

Town of New Scotland
Special Town Board Meeting
05/01/2020

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. Supervisor LaGrange called the meeting to order at 1:03 PM. This was noticed in the Altamont Enterprise. A copy of the publication was provided by the Clerk. We are meeting pursuant to Governor Cuomo's Executive Order 202.1 which includes not having any in-person public meetings. A roll call attendance was taken.

COVID-19 Update

Supervisor LaGrange said that, according to the newest report from the County, the Town of New Scotland has five under quarantine and three of those are in the same home. We have six folks that have tested positive. One of those is one who's been in the hospital that everyone has heard about in the past. That's where we stand on the list. Obviously when I say we have six positives, that's six confirmed positives and it doesn't necessarily mean there aren't any more.

A few updates: We received masks and hand sanitizer again through the Sheriff's office but through Vicky Plotsky. She gave me enough to give to Mrs. Engel to be able to pass out at the Feura Bush Apartments. Mrs. Engel found that very few people had the masks available to them and so they were very thankful. I mentioned to you that we had an order in with PERMA, our insurance. We had that order confirmed. I believe it was 400 surgical masks and 50 N95s. That's been confirmed and it should be here next week. A nice surprise was that PERMA has taken the liberty of paying for half of that. It was a \$400 order and they are paying \$200 worth of that. That was very nice. Councilperson Leinung asked if that was for town employee use? Supervisor LaGrange said primarily. A lot of these are coming in from different avenues. Obviously the N95s are something we will probably use, especially for employees in different situations. The surgical masks are one of those things that are handy and great to have. I've been using two for quite a while over the past few weeks. I keep them clean and I use them when I go somewhere, into a store or something, but they are not washable per se like the masks from the County are. It's sounding like between County Executive McCoy and Governor Cuomo this is probably going to be extended a little bit further, maybe towards the end of the month; maybe you guys have a different opinion. Obviously we heard today that the Governor has said the schools will remain closed through this year's school year.

2019 AUD

Supervisor LaGrange advised as a side note that Mrs. Boehlke finished and I reviewed and we sent in the AUD. So, that's done and under review by the state.

Web Sales Tax

Supervisor LaGrange mentioned that last time we spoke he asked Michael McLaughlin out of curiosity what the web sales tax looked like and what kind of percentage it was in our sales tax figure. He was having trouble actually getting an answer from the State. It seems like, as he said, around 10% of what we get is probably from internet sales but it could vary from 5% to 10%. The quote he gave me from someone at the State said that if someone buys online and ships to a store for pick up does that count? Is he charged online for the sales tax or at the store for the sales tax? There are little anomalies like that which can cause those numbers to fluctuate but that's all Mike's got. He's still going to try to follow up with anything more he can find out for us. That's pretty much my personal updates.

Hilton Park

Supervisor LaGrange said that he knows Councilperson Hennessy is looking for a possible consensus of the Board to negotiate on the Hilton Park site sign work toward the contract. Councilperson Hennessy

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said that he sent out to the Board a synopsis of the proposals from Site Design Consultants. Based on a review of those four proposals, it appears that the Creighton Manning Proposal is most acceptable for the project and as such he thinks it would be wise for us to clarify their proposal. They had some elements that need to be clear and enter into some levels of negotiations to get a contract so we can approve it for our May meeting. Supervisor LaGrange said that that sounded good. He's been trying to look through them and it's an arduous task at times. I appreciate you looking into these and scouring them like you have. I'm personally great with your recommendation to move forward and have those discussions. Does anybody have any thoughts on what they've seen? Councilperson Greenberg replied that he's been through them, and Creighton Manning seems like the obvious choice. We just have to clear up a couple of issues surrounding what the scope is exactly, but they were so much less than everyone else. I have to say to compare that price to Stantec's price is a little shocking to me. Supervisor LaGrange agreed. Councilperson Burke said also they have the necessary expertise and familiarity with the site. They certainly are capable of doing the job. Councilperson Hennessy added that that was a good point. Creighton Manning actually designed some Rail Trail elements. They even designed that parking area down by the Village Deli. They are very familiar with Rail Trail work and they might have given them a different perspective on some of their proposed scope elements. Councilperson Leinung said I think that sounds good on my end too. It seems like they were pretty clearly the right choice here.

Councilperson Hennessy asked if we need a resolution to just enter into that scope or just discussions with them or is that just waiting until we have a contract. Is that the only time we need a resolution? Attorney Naughton replied that we will wait for the contracts. No resolution at this time.

AC Line

Supervisor LaGrange said that he did have one thing he wanted to mention to the Board. If you recall we did a road crossing agreement for the AC line that was going through town. At the time we discussed that there was also a proposal for a DC line coming from Canada down through the Champlain Valley and then following the tracks through our town. They've approached us. Actually Ken and I met with one of the representatives back in March. Of course a week later our current situation hit. So, it's been put on the back burner. The gentleman from the company that's doing it, I think it was Rick Chase or something, sent a reminder yesterday to Ken and me. I've pulled out my folder and what I'm doing is I'm going to send out an email to all of you, Michael specifically, that has the draft resolution that we could start working on. I'll add his email from yesterday to the bottom of that email so you can get up to date. Then I have this Power Point that he gave Ken and me. I've scanned that and I'll send that in a second email to everybody. You can just familiarize yourselves with the whole project. It appears there is only one crossing and that was Game Farm Road. Highway Superintendent Guyer agreed adding that Game Farm Road would be our only town road crossing. Supervisor LaGrange said that they claim many benefits which I will put in an email to the school district. I've got some notes. It's going to happen; we just need to do what we need to do to negotiate the crossing and things like that. This is all preliminary. It would be great if we could get it on our May agenda but if it's too rushed it won't be.

Attorney Naughton asked Highway Superintendent Guyer if that crossing is proposed to be underground? Highway Superintendent Guyer replied yes. This transmission line project will enter our town and will exit our town all within CSX's right of way. So it will come from the north and head to the south. It will be in the CSX rail line so the only point where we will cross a town road will be at Game Farm Road. Yes, the line will be buried in that Rowe Road right-of-way. Attorney Naughton asked if we know whether they are proposing to do that by directional drilling or open cut? Highway Superintendent Guyer said that he may have said that; I don't have the paperwork; I'm not in my office. Supervisor LaGrange said he'd have to look to see if it's in this but as I recall most of it was open cut. Highway Superintendent Guyer said I don't know about the crossings. I'm not sure. Supervisor LaGrange said it will be in here. If any questions like that come up after you all read this, shoot them to me and I will get answers from him.

Councilperson Hennessy had a quick question for Ken: Is New Scotland South Road a county road or a town road? Highway Superintendent Guyer replied that it's Albany County's. Councilperson Hennessy added that they were supposed to put a water main in back in the day of Supervisor Reilly but they never did.

Attorney Naughton wanted to disclose once again, as he mentioned before, his law firm is assisting that company with respect to the approval part of that project on the DC line, but if we're just talking about a

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road agreement I don't see any real problem. If someone wants Attorney Peck to look it over also we could do that. If you guys are okay with that I just wanted to disclose that once again. Supervisor LaGrange added, again, that if you have any questions on it he'll be sending this out. I scanned the Power Point in color. It has some maps and it's pretty much an overview. If we want more specificity on it and you have questions just let me know and I'll get the answers from him. There will be two emails coming. One with the draft resolution and some of the background. The second email will be the Power Point. It's a scanned Power Point.

MEGA

Councilperson Greenberg had a quick update. He spoke with Nicole from MEGA yesterday. The CCA is not going to happen in the near future, at least for 2-3 months. A number of municipalities were uncomfortable with moving forward until they see what happens with the energy markets. That's the shorthand. If anybody has any specific questions feel free to ask but we won't put out bid documents until at least July. Supervisor LaGrange said that he had a forwarded note from Supervisor VanLuven with a similar discussion. His thoughts were the same.

Street Lights

Supervisor LaGrange added that he did get an email from Jessica Waldorf with NY Power Authority, and apparently National Grid is finally getting out the new buy-back calculations for the street lights so we should be seeing something on those pretty soon. If you recall we are in that program NYPA is working on with Voorheesville, New Scotland, Guilderland, Altamont, and others but for our group it's primarily to replace our street lights with LEDs. Hopefully that is going to gain some ground but it's been pretty much dragged out by National Grid in a lot of ways.

COVID-19

Councilperson Burke said she sent around that COVID plan. There wasn't any substantive change to either the plan or the corresponding charts. I don't know what we want to do with that at this point. I feel like I've gone as far as I can go with it. Supervisor LaGrange said that last week we talked about it and we were going to get it out to the department heads, which I did. I let them know that we were going to have updates and you had charts to do. I will forward that out if everybody is good with keeping it out there. Councilperson Hennessy replied no; I thought we were approving it last Friday but we said we needed more time to look at it. I don't want to keep delaying this. It's been two months. We should have some kind of more formal plan for this. If there are going to be department head changes then we can modify it. We really need to have something in place. I don't think we should keep delaying things. Supervisor LaGrange said that we did decide last week that it was good to go to the department heads. Somebody asked Attorney Naughton if we needed a resolution. It was decided to just send it out. It was just a Board function that we'd get it out to everybody, so I did. Supervisor LaGrange added that he will forward this to them as an amendment or whatever little changes you made. Councilperson Burke said at this point they weren't substantive at all. Councilperson Leinung said he thinks it was more as new guidance comes out we are going to try to update it on a regular basis. I know at one point we talked about passing something official but it doesn't seem like we need to officially pass something that's going to be a guidance document that we're providing to the department heads. It seems like the way we're going if it seems okay with everybody. Supervisor LaGrange agreed. Attorney Naughton added that his recommendation is to just treat it like that. Supervisor LaGrange said that he will forward this on to everybody as a revision. I don't think the charts were in last week's. I think that's what Councilperson Burke was working on. Councilperson Burke added that they needed very minor changes but they've been done now.

Zoning Board Meeting

Councilperson Burke had one more thing to discuss. Councilperson Leinung and she both went to the Zoning Board meeting this week through Zoom. It seems to work very well. They did schedule a hearing. The plan currently said that there would be no hearing which was put in there before Zoom was a reality. I just wanted to check in with Attorney Naughton and make sure that the Zoom platform is sufficient for them to hold a hearing. Attorney Naughton said it is sufficient. That order said from the Governor's office said that they are all cancelled unless you are going to have virtual meetings that will allow for public participation. So the notice will say that there should be an opportunity via Zoom. It's not perfect. There should be opportunity for the public to participate. Councilperson Burke asked if a person wanted to submit documentation does the notice say that they should submit it in advance or are they told at the meeting? Attorney Naughton said that's a very good question. I haven't seen the notice.

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I will talk to Attorney Peck about that when we finish up here. It should say that. What we like to do is if they are going to hold the hearing open then generally giving the public an opportunity, an additional 10 days or so to submit written comments via email or mail. Councilperson Burke said that she just wanted to make sure. Attorney Naughton said that they should announce that also at the public hearing, if that's what's going on. It will be held open to allow for submission of public comments. I'll make sure that Attorney Peck is aware of that and copy Jeremy so the notice can cover that. Councilperson Burke said I think that they probably are; I just was uncertain. Attorney Naughton added that then there were also some questions about notice regarding meetings. I talked to the Town Clerk today and coordinated with Attorney Peck and Building Inspector Cramer. Jeremy and Diane have worked it out so there will be additional postings of notices of meetings for the Planning Board and ZBA on the Town website. They are working through that. They needed to set up Jeremy so he was authorized to go in and publish those notices. Councilperson Greenberg said that the legal had been published on the Zoning Board part of the website; it just hadn't been published on the Town part of the website. We technically met the legal bar that we are supposed to meet but we want to go above and beyond.

Supervisor LaGrange said that on all public hearings, which would include ours on May 13th for the codification, we're allowing for a 10-day period of submittals of anything towards that which precludes any of our boards including us on the 13th from passing anything that evening. Attorney Naughton said that he's not saying that we have to do that in all instances. He thinks that the codification is a very good example of something that should be an exception to that if we have that as a general policy because what we're doing is putting all the existing laws in one place. There are no changes in policy, zoning districts, or zoning classifications. I don't anticipate there will be a lot of comments. I would anticipate there would be comments saying you should change the zoning law or amend it, fit this or fit that, but that's not what we're up to at this point. I see no reason to hold the hearing open and delay action if the Board feels after the hearing that there's been sufficient opportunity to comment and want to take action to enact Local Law A of 2020. Councilperson Leinung said it's already been noticed anyway. There has been notification that's coming up. Supervisor LaGrange agreed.

Supervisor LaGrange said as a side note, if you haven't heard already, the Planning Board is going to meet on the 12th. Instead of on the 5th they postponed it until the 12th.

Councilperson Greenberg said that in terms of the public hearing on the codification, do we want Nan on the line for the public hearing part? Attorney Naughton said I think that's a good idea. I just talked to Nan before this call started and I'll talk to her again about that. I think that would be a good more. Councilperson Greenberg added in case people have questions. Attorney Naughton added that she knows where this stuff is. She knows the document backward and forward. Supervisor LaGrange said as he sends out a reminder on that May 13th meeting he'll include Nan on that with the Zoom information.

DPW

Supervisor LaGrange asked if anyone else had anything. Councilperson Greenberg said that he had questions about what's going on with the Public Works Department and John Hensel. Is Bill West up to speed? What's the story? Supervisor LaGrange said that John has been here every day that Bill's been here. They've been side by side going to the water districts, six feet apart. They've been in the office here. They were out on the road a little bit today. John is still here with Bill right now. So, they've been going over a lot of different things. I still have a lot of stuff if Bill has questions and then of course so is Ryan. Today is John's last actual work day. He has offered to still be a resource to Bill if anything comes up. Councilperson Greenberg asked if he got his retirement papers in and answered. I thought he had questions about that. Supervisor LaGrange said from what he understands he and Sarah got it straightened out yesterday. I wasn't here when they were talking but that's the last I heard. Either way he is still available. He is still a Town employee. I think May 30th was his final day but he's taking some vacation time and things like that. Bill spent quite of bit of time with Lisa, twice now, and with me a couple of times. He's getting settled in and acclimated and up to speed as well as he can in a short period of time.

Sean Mulkerrin asked about the six confirmed positive. Are those new since last week? Supervisor LaGrange said it appears three were probably new since last week. Again, let me remind you that the county is doing their best to get these out to the municipalities. It's a long tough list. They try to kind of make it a little more user friendly each time. I basically have to go through the list line by line to see

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who's in the Town of New Scotland that might be under quarantine or positive. When I say who, there are no names. It's the addresses. Hopefully I don't miss anybody and keep fairly up to date. I use my list from yesterday to check today's and continue that way as I go. It's as accurate as they can give it and I can decipher it. Mr. Mulkerrin said if Supervisor LaGrange would like to share the list with him. Supervisor LaGrange said they are only allowing one municipal leader to see the list each time. They are not sure about the HIPAA issues and things like that. It's more of a general guidance than it is something that can be shared or is allowed to be shared at this point.

Next Meeting

Supervisor LaGrange said if everyone is good for tonight, he'd entertain a motion to adjourn. Councilperson Greenberg asked if we are going to schedule a meeting for next week or do we not have to because of the Town Board meeting not too long afterward? Supervisor LaGrange said that we've gotten into the habit of the Friday meetings so I was just assuming we were doing it. I'm good with that. Councilperson Greenberg said that sounds good to me. Supervisor LaGrange said that we can concentrate on these types of updates with COVID and things like that and then take care of business on the 13th. Councilperson Leinung said that that works. Councilperson Burke said that that sounds good.

2. Adjourn

Councilperson Leinung made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 1:35 PM.

Diane R. Deschenes, Town Clerk