The following Town Officials were in attendance:

Supervisor: Douglas LaGrange  Left at 7:00 PM
Councilperson: Patricia Snyder  Adam Greenberg  Daniel Leinung  William Hennessy
Highway Superintendent: Kenneth Guyer
Engineer: Garrett Frueh
Town Attorney: Michael Naughton
Town Clerk: Diane Deschenes

1. **Call to Order**
   Supervisor LaGrange called the meeting to order at 6:30 PM.

2. **Pledge of Allegiance**

5. **Request to set hourly wage for new highway department employee Michael VanKampen, Equipment Operator 1, at $16.52 per hour (step 1) and authorizing an adjustment, upon obtaining his CDL, to $17.88 per hour (step 2).**

   Supervisor LaGrange advised that Highway Superintendent Guyer has found a replacement, Michael VanKampen, for the highway employee who left. He would like to start him as an Equipment Operator at $16.52 per hour, that is step 1 on the salary scale, and authorize an adjustment upon obtaining his CDL to $17.88 per hour. He feels that’s probably going to be about six months by the time he gets training and gets started. George Ward was at the high end of this particular salary scale. He was a level 5 so we are well within budget.

   **Resolution 2019-125**
   Supervisor LaGrange offered the following resolution and moved its adoption:

   **RESOLVED**, that the Town Board of the Town of New Scotland does hereby set the hourly wage for new highway department employee Michael VanKampen, Equipment Operator 1, at $16.52 per hour (step 1) and authorize an adjustment upon obtaining his CDL to $17.88 per hour (step 2).

   Seconded by Councilperson Greenberg.

   Councilperson Leinung asked if we can do that conditionally so we don’t have to come back and reapprove that. Supervisor LaGrange said that’s at his discretion.

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

6. **Discussion/Action re: extending time period in which court clerk may work additional hours if needed, per resolution 2019-103 as amended.**

   Supervisor LaGrange advised that we hoped to have a court clerk but we do not yet. Justice Johnson asked that we extend Mrs. Thompson up to another 30 days of working up to 40 hours. Attorney Naughton said that that would all be subject to the same terms of the resolution that was passed. Supervisor LaGrange said that it would be an extension of the resolution passed at our last meeting. Attorney Naughton said that it was a special meeting about 30 days ago.

   **Resolution 2019-126**
   Supervisor LaGrange offered the following resolution and moved its adoption:

   **RESOLVED**, that the Town Board of the Town of New Scotland does hereby amend Resolution 2019-103 as amended to extend Mrs. Thompson up to another 30 days of working up to 40 hours.

   Seconded by Councilperson Leinung. All present and voting, the motion carried (5 Ayes).
8. Standard Work Day and Reporting Resolution re: Assessor Michael McGuire
Supervisor LaGrange advised that this is for Assessor Michael McGuire. He kept track of his hours as we all have.

Resolution 2019-127
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby establish standard workday hours for the Assessor Michael McGuire as outlined:

BE IT RESOLVED, that the Town Board of the Town of New Scotland hereby established the following standard work days for these rates with respect to the Assessor Michael McGuire:

Title: Elected Officials: New Scotland Supervisor
Standard Work Day: 40 hours
Min. 8 hrs Max. 9 hrs
Name: Record of Activities
Social Security Number: (Last 4 digits)
NYS/PS ID:
Tier 1 (Check only if member of Tier 1)
Current Term Begin & End Dates: (mm/dd/yyyy-mm/dd/yyyy)
Record of Activities Result: *
Net Submitted: (Check only if official did not submit their Record of Activities)

Elected Officials:

Appointed Officials:

Assessor 1 Michael McGuire xxxx xxxxxxxx79 11/01/18-07/31/19 0.29

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

9. Discussion/Action re: Lease Agreement by and between Town of New Scotland, Village of Voorheesville, and County of Albany Sheriff’s Department for the old Voorheesville Area Ambulance Building in the Village of Voorheesville.
Attorney Naughton said that the history of this is that we approved a lease with the County with respect to the VAA building. After that occurred the County made further revisions. We had a meeting with the County representatives and the Village and proposed a revised lease form that adjusted some of the provisions that the county wanted changes on. We then presented that to the County. After some time we had another meeting with Thomas Marcelle who was representing the County. He made some very minor changes one of which was in our favor with respect to defining what a major repair is for certain scopes of work like roofing and plumbing. That was changed from a $2,000 threshold to a $2,500 threshold. Over $2,500, that would be the landlord’s responsibility to take care of. He recommended that the Board approve the lease form and authorize the Supervisor to sign it.

Resolution 2019-128
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby enter into the lease agreement between the Town of New Scotland and the Village of Voorheesville, landlords, with the Albany County Sheriff’s Department, tenant, for the old Voorheesville Area Ambulance Building in the Village of Voorheesville and authorize the Supervisor to sign it.

Seconded by Councilperson Greenberg.

Councilperson Snyder asked when the lease starts? Is it retroactive? Is says January 19, 2019. Attorney Naughton said that the effective date will be now. No one is going to ask us for money for things that have already been done. Councilperson Snyder said that she’s just trying to clean up loose ends. Attorney Naughton said that we don’t get any rent from them. Councilperson Greenberg asked if the County still has to pass it? Attorney Naughton agreed that the County has to pass it and the Village has to approve it. Supervisor LaGrange added that it will be June 1st. Attorney Naughton said that the effective date will be when everyone passes and signs it. Councilperson Snyder said so it will not be January 1st? When would we know that? Would Attorney Naughton be the contact? Attorney Naughton
said that they will email him and he will let the Board know. Supervisor LaGrange said that he would amend his resolution:

**Resolution 2019-128 Amended**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby enter into a lease agreement between the Town of New Scotland and the Village of Voorheesville, landlords, with the Albany County Sheriff’s Department, tenant, for the old Voorheesville Area Ambulance Building in the Village of Voorheesville and authorizes the Supervisor to sign it.

The effective date will be changed to “after passage by all parties.”

Seconded by Councilperson Greenberg.

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

Councilperson Snyder asked if the lease is five years from the date that all parties sign? Attorney Naughton said that the effective date is a defined term in there, so yes the term will run from the effective date. Councilperson Snyder said that the lease will really go until June or so five years from now. Attorney Naughton agreed.

4. **Krumkill Road Corrective Maintenance FHWA project:**

- **Action re:** Stantec Engineering Supplemental #1 adding Construction and Inspection services to the Agreement for Preliminary Engineering and Design on the Krumkill Road Corrective Maintenance Improvements FHWA project

Highway Superintendent Guyer said that we need a resolution authorizing Stantec to complete the Construction Inspection on the Krumkill Road job. All the money for the inspection has been approved. It is in the project. It’s all accounted for in there. Supervisor LaGrange asked if this is a new agreement for the next phase? We haven’t approved this yet. Highway Superintendent Guyer agreed. The previous agreement was for the engineering behind it. This is for construction inspection.

**Resolution 2019-129**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby enter into the Construction Inspection Supplement Agreement #1 with Stantec Consulting Services for the Krumkill Road maintenance improvements from Font Grove Road to the Normanskill bridge and authorizes the Supervisor to sign it.

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

- **Bid results and award recommendations re:** Krumkill Rd. FHWA Project

Highway Superintendent Guyer said that next is the bid result from last Thursday’s bid opening for the construction portion of the Krumkill Road project. Six packets went out from prospective bidders, and three bids came back in. All three bids were over the projected amount. Supervisor LaGrange asked if Highway Superintendent Guyer spoke to DOT. Highway Superintendent Guyer said that he did, and Mr. Johns went through the bids checking them out to see what was higher here and what was higher there. Stantec is recommending the low bid in this, Prime Highway Contractor, which is roughly $50,000 above the estimated cost. Highway Superintendent Guyer spoke with DOT. They said there was no issue on payment. That was of course over the phone. They have all of the paperwork and they are reviewing it now. Our percentage won’t change, but the amount will change. Of the roughly $50,000, 5% will be ours. So what we amended last month will have to be amended again which puts us at about $20,000 for the project. That’s an extra $2,500. Councilperson Hennessy said that the engineer for Stantec, Mr. Johns, reviewed the bids. Did he also review the qualifications to make sure they were the lowest qualified bidders also? High Superintendent Guyer replied that he did. Councilperson Hennessy asked if they are providing us a letter for that or are they just stating it? Highway Superintendent Guyer said that he didn’t believe he received a letter on that. Councilperson Hennessy said that with a contract for this amount we might want to have that. Supervisor LaGrange asked if Mr. Johns sent Highway Superintendent Guyer a letter amending the bid? Highway Superintendent Guyer
said that he didn’t think that’s what Councilperson Hennessy was asking for. Councilperson Hennessy said that he’s not familiar with this company, and he was just curious if Stantec had worked with them.

Highway Superintendent Guyer said that Stantec has worked with them on DOT projects before. Are we asking for a letter from Stantec? Councilperson Hennessy said that it should be in the file that they recommended the contractor. Highway Superintendent Guyer said that we do have that. There is a whole packet and it explains that. Supervisor LaGrange said that it made us pause when we opened the bids and this was so much lower than the others. We asked Mr. Johns and he said that they’ve worked with them so that was reassuring. Highway Superintendent Guyer said that Stantec said that they had a decent relationship in the past with Prime Highway. Councilperson Snyder asked where they are from.

Highway Superintendent Guyer thought it was Cohoes or Green Island. They are here in the Capital District. Councilperson Snyder asked if Highway Superintendent Guyer has seen them around. Highway Superintendent Guyer replied that he had not seen them around here.

Councilperson Greenberg asked if they went through the contract and compared it with other companies? Did they also compare with their estimates? It was $50,000 over. Highway Superintendent Guyer said that Stantec’s estimate came from a book that the State puts out. The overages were in traffic control, grubbing, and waste disposals (spoils, dirt that is dug out of the road for underground stuff). There was something else; there were like four areas where they were over the estimate which accounted for the difference. He can send Councilperson Hennessy that whole packet; it wasn’t in the attachment. He will send that around tomorrow. Councilperson Hennessy said that he didn’t really need it.

Highway Superintendent Guyer said that all of that material went to DOT already. Councilperson Greenberg asked if we should get something from DOT in writing saying that they are covering it? Highway Superintendent Guyer said that we will, but we don’t have it yet. He spoke with Mr. Johns today and we thought it best if the resolution states that we accept Prime Highway Contractor as low bidder for the Krumkill Road project. Attorney Naughton added “subject to the receipt of a DOT letter confirming that they will cover the funding.” Highway Superintendent Guyer agreed, saying that he and Mr. Johns thought that that would be best way for the resolution to read. If not, then the Board will have to rethink the project and where we go from here. Speaking with DOT on the phone, they didn’t think it was any issue at all.

Attorney Naughton said that Superintendent Guyer will have to come back with a revised contract from DOT before this can really start. Is that how it’s going to work? Highway Superintendent Guyer said that last month when we had the exhibit A with the dollar amounts, he’s sure there will be a new one. Councilperson Greenberg said that the point of this special meeting was to get Krumkill going. Attorney Naughton added that we can’t get it going without the DOT. Councilperson Greenberg said that we’re not going until our next meeting anyway. Highway Superintendent Guyer asked if we could accept the bid? Attorney Naughton said that it’s got to be conditioned. Supervisor LaGrange said that that’s fine.

Councilperson Leinung asked if they still can’t do the work until we approve the new contract? Attorney Naughton agreed. Councilperson Greenberg asked if there is a way to condition that where they could start the work. We know the numbers are 5% higher. Attorney Naughton said that he didn’t think we could. The only thing that is hanging us up would be for DOT to create that paperwork and send it over. You could have a quick special meeting just to approve that revised contract. Really this award of the contract is going to be hung up until we have DOT’s written sign-off. Supervisor LaGrange asked if we do it conditionally? Attorney Naughton said that we are still going to have to approve the DOT revised contract. Councilperson Greenberg said that we can’t do it based on the number we have. If the contract comes in at the overage and it’s approved by DOT we commit those dollar funds. Attorney Naughton said that we could approve it as an addendum that the contract previously agreed to would be increased by $50,000. Councilperson Greenberg added “and an up-to of $2,500 for us.” Attorney Naughton said that that’s already in there. It wouldn’t be the cleanest way, but otherwise the next meeting would be simply that you’ve had the discussion and you are formally awarding the contract to this lowest bidder and approving the contract with DOT as amended. It’s just kind of a weird thing to award a contract when we don’t know the funding part is all squared away. He doesn’t see any reason to have any further discussion. We can have a quick special meeting when you get that paperwork. He would say that it’s probably cleaner to do it at the same time. Supervisor LaGrange said that that would be to award the bid and approve the contract with DOT. Attorney Naughton asked whether DOT is going to require that we have this bid awarded first. Highway Superintendent Guyer said that he didn’t know that. Councilperson Greenberg said that they didn’t require it before. Highway Superintendent Guyer said that we didn’t even have one at that point. Attorney Naughton said that that’s what he would recommend. Do it all at once when we have that paperwork. We have a record now of what we’re doing. Supervisor LaGrange said that if everyone is in...
agreement, it only takes three of us to get together and accept it. There were no objections.

Thomas Hart said that he’s done this with other towns before where they expressed not exceeding the value you anticipate so that you could have one person authorized to sign that. Attorney Naughton said that this is a DOT contract and they have to have five copies of it signed. It’s a little bit more formal. Supervisor LaGrange said that he thinks we can get three of us together quickly. Let see what we have.

Highway Superintendent Guyer said that he would email DOT first thing in the morning and try to get a timeframe on that.

3. Discussion re: Hudson River estuary Grant Opportunity presented by Tom Hart

Thomas Hart is proposing that the Town take advantage of the Hudson River estuary grant opportunity. We’ve done this in the past. We’ve done it as a cooperative venture with the Village of Voorheesville for a Vly Creek Study that was done by Barton and Loguidice. We are eligible again to do an estuary grant. The grant comes in four different categories. The best fit for what he’s proposing is for a natural resource inventory for conservation open space component of that grant. The grant can be between $10,500 and $550,000. He has spec’d out what the price would be, but he’s suggesting that the upper limit on a price might be $40,000 of which the town would have a 15% match requirement. He can go into what opportunities there are for match. Overall, from the Comprehensive Plan what we did, there are a number of places where we borrowed from older studies. We looked at natural resource information. The suggestion in this grant would be to update those pieces. The largest of them is the hydrology coverage for the Town. We have some unique aspects in the town, but 1 to 24,000 coverage doesn’t work well for oversite and planning review. It doesn’t have the detail. He demonstrated that in the hamlet class where we re-drew the streams so that we would have a more accurate representation on which action could be taken including establishing a buffer around those streams. Also, for the rest of the Town that coverage does not really reflect where water drains are in the Town, and we are unique in this Town to be at the base of the escarpment. So those things that are typically called intermittent streams in other towns are raging torrents in a modest rainstorm. One only has to go to Mr. Cramer’s house to see that you can have two feet of water running through your side yard which is normally grass. So, it’s rather unique. We do have the ability to use digital elevation data from 2008 to be able to mimic what the flow is over the land. FEMA is also running a new LiDAR data set. So there is 2019 LiDAR coverage that is being created now. It should be available next year which is the time sequence for this grant. Even absent that not being available, he would be able to create those stream runoff models using the 2008 data. So, streams are one part of it.

Another example he’s giving is what we can do for forest cover and tree cover. If you look at the Comprehensive Plan now, Ingrid Hackle had provided through Cornell a forest cover, and that was done based on a data set called CCAP, Coastal Change Analysis Program, which actually in the 1990s he helped develop, so he’s very familiar with that and an advocate for that. It is 30-meter data. We can break that down to 2-meter data coverage that basically would map every tree. That’s the detail that’s available to us. He can give an example in the write-up that shows how you can extract that data. He doesn’t do that directly from LiDAR data; he does it in concert with aerial imagery. Basically the model he’s looking at is it more than two meters high and is it green? You can do that if you combine imagery and LiDAR data together. You can also tease out all evergreens from deciduous so we have a good measure for that. He thinks it’s fairly important for us to be able to measure what the expected loss of hemlocks are and what the expected loss of ash trees are town-wide which we expect to occur based on invasive species.

So those are two areas that he’s been kind of passionate about and has the skill set to be able to calculate on a town-wide basis. There are other elements of the natural resource inventory that has been assembled. He has all the well data from Albany County courtesy of Thomas Brady with the location and depths available so we have an understanding of what the aquifer distribution is which is unclear at best. As we already know you can drill anywhere and come up with anything. Most of these other elements can be updated. Wetlands can be updated from the NYI Dataset using the same technology as he’s referencing. Basically to bring our Comprehensive Plan forward with a more modern natural resource inventory, it would support several things, for example streams. When he was working with Crystal Peck on the Solar Law she was looking for that. He was surprised that we only had it for the hamlet. She would have been able to use that as one of the criteria for that new law. We also have a need for a tree or forest management permit. That’s supported in the Comprehensive Plan. Right now we have a gap issue where someone who might have a large parcel is free to log that or clear that
completely and then turn around and apply for a residential permit application. This would address that, and he would provide both of those products to the Town at the completion of the study for this draft law for both the tree permit and the streams.

Supervisor LaGrange asked if what he wants to do is start the process of putting together the application, have it ready for our next meeting, and then fine tune things, and answer questions and comments? The application is July 10th. Mr. Hart said that he’d like to do this by the end of the month. The application should be in by July 8th. He’s done this before for the Town of Sandy Creek who was the beneficiaries of a $320,000 grant from that effort to do nature-based shoreline protection. He’d like to do the same for the Town he lives in. Supervisor LaGrange asked if they needed a resolution? Attorney Naughton said that this is the start of the application. Supervisor LaGrange asked if everyone was in favor of moving ahead with the application? Attorney Naughton said that to be clear Mr. Hart is not asking for any kind of remuneration or compensation for preparing the application? Mr. Hart said “not for the application.” The anticipation is that if we were to get this award, he would do the work. We would either have a contract for that or the Town could extend my employment in Town as Town personnel, depending on which approach works better for the Town. Supervisor LaGrange said that we can come up as we get to that point, but he thinks it’s important that we move ahead and have time to get this application in order. Mr. Hart said that he just wanted our conceptual concurrence that he wouldn’t be spinning his wheels here preparing something that the Town isn’t interested in. Councilperson Hennessy said that we’re interested; we just have to be careful. Some grant programs will not allow us to just hire the person who prepares it on the assumption that they are doing it for free and, therefore, they get the job. We have to be careful with that. He doesn’t know Hudson River Estuary Program so he may be speaking out of turn but in other grant programs he knows that that’s a problem. He just didn’t want to get into that. That’s part of what we’re doing now. We are really just doing the application now.

Supervisor LaGrange left at 7:00 PM.

Councilperson Leinung said that he thinks we’re very interested in moving forward with the application process. He doesn’t think we can necessarily promise who gets the benefit of the grant if that makes sense at this stage. He doesn’t think that that means it’s a no or a yes for Mr. Hart to do it. He just thinks at this stage we should move forward with the process, but he doesn’t think we can make a commitment of where or who will be hired to do the work in the contract.

Mr. Hart said that there has to be a process to follow. He knows that in the case where he mentioned the Vly Creek study, it was Barton and Loguidice that did the application and then ended up doing the work. So there is some flexibility but someone has to follow the contract so that that’s an understanding. Councilperson Greenberg said that the Ethics Law is going to be an issue, and he knows that we have to look more closely at it. It’s a Town employee doing work through the Town so there are some questions that need to be answered. He thinks it’s fantastic that Mr. Hart has brought this to our attention and that he wants to do the work on this. He absolutely would like to move forward with the application. Working with you on the rezone, there is no one in Town who knows this stuff better than Mr. Hart does. Mr. Hart said that the other thing is that he’s not going to be at Skidmore after this semester so there is actual time to do the work.

Attorney Naughton said that we talked about the ethics issue. We just identified that there is a potential issue with our Ethics Law. He doesn’t think we have to resolve that or figure that out this minute if you were to be awarded the contract because we’re not at that stage yet. We don’t even have the grant, but there is a provision in the Ethics Law that allows for a Town officer to ask for an advisory opinion from the Ethics Committee. We can talk about that further but we may want to do that and get clearance on that. So, again we need to figure that all out. Either Mr. Hart as a Town officer could ask for that advisory opinion or another Town officer. That’s in section 38 of our Ethics Law. We will figure that out.

Councilperson Leinung said that timing-wise we want to do that soon. The application needs to be in July. Councilperson Leinung said that once we put in a request, the Ethics Board will meet fairly quickly. Councilperson Hennessy added that if, in fact, it has to go there. Councilperson Greenberg added that they meet whenever a case come up. Councilperson Snyder said that she was glad that this was brought that up because she was wondering if it was possible to get an opinion from the Ethics Committee before we travel too far down the road.
Mr. Hart asked if he should wait for the Board’s advice regarding who to contact on the Ethics Board? Attorney Naughton said that any Town officer could ask for this. He’s thinking that maybe he’ll ask as the Town Attorney for an advisory opinion of this issue. Mr. Hart said that he’d be comfortable with that because if he can stay at arm’s length from the Committee that makes more sense to me.

Councilperson Snyder asked when we would know whether we are approved or not? How long does the process take? Mr. Hart said that DEC makes those award announcements in October, and there is a 60- to 90-day period, so generally January of the following year. DEC allows contingent work to occur before the contract is awarded. He’s doing that now in the town of Sandy Creek. He’s been working on it for four months and we still don’t have a State contract, but it is a Town award with a contingency that reimbursement funds become available upon award by the State. Councilperson Snyder asked if around October we’d know whether we were getting it? Is there only one award or could there be multiple awards? Mr. Hart said that he didn’t know. You can’t be the beneficiary of more than one grant in the same cycle, so if the Vly Creek study were not completed now you wouldn’t have that as an option now. There are other places in CFA where one could apply for money.

Water quality is another grant section. It’s worth looking at that CFA each year. Last year they did not award the full amount that was allocated in the State for lack of having applications. Councilperson Greenberg asked if you could only have one going at a time. Mr. Hart said yes in that specific program area, in this case the Hudson Valley Ecological program sector. Councilperson Greenberg asked how long Mr. Hart would be working on this if we were to get it, say in January? Mr. Hart said that the grant cycle is two years. Councilperson Greenberg asked if that would preclude us from applying for another grant for that time unless he completed it early? Councilperson Greenberg asked if he had any idea how long it would take him? Mr. Hart said that one component of this may be public outreach and meetings for that. That’s to present the results, and where the law goes would be up to the town. Once you start factoring in meetings the time expands quite a bit. The work itself would probably take a year. He won’t be able to advise that until we know when the 2019 data becomes available. If the timing on that is right, it makes more sense to use that rather than the 2008 data. From his understanding, it doesn’t preclude the Town, from his understanding, from applying for other combined funding application categories. There are open space categories; there are trails, and water quality. Councilperson Greenberg said that that’s what he was curious about because we might have some trail grants. Mr. Hart said that they are worth checking but he doesn’t think you’re precluded from multiple categories but in the same category you are. He knows that part.

Attorney Naughton asked when the application deadline is. Mr. Hart said July 10th is when it has to be submitted. Attorney Naughton asked if it’s a rolling application process. Mr. Hart said that it’s an annual process. The next opportunity, if there is an opportunity, is the following July 10th. It’s not a continuous open application process. It’s just the one-time municipal, not-for-profit, or academic category grant opportunity. The other thing that he would say is that the ability to get these grants is enhanced if it’s an intermunicipal grant. He would suggest that we include the Village of Voorheesville as they did last time if that’s okay. Councilperson Snyder said that she was going to ask about Voorheesville to see how they would fit into this picture. It makes sense for the Village to have a tree cover or forest coverage. It fits very well. We have this impervious surface analysis that is being done county-wide. He wasn’t sure if the Town was aware of that. It’s a $95,000 stormwater program initiative. Basically they are going through and mapping every roof top, every road, every sidewalk, and every parking lot. That is going to be in support of the stormwater program. You can look at how much is impervious. The other part of that that is important is how much is vegetative. This is the other side of that same coin. The tie between them is where the water flows once it strikes the ground. It makes for a very neat package. He has taken the liberty of talking to the Hudson River Estuary program. Ingrid Hackle came and presented to the Board last year. They are looking for an alternative to the relatively coarse data sensitive they are used to using, and they are pretty excited about this possibility. There is an enhanced chance of getting the grant but it is finally pushing the technology in a direction that kind of makes sense for better decision making. Councilperson Greenberg said that he’s all for including Voorheesville. It might even save us a little money. Councilperson Snyder said that she thinks it would be awkward if that didn’t happen. Councilperson Greenberg said that if Mr. Hart wants to handle that he can speak to them and keep us informed of any progress. Mr. Hart said that he would unless the Board thinks there is a different way to handle that. If the Board would like to reach out to them you can certainly. That’s up to you. Councilperson Hennessy said that he could talk to them. Councilperson Greenberg said that he’s also comfortable with seeing if the Village is interested. Councilperson Snyder
said that it sounds like arrangements have already been made to speak with them so it makes sense to follow through. As a courtesy someone here can say that Mr. Hart has been here and we’re anxious. Mr. Hart said that he wanted to talk to the Town Board first. Their next meeting is next Tuesday and we can take advantage of that. Councilperson Greenberg asked if we want to have someone be a liaison to this project if Voorheesville needs to talk to anyone here? Councilperson Snyder offered to do it.

Attorney Naughton said that he would write a letter to the Ethics Committee and ask them for an advisory opinion on it. He’s given me some additional information on it. It’s a little bit different because it’s a grant situation. If it were awarded, it would be funded by the State and there might be a 15% contribution from the Town, but it’s a little bit different.

**2019 Renaissance Festival in the Town of New Scotland**
Attorney Naughton said separately that there is an agreement in front of the Board for this. The festival has been occurring for several years, and recently the Planning Board gave another approval for the festival that’s over at Indian Ladder Farms. He thinks there has been a little bit of a change in the structure of that now that Indian Ladder Farms is a partner in this event. The $1,000 was intended to make sure that there was no damage to neighboring properties from cars parking and that sort of thing or if there was litter that needed to be cleaned up. We have been holding the $1,000 from last year. Attorney Naughton wanted to formalize this with an agreement for the $1,000 deposit and that’s what this does. It says that if the Town incurs costs for having to do things that the festival organizer didn’t do, that we could draw on that $1,000 that we have on deposit. It gives us a timeframe for when we can exercise that right. It’s a three-paragraph contract. They’ve agreed to it and they’ve signed it. He would ask for a resolution to approve the agreement and authorize the Supervisor to sign it.

**Resolution 2019-130**
Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the agreement for the Renaissance Festival and authorizes the Supervisor to sign it.

Seconded by Councilperson Hennessy. All present and voting, the motion carried (4 Ayes).

7. **Discussion/Action re: SEQR for Proposed Local Law C of 2019 amending zoning law in relation to solar facilities.**

Councilperson Snyder questioned replying “no” to Part 2, Number 1, Impact on Land that there won’t be any construction. Attorney Naughton said that what we are doing is passing a zoning law amendment. We’re not approving anything. It’s just a piece of paper and that is what we are approving. Councilperson Snyder asked if the proposed action is the SEQR. Attorney Naughton replied “no.” We are doing the SEQRA process with respect to a proposed local law that would amend the zoning law which would make changes to the existing solar law about these closed landfill sites. Councilperson Snyder said that we’re not really talking about construction necessarily; we’re just talking about the solar law. Councilperson Leinung said nothing in the law is going to directly impact the land surface of the proposed site at this time. Attorney Naughton said that we should point out that with respect to a solar array project that disturbs less than 25 acres that would be SEQR-exempt at this point. That’s really what we are talking about. There is another part of it that would allow a battery storage facility and that’s the reason why it makes sense kind of to do SEQR at all for this thing, but it’s still a local law amending a zoning law and that’s why we are doing the SEQRA process. No one is approving anyone to do any kind of disturbance of land. It’s just a local law.

Councilperson Greenberg continued to review the FEAF. Attorney Naughton advised that when we get to Part 3 we are going to call this a Type-1 action because it’s a zoning law that relates to in excess of 10 acres. Then you can skip to the proposed resolution where you reach the final conclusion with respect to this which would be “there is no significant adverse environment impact” associated with the proposed
Local Law C of 2019. Attorney Naughton noted that there is some discussion in the proposed resolution that goes on about the reasons for this in greater detail. This is a zoning law that would allow development of solar arrays on closed landfills. This is something that the state is encouraging as opposed to putting them on the prime agricultural lands or on forested lands and that these are underused properties because they are closed landfills and not much else can happen there. If there is going to be solar energy development, this is the best place for it. Councilperson Greenberg noted that on page 2, Part 3 of the EAF, “upon review of the information recorded on this EAF, as noted, plus this additional supporting information as attached and the findings of the Town Board.” Also the Board checked “A” stating, “This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.”

RESOLUTION NO. 131 OF 2019

RESOLUTION ADOPTING NEGATIVE DECLARATION PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (6 NYCRR § 617.7)

Proposed Action: Adoption of amendment to zoning law in relation to municipal solar facilities on closed landfill sites, pursuant to “Proposed Local Law C of 2019,” which amends Section 190-57A of Chapter 190 of the Town of New Scotland Zoning Law pertaining to solar collector facilities and solar storage battery facilities.

SEQRA Classification: Type I

Lead Agency: Town Board of the Town of New Scotland, New York.

WHEREAS, the proposed law is relevant to only two locations that are closed landfill sites:

(1) one landfill site (Tax Map Parcel No. 106.-1-9) is 62 acres; and

(2) the second landfill site (Tax Map Parcel No. 106.-1-24.1) is approximately 9 acres;

WHEREAS, one facet of the law is intended to permit solar collector facilities—solar arrays—on closed municipal landfills. The regulations regarding the State Environmental Quality Review Act (“SEQRA”) were amended, effective January 1, 2019, and solar array facilities involving physical alteration of less than 25 acres is now a Type II action.

WHEREAS, the proposed law provides that a solar storage battery facility is a permitted use on a closed landfill site owned by the Town of New Scotland;

WHEREAS, consistent with 6 NYCR § 617.7, the Town Board thoroughly considered the reasonably foreseeable potential environmental effects resulting from the proposed law; and

WHEREAS, the Town Board considered a full environmental assessment form (“EAF”), carefully considered the criteria set forth in 6 NYCRR 617.7 and identified the relevant areas of environmental concern; and

WHEREAS, the Town Board has determined that the EAF identified and addressed all areas of concern and none of the potential environmental impacts associated with the law are significant.

NOW, THEREFORE, BE IT RESOLVED, that based upon the environmental policies embodied in SEQRA pertaining to solar collector facilities on closed landfill sites, the Town Board’s review of the EAF and comments received during public meetings, and the Town Board’s independent analysis of the proposed law; and evaluation of the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the proposed law will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Laws and the Town hereby determines that the requirements of the regulations promulgated under SEQRA at 6 NYCRR § 617.7 have been met; and it is
FURTHER RESOLVED, that the Town Board hereby determines that the proposed law will not result in significant adverse environmental effects, and that no environmental impact statement or further SEQRA consideration is required; and it is

FURTHER RESOLVED, that the facts and reasons supporting this determination are as follows:

A. **Land Use.** The law is consistent with the character of the area, and existing zoning laws. Consistent with recent amendments of State law, including SEQRA, and the policies of the State to encourage development of solar arrays on closed municipal landfill sites, the proposed law is designed to encourage development of solar collector facilities on closed landfill sites. Landfill sites are under-utilized resources, and siting such facilities on landfills is preferable to development of solar arrays on prime agricultural fields or forested lands. The Town’s solar law, Local Law No. 5 of 2017 (“Solar Law”), permits development of “Large-Scale” solar collector facilities, subject to issuance of permits and approvals. Consequently, the proposed law is consistent with local land use laws, and State policies to encourage development of alternative energy resources. The Solar Law established a definition for solar storage battery facilities, but the Town did not designate such facilities as permitted uses in any zoning district. The proposed law allows such energy storage facilities to be constructed and operated on Town-owned closed landfills.

B. **Community Character.** The nature of the closed landfills, and the natural buffer areas that have been maintained around the landfills, indicates that a solar collector facility or solar storage battery facility are unlikely to have any negative impact on surrounding properties or the character of the area in which the sites are located. The 62 acre site is an active transfer station, and includes a building used for temporary storage. The landfill sites also are close to established right of ways (ROW) for electric transmission lines. Accordingly, connection to the electrical grid for transmission of electricity is unlikely to have significant off-site impacts on neighboring properties.

C. **Visual Impacts.** There will be no significant adverse visual impacts from the law. The closed landfill sites are surrounded by mature vegetation that provides natural screening for neighboring properties and roads. It is unlikely that there will be any visual impacts from construction on the landfill sites.

D. **Cultural Resources.** The law is consistent with the Zoning Law and the Comprehensive Plan, and will not adversely impact cultural resources.

E. **Transportation.** The law will not have an adverse impact on transportation. Except for minor impacts during construction, solar collector facilities and battery storage facilities do not generate vehicle traffic.

A motion by Member Greenberg seconded by Member Leinung, to adopt Resolution No. 131 of 2019. The motion carried (4 Ayes).

10. **Adjourn**
Councilperson Greenberg made a motion to adjourn, seconded by Councilperson Hennessy. The meeting adjourned at 7:30 PM.