

Town of New Scotland
Special Board Meeting
03/27/2020

The following Town Officials were in attendance:

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

1. Call to Order

Supervisor LaGrange called the conference call meeting to order at 1:00 PM.

2. Extended Resolution 2020-110 regarding staffing during COVID-19

Supervisor LaGrange suggested extending resolution 2020-110 for a month. Councilperson Leinung thought it will definitely be more than two weeks but it also kind of makes us get back together and reassess everything. He thinks reassessing everything in two-week intervals makes sense. Supervisor LaGrange said that if we did it until April 16th we could certainly extend it on April 14th when we have our regular meeting, hopefully with a Zoom call at that point. He doesn't have an issue with that at all. Like Councilperson Leinung I, he is expecting it to go for more than a month. Councilperson Burke agreed with every two weeks to cover anything that arises.

Resolution 2020-113

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby extend Resolution 2020-110 from the April 1st deadline to April 16th.

Councilperson Burke seconded the motion.

Councilperson Hennessy said that he would have preferred one week but he's fine with two weeks. Councilperson Leinung said to that point he thinks we should be talking more than once every two weeks. We probably should have weekly check-in calls but for purposes of this resolution. Two weeks makes sense. He agrees that we probably should have some type of check-in every week. Supervisor LaGrange said that that's very easily done.

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

3. Discuss/Action regarding delay in hiring DPW Commissioner

Supervisor LaGrange said that Councilperson Leinung expressed a little concern about bringing somebody new in right now. He spoke to Councilperson Greenberg and he had a similar concern. He spoke to Mr. West yesterday. We had a great conversation about a lot of things. He was all for waiting for a month. My suggestion was that we delay the hiring of the DPW Commissioner from April 1st to May 4th and continue as we are for now. Councilperson Burke said that when she spoke to Supervisor LaGrange, he indicated that he had talked to Mr. Hensel about his retirement plan. She just wants to make sure there is some overlap. Supervisor LaGrange said that he talked to Mr. Hensel and there will be. If nothing else, they will be in contact by phone. The fact is that they can't go out and ride together in a vehicle or sit down in an office together until we get through this. There will be some sort of transition in that sense either way. They know each other. Mr. Hensel suggested that, if nothing else, they will talk on the phone. He doesn't feel like it's going to be within the month before he retires. Councilperson Leinung said that that was going to be his question. Hopefully there is some type of transition. That was his one possible concern. If for some reason Mr. Hensel decides to speed up his retirement, that seems to be happening in other areas where people just say, "that's it; I'm done," he would be concerned if we don't have any overlap there where Mr. Hensel could show him around. He thinks he's still supportive of extending his time to come in until May. He just wanted to make sure that we have a little more assurance from Mr. Hensel. That would make him feel more comfortable with that.

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Highway Superintendent Guyer said that Mr. Hensel has a lot of knowledge and he's been here a lot of years but don't discount Mr. Green. He's been here a few years and he's a great learner. He's up to speed on what we do here. Mr. West will not be left high and dry. Councilperson Leinung said that that's a good point. Councilperson Greenberg said that we should maybe go into Executive Session if we're going to talk personnel. This is all news to him that Supervisor LaGrange talked to Mr. Hensel. Supervisor LaGrange said that he talked to him on Tuesday. Councilperson Greenberg said that he's getting that but he didn't know it. Just to be clear on his position on it, because Supervisor LaGrange said that Councilperson Greenberg is in agreement, he doesn't think we should bring somebody new in if it's okay with Mr. West. He does not want to risk losing Mr. West which is which is why he suggested we talk to him. He doesn't know what the conversation with Mr. West was. He just wanted to say that his position was that as long as Mr. West was okay with that, it's okay with him. Supervisor LaGrange said he indicated that he was okay with it. He thought it was advisable. He's anxious to get started, of course. He also pointedly asked him what Councilperson Greenberg asked: Is the financial aspect of it something he's concerned about? He said not whatsoever to get started because of the need.

Councilperson Hennessy chimed in. He is totally, adamantly against postponing it. He has been from the get-go. He mentioned that to Supervisor LaGrange earlier this week. He doesn't support postponing it at all. It's an essential service. He doesn't think it's appropriate for the head of the department to not be there. Supervisor LaGrange has already said he's very busy with the other elements. It was a tough week. He doesn't agree that we should be postponing it. He wanted that clear for the record.

Councilperson Burke said that if there is a strong feeling that we shouldn't postpone she could vote either way. She certainly shares Councilperson Greenberg's concerns that we make sure we're not losing this person. She thinks talking about the possibility of what the overlap would be and everything else, even if they can't ride around with each other she thinks the time period could be utilized by talking on the phone. He could potentially go look at the site and a hands-on tour might not be as necessary. She could vote either way.

Supervisor LaGrange said that Mr. West is comfortable with waiting. He's not going to leave us. He's going to be dropping off his packet of paperwork today so he can get that in and get it ready. He sees absolutely no reason to bring somebody new into the office and coming into the office is essential. He sounds like a guy who's going to know his stuff when he gets here. Even if for some reason Mr. Hensel quits before he's indicating he will, Mr. Green is fully capable. Supervisor LaGrange can assist him on the office stuff along with Mrs. Miller and Mrs. Boehlke along with the building stuff. The key here is not bringing someone new into the building when we're trying to get people to stay home.

Councilperson Leinung said that if Mr. West is fine with it and it's not a risk of him deciding to walk away, and he's good waiting until May, he's fine with that. He just wanted to make sure but from Supervisor LaGrange's conversation he's fine with it and Mr. Hensel isn't planning on leaving in the next month. Of course we all know that can always change. He's still supportive of pushing that back until May at this stage for continuity's sake.

Resolution 2020-

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby delay hiring the DPW Commissioner until May 4, 2020.

Councilperson Leinung seconded the motion.

Councilperson Burke said that she just wanted to make sure that we don't do this as we did the resolution. She thinks we should commit to bringing him in in May. Supervisor LaGrange said that the only thing that would change that is if we're not going on the upswing and things are getting worse. That's a decision we'd make then. Hopefully everything will move in the right direction. He's very optimistic. Councilperson Leinung said that he thinks we set May 4th as a starting day. As we get closer if we need to postpone we can. We're shooting for May 4th. If things are horrible we can always reassess. He agrees with Councilperson Burke. We are just pushing back the start day; it's not necessarily a continuous thing at this point. Supervisor LaGrange said that he hopes we get together in

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two weeks and find that things have turned around so much that we hire him in two weeks. Councilperson Greenberg said that to him the decision is dependent on some things we should maybe talk about in Executive Session. He didn't want to say too much personnel-wise on the record. He does think it will be important to have overlap between Mr. Hensel and Mr. West. He hears what Highway Superintendent Guyer is saying, but he doesn't think one person, Mr. Green, should have to run the department. He doesn't even have all of his certifications. Supervisor LaGrange said that he does. Councilperson Greenberg asked when that happened. That must have just happened. As of a couple of weeks ago he was still working with Voorheesville to get his hours. Highway Superintendent Guyer added that Mr. Green has more certifications than Mr. Hensel. Supervisor LaGrange said Councilperson Greenberg is talking about the sewer certification. Councilperson Greenberg said that we run sewers, right? Supervisor LaGrange said not as of yet. Probably at the end of the year or beyond it will be the Orenco system and he's going to have above and beyond what he needs for that. He may even have enough for it now. Highway Superintendent Guyer said that he believes that at this point Mr. Green has his water license which Mr. Hensel has and he is well into his sewer license which Mr. Hensel does not have. Mr. Green has above and beyond what Mr. Hensel has right now for licensing. Councilperson Greenberg replied, "Good."

Supervisor LaGrange said that unless somebody wants to discuss more in Executive Session, tell me what you want to do. We could vote and move forward. Attorney Naughton asked if we are talking about having Supervisor LaGrange continue covering DPW through May 1st or 4th? That's the question. Councilperson Hennessy said that he's already stated his opposition to it. The rest of the Board can decide what it wants. Councilperson Leinung said that he thinks that's what we kind of would have to do if we're delaying Mr. West coming in. He thinks we have to continue what's going on now. Supervisor LaGrange asked if there was something further that Councilperson Greenberg wanted to talk about in Executive Session. Councilperson Greenberg said that it just goes back to not knowing what Supervisor LaGrange's conversations with Mr. Hensel were, and that would have some bearing on how he feels about what we do with this hire. Supervisor LaGrange said that we don't need Executive Session for what he said to me. As far as retirement, he's not certain of a date yet. Councilperson Greenberg said that he could come in tomorrow and tell us two weeks? Supervisor LaGrange said that he could, but he said he wouldn't. He said he'd give 30 days. That wasn't on our last phone call; that was in previous discussions. Attorney Naughton suggested just going into Executive Session to discuss this one issue.

Resolution 2020-114

Councilperson Greenberg offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby go into Executive Session to discuss personnel issues.

Councilperson Burke seconded the motion. All present and voting, the motion carried.

Executive Session began at 1:15PM.

Supervisor LaGrange made a motion to adjourn Executive Session, seconded by Councilperson Burke.

Executive Session adjourned at 1:40 PM. No action was taken during Executive Session.

Supervisor LaGrange said that we have a motion but we really didn't decide. It seems like a month is a month and two weeks isn't going to matter a whole lot. He thinks we've had enough assurances from Mr. Hensel. He would stand by the motion.

Resolution 2020-115

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby delay hiring the DPW Commissioner until May 4, 2020, and keeping things as they are for that term.

Councilperson Leinung seconded the motion.

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Supervisor LaGrange asked if there were any questions or comments. Would the Board rather shorten that to two weeks? That's the original resolution and Councilperson Leinung had seconded it before anyway. Is there any desire to shorten it to two weeks? Would that make a difference on how you vote? Councilperson Burke said that she's more likely to vote for it if we shorten it. Councilperson Greenberg said that he's not saying that he's going to vote for it but he would not vote for the May date.

Resolution 2020-115 Amended

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby delay hiring the DPW Commissioner until April 20, 2020, and keeping things as they are for that term.

Councilperson Leinung seconded the motion.

Supervisor LaGrange asked if there was any more discussion. Councilperson Hennessy reiterated his position. He believes the position is essential regardless if Mr. Hensel is there or not.

All present and voting, the motion carried (3 Ayes, 2 Nays). Councilperson Hennessy and Councilperson Greenberg voted nay.

Supervisor LaGrange said that the Board will revisit this on April 14, 2020. He will tell Mr. West when he drops off his paperwork that we are looking more towards the April 20, 2020, than May 1, 2020.

4. Cancel meeting set for March 31, 2020.

Supervisor LaGrange asked if we needed a motion to cancel the meeting we set for March 31, 2020, and maybe set up another call for the end of the week? What's everyone's pleasure? Councilperson Greenberg said that he likes the update calls as frequently as Supervisor LaGrange is willing to update us. Supervisor LaGrange said that he's trying to update the Board as much as possible through email. He just sent out correspondence from the County on the latest updates that we have with numbers. There are now 176 positive cases in Albany County with 548 mandatory quarantined and another 238 that are precautionary quarantined. There have been 14 hospitalized and they range in the age from 25 to 75. That's in the email that he sent. Would the Board like him to forward those every day or just when there is a significant change? Councilperson Leinung asked if he would please forward them along whenever he gets them; it's good information for us.

Supervisor LaGrange said that we have another quarantine that I missed yesterday. It was first noted yesterday. There is a person that is quarantined now. Our other quarantines are all off quarantine now, the 8 of 8. This is a newer one that just came up on the list. Councilperson Burke asked if those are the results of someone who's come in contact with someone who is positive? Supervisor LaGrange said that that's correct. Councilperson Hennessy said that he mentioned the term list. Is there an actual list disseminated? He doesn't think that should be subject to the FOIL. Supervisor LaGrange said that the list has been forwarded to one individual in each municipality with a request from the County that we don't disseminate it about and use it solely as guidance and statistics. Councilperson Burke added that normally that information would be protected by HIPAA. She thinks the reason we're able share it with one person now is that there has been some relaxing of HIPAA for the purposes of this emergency. Supervisor LaGrange said that that's exactly what they said. Councilperson Leinung said that he appreciates his telling us general information but he doesn't think he should share that specific list with us. He appreciates the general updates. That's good and not crossing the line there.

Attorney Naughton said that he thinks the discussion started with when is the next update meeting that you want to have before the April 14 regular meeting? Do you want to make it next Friday? Councilperson Burke said that the Friday time has worked for her. Councilperson Hennessy said that he's readily available as long as he knows the time. Right now he doesn't have anything pressing. Supervisor LaGrange asked if Friday is good for everyone or would you rather have it mid-week? He knows Councilperson Burke is better off on Friday. Councilperson Burke said that, other than Thursday, she's pretty flexible. Supervisor LaGrange asked Wednesday or Friday? What are the Board's thoughts? If something critical came up we could just get one together. Does anyone have a preference?

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Councilperson Greenberg said Friday because he thought we had discussed something else on Wednesday. Is there a budget conversation we were going to have? Supervisor LaGrange replied yes. Is Friday good? There were no objections. Councilperson Burke asked if it was realistic to try to do next week by Zoom. Supervisor LaGrange said that he would give it a try because he wants to have it ready for our meeting on the 14th. He's going to be watching a webinar on open meetings and what the new rules are. It seems like Zoom is an option. It would be great if he could get it together by then. Councilperson Greenberg asked if he had purchased it yet? He knows that Attorney Naughton brought it up last week that we should get the Pro version. Supervisor LaGrange said that he has not but that won't take much in today's day and age. Councilperson Greenberg said that he thinks we should definitely do that as soon as possible. Supervisor LaGrange said that the Board should shoot for the Friday meeting with that and he'll see what we can make out on this end.

Councilperson Greenberg asked about the resolution concerning the DPW Commissioner. Wasn't there a part that extended filling that position? Do we have to do that? Supervisor LaGrange said that that was in it.

Attorney Naughton said that he thought we were talking about a special workshop meeting via Zoom on Friday at 1 PM. If we notice it, it would be that we're not set up yet for public participation but we should have a transcript of that eventually and we will have the recording. Town Clerk Deschenes asked if he wanted her to notice it? That would go to the paper by noon on Wednesday and people get the paper on Thursday. Attorney Naughton said that, of course, by then we need to know that we have Zoom set up. People would be able to check into it but not talk. We are all working under emergency conditions. The more we can try to work with the Open Meetings Law or within the bounds of it the better.

Councilperson Leinung said that he's been using this thing called WebEx. It's basically a call-in number and everyone calls in. There is an administrator who can mute people. He knows that that gets into another issue with the Open Meetings Law. That's another option. He's not sure about the software or the cost. Maybe Zoom is the best option now. There are other options out there where we probably could have some type of call-in number where you could call in and listen to the meeting at least. That could be a little bit more open to the public in that sense but he's not sure what applications are available for that.

Supervisor LaGrange said that he's used WebEx and Zoom both, once each. They both seem to work well. He can look into it. He'll see which one is which and what it might cost, if anything. He just doesn't know how all that works. Councilperson Leinung said that he thinks it makes sense if there is a way for the public to call in and listen to the meeting. He thinks that that would be preferable to having a private conference call number. He understands that we are working on specific issues here, but it's something to look into.

Supervisor LaGrange said that one thing we should do while we're here is cancel our public hearing on the codification for our April 14th meeting. We might want to postpone it until maybe the May meeting. Does anyone have any thoughts? Attorney Naughton said that we're trying to work through this at the private side for applicants who need to get approval. We've come up with a protocol in the office of how to make that work. It's just not that great a set up right now. He thinks the more conservative thing to do is just to delay that by a month. Hopefully things will be a lot simpler by then because if there is a violation of the Open Meetings Law with respect to a public hearing someone could sue, and then they could get attorney fees if they win. For that kind of an issue, the codification, he just thinks that the conservative thing is to just put it off for a month. That's his recommendation. Councilperson Burke said that it makes sense to her. Councilperson Greenberg said that he would follow Attorney Naughton's advice, but nobody is going to sue over this and probably no one is even going to comment on it. The fact is that we are not changing anything in terms of the law. Attorney Naughton said that he agrees with everything Councilperson Greenberg is saying except there are attorneys out there that will take these things on just to make some money. Town Clerk Deschenes said that she would just add that she doesn't even have the law yet. Councilperson Greenberg said that that would settle that. Where is the law now? Attorney Naughton said that it's on his desk and it's not finished but it will be.

Councilperson Greenberg said the Board has to vote, right Doug? Supervisor LaGrange said that the May meeting is on the 13th.

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Resolution 2020-116

Supervisor LaGrange offered the following and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby postpone the public hearing for Proposed Local Law A of 2020 to May 13, 2020, at 6:45 PM.

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

Stolzenburg bill

Supervisor LaGrange said that the other thing is we got a bill from Mrs. Stolzenburg dealing with some work she did toward the barn grant that could be construed as administrative. Are we anywhere closer? He thinks we decided to postpone her task order until there was some discussion with her. Are we closer to a task order for that? Councilperson Greenberg said that we're not really closer to deciding how the entire administration part of it is going to work. He thinks that that got kind of screwed up because we're not meeting. He doesn't know what to say about that right at the moment. Again, he doesn't know what the bill is for. If you're just asking about the bill, did anyone contact her and ask what it was? Supervisor LaGrange said that it was for the February 26, 2020, kick-off meeting basically. We don't have to figure it out at the moment. He asked if Councilperson Greenberg wanted to give her a call? Councilperson Greenberg asked what he wanted to know? Supervisor LaGrange replied that he wanted to know what the bill is for. Councilperson Greenberg added that he thought Supervisor LaGrange said that that's what it is. Have you talked to her? Is that what you're saying? Supervisor LaGrange replied that he hadn't. Councilperson Greenberg said that he would call her. Supervisor LaGrange said that this was definitely from that meeting. Councilperson Greenberg asked how much the bill was for? Supervisor LaGrange replied \$120.40. Councilperson Burke said so the question really isn't about this bill. The Board all seems in agreement that she was there and she should get paid for her time. Is it more about going forward? Supervisor LaGrange said that he doesn't know under what pretense she was invited to the meeting and how that was set up originally. He thinks Councilperson Greenberg just needs to get that clarification, that's all. Councilperson Greenberg said that he would talk to her and report back. Supervisor LaGrange said that that sounded good. Councilperson Greenberg said to answer Councilperson Burke's question, you can look at it two ways. Was she coming down to check out the job and whether or not she wanted to basically bid on doing that job? In that case he doesn't owe her money, but if she was coming down as our Town Planner, then we do. Councilperson Burke said that she understood. Councilperson Greenberg added that he would talk to her and see what she thinks.

Supervisor LaGrange asked if there was anything else. Councilperson Burke said that the only thing she was thinking about was that draft plan that she gave Supervisor LaGrange, and she mentioned in it that she could do the chart. Does Supervisor LaGrange want her to go ahead and do that chart? Supervisor LaGrange said that he did. He also wanted to call her back and talk. She had about half a dozen questions. Maybe he can call and she can start with the chart. He'd like to get something out to the Board to review and have it fairly soon. He asked if she was available Monday for him to call? Councilperson Burke replied that she was .

Community Outreach

Councilperson Leinung said that he had one thing. He's been following up on Mr. Voss's email and he's also had a few members of the community reach out asking if there is anything they can do. They'd like to help out. He's not sure what's going on at the town level. He's not sure if Mrs. Engel is doing something with seniors or hearing from seniors who might need food delivery. He just wanted to throw that out. That could be a good thing for the Board to think about. Perhaps having some community members who want to get involved and do something. He's not sure exactly what they want to do. He's just throwing that out there if anyone has ideas about programs or things. Perhaps Supervisor LaGrange has heard about people who need help. He wanted to raise that as something the Board might want to look at too.

Conservation Committee

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Also Rob Breen who was one of the people that reached out previously about the Conservation Committee reached out the other day. He had a few different ideas. He is working on a couple of different levels for community resilience stuff. He works at DEC but he works on a whole bunch of issues. He has a few ideas for things maybe down the line. Not to say it's anything we need to consider now while we're trying to figure out the new normal. He had ideas about maybe trying to have some local farmers set up some gardening packets for people who maybe want to start growing their own food in case there are some food scarcities. It's just some ideas he had on community involvement and our community coming together. He asked him to write up a few of his ideas and he might be sending those along. When he gets them he'll send them along to the Board. He just wanted to throw that out there too for consideration. Supervisor LaGrange said that he lives on Clarksville South. Supervisor LaGrange commented that he seems to be a great resource, that's for sure.

Town Clerk Deschenes said that as far as the seniors go she would encourage anyone that's looking to help out to call Mrs. Engle and leave a message. She is checking her emails from home and she does have people sometimes that ask her for help. If they leave their name and phone number she can maybe connect them with someone in need. Councilperson Burke said that there might also be people who are quarantined. Councilperson Leinung added that there are also people disabled or part of the vulnerable population.

Alerts

Councilperson Leinung said Mr. Breen also brought up another thing. You know how we have the emergency alert system and we've been trying to get everyone's phone number and email? He said he didn't know about that. He doesn't live in a water district so he doesn't get the mailing. Is there a way we can put something up on the website or is there something on the site so you can sign up for emergency notifications? That was something he brought up. Supervisor LaGrange said that the Town Clerk has brought that up in the past. Maybe this would be something new to set up. Councilperson Leinung said that there's something with the water districts. Supervisor LaGrange said that we have a good amount of people that we've gotten and we continue to get them in. He sent another request out in January for emails and got a lot more in. Those are specific to each water district. Councilperson Leinung asked if we have anything town-wide? Town Clerk Deschenes said that if you are specifically talking about water districts we could put something on the water district page for anyone that hasn't signed up. Councilperson Leinung said that he doesn't live in a water district. He was basically interested in general alerts. Town Clerk Deschenes said that he could do that. Councilperson Burke said that there are enough people not in a water district that it does make sense. Town Clerk Deschenes said that anyone can sign up for the alerts we're putting on the website today. They can sign up for agendas and board meetings. It is there. Councilperson Leinung asked if there is a way to put something on the website to remind people. Town Clerk Deschenes will think about it. Councilperson Leinung added that he will email Mr. Breen back and tell him he can sign up for alerts already.

Wetlands Flagged at Hilton Park

Councilperson Hennessy advised Highway Superintendent Guyer that the wetlands have been flagged out at Hilton Park. If it's on the highway crew's schedule, let him know or just avoid those flags. It's called "linear wetland." It's just that little stream that goes down the middle. It's the one that we're putting the bridge over anyway. It's no big deal but just avoid the flags. Highway Superintendent Guyer said that if we have time, it sounds like it's going to be wet over the weekend, but possibly Monday, Tuesday, or Wednesday. If it's dry does Councilperson Hennessy have any time to meet? We will just walk through and Councilperson Hennessy can show him where these are. He also has some information on some chipping stuff and a possibility for a big chipping machine. Councilperson Hennessy agreed.

5. Adjournment

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Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Burke. The meeting adjourned at 2 PM.

Diane R. Deschenes, Town Clerk