 11, 2019 Public Hearing-Local Law E**
- **December 17, 2019 Special Town Board Meeting**
- **December 18, 2019 Special Town Board Meeting**

Resolution 2020-026

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the minutes as presented by the Clerk.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes- 1 Abstention). Councilperson Burke abstained.

5. Discussion/Action re: appointments to Historic Preservation Commission

Councilperson Leinung said that at this stage both the Village and the Town have passed the local law. Now we are at a point where we need to start making appointments to the Historic Preservation Commission. Pursuant to the law, the Town has three appointments and the Village has two appointments. He wanted to get the Board's opinion about how we want to go about gathering interest in these appointments. We can post things on the website and put the notice out. Everyone can disseminate the notices through their local people. Mr. Kowlowitz said that he's available to help contact the local historical associations. He wanted to see if anyone else had any ideas about where we should seek resumes for this. Councilperson Greenberg asked whether he was recommending an ad or not. Councilperson Leinung said that he wanted to gauge the Board's interest. This isn't like a required notice like we do for a town law. If the Board wants to go that way he thinks that's fine but he's not sure how much interest will come from an ad in the paper. Councilperson Greenberg said that he's comfortable listing it on the website and at Town Hall. Perhaps we could put something up at the library. He asked if Mr. Kowlowitz would mind helping out with that? Mr. Kowlowitz replied no adding that he thinks it would be a good idea to reach out to both historical associations in both Clarksville and the NSHA. They would circulate it. His concern is not so much soliciting people interested in historical sites and history but people with other broader skills who would be helpful to the commission like architects or people with some knowledge of real estate or surveyors and lawyers. Councilperson Leinung added that the law does say that we should to the extent practical have a wide range of different backgrounds

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and different areas of the town. If we reach out to the Clarksville Historical Association maybe they can help with the Clarksville area of the Town. It's listed in here but there is a fair amount that should be taken into account. We're just at the point now of soliciting resumes. Hopefully we get a fair amount coming in and then we can see what fits best. The Town gets three appointments.

Mr. Kowlowitz said that they get a lot of publicity just posting not only in the library but the post office. Most of the post offices have public bulletin boards. We also have done it through the churches and other places. You've probably seen them around. That's been very helpful for advertising programs. It might be a good way also of generating some interest.

Supervisor LaGrange said, "Say we have a few people interested. Would the Board entertain the list and choose from that list?" Councilperson Leinung said he thought that's generally how that would work.

Mr. Kowlowitz suggested Indian Ladder as another posting location.

Councilperson Leinung said that he could write up a notice that we can share on email and post.

Councilperson Hennessy asked if there are any issues with having officers of the Historical Society serving on this Historical Commission. The ethics law probably never addressed it. He's not asking Mr. Kowlowitz to do more work but he might want to check into whether that's an issue, but he doubts it. Councilperson Leinung said he would double check. The law itself does say we should look for people who are members of historical associations. It doesn't say officers; it just says associated. He'll take a look at the ethics law just to make sure.

6. Resolution Adopting Opt-Out Letter and Education Outreach Plan re: Community Choice Aggregation Program

Councilperson Greenberg said that we talked about the Community Choice Aggregation Program at the last few meetings. We are moving along with this. This would complete step number three or four. We are really trying to get to step number five which is where we get pricing answers to an RFP that our aggregator MEGA will produce for us. This attachment basically covers what we've done up to this point. It says that we met the criteria that the State has laid out to allow us to move on to the next step. We could have passed this last month but he forgot to get it on the agenda. He thinks we're ready to go here unless anyone has any questions.

RESOLUTION NO. 027 OF 2020

RESOLUTION ADOPTING COMMUNITY CHOICE AGGREGATION PROGRAM EDUCATION AND OUTREACH PLAN AND CUSTOMER OPT-OUT LETTER

WHEREAS, the Town of New Scotland Town Board ("Town Board") has established a Community Choice Aggregation ("CCA") Program to aggregate the energy supply needs of residents and small commercial businesses and to negotiate and enter into energy supply contracts with Energy Service Companies ("ESCOs") on behalf of its residents to obtain: (A) competitively priced energy, often at a fixed or predictable cost; (B) possible environmental benefits; and (C) opportunities to pursue community-based energy initiatives; and

WHEREAS, the Town of New Scotland (the "Town") is required to adopt: (A) a community-specific plan for engaging in public education and outreach regarding the CCA Program in this community, and (B) an opt-out letter on Town letterhead informing members of the public of their right to opt-out of the CCA Program and providing a clear procedure for so doing; and

WHEREAS, the community-specific documents, once adopted, will be incorporated into the CCA Program Implementation Plan, to be administered by the CCA Administrator, as approved by the New York State Public Service Commission ("NYSPSC"), to ensure compliance with rules and regulations governing CCAs;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby adopts a public education

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and outreach plan and CCA opt-out letter;

AND BE IT FURTHER RESOLVED THAT, the plan (**Appendix A**) and letter (**Appendix B**) will be provided to the CCA Administrator and New York State Department of Public Service staff charged with reviewing (on behalf of the NYSPSC) the plan for incorporation into the CCA Program Implementation Plan.

A motion by Member Greenberg, seconded by Member Burke, to adopt **Resolution No. 027 of 2020**.

Councilperson Hennessy referred to Appendix A which is the details of the Town of New Scotland education outreach plan. Based on the email traffic we had regarding this, his question is, since this is stated to be the work we've done so far, do we plan on updating this when we do more work in this regard? Councilperson Greenberg said that this doesn't get updated. This gets us to the next step. We get our bid pricing back. We then have a new negotiation with MEGA about what we want to do on the 60-day education period that follows that pricing if we decide to move forward, so this doesn't get updated. We have a whole new outreach and education plan at that point. Attorney Naughton added that it was with actual numbers. Councilperson Hennessy asked if it will be in print format for the file for people to see? Councilperson Greenberg said that it will be like a contract. Councilperson Hennessy asked if the answer is yes or no. Attorney Naughton replied, "Yes."

Councilperson Hennessy had one other question regarding the sample opt-out letter. The NYSERDA website guidance and templates mention that when there are options there are opt-out or opt-down options in the template they were allowed to be chosen through the mailer similar to an opt-out letter. Here they said that if you wish to do an option you have to call the Energy Service Company (ESCO) where the website template had it as one of the eligible things to be mailed in just like the opt-out letter would be mailed. He's not totally opposed to this, but he would like to make sure that we have some focus on the ability of the ESCO whether it is MEGA or the chosen supplier for focus. Sometimes people make phone calls and they don't get calls back in time. It might be better to have it similar to the opt-out process where it can be chosen through a mailer. That was his only question with this. Attorney Naughton asked if he was saying that the sample opt-out letter as is is okay for now? Councilperson Hennessy said that it's fine. He doesn't think that would cause any changes if we put something in there. He just doesn't want to have the lack of return phone calls so that people don't get responses. It could become a more difficult process. He's all for it but just wants to make it as easy as possible.

Attorney Naughton added that he just wanted to note for everyone else that there were some communications where there is a white paper due to come out within the next 30 days from the PFC folks about further guidance about this program. It's a new program still. It's still developing. He thinks that when we get more information we can decide what other things we can do. Right now this is what's been approved by the PFC. This is something that's been recommended by MEGA to go forward with this in this format. Councilperson Greenberg added that to follow up on what Attorney Naughton is saying; these are models. New Scotland should be proud because we were out in front on this when we put it together. We now have 15 municipalities including Albany, Schenectady, and Troy who just recently joined in. He reached out to Guilderland and Bethlehem. They're passing both of these as we have in our agenda tonight, both the opt-out letter and the previous sample we were talking about. We're not reinventing the wheel here; we're doing what the State recommends and what the other municipalities involved in this are doing.

Councilperson Burke told Councilperson Hennessy that she could understand his point. He's not objecting to any of these three methods as long as when the time comes we're sure the capacity exists so that if someone calls they're going to get a return call. Councilperson Hennessy agreed. Councilperson Burke said that he just wants to make sure that we keep that in mind. Councilperson Hennessy agreed adding that he wants us to be mindful of that effort. He thought MEGA was who would get the phone call or would it be the ESCO? Councilperson Greenberg said that he thinks they hire a company. It's a call center that deals with this stuff all around the country. He thinks they're going to have an easier time getting through than you get through now with National Grid or Verizon. Councilperson Hennessy said that in that regard, a phone call

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might even be better. He's just trying to make sure we're clear on that. He wants everyone to be 100% clear on that.

Councilperson Leinung said that he just wanted to confirm that this opt-out letter is going to be on municipal letterhead. Councilperson Greenberg replied that it has to be. Councilperson Leinung said that that makes sense. He can see people getting this and thinking it's junk mail. If it's on Town letterhead then they will know it's coming from the Town. Councilperson Greenberg added that by law it has to be on Town letterhead. Supervisor LaGrange added that there are opportunities to tweak it a little bit. We just can't have wholesale changes without going back to PFC.

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

7. Resolution re: Amended Stormwater Management Coalition Intermunicipal Agreement Resolution 2020-028

RESOLUTION APPROVING AMENDMENT TO
INTERMUNICIPAL AGREEMENT REGARDING STORMWATER MANAGEMENT

WHEREAS, the Town is subject to the Municipal Separate Storm Sewer Systems (MS4) SPDES General Permit administrated by the New York State Department of Environmental Conservation; and

WHEREAS, the municipalities have negotiated and executed an intermunicipal cooperative agreement pursuant to General Municipal Law Article 5-G, effective January 1, 2018, to terminate December 31, 2022; and

WHEREAS, the municipalities support a shared services approach to MS4 Permit compliance; and

WHEREAS, the Coalition Board of Directors has determined that amendments are necessary to the existing intermunicipal cooperative agreement;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby authorizes the Town Supervisor to execute the amended intermunicipal agreement attached as **Exhibit A** to this Resolution on behalf of the Town of New Scotland. This Resolution will take effect immediately.

A motion by Member LaGrange, seconded by Member Hennessy, to adopt **Resolution No. 028 of 2020**.

Supervisor LaGrange added that this is to do with the stormwater coalition that we're members of. It's more or less a procedural thing that we need to keep updated. Councilperson Hennessy asked if there was any change in cost. Supervisor LaGrange said that it's the same as we approved in the budget. Again, as Councilperson Greenberg said with this opt-out letter, he probably should have been on top of this a month or two ago but it got lost in the email shuffle. He was contacted by Nancy Heinzen who asked that we send it in. Councilperson Greenberg said that it's been a great program. Supervisor LaGrange added that the Village dropped out for a period of time. Because of the benefits that are involved and the work that everyone can do better together, especially with the new permit coming down, it's really beneficial to all of us to work as one. The Village has just gotten back into the program this past year. It's really a good program.

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

8. Discussion re: Zoning update project

Councilperson Greenberg said that this comes out of the work Nan Stolzenburg is doing updating

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and auditing our zoning and subdivision code. Councilperson Hennessy and Councilperson Greenberg met with her a few weeks ago to go over the work she's done up to that point. She then had a follow-up conference call with Attorney Naughton over the legal issues. Basically what she's done so far is codifying our existing laws. It's something we've been talking about doing in Town well before he was on the Board.

She had given us an original task order back in April or March asking for \$10,640. We approved \$6,100 of it because at the time Councilperson Hennessy and Councilperson Greenberg had met with her and we decided to just go after the audit and some of the low-hanging fruit in the zoning code. Since then, through the codification and some other issues, she's added a little bit of work. Her discussion with Attorney Naughton added a little bit of work. We think it's time, if we want to move along this year with the zoning code and subdivision update further, to approve this task order for \$4,540.

Resolution 2020-029

Councilperson Greenberg offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby authorizes Nan Stolzenburg to continue to do the work on the zoning update and subdivision laws.

Councilperson Hennessy seconded the motion.

Councilperson Leinung asked if we have a timeline? Councilperson Greenburg said that hopefully next month because again Attorney Naughton and Ms. Stolzenburg are coordinating a few issues so we would have the consolidation of our laws. Right now as everybody knows it's a mishmash of laws both on the website and what we have to deal with anytime we're looking into any kind of zoning or subdivision law. This would consolidate them. That hopefully happens in a month or maybe the following month; he doesn't want to put a specific time on it because it depends on how quickly we move, as well. In the next four or five months, Ms. Stolzenburg would then move onto updating the low-hanging fruit in the zoning law which means basically definitions that we don't have that we should, definitions that we do have that are no longer relevant, and things like that. Then she would also have some workshop sessions with the Board to go over more policy-oriented issues in the zoning and subdivision laws. That will hopefully happen by June.

Attorney Naughton thought it was worth saying what it doesn't - her work, which was a tremendous amount. He was really impressed that she was able to put all of this together in such an organized fashion. What it doesn't do is it's not changing the zoning maps or districts and it's not changing any of the zoning laws. It's just putting all of these local laws that have been amending the original zoning over the years all in one place so that any developer who comes into town can go to one book and find out where it is, what the town permits and what's prohibited, and also for our own boards who have to come in with all sorts of materials just to kind of dig through and research every little issue that comes up. It's all over the place right now. There is no real policy involved in this one. It also allows everyone to see what's in there and what could be changed to make it better down the road. Councilperson Greenberg said that we need to do it as a first step.

Councilperson Greenberg wanted to add one thing. Supervisor Dolin looked into this when he was supervisor. He thought he got a price back on a codification of like \$40,000 or \$50,000. We're getting so much more for this. It's going to add up to \$10,640. He thinks we are very lucky here. Ms. Stolzenburg has done some incredible work.

Councilperson Burke added that it's an important part of us being transparent to the townspeople. Supervisor LaGrange added that about 14 years ago when he served on the Planning Board we did a codification of the zoning code. I believe it cost us around \$18,000 and it wasn't an impressive job. So far from what she's seen of this and the procedures being taken, it's tremendous all things considered. That was \$18,000 at that time; that's why it's \$40,000 now. He totally agrees with Councilperson Greenberg that this is the way to go.

Councilperson Hennessy added that possibly part of the reason that this is less expensive and

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possibly more effective is that the person doing the work is a planner and familiar with zoning and planning guidelines whereas some of the codification companies might have a more legal background or a background that didn't have that specialty. Supervisor LaGrange added that she's also finding the holes that we might have at the same time. Councilperson Hennessy added that that is good and bad.

Councilperson Greenberg also noted for the record that this is in the budget. It's actually under what we have in the budget. That's another positive point.

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

8a. Bond Resolution authorizing the acquisition of one 2020 Mack dump truck with plow and issuance of serial bonds in an aggregate principal amount not to exceed \$206,000.

Attorney Naughton said that the resolution is authorizing the acquisition of one 2020 Mack dump truck with plow, authorizing the issuance of serial bonds in an aggregate principal amount not to exceed \$206,000 of the Town of New Scotland, Albany County, New York, pursuant to local finance law to finance said purpose and delegating the power to issue bond anticipation notes in anticipation of the sale of such bonds to the Town Supervisor. Part of the resolution will note that the probable usefulness of the truck is 15 years, and that the obligations will not exceed five years, and that on December 17, 2019, the Town Board issued a notice of intent with respect to this bonding, and that will remain in effect.

Resolution 2020-030

The following resolution was offered by Councilperson LaGrange, seconded by Councilperson Greenberg, to wit;

BOND RESOLUTION DATED JANUARY 8, 2020

A RESOLUTION AUTHORIZING THE ACQUISITION OF ONE (1) 2020 MACK DUMP TRUCK WITH PLOW, AUTHORIZING THE ISSUANCE OF SERIAL BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$206,000 OF THE TOWN OF NEW SCOTLAND, ALBANY COUNTY, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE SAID PURPOSE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of New Scotland, Albany County, New York (the "Town") (by the favorable vote of not less than two-thirds of all the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the acquisition of one (1) 2020 Mack dump truck with plow and related equipment. The maximum cost of said purpose will not exceed \$206,000.

SECTION 2. The Town Board plans to finance the maximum estimated cost of said purpose by the issuance of serial bonds and/or bond anticipation notes in an amount not to exceed \$206,000 of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that the acquisition of one (1) 2020 Mack dump truck with plow and related equipment, is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of the sale of said bonds.

SECTION 5. It is hereby determined that the proposed maturity of the obligations

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authorized by this resolution will not be in excess of five years.

SECTION 6. The faith and credit of said Town are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

SECTION 7. Subject to the provisions of this resolution and of the Local Finance Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said notes and of Section 21.00, Section 23.00, Section 50.00, Sections 56.00 to 60.00, Section 62.00, Section 62.10, Section 63.00, and Section 164.00 of the Local Finance Law, the powers and duties of the Town Board pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form, and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

SECTION 8. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, has been authorized by a "Notice of Intent" approved by the Town Board at a meeting held on December 17, 2019, and is therefore authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of this resolution. The Town then reasonably expects to reimburse such expenditure with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. The "Notice of Intent" approved by the Town Board on December 17, 2019, shall constitute the declaration of the Town's "official intent" to reimburse the expenditures authorized by Section 1 hereof with the proceeds of the bonds and notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

8b. SECTION 10. The Town Supervisor is further authorized to enter into a continuing disclosure agreement with the initial purchaser of the bonds or notes authorized by this resolution, containing provisions which are satisfactory to such purchaser in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The Town hereby determines that the acquisition of one (1) 2020 Mack dump truck with plow and related equipment is a "Type II action" that will not have a significant effect on the environment; and therefore, no other determination or procedures under the State Environmental Quality Review Act ("SEQR") is required.

SECTION 12. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) (a) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(b) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

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and an action, suit, or proceeding contesting such validity is commenced within twenty days after the date of such publication; or

(2) Said obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 13. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of said Local Finance Law, in the official newspaper or newspapers of the Town.

SECTION 14. This resolution is not subject to permissive referendum pursuant to Section 35.00b.(1) of the Local Finance Law and shall take effect immediately.

Supervisor LaGrange said the actual piece of equipment with some of the additions was a little bit over. Highway Superintendent Guyer said it was \$3,000 over the \$206,000. The \$206,000 came off of our original budget quotes from August of 2018 and then by the time our budget was passed that December we got real hard numbers. It was \$3,095 over that price. So, there is about a \$3,000 hit to fund balance. He believes that's where we are going to pull this from. Supervisor LaGrange said that he would recommend going with this bond counsel, have the bond for \$206,000, and then we would use fund balance for the rest.

Councilperson Burke noted that the names are listed twice and the first page has an error in the way her name is spelled. Supervisor LaGrange said that we're working on it.

Supervisor LaGrange added that we did take delivery on the truck. Highway Superintendent Guyer said that the truck was here before the end of the year. The truck is on the road and being used.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Douglas LaGrange	VOTING <u>Aye</u>
Adam Greenberg	VOTING <u>Aye</u>
William Hennessy, Jr.	VOTING <u>Aye</u>
Daniel Leinung	VOTING <u>Aye</u>
Bridgit Burke	VOTING <u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

Councilperson Greenberg said that the reason we took it before the end of the year was to try and get it included potentially on our shared services. Supervisor LaGrange said that the truck couldn't be a part of that. We didn't necessarily care if we got it by the end of the year but Mack, the company we bought the truck itself from, took delivery back in August. Highway Superintendent Guyer said that the cab and chassis showed up at Mack in August and then it went to the body company and they put on the dump box and all the hydraulics. They do all the plumbing for the hydraulics along with the wing and plow. Anyway, that takes a while. Once Mack receives it, they're paying every month on it. They were in a rush to get it. We had the check written ahead of time. Highway Superintendent Guyer added that he wanted to finish up his books for 2019 and get this truck off his books. The check was held here. We went over the whole truck. There was no money issued to anybody until we had possession of the truck.

Discussion/Action re: task order for Phase 2 of Zoning Code Update
See Item 8 above.

**9. Mohawk Hudson Humane Society 2020 Animal Shelter Agreement
Resolution 2020-031**

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the 2020 Animal

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Shelter Agreement and authorizes the supervisor to sign it.

Councilperson Burke seconded the motion.

Highway Superintendent Guyer said that the only changes in the agreement are things that don't pertain to us. We deal with domestic dogs only. Some of the changes in here have to do with cats and other domestic pets. Everything in our contract stayed the same. The price stayed the same. There were no changes.

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

Intermunicipal Agreement

Highway Superintendent Guyer had two quick items. In 2014, with Steve Oliver from the Town of Guilderland, we had an intermunicipal agreement. It was with Knox, the Village of Altamont, the Town of Guilderland, Village of Voorheesville, and us. Our dates ran out so he sent it to Attorney Naughton who changed the dates. He put us down for a five-year sign-on period. We are adding the Town of Westerlo to that, as well. He will circulate this and take one copy around to all the towns and villages. He will have one copy signed once everyone agrees to it. Everyone will get a copy. Supervisor LaGrange said that this is important because of our shared services work with the County and the State program. We've had this going and we're basically updating it. Now, we will have another five years. Attorney Naughton said, "Let's make this addendum #1 attachment 12." We have just this one page addendum that says that the intermunicipal shared service agreement dated as of June 1, 2014, which is annexed to the addendum is extended for a term of five years commencing January 1, 2020, and that the Town of Westerlo is added to the list of towns and municipalities signing onto the agreement. Westerlo agrees to be bound by the terms of the agreement as hereby amended.

Resolution 2020-032

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby approve of the intermunicipal shared service agreement dated as of June 1, 2014, which is annexed to the addendum is extended for a term of five years commencing January 1, 2020; and that the Town of Westerlo is added to the list of towns and municipalities signing onto the agreement; and Westerlo agrees to be bound by the terms of the agreement as hereby amended, and authorizes the supervisor to sign it.

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

Hot Air Furnace at the Highway Garage

Highway Superintendent Guyer advised that our hot air furnace at the Highway garage was installed today. We are up and running. The only part left in the contract states that we receive a new thermostat. The thermostat that they brought wasn't compatible. It didn't work with ours so we have our old one up and running now. They are coming by tomorrow to put in the new thermostat and then we will be complete.

10. Northeast Water District:

- **Stantec Engineering Tank Repair Recommendation**
- **Water Supply Feasibility Proposals:**
 - * **Barton & Loguidice Engineering**
 - * **Stantec Engineering**

Supervisor LaGrange said that we have a recommendation from Stantec to select a firm to do a repair on the Northeast 18,000 gallon fiberglass tank that we had to shut down because of a major leak. Attorney Naughton looked into several things on that. Attorney Naughton said that there was a request for a quote prepared for us by Stantec. Engineer Frueh can talk about the limited participation we had. We had responses only from a few. We have a quote from a company called American Fiberglass that's willing to do the work for \$12,500 and they can do it within four weeks of us awarding the contract to them. It will then take just five days. We have a completion

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deadline here of February 14, 2020, and they will provide a one-year warrantee from the date of completion. We asked if there was an ability to have a two-year and they said yes for an additional 10% of the contract price. We have a contract here with them containing those terms. It's a lump sum for \$12,500. All of the details are set forth in the actual request for quotes that's attached to the document. They have agreed to comply with our insurance requirements. At this point you may want to start with a resolution to approve the form of the contract. We will make that attachment #13 to the agenda. We need to authorize the Supervisor to sign it too.

Resolution 2020-033

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves entering into a contract with American Fiberglass Tank Repair for repair of the Northeast Water District's fiberglass holding tank for a sum of \$12,500 including a one-year warrantee with a completion date of February 14, 2020, and authorizes the Supervisor to sign it.

Councilperson Burke seconded the motion.

Supervisor LaGrange asked if Engineer Frueh wanted to provide a brief overview. Engineer Frueh said that, as requested last month, we put out the RFQ and called probably a dozen companies across neighboring states. We got five companies back that said they were interested. We sent them the RFQ to obtain the quotes and we told them the deadline. We received one quote and two emails out of the five, one stating that they were not comfortable with warranting the repair not knowing what generated the crack. Others stated that they did not have the manpower at the time. The one quote had three references. Every reference was pleased with their services. They gave us a little further detail as to what they will do when they come to the site. They will be mobilizing. They will enter the tank and give it a preliminary inspection to make sure that there are not any other cracks in that tank. They will do a rough inspection first, a visual inspection. If at that time they find other cracks, we will have an immediate discussion as to additional costs for them to do that repair. It's not anticipated, but it could be found. There wasn't a ton of preliminary investigation as to the condition of the tank. At that time, if it's found to be infeasible to do the repair, the contract said it would be \$5,000 for them mobilizing, entering the tank, and doing that preliminary inspection. They would quit. If the additional services are agreed to they would make those repairs and do that portion of the work for the total price.

Supervisor LaGrange said that right now we did a quick calculation. He thinks that between November 25 and December 24, a month's time, it cost the district a little under \$3,100 to purchase the water from the Village of Voorheesville who gave us very good consideration. Normally out-of-district residents pay twice Voorheesville's rate. They were good enough to go with one-quarter of the rate. Even with that it's still costing the district a little less than \$3,100. That was the actual cost for that period of time, but on a yearly basis we found it probably averages out to \$3,500-\$3,700 per month. By fixing this it buys us about 3-½ months of water purchases from the village. We've talked a lot about moving right ahead with a possible connection in the Kensington Woods water district but in his opinion he thinks we're going to be a lot longer than 3-½ months. I think it's advisable to go ahead with this and get it done, buy us time, and see how things work out.

Councilperson Burke said there was a discussion about a second-year warrantee but giving what we're intending to do long term is that really necessary? Supervisor LaGrange said that it could be considered a gamble. If it's going to last a year you would think it's going to last longer. Supervisor LaGrange added that he didn't know if Kensington Woods would take six months or a year. We've done a lot of groundwork already. He's hoping that we can do it in a reasonable amount of time. Supervisor LaGrange added that \$1,200 is a hefty price to pay for an extra year's warrantee in his opinion. Attorney Naughton asked if Stantec had an opinion on whether it's worth doing? Engineer Frueh said that the warrantee would be warranting their repair on the individual crack so if the tank were to have any other issue or another area that would not be covered under this warrantee. The Town would be good for that one spot. Councilperson Leinung said that one year is fairly typical.

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Councilperson Hennessy said last month that he did not support this and he is not going to support it again. It's absolutely no criticism of Stantec's work; they did a fine job. American Tank appears to be a fine company. It has nothing to do with that. It doesn't have to do with the financial payback of work. The only numbers he has that would have estimated we were going to spend about \$7,500 per month based on the rate that the Village charges. You said \$3,000. Supervisor LaGrange said it's \$3,000 plus what they pay per month now because now they are purchasing water that they had of their own before. Councilperson Hennessy said that it's in excess of \$3,000. Supervisor LaGrange agreed adding its \$3,000-\$4,000. Councilperson Hennessy said that he can see that. His point is not financial. My point is focus. He thinks we should have focused on the other work in the first place. It's been two months now and we're still doing it. When we make the repair everything will be hunky dory, and we will probably lose focus again on where we should be going. Yes, we will do a feasibility study possibly. He just thinks we should be pushing forward more with the other alternative. Supervisor LaGrange added that he certainly doesn't disagree. His focus is going to be to keep moving for the interconnect; that's why he suggested that we put the pipes under the Rail Trail when that was being lowered. We've got some things done and he doesn't want to hesitate. This is an old tank. Is this the first of situations down the road where we either need to buy a new tank or we need to do an inter-connect in the very near future? Yes. He just thinks this is a more prudent way to go about it, in his opinion, for the folks in the district to save money.

Councilperson Burke said that even the \$5,000, if they get there and they decide it's beyond repair, what have we done to determine that it's worth it to make the repair at this point? My understanding is that they're saying we're going to go to the tank. Just showing up and looking at the tank will cost \$5,000. If when they get there they determine that this is not going to be feasible to repair or more work needs to be done than what we consider. She's wondering how certain we are that what we've scoped is the extent of the work that needs to be done.

Attorney Naughton to back up for a second. He was hearing for the first time tonight that there is this \$5,000 option. It's not in the agreement and they signed the agreement. So from a lawyer's point of view their deal with us is to fix it for \$12,500. If they want to somehow pull out of it after they take a look at this thing, from his point of view, that's on their own dime. We don't have that in the contract. Councilperson Hennessy asked to elaborate more on that. Engineer Frueh said that this was to benefit the Town if they get there and they find more than the crack that was specified that was known as that outlet pipe. If they find other cracks or they get in there and see other astronomical defects in the tank, then the Town isn't having to pay \$12,500. They are basically saying these added repairs hit a number that the Town doesn't want. Supervisor LaGrange said that when the gentleman from Bethlehem went in and took pictures of the main issue he mentioned that there could be a crack towards the top but it doesn't get that full. He briefly looked around. He didn't do a real investigation. Most of the tank from the inside, if you look in from the top, you can see a film covering. He thinks it dates back to the minerals that we had to clean out a number of years back. It's that type of film on it. The only place we saw the tank clean, and obviously there was an issue, was where the crack is. It's approximately 3 feet and maybe a ¼-inch thick crack. It seems like on general observation that's the only thing. He doubts they're going to find anything bigger or bad anyplace else. He's pretty confident, by looking in the top himself and observing that no other film was missing, there are probably no other leaks but this is a good safety net for the Town if they find something highly unusual. If they find something that might have to be repaired, they might do it for a minimal amount because they are already here. That's another option. There are several options. Engineer Frueh said that it will be much more financial advantageous if they are already mobilized at the site to add another repair. It's not going to be another \$12,500 to fix another crack.

Councilperson Greenberg said that he's comfortable moving forward with this. He goes back to what Attorney Naughton just said about the \$5,000. In terms of what Councilperson Hennessy said, he hopes the Town is able to walk and chew gum at the same time. He's confident that we can. That being said, then it's just a simple math equation to use the residents' money to fix the tank or not. If it's \$3,500 a month then it comes down to whether we assume we can have the hookup done in three months. Councilperson Greenberg doesn't think we can. He doesn't think we will even get the okay from the Health Department in 3-6 months, much less the work that needs to be done and the design that needs to be done, all that kind of stuff. We are already

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moving forward. The next agenda item is a feasibility study so we're going to have our answers back for whoever we hire to hook up to Kensington Woods, what it would cost, and how it would be done. At that point it's on to the Town Board to move it along in terms of the agenda. He's very comfortable that we can do that. He thinks Councilperson Burke makes a good point that if the warranty is for a year he thinks a year is a reasonable amount of time for us to move on that. He doesn't think we need an extra year's warranty regardless of whether it covers the whole tank or not.

Councilperson Leinung said that he's kind of in the same position. It would be great if we had this already hooked up but obviously that's not the reality. Fixing the tank as opposed to replacing the tank or something else at this stage, it makes the most sense to bridge that gap until we can move forward. He has a hard time seeing that the interconnect would be done in the next few months. He thinks he understands Councilperson Hennessy's point and frustration here, but looking at the situation we need to fix the problem now while not losing focus on moving forward with the interconnect.

Councilperson Hennessy said that the contract wasn't in this packet. Attorney Naughton said that we were making it attachment #13. He circulated a copy for everybody. Supervisor LaGrange asked if he printed it and gave it to the Board. Attorney Naughton said that he emailed it and asked that copies be made for the Board.

Councilperson Hennessy asked what Attorney Naughton thought about the discrepancy between the \$5,000 and \$12,500? Attorney Naughton replied that as far as he was concerned the only thing is what's in this contract. They are going to repair the tank for \$12,500. He didn't know anything about it. It's not in the quote. If they want to get in there and walk away from the job we can talk about it then. We're not trying to pull the wool over anyone's eyes. We sent them this contract and they signed it. He changed it and then he initialed it.

Richard Luci said it seems like not enough research work has been done. This tank was installed 15 years ago or so. There is a history on that tank and the tank company knows that history and knows about the stresses put on these tanks, how long they last, and whether or not we should remove the tank and put a new one in. He talked to the President of their neighborhood association, Joseph Cotazino, and he said, "What is the best plan to execute for either repair or replacement of the tank that will last for the longest amount of time with a minimum of maintenance needed? I would also like to know how they plan on paying for all this repair and replacement. Is there any grant money? Is there any infrastructure grant available? I would also ask them when the residents of Orchard Park can expect to see the bond indebtedness for the original build-out of the water district end and taken off of the property tax bill? That's the original agreement that Orchard Park residents had when they signed the petition for the district. Once the original build-out bond indebtedness was paid for, everyone's tax bill was supposed to go down by that amount. It was not supposed to be charged on the property tax bills for the rest of our lives." Mr. Luci said Mr. Cotazino has a lot of questions here but he doesn't feel enough research has been put into this. He'd like to know more about the history on that type of tank. We're not the first ones to get a tank like that. He'd like to know the usual circumstances, how long they last, the cracks that develop, and that kind of thing. He doesn't think enough has been researched and enough information has been gotten so a decent decision can be made. In the long run is it better to replace that tank? Maybe there is a tank that is better with longer warranties. Everything improves over time. Maybe that should be looked at instead of going short term, trying to fix it from the inside. Last week you talked about fixing it from the inside or maybe from the outside or maybe they will do both. What does this company say? Are they going to try to fix it just from the inside? Engineer Frueh said, "Just from the inside." Supervisor LaGrange added that it would be with a one-year warranty. Mr. Luci said that you brought up that there is a little crack at the top. There might be microscopic cracks all over the place. He doesn't think enough research has been done to do the best for the district.

Supervisor LaGrange said that he would politely disagree. A new tank would be about \$60,000. That's a lot of money. We want to see what this interconnect will do with Kensington Woods which will give you better water on top of a more sure system. As far as discussion about you never have a bond again, he hopes that's true but it won't be because this interconnect is

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going to cost something or a new tank would cost something. That just isn't free and it's not part of your rates. Your rates are based on the O and M of the district without paying for any water because it's your water. That will probably continue with Kensington Woods water but at the same time we have to get it there. We were fortunate that we had done the tank rehab and some other work in that district several years back because we hooked up with an interconnect with Voorheesville or you would be in big trouble right now. It was gushing 4,000 gallons an hour. His whole concern is, and it's been voiced several times, how can we get this tank going to get by until we can make the interconnect which will provide better water and more consistent water and not have the tank issue and at the same time get off the Village water. Now you are paying for water, and you have water, which will probably double your bill. You do have a fund balance; he doesn't know what it is right now. We're dealing with Feura Bush right now and they're about to finish off their main bond from the installation of their water, and they just had to put out another \$130,000 two years ago for 800 feet of a new water main. Swift Road doesn't have a bond right now but they're going to have one eventually because they need a lot of work. We had five breaks in less than a month up there. These things aren't forever in the ground. He doesn't know who would say something like that originally.

Mr. Luci added that we do have a bond that is going to be paid up in 2021. Supervisor LaGrange said that that sounds about right. Mr. Luci said that if we have to have a new tank we realize there could be another bond issue. This is where the research comes in with infrastructure grants for example, Federal and State and getting a person involved, getting the State senator involved. We were 10 years waiting for water, and Mr. Cotazino wrote letters and met with the assemblyperson and State senator. He guesses we got some grant money. That's what he means by research; seeing what we can do as far as grant money is concerned. The grant money could go towards a new tank possibly instead of going for patch work which might not even last. Supervisor LaGrange said that that's the next phase of what we're trying to do. We have a couple of feasibility studies here from both Barton & Loguidice and Stantec that we need to review and talk about which will probably be in Executive Session since it's contractual. That is to decide if it's best to put in a new tank, is it best to connect to Kensington Woods, or can Kensington Woods support it? Those are the things that we are doing next. What we're trying to do is not have residents bleed dollars to Voorheesville for the water for the interim. We are just saying that right now is it more economical for you to spend \$3,000-\$4,000 a month extra for water or for us to get somebody in to fix it for \$12,500 and be able to buy the district time to have a permanent solution? So, what you are asking we are doing. We just haven't got to it yet on the agenda.

Councilperson Hennessy said that it's a difficult balancing act. He doesn't wholeheartedly disagree with fixing the tank. His argument is to focus on the long term. He wants us to look into the interconnect to save residents money. He didn't have the exact rates in front of him but Northeast pays upwards of \$8-\$10 per thousand gallons. They have a well system. Clarksville Water District has a well system. They pay almost half and they're the same kind of system. Northeast had some water quality issues that raised some of the rates up to deal with that; he doesn't have all the specifics. Stantec has all of that. That's a significant dollar value. The Village of Voorheesville charges \$10 per 1,000 for water and now they are going to charge \$12.50 per 1,000 gallons. They could have charged us twice the rate because that's what they do to everyone else. Since this is an emergency they are only charging 25%. That's a benefit. We're still paying more to the Village. We would rather not have the residents pay water fees to the Village so can we do the Band-Aid fix until maybe we can do the interconnect. The focus part is that we didn't do the study yet for the interconnect because we need to focus on it. Now we are focused on it so he wants to maintain that focus so we do that for the long term. In the short term, will it save you more money to go and do the Band-Aid? Maybe. We will find out. There is not a lot of time to do research in an emergency situation. You have to do what you can, when you can at the time.

Councilperson Burke added that the feasibility study that we're talking about doing would involve looking not just at the interconnect but should there be more extensive repairs done, should there be a new well put in there, or should we do an interconnect? Whatever we do what grants are out there or must the Town fund it? That's all part of the long-term solution we are looking at.

Councilperson Hennessy said that we don't like to spend a lot of money doing a lot of things. If we

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went and did a study to do this, it would have been good to have it in our hands now instead of having to wait another month to get the study done. Did we want to throw another \$5,000 on the district for a study when we might not have needed it? We didn't know the tank was going to break. The nature of these emergencies is not an attractive thing.

Councilperson Leinung said that in regard to the grant proposals, too, state grants especially even if you get them this year, it probably takes another 18 months to two years for them to actually come in. That being said he thinks there are grants available for water districts to interconnect to each other. He thinks that's something we'll be taking a look at. Supervisor LaGrange said that that's part of the feasibility study.

Highway Superintendent Guyer said that, if down the road we do an interconnect with Kensington, does Northeast stay Northeast? Does Northeast buy water from Kensington or is Northeast absorbed by Kensington? Are we now one district? Supervisor LaGrange said that that will be a legal issue. There are two separate taxing districts. Kensington won't have a bond because a developer is building it. Northeast still has a bond to finish and they will probably have some sort of bond for the interconnect and anything else we might have to do. We are still going to have two separate districts. The good part is that they probably won't have to buy their water from Kensington because the Town retained ownership of the water so we could expand it intentionally whereas Northeast owns your wells. Clarksville owns their wells. That's a little different angle we want to have. In the relatively near past, we had always considered that an option. Going from Kensington to Northeast was one of our priorities because of the situation there. That was pretty bleak. Councilperson Hennessy added that the goal was to consolidate water districts to save on efficiency of billings, shared services, and incorporating more residents into one district. That's the goal. Bigger towns have one water district. They have a larger base. We have many districts.

Mr. Luci asked if when water districts merge, is there special state aid? He knows that when school districts merge there is special state aid for like a 10-year period of time. That's the law. He was wondering if there is any state aid when water districts merge? Councilperson Hennessy said possibly and we will find that out. The big problem is the bond indebtedness of individual districts and how we can consolidate that? That's a legal issue.

William Emerick said that his thought was that back on December 11th he was here for a meeting, and Mr. Hennessy had some real valid points. He thought within a week or two we were supposed to come back and have another meeting. He must have missed it. You talked about getting some information on how much it was going to cost if we did this or if we did that. He understands where you are going. You want to fix the tank right away but that tank at \$12,500 is like 31% of our original bond. It was \$40,000. That was cheap. In the long run, what is the cost for us for a whole new tank? What's it going to cost us to go to Kensington? He thinks most of the residents aren't even aware of what's going on if you didn't have an email. He found out from an email from the Town that they have a leak. He told one of his neighbors that. How would they know? Supervisor LaGrange said that they would know if they answered his request for their information. He's going to send out another request this year, too. Mr. Emerick asked if they could have something to look at with numbers on it. Supervisor LaGrange said that that's stage two. Mr. Emerick asked if the Board thinks it's prudent to spend the \$12,500 right now? Supervisor LaGrange said that he does. It's three months of Village water and we're going to take longer than three months to get that study that you're talking about. Mr. Emerick added that Village water is good. Supervisor LaGrange said that hopefully the Kensington water, even though it may be the same acquirer, is just a better situation. You will see that continue.

Mr. Emerick asked if we're getting any feedback about the water over there now? Highway Superintendent Guyer said that the sampling is different. They don't have the manganese that we have in Northeast. That's our big issue. Highway Superintendent Guyer said that we had the well pump plug us into Northeast about five years ago. There was manganese and some other minerals in the well that plugged up the screens; they had to be cleaned. Supervisor LaGrange said that that's when we hooked up to the Village. Engineer Frueh said it was 2012. Highway Superintendent Guyer said that connecting with Kensington would be a quality issue, as well. It's not that our water is terrible but there is better water out back. In his mind there is a price he's willing to pay. He's in that same district. He's willing to pay that to get that water.

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Councilperson Greenberg said that he just wanted to be clear because there seems to be a little confusion. It's not \$12,500 versus zero. You're going to pay more if we do nothing. We keep talking short term and long term. In the short term this may be a Band-Aid. It's a Band-Aid that saves you money. If the district doesn't want to save money, and they want to wait and do the feasibility study, and they want to take this out of here and apply for a grant, and you already said the last time it took 10 years, you can pay for water for 10 years. It doesn't make any sense to him, but if that's what you're suggesting... All this Band-Aid is to buy is four months. Mr. Emerick said it depends on how long it takes us to get over to Kensington. Supervisor LaGrange said that everyone has different opinions but he's heard six months to a year. Supervisor LaGrange added that we also have the redundancy from the Village. We're fortunate that way that we did that work a number of years ago.

Stephen Boyce said that it sounds like this company is going to show up demanding an inspection. What's involved in doing an inspection before they show up with all the apparatus that they have to have? Supervisor LaGrange said that we gave them photos of the crack itself. Mr. Boyce added that still they're not willing to do this work without some type of a cushion which is possibly \$5,000. Supervisor LaGrange said that they are going to fix the crack for \$12,500. Mr. Boyce said what happens if they look at the tank and there is a whole lot more work that needs to be taken care of? Supervisor LaGrange said that if they want to pick up and go home they lose \$12,500. The point is that the district, like most districts, has had some loss. It's just natural. There was a leak. It just blew out eventually. Even if there are other leaks it's better to leak your own water that you're not paying for and having stopped the major leak than it is to continue buying it. Mr. Boyce said that he understands that point, but it seems to him like they are doing an inspection of the entire tank after the fact.

Councilperson Hennessy said that Northeast had leaks that we knew about and it lead to a blowout but it was just a leak before. Did we know that the tank was leaking before? Highway Superintendent Guyer said no. Supervisor LaGrange said that all of our districts have a certain percentage loss. Councilperson Greenberg added that he believes it's 8% to 10%. Engineer Frueh said that part of that was getting these contractors to make this repair as soon as possible, as well. We want to get that repaired and everybody back saving money as quickly as possible. Adding more things, investigations, finding out more detail, that all is time.

Mr. Boyce said that he would probably go with the path that Supervisor LaGrange wants to go with but there is still a gamble.

Supervisor LaGrange said, getting back to Councilperson Hennessy's point, we had Feura Bush at 25% for a long time and finally we corralled the area. Sometimes you just don't know where the leaks are. We had no idea that the tank had some loss until this happened. Of course you're more concerned about a loss when you're purchasing the water from Bethlehem, Albany, or the Village.

Mr. Luci said that he understands your point of view. This is going to be like a stop-gap measure. Maybe that's the best way to go after all this discussion. Supervisor LaGrange said that he's glad it cleared some of this up. Our job is to get elected and do what's best for the residents. In this case it's the residents in the Northeast Water District. He thinks we've had good discussion and gotten good input from our engineers and everybody. He thinks we're going in the right direction. As Councilperson Hennessy said, let's keep the focus.

All present and voting, the motion carried (4 Ayes- 1 Nay). Councilperson Hennessy opposed.

11. Engineering:

- **Authorize Supervisor to execute Town Designated Engineer 2020 Master Service Agreement with Barton & Loguidice Engineering Resolution 2020-034**

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby authorizes the Supervisor to

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- 11a. execute Town Designated engineer 2020 Master Service Agreement with Barton & Loguidice Engineering.

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

- **Authorize Supervisor to execute Town Designated Engineer 2020 Master Service Agreement with Stantec Engineering**

Resolution 2020-035

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby authorizes the Supervisor to execute Town Designated Engineer 2020 Master Service Agreement with Stantec Engineering.

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

- **Stantec Engineering Task Order Requests**

- **Clarksville, Feura Bush, Heldervale, Northeast, Swift Road Waters, & Heldervale Sewer**

Resolution 2020-036

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approve the task order with Stantec Consulting Service, Inc., for Feura Bush Water District Engineering Services for up to \$2,000 and authorizes the Supervisor to sign that. .

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

Councilperson Hennessy said that the main thing is that these are in accordance with the budget.

Resolution 2020-037

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Heldervale Water District Engineering Services for up to \$2,000 and authorizes the Supervisor to sign that.

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

Resolution 2020-038

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Northeast Water District Engineering Services for up to \$1,000 and authorizes the Supervisor to sign that.

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

Resolution 2020-039

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Swift Road Consulting Engineering for up to \$2,000 and authorizes the Supervisor to sign that.

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

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Resolution 2020-040

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., to handle the Heldervale Sewer District Engineering Services for up to \$1,000 and authorizes the Supervisor to sign that.

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

- **Phase II Storm Water**

Resolution 2020-041

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Phase II Storm Water – Year 2020 for up to \$1,000 and authorizes the Supervisor to sign that.

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

- **Planning Board and Zoning Board Consulting**

Resolution 2020-042

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for Planning Board Consulting for up to \$4,000 and authorizes the Supervisor to sign that.

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

Resolution 2020-043

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for Zoning Board Consulting for up to \$22,000 and authorizes the Supervisor to sign that.

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

- **Highway Dept. Consulting, Administrative and Capital Outlay**

Resolution 2020-044

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Highway Department Consulting Engineering – General Government Support for up to \$5,000 and authorizes the Supervisor to sign that.

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

Resolution 2020-045

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Highway Department Consulting Engineering – Permanent Improvements for up to \$2,500 and authorizes the Supervisor to sign that.

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

Resolution 2020-046

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services, Inc., for the Clarksville Water District – Transmission/ Distribution Engineering for up to \$1,000 and authorizes the Supervisor to sign that.

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

▪ **General Town Engineering Services**

Resolution 2020-047

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the task order with Stantec Consulting Services Inc., for General Engineering Services for up to \$7,500 and authorizes the Supervisor to sign that.

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

Discussion/Action re: appointment of temporary appointment of DPW Department Head

Councilperson Hennessy thought that this should be handled in Executive Session since it has to do with personnel for the Town. Are we also talking about Northeast water supply feasibility proposals? Supervisor LaGrange replied yes adding that that's why he skipped that.

11b. Review and approve the 2019 Service Award Program List for the Onesquethaw Fire District LOSAP.

Supervisor LaGrange said that this is a program set up by the State. Firemen or EMS persons can acquire a number of points over the year with training, attendance at fires, and other things. The cutoff is 50 points which gives them a full year's credit towards LOSAP which is \$750 now. That's another thing we have to get into for the future at budget time. He believes that's been raised to \$12,500. The State just did that so we may entertain a path towards that in the future. It will impact the fire departments' budgets. The fire department tracks these things with a very specific process. We take what they give us and we receive it and approve it, and then it gets hung on their wall for 30 days. Each of the participants has an opportunity to make sure their number is right. This is audited also extensively. We don't do the audit ourselves but we help with it.

Resolution 2020-048

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the 2019 Service Award Program List for the Onesquethaw Fire District LOSAP.

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

12. Liaison Reports:

• **Discussion/Action re: appointment of Ethics Board Counsel**

Councilperson Leinung said we need to make an appointment to the Ethics Board for our counsel. Councilperson Leinung recommended Michael O'Leary who lives in the town. He is a practicing attorney who has offered to serve as attorney for the Ethics Board.

Resolution 2020-049

Councilperson Leinung offered the following and moved its adoption:

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Resolved that the Town Board of the Town of New Scotland does hereby retain the services of Michael O'Leary, Esq., as attorney to the Ethics Board and authorizes the Ethics Board to avail themselves of his services when needed at a rate of \$200 per hour and a maximum retainer of \$3,000.00 for the year 2020.

Councilperson Greenberg seconded the motion.

Councilperson Burke asked what we know about Michael O'Leary. Councilperson Leinung said that he lives in the village and he is an attorney in Albany for government affairs. He interviewed for one of the open Zoning and Planning Board spots. We had interviewed him and thought this would be good. Attorney Naughton noted that he is over 10 years out of law school and he's had about six different mostly government jobs serving as counsel to various legislatures. Councilperson Burke recalled that he was an outstanding clinical student if it's the same Michael O'Leary. Councilperson Leinung said that he graduated Albany Law in 2007.

Attorney Naughton said that we don't pay him the \$3,000 retainer. He puts a bill in when he performs services. Supervisor LaGrange added that it's an up-to amount. Attorney Naughton said that there are years when counsel doesn't have to do anything. Maybe there will be one or two items a year based on past years. Supervisor LaGrange added that the Board meets once a year and he wouldn't have to attend that. Attorney Naughton said only if there was an issue and then he would guide the Board through it and draft an opinion. It often turns into no money.

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

Planning Board

Councilperson Leinung said that they had their first Planning Board meeting of the year. Councilperson Burke and he are trying to make sure one of them attends the meetings. It was a short meeting but he did want to bring up Daniel Byrnes who is our new appointee. He asked some good questions. The main talk was on the development of the former convent on New Scotland Road that's being turned into apartments. The Planning Board had some opinions and will work with the developer to soften the facade. They have some ideas for some screening of landscaping and also moving the parking that was up front to the back of the building. Councilperson Leinung thought it would be on the agenda for a public hearing next month. Councilperson Burke asked if the developer sounded like these things could be easily incorporated? Councilperson Leinung said there was a little discussion back and forth about the softening of the facade of the building. It is masonry so there is not much you can do with it. He thinks that after a little back and forth there was talk about landscaping and replacing windows. He thinks there was some agreement moving forward. Supervisor LaGrange said that there is some guidance in the Hamlet Zoning. Councilperson Leinung said that that was pointed out.

Hilton Barn and Park Grant

Councilperson Hennessy said that we've been very happy for the past 2-3 weeks because we received word that we received the \$411,000 grant funding for the development of the Hilton Barn and Park. We have to get going further on advancing that program and get prepared to get into the contractual requirements for the State of New York. Much of the design is done for it and we are in a shovel-ready position. We have to figure out what the Town forces can do. Councilperson Hennessy acknowledged Nan Stolzenburg who was the chief grant writer. We also need to consider authorizing her to help us keep the administration going. Councilperson Hennessy added that the grant required us to put the barn into the park. So we need to look into that.

Councilperson Greenberg offered to reach out to Ms. Stolzenburg about being the administrator of the grant and get a price from her.

13. Departmental Monthly Reports:

- **Town Clerk, Dec 2019**
- **Town Clerk 2019 Annual**

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- Registrar, Dec 2019
- Registrar, 2019 Annual
- Justice Wukitsch, Nov 2019
- Building Dept.
- Code Enforcement

14. Pay the Bills

Resolution 2020-050

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves paying the following:

Pay the Bills January 8, 2020		
Abstract #	Vouchers	Amount
	20191545-20191636 20200001-20200014	\$192,605.42 \$10,517.51
Abstract#	Prepays	
12/12/2019	20191527-20191532	\$1,643.07
12/18/2019	20191533-20191537	\$67,963.05
12/20/2019	20191538	\$39,778.15
12/27/2019	20191539	\$129,987.00
12/27/2019	20191540 20191541	\$109.84
01/02/2020	20191542-20191543	\$1,281.14
01/02/2020	20191544	\$317.12

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

15. Approve any Budget Modifications

There are no budget modifications tonight.

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

Executive Session:

Resolution 2020-051

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby suspend the regular meeting and go into Executive Session to discuss a contractual item and a personnel item.

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

Executive Session began at 8:43 PM.

Supervisor LaGrange recused himself from the Executive Session discussion relating to the DPW position.

Deputy Supervisor Adam Greenberg made a motion to end the Executive Session and resume the regular meeting at 9:35 p.m.; motion seconded by Dan Leinung; unanimously approved.

While Supervisor LaGrange was absent from the meeting room, Mr. Greenberg offered the following motion and moved its adoption:

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Resolution 2020-052

RESOLVED, that the Town shall advertise for a DPW Commissioner with salary commensurate with the part-time position and the candidate's experience, and the Town Board shall interview candidates as resumes are received. The deadline for submission of resumes is 30 days from January 10, 2020.

The motion was seconded by Ms. Burke. The Resolution was approved **3-1**; Mr. Hennessy opposed.

Resolution 2020-053

Mr. Greenberg offered the following motion, and moved its adoption:

RESOLVED, that (A) the Town hereby offers the current Town Supervisor the position of temporary DPW Commissioner with a stipend in the sum of \$1,000/month for a period of up to 90 days, or whenever a permanent DPW Commissioner is hired and on staff, whichever period is sooner; and (B) if the Supervisor accepts the position and terms, the Supervisor shall hold, on a temporary basis, the dual position of temporary DPW Commissioner and Supervisor effective retroactively to January 1, 2020.

The motion was seconded by Mr. Leinung. The motion was approved **4-0**.

Supervisor LaGrange then returned to the meeting room at 9:40 PM.

Resolution 2020-054

Councilperson Hennessy offered the following motion and moved its adoption:

RESOLVED, that the Town hereby approves the Task Order, dated December 23, 2019, from Barton & Loguidice contract (as supplemented by email dated January 8, 2020) for a price not to exceed \$2,800 for a feasibility study relating to improvements to the Northeast Water District facilities, and authorizes the Supervisor to sign the Task Order.

Councilperson Greenberg seconded the motion. The motion was approved **5-0**.

Resolution 2020-055

At 9:44 PM Supervisor LaGrange made a motion to return to Executive Session to discuss a legal quasi-contractual matter, and moved its adoption. The motion was seconded by Mr. Greenberg. Approved **5-0**.

At 9:50 PM, Supervisor LaGrange made a motion to conclude the Executive Session and resume the regular meeting. The motion was seconded by Mr. Greenberg. Approved **5-0**.

17. Adjourn

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Leinung. The meeting adjourned at 9:51 PM.

Diane R. Deschenes, Town Clerk