

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, APRIL 11, 2023

A Regular meeting of the Town Board, Town of Little Falls was held on April 11, 2023 at the town hall commencing at 7:05 p.m. with the following members present:

Present: Supervisor Dan Casler
Councilman Kirk Schwasnick
Councilman Kevin Sullivan
Councilman Mitch Soules

Absent: Councilman Anthony Viscomi

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Town Attorney, Nicholas Macri

-Supervisor Casler called the meeting to order directing the Clerk to call the roll.

-Privilege of the floor was granted to those present. There were no comments.

RESOLUTION #26

Minute Approval

On motion of Councilman Soules, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Casler; Councilmen Schwasnick, Sullivan, Soules

Noes-0

RESOLVED that the minutes of the previous month's meetings, as submitted by the clerk, hereby be approved.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That the tax levy check was received for \$351,107.69.

-That there will be a shared services meeting on April 20th at 6:00 in the Legislatures Chambers.

-That a Comp Alliance Safety Training seminar was held at the town hall on April 4th. Superintendent Cotton stated that it was attended by employees from West Moreland and it went very well.

-That he is scheduling a meeting with Clerk Regan this coming week to work on updating the Hazardous Mitigation Plan.

-That he has submitted a monthly financial report for the board's review.

-Assessor Report: None

-Codes Enforcer Report:

Clerk Regan reported that Codes Enforcer Green was unable to attend tonight's meeting because he's in school all week in Syracuse, that building permits are being issued and there's been a building permit application submitted for a new church to be located on the West End of Rockwell Rd.

Supervisor Casler stated that there is a squatter living in a vacant place down the road on Flint Avenue who is leaving garbage around that will have to be addressed.

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-Town Attorney Report:

Attorney Macri reported:

-That he has presented an independent Local Law for the board's review that allows the town to establish an escrow account for payment for any outside professional services used to properly review submitted project applications, such as solar farms.

-That he had been asked by Supervisor Casler to look into updating the town's dog law to address puppy mills and there's a copy of the Town of Danube's Local Law regulating dog breeding and kenneling the board can consider adopting. Attorney Macri recommended that Clerk Regan forward a copy to the board for their review and that this matter can be addressed at next month's meeting.

Supervisor Casler stated that what brought this up was that he had spoken with Herkimer County Legislator, Robert Schrader, about the dogs that were taken in by the Herkimer County Humane Society from the McCoy property who said this wouldn't have happened if the town had something on the books limiting the number of dogs a person can have.

Clerk Regan reported that according to the Humane Society, there were 14 dogs taken in and according to Dog Control Officer Ortlieb, he didn't pick these up, that they were surrendered by Mr. McCoy to the Humane Society and that the surrendering fee of \$100 per dog was paid for by Mr. McCoy; therefore, the town is not responsible or liable for these dogs.

Attorney Macri stated that he would like to compare this law to our existing law and will have something in the correct format at next month's meeting. This matter was tabled until next month.

-Attorney Macri, addressing the Newville Road Solar Project, stated that ever since our state constitution was written, towns had the ability through Home Rule to pass laws to control their property, however; Governor Hochul has taken that away through no legislative action; and in reviewing our town law, he believes it's really necessary to pass the additional law because it allows the town to put professional fees in escrow.

Attorney Macri, stated that our local law says "by an engineer", they've (RIC's Newville Road Solar Project) had their engineer, who's on their payroll, tells us what the decommissioning numbers are, and to him, they don't seem sufficient; that at today's rate, they're going to put up 5,300 modules and it's going to cost \$17,000 to get rid of them, it just doesn't make mathematical sense and he doesn't agree with the 35 year's 2.5% inflation rate; we just went up 8.5% this year, it may be lower than that, but it's not going to be 2.5%; that the planning board can approve the project subject to approval of our town board's decommissioning plan; that it's up to the planning board to approve the project itself and the town board the decommissioning agreement; however, if the town board does approve this against his approval, he will forward a letter for the file, as soon as he can, that this was done without his approval.

Supervisor Casler stated that RIC is waiting for a response on their decommissioning plan, that we need to get a hold of them as soon as possible and let them know they'll need to get an engineer for the figures. Attorney Macri stated that the 2.5% inflation rate is way too low; that he has no problem talking with them about this.

Clerk Regan asked Attorney Macri if the planning board could approve the project subject to board approval of a decommissioning plan. Attorney Macri stated if the planning board is not opposed to the project and there are no other quantifications, they can approve the project itself, subject to the town board's approval of an appropriate decommissioning plan.

Attorney Macri stated that he found out that the Town of Herkimer has been contacted by the IDA about what they're calling "The Burt Road Project"; that the town hasn't been contacted which is wrong. Superintendent Cotton stated that they're talking about 600 acres and most of it will be in the town.

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Attorney Macri stated that other municipalities have already hired outside engineers for their solar projects; that he's been told that the only control the town has on big projects is on the aesthetics and that he will get more information on the procedures in hiring outside engineers.

RESOLUTION #27

Acceptance of Proposed Local Law #1-2023, Providing For The Establishment and Requiring Permit Applicant To Fund An Escrow Account For Payment Of Professional Services Required To Properly Review Submitted Applications; Scheduling of Public Hearing; Clerk Authorization To Advertised Said Hearing

On motion of Councilman Schwasnick, seconded by Councilman Sullivan, the following resolution by roll call vote:

Supervisor Casler	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye
Councilman Soules	Aye

RESOLVED that the Town Board, of the Town of Little Falls, hereby accepts proposed Local Law #1-2023, providing for the establishment and requiring permit applicants to fund an escrow account for payment of professional services required to properly review submitted applications; and

BE IT FURTHER RESOLVED that the Town Board, of the Town of Little Falls, hereby schedules a public hearing on said law, to be held on May 9, 2023, at 7:00 p.m. at the town hall; and

BE IT FURTHER RESOLVED that the Town Clerk hereby be authorized to advertise said public hearing in the Times Telegram at her discretion.

-Attorney Macri stated that Superintendent Cotton had contacted him concerning the Family Medical Leave Act (FMLA) and why the town hadn't opted out. Attorney Macri stated that he researched this and explained that everyone is subject to the FMLA, that although towns are subject to the FMLA, town employees have to meet the eligibility criteria to qualify. To be eligible, an employee must be employed for at least 12 months, have at least 1,250 hours of service during that 12 month period and work at a site having at least 50 employees within 75 miles. Attorney Macri stated that's there an exception if it's in a bargaining agreement; that it is in the town's agreement, so the town is subject to it. That the only way the town cannot be subject to it is if an employee opts out which can be addressed during the next contract negotiations.

After discussion, it was decided that this would be addressed during this year's union contract negotiations.

-Attorney Macri stated that he and Supervisor Casler will handle the decommissioning statement and will notify RIC that the board did not make a determination at this meeting and will address this at the next town board meeting.

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-Planning Board Report:

Clerk Regan reported that the Planning Board moved this month's meeting from the 4th to the 18th to allow time to receive any recommendation on the Newville Road Solar Project from Herkimer Oneida County Comprehensive Planning Board and that they will be considering approval at that time. Attorney Macri reiterated that the Planning Board can proceed with approval subject to the town board's approval of an appropriate decommissioning plan.

Supervisor Casler stated that there's a vacancy due to the passing of Member Smith and that he had asked a town resident to consider serving on the board and hasn't received a reply yet. A moment of silence was held for Planning Board Member, Margie Smith.

-Health Officer Report: None

-Dog Control Officer Report:

-Supervisor Casler reported that the Humane Society received an unsatisfactory report from the Department of Agriculture and Markets because they do not have current contracts with all the municipalities they serve and per Legislator Schrader, a renewal contract will be forthcoming.

-Town Justice Report:

Supervisor Casler reported that the Justice deposit for March was received.

-Highway Superintendent Report:

Supervisor Casler reported that the CHIPS money has not been received yet which will be used to make the first loader payment.

-Town Clerk Report:

Clerk Regan reported:

-That the website is a disaster, you can't even get on the site, it says "your site isn't private"; that this has happened several times and people have been calling about this, it's just not working out with Funtech; that we need to get the website up and running properly. Clerk Regan stated that Planning Board Chairwoman Cobb recommended Ginny Rogers, of Mohawk Valley Today, who is a website designer and developer that she's used. Clerk Regan stated that she's spoken with Mrs. Rogers on what we're looking for and would like for the board to consider hiring her; that she's forwarded a website proposal from Mrs. Rogers for the board's review which is similar to what the town had with Funtech and that Chairwoman Cobb has spoken with Funtech who has agreed to assist in the transition. Clerk Regan stated that if approved, she will work with Ginny to get the site up and running over the next few months.

After discussion, the board approved terminating Funtech and hiring Ginny Rogers/Mohawk Valley Today as the town's website maintenance provider/administrator.

-That apparently the Town has to be listed on the NYSERDA and the NYS Taxation and Finance Websites as having adopted the Opt Out Property Tax Exemption for Solar Systems Law, which it's not. That she's gotten it on the NYSERDA site, but is having difficulty getting it on the Taxation and Finance Website, that she will continue to working on this.

-That Supervisor Casler had forwarded her an email from the NYS Department of Taxation and Finance regarding their annual request for special franchise reports. That she contacted Assessor Meeker about this and was told it was taken care of.

-That she composed and sent a letter of town support for Ridge Runners' application for a groomer grant to Supervisor Casler.

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-That she will be working on getting a Board of Appeals meeting scheduled to address a variance request from Jason Sagatis to build a barn/shed closer to the road than the town's

setback requirement. Superintendent Cotton stated that the problem is it's too close to the road, especially on the curve, and it's a liability issue.

-That Court Clerk Soules sent an email that the court was notified that the grant they applied for was approved.

RESOLUTION #28

Supervisor Authorization to Terminate Funtech as The Town's Website Provider and Hire Mohawk Valley Today For Such

On motion of Councilman Soules, seconded by Councilman Schwasnick, the following resolution was ADOPTED by roll call vote:

Supervisor Casler	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye
Councilman Soules	Aye

RESOLVED that the Town Supervisor hereby be authorized to terminate Funtech as the Town's website provider, and

BE IT FURTHER RESOLVED that the town Supervisor hereby be authorized to sign a website proposal/contract with Ginny Rogers/Mohawk Valley Today for website provider/administrator services as outlined in the her contract.

-Supervisor Casler reported that he had contacted at least six spray foam companies and received quotes from A&S Spray Foam, Collis, and Upstate Spray Foam; that the lowest quote received was from A&S Spray Foam for \$38,632 for the insulation and an additional quote of \$10,463.25 for paint if this was wanted.

Discussion was held on whether or not this needed to be bid, after discussion, being that the board received three legitimate written quotes without any conspiracy, the board elected not to go through the bidding process.

Discussion was held on what should be done and it was decided to table this matter to allow Superintendent Cotton time to find out what the Town of Salisbury did. This matter was tabled.

-Supervisor Casler reported that he didn't get any information on having the heat tape replaced yet but will make some calls on this and that fund transfers are needed to disperse the tax levy money. Transfers were approved.

RESOLUTION #29

Fund Transfers-Tax Levy Money

On motion of Councilman Soules, seconded by Councilman Schwasnick, the following resolution was ADOPTED by roll call vote:

Supervisor Casler	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye
Councilman Soules	Aye

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(Resolution #29-cont.)

RESOLVED that the Town Supervisor hereby be authorized to make the following fund transfers:

\$279,879.00 from General Fund A101 to Highway Fund D101

\$71,204.85 from General Fund A101 to SF101

-Supervisor Casler requested approval to pay off the town's plow truck.

RESOLUTION #30

Supervisor Authorization to Pay Off the 2019 Mack Granite Plow Truck

On motion of Councilman Sullivan, seconded by Councilman Soules, the following resolution was ADOPTED by roll call vote:

Supervisor Casler Aye

Councilman Schwasnick Aye

Councilman Sullivan Aye

Councilman Soules Aye

RESOLVED that the Town Supervisor hereby be authorized to make the last BAN payment of \$40,816.00 to pay off the Town's 2019 Mack Granite Plow Truck.

-Meeting recessed at 8:35 p.m. to audit the bills.

-Meeting resumed at 8:45 p.m.

-Discussion was held on how to use the \$20,000 County ARPA funds with the board deciding that the funds would be used towards the insulation project. Supervisor Casler stated that a form and letter had to be completed and sent to the Legislature. The board directed Clerk Regan and Supervisor Casler to complete such.

RESOLUTION #31

Town Board Decision to Use Herkimer County \$20,000 ARPA Funds To Upgrade Town Building To Help With Heat Loss and Ice Buildup.

On motion of Councilman Soules, seconded by Councilman Sullivan, the following resolution was ADOPTED by roll call vote:

Supervisor Casler Aye

Councilman Schwasnick Aye

Councilman Sullivan Aye

Councilman Soules Aye

RESOLVED that the Town Board of the Town of Little Falls hereby agrees to use the Herkimer County \$20,000 ARPA funds towards upgrading the town's buildings to help with heat loss and ice buildup.

-Supervisor Casler asked for approval of his monthly financial report.

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RESOLUTION #32

Payment of General Bills

On motion of Councilman Sullivan, seconded by Councilman Soules, the following resolution was ADOPTED-vote:

Ayes- Supervisor Casler; Councilmen Schwasnick, Sullivan, Soules

Noes-0

RESOLVED that the General Bills #46-58 in the amount of \$30,151.69 hereby be paid.

RESOLUTION #33

Payment of Highway Bills

On motion of Supervisor Casler, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Casler; Councilmen Schwasnick, Sullivan, Soules

Noes-0

RESOLVED that the Highway Bills #56-67, in the amount of \$28,526.63 hereby be paid.

RESOLUTION #34

Supervisor Monthly Financial Report

On motion of Councilman Sullivan, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Casler; Councilmen Schwasnick, Sullivan

Noes-Councilman Soules

RESOLVED that Supervisor's Monthly Profit and Loss Financial Report, as submitted, hereby be approved and placed on file.

-Councilman Soules stated he voted no on the Supervisor's Monthly Financial Report because it's incomplete.

-The next regular meeting will be held on May 9, 2023 at the town hall at immediately following the public hearing on Local Law #1-2023 scheduled for 7:00 p.m.

-Meeting adjourned at 8:50 p.m.-Councilmen Soules, Sullivan

Respectfully submitted,
Sandra Regan, Town Clerk