The following Town Officials were in attendance:

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

1. Call to Order
Supervisor LaGrange called the meeting to order at 7:05 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:
   - Sept 4, 2019  Special Town Board Meeting
   - Sept 11, 2019  Regular Town Board Meeting

Resolution 2019-204
Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby approve the minutes as presented by the Clerk for the September 4, 2019, Special Town Board meeting.

Seconded by Councilperson Leinung. All present and voting, the motion carried (4 Ayes – 1 Abstention). Supervisor LaGrange abstained since he was absent.

Resolution 2019-205
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 September 11, 2019, Regular Town Board meeting.

Seconded by Councilperson Greenberg. All present and voting, the motion carried (4 Ayes – 1 Abstention). Councilperson Snyder abstained since she was absent.

Announcements:
- Fall Brush & Lawn Debris Pick-up Oct 15th through Nov 22nd
- Mountainview Church Polling Site has closed. New polling site is St. Matthews Church. Sample ballots are available on Albany County Board of Elections website along with early voting information
- NSHA Presentation November 3, 2019, “Albany’s Lost 98 Acres”.

5. Discussion/Action re: Proposed Local Law D of 2019 – Historic Preservation Law
Councilperson Leinung wanted to start by making a few comments about what we heard in the public hearing. He started with Mrs. Carson’s question first, why we need this law. There are a ton of state, local and county laws. He sees this as more of a resource for the Town. There have definitely been times when he was on the Planning Board where questions would come up and we would move forward and then at the end of the Planning Board process all of a sudden someone comes in asked if we knew that there was a historic house right on the same property. He kind of sees this more as a resource for the Town Board,
Planning Board, and Zoning Board to have this resource of people who are aware of the historic buildings in this Town and to provide guidance. I think something to stress is that this is an advisory board. They are making recommendations and guidance to the Town about historic structures and historic resources in the Town so we’re aware of it while we’re making these decisions moving forward so we’re not stopping the process later on when something comes up or it doesn’t come up and something gets demolished. Another thing with the demolition permits is, again, this is something where they are providing guidance to the Building Department in granting a building demolition permit. We had talked to our building inspector and he thought that the timeline here wouldn’t slow it down for his process at all. We made sure that that lined up. Another thing he wanted to point out is that the whole point of this law is to be voluntary so by placing with the Registry of Historic Places there is nothing specific in here about having the approval of the property owner adding on to their property. He thinks that that’s something we’d want to take a look at before we move forward with this. He doesn’t think that the intention, but it could be clearer. The commission could make a recommendation that something gets added to the historic registry. Obviously the property owner would want to have to add their property to that. A lot of the time there are already other restrictions that already exist for these properties in other state laws. We are not supplementing that. We’re not going over that. We are just creating a new resource for the Town to have a Town Historic Registry so we know the historic resources we have in the Town.

Timothy Stanton said that he’s trying to help this gentleman. The Board has said in the past at the Planning Board level that you didn’t have the knowledge of this. What if you did? That’s what we both need to know. Because you didn’t have the knowledge, how would that make the Planning Board act differently? Supervisor LaGrange said that there was one instance where there was a question and the particular structure was historical. It actually delayed a decision for a month. For me, hopefully it will give more knowledge to the Board so they can make the decision that night instead of having to go out and find out the information and deal with it accordingly at the next meeting. That happened once; he doesn’t know if it’s happened any other time. Councilperson Leinung said that that’s what he was referring to. We might go through two or three meetings and then something comes up at the fourth meeting and we’d have to go back and start over. This is a way to have the information up front so the Boards know what’s there and what’s available, and they can take that into consideration instead of waiting and delaying the process. Mr. Stanton said, “You do understand from us listening to that on one hand you’re saying this is not going to make any difference with what landowners can do to our properties. On the other hand you’re saying if we had known about this it would have changed what we did at the Planning Board level. It’s very ambiguous to me.” Councilperson Leinung said, again, it’s just having the information available up front instead of delaying the process down the line. He sees it as streamlining this process and making things happen quicker. He’s sees Planning Board meetings where projects go on for months and months because new issues keep cropping up. This is one way to get in front of those issues. Again, he sees it as streamlining.

Scott McManus said maybe it was stated wrong. In the example you said, “Had we known we wouldn’t have taken that building down.” You can go back when you take the building down. That’s how it was stated. There was a change. That means a decision would have changed. Supervisor LaGrange said part of the reason for that was that if the building comes down, this doesn’t preclude demolition; this gives the committee a chance to document stuff and put it in the record. There are places that just need to come down. Mr. Stanton mentioned that earlier. This would give them a chance to at least have them on the record for the history of the Town. That was one of the primary things that came through to him. He’s hoping that the Touhey house will never have to come down. There are other places that need to come down. If they are of historical value at least we will document them. A lot of things we have in the museum are just references of where it was or how it was. That’s what really excited him about this opportunity.

Mr. McManus said that in his mind if he were to want to put a structure up he would go through the building permit process. What if it didn’t align? Supervisor LaGrange interrupted and said that that’s not the intent. You don’t have to design your shed to match the house. Mr. Stanton said that the first part of the law kind of insinuates that. It says we want to maintain the character of the Town, the historic significance, and the look of the Town. That kind of thing makes people say, “Wait a minute - you’re trying to tell us what we can do.” Supervisor LaGrange said that that doesn’t come into play when you get into the meat of it.

Edith Abrams said we are talking advisory only. Supervisor LaGrange agreed. Mrs. Abrams said no one is telling anyone what to do. Supervisor LaGrange agreed. He added that it’s also a secondary duty getting our whole historical background consolidated in one spot so we know what’s here.

Supervisor LaGrange said there is no action tonight. If there are any major changes, and he didn’t know that
there would be, we would act on this at next month’s meeting. Again, we still have to hear back from the County. We did have some thoughts from the Planning Board on it.

Attorney Naughton said that he thinks we should note that we published the hearing and we have an affidavit of publication in the records.

Timothy Stanton asked that a clause be put in there somewhere that says that the main purpose of the law is to collect data. If you read the first paragraph of the law, it doesn’t talk about that. It talks about maintaining the character, the look, etc., and he thinks that’s misleading if what we’re saying is the real intent of the law.

Edith Abrams asked if we’re talking about new construction? We’re just talking about historical buildings. Supervisor LaGrange said that the date now is 70 years old just for demolition. Mrs. Abrams said that she didn’t view this law as threatening. She thinks that if anyone wants to build an ultra-modern house someplace that’s not in character with the Town this law would have no effect whatsoever.

George Koch said that he heard them say the building could be 100 years old.

Mr. Kowlowitz said that with the State it’s 70 years. He added to bear in mind that we are talking about sites and structures. We’re talking about structures that no longer exist. If you look at the signs within the Town, which is a good indication of things, that would be on the registry which is different from an inventory. There are structures such as Duffy-Mott, which no longer exists, and the Bender Melon Farm that no longer exists. We are looking at sites and documentation. Not every historic building can be saved but they should be documented. Councilperson Snyder said that that’s a good point to at least put some markers up.

Councilperson Snyder had a point for clarification. She thinks this may have come up before. We’re going to maybe clarify in here somehow something about engaging the current homeowner, property owner, or structure owner if it’s going down the road of maybe being designated a historic site. Can that be somehow incorporated in here? Do I understand that correctly? Councilperson Leinung said that he thinks that was always the intention, but he thinks having some clarifying language, creating the registry of historic places, that obviously we’d want to have the property owner have the authority to say yes or no. That’s implied in the law. Councilperson Snyder said that she thinks that’s an important piece of communication.

6. Discussion/Action regarding speed limit study request for County Route 308.

Supervisor LaGrange said that this is a request for Unionville-Feura Bush Road. There were some odd things on this. They requested one speed and got another. Town Clerk Deschenes said that we requested a study and got a response back in 2005. When they first responded the State said the order was for 40 MPH and then they realized there was a typo so they sent out a corrected order for 45 MPH. Supervisor LaGrange asked if the Board had any issue with asking the Town Clerk to request this speed limit study. There were no objections.

7. Discussion/Action re: Tax Bill Processing Agreement with Albany County

Town Clerk Deschenes said that we’ve been using a company called Telascent for years and we’ve been having some problems with them. They had some staff changes and it’s been a struggle these past few years. She’s been trying to find a new vendor to deal with. This year at the Town Clerk meeting, which I did not attend, a fellow Town Clerk found a company called ABS. They are out of Batavia, NY. She’s been going back and forth with them getting information. She gave the agreement to Attorney Naughton to review. She’s not even sure she needs permission but she is looking to have the agreement signed. It would be less than $2,000 which is basically what we are spending now. She hopes to save some money on the end on postage because they do things a little differently. Anything would be better than what we have. She’d like to go with ABS this year and she’s looking for permission to have the agreement signed by her or Supervisor LaGrange.

Resolution 2019-206

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize the Town Clerk to enter into the agreement with Applied Business Systems, Inc.

Seconded by Councilperson Snyder. All present and voting, the motion carried (5 Ayes).
8. Highway/Parks:

- **Recommendation re: award of bid for highway garage furnace**
  
  Highway Superintendent Guyer said that we need a new furnace for our highway garage. It heats the main part of the garage. We went out to public bid and we received five bids back last Friday. With the help of Stantec, Highway Superintendent Guyer made his recommendation which the Board has in front of them for RMB Mechanical. Engineer Frueh said that he also recommends them. Highway Superintendent Guyer said that all five bidders “speeked” the identical piece of equipment. He thinks it’s the closest replacement to what we have size-wise. We’re in a crunch for space. It fits the same basic footprint. All five bidders bid the exact same unit. He recommends RMB Mechanical; they were the low bidder. Councilperson Snyder asked where they are located. Highway Superintendent Guyer said Schenectady County. They’ve been in business for 13-plus years. They had an A+ with the Better Business Bureau. There was a whole list of commercial clients they’ve worked for (multiple stores in Crossgates, Albany Medical Center, Tractor Supply, etc.). Councilperson Hennessy asked if the equipment is just the standard oil furnace. Highway Superintendent Guyer said that no one had any alternatives. Councilperson Greenberg asked if we looked at geothermal. It came in at about $123,000. Highway Superintendent Guyer said that for the drilling of the wells and the heat exchanger, we’d have to hook to the unit but we did look at that. Councilperson Greenberg wanted to say that we originally got some bids around $30,000. One was over and one was under and that triggered a threshold to send this out to public bid. That’s why we got five prices back. He just wanted to thank Highway Superintendent Guyer for doing this because he saved us about $7,000. Highway Superintendent Guyer said that we put an RFP out. We had two bidders come back. One was a few hundred below the threshold of our procurement policy and the other was a few hundred dollars over. He didn’t know what to do and that’s when he asked Attorney Naughton who suggested we put this out to public bid. We did and there was a significant savings. Some of the bidders where the first people that put in quotes.

**Resolution 2019-207**

Supervisor LaGrange offered the following resolution and moved its adoption:

**RESOLVED**, that the Town Board of the Town of New Scotland does hereby accept the recommendation of Highway Superintendent Guyer to accept the bid from RMB Mechanical, Inc., in the about of $23,200.

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

- **Resolution accepting bid and approving form of contract**
  
  RESOLUTION APPROVING AWARD OF CONTRACT TO REPLACE FURNACE AT TOWN HIGHWAY GARAGE [RMB MECHANICAL, INC.]

WHEREAS, RMB Mechanical, Inc., (“Contractor”) submitted a bid in the total lump sum of $23,200 for certain work referred to as the Furnace Replacement Project at the Town Highway Garage (the “Project”); and

WHEREAS, five (5) bids were received, and the Contractor was the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby accepts and approves the Contractor’s bid in the sum of $23,200.00 for the Project, approves the form of the Agreement attached to the Agenda, and authorizes the Superintendent of Highways to sign the Agreement for the replacement and installation of a new oil furnace at the Highway Garage.

A motion by Member LaGrange, seconded by Member Greenberg, to adopt Resolution No. 208 of 2019.

Councilperson Greenberg asked if we have a date for completion. Attorney Naughton said that there is another version that we sent over after the agenda went out. He got hold of Bernie from RMB and he’s confident that he’ll have the equipment by late December so we’re adding in the deadline of January 15, 2020, for him to complete. The Board has the Word version in front of it, but the specifications will be attached to the contract.

In favor: 5 Ayes

Opposed: 0 Nays
Motion Approved:  5 Ayes

Supervisor LaGrange thanked everyone that worked on this.

- **Request to set hourly wage for new Highway Department employee Louis Micheli, Equipment Operator 1, at $16.52 per hour (step 1)**

Highway Superintendent Guyer would like to set the hourly wage for Louis Micheli. Mr. Micheli will be starting tomorrow. He will be our newest Operator 1 position. He’s looking for approval from the Board to start Mr. Micheli at step 1 at $16.52 per hours according to the 2019 salary scale. He would also look for approval to raise Mr. Micheli to level 2 upon receiving his Class B CDL license. Councilperson Hennessy said that that’s a standard increase we offer. Highway Superintendent Guyer said that that’s what historically we’ve done. He asked for step 2 because, depending on time, that may change after January 1. Councilperson Greenberg asked if he’s in the process now? Highway Superintendent Guyer said that he is working on his permit. Councilperson Greenberg asked how long that process takes? Highway Superintendent Guyer said that the permit test is like your permit test for a car. It’s a written test. If you study you can walk out with a permit. Councilperson Greenberg asked if you have to wait a certain amount of time. Highway Superintendent Guyer replied no, it’s just when you’re confident. There is a lot of textbook stuff that you need to know. It’s not just that they want to see how you drive. There is a lot on the air brakes, the tire pressure, and the gauges. There is a lot that goes on with it. It may be this year or it may be 2020. Councilperson Leinung asked if we are saying when he gets his permit or his license? Highway Superintendent Guyer said, “His license.” Supervisor LaGrange said that we help with that. We take them for their license.

**Resolution 2019-209**

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 hiring of a new Highway Department employee, Louis Micheli, Equipment Operator 1 at $16.52 per hour (step 1) rate which would increase to the step 2 rate once he achieves his class B license.

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

9. **Dedication of sewer main from the Olsen Project on New Scotland Rd.**

- **Recommendation from Stantec Engineering**

Attorney Naughton said that this relates to Jim Olsen who is here in the room. It’s for the self-storage building and the office building in the front. As part of that, Mr. Olsen was required to put in a forced sewer main that goes the entire length of his property from one side to the other. He’s already within the sewer district so this is just an improvement. We have an offer of cession where the owner who has paid for these improvements to dedicate it to the town. In the package we have an offer of cession. He has also provided a waiver of mechanics lien from Vadney indicating that he’s been paid so we are taking something that is not subject to any liens. There is a two-year warranty that’s been signed. It will be effective upon dedication at the two-year period. There are some other documents in the package that we’ve received including a utility easement. Once it is dedicated to the Town we will have the ability to go in there because it’s on private property to fix it, replace it, etc. There is an as-built in the package showing where it is from the surveyor and there’s also a plan and description of the easement area. The proposed resolution is attachment #5. The concept is that if you wish to do so you are accepting dedication of the sewer forced main and the offer to provide a utility easement from Mr. Olsen and his wife, Robin. Councilperson Greenberg said that there is also a $12,000 fee. Attorney Naughton said that he’s been told that we got that at Town Hall so the $12,000 fee that we have to hand over to Bethlehem has been paid. Supervisor LaGrange added that the voucher is being signed tonight. Attorney Naughton added we have a recommendation in the packet also from Stantec stating that they are recommending that we accept it. They did the testing and oversaw the construction and installation of the sewer main. He thinks everything is in order at this point, and he would recommend that the Board move forward with the resolution accepting the dedication.

Councilperson Hennessy said that the grinder pump is not part of this because that’s on private property and asked if that was correct. Engineer Frueh said that it’s private.

- **Resolution**
RESOLUTION REGARDING DEDICATION OF CERTAIN SEWER FORCE MAIN INFRASTRUCTURE IMPROVEMENTS RELATING TO THE OLSEN SELF-STORAGE FACILITY PROJECT

WHEREAS, in connection with a real estate development known as a “Self-Storage Facility” Project (the “Project”) located at 1942 and 1944 New Scotland Road in the Town of New Scotland, Albany County, State of New York, Developer was issued a Special Use Permit (Application #589) by the Planning Board of the Town of New Scotland pursuant to a Findings and Decision, dated July 11, 2017 (the “Permit” or “Approval”);

WHEREAS, Developer entered into a Development Agreement with the Town, and agreed to furnish and install certain infrastructure improvements that are conditions of the approval issued by the Planning Board;

WHEREAS, Developer installed a sewer force main and related improvements (collectively, the “Improvements”) as shown on the As-Built Sanitary Sewer Plan prepared by Advance Engineering & Surveying, PLLC, dated September 25, 2019 (the “Plan”) and stamped by Robert D. Davies, Jr., L.S.;

WHEREAS, the Developer wishes to dedicate the Improvements to the Town (including the Heldervale Sewer District) and grant the Town a Utility Easement granting the Town access to the easement area depicted on the plan (“Utility Easement Plan”) entitled “Proposed 30 Ft. Utility Easement,” dated September 16, 2019, prepared by Advance Engineering & Surveying, P.C., and stamped by Robert D. Davies, Jr., L.S;

WHEREAS, the Town has received the Developer’s Offer of Cession, and is desirous of owning the Improvements;

WHEREAS, the Improvements have been examined by the Town Designated Engineer (TDE), Stantec Consulting, and Stantec recommended acceptance of the dedication.

NOW, THEREFORE, it is hereby RESOLVED, that the Town hereby accepts: (A) dedication of the sewer force main and related Improvements described in the Bill of Sale; and (B) the Utility Easement offered by the Developer; and it is further

RESOLVED, that no Certificate of Occupancy shall be issued for the Project until: (1) all sewer hookup fees have been paid; (2) the Code Enforcement Officer has determined that all conditions of the Special Use Permit have been satisfied, or the Developer has deposited a sum sufficient to satisfy any conditions that have not been completed. (The amount of the deposit shall be determined by the Town-Designated Engineer in consultation with the Code Enforcement Officer); and (3) the Developer funds the escrow established in the Development Agreement in an amount sufficient to pay all costs associated with the preparation, review, and filing of the dedication documents (including fees incurred by the Town-Designated Engineer and Town Attorney).

A motion by Member LaGrange, seconded by Member Hennessy, to adopt Resolution No. 210 of 2019.

Attorney Naughton said that they talk about conditions in there and the Certificate of Occupancy. There are a few conditions in the Planning Board’s special use permit that relate principally to landscaping. Building Inspector Cramer has been away until about noon today. He doesn’t know where that stands, but it’s simple and it looks from the site that we are pretty close to final grade. Mr. Olsen agreed. Attorney Naughton added that he didn’t see that being a problem. He knows there is a tenant that they want to get in there. We’re talking about November 1 for that. Mr. Olsen agreed. Attorney Naughton said that he thinks there will be time to take care of any conditions. He’s looped in Planning Board Chairperson Voss, Attorney Peck, and Building Inspector Cramer. Once we get through this resolution it hands off to them to take care of that stuff.
In favor: 5 Ayes
Opposed: 0 Nays
Motion Approved: 5 Ayes

10. **Discussion/Action re: Solar Project at Town Landfill**

Councilperson Hennessy said that the Town has been pursuing development of solar power within the Town for probably six years. We initially were looking at other sites but it didn’t pan out. The programs that the State was offering had lapsed. Recently we reentered the picture for doing this. We contracted with Four Corners Energy and Solomon Energy. Michael Hammer is here tonight from Four Corners Energy. They are working with Solomon Energy in conjunction with them to help the Town develop solar power. They developed an RFP process to develop power at our former landfill on Flat Rock Road which is approximately 8-9 acres. A portion of our transfer station landfill on Upper Flat Rock Road is approximately 62 acres. The RFP was utilizing approximately 30 acres of the Transfer Station landfill and approximately seven acres of the old landfill. We are very happy to announce that we did receive two proposals for this. The proposals were from GE Energy and Standard Solar. Solomon Energy is currently reviewing the proposals. They’ve given us preliminary understanding of them. He will defer to Attorney Naughton and Councilperson Greenberg after this on the next steps. We are happy to say that we are pursuing this aggressively and we are able to move forward. This is a huge step tonight. Councilperson Greenberg said that basically GE came in the highest. We don’t really need to vote on this but we should agree to give Attorney Naughton the authority to start to negotiate a lease agreement with GE together with Solomon Energy and see if we can come to some sort of agreement. If we don’t maybe we will move on to other options. We can start there and Attorney Naughton can update us on where that goes. Attorney Naughton said that we have Michael Hammer here and asked him to tell us the process where the option is first and then what triggers the lease?

Mr. Hammer said that the current step we’re on right now is the Board approving Attorney Naughton, himself, and Solomon to negotiate an option with GE. Within that option agreement is a bunch of caveats, numbers, and calculations. The reason for that is that what that option does is, once we negotiate that, we’d look for the Board for approval of that option probably in November or December. If it’s approved, GE will then commit a ton of money to the New Scotland project paying for easily over $100,000 for infrastructure studies and things like that to confirm that everything we put in front of the Board and everything they proposed is doable based on the main thing being infrastructure. Cost based on their assumptions is $900,000. They want to confirm with National Grid through studies that that’s doable as well as NYSERDA incentives. At the end of the day they are going to NYSERDA to make “X” amount of dollars and they have to confirm that NYSERDA will get this much money. Once they have that number and those final calculations they can come back and say they were right or no we were wrong and here’s the real number. That can go both ways. There are situations where if we think infrastructure is only going to cost $700,000 we already have calculations set up with GE or these groups as part of the proposal for the fee. If the number comes back less than we thought per increment, how much more money does New Scotland need? That way it’s not a negotiation; it’s there. A lot of those things will be in that option agreement that we work with Attorney Naughton. It streamlines the process going forward so we don’t have to open those negotiations again.

Attorney Naughton said that the idea is attached to the option and part of it would be the proposed lease form. If everything gets triggered and everything goes as planned then that lease is already approved and we already know what that looks like. We will get to a point where we will have to approve a contract that will have a lease within it of Town land so that will trigger the permissive referendum period where we will have to wait even if we approve it. If it were to come before the Board in November and we were to approve it, it would still be a 30-day permissive referendum period. We’re at that point where, other than authorizing he and Solomon, Mr. Hammer’s firm, to move forward with negotiating, we’re not really seeking any action at this time and we’re just reporting back to the Board what’s gone on. We’re probably ahead of schedule of where we wanted to be. There was one other thing that Mr. Hammer mentioned. There is something with the NYSERDA incentives where we won’t know that last final number until late January? Mr. Hammer said the timeline right now is for he and Attorney Naughton to negotiate the option. If the Board approves it in November, we have the 30 days before GE can move forward. They moved forward with the interconnection with National Grid which gets their final cost handled. After that’s handled, they then submit everything to NYSERDA for that incentive. That’s when NYSERDA confirms or changes the incentive as necessary. That will probably be March or April. It’s that National Grid study. It can take one month and sometimes it takes three. It really just depends on what their workload looks like or whenever you submit it.

Councilperson Greenberg wanted to back up for a second. The reason these are on landfill sites is because
they qualify for this incentive that comes through the state and NYSERDA. That’s why we issued the RFP for those sites specifically. Mr. Hammer said there is an extra incentive on top of the base because of the landfill.

Attorney Naughton said that there is one other thing in terms of a disclosure. His firm represents certain GE divisions. Most of what we do with GE is pollution-type cases that Attorney Sommers works on; he doesn’t work with GE. We don’t do any of the GE solar work though. We do represent other solar developers in the industry and none of these bidders are our clients for solar. He just wanted to disclose that but didn’t see any conflict.

Supervisor LaGrange asked if we need a resolution to direct the lease to be hammered out or is that already assumed? Attorney Naughton said that we could do that. Just authorize the Town Attorney to work with Solomon and Mr. Hammer’s firm to move forward negotiating the option and lease terms.

Resolution 2019-211
Councilperson Greenberg offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize Attorney Naughton to work with Solomon and Four Corners Energy to move forward negotiating the option and lease terms.

Seconded by Councilperson Hennessy.

Edith Abrams asked how this solar project is going to be beneficial to the Town. Councilperson Hennessy said that it would generate approximately enough electricity for 1,400 homes. Basically the Town of New Scotland will generate lease income by leasing the landfill to solar developers. The landfill is essentially dead space now and unusable. Mrs. Abrams said that number one, it’s like renting the land out. Number two, do we know where those 1,400 homes are? Councilperson Leinung said that it doesn’t work that way. Councilperson Hennessy said that that’s just what the equivalent would be. It’s not community solar where we are directing it straight to residents. That’s the quantity that everyone likes to say, the estimate. Mrs. Abrams asked if that means our electric rates will go down? Councilperson Hennessy replied no.

Councilperson Leinung added that he thinks there are opportunities for community solar in the future. There is an opportunity for a community solar program to use this energy. Councilperson Greenberg said that it’s really a lease agreement. We are leasing land for them to put solar on. That’s as far as it goes at this point. It can work in conjunction with some other things that we’re doing. We are looking into a Community Choice Aggregation now. If that comes through and the more solar around that’s available, maybe then the energy prices that come back on that negotiation could be lower. Yes, it could in some ways. Attorney Naughton could speak to this more specifically on that. We could in some indirect way lower our costs. Is this solar going to serve your specific house? No, not necessarily.

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

Councilperson Greenberg wanted to say for the record that Councilperson Hennessy has done so much work on this, has put so many hours into working with Mr. Hammer and Solomon, and should be commended.

Edith Abrams asked where these revenues will go in the budget? Councilperson Greenberg said that we don’t have any revenue yet. Supervisor LaGrange added that we have to be sure it actually happens. This is still the exploratory phase in a sense. We’ve narrowed it down to at least a company that can give us an opportunity.

11. Liaison Reports:
Community Choice Aggregation
Supervisor LaGrange said that we’ve been working on Community Choice Aggregation. We approved the path to start the process a while ago. One of the components today was to do an educational video for the education portion of the whole project. He did that along with the Bethlehem Supervisor. They met at the Bethlehem Public Library and produced videos of frequently asked questions. It was a nice experience. Mrs. Gava, who is our point person on this, answered the questions. It should be quite informative once it gets out there.

Water Committee
Councilperson Hennessy said that the Water Committee met last month and we had several residents
requesting water service in the northeast part of town (near Krumkill Road). Mr. Koch was one of them. We are requesting that the Town Board consider investigation of potential water resources for that area. The requests have existed previously. Supervisor LaGrange attended the meeting. We’re talking about State Farm Road corridor, Krumkill Road, Normanskill Road and even the connection by Wormer Road. Basically the end result of the discussion was that Stantec and Mr. Frueh were going to do some research and find some of the documentation they’ve done historically in that regard. The ball in kind of in your court. Maybe you can present that next Monday at the Water Committee meeting if you’ve found that information. Mr. Frueh said he found the information. It was prior to Kensington being built. Now that we know the exact limits as to where the Kensington Water main is we updated those options to extend off of there and at least just give us ballpark numbers for discussion and construction cost. Councilperson Hennessy said there have been some historical investigations to some of these extensions. Again, those costs are 10 to 20 years old. We’re not looking at extending any water districts. We’re just looking at the possibility of that kind of service.

Proposed Replacement of the Rail Trail Bridge
Councilperson Hennessy said the County had two public hearing on the proposed replacement of the Rail Trail Bridge and they had one design charrette for it. Many people spoke out against bridge replacement. They wanted bridge rehabilitation. The County and their consultant studied all of those options. Basically there were three to five options and they narrowed it down to three which included the rehabilitation. The County’s number claims that the rehabilitation would be over $3 million dollars whereas bridge replacement would be approximately $1.2 million. The County Executive announced last week that they are choosing the alternative to replace the bridge and not rehab the bridge. The bridge will essentially have the appearance similar to what it is now. It’s a two-girder bridge. It will sort of maintain the look of the steel. Similar to the bridge that is on Delaware Avenue in Delmar. The big item of concern is the height of the bridge. Currently it’s 11 feet 3 inches and it precludes tractor trailers and large trucks from going under. DOT requires it to be standard height of 15 feet 6 inches. That is the required height of a bridge that would allow tractor trailers to come under it. The County has said that they did studies saying that trucks would just detour around there anyway. It’s a short detour and the same number of trucks will use that route once they raise the bridge as would have used it in the past. NYS DOT Region 1 had a meeting that he and Supervisor Van Luven attended that confirmed the assumption that there will be no increased truck traffic. “The professional engineer in me does not necessarily believe it because historically when you build a new bridge or a new road way there is a growth factor inherent in that.” They are saying that that will not exist. He wanted to point out that the amount of traffic that they counted was 16 trucks per day. The roadway there can’t handle that level of traffic. That’s not the issue. The level of service they call it is acceptable for that. The intersection is not necessarily as well off as the roadway itself. That intersection, as we all know, at Kenwood is very difficult. That is the result of where the project is now. He, the town of Bethlehem’s Supervisor Van Luven, County Legislator Vicky Plotsky, and Legislator William Reinhardt are all in connection and trying to address another element that we may be able to impart of the construction on the design to help potentially alleviate truck traffic. That remains to be seen. He’s sorry that it’s a long, drawn out process but he wanted to at least have that on the record. The bridge is located in the Town of Bethlehem but obviously much of that truck traffic and car traffic will come down Route 85 into New Scotland. There are documents on the Albany County website showing the bridge and the chosen alternative. He has to confirm that but he has those if anyone wants them.

Councilperson Snyder asked if the new bridge is going to be 15 feet? Councilperson Hennessy said that it is. Highway Superintendent Guyer asked they will raise the road to alleviate the water issue if they raise the structure? Councilperson Hennessy said that there is a slight rise in the elevation of it. It’s still going be a vertical curve going through there. It’s not going to alleviate the drainage that much but his understanding is that it actually solved much of the drainage problem when they cleared out the discharge at the end of it which goes out to the north behind Toll Gate. That alleviated a lot of it. He thinks that in heavy rain storms everyone notices that it still floods a bit. It’s not as bad as it used to be. The State is going to maintain that. It’s theirs and it’s going to stay theirs. The County owns the bridge but the State maintains Route 85. There is dual jurisdiction that they both work together on.

12. Departmental Monthly Reports:
- Town Clerk, Sept 2019
- Registrar, Sept 2019
- Justice Johnson, August 2019
- Justice Wukitsch, August 2019
- Building Dept., 2019

9
13. **Pay the Bills**  
**Resolution 2019-212**  
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>
<tr>
<th>Abstract #</th>
<th>Vouchers</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/03/2019</td>
<td>20191165-20191246</td>
<td>$227,430.82</td>
</tr>
<tr>
<td>09/12/2019</td>
<td>20191135-20191154</td>
<td>$3,037.69</td>
</tr>
<tr>
<td>09/18/2019</td>
<td>20191156-20191158</td>
<td>$1,132.14</td>
</tr>
<tr>
<td>09/26/2019</td>
<td>20191159-20191164</td>
<td>$45,601.45</td>
</tr>
</tbody>
</table>

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

14. **Approve any Budget Modifications**  
**Resolution 2019-213**  
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>Contingency</td>
<td>A1990.4</td>
<td>Central Data Proc./contractual</td>
<td>A1680.4</td>
<td>$235.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from Contingency to Central Data Process/contractual for amount over budget for onsite services related to APC ISP equipment.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>A1990.4</td>
<td>Purchase of Land/contractual</td>
<td>A1940.4</td>
<td>$926.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from Contingency to Purchase of Land/contractual for charges related to donation of land at 33 East Road.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>A1990.4</td>
<td>Garage/contractual</td>
<td>A5132.4</td>
<td>$5,255.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from Contingency to Garage/contractual for amount over budget related to garage floor drains.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>A0909</td>
<td>Parks/contractual</td>
<td>A7110.4</td>
<td>$3,171.97</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from fund balance to Parks/contractual for amount over budget ($1,211.75) plus estimate through year end.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>A0909</td>
<td>Refuse/contractual</td>
<td>A8160.4</td>
<td>$4,070.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from fund balance to refuse/contractual for amount over budget for HHW charges.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewer Service Charges</td>
<td>SS2122</td>
<td>Sewer Collection Admin./Contr.</td>
<td>SS8120.4</td>
<td>$24,000.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To increase both revenue/sewer service charges and expenditure/sewer collection admin./contractual for additional Town of Bethlehem fee for sewer hookup. We estimated 3 hookups for 2019 and are at 6 year to date.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>WCC0909</td>
<td>Med/Dent Ins.</td>
<td>WCC9060.8</td>
<td>$161.15</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To appropriate money from fund balance to Med/Dent. Ins. for amount over budget ($39.97) plus estimate through year end.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fund Balance</td>
<td>WF0909</td>
<td>Purification/contractual</td>
<td>WF8330.4</td>
<td>$250.00</td>
</tr>
</tbody>
</table>
|                          |      | To appropriate money from fund balance for Purification/contractual.
To appropriate money from fund balance to Purification/Contractual for amount over budget ($95.75) plus estimate through year end.

<table>
<thead>
<tr>
<th>Fund Balance</th>
<th>Purification/Contractual</th>
<th>WH8330.4</th>
<th>$250.00</th>
</tr>
</thead>
</table>

To appropriate money from fund balance to Purification/Contractual for amount over budget ($61.75) plus estimate through year end.

<table>
<thead>
<tr>
<th>Metered Water Rents</th>
<th>Purification/Contractual</th>
<th>WKW8330.4</th>
<th>$250.00</th>
</tr>
</thead>
</table>

To appropriate money from fund balance to Purification/Contractual for amount over budget ($50.33) plus estimate through year end.

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).

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

There were no comments from the public.

**Executive Session**

**Resolution 2019-214**

Supervisor LaGrange offered the following resolution and moved its adoption:

RESOLVED, that the Town Board of the Town of New Scotland does hereby authorize an Executive Session to discuss both a contractual and a legal matter.

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

Executive Session began at 8:02 PM.

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

Executive Session adjourned at 8:53 PM.

16. **Adjourn**

Councilperson Snyder made a motion to adjourn, seconded by Councilperson Hennessy. The meeting adjourned at 8:54 PM.

Diane R. Deschenes, Town Clerk