Town of New Scotland  
Regular Town Board Meeting  
September 11, 2019

The following Town Officials were in attendance:

Supervisor: Douglas LaGrange  
            Adam Greenberg

Councilperson: Daniel Leinung  
               William Hennessy

Highway Superintendent: Kenneth Guyer  
Engineer: Garrett Frueh

Town Attorney: Michael Naughton  
Town Clerk: Diane Deschenes

Absent: Councilperson: Patricia Snyder

1. Call to Order  
   Supervisor LaGrange called the meeting to order at 7:00 PM.

2. Pledge of Allegiance

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

4. Approval of the Minutes of the Following:  
   - August 14, 2019  Regular Town Board Meeting

   Resolution 2019-188  
   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.

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

   Announcements:
   - Defensive Driving Class September 24, 2019 – sign up at Town Clerk’s office
   - Free Tire Recycling Day October 1, 2019, 4pm-6pm - Albany County Soil Water Conservation District. Register by September 20, 2019
   - Shredding event – September 21, 2019, 9 am-noon at Swift Rd. Park

6. Discussion/Action re: Street Light Improvements and Mapping  
   - Agreement for Purchase and Sale of Streetlights
   - License Agreement with National Grid

   Supervisor LaGrange said that late today we received the contract in the mail and the purchase agreement for the sale of the street lights from National Grid. As you might remember, probably three months ago the Board agreed to go ahead with this. Last month we thought we’d have something ready to go.

   Attorney Naughton said that before we go too far he had gotten some emails about this last draft that just came out today from some other members and municipalities within the group. They are indicating that they want to have a meeting with some of the attorneys for each municipality and NYPRI to agree on finalizing the language. He’s not sure it’s going to make a lot of sense to have a resolution and pass that tonight. It looks like there is going to be a full meeting on this. He suspects there are going to be some changes as a result.

   Supervisor LaGrange agreed to postpone it until the next meeting. They were talking about getting together next week. Everyone wants to keep pushing this and getting it done, but we keep getting these little snags from National Grid.

7. Discussion/Action re: setting 2020 Budget meetings  
   - Special Meeting prior to October 5th for Clerk to present Tentative Budget to Board
Resolution 2019-189
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set October 2, 2019, at 7:00 PM for the presentation of the budget.

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

- Budget Workshop meetings in October

Resolution 2019-190
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set budget workshop meetings for October 7, 2019, October 15, 2019, October 16, 2019, and October 23, 2019, at 6:30 PM.

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

- Budget Public Hearing on Preliminary Budget no later than November 16th

Resolution 2019-191
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a public hearing on the Preliminary Budget for Wednesday November 6, 2019, at 6:30 PM.

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

8. Highway/Parks:
   - 2019 Highway and Parks Inventory

Highway Superintendent Guyer presented his annual inventory. According to Highway Law, annually we have to present our equipment inventory to the Board. We go thought it every year and evaluate the condition and update the mileage. If anything throughout the year is purchased it’s added to this list. If anything is discarded it’s removed from the list. It’s just our basic list. Things will be a decent value, and a lifespan of numerous years is on here. We have always incorporated our parks department as well. Supervisor LaGrange asked if the Board had any questions. There were no questions from the Board. No action was necessary.

- Bid Opening for Furnace

Highway Superintendent Guyer said that last month they set a tentative bid opening for the furnace for the highway garage. We didn’t have enough time to get stuff together so we’re not going to make that. We set a date for September 20th but we’re not going to make that. If we set a date tonight we can notify the Construction Reporter in the morning. It would be on there for 15 days to make the legal limit. If we put it on in the morning we can advertise in the Construction Report and Bid Net. We could have a bid opening on October 4th. Engineer Frueh said he was ready. He distributed the draft so he just has to revise the dates. Highway Superintendent Guyer added that it has the language in there about best value bidding. If everyone is happy with that we will put it on for tomorrow morning and set a bid opening for Friday October 4th.

Resolution 2019-192
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby amend the bid opening date to October 4, 2019, at 10 AM for the highway garage furnace.

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

- Hilton Barn site

Supervisor LaGrange said he did go over to the barn site and the guys have done a really good job getting started on those trails. Highway Superintendent Guyer said we are out stone money that was put in last year. Councilperson Hennessy asked if that was for the park lot or the trail? Highway Superintendent Guyer replied that it was for the trail. Supervisor LaGrange said that if they can keep working on it that would be
great. He’s guessing they got half of the longer trail done and most of the short trail. Highway Superintendent Guyer said that we still need to bring some in. There is some grading going on but we’re making progress. Councilperson Greenberg said that we could use it for a cross country ski trail. Supervisor LaGrange agreed and asked if Highway Superintendent Guyer could give us an idea of how much more is needed. The Board could choose to take it out of Parks funds. Highway Superintendent Guyer said that in the last month, as their workload has slowed down, they’ve put down 400 tons. The stone that you see spread around there is 400 tons of crusher run. Highway Superintendent Guyer asked if Supervisor LaGrange was looking for a dollar amount or tons. Highway Superintendent Guyer said that he could do about the same with a little under $5,000. That’s what was put in last year during budget. There was some extra money that was put in by the Board for that kind of work. Supervisor LaGrange added that it’s somewhat dry but there are still wet spots in there. It would be nice while we have the weather to do as much as we can this fall. Highway Superintendent Guyer added that we can keep tinkering. Councilperson Hennessy said that he’s fine with getting things done. He knows part of it is in the grant application that we filed and it may be deemed ineligible because it’s done. Supervisor LaGrange asked if we can include stuff on that? He thinks a top coat or maybe something to hold the gravel in. Councilperson Hennessy said that we could possibly add wanted some skirting on the sides if we wanted to. We may be able to adjust depending on how everything goes. There are obviously other trail elements that are in the grant application. We’ll find out in a couple of months whether that’s going to work. I’m more interested in progress than waiting on the grant. If it affects the grant application proceeding, if we do get the grant, we’ll have to adjust.

Councilperson Greenberg asked which park fund it would come out of. Supervisor LaGrange said he will find out which one would be best; they both have similar numbers and $5,000 is a drop in the bucket for them.

Resolution 2019-193
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 up-to amount of $5,000 for crusher run for the trail system at the Hilton Park to be sourced out of one of our park reserve funds.

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

5. Discussion/Action re: proposed Historic Preservation Law and Establishment of a Historic Preservation Committee
Supervisor LaGrange said that we received a proposal from the Historical Association months ago and he said there was no hurry. We kind of lost sight of it, but now we’d like to get it going again. There have been some slight revisions that we’ve made.

Attorney Naughton said that today he circulated a revised draft following up on some other comments that the Board had. For example, the proposed law had a board of seven members and there was some comment that we might want to go down to a five-member board because on occasions we’ve had difficulty filling existing boards so that might be easier to handle. He added some provisions that referenced Article 5K of the NYGML which deals with Historic Preservation and grants municipalities the power to create commissions to regulate these resources. He also added provisions, for example, that provided for a report to be made within one year, which is another provision of Article 5K. He thought that we should make that run from not only the passage of the law but the establishment of the commission. In the NYS Law it gives the Board or the Commission 24 months to accomplish that. So, they have up to 24 months from the formation of the commission to present a report regarding the existing resources and some recommendations. Other things were really just to clean up and make it clear that there would be no remuneration for the Board members. They would serve as volunteers. That’s pretty much it. He made it clear that, because we have a five-member commission, the Town Board would have the power to appoint three members and the Village Board would have the power to appoint two members of the commission. That’s really the main change. He knows that the Village didn’t really have any revisions at all. He’s now shared his blackline and clean copy with the Village. He doesn’t know whether Mr. Kowlowitz, who started this ball rolling, has seen it or had a chance to comment; he thought he was traveling. One way you could go about this, depending on the comments tonight, if you wanted to see what the public has to say about this you could set a public hearing based on the revision for the October meeting, or you could just wait to see whether everyone else is fine with our revision. It’s up to the Board. Supervisor LaGrange said that he’d love to hear what the Board has to say but he’d be inclined to set a public hearing. We’ve had it for quite a while and we’ve made some minor revisions.
and we will have them for this month. We could hold the public hearing and keep things rolling. Councilperson Leinung said setting the public hearing doesn’t mean that’s the end of it. We can always make more revisions afterwards especially talking to the Village. He assumes that they might have some comments on our possible draft.

Stephen Reilly said that he had one comment but he wanted to start by saying that it bears repeating that this process is really terrific for the community at large and really lays down language and guidance for a methodical and disciplined approach, recognizing and hopefully qualitatively and quantitatively dealing with historic and legitimately important historic structures throughout the town. That said, having looked at and been on other Boards of this type in the past there is an item here, “3”, under section 2 for the purpose that says to “enable the formation of a commission with powers to carry out the above goals.” He is stepping in slightly late on the draft revisions that have been made. Attorney Naughton replied that it’s not really late because they just went out today. Mr. Reilly said that he didn’t ask this question of Mr. Kowlowitz prior.

“Powers” can be a broad definition. The question is what might the Town the meaning of powers for a commission to enact or to facilitate any of the items A – I.

Attorney Naughton responded that the way the law is set up right now the commission’s function is principally to evaluate what the resources are, report on them, catalog them, and then make recommendations to the various elected boards (the Town Board, the Village Board). He made it clear in there that it would also be for the Zoning Boards and the Planning Boards of the Village and the Town. Most of their function really is advisory. We’ve made it clear that they don’t even have the power to independently hire consultants. There was some confusing language in one of the first subsections of that. He just stuck that so they didn’t have the power to do that. The Planning Board has that power. The Zoning Board of Appeals has that power in the Town anyway; he is not as familiar with the Village provisions. That should be enough. Since they’re advisory they could recommend that someone independent be hired to look into a certain thing; he thinks the feeling was that that was enough. So this sets up the framework, and it may be built upon. There might come a time when you can decide that they have additional powers, but right now the commission powers are very limited; it’s more advisory.

Mr. Reilly said so that Attorney Naughton had answered his second question which would have been within that 24-month period the commission would advise the Town on perhaps suggested schedule, perhaps consultant they might interview or speak to on ways to create this database, such as it would be for the Town historic places and then review whatever those documents or deliverables might be. Attorney Naughton agreed adding if they get their work done earlier, terrific. Supervisor LaGrange said that he thinks 12 months was originally called for. Attorney Naughton agreed; it said one year. Mr. Reilly said that that’s too quick. Supervisor LaGrange said that Mr. Kowlowitz said that.

Councilperson Greenberg said that he just wanted to be clear. Attorney Naughton said a couple of times that it’s mostly only advisory. Attorney Naughton agreed. Mr. Reilly said that you want to be clear about that so there is no misconception by anybody who might be asked to participate on the Board and understand that there’s a recommendation only.

Robert Parmenter said that his understanding was that it was always to be that: advisory. Supervisor LaGrange said that Mr. Kowlowitz made that very clear on at least two occasions.

Councilperson Greenberg said that he just had one question about Section IV about the chairmanship. It says that the Village and the Town have to agree on the chairperson. It was unclear what happens if they can’t. Attorney Naughton added that it also says that if there is no decision on that, then the commission members decide among themselves by majority who is going to serve as chair during that period until a determination is made. That’s in section E on page 5. He just cleaned up the format there. There had been a separate paragraph that said members shall not be affiliated with the same professional office and shall not be related by marriage or immediate family members. He thought that belonged in the qualifications and criteria of members of the commission. He just moved that up and eliminated a paragraph. That’s why it’s changed.

Supervisor LaGrange asked if there was a reason for the Town and Village to appoint somebody. We do appoint the Planning and Zoning chairs. Oftentimes these advisory boards tend to select their own chairperson. Is there a reason we want to do it this way? Attorney Naughton said that he didn’t draft it so he doesn’t know. Councilperson Leinung said that he is assuming it’s because it’s joint so it will make it a joint decision between the Town and the Village. Attorney Naughton added that one could say that a chair has additional powers on any board, so it would be advisable to agree that whoever you put in that position would
be someone that both the Village and the Town agree on. Supervisor LaGrange said it was just a question.

Mr. Reilly said this is a little different from a liaison from a board sitting in on meetings. He thought that in his experience with this having an appointee avoids plausible deniability. If the board has a chance, they could fill a seat and have that person be someone that could report back to them but they’re not just a liaison— they’re actually a board member. He’s never seen it go badly but it could.

Supervisor LaGrange said again that he’s comfortable setting a public hearing for this if the rest of the Board is.

Councilperson Leinung said that he had just one comment. As Supervisor LaGrange pointed out earlier, he and Attorney Naughton had a back and forth about the frequency of when the board shall meet. He thought it said bi-weekly but it’s actually bi-monthly. He thinks it actually works better to meet on a monthly basis especially because part of the responsibilities is reviewing what’s on the zoning and planning boards which meet monthly. If there is a way for when this is set up so it can look at the agenda and get a recommendation to the Board before their next meeting he thinks that works on a monthly basis. Also if there is nothing, there is specific language saying that they don’t have to meet. The chair can always cancel the meeting. He can also call an additional meeting if something does pop up. He thinks monthly works for this purpose.

Supervisor LaGrange said that it would be nice if there was some consistency like the third Monday of the month or something like that. Attorney Naughton agreed.

Resolution 2019-194
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby set a Public Hearing for the Historic Preservation Law and Establishment of a Historic Preservation Committee at 6:45 PM on October 9, 2019.

Seconded by Councilperson Leinung.

Councilperson Hennessy said that he is very supportive of this. Obviously the proof is in the pudding as far as some of the elements that we pursue. He’d like to think that saving the barn was somewhat of a catalyst for this from a townwide prospective, and going forward there may be similar structures but the Village has some marvelous Victorian structures that need to be looked at. He’s very supportive.

Edith Abrams asked if the Board would please send a letter to the editor announcing this public hearing so that people can read about it as opposed to just being part of the agenda. She thinks that this is important enough for people to be aware of what the Board is doing. Supervisor LaGrange suggested that the Historical liaison do that. Councilperson Leinung said that Mr. Kowlowitz might have that in mind himself. He will work with him. He thinks it’s a good idea to have something more than something in the back of the paper. Mrs. Abrams asked what the front of the website.

Councilperson Hennessy said that he’d like to add that we have the Onesquethaw Creek District in the southwestern part of town that is a National Historic District and we don’t look at that very often. This might be a good thing for the committee to do to resurrect more interest in that and to maybe look at some of those documents as models.

All present and voting, the motion carried (4 Ayes).

Councilperson Greenberg commented that he thinks this has moved rather quickly, thanking Councilperson Leinung.

8A. Discussion/Action re: Offer of Cession by Robert and Marion Parmenter of a parcel of land located on East Rd.
Attorney Naughton advised that Robert and Marion Parmenter have graciously offered to donate a 0.45 acre
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parcel of land at the end of East Road and the Town is desirous of accepting that because there is no turnaround on that road. The highway department trucks and others have to back up including snowplows on East Road. The formality is that they make a formal offer of cessions just like we have when a developer offers to donate a road or certain infrastructure to the Town. We have that prepared and it’s been signed and filed with the Town Clerk. The next thing would be, based on that offer, if you want to take action on that we would have the draft resolution in which the Town Board would decide they do want this parcel and are willing to accept this offer. That would just free the Supervisor up to work with the Parmenters and get the other closing documents filed including the deed and to authorize the Town to expend up to $1,000 for the title search, which has already been done, and issuance of an owner’s title policy. That’s just under $1,000. He had suggested that we forego having a separate survey. There is an old survey and it’s vacant land and because of the nature of the parcel and where it is right next to the creek it doesn’t really matter that we know exactly independently of all the four corners on that parcel. We just really need that one parcel that’s not part of the steep slope for the turnaround. He would suggest that the Town Board adopt this resolution if they want to take action on this.

RESOLUTION APPROVING DEDICATION OF LAND [33 EAST ROAD/0.45 ACRE PARCEL]

Resolution 2019-195

WHEREAS, Robert M. Parmenter and Marion B. Parmenter ("Owners"), the owners of a 0.45 acre vacant lot known as 33 East Road in the Town of New Scotland, Albany County, New York (the "Property") have offered to donate the Property to the Town of New Scotland, and the Owners have submitted an Offer of Cession relating to the Property;

WHEREAS, the Superintendent of Highways has requested that the Town accept dedication of the Property to enable the Highway Department to install a turnaround for trucks;

WHEREAS, the Town wishes to accept the owner’s offer to dedicate the Property to the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board: 1) hereby accepts the owners’ offer to dedicate the Property to the Town; 2) hereby authorizes the Supervisor to sign all documents required to facilitate the conveyance and to pay the title insurance company, SMPR Title Agency, a sum not to exceed $1,000.00 for Owner’s Title Policy with coverage in the sum of $35,000, and incidental recording and filing fees; and 3) hereby authorizes the Town Attorney to take all actions necessary to facilitate the transaction.

A motion by Member LaGrange, seconded by Member Leinung to adopt Resolution No. 195 of 2019.

In favor: 4 Ayes
Opposed: 0 Nays
Motion Approved: 4 Ayes

Councilperson Greenberg commented, “Great job.” Supervisor LaGrange said that we really hacked this out in the last couple of meetings. It’s a great opportunity for Highway Superintendent Guyer to not have to back out so much. Highway Superintendent Guyer said that Mr. Parmenter came to him about a year ago and every month he would remember when he saw him. Finally, we got this done. This will be good for us and also for the trash truck. They drive in and back out too. Anytime we can eliminate going backwards we’re eliminating liability. Supervisor LaGrange commented that he does have the offer of cessions dated yesterday that the Clerk gave him. The Board thanked the Parmenters.

Resolution adopting Job Description for Civil Service Title “Account Clerk I”

Supervisor LaGrange said that at this point in time the position is a Clerk I only. We’ve wanted to expand that. This is the position that normally deals with water billing and does our bank reconciliation. Samantha Miller does this and she’s taking on more duties all the time. She did pass this civil service exam and was reachable. We start this off by creating the position.
Resolution 2019-196
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby establish the Account Clerk I position as outlined below through Civil Service:

ACCOUNT CLERK I

DISTINGUISHING FEATURES OF THE CLASS: The work involves responsibility for the performance of standard account keeping procedures in maintaining and checking financial accounts and records. The incumbent is responsible for entering and retrieving information using computer database/spreadsheet software. Routine assignments are done under supervision in accordance with defined procedures; detailed instructions are provided for new or unusual assignments. This class differs from Senior Account Clerk and Account Clerk II by virtue of the limited complexity of the work. The work is reviewed by observation, crosschecks, or by the immediate supervisor and by other steps in the account-keeping process. Does related work as required.

TYPICAL WORK ACTIVITIES:
- Reviews a variety of documents such as claim forms, vouchers, bills, purchase orders to determine eligibility for payment or to verify accuracy of payment made, according to defined procedures and policies;
- Verifies all calculations and codes on documents;
- Posts figures to appropriate accounts in hard copy or electronically and verifies all data entered;
- Prepares correspondence, documents, records and other written material in draft form;
- Reconciles all entries, both credits and debits;
- Prepares simple financial or statistical reports from data entered, including status of accounts, current balances, cash received or paid;
- Produces data needed for state and federal reimbursement claims;
- Receives cash payments, issues receipts, prepares checks for disbursement, deposits funds into appropriate accounts, prepares reconciliation of balances and posts balance to appropriate ledgers;
- Deposits bank receipts and transacts other bank business;
- Contacts by telephone and correspondence clients, vendors, etc. to obtain additional information;
- Provides routine information orally or in writing in response to inquiries on financial records;
- Files and maintains all records related to processing of payrolls, invoices, vouchers, bills and correspondence;
- Receives, balances and audits payroll time records;
- Operates calculator, computer and other related office equipment.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:
- Good knowledge of modern methods used in keeping and checking financial accounts and records, including computer financial software;
- Working knowledge of modern office terminology, procedures, equipment and business English;
- Ability to operate a personal computer and utilize common office software programs including word processing, spreadsheet and databases at an acceptable rate of accuracy and speed;
- Ability to make arithmetic computations involving fractions, decimals and percentage accurately;
- Ability to analyze and organize data and prepare records and reports;
- Ability to understand and interpret oral instructions and/or written directions;
- Ability to perform close, detail work involving considerable visual effort and concentration;
- Clerical aptitude;
- Physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: EITHER:
A. Graduation from a New York State or regionally accredited college with an Associate’s degree in Accounting, Business or a closely related field; OR,
B. Graduation from high school or possession of a high school equivalency diploma and two (2) years of
full-time paid experience in maintaining financial accounts and records.

**NOTE:** In the Child Support Enforcement Unit of the Department of Social Services ONLY: This position is subject to a background check for any convictions directly related to its duties and responsibilities. Only job-related convictions will be considered and will not automatically disqualify the candidate. No background check will occur until after a conditional offer of employment has been made. Any revocation of employment due to criminal history will include a clear explanation and instructions for appeal.

Juris. Class: Competitive / Non-Competitive PT (All Civil Divisions)

ACCS Adopted: 6/05

Revised: 03/06, 04/08, 12/17, 12/18

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

# 10. Discussion/Action re: setting Account Clerk I pay rates for steps on the Salary/Pay Grade Schedule

Supervisor LaGrange said that this would create a pay scale for that position. His recommendation, since it’s similar in duties to a Clerk II for which we already have a pay scale, he would mirror that in the Account Clerk I and have the pay scale as outlined in attachment 4.

**Resolution 2019-197**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby assign the pay scale as outlined below to the Account Clerk I position:

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<th>Title</th>
<th># of employees</th>
<th>Classific.</th>
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<td>Dog Warden</td>
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<td>NC</td>
<td>$18.17</td>
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<tr>
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Admin. Asst. 0 C $16.52 $17.68 $19.27 $20.64 $22.02
Building Inspector 0 C
Build Inspector PT 1 NC
Code Enfor. Off. 1 C
Sen. Ser. Coor. 1 C $15.42 $16.52 $17.63 $18.72 $19.82
Internal Control Officer 1 C $15.42 $16.52 $17.63 $18.72 $19.82
Clerk to the Supervisor 1 EX $20.92 $22.29 $23.68 $26.68 $28.65
Confidential Sec/Payroll/ Human Resources 1 EX $20.92 $22.29 $23.68 $26.68 $28.65
Clerk to the Justice 1 EX $14.32 $15.69 $17.06 $18.43 $19.82
Deputy T. Clerk 1 EX $18.18 $19.55 $20.92 $22.29 $23.68
Deputy Highway Superintendent 1 EX $20.36 $21.58 $23.63 $25.69 $27.75

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

11. Appointment of Samantha Miller as Account Clerk I in the Supervisor’s office at a pay rate of $18.43 (step 3 on the Salary/Pay Grade Schedule)
Supervisor LaGrange said that now we come to the person and this is a formality mostly. We need to appoint Samantha to this position, and she will remain at her current rate. Instead of being level 4 on Clerk I, it’s level 3 on the newly created position of Account Clerk I, which is also the same as Clerk II.

Resolution 2019-198
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Samantha Miller as Account Clerk I in the Supervisor’s office at a pay rate of $18.43, step 3 on the salary pay grade schedule that was just revised.

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

12. Resolution retaining Crystal Peck, Esq., at an hourly rate of $225.00 to defend a lawsuit entitled Tommell Livestock, LLC v. Town of New Scotland Zoning Board of Appeals and Jeremy Cramer, Building Inspector, and also agreeing to reimburse Ms. Peck and her law firm for reasonable litigation costs incurred in defending this case.
Supervisor LaGrange said that we have some discussion pertaining to this item. There is litigation and contractual and we’d like to have a discussion in Executive Session. We will probably come back after the Executive Session with an action having to do with hiring Crystal Peck to represent us in a lawsuit filed against the ZBA. We are going to postpone that until after the Executive Session.

13. Fire/Ambulance:
- Onesquethaw Volunteer Fire Co. Out-of-District Membership request for Richard W. Glover
Resolution 2019-199
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby honor the request from Onesquethaw Volunteer Fire Co. Out-of-District Membership for Richard W. Glover.

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

14. Discussion/Action re: appointment of Member to the Ethics Committee
Councilperson Leinung said that, as discussed prior, there is a vacancy on the Ethics Committee. He and Councilperson Hennessy held some interviews. We advertised and got two resumes. We interviewed both people and we are prepared to make a recommendation to the Board to appoint Marcus Hotaling to serve on the Ethics Committee. Councilperson Leinung couldn’t remember how long the term goes for. Town Clerk Deschenes said that she wrote it down but doesn’t have that information with her. The appointment would be effective tonight, and she can add the end date when typing the minutes; she thought it went to 2021. It’s a staggered effect. Mrs. Kavanaugh and she looked at it prior to the meeting. Councilperson Leinung said that he looked before but forgot to write
it down.

Resolution 2019-200
Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby appoint Marcus Hoteling to the Ethics Board for a term from September 11, 2019, to December 31, 2021.

Seconded by Councilperson Hennessy.
Councilperson Greenberg said that the vacant member’s term ended December 31, 2015. Town Clerk Deschenes said that it was before that. Councilperson Leinung said that it hadn’t been vacant that long. Councilperson Greenberg said that they are five-year terms. Town Clerk Deschenes said that they are not five-year terms. It’s a staggered schedule. The first person appointed was to finish out the year and the next two were for two years and the last one was for three years. Councilperson Leinung said that this is probably 2021. Town Clerk Deschenes agreed adding that she will include the term when typing the minutes.

All present and voting, the motion carried (4 Ayes).

15. Liaison Reports:
Telephones
Supervisor LaGrange said that he and Town Clerk Deschenes have been working with a potential phone service provider to switch things over and have a higher level of Internet at a couple of places and also save a lot of money. Town Clerk Deschenes said that we have a lot of different vendors right now. Courts use First Light for phone and Internet. They also lease their phone equipment every month so their bills are rather high. At Town Hall we use Magna5 for our phone service and Spectrum for our Internet. At the Community Center we use Spectrum for Internet and phone. The Highway Department also uses First Light. In looking at this, we are hoping to go with one vendor and streamline the process. We’re hoping to be able to transfer calls to Courts and Highway with this system. At this point we are paying about $1,500 a month for everything. If we switch, we can save about $500 per month. We will have to buy some equipment for Courts and Highway since they don’t own their phones. That’s what’s costing us a lot of money now. We are working with Ben Neary with Fluent Voice. He was recommended to us by Business Automation System. He’s been working with them over the years, so that made us feel good. He also worked with the Town of Round Lake and they were happy with them.

Town Clerk Deschenes said that it’s been a complicated process because there are so many locations involved and there are also some line issues. We have three water lines that are on alarms that Mr. Hensel deals with. We also have a couple of lines here that are connected to our fire alarm system. Town Clerk Deschenes thought we’d be able to wrap this up pretty quickly. We did check with another vendor and the price was comparable, but they are out of the Carolinas. Mrs. Deschenes said she’d prefer to stay local if we could. Supervisor LaGrange said he appreciated his tie-in with BAS too. That was a big selling point for me. Town Clerk Deschenes said that Mr. Neary is giving us some more information tomorrow and she can pass those around if anyone is interested in any more information. Supervisor LaGrange added that all of the quotes are under procurement for the three different areas but we wanted to at least give the Board an update but to save $500 a month, he’s good with that. It would also be nice to send out one check.

Supervisor LaGrange asked for any questions but there were none.

Historical Association
Councilperson Leinung said that the Historical Association programs are starting up again. He thinks the first one is October 1st at 7:30 PM at the Community Center. There is going to be a presentation form architect John Mesick on restoring period homes. That’s the first one of the year and then there are a whole bunch scheduled up until May.

ALS and EMT budget
Councilperson Greenberg wanted to mention that he, Councilperson Hennessy, and Supervisor LaGrange attended a meeting the other night at the County along with members of other towns and representatives concerning our EMT and ALS. The county proposed a significant budget increase. Supervisor LaGrange added that it was over 25%. Councilperson Greenberg said that this basically covers the Hilltowns, Town of New Scotland, and the Town of Bethlehem. Councilperson Greenberg added that Supervisor LaGrange has done a great job of getting all the supervisors and town representatives together, including Voorheesville, to
try to negotiate this down and the process has started. This is one of our larger budget items so a 25% increase here would be difficult to handle. He commended him on doing that. He also wanted to point this out because this is a great example of the 2% tax cap. We have a 2% tax cap and when we get increases of 25% from one of our biggest budget items, we have no choice. We can try and work with the County. Sheriff Apple is trying to do that with us but we’re going to need some help from the County Executive and the County Legislature as well on this issue. If we get a 25% or even a 10% tax increase here from the County, that means that we have to reduce our budget somewhere else. We are working hard to deal with this issue. He just wanted the public to be aware of this as an issue because we can pressure the County to work with us. Also he wants the public to be aware of what we are dealing with in budget season when these things come around. Budgeting health care costs is the same kind of example. They increase a lot more than 2% but we have to fit them into a 2% budget. Supervisor LaGrange said that it would be a great article to write. Mr. Mulkerrin said it will be in tomorrow’s paper.

Supervisor LaGrange added that we understand why this is happening. They want to go with full-time employees and when you see what the sheriff’s EMTs and paramedics are getting paid compared to other local emergency services, they’re vastly underpaid. People talk about a $15 minimum wage or $15 to hire at someplace like McDonald’s and these guys are getting less than that and they are part time. They come in from another area and maybe work two 12-hour shifts or more and then they come here and try and get going with that. We get it. It’s just how do we pay for it and what’s the best way to handle this? That’s what we’re trying to explore now. He thought it was a great conversation the other night. They are getting some budget numbers to us that we’re not always aware of and all of us would like to see those. He thinks we are going in the right direction, but as Councilperson Greenberg said, we are going to need help. He thinks it’s going to be something that the County is going to have to help us with. We want to keep the services as great as they are. The sheriffs and Onesquethaw do a great job. It’s a very good service but we need to somehow figure out how to handle this so it’s not such a tremendous issue for our budget.

Mrs. Abrams asked about talking to the State Legislative Committee on local governments, encouraging them to hold hearings on the repercussions of this 2% cap? People can come and give testimony so that maybe the cap could be raised. If the governor still wants a cap he can have a cap. Maybe after all these years 2% is just too much. Supervisor LaGrange added that it’s never 2% either. We were down under 1% at one time. There is a growth factor and a whole page on the comptroller’s website. You plug in your information from the previous year and it calculates your cap for the coming year. He thinks we had one that was about 3%. That’s rare; most of them are under that. He spoke to Assemblywoman Fahy a couple of days ago. She reminded him that when it originally came out for the 2% cap it wasn’t to include projects. It went against our cap when we did the New Salem Water District project. Here we have all these infrastructure failings around the state and to make it worse it counts against your cap when you do something. EMS was not supposed to be a part of that either, but somehow it got folded into it along with fire, ambulance, and any of those things. So Mrs. Abrams is right. Mrs. Fahy told him that she was going to look toward that. Our liaison to the State can work on it too. It’s a problem and it’s a problem for all of us. Our ALS paramedic costs have gone up an average of 4.76% every year since 2011. It might have been close to inception but he’s not positive. We did have one that was well under 1% and we had one at 9.93% one year. The average has been 4.76%. It’s constantly been rising anyway. We took a hit last year; he thinks it was about 8%. We made it work but we had no idea that anything like this was coming this year.

Mrs. Abrams asked if we found that the Town is getting more taxes since these half-million dollar homes are being built and people are living in them. Supervisor LaGrange said that we will as we progress. That’s part of the growth factor too. The answer is yes. We’re working on it. Supervisor LaGrange thanked the other two Board members for going the other night. It was an important meeting.

Court Clerk
Supervisor LaGrange noted that we did hire another Court Clerk.

16. Departmental Monthly Reports:
- Town Clerk, Aug 2019
- Registrar, Aug 2019
- Justice Johnson, Aug 2019
- Justice Wukitsch, Aug 2019
- Building Dept., 2019
- Code Enforcement, 2019
175. Pay the Bills
Resolution 2019-201
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:

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Prepays

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

18. Approve any Budget Modifications
There were no budget modifications.

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

19A. Executive Session
Resolution 2019-202
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 Executive Session to discuss both a contractual situation and also the legal issue we have regarding an Article 78 proceeding against the town.

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

Executive Session began at 8:04 PM.

Executive Session ended at 9:12 PM.

No action was taken during Executive Session.

Resolution 2019-203

WHEREAS, Tommell Livestock, LLC (“Tommell”) filed an Article 78 proceeding against the Town of New Scotland Zoning Board of Appeals and Jeremy Cramer, as Building Inspector of the Town of New Scotland,

WHEREAS, the Town wishes to defend the Article 78 proceeding and Crystal Peck, Esq., has agreed to defend the Town in the Article 78 proceeding.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby retains Crystal Peck, Esq., the Town’s Planning and Zoning Attorney, to defend the lawsuit commenced by Tommell Livestock, LLC, entitled Tommell Livestock, LLC v. Town of New Scotland Zoning Board of Appeals and Jeremy Cramer, Building Inspector, at an hourly rate of $225/hour, and hereby agrees to reimburse Ms. Peck (and her law firm) for reasonable litigation costs incurred in defending the case (including photocopying expenses,
paralegal fees, filing fees, etc.)

A motion by Member LaGrange seconded by Member Greenberg to adopt Resolution No. 203 of 2019.

In favor: 4 Ayes
Opposed: 0 Nays
Motion Approved: 4 Ayes

20. Adjourn
Supervisor LaGrange made a motion to adjourn, seconded by Councilperson Leinung. The meeting adjourned at 9:15 PM.

_____________________________________________________
Diane R. Deschenes, Town Clerk