Town of New Scotland
Regular Town Board Meeting
July 10, 2019

The following Town Officials were in attendance:

Supervisor: Douglas LaGrange
Councilperson: Adam Greenberg
Daniel Leinung
William Hennessy
Patricia Snyder
Highway Superintendent: Kenneth Guyer
Arrived at 7:20 PM
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

3. Motion for Executive Session is anticipated. Session will be to discuss a personnel matter.
Supervisor LaGrange advised that the Justices have asked to discuss a personnel matter, and they’ve asked that it be done in Executive Session.

Resolution 2019-150
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve an Executive Session to discuss a personnel matter.

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

Executive Session began at 6:35 PM.

Supervisor LaGrange made a motion to adjourn Executive Session and Councilperson Greenberg seconded the motion.

Executive Session ended at 7:06 PM. No action was taken during Executive Session.

4. Invitation to the General Public to Comment on Agenda Items: Please use the microphone available and state your name for the record.

5. Approval of the Minutes of the Following:
   - June 12, 2019A Public Hearing Proposed Local Law C of 2019
   - June 12, 2019 Regular Town Board Meeting
   - June 26, 2019 Special Town Board Meeting

Resolution 2019-151
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the clerk for the June 12, 2019, Public Hearing.

Councilperson Greenberg seconded the motion. All present and voting, the motion carried (4 Ayes – 1 abstention). Councilperson Leinung abstained since he arrived late that night.

Resolution 2019-152
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the
minutes as presented by the clerk for the June 12, 2019, Regular Town Board meeting.

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

Resolution 2019-153
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the clerk for the June 26, 2019, Special Town Board meeting.

Councilperson Leinung seconded the motion. All present and voting, the motion carried (4 Ayes – 1 abstention). Councilperson Hennessy abstained since he arrived late to that meeting.

Announcements:
• Clarksville Heritage Day August 3rd, 9 am- 3 pm Clarksville Community Church
• Free Learn to Fish Day July 23rd, Lawson Lake County Park 10 am-2 pm
• 77th Punkintown Fair July 25-July 27 beginning at 6 PM each night.

6. Discussion/Action re: resident request for reduced speed on Waldenmaier Rd.
Supervisor LaGrange said that Waldenmaier Road is about 1.4 miles coming in from Route 32 in the Town of Bethlehem. It’s posted at 30 mph. When you get to the last 0.6 miles in the Town of New Scotland coming out to Delaware Avenue, that’s not posted. He doesn’t think this is an unreasonable request to ask the Clerk to send a note to DOT and ask for a study of that.

Resolution 2019-154
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve requesting a speed study for Waldenmaier Road in the town of New Scotland.

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

7. Discussion/Action re: Town and Village of Voorheesville Shared Services Agreement.
Supervisor LaGrange advised that we have a shared services agreement with the Village of Voorheesville. The intent here was to codify what we have done in a handshake sort of way over time and just firm things up. Attorney Naughton advised that we had a joint meeting with the Mayor, Village Counsel, and some of the DPW folks from the Village and talked about how we could work better together and train each other. Other than putting into a contract form what’s happening now, he thinks there should be more emphasis on training and making sure that our DPW employees know how to operate their systems and vice versa so if there is a problem we will have more people for coverage. Supervisor LaGrange said that he considers this part one of whatever we might get to in the future. Again, it was very important that we codify what we’re doing and then maybe take this next step with the training. He’s comfortable with the way this is now until we sort out some of the logistics in the future for shared employees. It’s easy to share equipment but to actually share employees for regular work and things that cause issues but he thinks this is a good first step.

Councilperson Hennessy said that he attended the meeting and felt it was extremely helpful and explanatory to all involved. In retrospect it’s very important as the Town grows with some of the new houses and systems that are similar to the Village’s its only appropriate that we stay out ahead of this and be able to help each other since we are so close. It’s so much more helpful with the cost sharing. Supervisor LaGrange thought one interesting thing was where they talked about there being an opportunity by combining forces in some way at some time that maybe through attrition we wouldn’t need to rehire. It was emphasized by Mr. Hotaling that they are bare bones right now, too. He doesn’t know if that will be an opportunity in the future but it was interesting. He didn’t realize that they were that tight. They are a full Village DPW, not just water and sewer. It’s plowing and all of the other stuff. It’s a little different from ours.

Attorney Naughton said that he did hear from Attorney Reilly that the Village was prepared to move forward with this tonight as far as at least discussion with the Mayor. The whole Village
Board would have to vote on it. It’s possible that they could take this up tonight as well if we want to pass it.

**Resolution 2019-155**
Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the master Intermunicipal Cooperative Agreement between the Village of Voorheesville and the Town of New Scotland for Water, Sewer, and DPW Services and Equipment Sharing and authorizes the Supervisor to sign it.**

Councilperson Greenberg seconded the motion.

Councilperson Snyder thought that this was a great idea and she was glad to see us formalize an arrangement like this. She said that there have been discussions in the past about who takes direction from whom in these situations. Does that need to be covered or is it addressed in here? How does that work? Supervisor LaGrange said that the Village had a big water break the other day and our guys went over. We had a water break in Feura Bush a couple of years ago and they came over. Usually the lead person depends on the site it’s involved in. The lead person here would be Mr. Hensel and there for Mr. Hotaling. Everyone seems to gather around them and get the job done. Councilperson Snyder said that when it’s combined forces the direction comes from the municipality where the incident is. Do we need to finalize that anywhere? Attorney Naughton said that he didn’t think so. Supervisor LaGrange said that it should be understood. Attorney Naughton said that that would be the collaborative effort to get it done fast and efficiently. Councilperson Snyder said that obviously that makes sense. She remembers that in other agreements there was some discussion about who takes direction from whom on occasions. Attorney Naughton said that he thinks we have to be careful since they remain our employees from having someone else having direction and control officially over them. Councilperson Snyder said that she’s sensitive to that, of course. She’s not trying to push anyone. Attorney Naughton said that he thinks they are all working on the problem together when they are there, but no one becomes a boss as soon as they step on their site. You can’t have that. Councilperson Snyder asked if the direction comes from the municipality where the incident is being addressed. Is that what you are saying? Attorney Naughton said that they become the generals to say this is how we are going to approach this problem; can you help out and take care of this? They can’t be the boss of our employees though. Councilperson asked if there is something in the Village of Voorheesville for example and the Town assists them, then the Village is the one giving directions so to speak. Supervisor LaGrange said directions, not orders. Attorney Naughton said that he thinks that they give direction to everybody on the site working on the problem. Councilperson Snyder said that she understands what you’re saying, but she doesn’t know if he understands what she’s saying. Attorney Naughton replied maybe not. Councilperson Snyder said that she thinks that there could be occasions where somebody says “A” and somebody else says “B”. Who takes the lead? Supervisor LaGrange said usually they don’t have time to decide that because they are trying to stop a water leak. He can see her point, but we haven’t run into that. It’s infrequent and that would be something that would be ironed out by the department heads of the Village and the Town. It’s been a good working relationship, and he doesn’t it will be an issue. Councilperson Snyder said that she was just trying to refine who gives what direction.

Highway Superintendent Guyer arrived at 7:15PM.

Councilperson Leinung said that he would think that if it’s a water main break in Voorheesville, the Voorheesville crew would take the lead. If it’s a break in New Scotland, we would take the lead. Councilperson Snyder said that she understands that, and it makes sense. She just didn’t know if we had ever considered that point. Supervisor LaGrange said that it’s a good point. It just has been a good working relationship.

Highway Superintendent Guyer said that he just arrived but he gets the gist of it. We work together. Councilperson Snyder said it’s probably a very good relationship. She’s just asking if
there is an incident and all hands are on deck, Village and Town, who’s giving direction to whom? Highway Superintendent Guyer said that if we were in the village Mr. Hotaling would call the shots to get the job done. Like Attorney Naughton said, he’s not our boss. He can give us general direction. It’s the same thing that we do with the Highway agreements with Bethlehem, Altamont, Guilderland, Berne, and Westerlo. We do the same thing. If my guys go to Berne to do something for shared service then their highway superintendent gives direction, but they are not his employees. He can’t say, for example, that at 3:30 PM they have to stay late to work on something, but for general directions to get the job done he can. If someone comes to help us they are going to look to me to see what they have to do. Councilperson Snyder said okay. She wanted to bring that up for discussion. Right now everything is great and it’s all hands on deck. She thinks that’s a wonderful way to operate but sometimes it could be a little less clear.

Councilperson Hennessy said that he’d like to reiterate that this is for emergency work and breaks, not for normal day-to-day operational work. We are not going to be in the Village doing normal operational items on their pumps, systems, and controls and vice versa they won’t be doing it on ours. He thinks it’s important that we maintain that type of understanding.

Councilperson Greenberg wanted to reiterate too that it’s been going on. We’ve been helping them and they’ve been helping us. There have not been issues. This is just formalizing the agreement for something that’s been happening for years. It’s nothing new.

Glenn Schultz said that this has nothing to do with equipment costs, equipment in case of a failure, or where new equipment has to be purchased, and the town’s not responsible for any of that cost.

Supervisor LaGrange said that we’re not responsible for the Village’s costs for their equipment and they’re not responsible for the cost of our equipment, but we do have a component in here where we are going to encourage getting together with joint shared service purchases of equipment and things like that. Mr. Schultz asked if that includes equipment of operation of the waste water plant, for example, pumps? Supervisor LaGrange said not something like that. He’s talking about equipment like a backhoe. We just had a joint purchase of a packer truck with the Village. Things like that are what we’re encouraging. Highway Superintendent Guyer added that it’s about big stuff so we don’t have to duplicate efforts.

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

8. Discussion/Action on Resolution re: Community Choice Aggregation

Councilperson Greenberg said that we heard from Louise Gava last month from MEGA about seven steps we would take if we signed up with them. This is the agreement to do that. He proposes that we do. He and Supervisor LaGrange have been at interviews. There are only three aggregators in our region (MEGA, Jewel, and Good Energy). We met and interviewed all three. The Town Supervisor of Bethlehem is interested in pursuing this, as well. All of us agreed that MEGA was the choice we had to go with. They are a non-profit. They have experience throughout the state. They have eight or nine regions in the state, so they have good experience. We heard from Ms. Gava in terms of MEGA’s plans and how they would roll them out and what would be expected of us and them. This is the administration agreement that lays those responsibilities out. It commits us to pursue educating the public. It links us with MEGA as the administrator, and we are committed until 2022. It does not mean that we are setting up a CCA. It means that we are hiring MEGA. We don’t pay them anything. They only get money if we end up setting up a CCA. We go with MEGA and they lead us through the seven-step process before we get to a point where we can see what we could buy the energy for and whether or not it makes sense for us to do that. At that point we can decide to move forward or not to move forward. He sees this as signing up with MEGA for the exploratory portion of setting up the CCA.

Attorney Naughton said that there is a 30-day cancellation provision so either party can terminate. There is also a provision that says if either party is not really doing their part to get across the goal line including the Town, MEGA can give us a 45-day notice that they are not satisfied with our efforts and they can cancel because no one wants to waste their time. The big point that Councilperson Greenberg mentioned is that there is no financial obligation in connection with this agreement for the Town. There would only be a fee payable if we went through all the steps and did this. The fee would come out of whoever was contracting to provide the energy. We don’t
have to open up our pocketbooks for that. The draft resolution, attachment #2, provides a six-point summary of the bigger points in the contract. He thinks Councilperson Greenberg just summarized all of them.

Resolution 2019-156

WHEREAS, the New York State Public Service Commission (“NYSPSC”), on April 21, 2016, adopted an Order authorizing cities, towns and villages within the State to create Community Choice Aggregation (“CCA”) Programs, by themselves or in concert with other municipalities (hereinafter “NYSPSC Order Authorizing CCAs”); and

WHEREAS, establishing a Community Choice Aggregation Program allows a municipal government to aggregate the energy supply needs of its residents and businesses, and to negotiate and enter into energy supply contracts with Energy Service Companies (“ESCOs”) on behalf of these citizens to obtain competitively priced energy, often at a fixed rate, as well as environmental benefits, and opportunities to pursue community-based energy initiatives; and

WHEREAS, the Town of New Scotland seeks to explore CCA as a potential opportunity for energy consumers within the Town of New Scotland because of the potential benefits a CCA would produce for residential and small business owners, through the joint, aggregated provision of energy supplies and value-added services at better prices due to the market power of the aggregation; and

WHEREAS, the NYSPSC Order Authorizing CCAs specifically states that municipalities are permitted to engage a third party CCA Administrator to assist in the development and implementation of a CCA Program, including the eventual solicitation and management of energy supply agreements for CCA customers; and

WHEREAS, the Municipal Electric and Gas Alliance (“MEGA”), a not-for-profit Local Development Corporation established in New York State, seeks to create regional CCA(s) to aggregate customers from multiple municipalities throughout a given region in the State, which will enable MEGA to leverage a broad customer base to obtain competitively priced energy contracts thereby yielding greater savings and other benefits to CCA customers; and

WHEREAS, MEGA contemplates supporting the creation and implementation of these regional CCAs, in accordance with the NYSPSC Order Authorizing CCAs, in its capacity as a third-party CCA Administrator for those municipalities seeking to form CCAs; and

WHEREAS, MEGA further seeks to provide information, advice, public outreach, consumer education assistance, support for competitive bid solicitation, competitive supplier selection and monitoring of New York State regulations to municipalities considering forming a CCA; and

WHEREAS, MEGA, since its inception in 1998, has gained the experience necessary to perform the services of CCA Administrator, having successfully managed energy procurement aggregation programs for hundreds of New York State municipalities, saving taxpayers millions of dollars through competitive public bidding of energy supplies and services; and

WHEREAS, MEGA’s methodology for procurement of municipal and CCA energy supply reflect an understanding of CCA opportunities for the Town of New Scotland, as well as market and regulatory conditions representing the best practices in the industry; and

WHEREAS, the Town of New Scotland seeks to engage MEGA as the CCA Administrator, to assist in its efforts to better understand, educate the public on, and develop a Program to enable, a CCA; and

WHEREAS, MEGA would be engaged by the Town of New Scotland as a provider of professional services requiring special and technical skills, expertise and knowledge, therefore the contract for these services is exempt from competitive bidding requirements contained in New York General Municipal Law § 103; and
WHEREAS, in the event the Town of New Scotland decides to authorize a CCA, the Town of New Scotland is interested in joining together with other CCAs in its region, through the MEGA aggregation, to leverage a broader customer base to obtain cost savings and other benefits for residents;

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby approves the Community Choice Aggregation Administration Agreement with MEGA attached to the Agenda, and authorizes the Supervisor to sign the Agreement which incorporates the following terms:

1. The Town of New Scotland will retain MEGA to assist with efforts to explore the potential benefits to this community of creating a CCA here and in educating the public and local officials on CCAs. As CCA Administrator MEGA will assist the community in exploration of the Town of New Scotland’s potential participation in a CCA Program and development of plans for the implementation of the CCA Program, as required by the NYSPSC Order Authorizing CCAs.

2. In the event the Town of New Scotland opts to proceed with the creation of a CCA, MEGA would serve as the Town of New Scotland’s CCA Administrator throughout the formation and implementation of the CCA Program.

3. Prior to the Town of New Scotland taking the steps required to pass a local law authorizing CCA, MEGA will assist the Town of New Scotland in CCA Program development, including informational and educational campaigns required to inform the Town of New Scotland’s decision to create the CCA, and in development of CCA Program documents and plans which comply with NYSPSC regulations, in accordance with the terms set forth in the CCA Administration Agreement between MEGA and the Town of New Scotland.

4. The Town of New Scotland agrees that, should it ultimately decide to adopt a Local Law to authorize and create a CCA, it will continue to engage MEGA’s services as Administrator of the new CCA, in accordance with the terms of the Agreement.

5. As CCA Administrator, following the Town of New Scotland’s creation of a CCA, MEGA will assume responsibility for the organization and implementation of the CCA by preparing and soliciting Requests for Proposals (“RFPs”) seeking energy suppliers willing to enter into Energy Supply Agreements (“ESAs”), negotiating such agreements in accordance with the terms of this agreement and/or other local enactment by the Town of New Scotland, and overseeing implementation, cancellation, renewal, and review of ESAs throughout the life of the CCA.

6. While MEGA, as CCA Administrator, will assume responsibility for operation of the CCA and will comply with all relevant provisions of State law, including the NYSPSC Order Authorizing CCAs, the Town of New Scotland understands that it is ultimately responsible for ensuring its CCA is compliant with State regulations, as stated by the NYSPSC in its Order Authorizing CCAs. MEGA and the Town of New Scotland intend for there to be a relationship of cooperation and transparency which ensures that all sides are able to fulfill their obligations under the law, the NYSPSC Order, the CCA Administration Agreement, and any other local law enacted or contract adopted by the Town of New Scotland regarding the CCA.

BE IT FURTHER RESOLVED THAT, by adopting this resolution and signing the CCA Administration Agreement, the Town of New Scotland is in no way obligating itself to proceed with the formal creation of a CCA. If the Town of New Scotland determines to proceed with the creation of a CCA, the Town of New Scotland would be required to adopt a local law to do so and would at that time need to comply with all standard procedural requirements for local law adoption including the State Environmental Quality Review Act (SEQRA) and the NYSPSC Order Authorizing CCAs.

A motion by Member Greenberg was seconded by Member Hennessy, to adopt Resolution No. 156 of 2019.

Councilperson Greenberg advised that MEGA had met with Guilderland last night and Councilperson Hennessy attended that meeting. They are meeting with Bethlehem tonight. Both of those towns are interested in doing exactly what we are considering here. Voorheesville is now interested as are the Villages of Altamont and Niskayuna. If all of those municipalities move forward, it would be fantastic for a couple of reasons. One, we are all connected so all the advertising and a lot of the education can be done in combination; and, two, we are well over a
threshold that gives us significant buying power in terms of the energy we would be potentially purchasing in the future. Councilperson Hennessy said that our consortium is not just Bethlehem, Guilderland, Voorheesville, and possibly Altamont; it actually encompasses other communities within their region and they are talking to possibly Saratoga Spring and Niskayuna right now too. That increases the buying power, the leverage, and the capabilities for better rates for residents.

Attorney Naughton wanted to disclose also that, again, MEGA is a client of the law firm. If the Board wants him to recuse myself while everyone votes on this resolution approving the contract, he can do that. This is a contract that was gone over by many municipalities, and the original one was approved by the PSC and has been tweaked a little bit over time. The other point he wanted to make was that he didn’t see anything that needs to be improved in this agreement in favor of the Town; however, if there is another law firm or another town attorney that sees that they want some kind of change in here he thinks it would be likely that MEGA would agree to amend the contract so we’re all working with the same contract.

Councilperson Hennessy asked if Attorney Naughton would advise that we only pass the resolution and not the contract? Attorney Naughton said that the resolution is approving the contract. That’s what the resolution is, and it’s authorizing the supervisor to sign it. Supervisor LaGrange said that he’s comfortable. It’s a model contract anyways.

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

Councilperson Greenberg wanted to make a final comment about how unusual it is for municipalities to work on projects together the way that we have worked on this with Guilderland and Bethlehem. He gives both of those towns and Supervisors a lot of credit for how responsive and engaged they’ve been. Supervisor LaGrange said that he attended a bunch of these meetings early on and it dropped off. Councilperson Greenberg jumped on it recently and got it started up working with those other two towns, so a lot of credit goes there. Thank you, Councilperson Greenberg for that.

9. Resolution appointing Michael McGuire as Assessor for term October 1, 2019, through September 30, 2025.

Resolution 2019-157
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Michael McGuire as Assessor for a term from October 1, 2019, through September 30, 2025.

Councilperson Greenberg seconded the motion.

Supervisor LaGrange said that Mr. McGuire has been here for almost a year. I will say that when he and Councilperson Leinung interviewed him he blew everybody out of the water. He’s done nothing to change that; if nothing else he’s gone above and beyond and reinforced it even more. He is very comfortable with this. Mr. McGuire asked if this could get this agenda because if the Board wasn’t going to entertain his appointment he would start to look elsewhere. He’s been very accommodating on hours. He’s been here one evening every other week. He’s done a great job.

Councilperson Snyder asked how the term is determined? Supervisor LaGrange said that it’s set by New York State law. Supervisor LaGrange said that the term is set to avoid any political influence. Councilperson Leinung seconded Supervisor LaGrange’s comments. Mr. McGuire has been very responsive. They just went through Grievance Day recently, and that seemed to go fairly smoothly. People he knows who have talked to him said he’s been very responsive in getting back to them. He thinks he’s doing a great job, and he’s fully in favor of this. Councilperson Snyder asked what the salary is. Supervisor LaGrange said that it’s the same as we approved. We were looking at $30,000 and he indicated he needed to be at $32,000 to make it work. That’s where we ended up plus or minus some. Councilperson Snyder added that this was for part-time. Supervisor LaGrange agreed.
9B. Discussion/Action regarding Courts.
Supervisor LaGrange said the Board wanted to take some time to digest what the courts are proposing.

Resolution 2019-158
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby extend Patricia Thompson’s 40-hour week through August 31, 2019, with the same parameters as the previous resolutions we’ve had.

Councilperson Greenberg seconded the motion.

Councilperson Hennessy thought that this was appropriate. Councilperson Greenberg added that we need to do it because it would run out before our next meeting. Councilperson Hennessy commented that we might have to have a special meeting before that for the grants.

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

10. Highway/Parks:
• Discussion/Action re: advertising for Highway Equipment Operator 1 position.
Highway Superintendent Guyer asked for permission to advertise for a Highway Operator 1 position. He has an employee who is moving out of state, and we will need to fill that position. The employee’s last day is August 2nd.

Resolution 2019-159
Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve advertising two weeks for a Highway Equipment Operator 1 position.

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

• Discussion/Action re: funding for new highway garage furnace.
Highway Superintendent Guyer said that Garret and John from Stantec came and looked at the furnace and made all their notes. Engineer Frueh said that they put together a packet to replace it in kind. On Monday he received an email from Councilperson Leinung with some NYSERDA initiatives and National Grid incentives. We haven’t been able to pull together all of the additional options yet for this so we’re still working to prepare a cross comparison versus a couple of other higher efficiency options. Councilperson Leinung said his point is obviously replacing in-kind. He’s assuming it’s a pretty old furnace. He would hope a baseline furnace now would be more efficient now than what it was. He’d like to put that out there as a consideration of a higher efficiency furnace. Just cost-wise he’d like to see what those different costs are and also the possibility of a different type of furnace. Instead of number-two fuel, we could do propane. We probably don’t have natural gas up there, right? Highway Superintendent Guyer said that natural gas stops at Swift Road and stops at the High School. Councilperson Leinung said that he thinks we’ll probably have limited options. Propane is a little more efficient than oil. Highway Superintendent Guyer said that it’s cleaner burning. Councilperson Leinung said that’s another consideration. Also the NYSERDA thing he sent was about bio-fuel, like pellets. He’s not sure exactly, but there are larger boilers and smaller boilers. We have to consider how big the space is, and whether there is storage space for pellets. It’s something to think about and something to get quotes on. He’s assuming a pellet boiler is a lot more expensive. He just wanted to put it out there so that we would think about different ideas for us to be cognizant of. Councilperson Greenberg asked if, when he researched grants, did he come across anything from NYSERDA? He ran into a NYSERDA person a week or so ago and they mentioned that there might be some grants. Councilperson Leinung said that that could be. There might have been a geothermal. Councilperson Greenberg asked if Stantec explored that option. Engineer Frueh said that they are taking a look into it right now. He doesn’t want to speak on behalf of the mechanical guys. Councilperson Leinung said that from what he looked at
from NYSERDA it seemed like geothermal was more residential based and not commercial/municipality. Again, we started to look at that but not fully. That’s something else we can take a look at. Councilperson Hennessy asked if this was for the garage proper, not for the office section. Highway Superintendent Guyer said that that was correct. Councilperson Hennessy asked this is the primary furnace up there? This is only for tempering the air in the garage and even that we’re probably not running at 65. It might be more like 55 to 60. Highway Superintendent Guyer said that it’s 65. There are employees that work in there all day long all year long. Councilperson Hennessy said that it’s two employees and maybe even then periodic use inside. The difficulty is spending such a high amount of money on a furnace that’s not the primary furnace. The higher efficiency is great. He would think that because of that we might want to make sure we get some kind of grant for it. Councilperson Leimung added that we also want to see what that cost difference is especially if we’re doing a grant. Supervisor LaGrange said that this is still in the works.

- **Authorize Highway Superintendent to sign contract with Prime Highway Contractors, LLC, in regard to the Krumkill Road Corrective Maintenance Improvement.**

Highway Superintendent Guyer said that he and Attorney Naughton went back and forth on this. Attorney Naughton thought that we should put it on the agenda just to clean it up. It is the final contract. It’s the contract between the Town of New Scotland and Prime Highway Contractors. We did all the DOT stuff and federal stuff. This is the contract with the contractor for the Krumkill Road job. Attorney Naughton said that we approved the numbers and we awarded the bid. We just have to approve the form of the contract and authorize the Supervisor to sign it. Everything else has all been approved. This is a standard NYS DOT form that they want it on.

**Resolution 2019-160**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED,** that the Town Board of the Town of New Scotland does hereby approve the contract with Prime Contractors, LLC, for PIN 1760.30 entitled the Krumkill Road Corrective Maintenance Town of New Scotland/Albany County for the amount of the bid that was awarded and approved and authorizes the Town Supervisor to sign it.

Councilperson Snyder seconded the motion.

Councilperson Greenberg said that they were talking about a completion date of August 8th. Highway Superintendent Guyer said that we have a pre-construction meeting this Friday. He and Mr. Johns are anticipating a request to move that date, the reason being is that we had our bid opening and all of our bids came back above so we had to go back to the State and start over, so this was held up for three weeks at the State. The town didn’t have any control over it. Prime Contracting didn’t have any control over it or Stantec. This went back to the State and DOT. We had to do new resolutions because of the different amounts and we had to get approval that the State and the Federal governments were going to pay that amount. We’re anticipating that there is going to be a request to move that date but we don’t know yet. We won’t know until Friday at our meeting. Councilperson Greenberg asked if we wanted to approve this if we’re just going to have a final, final, final contract. Attorney Naughton said that he would approve it. He’ll have to look and see what has to be done for final completion date. He doesn’t see anything in here that says it’s a “time is of the essence.” It says there is no extension beyond the date of completion fixed by the terms of this contract and shall be effective unless in writing signed by the sponsor. We would have to approve a letter extending the timeframe so he would go ahead authorizing and approving this contract now. If that date needs to be pushed out a couple of weeks the sponsor can do that and that’s us.

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

- **Permission to go to bid for Overlook Drive Paving project.**

Highway Superintendent Guyer said that he’s looking for permission to go out to bid for the Overlook Drive paving project. We can’t pave wing gutters ourselves. They have machines and they pave them. This project is going to go out to bid. He obtained some informal quotes from other reputable contractors that we’ve dealt with in the past. There is significant savings to be had as opposed to piggybacking on the county’s bid for this particular job. He would like permission to advertise this and put it out to bid as opposed to going with the county contract. He believes there is savings to be had and money being left on the table. Supervisor LaGrange asked if this is somewhere approaching a
$100,000 job? Highway Superintendent Guyer said that it is.

**Resolution 2019-161**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED,** that the Town Board of the Town of New Scotland does hereby allow the Highway Superintendent to go out to bid for Overlook Drive Paving project.

Councilperson Leinung seconded the motion.

Councilperson Hennessy asked if there is any discussion about whether they are going to extend that further. That whole area is subdivided. Highway Superintendent Guyer said that Supervisor LaGrange told him that the property owner was in during the past year a few times. Supervisor LaGrange said that John Breeze still owns the development. He has approached the Building Inspector a couple of times in recent months, maybe even up to a year and a half ago, to see what it’s going to take to restart the project. There have been a couple of changes. Stormwater management is a big issue that would change his site plan a little. He hasn’t got anything going at this point but he has been in to look at the possibility of starting back up again. Councilperson Hennessy asked if Superintendent Guyer is concerned about paving now and then if they start redeveloping two to four years from now it will beat up the new pavement? Highway Superintendent Guyer said that it’s beyond that. This needs to be paved. Supervisor LaGrange said that he believes there is access from another point. Highway Superintendent Guyer said that if he’s going to continue the road out we could stipulate that the construction entrance would be the tail end of the new road. The Planning Board or whoever would say that you work from this end in and stay off the road. Councilperson Snyder said that he would need to make them aware. Councilperson Hennessy asked Supervisor LaGrange to send an email to the Planning Board stating that so they remember for the future. Councilperson Snyder added that Highway Superintendent Guyer would have to chime in on that. Councilperson Hennessy said it might be something to consider. It’s not necessarily a requirement. Maybe there are other reasons that you can’t do that. Maybe he wants to add onto the house on the end. Highway Superintendent Guyer added that maybe it wouldn’t be the complete buildout of the loop. Councilperson Hennessy said that it’s something that should be taken into consideration. Highway Superintendent Guyer said that if we were going to do anything we would continue it out.

Councilperson Greenberg asked if we know how much the county contract would have cost? Superintendent Guyer said that there was savings to be had. Do we know what the number is? Highway Superintendent Guyer said that the savings from the other quotes is about $14,000. He’s anticipating that when this goes out to bid he’ll get similar bids back on this so he put together a bid specification and set up a date for a bid opening. We put a legal ad together, and as long as the Board approves this, it will go in the paper. We kind of got the ball rolling ahead of time anticipating that we could do this. This is for 2019. Supervisor LaGrange said that we do have the option of pulling the advertisement. He has until 9 PM tonight to call and cancel the ad.

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

Bridget Burke wanted to make a comment regarding the furnace. There was mention of geothermal and that primarily it is used in residential settings, but that’s not actually the case. She is familiar with the residential settings. She has one and found it to be very beneficial, but there are a number of commercial entities in the Capital District that have used them to positive effect. There are some people locally that have real expertise and could give real information about what the cost savings could be expected to be. When she put it into her house, they quickly were able to break even and the NYSERDA subsidies for municipalities on geothermal are much greater than they are for residential. She thinks it should be considered. She also thinks a wood pellet stove is a good idea. Highway Superintendent Guyer said that he would struggle with a wood pellet stove logistically because of space. He doesn’t know how you store these things or where you store them, but he already has equipment sitting outside. We’re busting at the seams as far as that goes. He doesn’t know how you add them and he doesn’t know how they work. His question would be do they work on hot water? Are they boilers? Mrs. Burke said that you get an electric furnace but there is a loop that goes in the ground. It can either go vertically or horizontally and then you benefit from the difference of temperature underground. Councilperson Leinung said that it’s like a fan. It’s a heat pump. Councilperson Hennessy said that you extract heat from either side of the water. Your water in the
ground is 50 degrees all the time and then you work off the radiant between that. Highway Superintendent Guyer asked if there is fluid in this loop underground or are they pumping air? Councilperson Hennessy said that it’s water. Highway Superintendent Guyer said that there is a heat exchanger. Does he need a boiler on the building side or can it be a hot air furnace? Councilperson Hennessy said that it can be a hot air furnace, but it’s all part of the heat pump apparatus. Highway Superintendent Guyer said that if we do look into that he would need a vertical unit. Our site up there has gas tanks in the ground, fiber optics, our septic system, and stormwater. If we do investigate that, it would have to be a vertical system because we are very limited on usable ground space. Councilperson Leinung said that there are a lot of companies locally that do geothermal. Councilperson Hennessy said that there might be a restriction on that application there because of the rock. It’s all rock. You can’t use some of the traditional geothermal equipment for that.

Bridget Burke added that she thinks that if it has to be vertical that could be a problem.

11. Discussion/Action re: staffing in the Department of Public Works.
   • Request to increase Clerk Samantha Miller’s hours from 20 hours per week to full-time 35 hours per week, effective September 3rd, and determine departmental apportionment of wages.

Resolution 2019-162
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve increasing Clerk Samantha Miller’s hours from 20 hours per week to full-time 35 hours per week, effective September 3rd, and determine departmental apportionment of wages.

Supervisor LaGrange said that right now about 20% of her time is for water and sewer. He wouldn’t anticipate that that will change a whole lot in the future but we have to see how it is. Again, the point here is that with the open Commissioner of DPW we would have to have a money source. There is about $19,000 this year and the same would hold true for next year because Mr. LaChappelle was here for the first three months of the year. That ate up some of it, too; that’s why it would be about the same next year. Actually we would save a little bit more next year.

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

Supervisor LaGrange said that this will help in innumerable ways. It will also give us some redundancy with Mrs. Boehlke and Mrs. Kavanaugh when they are out.

• Discussion of department administration.
  Supervisor LaGrange said that he thinks this might be something we want to speak about after the meeting in Executive Session.

12. Fire/Ambulance:
   • Onesquethaw Volunteer Fire Co. Membership request for Jacob A. Miller.

Resolution 2019-163
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve Jacob A. Miller as member in the Onesquethaw Volunteer Fire Co.

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

• Request from Onesquethaw Volunteer Fire for approval for purchase of a new truck.
  Councilperson Greenberg said that we had a public hearing at the Onesquethaw Volunteer Fire Department to approve the purchase of a new truck. It’s a 2019 Ford pick-up truck. They are financing $50,000 of it and they wanted the ability to use the tax-free to finance that. We had the public hearing. It was quick and everyone was all for that. Councilperson Hennessy also attended the hearing. Now we just need to approve this. Supervisor LaGrange said that we’ve done this in the past with several things including recently the New Salem building.
Resolution No. 164 of 2019.
WHEREAS, a hearing was held on July 1, 2019, at 7:00 p.m. regarding the proposed purchase and financing by the Onesquethaw Volunteer Fire Co., Inc., of firefighting equipment (a fire truck) consisting of a 2019 Ford F350 crew cab 4x4 6.2L V8 gas engine to be purchased from Crossroads Ford, Ravena.

WHEREAS, the fire company proposes to finance $15,000.00 of the $40,222.50 purchase price with a loan/promissory note to The Bank of Greene County;

WHEREAS, the firefighting equipment is to be used for the provision of the fire protection service to the Onesquethaw Volunteer Fire Protection District pursuant to a contract between the Onesquethaw Volunteer Fire Co., Inc., and the Town of New Scotland;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, pursuant to Section 103 of the Internal Revenue Code, approves the financing by the Onesquethaw Volunteer Fire Company of the balance of the purchase price of the fire equipment in a principal amount not to exceed $15,000.00. The full faith and credit of the Town is not being given, promised, or pledged in connection with any financing or purchase.

A motion by Member Greenberg, seconded by Member Hennessy, to adopt Resolution No. 164 of 2019.

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

13. Liaison Reports:
   - Resolutions in support of Mohawk Hudson Land Conservancy grant application for a park project located on the former Bender Melon Farm.

Councilperson Greenberg said that everyone is familiar with the option that Mohawk Hudson has on the Bender Melon Farm. They are applying for a CCA grant to help with the purchase of that property. They asked if we could give them a letter of support.

Resolution 2019-165
WHEREAS, the Mohawk Hudson Land Conservancy, a not-for-profit corporation, is applying to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project to be located on the former Bender Melon Farm at 306 Maple Road, a site located within the territorial jurisdiction of New Scotland;

WHEREAS, as a requirement under the rules of this program, said not-for-profit corporation must obtain the “approval/endorsement of the governing body of the municipality in which the project will be located.”

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of New Scotland hereby approves and endorses the application of the Mohawk Hudson Land Conservancy for a grant under Title 9 of the Environmental Protection Act of 1993 for a park project known as the Bender Melon Farm and located within this community; and it is further

RESOLVED, that this Resolution shall take effect immediately.

Councilperson Greenberg noted that this is a time-sensitive issue because the grant is due July 26th.

A motion by Member Greenberg was seconded by Member Hennessy, to adopt Resolution No. 165 of 2019.

Glenn Schultz asked how big this would be? Councilperson Greenberg asked how big a grant they are applying for or acreage-wise? The total parcel is about 200 acres. Councilperson Hennessy said that it is 170 on some tax maps and 200 acres on other maps. Councilperson Greenberg added that it’s not totally clear what the grant application is asking. Mr. Schultz said that there are potentially 200 acres where we would lose that tax money? Councilperson Hennessy said that it depends on how they seek to use it.
They may use it to subdivide and sell off. They may use some for a park. They may use some for farming. They have different options. Mr. Schultz said that it says “Conservancy,” and he doesn’t think that’s for anything but a park. Supervisor LaGrange said that farmland is also in conservancies, not to mention that there has been discussion. It’s an up-to-acreage. There could be some allowances still for some commercial development in the area under the new hamlet study zoning. Councilperson Hennessy asked if Mr. Schultz was referring to where it says “Mohawk Hudson Land Conservancy.” It’s a park project. They will have different facets, but that’s some of their thoughts. Councilperson Greenberg said that part of the discussion has actually been that it may spur some commercial development in the southern section.

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

14. Departmental Monthly Reports:
- Town Clerk, June 2019
- Registrar, June 2019
- Justice Johnson, June 2019
- Justice Wukitsch, June 2019
- Building Dept., 2019
- Code Enforcement, 2019

Councilperson Snyder said that the Building Department and Code Enforcement forms were not included. Supervisor LaGrange said that he would check on it.

15. Pay the Bills
Resolution 2019-166
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve paying the following:

<table>
<thead>
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<th>Pay the Bills</th>
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<tr>
<td>July 10, 2019</td>
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<table>
<thead>
<tr>
<th>Abstract #</th>
<th>Vouchers</th>
<th>Amount</th>
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<tr>
<td>07/03/2019</td>
<td>20190802-20190870</td>
<td>$180,786.43</td>
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| Prepays |

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<th>Abstract#</th>
<th>Vouchers</th>
<th>Amount</th>
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<tbody>
<tr>
<td>06/13/2019</td>
<td>20190770-20190788</td>
<td>$2,863.74</td>
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<tr>
<td>06/24/2019</td>
<td>20190790-20190794</td>
<td>$1,527.21</td>
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<tr>
<td>06/24/2019</td>
<td>20190795</td>
<td>$818.88</td>
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<tr>
<td>06/26/2019</td>
<td>20190796-20190799</td>
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<tr>
<td>06/28/2019</td>
<td>20190800-20190801</td>
<td>$2,507.20</td>
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</table>

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

13. Liaison Reports
Solar Grant
Councilperson Hennessy advised that the solar grant application that we are pursuing with Solomon Energy is in the draft RPF stage. Attorney Naughton has that. He did put together some mapping that he wanted to review with the Highway Superintendent later on the options. We have two sites that are under consideration. We are still seeking more documentation from Town files on the old landfill site on Flat Rock Road. It would be best if we had that stuff right now, but we can still go forward without it. Attorney Naughton noted that that’s the smaller site. Councilperson Hennessy added that it’s the inactive site. We have to put together some of those maps and finalize that. We could probably approve that later this month or in August. Supervisor LaGrange asked if we want to tentatively set a meeting in case it’s ready. Councilperson Greenberg said that we might also have to do the Hilton grant. Councilperson Hennessy said that we have the barn grant and the park trails grant application that we are putting together right now.
Resolution 2019-167
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve a special meeting of the Town Board of the Town of New Scotland on Wednesday, July 24, 2019, at 6:30 PM.

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

Hudson Estuary Grant
Supervisor LaGrange said as that Mr. Hart was working on the Hudson Estuary Grant to inventory our natural resources. Councilperson Hennessy said that he thought Mrs. Stolzenburg was putting the application in. Supervisor LaGrange said that we have to. Today we got together. Mr. Hart gave us some information to put into that. We had more that we had to collect. One of our co-sponsors didn’t get his information here until 2 PM today. We input that along with the rest of them and then we could not submit it. It would not let us submit it. We made phone calls. There was some issue somewhere. We got on the phone with the grant portal people. That was about 2:50 PM. There was a 3 PM deadline and they couldn’t give us any ideas. We got on the phone with Mrs. Stolzenburg. We couldn’t contact Mr. Hart because he was out of cell range. We got on the phone with Mrs. Stolzenburg. We couldn’t submit. We sent a note out this afternoon but we didn’t hear back. It was too late for a response. Councilperson Snyder said that she’s worked with that portal, and it’s very difficult to work with. Supervisor LaGrange said that we had Mrs. Stolzenburg on the phone and she was trying to help but still it was just a mess. Councilperson Snyder said that this happens more frequently than you may realize. Supervisor LaGrange said that it was incredibly frustrating. Hopefully there will be some consideration on DEC’s part once they see that everything was loaded in plenty of time and he made the phone call in plenty of time even though we couldn’t submit.

His point to that was to inform the Board and to say, don’t rely on the July 26th date. We didn’t have a choice; we were waiting on this final document. Don’t wait too late to push the button. Councilperson Greenberg asked that the Board be kept informed.

Approve any Budget Modifications
Resolution 2019-168
Supervisor LaGrange 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:

<table>
<thead>
<tr>
<th>FROM</th>
<th>CODE</th>
<th>TO</th>
<th>CODE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance</td>
<td>A0909</td>
<td>Superv./contr.</td>
<td>A1220.4</td>
<td>$3,150.00</td>
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<tr>
<td>To appropriate money from fund balance to Supervisor/contractual for second payment on accounting software approved in 9/18.</td>
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<tr>
<td>Contingency</td>
<td>A1990.4</td>
<td>Hilton Barn/cpntr.</td>
<td>A1626.4</td>
<td>$1,665.88</td>
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<tr>
<td>To move appropriation from contingency to Hilton Barn for purchases of fabric and stone at site.</td>
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<td></td>
<td></td>
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<tr>
<td>Fund Balance</td>
<td>DB0909</td>
<td>Lease interest</td>
<td>DB9785.7</td>
<td>$899.26</td>
</tr>
<tr>
<td>To appropriate money from fund balance to lease interest for amount over budget.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>WC0909</td>
<td>Water Admin./contr.</td>
<td>WC8310.4</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>To appropriate money from fund balance to water administration/contractual for amount over budget ($714.94) plus an estimate through year end.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>WCC0909</td>
<td>Interfund Loan Int.</td>
<td>WCC9795.7</td>
<td>$25.00</td>
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<td>To appropriate money from fund balance to interfund loan interest for amount over budget ($3.61) plus estimate through year end.</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>WCC0909</td>
<td>Source/supply/contr.</td>
<td>WCC8320.4</td>
<td>$3,359.98</td>
</tr>
</tbody>
</table>

Page 14
To appropriate money from fund balance to Source/supply/contr. for amount over budget.
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2019 budget as stated above.

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

17. **Invitation to the Public to Discuss Non-Agenda Items**

Glenn Schultz said that he just wanted to know who he should contact to get the actual costs up to this point and anticipated monies coming in for the Hilton Barn. Who would he call? Supervisor LaGrange said that he thinks Mrs. Kavanaugh has the spreadsheet. Town Clerk Deschenes said that there was a FOIL just recently so she has the revenues and expenditures that they put together within the past two weeks or so. Mr. Schultz asked if he could contact her. Town Clerk Deschenes said that he could.

**Resolution 2019-169**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby approve an Executive Session for a personnel matter.

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

Executive Session began at 8:18 PM.

Councilperson Hennessy made a motion to adjourn Executive Session, seconded by Councilperson Snyder.

Executive Session adjourned at 9:06 PM.

No action was taken during Executive Session.

18. **Adjourn**

Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Greenberg. The meeting adjourned at 9:07 PM.