

**Town of New Scotland**  
**Regular Town Board Meeting**

**December 14, 2016**

The following Town Officials were in attendance:

Supervisor:	Douglas LaGrange
Councilperson:	William Hennessey Adam Greenberg Laura Ten Eyck Patricia Snyder
Highway Superintendent:	Kenneth Guyer
Engineer:	R. Mark Dempf
Town Attorney:	Michael Naughton
Town Clerk:	Diane Deschenes

**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:**

- **November 9, 2016 Regular Town Board Meeting**
- **November 9, 2016 A Public Hearing 2017 Budget**
- **November 30, 2016 Special Town Board Meeting**

**RESOLUTION 2016-260**

Supervisor LaGrange offered the following motion 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.

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

**Announcement:**

- The Transfer Station will be closed on Saturday, December 24, 2016.

**5. Mohawk Hudson Land Conservancy presentation**

Supervisor LaGrange was pleased to recognize Mark King from the Mohawk Hudson Land Conservancy who wanted to make a presentation. Mr. King is the Executive Director of the MHLC who was very involved with the original acquisition of the one acre that the Hilton Barn is located on. He added that he always felt that it was an inadequate space for the barn, and by good fortune and a lot of hard work along with some very generous donors, as of tomorrow the MHLC will be able to purchase the remainder of the property. They would like to acquire that property and then convey it to the Town of New Scotland as a new town park to be called the Captain Joseph Hilton Park as the formal name. Jennifer Hilton is the main benefactor on this who donated her interest in the land and helped pay for the co-owner's price to be bought out on this parcel. Mr. King said that they are offering to convey it to the Town of New Scotland. They came up with both a Memorandum of Understanding and a set of deed restrictions. Those really are aimed more towards the future. They have the sense that this Town Board will do the right thing and embrace this as a park, but the deed restrictions do restrict the land for use as park land. The MOU goes into greater detail about what the expectations are of the folks who put a lot of time, money, and effort into this. They are hoping that this will really be kind of a centerpiece for the town. It's on the entryway as you head into Voorheesville. It's in an area that directly faces some pretty intense development. There will be a day where it's likely to be the only green spot out there. This is a little unusual in that so many of the developments end up with a set aside, so they end up creating some park land, but to have park land on your main road frontage and next to the Rail Trail and

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augmenting the barn he thought was a really perfect combination for the Town, and they're pleased to be able to offer this to the Town.

Supervisor LaGrange thanked Mr. King and the MHLC for all of the work they put into it. He had an occasion to meet with the potential donors and Peter Kelly who had a big interest in the barn move and is an acquaintance of Supervisor LaGrange. He has helped facilitate this through his donation along with Jennifer Hilton's. This is exciting. We only had a little over an acre for the barn as it sits, and that did not include close to a little over an acre in front of it. The route 85A and Hilton Road corner in front of the barn potentially was exposed to whatever might be developed there. To be able to acquire this, and there are many restrictions, but good ones, we were allowed to carve out a portion of that amounting to a little over an acre. Mr. King said that the barn sits on the first acre that the town received which is unrestricted. They threw a second one-acre boundary around it that's also outside of the restrictions just to try and increase the latitude. The restrictions may be viewed as onerous by some, but he didn't think they were. It really is restricting it to park land use. We did put a limitation on the amount of impervious surface you can have on the remainder of the property so that a future town board can't decide we need 150 parking spaces and pave half the park. He thinks the restriction is 20% which is really quite a bit of land. The total acreage of the parcel is 15 acres, so we have a lot of room to do all sorts of different things. We could have tennis courts, swimming pools, and trails. In the MOU is a stipulation that the town make some progress on this within two years. The barn is a huge undertaking and he knows we're all absorbed in that, but they'd really like to be able to show the donors some improvement. Right now it's kind of rough because we're in the middle of a project. A lot of the vegetation there is just invasive, so if there is some clean up that can be done in the short term they'd love to see that. Otherwise, he thinks the restrictions are pretty typical for park land, and there is the room to do an awful lot around the barn without any restrictions. There is a vision out there that we could make this really beautiful, and they hope that the town will chase that vision and really make it a centerpiece of the town. Supervisor LaGrange said that the vision is irrelevant if we don't have the land, and this is a tremendous opportunity and a great donation by a few people. Again, he especially thanked Mr. King along with MHLC for the efforts. This is very exciting.

Councilperson Hennessy said that he could go on for an hour. All of the effort that's been put in by Mr. King and Mrs. Hilton is just incredible. The magnanimity that she has for this site and this town is incredible. He has had the opportunity to exchange some emails with her about it. This has got to be the largest donation in his 20-30 years here. This is significant. He knows that Swift Road had certain amounts of land donated to it many years ago. Councilperson Hennessy and Supervisor LaGrange talked about other things in town that had that but having something so significant right on one of the main roads is paramount to that of the hamlet zoning issues that we are dealing with right now. He knows that with the whole Bender Melon Farm we've been dealing with zoning, and right now we're getting closer to finishing some of our zoning guidelines. One of the things in some of the master plans was that this was park land. This was a designated area that would work out well for park land. That was really at the beginning of when the Rail Trail was starting. To have that amount of land along the Rail Trail and along that roadway is tremendous. Maybe the County will want to come back and deal with some of the elements that we want to work on here. He couldn't thank Mr. King and Mrs. Hilton enough, especially for Mrs. Hilton's magnanimity. He certainly will be glad to take the helm of trying to make sure the planning gets done right and we make this work out well for everyone. Mr. King said that that's great because it really could be a significant destination with the Rail Trail. He thinks that once we see the Rail Trail paved we're going to be really shocked by the number of people who come out there. He works and drives by the Rail Trail in Slingerlands every day, and the numbers are exponentially increasing. We're going to have one of the centerpiece areas on the whole trail. He thinks it's going to be a great draw and a great asset. It's kind of ironic with the loss of Tall Timbers. That was the recreation area years past so we get a little piece of it back.

Councilperson Ten Eyck expressed appreciation to the donors and also to the Land Conservancy. We are so fortunate to have the Land Conservancy in our town covering first Indian Ladder Farms preservation. This is really a tiered project and the Land Conservancy is

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on the forefront of getting the Rail Trail through and then the assistance with the acre for the barn to move and now administrating this really complicated situation with these 14 acres. She thinks that it's going to be incredibly meaningful for the town.

Councilperson Snyder thanked Mr. King for his efforts because without this critical acquisition people would have been a little disappointed when they found out that we really just had initially a very small parcel. Mr. King added that there was already that expectation that the Town already owned the whole thing. Councilperson Snyder said that she thinks this really fulfills that expectation.

Councilperson Greenberg said that he sat here a year ago and we debated whether we could even save the barn. It was very close. There were people arguing that there wasn't time and we should give up. There were other people saying let's move the barn and we'll figure the rest out later. It is incredible to him that we got the snowball going and it's grown now into a town park that's going to be here long after us.

Mr. King thanked the Board for their incredible efforts on the barn. It's very impressive to step up and do that. He hopes for good things out of it, and possibly in the spring we can set up some sort of ribbon-cutting event that Mrs. Hilton and Mr. Kelly could attend so we can recognize them because they made this happen. Councilperson Snyder said that it would be nice if that could be coordinated with an announcement about further paving of the trail. She thinks the expectation was that in 2017 that would occur. Mr. King said that that's a county thing, and he doesn't know if we can promise that at this point. Councilperson Snyder said she wasn't asking the MHLC to do that, but it would be nice.

Councilperson Hennessy said that this is a perfect addition to the area because of the developments going on either side. Having this oasis of protected woodlands is vital. The state just came out saying that they need to protect more of these woodlands, and it will be something that they look at when they deal with grants in the future. This goes towards working well with that whole situation.

Cynthia Elliott said that she's been very thankful. She's so glad that we did this because she really felt the barn was on way too small a parcel. That's all we could do at the time. When she read through the MOU, she thought it was 10% but now that's its negotiated up to 20% she thinks that's more than enough in terms of having some impervious surfaces. We will need some parking there. She assumes that that is not on the one-acre L shape that goes around and asked if that was correct. Mr. King said that it's the 20% beyond that. Mrs. Elliott said that the rest of the restrictions are then fine. She thinks it's great. When she looked at the deed description she did not see a map. Did we get a map? Supervisor LaGrange said that there is a map. Mrs. Elliott said that she saw one of the addition but not of the 14 acres. Supervisor LaGrange said that we have it. Mrs. Elliott commented that she would say it's a negative declaration but she believes item 9 on the short form believe should be "no" rather than "yes."

Edith Abrams also wanted to thank everybody. She thinks this is going to be great. She had a few questions. First, what is expected within two years? Mr. King responded that it doesn't go into great detail. They would love to see a plan for the site and some cleanup of the site. The plan is the biggest thing of coming up with an idea of where the Town wants to go with it. They did think about pushing harder, but with the barn project the Town has enough on its plate. They just want to see some improvement, and really that is to satisfy the people who are putting a lot of money into this. Supervisor LaGrange said whatever transpires at the barn is certainly not going to happen overnight. We will be able to address chunks of this. Just a clearing would be relatively easy to do. Mrs. Abrams remembered that in the beginning we talked about leveling the entrance to the barn to the Rail Trail. Supervisor LaGrange said that one of his dreams was to have a bridge from the Rail Trail to the second level of the barn. It's a dream like moving the barn. That was just a thought. Mrs. Abrams said that she thought that that was going to happen. Highway Superintendent Guyer said that we are in the process of attempting to lower the old crossing of Hilton Road and the Rail Trail to remove a significant portion of that hump. In order to achieve that, we have to taper back a few hundred

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feet in each direction to make proper grades. Some of that Rail Trail would be lowered. He thinks that at that time, the access to the barn will be addressed. Mrs. Abrams said that maybe that counts toward improving the property. Mrs. Abrams then asked for the definition of park land. Pools were mentioned. Was that said jokingly? Mr. King said that he's not expecting that the Town is going to put in a pool, but that can be done. Mrs. Abrams asked how much wilderness will remain. Mr. King said that it depends on what is considered wilderness. He'd like to see it mostly as vegetative, a walking path, parking lot, and maybe a gazebo or some ancillary building for park-type use. That's kind of up to the Town to figure out. Supervisor LaGrange added that we have a lot of things to do with the barn, and a lot of resources have to be committed to that. He thinks it's going to develop over time. He doesn't think there are any answers here tonight. Mrs. Abrams commented that it would be nice to have a place to walk her dog off-leash. Mrs. Abrams then asked if we are going to officially have a letter to thank the donors. Supervisor LaGrange said, "Of course." Mrs. Abrams said there was talk about inviting community input and, having gone to the neighbors door to door because of the proposed development near Stonewell, it is very important that someone go door to door when this meeting is set to personally invite the immediate neighbors to come to the meeting.

- Resolution of Negative Findings re: SEQR

Attorney Naughton said that before we can take any action to accept this and enter into a memorandum of understanding we need to treat this as a SEQR action. There are many reasons why one could conclude that this is exempt from SEQR, but the safest thing to do is just to walk through the process. We have in our package an environmental assessment form that was prepared by Stantec. We have the normal checklist. As we've talked about tonight, there really is no plan right now except for protecting this land and having restrictions on its future use as park land. At this stage there really are no negative environmental impacts associated with accepting this donation and designating it as park land. There are two items on the EAF that might jump out as being potential things. Right now we're not talking about paving anything, and we're not talking about building a swimming pool. We have nothing planned right now so it's just going to remain natural until we come up with a plan. When we have something, we could go through another EAF or SEQR process. The one thing that does pop out is under 12b. This is the proposed action located in an archeologically sensitive area. That's just a mapping thing. When they put in the location of this and because there are historic items out there. that pops up. We have taken a look at that in connection with the barn itself and moving the barn over there, so we've developed a file on that. That was done in connection with the actual barn move on the one-acre parcel, so there really are no concerns on that, especially at this stage. The other thing was that because of the location it came up for a kind of positive on protected and endangered species-type things. The reason for that is because it's considered by DEC to be bat habitat for the northern long-eared bat. Attorney Naughton wanted to point those two out. If we get into a position where we want to cut a lot of trees, we would have to take a look at that. There are restrictions on the timing of when you can do that. We had that issue when we did the Krumkill Road renovation improvements. Those are the two main items. Attorney Naughton prepared a resolution for a negative declaration under SEQR. We have the whereas clauses that we are looking to accept this donation of 14 acres of land at this site, and it will be subject to a MOU with the Mohawk Hudson Land Conservancy. It will also be subject by deeded protected convenience and restrictions. The acceptance of this and entering into the MOU subject to these restrictions are the SEQR action collectively, and then we get to the provisions on page 2 of the resolution. Supervisor LaGrange said that before we do the resolution, Mrs. Elliott mentioned something about item #9.

Cynthia Elliott said #9 typically to her would be a "no." It is not one that comes up on the EAF automatically like #12 and #15. It is one where you make an analysis, and she would say it's a "no" and not a "yes." Attorney Naughton said that the question under #9 is, "Does the proposed action meet or exceed the state energy code requirements?" Since we're not doing anything, the answer is yes. Mrs. Elliott said that she looked at it differently. If it does exceed the requirements, then they want design. Since we're not doing anything, it would be a no. Councilperson Hennessy said that he kind of agreed with Mrs. Elliott. Typically you want to be less than the energy codes. If you meet or exceed them, then you actually are using too

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much. Attorney Naughton said that it really doesn't apply to this. Mrs. Elliott and Councilperson Hennessy agreed.

**RESOLUTION NO. 261 OF 2016**

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

**Proposed Action:** Acceptance of donation of approximately 14 acres of vacant land (Tax Map No. 73.-4-11.1) on NYS Route 85A (Maple Road) and Hilton Road, in the Town of New Scotland from Mohawk Hudson Land Conservancy, Inc. (MHLC), for purposes of a park; conveyance is subject to Declaration of Protective Covenants and Restrictions which restrict use of property to parkland uses. Donation is conditioned on Town entering into Memorandum of Understanding limiting the use of land to parkland and recreation uses.

**SEQRA Classification:** Unlisted

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

**WHEREAS**, Mohawk Hudson Land Conservancy, Inc. ("MHLC"), a not-for-profit land conservancy, with the assistance of private donors, is in the process of acquiring title to approximately 14 acres of vacant land in the Town of New Scotland, which is near the corner of Hilton Road and NYS Route 85A (Maple Road) and adjacent to the Albany County Helderberg Hudson Rail Trail ("Rail Trail") and the historic Hilton Barn;

**WHEREAS**, MHLC wishes to donate the property to the Town of New Scotland for parkland and recreational uses;

**WHEREAS**, MHLC has conditioned any donation of the property upon the Town agreeing to: 1) a Memorandum of Understanding regarding stewardship of the property; 2) a Declaration of Protective Covenants and Restrictions, restricting the Town's use of the land to parkland purposes; and 3) name the park the "Captain Joseph Hilton Town Park;"

**WHEREAS**, the property is located in an area of Town that has been identified in certain draft land use studies currently under consideration by the Town (as part of the study of the commercial Hamlet area) as a site for future parkland uses—due to its proximity to the Rail Trail and other natural features;

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

**WHEREAS**, consistent with 6 NYCRR § 617.7, the Town Board thoroughly considered the reasonably foreseeable potential environmental effects resulting from the proposed acquisition of the land; and

**WHEREAS**, the Town Board has considered all the questions set forth in the environmental assessment form, and has determined that the EAF identified and addressed all areas of concern and none of the potential environmental impacts associated with the law are significant.

**NOW, THEREFORE, BE IT RESOLVED**, that based upon its review of the EAF and the Town Board's evaluation of the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the action of acquiring the land for a park will not have a significant impact on the environment; and,

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**BE IT FURTHER RESOLVED**, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Law and the Town hereby determines that the requirements of the regulations promulgated under SEQRA at 6 NYCRR § 617.7 have been met; and it is

**FURTHER RESOLVED**, that the Town Board hereby determines that accepting the land donation for park purposes will not result in significant adverse environmental effects, and that no environmental impact statement or further SEQRA consideration is required.

A motion by Member LaGrange, seconded by Member Hennessy, to adopt **Resolution No. 261 of 2016**.

In favor: 5 Ayes

Opposed: 0 Nays

Motion Approved: 5 Ayes

• **Resolution approving dedication of 14 acres of land from MHLC**

Attorney Naughton said that the next thing we have are copies of the MOU between the Town and Mohawk Hudson Land Conservancy and a copy of the deed restrictions. In one of the attachments to the resolution, there is an older version of the MOU where it talks about 10% of impervious surface. We've changed that to 20%. One attachment is correct and one is wrong with respect to that. What we have is a resolution reciting the background that MHLC is in the process of acquiring this land, which will happen tomorrow, and then they will donate it to us at the same time right after the closing and it will be subject to these deeded restrictions and the MOU.

**RESOLUTION NO. 262 OF 2016**  
**Town of New Scotland, New York**  
RESOLUTION APPROVING DEDICATION

**WHEREAS**, Mohawk Hudson Land Conservancy, Inc. ("MHLC"), a not-for-profit land conservancy, with the assistance of private donors, is in the process of acquiring title to approximately 14 acres of vacant land in the Town of New Scotland, which is near the corner of Hilton Road and NYS Route 85A (Maple Road) and adjacent to the Albany County Helderberg Hudson Rail Trail ("Rail Trail") and the historic Hilton Barn;

**WHEREAS**, MHLC wishes to ensure, prior to acquisition of the land, that the Town will accept the donation of the property if it is offered;

**WHEREAS**, MHLC has conditioned any donation of the property upon the Town agreeing to: 1) a Memorandum of Understanding regarding stewardship of the property; 2) a Declaration of Protective Covenants and Restrictions, restricting the Town's use of the land to parkland purposes; and 3) name the park the "Captain Joseph Hilton Town Park;"

**WHEREAS**, the property is located in an area of Town that has been identified in certain draft land use studies currently under consideration by the Town (as part of the study of the commercial Hamlet area) as a site for future parkland uses—due to its proximity to the Rail Trail and other natural features;

**NOW, THEREFORE, BE IT RESOLVED**, the Town hereby agrees to accept the proposed donation of the land for parkland purposes, and agrees to be bound by the restrictions and covenants set forth in the Declaration of Protective Covenants and Restrictions annexed hereto as **Exhibit 1** ("Declaration of Restrictions"); and

**IT IS FURTHER RESOLVED**, that the Town hereby agrees to the terms of the Declaration of Restrictions, and hereby authorizes the Supervisor to sign the document on behalf of the Town; and

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**IT IS FURTHER RESOLVED**, that the Town hereby approves the terms of the Memorandum of Understanding annexed hereto as **Exhibit 2**, and hereby authorizes the Supervisor to sign the document on behalf of the Town; and

**IT IS FURTHER RESOLVED**, that the Supervisor is hereby authorized to sign such documents as needed to facilitate the transfer of the property to the Town as set forth above; and

**IT IS FURTHER RESOLVED**, that the Town approves the expenditure of incidental costs in connection with the transfer and recording of the deed to the property (e.g., recording fees, title insurance, copies of surveys) in an amount not to exceed \$3,500 to facilitate the transfer.

A motion by Member LaGrange, seconded by Member Greenberg, to adopt Resolution **No. 262 of 2016**.

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

Supervisor LaGrange again thanked MHLC, Mr. King especially along with Peter Kelly and Jennifer Hilton. This is tremendous.

**6. Discussion / Action setting date for 2017 Organizational Meeting  
RESOLUTION 2016-263**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby set January 11, 2017, at 6:30 PM for the 2017 Organizational Meeting.

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

**7. Resolutions closing Capital Project accounts:**

Supervisor LaGrange advised that these are resolutions that close out capital projects that we've had over the years.

• **HC - Clarksville Extension 7  
RESOLUTION 2016-264**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, the Capital Project, HC/Clarksville Extension 7 has completed construction and,

Whereas, the only activity of the project is to repay the outstanding Bond Anticipation Note through appropriations from the Clarksville Water District,

Now Therefore be it Resolved, that the Capital Project, HC/Clarksville Extension 7 is closed and the residual cash from the debt proceeds be transferred to the Clarksville Water District for the purpose of repaying the outstanding debt.

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

• **HF – Feura Bush Water Tank Rehab  
RESOLUTION 2016-265**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, the Capital Project, HF/Feura Bush Tank Rehabilitation has completed construction and,

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Whereas, the only activity of the project is to repay the outstanding Bond Anticipation Note through appropriations from the Feura Bush Water District,

Now Therefore be it Resolved, that the Capital Project, HF/Feura Bush Tank Rehabilitation is closed and the residual cash from the debt proceeds be transferred to the Feura Bush Water District for the purpose of repaying the outstanding debt.

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

- **HT – Clarksville Water Tank Rehab**  
**RESOLUTION 2016-266**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, the Capital Project, HT/Clarksville Tank Rehabilitation Improvements has completed construction and,

Whereas, the only activity of the project is to repay the outstanding Bond Anticipation Note through appropriations from the Clarksville Water District,

Now Therefore be it Resolved, that the Capital Project, HT/Clarksville Tank Rehabilitation Improvements is closed and the residual cash from the debt proceeds be transferred to the Clarksville Water District for the purpose of repaying the outstanding debt.

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

- **HH – Heldervale Meter Pit**  
**RESOLUTION 2016-267**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, the Capital Project, HH/Heldervale Meter Pits has completed construction and,

Whereas, the only activity of the project is to repay the outstanding Bond Anticipation Note through appropriations from the Heldervale Water District,

Now Therefore be it Resolved, that the Capital Project, HH/Heldervale Meter Pits is closed and the residual cash from the debt proceeds be transferred to the Heldervale Water District for the purpose of repaying the outstanding debt.

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

- **HNE – Northeast Water Quality Improvements**  
**RESOLUTION 2016-268**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, the Capital Project, HNE/Northeast Water Quality Improvements has completed construction and,

Whereas, the only activity of the project is to repay the outstanding Bond Anticipation Note through appropriations from the Northeast Water District,

Now Therefore be it Resolved, that the Capital Project, HNE/Northeast Water Quality Improvements is closed and the residual cash from the debt proceeds be transferred to the Northeast Water District for the purpose of repaying the outstanding debt.



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

**8. Discussion/Action re: appointment of Town Justice to fill Justice Margaret Adkins' vacancy for a term from January 1, 2017, through December 31, 2017.**

Supervisor LaGrange advised that the Board is not ready to make this appointment.

**9. Confirmation of Appointment of member to the New Scotland Hamlet Development Advisory Committee to replace member Joanne Davies.**

Supervisor LaGrange said that Mrs. Davies couldn't commit so Mr. Leinung took over. In order to make it official we should pass a resolution.

**RESOLUTION 2016-269**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby confirm the appointment of Daniel Leinung as member to the New Scotland Hamlet Development Advisory Committee to replace member Joanne Davies.

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

**10. Highway and Parks:**

• **Temporary change in job classification for highway employee**

Highway Superintendent Guyer has an employee who has an issue with the Department of Motor Vehicles. He has a Class A license and we pay him for that. We thought we had this corrected over the summer, but he recently received a letter from DMV and basically he has to take another road test. We are going to temporarily move him from his Class A. He will be an Operator I instead of Operator I with Class A. We are going backward until this is resolved. Supervisor LaGrange advised that he did pass the road test, but he has a restriction. Highway Superintendent Guyer said that it's a restriction with the type of brakes that are on the vehicle. Highway Superintendent Guyer said that he didn't know this, and when it came to light they went to Motor Vehicles. They thought that a written test corrected it but it didn't. Superintendent Guyer asked the Board for a resolution temporarily putting him back to the Operator I without the Class A, and when he gets it corrected he'll come back to the Board and ask for a reinstatement. It's a difference of \$0.30 per hour. Councilperson Greenberg asked when he is taking the test. Highway Superintendent Guyer said that he didn't know. He'll have to schedule it on his own. Councilperson Snyder asked if that has any impact on snow removal. Highway Superintendent Guyer replied that it did not. A Class A license is to tow our trailer which moves our equipment. All of the normal truck driving is a Class B license. Supervisor LaGrange advised that this is for Jason Bylsma. This would move him back to an Operator I without a Class A, and when he gets his Class A we will do the reverse again. The effective date is December 19, 2016.

**RESOLUTION 2016-270**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved as of December 19, 2016, the job classification for Jason Bylsma is changed back from Operator I Class A to Operator I.

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

• **Discussion regarding purchase options for new dump/plow truck**

Highway Superintendent Guyer advised that he would like to purchase a new truck in 2017. Supervisor LaGrange added that it fits in our schedule for replacement. Highway Superintendent Guyer said that he's looking for a single-axle plow, wing, dump truck. It would be one of our mainline winter trucks, replacing one of our mainline trucks. As you know, we trickle them back into normal dump trucks. The truck this will replace is the old chipper truck.

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Supervisor LaGrange said that we have a couple of avenues to take. We could pay for it with our fund balance or BAN it again, but we have to decide what way is best. This would leave us with three payments a year instead of two. Highway Superintendent Guyer believed that it would give us a two-year overlap. Supervisor LaGrange added that those are to be investigated, and the Board will decide which way they want to go but for the interim Highway Superintendent Guyer needs to get out and get this firmed up. Basically tonight the Board is just giving him the okay to go ahead and start the process of purchasing the truck. Councilperson Snyder asked about cost. Highway Superintendent Guyer said it is about \$185,000 which is about \$5,000 less than the truck we purchased two years ago. Councilperson Snyder asked if we are selling the truck. Highway Superintendent Guyer said that he would sell a truck. Councilperson Snyder asked how much he would expect. Highway Superintendent Guyer responded that he thought \$2,000. The town has 6 mainline plow trucks and 12 dump trucks. The truck that this will be replacing in the mainline is not the truck we are selling. We hang onto them for another 10 years. We will sell what's at the end of the line. We will still have 6 main trucks. All of our dump trucks, with the exception of the 10-wheeler, are used for snowplowing when they are new. They just get older and they are used for other things. The truck that he will get rid of was a new snow-plow truck years ago. Supervisor LaGrange said that we are still able to use them for various things. Highway Superintendent Guyer added that by the time we get rid of them they are well beyond their years. Councilperson Greenberg asked if we could move the plow that we've been using onto the sixth truck. Highway Superintendent Guyer responded that no, the plow is worn and rusted. The truck it's replacing has so many "Band-Aids" on it. They have a 12-year shelf life as a main truck. Councilperson Greenberg said that he was talking about the plow. Highway Superintendent Guyer said that the plow and the wing are equal. They are rotted out. They are well used. Supervisor LaGrange said that it's really enlightening to take a trip up there and walk around with the mechanic. The mechanic has done an amazing job keeping these things rolling. Highway Superintendent Guyer said that we are looking at a cab and chassis, snow-fighting equipment, and dump box which would be about \$185,000. Councilperson Greenberg asked Supervisor LaGrange if we set some money aside each year. Highway Superintendent Guyer said that we budget for payments on trucks we already have. Supervisor LaGrange agreed that we are not saving money, but we do have a significant fund balance that we could entertain. There is a practical thought of why we would bond it if it's going to have a slight interest rate which is usually between 1% and 3% when we could pay for it outright. Supervisor LaGrange said that he has to talk with Mr. Purinton who has some thoughts on that. Tonight, the main point is for this Board to okay going out to purchase a new truck for 2017. Highway Superintendent Guyer said that if the Board agrees we can get the ball rolling, and by the time they build them and fit them with the equipment they usually show up around September. Supervisor LaGrange added that if we bond it we usually don't have to make a payment the first year, but for that meeting we'll have the printouts of where the overlap is and what the options might be for paying for it.

**RESOLUTION 2016-271**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby approve Highway Superintendent Guyer to purchase a new plow truck with accessories for 2017 for a price not to exceed \$190,000.

Councilperson Snyder asked if this is off-State contract. Highway Superintendent Guyer said that the snow fighting equipment and the dump box will be purchased off of the Oneida County contract. The cab and chassis can also be purchased off of a county contract. In speaking with the dealer, there is probably about a \$2,000 savings by him doing the leg work himself and putting it out to bid. For the savings, that's what he's going to do.

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

- **Electronics Recycling**

Highway Superintendent Guyer said that last month we moved our electronics recycling out of

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the highway garage and over to the Transfer Station. So, far it's working better than expected. Highway Superintendent Guyer expected to see all sorts of televisions piled at their door, but it only happened once.

**11. Fire/Ambulance:**

- **Request from Onesquethaw Volunteer Fire for approval of the following as members: Benjamin Kawczak, Richard VanAlstyne, Michael Palmatier, Abigail Taylor**

**RESOLUTION 2016-272**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does approve the following as members of the Onesquethaw Volunteer Fire Company: Benjamin Kawczak, Richard VanAlstyne, Michael Palmatier, and Abigail Taylor.

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

**12. Liaison Reports:**

- **Hilton Barn**

Councilperson Hennessy said that we received a donation of rigid foam insulation for the barn from Kamco Supply of New England on Railroad Ave. Mr. Moore installed the insulation and then the town proceeded to backfill the inside. Mr. LaGrange and Mr. LaChappelle did most if not all of that work. We are ready to close it up for the winter. Supervisor LaGrange advised that Mr. Moore and his crew have a couple of more posts to fix and replace now that we have the fill in. The fill is about two-thirds up. The main concern was to cover the footings and the foundation to prevent any issues with the frost. We were helped tremendously by a donation of the fill from Callahan Industries, too. We were also helped by the highway crew. We had a payloader with an operator on Thursday, and then we had a payloader along with two trucks delivering. There was also a payloader there yesterday. Supervisor LaGrange expressed his appreciation. Councilperson Greenberg thanked Mr. O'Rourke who did some work on an exterior wall. Supervisor LaGrange said that we are looking into getting fencing around it of some type. We are also looking to have service put inside for the electricity so we can have some illumination there.

- **2017 Budget**

Supervisor LaGrange said that after we passed our budget we had a little issue with the Elmwood Park Fire District. They only sent us their projected expenditures for 2017 and not their revenue so we chose to use this year's number. It turns out that they didn't need as much, but we had already sent it to the County. We made them aware of that. There is no action required for the Board, but Supervisor LaGrange wanted the Board to know that there was a change in our budget because of that at the request of the County. Supervisor LaGrange sent a letter to the Elmwood Park Fire District making them aware of the town law that suggests when it has to be in so we can act on it properly.

**13. Departmental Monthly Reports:**

- **Town Clerk, November 2016**
- **Registrar, November 2016**
- **Justice Adkins, September 2016**

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

Cynthia Elliott referred to the most recent letter on the Feura Bush Water District extension concerning Central Estates. Mrs. Elliott represents Charley Crisafulli and asked to be kept informed if there is going to be a meeting. Mrs. Robinson is his Attorney. We're kind of doing this together. Could the Board keep that in mind so she can talk about that district with Engineer Dempf because we had laid it out and Mrs. Elliott had put the actual course and distance on the end of that district on the opposite side of the street when we did the last house which was VanAlstyne on Route 308. It's where the last hydrant is. Just keep her in mind on that. Mr. Crisafulli is elderly.

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Her second question involved Attorney Naughton and Highway Superintendent Guyer. Mrs. Elliott has a meeting with Frank McCaffery on Friday. Shaker Abstract has done a title and research on the old Clarksville Road off Route 32. It sits between the lands of Chase and Ashline. It's a small strip of property. They believe it is owned by Roy Kimball who has long since died. They may have to do an Article 15, but what they are interested in is having a sit down with the Town and being able to say that the Town has no interest in it. She's gone over that with Highway Superintendent Guyer. They have looked at it. Years ago it was thought that they may do a development back there. Mr. McCaffery owns the surrounding parcel that goes with it. Mrs. Elliott said that she could do a map for it. It's basically 20 feet by 300 feet, and both of the adjoining landowners have signed off. Their deed descriptions do not include this strip. It's very clear but what we are looking for from the title insurance company is a sign off from the Town saying that they have no interest. She is putting that out there for the Board. She'd like to discuss it and show it to the Board. Attorney Naughton said that this is something that came up two years ago. He had this concept and he wasn't sure he was going to go into it. Attorney Naughton suggested at that time that he might get a lawyer involved to have him map out for us what we want to do to abandon it. Mrs. Elliott said that he has one, Mrs. Robinson. Attorney Naughton said that conceptually the Town doesn't have interest in it so there is some legal process that we have to follow to abandon that. He told him to get a lawyer involved and have it mapped out and show us the documentation needed. Then we can present it to the Board. Mrs. Elliott said that she will do a map and have the schedule A ready and send it to Attorney Robinson. It's never been a dedicated street so, again, it's going to be abandoned on a non-used user road which hasn't been maintained by this town for at least 50 years. Councilperson Hennessy asked where it is. Mrs. Elliott said that if you head south on Route 32 toward the LaGrange Farm it's before you cross the power line. The house has a yellowish block garage and it's just to the right of that. Historically it went through the LaGrange farm and onto LaGrange Lane. That was 100 years ago or more and maybe 50 to 60 years since the Town maintained it. Now, it's in limbo. Ashline is the adjoining property. Their deed indicates that they have a right to use it but, they signed off as well as Chase on the other side. If they want to put it on the tax roll, Mr. McCaffrey wants to own it. They're going to do a quitclaim, but they need the town to sign off just to make the title insurance company happy. Mrs. Elliott said that she will do what Attorney Naughton assigned her to do and get it to Attorney Robinson. Attorney Naughton said that if she can do the research about what's needed and what kind of resolution is needed and walks him through it, he can tell the Board what we need to do.

**15. Pay the Bills**

**RESOLUTION 2016-273**

Supervisor LaGrange offered the following motion and moved its adoption:

<b>Pay the Bills December 14, 2016</b>		
<b>Abstract #</b>	<b>Vouchers</b>	
	20161415-20161505	\$202,654.61
<b>Prepays or three signatures</b>		
<b>Abstract#</b>	<b>Vouchers</b>	<b>Amount</b>
1360	20161263-20161265	\$35,136.70
1364	20161365-20161365	\$715.19
1365	20161366	\$270.19
1366	20161367	\$150.31
1367	20161368	\$1,035.78
1368	20161369	\$47.02
1369	20161370	\$26.06
1370	20161371	\$61.76
1371	20161372	\$24.12
1372	20161373	\$165.41
1373	20161374	\$26.28
1374	20161375	\$22.83
1375	20161376	\$305.82

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n r ded  . All t and the carried Ayes).	1376	20161377	\$258.76	Councilperson Snyder second the motion presenting, motion (5)
	1377	20161378	\$25.30	
	1378	20161379	\$95.83	
	1379	20161380	\$366.04	
	1380	20161381	\$26.05	
	1381	20161383	\$49.15	
	1382	20161382	\$1,465.00	
	1383	20161384	\$7644.60	
	1384	20161385-20161386	\$641.65	
	1385	20161387-20161389	\$3,001.45	
	1386	20161390-20161395	\$33,866.29	
	1387	20161396	\$1,082.74	
	1388	20161397	\$213.33	
	1389	20161398	\$137.44	
	1390	20161399	\$31.59	
	1391	20161400	\$277.20	
	1392	20161401	\$429.43	
	1393	20161402	\$80.24	
	1394	20161403	\$97.96	
	1395	20161404	\$23.59	
	1396	20161405	\$61.83	
	1397	20161406	\$305.13	
	1398	20161407	\$25.42	
	1399	20161408	\$40.82	
	1400	20161409	\$24.24	
	1401	20161410	\$321.13	
	1402	20161411	\$150.81	
	1403	20161412	\$24.03	
1404	20161413-20161414	\$5,313.69		

**16. Approve any Budget Modifications**  
**RESOLUTION 2016-274**

Supervisor LaGrange offered the following motion and moved its adoption:

Whereas, there is a need to provide additional funding for amounts made or to be made in excess of the appropriation provided in the adopted budget, the Town Board resolves to provide funding as follows:				
FROM	CODE	TO	CODE	AMOUNT
Contingency	A1990.4	Justice/Contr.	A1110.4	\$329.44
To appropriate money from Contingency to Justice/Contractual for amount over budget.				
Contingency	A1990.4	Central Services/Contr.	A1610.1	\$674.95
To appropriate money from Contingency to Central Serv./Contr. for amount over budget – payroll processing service.				
Contingency	A1990.4	Hilton Barn/Contr.	A1626.4	\$49.64
To appropriate money from Contingency to Hilton Barn/Contr. for electric bills to date.				
Contingency	B1990.4	Planning/Contr.	B8020.4	\$24.55
To appropriate money from Contingency to Planning/Contr. for amount over budget.				
Attorney Fees	SS1420.4	Sewer Admin./Contr.	SS8110.4	\$155.06
To appropriate money from Attorney/Contr. to Sewer Admin/Contr. for amount over budget.				
Attorney Fees	WC1420.4	Health Ins.	WC9060.8	\$161.48
To appropriate money from Attorney Fees/Contr. to Health Ins. for amount over budget.				
Attorney Fees	WC1420.4	Bond Int.	WC9710.7	\$283.75
To appropriate money from Attorney/Contr. to Bond Interest for amount over budget.				
Attorney Fees	WF1420.4	Health Ins.	WF9060.8	\$5.30
To appropriate money from Attorney Fees/Contr. to Health Ins. for amount over budget.				
Attorney Fees	WN1420.4	Water	WN310.4	\$135.41

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		Admin/Contr.		
To appropriate money from Attorney Fees/Contr. to Water Admin./Contr. for amount over budget.				
Attorney Fees	WN1420.4	Health Ins.	WN9060.8	\$84.58
To appropriate money from Attorney Fees/Contr. to Health Ins. for amount over budget.				
Fund Balance	WS0909	Health Ins.	WS9060.8	\$2.89
To appropriate money from Fund Balance to Health Ins. for amount over budget.				
Contingency	A1990.4	Supt. Of Highways/Contr.	A5010.4	\$1,096.20
To appropriate money from Contingency to Supt. Of Highways/Contr. for amount over budget and an estimate through year end.				
Contingency	A1990.4	Parks/Contr.	A7110.4	\$1,354.14
To appropriate money from Contingency to Parks/Contr. for amount over budget and an estimate through year end.				
Parks & Rec. Charges	A2001	Youth Programs/Contr.	A7310.4	\$1,160.00
To increase both revenue and expenditures by amount of revenue not budgeted - \$1,160.00 for youth programs.				
Perm. Impr./Eng.	DB5112.41	Machinery/Contr.	DB5130.4	\$5,000.00
To move appropriation for Perm. Improv./Eng. (not needed in 2016) to Machinery/Contr.				
Perm. Impr./Cap. Outlay	DB5112.2	Machinery/Contr.	DB5130.4	\$12,024.42
To mover appropriation from Perm. Improv./Capital Outlay to Machinery/Contr. for amount not used in 2016.				
The Town Board hereby resolves, pursuant to authority in Town Law, section 112, to amend the Town's 2016 budget as stated above.				

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

**17. Possible motion for Executive Session for discussion/action re: contract RESOLUTION 2016-275**

Supervisor LaGrange offered the following motion and moved its adoption:

Resolved that the Town Board of the Town of New Scotland does hereby approve an Executive Session to discuss a contractual issue involving professional services.

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

Executive Session began at 8:20 PM.

Supervisor LaGrange made a motion to adjourn Executive Session at 8:40 PM, seconded by Councilperson Snyder.

No action was taken during Executive Session.

Supervisor LaGrange advised that the Board has been discussing our IT situation, and we've had some reason to take an opportunity to see what's available out there. We had our three locations reviewed (Town Hall, Courts, and the Highway Garage). We asked Business Automation Services from Clifton Park to review it and give us an overview. They are going to come in substantially less than we've been paying and at the same time have a large workforce to facilitate servicing our IT needs.

**RESOLUTION 2016-276**

Supervisor LaGrange offered the following motion and moved its adoption:

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Resolved that the Town Board of the Town of New Scotland does approve going into an agreement with Business Automation Services as outlined in their November 28, 2016, network proposal to set up different hardware needs at a cost of \$9,839; and

It is further resolved to enter into a contract of IT services on 22 computers along with business continuity and disaster recovery at a rate of \$4,089 quarterly and authorize the Supervisor to sign it.

Supervisor LaGrange noted that our rate is two times that amount.

Councilperson Hennessy seconded the motion.

Attorney Naughton asked if the hardware aspect of this is for their assessment of what needs to be done to integrate it into the programs that they are going to be using for the software. Supervisor LaGrange said it is, adding without going into specifics that there were some issues in a couple of our locations, especially one that they feel is of great concern for various reasons. Their recommendation for this was to correct a majority of that situation, and then down the road they suggest that we might want to replace the server at Town Hall and put that up at the courts. He believes our server is around 3 years old, and usually they have a 5-year life to the degree it's used here. We might be looking at replacing that in a year or two. The server replacement is not part of this. The hardware Attorney Naughton is speaking about is to correct a lot of issues that we have right now especially in one location.

Attorney Naughton asked if we have a written agreement now with the current provider. Supervisor LaGrange said that we haven't. Attorney Naughton asked if the concept with this is to terminate the current provider services.

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

**18. Adjourn**

Councilperson Greenberg made a motion to adjourn, seconded by Councilperson Hennessy. The meeting adjourned at 8:45 PM.

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Diane R. Deschenes, Town Clerk