

Town of New Scotland
Regular Town Board Meeting
May 13, 2015

The following Town Officials were in attendance:

Supervisor:	Thomas Dolin
Councilperson:	Douglas LaGrange
	Daniel Mackay
	Patricia Snyder
	William Hennessy
Highway Superintendent:	Kenneth Guyer
Engineer:	R. Mark Dempf
Town Clerk:	Diane Deschenes
Town Attorney:	Michael Naughton

1. Call to Order

Supervisor Dolin 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:

- **April 8, 2015 Public Hearing LL-A, Best Value Competitive Bidding**
- **April 8, 2015 Regular Town Board Meeting**
- **April 29, 2015 Public Hearing, Krumkill Road**
- **April 29, 2015 Special Town Board Meeting**

RESOLUTION 2015-106

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does approve the minutes of the April 8, 2015, Public Hearing and Regular Town Board Meeting as presented by the Clerk.

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

RESOLUTION 2015-107

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does approve the minutes for the April 29, 2015, Public Hearing and Special Town Board meeting as presented by the Clerk.

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

Announcements:

- **Memorial Day Celebration, May 23 - Annual Parade begins at 10:00 AM**
- **May 17, 2015 - Exhibit Opening New Scotland Historical Assoc. - 100 Years Ago**
- **New Scotland's new website goes live May 15, 2015**

5. Ms. Alane Chinian, Regional Director, Saratoga - Capital District Region OPRHP will provide an update on the various projects at Thacher Park.

This item was tabled.

6. Proclamation in honor of George Klopfer

Highway Superintendent Guyer advised that Mr. Klopfer retired on April 14 with over 30 years of service to the town. He was a superb employee and an all-around good person. Even after 30 years, he gave his all to complete a job or help you out. When Mr. Klopfer started with the town, it was when we had our own trash pick-up. For years he worked on the garbage truck. When they abolished that, he moved to the Highway Department. He is an outstanding citizen and employee.

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Supervisor Dolin read the following into the record:

RESOLUTION 2015-108

Supervisor Dolin offered the following resolution and moved its adoption:

WHEREAS, GEORGE KLOPFER HAS COMMITTED MUCH OF HIS LIFE TO PUBLIC SERVICE IN THE TOWN OF NEW SCOTLAND, SERVING FROM AUGUST 30, 1982, UNTIL APRIL 14, 2015; AND,

WHEREAS, GEORGE HAS RENDERED FAITHFUL, CONSCIENTIOUS AND VALUABLE SERVICE TO THE TOWN OF NEW SCOTLAND, EARNING THE ADMIRATION, ESTEEM AND AFFECTION OF HIS COLLEAGUES; AND,

WHEREAS, GEORGE HAS SHOWN EXEMPLARY DEDICATION TO OUR COMMUNITY AND THE PUBLIC SAFETY OF ITS CITIZENS; AND,

WHEREAS, GEORGE HAS BEEN AN OUTSTANDING EMPLOYEE FOR THE TOWN OF NEW SCOTLAND FOR OVER THIRTY-TWO YEARS;

NOW, THEREFORE, ON THIS THIRTEENTH DAY OF MAY IN THE YEAR TWO THOUSAND FIFTEEN, THE TOWN BOARD OF THE TOWN OF NEW SCOTLAND CALLS UPON MR. KLOPFER'S FAMILY, FRIENDS, AND NEIGHBORS TO JOIN US IN RECOGNIZING HIS OUTSTANDING SERVICE AND CHARACTER WITH THIS STATEMENT OF SINCERE APPRECIATION FOR MR. KLOPFER'S SERVICE OVER THE YEARS AND IN CELEBRATING HIS ACHIEVEMENTS ON THEIR BEHALF.

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

7. Discussion/Action re: postage meter rental agreement renewal

Town Clerk Deschenes advised that she had some work done this week on our postage machine. The contract is up in August, so she mentioned it to the vendor. FP Mailing Solutions is willing to renew at the same price we are at now which is \$77 per month for five years. The nice thing about renting it is if something breaks down, it's all covered. This is a fully automatic machine and it's a good machine. If we do not renew the rental the other option is to lease it. A lease would run \$125 per month. Town Clerk Deschenes recommended renewing the rental agreement.

RESOLUTION 2015-109

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland enter into an agreement with FP Mailing Solutions for the rental of a postage meter machine at a rate of \$77 per month for 60 months; and

It is further resolved that the Supervisor be authorized to sign the agreement on behalf of the town and to take whatever further action is necessary to implement the agreement.

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

8. Appointment of Carol Cootware as a Clerk I, Temporary & Part-time in Supervisor's office at \$16.00 per hour for up to 20 hours per week

Supervisor Dolin would like to appoint an employee to help out for a period of time with bookkeeping and accounting. He contacted Mrs. Cootware who retired a year ago from the Town Clerk's office. She also worked as secretary to the Supervisor. While working for the town she was involved in preparing the vouchers, and she knows the IMPACT accounting system. Supervisor Dolin proposed hiring her temporarily for an undetermined time, probably 6 months on a part-time basis not to exceed 20 hours per week. He then suggested paying her \$16 per hour.

RESOLUTION 2015-110

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland hire Carol Cootware as Clerk I, temporary and part-

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time basis to work in the Supervisor's office at \$16.00 per hour for up to 20 hours per week for a period not to exceed six months.

Councilperson LaGrange seconded the motion.

Supervisor Dolin noted that Mrs. Cootware received a private pension that limits the amount she can earn to \$20,000. Councilperson Snyder asked for some general context for the public. Supervisor Dolin said that his office is going to have a reduction in staff due to a medical issue.

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

9. Appointment of a seasonal Laborer for Water District and Dept. of Public Works

Supervisor Dolin said that the next item is to appoint a seasonal laborer for the water districts and the Department of Public Works and probably to help out with the buildings maintenance. We advertised for summer help, and we received about six responses. Mr. LaChappelle reviewed the applicants and would like to hire Dan Morrell. Mr. Morrell is finishing his second year of college and will be available in another week. Supervisor Dolin proposed paying seasonal laborers \$12.50 per hour for a 40-hour week for roughly 12 weeks. Supervisor Dolin said that Mr. LaChappelle and Highway Superintendent Guyer have talked about this. Highway Superintendent Guyer is still in the process of selecting his staff but had no objection to this appointment.

RESOLUTION 2015-111

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland hire Dan Morrell as a seasonal worker under the supervision of Public Works Commissioner Wayne LaChappelle; and

It is further resolved that he be paid at the rate of \$12.50 per hour and that he be authorized to work a 40-hour week.

Supervisor Dolin advised that the duties will involve working mostly for the water districts. The principal job this summer is to install about 175 water meters during June–August to facilitate the operation of the New Salem Water District. It's expected that they will be finished with the rough plumbing at the end of June or July, and then we'll have to start installing meters. There are probably 80-90 customers with meters right now. Engineer Dempf said the total district is 175. We had estimated that the immediate need was going to be about 139, but that depends on how many are assigned to a dual unit, so it might be less.

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

10. Discussion/Action re: appointment of a Marriage Officer

Supervisor Dolin was approached by Theresa Balfe who is interested in becoming a Marriage Officer. She grew up and went to school here. She now lives in the Town of Guilderland, but she has her office in the Village. Her children also attend the Voorheesville School District. We currently have one Marriage Officer, Mrs. Connors, but she goes to Florida in the winter. Supervisor Dolin said that the Judges won't have any objection. Councilperson Hennessy supported this. She is a great person and has a private investigator business. She also works in the Medicaid section of the Inspector General's Office. She would be fabulous for this position.

RESOLUTION 2015-112

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland does hereby appoint Theresa A. Balfe as Marriage Officer for the Town of New Scotland.

Councilperson Hennessy seconded the motion.

Councilperson Snyder asked if we have much call for a marriage officer. Supervisor Dolin said that the judges are primarily the first people called, but they get overwhelmed. You could almost fill up your Saturdays during June and July if you wanted too. Supervisor Dolin added that people like to get married

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in Thacher Park, and many times they contact the Judges in New Scotland.

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

11. Discussion re: the leashing of dogs within Town parks

Supervisor Dolin advised that we did have an incident recently. Highway Superintendent Guyer didn't have much information. He added that Dog Warden Schenmeyer spoke with the individual. At the time of the incident, she didn't contact anyone. Supervisor Dolin thought that the incident happened inside of the softball field. Highway Superintendent Guyer understood that the dogs may have been on the field. The lady and gentleman were on the trail heading past the softball field toward the back. The dogs ran up to them by the trail. Highway Superintendent Guyer thought that the gentleman was bitten, but again no one was contacted until the following day. Councilperson Snyder asked if the dog owner was present. Highway Superintendent Guyer said yes. Supervisor Dolin understood that it was someone visiting with their dog. Highway Superintendent Guyer said that the lady that called had an out-of-town friend with his dog on a leash, and they were walking on the trail. There were two loose dogs that started on the softball field and then came up after them. Supervisor Dolin said that there lies the problem. The town-wide leash law says if they are off your property they have to be leashed or under the control of the owner. Supervisor Dolin added and there is no mandatory leashing of dogs in the park. What we are faced with is a decision of whether or not to require that dogs be leashed in the park. In Bethlehem, you can't even have dogs in the park. Highway Superintendent Guyer agreed. Councilperson Snyder asked if this meant not even on leashes. Highway Superintendent Guyer said that that's correct. Supervisor Dolin believed that in Guilderland the dog has to be leashed. Highway Superintendent Guyer said that that's what he would propose. There are a lot of people that use the park, and you shouldn't have to feel uncomfortable. Supervisor Dolin said that two individuals have mentioned that they jog at the park, and even when the dogs are leashed they feel uncomfortable. Supervisor Dolin thought that at a minimum we should go to a policy of leashing the dogs in the park. He added that there is plenty of land at the park. He didn't know if there was a way we could accommodate all of the parties. Near the basketball, tennis court, and soccer field area close to Swift Road perhaps we could have dogs on leashes there. We could prohibit them from being near athletic facilities. The incidents that have happened have been mostly on the trail. We did have two gentlemen last year who like to let their dogs run. They were very concerned that we have some place where they could do this. Supervisor Dolin said that he talked with Highway Superintendent Guyer about possibly fencing in the right-of-way underneath the power line. It wouldn't be strictly a dog park. It would probably be open at both ends. Councilperson Hennessy didn't know if that was feasible with the wooded area to the east of the right-of-way. He added that he's not sure we can put a fence across the right-of-way. Highway Superintendent Guyer didn't know what we are allowed to have as far as physical structures on the right-of-way. Supervisor Dolin said he was thinking it would be open at both ends with some kind of simple fencing on the edges of the right-of-way. Councilperson Hennessy said that we could mark it with some signs. Supervisor Dolin said that first we have to decide if we want to have them leashed or not. He added that he's just exploring ideas. There are different parts of the population with needs and things they'd like to see. It seems that with 30 acres there should be a way to accommodate everyone. Councilperson Hennessy said that a precedent does exist because there is a sign on the trail that says dogs must be leashed. Supervisor Dolin said that unfortunately that's not what the law is. Councilperson Snyder said that we should make it clear. Councilperson LaGrange asked about the town's liability if someone gets bitten by a loose dog on town property. Attorney Naughton said that someone can always make a case, but it's the dog owner who will face a charge. Those are usually prosecuted in town court. For a vicious dog to be put down, there would have to be one bite first, and then it's known. There is also civil liability. In terms of municipal liability, he didn't know all of the rules, but to some extent if you do make a rule then you are expected to enforce it. The dog officer has attended meetings and advocated that we change the law to require leashes in the park. We talked about it somewhat.

Chester Boehlke

Mr. Boehlke said that when he was the Animal Control Officer, the leash law was enforced in the park. Without causing a lot of expense to taxpayers, it should stay enforced in the park.

Attorney Naughton said that right now it doesn't say that you actually have to have the dog on a leash. Councilperson Naughton asked if it was state law. Attorney Naughton said that we have our own town law. Supervisor Dolin added that it was also in the parks law.

Sharon Boehlke

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Mrs. Boehlke said, "I don't even know why you would want a dog to run loose with the fields. People say they pick up droppings in the park, but they don't, so why would you even want to consider letting dogs run loose? In Guilderland, you can't even bring your dog into the park."

Supervisor Dolin said that that was some of the thinking he was having. The park is multifunctional. Several people attend the men's hardball games. Supervisor Dolin asked if people bring dogs. Councilperson Hennessy said not very often. Mostly people walking the trails bring them. Supervisor Dolin didn't know if we should divide the park into segments and maybe not have any dogs near the athletic facilities. If there were other places, they would have to be on a leash. Councilperson Snyder asked how it would be enforced. Supervisor Dolin said that it would be up to our two Animal Control Officers. Highway Superintendent Guyer said that it's like any other law; if you are there you can enforce it. Supervisor Dolin said that you can have random enforcement. Last year Mr. Schenmeyer went to the park early in the morning to check. As he told us the dogs can be off leash so there is not a lot he can do. Highway Superintendent Guyer added that one of our Dog Wardens works at the park so he's there 5 days a week. Councilperson Snyder asked about off hours and what happens then? Supervisor Dolin said that we could ask for random enforcement, but we would have to pay them overtime. Highway Superintendent Guyer said that on off hours, if there was an incident it would be one person's word against the others. Highway Superintendent Guyer said that he would assume it would go to court, and Officer Schenmeyer would issue some tickets. Then it would be for the Judge to determine.

Supervisor Dolin said that what he was saying was that just the fact that he is there could give people a warning. Councilperson Snyder said that that's what she was thinking. Supervisor Dolin added that we could put some signs up to begin with too. Councilperson Hennessy also advised having coaches make their people aware. Councilperson Hennessy asked Investigator Mance her suggestions. Investigator Mance said that she's listening to the comments. She agrees it's a multiuse park. The town has to decide what they want to do to protect everybody. Bethlehem has a dog park. That's something the town could do to limit the use of the park for certain things. It comes down to the fact that each town has their individual ordinances. In some towns your dog doesn't have to be on a leash as long as it's in the owner's control. Investigator Mance added that you are still dealing with an animal that could at any point in time decide to take off. Councilperson Hennessy asked if the patrols ever have to stop people. Investigator Mance said that they get calls for loose dogs. If there is a dog bite incident they get a call because they have to do a report. It's tough. A lot of people have their dogs and go to public areas, so you need to decide the best way to limit the liability for everyone. Supervisor Dolin proposed asking the Town Attorney to draft a proposed amendment to the current town leash law effective in the park, doing away with the existing park rule and making a universal town-wide rule. We would say that when dogs are off their property have to be leashed. The current ordinance didn't contemplate the idea of the park. That's under a separate rule. They must have thought that there was a leash law, but there wasn't when we checked it out. There are parts of the town where people might want to walk their dogs off their property under their control. Supervisor Dolin felt that that was the thinking years ago. Town Clerk Deschenes thought that when they did that law there were not electric fences. Supervisor Dolin said that he didn't know if the Board wanted to have a strict leash law within the park and then have the rule be "under the supervision and control" for the rest of the town. We could have a town-wide leash law. Attorney Naughton said that Mr. Abrams had mentioned one other thing; they were going to try and have a committee. Early morning is when most people walk their dogs. Supervisor Dolin said that there are joggers there too. Unfortunately Mr. Abrams was walking the trail too. As you're talking about being out in the middle of the power lines and not near the trails, there may be room for some kind of distinction. There is also a field that's mowed that's all by itself down in the back. Highway Superintendent Guyer said that there are two lower fields behind the softball field which are probably a couple of acres. Highway Superintendent Guyer added that the Village put a leash law in effect during the past year. No dogs are allowed off your property unless leashed. Councilperson Snyder asked if we ever formed a committee or asked for a committee to be formed because she felt that there were some strong feelings on both sides. She understood where people were going with the leash law, but it might be nice to have a committee to offer an alternative, whether it is a dog park, dog area, or some area where dogs could run around. She added that she thought we were talking about Swift Road Park mostly, but we have a park in Feura Bush. Highway Superintendent Guyer added that since the Village lies within the town, it would be nice to partner with them. Councilperson Snyder agreed. Highway Superintendent Guyer said that within the town the density of the population is the village. There are a lot of dogs in the village. Supervisor Dolin said that they seem to have made a decision already, and their solution was mandatory leashing when the dogs are off their property. Highway Superintendent Guyer said that that's correct, but if we are looking at a dog park it would be nice to include the village. Councilperson Snyder said that that's where she was going. Other communities have had some success with dog parks. At least

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it provides an alternative. Supervisor Dolin proposed that we at least go to a mandatory leash law in the parks as soon as possible. Councilperson Mackay agreed. Highway Superintendent Guyer suggested not eliminating dogs from the park at this point. He would recommend that they be leashed if they are on town property. Supervisor Dolin suggested Attorney Naughton work on that. We could leave the town-wide leash law where it is for the time being and just modify the park rule. Highway Superintendent Guyer asked how it would be distinguished. Attorney Naughton thought that the town parks are where the main concern is. Highway Superintendent Guyer said that of course the main concern is Swift Road, but this could apply to Feura Bush as well. Supervisor Dolin said that that would be an initial step, and then we could modify that. Councilperson Snyder asked if there was a committee or a concerned group. Attorney Naughton said that one of the things we were talking about was maybe having an area fenced in, but to some extent that involves money and planning. Attorney Naughton said that he would draft up something for Board consideration.

Chester Boehlke

Mr. Boehlke suggested getting a hold of Ag & Markets rules and regulations. He thought a lot of that stuff was actually covered in there. Mr. Boehlke added that dogs do not get a free bite. That was considered a dangerous dog unless they've changed their wording. Attorney Naughton said a dangerous dog is be able to put it down. That's what he was talking about. In terms of a civil lawsuit, you need a bite to be able to establish that there has been a prior bite for the owner to face civil liability for damages generally. Mr. Boehlke said that the last he heard there was no free bite. Supervisor Dolin felt that Mr. Boehlke was correct in terms of the Ag & Markets dangerous dog law. That has its own enforcement, standards, and penalties.

12. Discussion/Action- Set public hearing re: proposed Amendment to Map, Plan, and Report for the Kensington Woods Water District

Attorney Scott Lukowski represents Kensington Wood subdivision, and he is here basically because the town is affirming that the map, plan, and report are modified. It's been reviewed and accepted by the town engineer, and this is a predicate to setting up a public hearing on June 10.

RESOLUTION 2015-113

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland hold a public hearing at 6:45 PM on June 10, 2015, for the purpose of amending the existing Map, Plan, and Report for the Kensington Woods Water District.

Councilperson LaGrange seconded the motion.

Councilperson Snyder asked why we were doing this. Attorney Lukowski said that a modified Map, Plan, and Report were requested by the town in order to make it cheaper overall for everyone. Originally it had money built into the program to sustain it when things needed to be replaced in the future. That part was taken out. Supervisor Dolin said that this is a private Transportation Corporation, but the town has the final say in the rates. The original rates were adopted when we first approved the district. After review by our people, we recommended that they be reduced. Councilperson Snyder asked if these are the rates for the water users that we just approved three months ago. Supervisor Dolin said that they were, adding that they were conceived a year ago. Attorney Naughton said that all of the other things she was talking about related to the development agreement. This is just a budgetary issue within the Map, Plan, and Report. Supervisor Dolin said that the actual approval of the district, the rate, the boundaries, and the rules were in 2011. What we did recently was the development agreement. Attorney Naughton said that that didn't have anything to do with pricing. Councilperson Snyder said that when the Transportation Corporation was mentioned, she knew that there was a lot of information with respect to that. Supervisor Dolin said that that was the transfer of the ownership after two years for us. Actually, that was for sewer and not water. The water district, once completed, will be turned over to the town. At that time we will be in charge of the rates. These are the initial rates. Supervisor Dolin added that one of the requirements of the Map, Plan, and Report is that it set forth the proposed rates. The rates were very high because there was a depreciation allowance for replacement of the infrastructure 30 years from now. That is customarily done. Engineer Dempf said that when a district is built, there is normally a bond to pay off the district, but we would not carry another amount of money to fund the reconstruction of the district 30 years from now. We pay off the district as we go along, and we pay for the cost of making the water. We would not require the user to pay upfront for replacement of that system 30 years from now.

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That's what they include. Engineer Dempf thought that that was mainly because the Transportation Corporation wanted to make sure that it had money in the bank in the future if it still had ownership of that infrastructure. Otherwise, they could not go back and charge. At this point in time, the district is getting turned over directly to the Town. We would never collect future money unless we wanted to put something aside. According to the law, Engineer Dempf believed you would have to establish this as a Capital Improvement Fund. That money would have to be set aside just for that. You could never touch it for anything else. Generally speaking, our districts do not put a lot of extra money, nor does the Comptroller allow us, to keep a lot of money in that district as we move forward. If there was something to be replaced, we would create a project and then bond it. We do not collect a lot of money up front. That's what the original Map, Plan, and Report had contemplated. Councilperson Snyder asked why. Engineer Dempf said that he believed it was so that the Transportation Corporation would have money in its pocket in case it had to do something. We didn't see the sense in it, and it would be charged against the residents. That cost was about \$700 a year per residence which was actually equal to or more than they would be paying for their water. Councilperson Hennessy recalled circulating this a few weeks ago. He then asked if the changes were made. Attorney Naughton said that they were revised, and they sent an email version today. We don't have the copies for tonight. This is on for a hearing on June 10. We are just here to set the hearing.

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

13. Discussion/Action reaffirming the December 17, 2014, acceptance of the Kensington Woods Development Agreement

Attorney Naughton said that reaffirming the December 17, 2014, acceptance of the Kensington Woods Development Agreement is his suggestion. Late last year we entered into a development agreement with the Kensington Woods developer, which is Garrison Projects, LLC. At that time we were all under the assumption that the approvals and permits for the project were still in place. It was early this year that the Building Inspector noticed that the subdivision approval had lapsed, so we asked the developer to go through the process again to reapply because the original approvals had lapsed. They did that, and they received approval from the Planning Board again along with an approval from the Zoning Board for the height variance for the water tower. At this time, Attorney Naughton suggested that we ratify and reaffirm the development agreement that was executed last year. Now that we have valid approvals, we are all working under the development agreement, and the town has ratified that in light of these new approvals.

RESOLUTION 2015-114

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland does hereby reaffirm and ratify the existing development agreement between Garrison Project, LLC, and the Town of New Scotland, dated December 17, 2014.

Councilperson Mackay seconded the motion.

Councilperson Snyder noted that there are no attachments on the agenda. Supervisor Dolin said that the agreement hasn't changed. This is a procedural requirement. We just want to reaffirm and reenter into the contract.

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

14. Bond Resolution re: Feura Bush Master Meter Replacement

Supervisor Dolin said that the Feura Bush Master Meter has been purchased and installed. We financed it temporarily with an internal loan. Supervisor Dolin proposed that we go out to a bid for a bond to permanently finance the payment of that improvement. He will have the bond resolution available for the June 10th meeting. If everyone agrees, we should repay the internal loan with probably a five-year or longer bond. Supervisor Dolin believed it was around \$31,000.

RESOLUTION 2015-115

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town Board does approve the appropriateness of a bond resolution for up

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to 10 years for the Feura Bush Master Meter Replacement project.

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

15. Resolution authorizing contract for purchase of up to 175 water meters for the New Salem Water District

Supervisor Dolin asked Engineer Dempf how many water meters we should buy at this time for the New Salem Water District. Engineer Dempf said that we originally put the district itself at 139. We know that 175 at some point is the number. On some of the larger units, we are planning on only putting one master meter in. If they want a sub-meter, that's up to them. That is inside the building and not our issue. Supervisor Dolin believed that there are an existing 75 customers in Bethlehem with meters. Engineer Dempf agreed. Supervisor Dolin added that there are another 75 people who are eligible to be connected.

People with good wells may not request a meter. Supervisor Dolin asked how many we should buy at this time. Councilperson LaGrange asked if we are replacing the existing Bethlehem ones too. Engineer Dempf said yes. He added that he would go with what we had in the report, 140. Attorney Naughton asked if we have a price per meter. Supervisor Dolin said that it's \$174 which includes the radio sending part. Highway Superintendent Guyer asked if it included the reducing valves. Supervisor Dolin added that there is hardware such as pipes, plumbing, and fixtures. Highway Superintendent Guyer said that from end to end it is the homeowner's responsibility. Supervisor Dolin said that he would do a resolution not to exceed \$30,000. Councilperson LaGrange asked if the water meters were included in the original estimates. Engineer Dempf said that it was part of the cost, but it was not included in any of the bids. Councilperson LaGrange said that it is part of the total cost picture. Attorney Naughton asked Engineer Dempf to speak to some comparison shopping on different types of meters. Engineer Dempf said that we do know that the price they gave us on these meters is cheaper than what they gave us in 2013. Councilperson Hennessy asked whether or not this is going to bid. This is a straight purchase. Supervisor Dolin agreed, adding that the town is doing it on behalf of the water district. Attorney Naughton said that the background is that in 2013 we had a resolution standardizing all meters for all of the six districts. That way we could use the same reading, hardware, and software in all of the districts. We standardized which is permitted under the general municipal law. This proposed resolution works off of that foundation standardization. That's why we are doing it this way. Supervisor Dolin added that it's permitted under the public bidding regulation of NYS. We don't have to go out to bid if it's a sole source provider which this is. Attorney Naughton said that for attachment 4A we are talking about revising it from 175 to up to 140 meters and for a total price not to exceed \$30,000. Supervisor Dolin asked if we would also have to buy some fittings and pipes. Engineer Dempf said yes, and he thought that what we estimated is that the whole connection is worth about \$200 or \$220 by the time we get done. Supervisor Dolin said so this is not to exceed \$32,000. Attorney Naughton suggested adding after Bader Meter "plus associate hardware."

RESOLUTION 2015-116

WHEREAS, the Town of New Scotland, Albany County, New York (the "Town"), utilizes water meters manufactured by Badger Meter, Inc., in all 6 water districts in the Town; the Town has deployed approximately 600 Badger meters and remote read heads and also maintains an ample supply of replacement meters and repairs parts; the Town also has purchased the ORION equipment from Badger to remotely read the water meters and the computer program to produce bills from the meter readings; and

WHEREAS, on April 10, 2013, the Town Board determined, by Resolution # 13-84, to standardize all water meter equipment because it would be inefficient and uneconomical to purchase a different make of water meters; and

WHEREAS, water meters are needed for the New Salem Water District, and it is desirable to purchase water meters of the same make as the ones presently owned by the Town

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of New Scotland in regular session duly convened as follows: for reasons of efficiency and economy and pursuant to the authority conferred by subdivision 5 of section 103 of the General Municipal Law, it is determined by the Town Board that there is a need for standardization in the purchase of water meters for use by the Town; and, therefore, the Water Department be, and hereby is, authorized to contract for the purchase of 140 water meters manufactured by Badger Meter, Inc., plus associated hardware, for a total of \$32,000.00.

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A motion by Member Dolin, seconded by Member LaGrange, to adopt Resolution No. 116 of 2015.

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

16. Discuss financing the 2015 purchase of a Highway Department dump truck via a Statutory Installment Bond in an amount not to exceed \$191,600

Supervisor Dolin asked for guidance and approval to have prepared on our behalf by bond counsel a statutory installation bond not to exceed \$191,600. This is to finance the purchase of the new Highway Department dump truck which has been contracted and ordered but won't be here until July or August. Highway Superintendent Guyer said that once the truck is done it will be shipped to Arrowhead Equipment to be outfitted with a plow, wing, dump box, etc. Supervisor Dolin said that we financed the last truck we purchased in 2013. We did the same thing. We financed it with a statutory installment bond for five years. Supervisor Dolin asked for authority to have this bond drafted and ready for the June meeting.

RESOLUTION 2015-117

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland request preparation by bond counsel of a statutory installment bond in an amount not to exceed \$191,600 for the purpose of financing the purchase of a Highway Department dump truck.

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

Supervisor Dolin advised that a statutory installment bond is cheaper than financing it by BANs, which we used to do because the BANs have to be renewed each year with a legal expense involved.

17. Engineering:

- **Stantec Engineering- recommendation re: payment Application #6, Contract 1 (Casale) New Salem Water District**

The Board has an application before them prepared by Stantec Inc., in connection with the New Salem Water District. The latest request is a payment to Casale Construction Company. The request is for \$145,613.08. This is our payment of the master contract we have with Casale for the installation of the water district infrastructure. It's been prepared and certified by Stantec. Engineer Dempf said that obviously the tank is 100% constructed, but it's still not tested or disinfected. Out of the 18,000 lineal feet of pipe on the job, there are about 100 feet left to go. We've paid the contractor for approximately 64% of the overall job. They have a significant amount of work to do on the service connections, and they have zero payment on the long connections. Engineer Dempf said that even though they have 18,000 feet of pipe in, we have only paid them 75% of the value of that pipe because there are three important tasks that need to be completed: the pressure testing, the disinfection, and the restoration of the area. That is why we've withheld 25% of the pipe. As we move along, some of those numbers will change, but that's where it stands right now. Supervisor Dolin said that this is part of the bills to be paid tonight, but just to formalize it he will offer a resolution.

RESOLUTION 2015-118

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland pay Casale Construction Services, Inc., a sum of \$141,613.08. This is documented in Voucher 20150615 dated May 8, 2015, and it is vendor's invoice #6.

Councilperson LaGrange seconded the motion.

Councilperson Snyder had a couple of questions from homeowners about the restoration because it's still kind of messed up. Councilperson Snyder said, "So it is not going to remain that way intentionally?" Engineer Dempf said that that is the intention of the 25% in addition to the 5% retainage that we hold

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normally. Highway Superintendent Guyer said that they've only backfilled the project. There has been no restoration. You may see hay blown over these areas but for erosion control. There has been no restoration at all. Councilperson Hennessy asked if there is any consideration that the contractor and Stantec can give in areas where the work is complete that they do some of the restoration now. Engineer Dempf said that we are trying. We are communicating the concern and making sure they understand that part of our concern deals with 25% withholding on pipe installation. Councilperson Hennessy asked that if the grass doesn't grow by October, how do we deal with the contractor? Engineer Dempf said that that is always the painful part of the project. We hope that money is an incentive.

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

Engineer Dempf said he told the Board he would come to them at every meeting to make sure they understood his understanding of the finances with respect to inspection and following the contractor. As he mentioned, they've been paid about 64% of the job. As far as the engineering and inspection, they've expended 73% of the budget. Engineer Dempf updated through today our May projection. In inspections, we have expended about \$5,500 versus the original estimate of \$12,600 plus \$9,400. They are not doing the overtime we expected they would. Engineer Dempf added that he told the Board he would keep them abreast of what is happening. As of today, in the inspection budget there is approximately \$34,000 left including what was approved last month. If we go to an accelerated burn rate, we look like we might be about \$5,600 over budget. That's a projection. We did another project along the same line. If the contractor works overtime and out of the contract in July, we would be \$41,000 over budget on the inspection and engineering side if he burns through the month of July if he is allowed to go beyond the project date which is the end of June. We have impressed upon him that after tonight's meeting the Town Board will be expecting from him a schedule on his completion based on the fact that we made a payment in good faith. Engineer Dempf said he will be passing that message to the contractor tomorrow.

18. Highway Department:

• **2015 Agreement for Expenditure of Highway Moneys**

Highway Superintendent Guyer prepared his annual agreement for expenditure of Highway Moneys. This is basically our road paving list. According to his estimates, he has enough to do the roads listed. Some of them are complete roads and some are bits and pieces and continuations from the year before. We have a lot of long roads, and we are forced to split them up. Councilperson LaGrange asked if the price has come down at all on asphalt. Highway Superintendent Guyer said that asphalt went up. He then explained the process. The majority of the asphalt is type 6. From last year's Albany County bid, it went up from \$51 a ton to \$53. Councilperson LaGrange mentioned roads like Clipp where Highway Superintendent Guyer has concerns because we are getting down to the base. Highway Superintendent Guyer said that we are, and if we don't catch them we will lose them. Councilperson LaGrange asked if we are forced to use the binder for roads like that. Highway Superintendent Guyer said that we use the binder. Binder as a base is cheaper, but you can't use it everywhere. Councilperson Hennessy noted that this is a 4% increase which doesn't help our 2% tax cap issue. Supervisor Dolin was curious about the price of oil. Councilperson Hennessy said that with the state mandates that we have, we sometimes can't live within them all the time. Supervisor Dolin asked, "Beyond that, when were these bids?" Highway Superintendent Guyer said that we don't do our bids anymore. We do a cooperative bid, and we're allowed piggyback on anything. Instead of piggybacking, we joined forces with Albany County along with other municipalities, so we are bidding on larger quantities. The Albany County bid is a much better bid on asphalt than we've had in the past, but it did go up \$2 per ton on the type 6. Supervisor Dolin said that it doesn't make sense based on what you read in the paper. The price of oil, which is the main product, has gone down. He asked when they went out to bid. Highway Superintendent Guyer said that it just came out this week. Councilperson LaGrange asked how many tons it takes to do this. Highway Superintendent Guyer said that we'll probably put down 7,000 tons of blacktop which will do 4-1/2 to 5 miles. Councilperson LaGrange wanted to gain some reference. Highway Superintendent Guyer advised that the town has 80 miles of road. About 71 miles are paved, and about 9 miles are dirt. Supervisor Dolin stated that it will then be 15 to 20 years before they get repaved again. Councilperson LaGrange noted that this is within the budget from last fall and doesn't include CHIPS money we may get. Highway Superintendent Guyer advised that our CHIPS money is in here. In late March, we get an unofficial notice regarding CHIPS, and in late April we receive our official letter stating what we are getting. Councilperson Snyder thought that there was also a second amount of recovery money. Highway Superintendent Guyer said that that is in here as well. This is the second year we saw the winter recovery money. This is the money that we budgeted along with the CHIPS allocation and the

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winter recovery. Attorney Naughton said that that would affect our 4% in terms of what the budget is. Councilperson Hennessy said that you could argue that we are just getting less for the buck. Highway Superintendent Guyer said that we're not going to spend any more, but we are going to get less done. Councilperson LaGrange summarized, saying that it's like \$90,000 a mile. Highway Superintendent Guyer said that it is, depending on what's underneath. Councilperson LaGrange felt that it was good to have that figure in mind when residents ask why we aren't paving their roads. With installing water, it's a million a mile roughly, and to repave the roads we're talking \$90,000 a mile.

Supervisor Dolin advised that State law requires that we enter into an agreement with the Highway Superintendent providing for which roads will be repaved during 2015. The Board has before them a list of the roads.

RESOLUTION 2015-119

Councilperson LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland enter into a 2015 agreement for the Expenditure of Highway Moneys between the Highway Superintendent of the Town of New Scotland and the Town Board of the Town of New Scotland.

Councilperson Mackay seconded the motion.

Councilperson LaGrange said that the Board received an email from a resident regarding chipped roads. He then asked the Highway Superintendent to explain the difference between that and a paved road. Highway Superintendent Guyer said that a chipped road is a dirt road with a protective seal coating over it. Some call it oil and stone. The email asked that we not pave Woods Hill Road because they feel it's in better condition than other chipped roads. Highway Superintendent Guyer said that it's down to the point where it appears to be a chipped road, but it is a paved road. Councilperson LaGrange asked if it's worse than a second on Clipp and Diamond Hill Road. Highway Superintendent Guyer said that in regard to the far end of Clipp Road, no. Highway Superintendent Guyer said that if you do the math he is down to a small pot of money left, and he had to determine where he could utilize this money in this size job. Clipp is a long stretch. You're talking a \$90,000 project. When he got down to \$15,000, he had to decide what to do with it. He said that there's a rhyme and a reason to all of this. We try to complete projects so they don't drag out. Clipp Road is the longest road in the town, and that's why we break it down into sections.

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

• **Highway employee R. Quick- 6 month review**

Highway Superintendent advised that we hired Mr. Quick in November. He will be with us for six months on Mar 24, 2015. He has worked out very well. He came in with a license. He is current at step 2 of his class, and Highway Superintendent Guyer has proposed to bump him to step 3 after completing his six months. He currently makes \$17.17 per hour, and the next step is \$18.46. Councilperson Mackay asked if this is Mr. Quick's first raise. Highway Superintendent Guyer said that it is with the exception of the COLA in January which everyone got.

RESOLUTION 2015-120

Councilperson LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland does hereby authorize the Highway Superintendent to, after a six month time period and review, raise Robert Quick from step 2 to step 3 in the 2015 Town of New Scotland Salary Scale for an Equipment Operator 1 with a Class A license from \$17.17 per hour to \$18.46 per hour.

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

• **Swift Road Park soccer fence update**

Highway Superintendent Guyer reported that back in the fall we met with some fence companies at the Swift Road Park and had a discussion about a fence for the lower end of the soccer field. We obtained quotes but put it aside while we worked on the park plans. Since we decided against some of those renovations, Highway Superintendent Guyer wanted to discuss the fence again. We had three quotes,

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and it comes down to a linear foot price. Supervisor Dolin said that Haley Bros., Inc., is the cheapest at \$3,850. They've done work for us before, and they are currently wrapping up the dugout project. We've had good luck working with them. Supervisor Dolin asked for input from the Board as far as color. Highway Superintendent Guyer said that the black was suggested, and the price may go up with other colors. The bottom height of the fence was discussed. Highway Superintendent Guyer advised that he is looking for ease of maintenance.

RESOLUTION 2015-121

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland does hereby accept the low bid from Haley Bros., Inc., for \$3,850 for the installation of 324 feet of 5-foot high, 9-gauge black vinyl system chain-link fencing and that the Town enter into an agreement with Haley Bros., Inc., and

It is further resolved, that the Supervisor be authorized to sign such an agreement, and that the agreement be formatted in the standard contractual form.

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

- **Discuss seasonal hires**

Highway Superintendent Guyer will discuss this next month.

- **Dogs in the Park**

Highway Superintendent Guyer spoke to Delmar Sign, who lettered our animal control van to inquire about changing the wording. We had discussed trying to channel the public's perspective of animal control and funnel it toward dangerous dogs, which is what Ag & Markets requires. Highway Superintendent Guyer wanted to change on the title on the new website as well to say Dog Control or Dog Control Officer. Highway Superintendent Guyer spoke with Delmar Sign about removing the words "Animal Control" and put something else like "Dog Control Officers." Delmar Sign can do it, and it would run about \$300. Highway Superintendent Guyer said we that are trying to get away from calls for bats, skunks, chipmunks, etc. In his mind, that is pest control. Highway Superintendent Guyer added that he is trying to cut down on what the Animal Control Officers do. They are busy, and that increases in the summer. We've dealt with multiple dog bites already. Highway Superintendent Guyer advised that, according to Ag & Markets, if a homeowner traps something they can move it or relocate it. Highway Superintendent Guyer didn't think the town could do that with certain animals. Highway Superintendent Guyer asked if the Board was interested in changing the wording on the van. Councilperson LaGrange said that it had been discussed before because of the extra time it was taking, and there was a request for increased salaries. At that time, Highway Superintendent Guyer and Councilperson LaGrange reviewed the duties. Highway Superintendent Guyer said that we want to help the residents out, but there are a lot of things we can cut down on. We need to increase their salary or decrease some of the extras. Councilperson Snyder asked if we are required to do this under town law. Highway Superintendent Guyer said that no, NYS Ag & Markets requires us to attend to dangerous dogs and that's it. Supervisor Dolin said that the problem we have is a local law that requires enforcement of dogs on leashes. Highway Superintendent Guyer said that that's still dogs. Councilperson Snyder said that we focus on dogs, but we've tried to help out with other undomesticated animals. Highway Superintendent Guyer said that that was correct. We used to do this, but as time goes on there is more to do and less to do it with. We are trying to refocus. Supervisor Dolin asked if we are still taking care of the Village. Highway Superintendent Guyer said that we are. Town Clerk Deschenes said that that's just for dangerous dogs. The Village has their own Dog Control Officer, but they don't do dangerous dogs. Supervisor Dolin said that he was trying to figure out who enforces their leash law. Highway Superintendent Guyer said that if you read their resolution, we do. Highway Superintendent Guyer again reiterated that it's about \$300 if we want to change the sign on the van. Supervisor Dolin asked for suggestions. Councilperson LaGrange said Dog Control Officer makes sense. Supervisor Dolin said that it would certainly send the message that we limit our assistance to dogs. Councilperson Hennessy noted that we appointed Mr. Schenmeyer as Dog Warden. Supervisor Dolin said that it should be Animal Control Officer. He added that there is no such thing. Highway Superintendent Guyer said that there is a civil service Dog Warden. Supervisor Dolin said that historically it was an Animal Control officer, and it was not limited to dogs. That was asking a lot and it can double or triple your calls. Highway Superintendent Guyer agreed, adding that there were fewer calls years ago. Things have grown, and there are more dogs out and about. Councilperson Snyder said that whatever we do we should be

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consistent with the website and the vehicle. Attorney Naughton said that what Highway Superintendent Guyer is looking for is authorization to spend up to \$300 to change the signage on the truck. Supervisor Dolin said that he can spend up to \$1,000 on his own. Highway Superintendent Guyer said, "I am looking for some suggestions if this is the direction the Board wants to go. If you don't want to, it stays 'Animal Control' on the side of the van." Supervisor Dolin said that he thought it was a good idea. Councilperson Snyder asked how we respond to somebody calling about a raccoon today, and will it change a month from now in our response. Highway Superintendent Guyer said that they answer every call they get, but if it's something like a skunk we now tell them that that's not what we do. You need a wild life or pest control company for those matters. Highway Superintendent Guyer said that years ago they did things like that. Councilperson Snyder said that she's just trying to understand if functionally anything has changed. Highway Superintendent Guyer said that now they suggest calling a pest control officer. Supervisor Dolin asked if we have any reference from Guilderland or Bethlehem as to what it says on their van. Supervisor Dolin suggested investigating that. Highway Superintendent Guyer asked if the Board wants to change the wording. Councilperson LaGrange said yes. Councilperson Hennessy agreed but didn't know the verbiage. Supervisor Dolin thought we had to because we are misleading the public by saying "animal." In response to Councilperson Snyder's question, Highway Superintendent Guyer said that if you called me tonight I would tell you that that's not what we do. Councilperson Snyder said that that is what you would have told me a year ago. Highway Superintendent Guyer said a year ago we may have done it, but we are trying to stop doing that.

RESOLUTION 2015-

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland from this time forward authorizes the Dog Wardens to restrict their assistance to problems involving dogs and they not be required to respond to requests for assistance for anything other than dogs.

Councilperson Snyder asked if we needed to have a resolution and wasn't that functionally the way the law reads now? Supervisor Dolin said he didn't know, but we should clear the record. Highway Superintendent Guyer said that the law says this is what we have to provide; it doesn't say this is all you can provide. Supervisor Dolin said that there is a dangerous dog problem, and then there is the leash law. There are two different laws we are enforcing. A dog may not be dangerous, but if it's unleashed it's a violation, so we want to be able to enforce that. It's not just dangerous dogs. Highway Superintendent Guyer said that what he and Councilperson Snyder were talking about was nuisance wildlife. Supervisor Dolin said that he's trying to eliminate that. He then asked if he was clear. Councilperson Snyder said that he was clear but she was concerned. Supervisor Dolin said that in terms of expenditures by the town, we have to try and limit what we can do in this regard. If we are going to have a policy where we are going to respond to any animal, then we're going to be faced with budgetary issues. Councilperson Snyder said that it sounded to her as if we take care of dangerous dogs and as a courtesy, depending on availability, we attend to other situations. Highway Superintendent Guyer said that historically we have. Councilperson Snyder asked if this would be change. Supervisor Dolin agreed. Highway Superintendent Guyer said that during the past year we have been slowly funneling this down. Councilperson Snyder said that she thought that as a town it's nice to be able to offer, depending on availability, some assistance with non-domestic wildlife. Highway Superintendent Guyer said that we are going to run into budgetary issues. Councilperson Snyder then stated that we have been doing it. Highway Superintendent Guyer said that the Officers have also come to us for more money. Councilperson Hennessy suggested discussing this for a month and come to a conclusion next month. Supervisor Dolin said that as Highway Superintendent Guyer just reiterated, there have been some informal requests from the current employees for a salary increase. Highway Superintendent Guyer said that they put in a lot of time for what they get paid. Supervisor Dolin asked if 50% is spent on dog and the rest for other animals. Highway Superintendent Guyer said just the dogs alone during the summer soak up a lot of time. That's why they asked for more money, and Highway Superintendent Guyer told them for starters to concentrate on what we are required to do. It also limits our exposure. Supervisor Dolin said that he was concerned about rabid wild animals.

Councilperson LaGrange agreed. Supervisor Dolin suggested thinking about it more for the next meeting. The Board agreed. Supervisor Dolin felt that we needed a formal policy. Highway Superintendent Guyer also noted that according to Ag & Markets we have 24 hours to respond to a call. Our employees respond right away. Some of our neighboring towns work from 7AM-4PM. If you call in the evening, he will respond in the morning. Councilperson Snyder asked if they are responding within 24 hours but not immediately. Town Clerk Deschenes added that sometimes the Sheriff will call us in because another town doesn't respond. We should be looking to see what other towns are doing.

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Highway Superintendent Guyer said that if you recall about a year ago we got ourselves in a jam. The Town of Berne had an incident and the sheriff could not get a hold of their animal control, so they called us. They know that Dog Control Officer Schenmeyer always answers his phone. They use that to their advantage. With the incident in Berne, the dog went to the pound, and it created a big issue. Supervisor Dolin had to contact Supervisor Crosier about who would pay the shelter bill. Supervisor Dolin offered to withdraw his resolution and postpone this until the June meeting.

18A Request from the Town Planning Board to Act as Lead Agency

Supervisor Dolin had a request from the Planning Board to act as Lead Agency in connection with the SEQR for our proposed solar operation. Planning Board Chairperson Voss said that they would be willing to be the Lead Agency if we don't want to be. Supervisor Dolin felt that we should let them do it. Councilperson Hennessy said that we would still be an involved agency. Attorney Naughton said that this is for the Enlighten Project at 49 Winne Road. We need a resolution consenting to the Planning Board's request to act as Lead Agency under SEQR for the solar project and authorizing the Supervisor to sign it.

RESOLUTION 2015-122

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town of New Scotland consents to the Planning Board's request for Lead Agency status in the SEQRA review and authorizes the Supervisor to sign it.

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

Fiber Optic Line in Albany County's right-of-way

Highway Superintendent Guyer wanted to let the Board know that he and Engineer Dempf met with a gentleman from US Sprint. He takes care of the Northeast for the fiber optic line that runs from Albany to Rochester which is buried in Albany County's right-of-way on the rail line. Highway Superintendent Guyer said that Mrs. Cade notified us of the incline on the trail. We met with him, and lowering the grade is a doable project. The fiber optic line can be lower. Engineer Dempf will need to produce a profile of the acceptable site distances. If we can't meet the standards, US Sprint said that there is no sense of doing it at all. Engineer Dempf is figuring out how low we have to drop the crossing to meet those limits. That plan will then go to US Sprint so they know where the wire is and how low they will have to drop it. He will send the plan to the excavation department, and they will come back with a price. The price will come to us, and we will go from there. We are actively working on it. Councilperson Hennessy asked how much they are going to excavate. Highway Superintendent Guyer said that where the line goes under Hilton Road it comes off the rail bed about 20 feet, and it's in a black iron pipe. What comes off the road can all be used as slack to lower the line. They would excavate down the rail bed and, depending on how low it has to go, would determine how far back it has to be tapered in each direction on the right-of-way. Attorney Naughton said that we would need the County's consent too. Engineer Dempf said that actually the railroad still owns the rail bed. Highway Superintendent Guyer said that Sprint brought up some interesting facts about the project. As far as our crossing is concerned, it is doable, and we are actively working on it. Councilperson Hennessy asked what determines the grade. Is it a bike trail drop as well as the road? Highway Superintendent Guyer said that his concern is the road. Councilperson Hennessy asked if the Rail Trail will be what it is. Councilperson Hennessy asked if we need site distance across. Engineer Dempf said that we do need it; that is what we are talking about. Councilperson LaGrange said that there is some allowance for the money proposed to help remedy that situation from Garrison. Attorney Naughton advised that they accelerated the payments.

19. Liaison Reports

Well Water Protection Act

Councilperson LaGrange advised that the Well Water Protection Act which we support for Albany County passed unanimously. Councilperson LaGrange added that Legislator Reilly is going to propose a further amendment to that which addresses municipal water supplies. There is solid support for that. It came up in discussions, but they didn't want to hesitate with the residential well water protection. That is being prepared now and will hopefully be introduced soon.

NationalGrid Open House

Councilperson Mackay advised that NationalGrid will be holding an open house on June 3 at the

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Westmere Fire Hall. Details will be posted on the website. This is relating to the NationalGrid proposal for new alternating current transmission lines through a significant part of Albany County including the rights-of-way in Guilderland, New Scotland, and Bethlehem. Where things stand at the state level is that there is a technical proceeding scheduled for July 20 where the State Public Service Commission will be re-examining the underlying need for this expanded transmission capacity which has been challenged by a number of municipalities. This is one of four projects, three of which affect the town. This one utility, NationalGrid, is holding an open house.

School Elections

Councilperson Snyder urged everyone to vote on May 19 on the School budget and Board elections.

20. Departmental Monthly Reports:

- **Town Clerk, April 2015**
- **Tax Collector, March 2015**
- **Registrar, April 2015**
- **Justice Wukitsch, March & April 2015**

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

Claire Ansbor-Ingalls and Dawn Gibson attended the meeting as representatives of Kenneth's Army which is a group that was formed in memory of Kenneth White, the boy who was murdered. They are holding a motorcycle run in his memory on June 6, 2015, in Thacher Park. The run will be coming through New Scotland. They anticipate 300 bikers. Mrs. Ansbor-Ingalls said that they are asking for support by showing up at the run. They are doing a press conference and would like someone to come and speak. Mrs. Ansbor-Ingalls said that they are not asking for money, they are asking for support. The money that is raised will be going to a Berne-Knox-Westerlo student who will pursue their education in social services. The family is not getting any money. There will also be a donation made to the girls' trust fund. They are also doing a memorial garden in the Knox Town Park in memory of Kenny. They also donate to Albany Medical Center occasionally in his memory.

22. Pay the Bills

RESOLUTION 2015-123

Supervisor Dolin offered the following resolution and moved its adoption:

RESOLVED, that the Town Board does approve the following:

Pay the Bills		
Abstract #	Vouchers	Amount
1152	20150492-20150615	\$587,306.31
Prepays or Three signatures		
Vouchers	Amount	
1147	20150472-20150475	\$,7098.94
1148	20150476-20150483	\$4,905.46
1149	20150484-20150486	\$1,434.47
1150	20150487-20150489	\$34,495.98
1151	20150490-20150491	\$1,296.69

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

23. Approve any Budget Modifications

RESOLUTION 2015-124

Supervisor Dolin offered the following resolution 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
Contingency	A1990.4	DPW/equipment	A1490.2	\$1,020.00
To appropriate money from Contingency to DPW/equipment for amount over budget for purchase of desk, 3 chairs and filing cabinet.				

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Fund Balance	DB0909	DB/equipment	DB5130.2	\$37,806.72
To appropriate money from Fund Balance to equipment for purchase of skid steer.				
Fund Balance	FN0909	Fiscal Agent Fees	FN1380.4	\$135.00
To appropriate money from Fund Balance to fiscal agent fees for amount over budget.				
Metered water sales	WCC2140	Water Admin./Contr.	WCC8310.4	\$1,000.00
To increase both revenue and expenditures for new district not budgeted.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2015 budget as stated above				

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

24. Adjourn

Supervisor Dolin made a motion to adjourn and seconded by Councilperson Mackay. The meeting adjourned at 9:30 PM.

Diane R. Deschenes, Town Clerk