

Town of New Scotland
Regular Town Board Meeting
02/12/2020

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange	
Councilperson:	Adam Greenberg	
	Daniel Leinung	Arrived at 7:44 PM
	William Hennessy	
	Bridgit Burke	
Town Clerk:	Diane Deschenes	
Town Attorney:	Michael Naughton	
Highway Superintendent:	Kenneth Guyer	
Engineer:	Garrett Frueh	

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

4. Approval of the Minutes of the Following:

- **January 1, 2020 Organizational Meeting**
- **January 8, 2020 Regular Town Board Meeting**
- **February 3, 2020 Special Town Board Meeting**

Resolution 2020-057

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 for the January 1, 2020, and January 8, 2020, meetings.

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

Resolution 2020-058

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 for the February 3, 2020, Special Town Board meeting.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes-1 Abstention). Councilperson Hennessy abstained since he was absent.

Supervisor LaGrange advised that Councilperson Leinung was held up at work but should be here eventually.

Announcements:

• **Board of Elections Inspectors needed for 4/28, 6/23, and 11/3**

Town Clerk Deschenes advised that we have three elections coming up this year. The Presidential Primary is 4/28, the regular primary is 6/23 and the general election is 11/3. Town Clerk Deschenes brought that up because she thought the Board of Elections could really use some additional inspectors. Some of our inspectors are getting older. Town Clerk Deschenes advised that all three elections will be full days from 6AM-9PM. It pays \$250 for the day and they also pay for training. If anyone is interested in working they should contact the Board of Elections.

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5. Discussion/Action re: justice Court staffing

Justice Johnson addressed the Board. He was hoping that Judge Wukitsch would be here shortly also. He felt Judge Wukitsch was more experienced and informed about the workings of the court; he's been doing this for 13 years. He also works at the third department headquarters where all the courts are run from. He's really on a more up-to-date daily basis of not only what's being required now but what seems to be coming ahead. They have been before the Board for hiring our staff and the Board has been very accommodating. Last year they had three very quick meetings that allowed them to finally acquire a full-time clerk for the position. She is working very well and they feel very positive about that input; however, they did continue to run an ad both on the Town site and also with the Altamont Enterprise because they had been given two part-time clerks for a total of 19-½ hours each until the end of February. That time is coming to an end and they're trying to figure out the methodology they're going to need to proceed because just one single clerk isn't going to be able to do this. He sent the Board a memo where he tried to lay out the big points about what they see coming and what's happening without getting too deep in the weeds. Normally, he undergoes 12 hours of training a year as a sitting justice. We're really required to only do six. He does all 12 because it is very involved, and since last July he's had an additional 18 hours because of the nuances that are coming. You've read some of it in the paper with the change in the penal law, etc. The landlord/tenant law has been modified too. All that means is that we're not going to have processes that go very quickly. We're going to have trials. When we start having trials that means we have to have backup people. Last year he only had one trial where we had two days of having to have a jury. It's a 6-8 hour event every day. That hasn't happened yet, but he thinks it's going to start happening. What we're looking for instead of two part-time assistants, which came to 39 hours, is one full-time assistant which would be another 35-hour job. It's not lost on him that they presented a budget back in August, and frankly they didn't have very much information at hand to make a realistic budget. Obviously, the number of hours would be less. We planned on putting it in levels 1-5 for the clerk but it will still cost more because there will be benefits available as a result of someone else coming into at a full-time job. It's not an economic windfall by any stretch of the imagination. Having said that, they are very conscious of expenses. They have tried over the last two to three years to be much more conscious of it, and he thinks they are. They are under a mandate from the State that they cannot ever tie their performance to their budget; that just doesn't work. It's not fair and it's not what's allowed, but they are conscious of it. They're asking the Board to consider, understanding that two 19-½-hour part-time people terminate at the end of the month; that 39 hours goes away. We'd like to replace it with one full-time assistant to our clerk at a 35-hour job. They have a person in place who currently works part time for the post office and part time for us. They think that she would take the job if offered. She's had 6-8 months of experience now. The other problem they are facing is that they are afraid that our court will become what you used to say mid-major so to speak. They would train clerks here and then they would go to Bethlehem or over to Guilderland. Bethlehem pays roughly 1-2/3 what we can pay for the same job. That's just what people will do. The other thing that he did mention is that even though we've been advertising, they've received no other new resumes in the last three to four weeks. They are going back to the list they created last May and June, but they think that if they can get this full-time position they have someone to fill it now. That will allow them to not only staff the court but it will help as backup for vacations, sick time, etc. That's the reason behind it. He understands that you'll be discussing this probably in Executive Session. He will be available for questions at any time, but he probably won't stay.

Judge Wukitsch arrived. He said that the Board may recall his memo last year about the changes to the NYS Court system. They impacted all of the local courts as well, not just the county or city court. We are subject basically to the same rules and requirements as the state court. The two big areas have been discovery and the volume of paper discovery and second, in terms of what we are required to maintain by way of our computer system, which is called SCI. We need really highly competent clerks that are well trained in terms of what the requirements are. Not only that, we are now required, because of these changes, to input and maintain a lot more data than we ever did before. This is coming from the State Police, local police departments, the DA's office, and the public defender's office. We function as a local criminal court. We're no longer simply a traffic court that handles speeding tickets, stop sign tickets, etc. We commonly deal with all types of misdemeanors from domestic disputes

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through larceny, all types. We've had a lot of turnover in the court. We are fortunate with the Board's support, to establish one full-time position and because of that we were able to attract a candidate with 11 years of experience in the court system. She was able to step right in and help us get things in order. It makes him feel optimistic about the future of the court to see what she's put in place. It's kind of a division of labor between what she does, which is handling most of the criminal matters, and making sure everything is being done properly. The part-time clerk handles the traffic tickets and makes sure the fine notices are going out on time and processes the fine payments and enters them into our records. If we were able to create a second full-time position for someone like Mary to work in with Stacy's mentoring and getting her into a comfort zone where they can function at a high level. He's talking about the traffic side of the court. He thinks things would really function optimally for everyone, the public, the court, and all the other users in the court system.

Judge Wukitsch said that they actually brought Barbara Agans in at one point who was a full-time Rensselaer City Court Clerk. She works in a State-paid court now. Her comment to us was that our court is as busy as Rensselaer City Court. They have at least three full-time people that she's aware of. We really do need it. We didn't anticipate some of this additional work at the time the budget was adopted. In fact our training for the local courts didn't really address a lot of these issues towards the end of last year. Now we're seeing kind of across the board the DA's office, the public defender's office, and law enforcement taking on additional resources to meet the demands of these new laws. No one was aware that the state legislature created all of these additional requirements on what their workload was going to be like. They're not really talking about the bail law; they're talking about discovery and some of the other changes. In prior years when cases were filed in our court it was with paper. The State Police, Park Police, or the Sheriff's office would drop paper off to our court. Say it was a new case filing; it would have information, supporting documentation, arrest report, and an incident report. They are moving to transfer all of this information electronically. Someone needs to scan all of this information in to send it to all the various courts within Albany County electronically. We have to maintain an ability to receive that information electronically. That's an example of just one change and probably once they take the information in they will print it for use in our court. We don't yet have the ability to have a laptop or computer screen at our desk when we are working during court sessions to review this and handle it. That's the direction everything is moving because of the volume of data that's being transferred. It's not what the court was when he started 13 years ago. It's just a totally different setup. They handle some of the same things, but it's different. If the Board has any questions, he would be happy to answer them.

Councilperson Burke asked if he knows why our court would be so much busier; you said it is comparable to Rensselaer. Judge Wukitsch said that it's Rensselaer City Court. It's a city court within the county but it's state paid so they have a lot of the resources that we don't have including court security, IT support, and full-time clerks. He thinks one of the reasons is that we have law enforcement presence within our town. The Sheriff's department has a facility in our court building. We have a State Police substation on Route 32. We have the Park Police at Thacher Park. We are fortunate to have a real significant law enforcement presence in our community, but on the other hand there is a lot of activity at the same time.

Supervisor LaGrange said that obviously there are some numbers that we're going to have to digest and figure out. By going to another full-time position we're talking some major total budget impacts for your department. I think the Board needs to be aware of those things. Supervisor LaGrange said that Councilperson Greenberg has been up there and he asked him if he had any thoughts or comments. Councilperson Greenberg said that he thinks we're going to have an Executive Session to discuss some personnel matters so he doesn't want to get into too much publicly. We are trying to straighten out a couple we have in front of us. He was up there last Thursday night, court night, and the clerks seemed to be doing a great job. They have a handle on it that we did not see a couple of months ago. We are moving in the right direction. He thinks it's also recommended by the judges that there is a lot of paperwork to clean up and files from the past so a full-time clerk would be able to potentially work on that. That would help clean up some of the areas that have been lacking in the last year or so. That's just another thing to keep in mind but there are some issues we need to discuss. He

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doesn't think we should do it publicly right now.

Supervisor LaGrange said that we never officially set a salary for the full-time clerk at level 5; he thinks we can handle that. The other thing that we might want to consider now in anticipation of our time later is to possibly approve the continuation of the one part timer for at least another month or two while we gather all this information. Judge Johnson talked about maybe getting something from a couple of other towns. Judge Johnson responded saying he spent 1 hour and 15 minutes at the Town of Brunswick this afternoon. So we will get more information. Councilperson Greenberg said that we definitely have to do something with the part-time clerk because it ends February 29th.

Resolution 2020-059

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby affirms the hiring of the full-time position at level 5 of the 2020 pay scale which is \$22.46 per hour.

Councilperson Greenberg seconded the motion.

Councilperson Burke asked if that's the existing position. Supervisor LaGrange replied that that's correct. Councilperson Hennessy said that he has an open mind on this for hiring a second person. He just wanted to ask if we want to tie our hands on the salary? Does it matter? If we do hire at level 5 for the current person do we want to maybe entertain level 3 or 4 to save a little money? Would that not go over well? Judge Johnson said that it's just who is out there. He's willing to sit down with anybody and share the resumes. There are not a lot of good people out there right now and if we can't be competitive we're kidding ourselves. Councilperson Greenberg said that Ms. Harwood is being paid at level 5 now. Supervisor LaGrange added that that is the part-time position. Councilperson Greenberg added that he's saying that he thinks making her full time has been the plan for a while. Supervisor LaGrange said that it's Mrs. Loucks who's full time. Councilperson Greenberg said that he meant Mrs. Loucks is working at level 5 full time now. There would be no change there. If we decide to create another full-time position then that's one of the things we need to discuss, what level we want. Councilperson Hennessy said so you saw my point. Supervisor LaGrange agreed. Councilperson Hennessy added that he doesn't think we're saving a lot; he's just bringing it up. Councilperson Greenberg said that he's not sure it's a money thing as much as it might not be right to pay someone with not nearly as much experience as the other full-time person. Judge Wukitsch said that that's really the issue. Supervisor LaGrange said that the big catch before was that you wanted to see us change the salary scale a little bit to identify a little bit higher level of compensation to attract someone better and more experienced. We did that. Judge Wukitsch said that we do appreciate that and we were able to attract a person with 11 years of experience but posting a full-time position with some benefits. Judge Wukitsch added that he would like to keep her at the top of the scale. She deserves that level based on her performance. He didn't want to start getting into Executive Session but she's certainly performing at that level. The other person is much less experienced and will require a lot more training. Supervisor LaGrange said that basically what we're doing is codifying what we've done.

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

Supervisor LaGrange said that we will continue where we are later in Executive Session. Councilperson Greenberg added that to make it clear, there are two part-time clerks now but only one has been working the last month or so. Judge Wukitsch said that they're basically at one part-time clerk right now. Councilperson Greenberg said that he thinks we can safely say we're not continuing the two positions. Judge Wukitsch agreed.

7. Discussion/Action re: Road Use and Crossing Agreement with LS Power Grid New York, LLC, for the Marcy to New Scotland Electric Transmission Upgrade Project

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Supervisor LaGrange said that this is something we've been working on for quite a while. It's going through the existing footprint from the New Scotland substation out to Marcy. There are already three to four towers there now. These towers are going to be a little shorter than the tallest tower. We have some contractual things and road things that we have some ability to control. Attorney Naughton said that LS Power is the utility that is going to be installing this 325 KV line. It's partially in our town and partially in other towns. They asked us for a road use agreement and they need this in connection with their approval process and the PSC. They let us know that all other municipalities that they need to get road use agreement from have agreed to more or less sign the form they provided. We were not satisfied with their basic form and made revisions to the agreement they proposed. Some of the major changes we made were that the company would have to do a preconstruction video kind of report to establish the existing conditions before they start construction, and then when construction is finished they do something similar with a video so we know a baseline and then we know whether there was damage. We also asked for and got a \$40,000 deposit for any emergency repairs that are required from the use of their equipment and we've also gotten an \$8,000 professional fee escrow account that will be funded before construction commences to allow the Town to use professionals like the Town-designated engineer to review any kind of construction plans they present and any kind of issues that come up with damage. The other change was that the Town expressed dissatisfaction with some of the road they were proposing to use and they changed the list of roads reducing the number of roads they will be using. They have clarified that there are very few really super heavy vehicles that will be used on our roads. It's mostly concrete trucks that go on our roads for any construction project. There are some 18-wheelers to bring in the parts for these electronic transmission poles which are oversized. The biggest machines will be a crane that will come in. With those revisions we are now satisfied and he would recommend approval of the proposed road use agreement that's attached as exhibit 1 to the agenda and authorize the Supervisor to sign it. I understand that the Highway Superintendent has reviewed all of this and is now satisfied. Highway Superintendent Guyer agreed.

Resolution 2020-060

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 proposed road use agreement that's attached as Exhibit 1 to the agenda and authorizes the Supervisor to sign it.

Councilperson Burke seconded the motion.

Councilperson Greenberg said that from our discussion last month and the issues we had, thank you for taking care of this. It seems like you dotted all the I's and crossed the T's.

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

8. Resolution approving Application to National Grid for Interconnection Associated with Town Landfill Sites

Councilperson Greenberg said that this is just a continuation of the solar we're trying to develop on a couple of our landfill sites. This is needed just so GE, who is in charge of this project, can put their application into National Grid. All we are saying is put it in and let's see where this goes.

Resolution 2020-061

WHEREAS, after an RFP process, the Town entered into two option agreements with Distributed Solar Projects, LLC ("Contractor"), for development of a Solar Energy Project at the landfill sites located on Upper Flat Rock Road in the Town of New Scotland, New York (the "Project"); and

WHEREAS, in connection with the Project, the Contractor has prepared an Application for an interconnection of the proposed new distributed energy generation units with the utility, Niagara Mohawk Power Corporation, d/b/a "National Grid," and

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WHEREAS, the Supervisor is required to sign the Application as the owner of the landfill Site(s); and

WHEREAS, other applications and documents will need to be signed by the Supervisor to facilitate the development of the Solar Project;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby: (A) accepts and approves the application of Distributed Solar Projects, LLC, for an interconnection agreement with National Grid to accommodate a solar development on the landfill properties, and (B) authorizes the Town Supervisor to sign (i) the application, and (ii) all documents needed to facilitate the development of a solar energy development at the Town landfill properties.

A motion by Member Greenberg, seconded by Member Hennessy, to adopt Resolution No. 061 of 2020.

In favor: 4 Ayes
Opposed: 0 Nays
Motion Approved: 4 Ayes

- 9. Discussion/Action re: CDTA ACCESS program Agreement for Transportation Services**
Supervisor LaGrange said that this has to do with our senior services medical transportation, so social activities are a part of this. This is the exact same contract that we've had in the past. The only difference is that the reimbursement rate has been increased a dollar for individual trips and also a dollar for group trips. In both instances it will be a little bit higher level of pay. They did add some more specific definitions under schedule B of the contract, but they were all things that we already knew and were doing. Maybe they had issues with other places so they had to clarify it.

Resolution 2020-062

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the CDTA ACCESS program agreement for Transportation Services and authorizes the Supervisor to sign it.

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

- 10. Discussion/Action re: Water Purchase Agreement with Village of Voorheesville for the Northeast Water District**
Supervisor LaGrange said that we ran into some issues recently with the Northeast Water District where we had to make a major repair. Fortunately, approximately seven years ago we were able to interconnect with Voorheesville when we had a major issue there where we cleaned screens and so forth from mineral buildup. When we ended up with a hole in the underground tank we were able to switch right over and use Voorheesville. They were good enough to give us instead of two times their regular rate a quarter times the rate. We've since completed the tank fix and everything is running well. In the meantime we've wanted to get something in writing with the parameters of not only them giving us water but in case we ever get to the point of being able to interconnect with Kensington Woods. When we have a bigger supply we can possibly reciprocate if there is any emergency. That's been outlined in this agreement.

Attorney Naughton added that mostly this agreement as it stands right now is a one way from the Village to the Town. It's wise to have this setup for the future in case we need to do something. He thinks that although you might think it's moot right now, because we now switched over and we know how much we have to pay, it's a really smart move to have this in place if we need to do this in the future. He thinks it's terrific of the Village to accommodate us in this way. We had a few revisions and everything we asked for in terms of revisions from the Village they agreed to. Councilperson Hennessy asked if this was to allow reciprocal direction?

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Attorney Naughton replied that no, they were looking for a few things as far as the terms of the agreement and we had some changes that we wanted to make. Mr. Reilly and the Mayor agreed to all of our revisions. Councilperson Hennessy said that we haven't changed the fact that it's a one way. Attorney Naughton agreed. Councilperson Hennessy asked if we want to change that now or just be aware of that for the future? Supervisor LaGrange said to just be aware for the future. Attorney Naughton agreed adding we're not in a position where we have that kind of water where we can supply them right now. Supervisor LaGrange said that that was just a discussion item. Attorney Naughton added that it would be easy to amend it by addendum if that comes up. Councilperson Hennessy just wanted to make note of that.

Resolution 2020-063

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby enter into the Intermunicipal Shared Service Agreement and Water Purchase Agreement between the Village of Voorheesville and the Town of New Scotland and authorizes the supervisor to sign it.

Councilperson Burke seconded the motion.

Councilperson Hennessy said that this is current but aren't we back online anyway with the Northeast tank? Supervisor LaGrange agreed. Councilperson Hennessy asked if we're almost able to know exactly what it was and we don't really need this going forward? He's still fine with it but we needed it for what we just purchased. Supervisor LaGrange said that we don't even need it for what we purchased. He talked with Mr. Reilly recently and told him it probably wasn't necessary to do this now since we will have the tank going within the week. He said it probably would be a good idea to have something in writing in case something happens in the future. We will have everything set up and ready to go. The 1.25 was addressed in here too. Councilperson Hennessy said that we've had many discussions with them about that. He just wanted to point out that this is just not for this current problem; this is for more. Councilperson Hennessy said that he wanted the people of Northeast to know that even though they are not here tonight. We may want to send one of those emails to all the people in the district. Supervisor LaGrange said that he could.

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

11. Discussion/Action re: 2020 changes to Water and/or Sewer District Rates:

- **Kensington Woods Water District**
- **Northeast Water District**
- **New Salem Water District**

Supervisor LaGrange said that each year we look over where we stand in the water districts. Lisa Boehlke and he make suggestions on what we'd like to do to either catch up a little or get a little ahead. In this instance we all know the Northeast issues. We are proposing a \$.50 per 1,000 increase for Northeast that would raise the minimum to \$15 in total for six months. We would also do the same for Kensington Woods. It's a different animal there. With Kensington Woods we are still trying to figure out as with New Salem what the rate should be to get where we need to be as it develops out. In this case we feel that we're lagging a little bit so we want to raise that \$.50. With New Salem, again, the water district was created several years ago and as we've gone through the process of building up a solid fund balance we feel it's time to back off that \$.50 so that what he would move we do tonight is approve the new revised water district rates as outlined.

Resolution 2020-064

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approve the following new water district rates:

Kensington Woods Water District

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Gallons	Rate per 1k gallon	Minimum
0-15,000	\$6.00	\$90.00
15,001-60,000	\$6.25	
60,001-120,000	\$6.50	
120,000	\$6.50	

Northeast Water District

Gallons	Rate per 1k gallon	Minimum
0-30,000	\$5.00	\$150.00
30,001+	\$5.50	

New Salem Water District

Gallons	Rate per 1k gallon	Minimum
0-15,000	\$8.50	\$127.50
15,001-60,000	\$9.00	
60,001+	\$9.50	

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

Supervisor LaGrange advised that we had a usage deficit in Heldervale Water and Sewer and in Feura Bush. In 2018 we set up a rate change for all three districts. We've started to make up that difference in the usage deficit. We've made substantial gains. He was hoping for five years. He thinks Feura Bush will be comfortable in the fifth year. We will take a closer look at Heldervale next year or the year after. Depending on usage and Creekside coming on, he thinks we are gaining rather well. He thinks we'll be in pretty good shape.

11A. Capital Project Resolutions:

• **Establishing Capital Project H13 – Parks Dept. Pick-up with plow and sander**

Supervisor LaGrange said that these are the two pickups we discussed during budget time. We decided we would probably BAN them but we'd see about fund balances. After looking things over, he and Mrs. Boehlke would recommend that we do this as a capital project and possibly borrow from A fund and then replenish A fund with a BAN when we add to it next March. We did have some good news. The pickup with the plow and sander for the Parks Department was \$39,500 off NYS OGS contract. The pickup for DPW was around \$36,000. Highway Superintendent Guyer said the difference in the two trucks is the sander.

Councilperson Leinung arrived at 7:44 PM.

Resolution 2020-065

Supervisor LaGrange offered the following and moved its adoption:

Whereas, the Town of New Scotland desires to purchase a pickup truck with plow and sander for the Parks Department and,

Whereas the Town of New Scotland desires to finance the pickup truck with plow and sander through the issuance of debt and,

Whereas, the Town desires to establish a capital project for the purpose of accounting for the use of the bond proceeds,

Now therefore be it resolved that the budget for the capital project (H13) pickup truck with plow and sander for the Parks Department be as follows:

Increase Revenues:

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(H13) 5710 Serial Bonds \$46,000.00

Increase Appropriations:

(H13) 7110.2 Parks, Equipment \$46,000.00

And be it further resolved, that General Fund– (A) be authorized to loan to the capital project sufficient cash monies for adequate cash flow at an interest rate of 0.00% per annum

Councilperson Greenberg seconded the motion.

Supervisor LaGrange noted that this is 0.00% because the Parks is an A fund so we don't charge A fund interest. Councilperson Hennessy said this is not DPW; it's just parks.

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

- **Establishing Capital Project H14 – DPW Pickup with plow**

Resolution 2020-066

Supervisor LaGrange offered the following and moved its adoption:

Whereas, the Town of New Scotland desires to purchase of a pickup truck with plow for the DPW Department and,

Whereas, the Town of New Scotland desires to finance the pickup truck with plow through the issuance of debt and,

Whereas, the Town desires to establish a capital project for the purpose of accounting for the use of the bond proceeds,

Now therefore be it resolved, that the budget for the capital project (H14) DPW Pickup Truck with plow as follows:

Increase Revenues:

(H14) 5710 Serial Bonds \$40,000.00

Increase Appropriations:

(H14) 1620.2 Operation of Plant (TH), Equipment \$12,000.00

(H14) 1622.2 Operation of Plant (CC), Equipment \$ 4,000.00

(H14) 8110.2 Sewer Administration, Equipment \$ 2,564.10

(H14) 8310.2 Water Administration, Equipment \$21,435.90

(the water administration (8310.2 above) will be split among the nine existing water districts at the time of purchase by percentage share based on the number of users per district)

And be it resolved, that General Fund– (A) be authorized to loan to the capital project sufficient cash monies for adequate cash flow at an interest rate of 0.00% per annum for the A portion.

And be it further resolved, that General Fund - (A) be authorized to loan to the capital project sufficient cash monies for adequate cash flow at an interest rate of .005% per annum for the water and sewer portion of the purchase.

Councilperson Burke seconded the motion.

Councilperson Hennessy asked if we know which DPW employee this is for? Is this a replacement for the existing truck? Highway Superintendent Guyer said it's not the truck; it's the van that Mr. Green currently drives that the Highway sold to the water department. Councilperson Hennessy asked if we are able to keep the old truck if we're going to hire a new DPW Commissioner. Highway Superintendent

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Guyer replied that this truck is beyond its life expectancy. Councilperson Hennessy asked if it's still in use. Highway Superintendent Guyer said "sort of." Councilperson Hennessy said that we're not replacing a Parks truck. Highway Superintendent Guyer said no; the Parks truck is hands down in better shape than the DPW truck. Councilperson Hennessy asked if that is the one we're replacing? Highway Superintendent Guyer said that they're adding. Councilperson Hennessy said that we may want to just consider that depending on how we go forward in the next few months with DPW and if we are just going to deem it surplus. Highway Superintendent Guyer said that it would be surplus and actioned off. Councilperson Hennessy said that we may not want to; we may want to see where we're going in the next couple of months.

Supervisor LaGrange said that we had some recent issues that we got a rough price on to get it in better shape. There are some issues with the transmission. We were hoping to limp along with that and make some slight adjustments elsewhere. We could get a more definitive price of what it would take. He thinks somebody has to go over it with a good eye and see how much we could get out of it to see if it's worth investing in it.

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

6. Discussion / Action re: appointment to Historic Preservation Commission

Councilperson Leinung said at the last meeting that we put out a call for resumes. The Town has three appointments to the Historic Preservation Committee. The Village of Voorheesville made their appointments last week, Alan Kowlowitz and Deborah Mahan. We have three appointments and we received three resumes. He believes they were circulated to the Board by Mrs. Kavanaugh. He is putting forward those three names for consideration: Christopher Albright, Andrea Lain, and Gwen Spicer. He is happy to discuss with the Board any concerns. Councilperson Greenberg asked if the Commission would be up and running once we made the appointments. Councilperson Leinung said that he believes that once we make the appointments they need to meet and designate a chairperson. Mr. Kowlowitz said that the way the law is written both boards would propose who they believe should be Chair. If the Board does not act, then the commission themselves can select a Chair. The assumption is that the Boards will act. Councilperson Leinung asked if the Village suggested a chair. Mr. Kowlowitz didn't believe so. Councilperson Leinung said that he's assuming we could do that tonight, as well.

Resolution 2020-067

Councilperson Leinung offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby appoints Christopher Albright, Andrea Lain, and Gwen Spicer as the New Scotland representatives on the joint Historic Preservation Commission.

Councilperson Greenberg seconded the motion.

Mr. Kowlowitz commented that we are very fortunate that Mr. Albright came forward. He knows more about the environment in this town than anybody he knows. He's a wealth of information and a real go-getter as far as research. Ms. Spicer is a well-known quantity. She runs a conservation business in town. Ms. Lain is an archeologist and brings a whole other skill set. He thinks it's a strong set of candidates and he is very pleased.

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

Councilperson Greenberg said that now we will let them meet and come back with a recommendation of Chairman to us, is that correct? Mr. Kowlowitz replied if that's what you'd like. He could be a convener if that's okay with this Board. He talked to Mayor Conway before their meeting just to let them know the intent of the Town Board and then he did attend their meeting. He didn't have access to their discussion. Councilperson Leinung said that the way he read the law is that the appointees select a chairperson, and if they fail to do so the Board helps. Mr. Kowlowitz said that it's the other way around. If the Boards can't agree, the Commission still operates. Councilperson Leinung asked if we could make a suggestion tonight? Attorney Naughton said that if you want to make a non-binding resolution about your recommendation for the chair you could do that and ask Mr. Kowlowitz to pass that along. We could then advise the Mayor and the Village.

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Resolution 2020-068

Councilperson Leinung offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby makes a non-binding resolution that Alan Kowlowitz be the Chairperson of the newly created Historic Preservation Commission.

Councilperson Hennessy seconded the motion.

Councilperson Greenberg asked Mr. Kowlowitz if that is something he wants? Mr. Kowlowitz said that it's something he feels an obligation to.

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

12. Highway/Parks:

• **Discussion/Action re: purchase of Parks pickup truck and DPW pickup truck**

Highway Superintendent Guyer said that now that we have capital projects to bring these two vehicles out to bond, the Bond Counsel will need a resolution approving it. Supervisor LaGrange asked if we could do these together? Attorney Naughton said that he was looking at a letter from the Highway Superintendent, but he's not seeing a resolution. Highway Superintendent Guyer said that that's just a recommendation letter. He's looking for approval. Supervisor LaGrange said that we just need to approve the purchase and then when we go to bond the Bond Counsel will give us the official resolution. Attorney Naughton said that they just need a resolution approving the purchase and the terms set forth in attachment 5C.

Resolution 2020-069

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the purchase of a 2020 Chevrolet 2500HD WT Double Cab 4 WD with Fisher Plow and sander in the amount of \$39,492.55 through NYS OGS solicitation #3093 for the Parks Department and also the purchase of a 2020 Chevrolet 2500 HD WT Double Cab 4WD with Fisher Plow in the amount of \$36,342.60 through NYS OGS solicitation #2878 for the DPW.

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

• **Stantec Engineering- recommendation re: payment application #3, Prime Highway Contractors, Krumkill Rd. Corrective Maintenance FHWA Project**

Highway Superintendent Guyer has a recommendation letter from Stantec Consulting for the third and final payment to Prime Highway Contractors for the Krumkill Road rehabilitation project. This will satisfy our entire project. Once again this was a \$420,000 project that was approved through the Capital District Transportation Committee. We were able to get 80% of the project from the federal government through them. Then we were awarded NYS Marschelli funding for an additional 15% so the project costs the town 5% at the end of the day. We have to put the money up front and then it's a reimbursement. Ninety-five percent of this project will be coming back to us. This is final payment. It's \$25,141.22 to Prime Highway for the work they did on Krumkill Road. Supervisor LaGrange said that obviously Mr. Johns from Stantec is satisfied. He asked if Highway Superintendent Guyer was satisfied and he said that he was. They did a walk through at the end of the project about the middle of October with Stantec and NYS DOT. Everyone was satisfied and signed off in October. Attorney Naughton said that this will release the retention. Highway Supervisor Guyer said that there is no retainage because it's a federally funded project. Supervisor LaGrange said that this was kind of our retainage. Highway Superintendent Guyer said that you can't call it that but this is the last and little bit.

Resolution 2020-070

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves Payment Application #3, for the Krumkill Road Corrective Maintenance in the Town of New Scotland for \$25,141.22 to Prime Highway Contractors, LLC.

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

One-ton Dump Truck

Highway Superintendent Guyer said that at budget time we discussed a one-ton dump truck for the Highway. Our bids will be back on that through NYS OGS on February 24th. Next month we will be discussing that. He believes we discussed briefly at budget time that we'd like to try and pay for this truck. It's roughly in the \$50,000 range. We'd like to pay for it out of fund balance if possible. Supervisor LaGrange said that we looked into that with the plow truck for \$206,000. We did wrap that up in our BAN. We will eventually go to bond with that. He and Mrs. Boehlke would recommend paying it out of fund balance. Highway Superintendent Guyer added that next month he'll have real numbers on the truck.

Ball Field Applications

Supervisor LaGrange asked when we get ball field applications. Highway Superintendent Guyer said they are being done now. They are starting to trickle in. He hopes to have them all by March.

13. Action re: Office of Parks, Recreation, and Historic Preservation Environmental Protection Fund grant program – Hilton Park

- **Opinion of Counsel**
- **Authorizing Board Resolution**
- **SEQR**

Councilperson Hennessy said that we are starting this project this year. The beginning of it is to accommodate the OPR (Office of Parks and Recreation) with information regarding the program and the Town's ownership of the land. The Supervisor's office has or is in the process of connecting with the NYS Grants Gateway. We have to upload these documents to them. These documents include a boundary map of the park. Councilperson Hennessy had a survey map done by Bethlehem Land Survey. Jason Peterson approved us being able to mark up his map to accommodate what OPR needs and the Supervisor has to sign it. Councilperson Hennessy will instruct the Board later because there are a lot of other things that need to be with it. We need to authorize the Supervisor to sign this tonight.

Attorney Naughton suggested that we get the big picture first. The big picture is that they want us to approve the grant. We have a grant application for \$411,000. They awarded the grant and they've asked us to do some paperwork that they require including a pro forma resolution that the Town is actually approving the award of the grant and then requesting additional information which is one of the things we are talking about. So, they sent a pro forma resolution form. We've got that and we can handle that tonight, and then there is a SEQR element of it and we have a draft of an EAF in the works that Barton & Loguidice and Councilperson Hennessy are working on. We will circulate that when it's clean. We are going to treat it as a Type 1 under SEQR. The Town will want to be the lead agency on that. He's not sure if there are any other interested and involved agencies that would have any kind of approval power, maybe the NYS Parks. We will also, as part of what we are doing tonight, be doing a quick resolution indicating that we intend to be the lead agent for this project and then there are other forms that need to be filed. That's the big picture.

Councilperson Hennessy added that there is the opinion of Counsel that you have to do and the Supervisor's office is filing other forms, non-discrimination certification, sexual harassment certifications, and this map along with submitting the deeds to the property along with general property information. Councilperson Hennessy said that they could do the resolution first approving the grant. Attorney Naughton said he handed it out to everybody.

**RESOLUTION NO. 071 OF 2020
Town of New Scotland, New York**

**RESOLUTION APPROVING GRANT FROM NEW YORK STATE OFFICE OF PARKS,
RECREATION, AND HISTORIC PRESERVATION**

WHEREAS, Town of New Scotland Town Board ("Town Board") applied for financial assistance from the New York State Office of Parks, Recreation, and Historic Preservation ("OPRHP") under the Title 9

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of the Environmental Protection Act of 1993 for the purpose of funding the development of the Hilton Road Park;

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby approves and authorizes the acceptance of the grant funds and authorizes the Supervisor to execute the New York State Master Contract for Grants (“Master Contract”) and any amendments thereto, any deed of easement, and any other certificates that may be required; and it is further

RESOLVED, that the Town Board applied for financial assistance from the New York State Office of Parks, Recreation, and Historic Preservation (“OPRHP”) under the **Title 9 of the Environmental Protection Act of 1993** for the purpose of funding the development of the Hilton Road Park;

AND BE IT FURTHER RESOLVED THAT, the Town Board is authorized and directed to accept these grant funds in an amount not to exceed \$411,000.00 for the project described in the application;

AND BE IT FURTHER RESOLVED THAT, the Town Board is authorized and directed to agree to the terms and conditions of the Master Contract with OPRHP for such development of the Hilton Road Park;

AND BE IT FURTHER RESOLVED THAT, the Town Board is authorized and directed to agree to the terms and conditions of any required deed of easement granted to OPRHP that affects title to real property owned by the municipality and improved by the grant funds which may be a duly recorded public access covenant, conservation easement, and/or preservation covenant; and

AND BE IT FURTHER RESOLVED THAT, the governing body of the municipality delegates signing authority to execute the Master Contract and any amendments thereto, any required deed of easement, and any other certifications to the individuals who hold the following elected or appointed municipal office and employment position titles: Supervisor and/or Deputy Supervisor and Director of Grants Management.

A motion by Member Hennessy, seconded by Member Greenberg, to adopt **Resolution No. 071 of 2020**.

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

Councilperson Hennessy said that the next item he was going to suggest is that we go back to the map that the Supervisor has to authorize which we’ve already discussed. The third thing is that we have deeds we have to upload that have already been supplied through the Supervisor. We will make sure you have all of that. Councilperson Burke asked if a motion was needed. Attorney Naughton said that as he read this resolution it authorizes the supervisor to sign all of these certifications, etc., to facilitate the grant. That would include the survey map that Councilperson Hennessy just referred to. Councilperson Hennessy asked if it includes the opinion of counsel. Attorney Naughton said that he would sign the opinion of counsel so no one needs to authorize that. That really just says that we own this land and these are the deeds and he knows that. Councilperson Hennessy said that the other thing we are doing tonight is the Town requesting lead agency. We have to send a letter of information to interested or involved agencies. We don’t expect that anybody is going to be interested in that. We do have, as Attorney Naughton mentioned, a draft of the final EAF done. We actually had a short EAF done for the applications. Now that we are further along we need a final EAF. The draft was completed, but we have to amend it but we first have to do the lead agency. Counsel has provided this resolution declaring Town Board Lead Agency.

RESOLUTION NO. 072 OF 2020
Town of New Scotland, New York

RESOLUTION DECLARING THE TOWN BOARD LEAD AGENCY UNDER SEQRA FOR HILTON PARK PROJECT AND ADMINISTRATION OF GRANT FOR SAME

WHEREAS, the Town Board is required to conduct an environmental review of this action in

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accordance with the State Environmental Quality Review Act and the regulations promulgated thereunder (collectively “SEQRA”), with respect to the actions, financing, and funding associated with the improvements outlined and described in the Town’s grant application for Hilton Park improvements (collectively, the “Action”), and

WHEREAS, in accordance with requirements of SEQRA, the Town Board caused a Full Environmental Assessment Form (“EAF”) to be prepared and made the EAF available for public review; and

WHEREAS, the Town Board must declare itself Lead Agency as it is directly undertaking the proposed action and there are no other involved agencies; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of New Scotland, as follows:

1. The Town Board of New Scotland hereby declares itself Lead Agency under SEQRA.
2. The Town Board of New Scotland hereby finds and determines that the Action will be treated and processed as a “Type I” action.

WHEREUPON, this Resolution was declared adopted by the Town Board of the Town of New Scotland:

A motion by Member Hennessy, seconded by Member Greenberg, to adopt **Resolution No. 072 of 2020**.

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

Councilperson Hennessy said that he thinks that’s all we have to do. Supervisor LaGrange has a couple of forms to prepare.

14. Fire/Ambulance:

- **Review and approve the 2019 Service Award Program List for the New Salem Fire District LOSAP**

Supervisor LaGrange said the attachment #7 is the LOSAP awards program numbers for each member of the New Salem Fire Protection District.

Resolution 2020-073

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approve the 2019 Service Award Program list for the New Salem Fire Protection District LOSAP.

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

- **Onesquethaw Volunteer Fire Co. Membership request for Justin M. McMullen as a Regular Member and Rebecca R. Shea as an Auxiliary Member**

Resolution 2020-074

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves a regular membership request for Onesquethaw Volunteer Fire Co. for Justin M. McCullen.

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

Resolution 2020-075

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves an auxiliary membership request for Onesquethaw Volunteer Fire Co. for Rebecca R. Shea.

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

15. Discussion/Action re: Fire Alarm Inspection and Service Agreement with ADT Commercial

Supervisor LaGrange said that ADT takes care of Red Hawk Service fire alarm service for the Town Hall and Community Center. This is a contract for five years. It's \$850 per year for the upkeep and inspection. He believes the old contract ran out and the cost was \$774. Supervisor LaGrange said it's a renewal of the contract, and everything remains the same except the price.

Resolution 2020-076

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby approves the agreement with ADT Commercial for the fire alarm inspection and service agreement for the Town Hall and the Community Center for \$850 per year and authorizes the Supervisor to sign it.

Councilperson Burke seconded the motion.

Councilperson Hennessy said addendum B was attached which is their scope of work. It lists the components and the systems they are doing. Councilperson Hennessy asked if that mattered? Attorney Naughton said that it didn't.

Edith Abrams asked the difference in price. Supervisor LaGrange replied that it was \$76 per year. Mrs. Abrams asked at what point would you look for another service? Supervisor LaGrange said in five years if it goes up significantly. He added that when they replace things all the components are more expensive and the service almost always goes up. We would have to entertain redoing the whole installation at that point if we brought in somebody else. This was a modest increase. Town Clerk Deschenes said that we have been using them. Our fire alarm system went off one day which brought to light that we didn't have a contract anymore. According to law we have to have them checked each year. That's what triggered this whole thing.

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

16. Dedication of Sewer main from the Maxim Development for the Toby Lain Subdivision - Extension to Heldervale Sewer Districts.

- **Recommendation from Stantec Engineering**
- **Resolution**
- **Offer of Cession, Bill of Sale, Warranty,**

Engineer Frueh said that Stantec observed that American Timberworks installed roughly 256 feet of 2-inch, low-pressure force main. Due to that being installed in December there are still several areas out there that require turf establishment. That's where we recommended \$6,000 for them to go out and apply some topsoil and seed and adjust one of the clean-out frames which had slightly settled. Along with our letter is the certified completed works from Albany County DOH. This is our recommendation along with the other submitted items that Attorney Naughton will highlight.

Attorney Naughton said that when we do dedications from developers in connection with a subdivision and utilities, sometimes they are dedicating the actual roadbeds and we get deeds and that sort of thing. It's a little more complex. This is just pipe that's been installed in the right-of-way of a user road. All that's been dedicated is the actual pipe and associated clean-outs, valves, and fittings. So, they just give us a bill of sale and they give us an offer of cession and in the development agreement with this developer they also give us a one-year warrantee. We've been provided with a one-year warrantee from both the developer and from the contractor. It's been hooked up and is operating. Attorney Naughton's house is connected to it, and he hasn't seen any issues. It's been about a month and a half since it's been operational so that's always good.

Attorney Naughton said that there is a development agreement that requires the developer to put up

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certain escrows for things, and Stantec has recommended a \$6,000 escrow. The Supervisor had a conversation with the developer, and he has agreed to do that. Supervisor LaGrange said that he wasn't thrilled but he agreed. Attorney Naughton recommended that the Board proceed with the dedication which is a resolution. It sets forth that this work has been done and provided with an as-built by Insite Northeast Engineering and Land Surveying. It's been stamped and signed by Mark Jacobson. With that background we just have a resolution that says the Town Board accepts dedication of the sewer force main and related improvements described in the bill of sale that they have provided.

RESOLUTION NO. 077 OF 2020

RESOLUTION REGARDING DEDICATION OF CERTAIN SEWER FORCE MAIN INFRASTRUCTURE IMPROVEMENTS RELATING TO THE MAXIM/TOBY LAIN SUBDIVISION PROJECT

WHEREAS, in connection with a real estate development known as the Toby Lain Subdivision Project (the "Project") located on Mason Lain in the Town of New Scotland, Albany County, State of New York, Maxim Real Estate Investments, LLC ("Maxim" or "Developer"), was issued a subdivision approval by the Planning Board of the Town of New Scotland ("Approval");

WHEREAS, Developer entered into a Development Agreement with the Town and agreed to furnish and install certain infrastructure improvements that are conditions of the approval issued by the Planning Board. The Developer installed a sewer force main (2-inch SDR11 HDPE) and related improvements (collectively, the "Improvements") as shown on the As-Built Plan prepared by Insite Northeast Engineering and Land Surveying, PC, dated January 8, 2020 (the "**Plan**") and stamped by Mark C. Jacobson, PE;

WHEREAS, the Developer wishes to dedicate the Improvements to the Town (including the Heldervale Sewer District). The Town has received the Developer's Offer of Cession and Bill of Sale, and is desirous of owning the Improvements. The Improvements have been examined by the Town Designated Engineer (TDE), Stantec Consulting, and Stantec recommended acceptance of the dedication.

NOW, THEREFORE, it is hereby

RESOLVED, that the Town hereby accepts dedication of the sewer force main and related Improvements described in the Bill of Sale.

A motion by Member LaGrange, seconded by Member Burke, to adopt Resolution No. 077 of 2020.

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

Supervisor LaGrange said now we moved to the bill of sale. Attorney Naughton said that's all part of the whole package. You don't need to do anything with that. It kind of backs up the resolution. We have all the paperwork in order.

17. Liaison Reports:

Northeast Water District

Councilperson Hennessy said, "I'll comment on water committee-type work. Barton & Loguidice provided a feasibility report. Hard copies were given to Board member tonight. The Supervisor and I received an electronic copy two weeks ago. I provided comments to Barton & Loguidice. We are awaiting final. I think the Supervisor sent some comments. Supervisor LaGrange said there were some boundaries that were off. I think for the financial parts they wanted to be sure they were on the higher side." Councilperson Hennessy said that he meant the Village of Voorheesville financial aspects. Supervisor LaGrange agreed. Councilperson Hennessy said that when the Board reviews it he doesn't want the Board to get over concerned. The hydrogeology study they did basically identifies a potential pressure differential problem of about 2 PSI. If we made that connection we may be off by 2 PSI or 1 PSI, but what it would provide is fire flow which Northeast doesn't currently have. Those houses in Appleblossom are probably now 50 years old. Highway Superintendent Guyer said that Appleblossom

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and Smith Lain, which are in the original development, are probably now 50 years old. Councilperson Hennessy added that fire flow is important. That's a positive. Yes, there would be cost implications and they have to revise some of their items, but the Board now has a report they can look at. Supervisor LaGrange said that we might start considering taking the next step in engineering with an RFP. Councilperson Hennessy added looking at some of the grant opportunities that are there. There are grant opportunities especially because of the consolidation component of it, and NYS grant opportunities exist.

Zoning Codification

Councilperson Greenberg said that he would give an update on the zoning codification that Ms. Stolzenburg has been working on. He was hoping to have that ready this month but it turned out to be a little bit more work than we expected. Ms. Stolzenburg is pretty much done with what she has to do. Mrs. Galvin our Planning Board member has reviewed it with a legal eye. Attorney Naughton needs to go over a couple of things and then we should be all set next month to consider this codification. We will need to send it off to Albany County for review. There might be a SEQRA on it; we haven't decided yet. Then we will vote a month later hopefully with a positive recommendation from Albany County to move ahead.

Conservation and Agricultural Workshop

Councilperson Greenberg has been in touch with Bethlehem Open Space Coordinator and she's putting on a conservation and agricultural workshop to discuss with farmers different programs that are available to them. She wanted New Scotland to help advertise that because a lot of these programs will also benefit people who live in our town. If we could get that up on the website he'll send the Clerk a flyer. That would be great. The date is March 26, 2020, at the Becker Elementary School.

Planning Board Meeting

Councilperson Burke attended the last Planning Board meeting. During that meeting there was a discussion about some of the provisions that had been recently passed for the hamlet that maybe were more focused on business applications than residential and that maybe there needs to be some tweaks. It seems to me that we may want to think about the fact that now that it's been in use for a while seeing where we know there are problems and perhaps making those corrections.

Councilperson Greenberg asked if the Planning Board had sent recommendations. Councilperson Burke said that we could request that they do so. Councilperson Greenberg said that he doesn't even know what issues we're talking about so maybe they could do that. Councilperson Burke thought that that made sense. Councilperson Burke offered to contact the chairperson.

Edith Abrams asked if Councilperson Burke could give us some examples. Councilperson Burke said that the only example she has is the one that was raised at the meeting. They were discussing the renovations of the old monastery. They were talking about whether or not certain provisions really applied because it was more of a business establishment than residential. They felt like the language really intended one thing but didn't make sense in that context. They said that they've seen a few other examples. She wouldn't suggest that she's an expert but we should find out what the modifications need to be and try to make those adjustments. Of course there would be public opportunity to comment.

18. Departmental Monthly Reports:

- **Town Clerk, Jan 2020**
- **Tax Collector, Jan 2020**
- **Registrar, Jan 2020**
- **Building Dept.**
- **Code Enforcement**

19. Discussion/Action re: any new business

Supervisor LaGrange wanted to discuss possibly changing our April meeting. This year it's on the 8th and that's the first night of Passover. He and Councilperson Leinung spoke of it awhile back. He talked to his staff and tried to get an idea if the following Wednesday would be too late for bills and things like that. Usually our latest is the 14th. The 15th wouldn't create a problem. We couldn't do it the 7th because that's Planning Board night and it cuts us short to get things ready. He would propose April 14th or 15th. Councilperson Greenberg said that he can do either but he prefers the 14th. Everyone agreed to

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the 14th.

Resolution 2020-078

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby sets our regular meeting for April 14, 2020, at 7PM.

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

20. Pay the Bills

Resolution 2020-079

Supervisor LaGrange offered the following and moved its adoption:

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

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Ayes).

Pay the Bills February 12, 2020		
Abstract #	Vouchers	Amount
	20191666-20191720	\$438,514.06
	20200040-20200131	\$192,135.33
Abstract#	Prepays	
01/06/2020	20191637	
	20200015-20200017	\$7,681.14
01/07/2020	20191638-20191651	\$2,344.80
01/16/2020	20191659-20191644	\$1,906.56
	20200020-20200022	
01/16/2020	20200023-20200031	\$798,581.08
01/23/2020	20200032-20200036	\$32,365.02
01/27/2020	20200037-20200039	\$41,910.65
02/10/2020	20200132-20200134	\$1,090.09

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21. Approve any Budget Modifications

Resolution 2020-080

Supervisor LaGrange offered the following and moved its adoption:

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:				
FROM	CODE	TO	CODE	AMOUNT
Fund Balance	DB0909	Machinery/contr.	DB5130.4	\$6,544.90
To move appropriation from Fund Balance to Machinery/contractual for amount recorded in 2019 as a revenue source for insurance claim for accident in 2019 (\$6,544.90). The repair of the vehicle occurred in 2020 and this will increase the expenditure for 2020 (5130.4) by the insurance reimbursement to repair the vehicle (\$7,000.00)				
Contingency	A1990.4	Taxes and Assesmt on Muni. Property	A1950.4	\$78.17
To move appropriation from Contingency to Taxes and Assessments on Municipal Properties for amount owed by Town for East Road parcel.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2020 budget as stated above.				

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

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

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William Hornick addressed the Board on January 9, 2019, and is here again. Councilperson Burke was not a member of the Board at that time so some of his comments won't pertain to her. Mr. Hornick added that Supervisor LaGrange has heard much about what he is about to say and he apologized ahead of time if he is not able to master his emotions. Mr. Hornick said that the only thing necessary for the triumph of evil is for good people to do nothing. In late 2018 the owner of the neighboring property erected flashing, chasing colored lights (what most people call Christmas lights or holiday lights) on the side of his garage. It's been a vacant property for 22 years. Basically only Mr. Hornick and his wife can see this. The neighbor turned them on while Mr. Hornick was preparing dinner. He made sure Mr. Hornick was watching and he crossed his arms and nodded his head with an emotion that clearly said there, take that.

This is about a weakness in the lighting law, a loophole. You need to hear the real daily human effects of that loophole not being closed. This happened on a Friday night. The following Monday morning he came to see Supervisor LaGrange. He directed him to Building Inspector Cramer whose only response was a curt indifferent comment that holiday lights are exempt from the holiday lighting law. Fourteen months ago he wrote to Supervisor LaGrange, Attorney Naughton, and Building Inspector Cramer and each member of the Board that these holiday lights were in actuality harassment. He received not even an acknowledgment from anyone, so he took it to the next Board meeting to present the problem to make sure you knew all the details and to suggest solutions. Again, he received no response. He was using the loophole in the lighting law, holiday lights. The lights the owner installed in the backyard on the side of the garage were aimed directly at our home, only visible to me and my wife. They were on from dusk until dawn, 14 hours each night, and shown directly into six rooms of our house for 92 consecutive nights. That's more than a quarter of the year. He spoke to Supervisor LaGrange last October and asked him what holiday goes from the end of November to the first week of March. He said there is none. He then asked if there is no holiday how can those lights qualify as holiday lights to be exempt from regulation? He didn't give an answer. When Mr. Hornick first visited Building Inspector Cramer he told him that he had to put up barricades. In other words the onus was on him to protect myself and my wife. He found that response purely unacceptable.

Let me give you some parallel examples. If you had a neighbor who held nightly noisy parties and asked the authorities to intervene and the only answer you got was "oh you have to sit in your place." You'd find that response totally indifferent. Or if a neighbor held a bonfire in his yard and the embers fell all over your property and you ask the authorities to intervene and they tell you to get extra fire insurance. It's totally inappropriate. Obviously indifferent to the danger you are in. Or if the neighbor created obnoxious smells that permeated your home and you asked the authorities to intervene and they tell you to install exhaust fans. The answer is just as ridiculous as the one he received.

By the way the owner did install his mulch pit. It's 16 feet from Mr. Hornick's door. Every time he empties something onto it he makes sure that Mr. Hornick is looking and he gives him that look again. Mr. Hornick then gave another example of someone repeatedly standing with a gun and staring at you, and you asked the authorities to intervene and you got the response, "Oh he has a permit." You would find that response insensitive and inappropriate to the terror you were feeling.

Why is the onus on me to stop the invasion of my home to preserve its normal use in comfort and to protect my wife and me from harmful consequences to our health and well-being? Can anyone here please justify why holiday lights in any way, shape, or form take precedence over the mental, emotional, and physical health of the persons whose home they invade, disrupt, and deny the possibility of normal use. Give me one example.

You have to know what's happening to real people in real life. For around seven years he's been his wife's chief caregiver. HeHornick then discussed his wife's medical condition and the numerous ambulance calls for emergency treatment. Each night when she awoke and the flashing red and blue lights were in their bedroom she thought the ambulance had come again. She would panic. It would take thirty 30 minutes to an hour to calm her down. At first he tried barricades; every night the wind would blow them down. He couldn't get on the roof to close the skylights. In addition to the blinds and curtains, he hung a blanket over the closet door to the dresser to try and stop the light from coming in. He couldn't stop the penetration, the flashing of the lights. After about two weeks he told her they would have to leave because she kept being affected by the lights. She slept in her recliner for the next couple of months in the parlor and he slept on the floor. Still she woke and could see the lights. Once she went

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into hysterical paralysis and we had to call the ambulance. Even the EMT asked what it was and I answered the holiday lights. The guy suggested ripping them down.

Mr. Hornick presented all of this information to the Board on January 9, 2019, at the Board meeting and begged the Board to amend the lighting law to stop the invasion of their home and to stop the harm and suffering his wife was experiencing. He even made suggestions as to how easily it could be done. The only response he received was from Mr. Hennessy. He was addressing the intensity of lights and glare but unfortunately the person who needed to hear the clarification and explanation wasn't here for that. Here's the greater background of all this. Since October 2018 Mr. Hornick has been growing weaker and losing weight. Following a couple of deaths in the family we were left to take care of a funeral, burial, and affairs of the estate in Rochester. Two days after Christmas his doctor suspected that he had lymphoma. By the end of February, the diagnosis was much worse. He had three forms of stage 4 cancers. Now every night these lights are flashing for 14 hours in our house. Weeks passed and the Board did nothing after his presentation so he wrote to all of the Board again. He had previously written to the owner to tell him how severely he was harming Mrs. Hornick. He begged him to stop but of course he didn't. This is one form of harassment but there are others. Finally in March he turned off the holiday lights but the damage had been done. He was incredibly sick but still alive. He couldn't properly take care of his wife. Also at this time we had to put other family members into a nursing home. Our two sons took care of almost everything. In mid-summer we had to place his wife in a home too. A few weeks later another relative died. Somehow after \$700,000 worth of chemotherapy something incredible happened. He had a very religious visitor. He called the lights sacrilege for using the birth of Jesus as pretext for harassing his neighbor. He called Mr. Hornick's recovery a miracle. My religious visitor said God spared me to make the owner face his crime. Please prove him right. He is now in 100% remission. Marie is forever gone but she's safe now from the holiday lights. He still only has a 60% chance of living three to five years if you have one form of lymphoma. He had three so his odds are less.

The owner turned the lights back on this year. However, in mid-January and, according to my religious visitor, God sent 50 mile an hour winds to take them out. He alleged per a State Trooper that it was anti-Christian human activity. They will be back. You can count on it. It's been 10 years that he has been going through this. That's why you have the lighting law of 2012 anyway because of what originally happened. Please do the right thing. None of you would ever tolerate this in your homes. Remember the concept of the only thing necessary for the triumph of evil is for good people to do nothing.

Supervisor LaGrange said, "Something terribly obvious triggered my thoughts when you started. I never really gave it much thought before but when you mentioned an unoccupied home, wouldn't it be possible to amend our law to say that holiday lights wouldn't be allowed in some form with an unoccupied primary residence?" Attorney Naughton said that you can amend it however you want. Supervisor LaGrange said that he meant a practical amendment. It just occurred to him that that might be something that would resolve something like this. Councilperson Leinung asked if the issue is the blinking lights, not the intensity. Attorney Naughton said that he thinks he's complained about all of those things. Mr. Hornick had a copy of the law if the Board wanted to refer to it. Attorney Naughton said that it's a "whack a mole" situation with lights being moved around. Councilperson Leinung said he remembers at one point that it was a spotlight. Mr. Hornick said that there are spotlights on the back of his garage again. Ask Mr. Dempf about it. He was just beside himself and questioned how anybody could do this to a neighbor. They were just focused straight at him. When Mr. Pine when to ask him to adjust them the response was that he put up two more lights. Councilperson Hennessy asked if they measured them. Mr. Hornick said it was definitely way over. He's been in violation several times. Even the neighbor on the other side complained. He doesn't care. Councilperson Hennessy said that that's just enforcement. Engineer Frueh said that he visited the site multiple times after Planning Board meetings. He went up there and took the measurements. The first time they were slightly over. Mr. Cramer went out and added barriers to the lights. We went out there again and measured and it was under the allowance limits at the property lines. Basically all the lighting had proper shielding the last time he was out there. The only thing that was in dispute was the holiday lights on the side of the garage. Councilperson Hennessy added that those probably don't have the intensity of 0.1 foot candles. Engineer Frueh said that they do not.

Mr. Hornick said that you have to be aware of the effect of flashing lights. You know they trigger issues with people who are epileptic. Imagine it for 14 hours straight night after night. The words in the law

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say temporary holiday lights. We established that there was no holiday. He doesn't think 92 days is temporary.

Councilperson Hennessy said that he'd like to make a suggestion and have a fresh set of eyes look at that law. We are fortunate to have an attorney who is a new Board member. Councilperson Burke said that she would appreciate the opportunity. Mr. Hornick said that he would welcome it. Councilperson Greenberg mentioned looking at other towns. Councilperson Hennessy said that this law was prepared in 2012 and things may have developed. We've done some additional zoning in town and maybe we need to update this. He's seen other lighting laws in other towns that have other elements that might be helpful.

Mr. Hornick said that his son advised him to not make it about the person, make it about the law. He's had to call the police for this intimidation, harassment, bullying, and assault. Every time they just give him a slap on the wrist. He has neighbors who tell him that the neighbor stops in front of Mr. Hornick's house and looks in the window. There is only so much you can take. What did he ever do to deserve this? Mr. Hornick took down his fence and the neighbor won't forgive him for his being wrong.

Supervisor LaGrange said that we can start looking into it again. He thinks just to allow those types of lights when the primary residence is unoccupied is a start. Again, there are fresh eyes to look at it and other opportunities. Councilperson Burke said that she would take a look at it and see what other towns have done on the same issue.

Mr. Hornick asked who puts lights only in the back? Others have holiday lights and none are improper. He doesn't know what to say. Supervisor LaGrange said we will look into it.

Executive Session

Resolution 2020-081

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 an Executive Session to discuss a personnel issue.

Supervisor LaGrange said that we may act in some way because we have a timeline. Councilperson Burke asked if we would be addressing the DPW candidates which would require that you not participate. Councilperson Hennessy said that if we're going to talk about that then Supervisor LaGrange would need to step out. Councilperson Hennessy agreed that that's one of the Boards topics. We have the courts to discuss too.

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

Executive Session began at 8:55 PM.

Councilperson Hennessy made a motion to adjourn Executive Session. Executive Session adjourned at 9:43 PM.

Resolution 2020-082

Councilperson Greenberg offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland hereby extends one part-time Clerk to the Justice positions to December 31, 2020, at level 5 of the salary scale for 19.75 hours per week.

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

Executive Session

Resolution 2020-083

Supervisor LaGrange offered the following and moved its adoption:

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

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

Executive Session began at 9:44 PM.

Supervisor LaGrange left the room and was recused at 9:45 because the topic of discussion was the DPW selection process and candidates.

Executive Session was concluded at 10:06 p.m.

Councilperson Greenberg made a motion to close the session, second by Councilperson Burke

No action was taken in Executive Session.

23. Adjourn

Councilperson Hennessy made a motion to adjourn, seconded by Councilperson Leinung. The meeting adjourned at 10:07 PM.

Diane R. Deschenes, Town Clerk