

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JUNE 13, 2023

A regular meeting of the Town Board, Town of Little Falls was held on June 13, 2023 at the town hall commencing at 7:06 p.m. with the following members present:

Present: Supervisor Dan Casler
Councilman Anthony Viscomi
Councilman Kirk Schwasnick
Councilman Kevin Sullivan

Absent: Councilman Mitch Soules

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Town Attorney, Nicholas Macri; Codes Enforcer, Phil Green; RIC's Energy Project Manager for Little Falls Solar Project, Camille Warner.

-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 #43

Minute Approval

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

Ayes-Supervisor Casler; Councilmen Viscomi, Schwasnick, Sullivan

Noes-0

RESOLVED that the minutes of the previous month's meeting and public hearing, as submitted by the clerk, hereby be approved.

-Camille Warner, RIC's Energy Project Manager for Little Falls Solar Project, stated that she had emailed over a copy of the revised decommissioning agreement that included a 4% decommissioning cost estimate.

Attorney Macri addressed Ms. Warner stating that the agreement as he sees it is okay, it's bare bones, so he will be sending her an agreement tomorrow that tightens it all up; that their agreement is void of many important provisions, that the agreement they utilized is not an agreement that other towns in this county have been using. Attorney Macri stated that he was supposed to have been given some contact names of other towns they have agreements with so that he can see what kind of agreements they've entered into and that he has not received any of that to date. Attorney Macri stated that as advised during their web meeting, he would be provided this and he would like this before recommending anything be consigned. Attorney Macri stated that he has a draft of an agreement which incorporates their agreement that he should be able to email to Ms. Warner; that it comes from a law firm that specializes in this, that there is a lot of provisions, which in comparison to their agreement is void and deficient of.

Attorney Macri questioned if the town had signed the agreement. Supervisor Casler stated he hasn't signed anything, that the board approved the draft of their decommissioning agreement last month subject to receipt of revised agreement documents and review and approval of the Town's Attorney.

Attorney Macri stated that he does not approve the agreement for a few reasons:

1. The agreement that was presented, in his opinion, compared to agreements he's seen other towns sign, is totally deficient, not in numbers, but in language, such as bankruptcy for one, there's a whole lot of protections that's not in there.
2. That he's waiting for some names of towns they've already entered agreements with, which he was told he'd have so he can reach out to their attorneys to see what they did.
3. That his agreement has all been typed, but there's a few blanks left that he needs to fill in and that he can provide a draft agreement, but again, he wants to speak with some other towns that they've worked with.
4. That in his opinion, the town's not ready to sign a decommissioning statement yet.

-Ms. Warner stated that to clarify, she's to give names of other towns and that the Bond kind of document isn't something they expect the town to sign. It's something that they provide to say that this is something you might see in the future because they don't have insurance selected. That when they do have an insurance company that will put the surety bond in existence, the town will get the proper agreement.

Attorney Macri questioned how he can approve this, that the agreement says agreement. If the town signs this agreement they are bound by the terms of that agreement because there's nothing in that agreement that says there's a further agreement coming. Attorney Macri stated that you can't get a permit until the town has a bond and nothing in that agreement tells us, nor was he aware of, another forthcoming agreement; that if it's just a Memorandum of Understanding, that's a lot different from an agreement and it should be called a Memorandum of Understanding.

Attorney Macri stated that the agreement he was provided by one of the law firms that specializes in these types of energy projects references the agreement with the solar company as a schedule A and it incorporates it into a master agreement, so if the town signs it, the town's bound by its terms, nobody told him that there's a subsequent agreement coming that sets forth the details.

Ms. Warner stated that they attach this, they don't have town's sign it, they just provide it for the town to review. Attorney asked Ms. Warner if in her opinion there's nothing to be signed yet. Ms. Warner stated that there isn't at this time. Attorney Macri stated that he's going to sit tight and he's not going to send anything until he sees what they are going to send.

Ms. Warner stated that they will agree to sign or do something similar that puts it in writing that they are going to do the \$50,000 as the insurance bond. That down the road when they do select an insurance company they will sign with them officially.

Attorney Macri told Ms. Warner that he will email his agreement tomorrow morning or at some point to see what they think; that if they have a contract they prefer, they can both look at them and see if they can come to a mutual understanding, that he's looking for an agreement with proper language.

-Attorney Macri stated that he will be giving the town board a letter stating he's not qualified to do this stuff, that no other town is using its town attorney, they're using firms that specialize in this.

Clerk Regan stated that the Planning Board has no objections to using outside firms in the future.

-After discussion the board tabled any action until Attorney Macri had sufficient time to review all documents and agree to approval of such.

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Ms. Warner stated that she would set up a call with her and her colleagues to work on this with Attorney Macri.

-Attorney Macri distributed copies of a letter to the board from his office that he had emailed to Supervisor Casler regarding his view on solar farms informing the town that handling solar energy projects is way beyond his expertise or knowledge, that he urges the use of outside consultants for such, recommends the board consider employing Wladis Law Firm, and requests board approval to contact them and invite them to a board meeting for a presentation on this.

Attorney Macri's request was approved later in the meeting.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That he didn't have a monthly financial report for this month, that there's no real changes from last month's meeting except for a couple more highway payrolls.

-That a letter of appreciation was received from Herkimer County Soil and Water for the town's monetary donation to their Envirothon.

-That a notice was received that the decommissioning agreement for the Nexamp Solar Project will automatically renew in a couple of weeks and the town's earned a couple hundred dollars interest on it so far.

-That notice was received from Blue Cross Blue Shield that they will be proposing a 9.7% rate increase for health and dental insurance coverage for 2024.

-That the County Legislature will hold another Shared Services meeting on June 15th.

-That the 2022 Justice Court Records need to be audited and approved. Clerk Regan stated she had her records tonight to be audited and approved.

-Nothing has been received on the Hazardous Mitigation Plan yet, that once the town receives and approves its revised plan, the town can apply for a new generator.

-Assessor Report:

-Supervisor Casler reported that the final tax rolls were received and questioned Clerk Regan if she had received them. Clerk Regan stated she hadn't even though it was published in the newspaper that she had. Clerk Regan reported that there was one grievance filed during Grievance day.

-Codes Enforcer Report: Tabled until Codes Enforcer Green was present.

-Attorney Report:

Attorney Macri reported that he looked at the certified letters Supervisor Casler had given him on the Dave Bowman, Auto Slide business, and that there must be four tax parcels that are probably going in REM next year.

Supervisor Casler asked Attorney Macri about the town having a Host Law. Attorney Macri stated that a Host Law would require a solar company to pay the town for being a host for having a project within the town's borders. Attorney Macri stated that the next time a large solar project comes before the town this can be looked into. Supervisor Casler stated that this should be looked into now rather than later. Attorney Macri stated that is why he recommends getting a law firm that specializes in solar companies, that he has been in contact with Wladis Firm regarding town representation.

Discussion was held on hiring a firm with Attorney stating that the town may have to pay for the initial cost to get a firm so we are up and ready the next time a solar company comes to town. After discussion, the board agreed that this needs to be done and authorized Attorney Macri to contact the Wladis firm and ask them to come to the next board meeting.

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Attorney Macri stated that it will probably cost some money to have the firm come. Discussion was held on this with the board agreeing to offer up to \$1,000 to get the firm here.

RESOLUTION #44

Town Attorney Authorization to Invite Wladis Law Firm to Attend a Town Board Meeting to Discuss Solar Company Project Representation For a Fee Not to Exceed \$1,000

On motion of Supervisor Casler, seconded by Councilman Viscomi, the following resolution was ADOPTED by roll call vote:

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye

RESOLVED that the Town Board, of the Town of Little Falls, hereby authorizes Town Attorney Macri to invite the Wladis Law Firm to the next town board meeting to discuss town representation for Solar Energy Projects with said cost for such meeting to be capped at \$1,000.

-Attorney Macri asked if the law firm meeting could be held at 6:00. The board agreed to this.

-Town Justice Report:

Supervisor Casler reported:

-That the May justice court deposit has been received.

-That the justice court has received the grant money which was half of what they applied for and they are working with Hummels to see what can be purchased with the money received.

-Planning Board Report:

Clerk Regan reported that the Planning Board did not meet in June; therefore, there's no report for that month, that they will not meet in July unless something comes up, and that they plan on meeting in August if the ARC schedules a meeting to review their project for an event center.

Codes Enforcer Report:

Codes Enforcer Green reported that building permits are coming in and that he has issued a few violation notices.

-Health Officer Report: None

-Dog Control Officer Report: None

-Highway Superintendent Report:

Highway Superintendent Cotton reported that the new pickup truck is in.

-Clerk Regan Report:

Clerk Regan reported:

-That she has a letter for Supervisor Casler to give to the County and to Legislator Campione informing them that the town intends to spend the \$20,000 ARPA money on upgrading the town's building with new insulation to assist with heat loss.

-That she was asked by a town resident from Sandy Lane Road if the town could do anything about the cars speeding on that road and who needed to be contacted about this. Clerk Regan stated that she had informed the resident that she didn't think the town could do anything about this, that they needed to contact the State Troopers, and that she would make the board aware of this. The board stated that the town can't do anything and that the state troopers are the ones to be contacted.

-That she filed Local Law #1-2023 with the state.

-Supervisor Casler asked Attorney Macri if he had anything on the Dog Control Law. Attorney Macri asked Clerk Regan if his office had emailed her anything. Clerk Regan stated she had not received anything. Attorney Macri stated he would get that sent to Clerk Regan and recommended this be tabled until next month. This matter was tabled until next month.

-Clerk Regan stated that she has a copy of the Herkimer County Humane Society Sheltering Agreement for the board's review that she received from Dog Control Officer Ortleib. Clerk Regan will give the board and Attorney Macri a copy of the agreement to review. This matter was tabled.

-Supervisor Casler stated that as previously discussed when purchasing the new loader, the board had planned on making a principal payment on the loader and although this was not approved last month, he still thinks a \$40,000 principal payment should be made now to save the town money.

Highway Superintendent Cotton was asked if he thought he'd have sufficient money for this year and what his thoughts were on this. Highway Superintendent Cotton stated that he thinks he'll be fine and it's a good idea if we can save money. Discussion was held on this and the board approved making a \$40,000 payment now on the new loader.

RESOLUTION #45

Supervisor Approval to Make \$40,000 Principal Payment on New 2022 Caterpillar Loader

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

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye

RESOLVED that the Town Board hereby approves that a \$40,000 principal payment be made on the new 2022 Caterpillar Loader and the Town Supervisor is hereby be authorized to make said payment.

-Supervisor Casler stated that a fund transfer is needed to cover the cost of the town's insulation project.

RESOLUTION #46

Fund Transfer

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

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Sullivan	Aye

RESOLVED that the Town Supervisor hereby be authorized to transfer \$49,095.25 from Account A4960 to A6020.4 to cover the cost of the town's insulation project.

-Supervisor Casler stated that the town has to pay for the project first and will be reimbursed \$20,000 by the County. Supervisor Casler stated the County hasn't officially approved the project yet, but the town has a promise that the \$20,000 will be received, that it's not an issue, that the town has already approved the project and it's something that has to be done anyway.

-Meeting recessed at 8:05 p.m. to audit the bills.

-Meeting resumed at 8:20 p.m.

RESOLUTION #47

Payment of General Bills

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

Ayes- Supervisor Casler; Councilmen Viscomi, Schwasnick, Sullivan
Noes-0

RESOLVED that the General Bills #76-90 in the amount of \$29,686.76 hereby be paid.

RESOLUTION #48

Payment of Highway Bills

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

Ayes-Supervisor Casler; Councilmen Viscomi, Schwasnick, Sullivan
Noes-0

RESOLVED that the Highway Bills #82-95, in the amount of \$73,362.20 hereby be paid.

-The next regular meeting will be held on July 11, 2023 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:25 p.m.-Councilmen Sullivan, Schwasnick

Respectfully submitted,
Sandra Regan, Town Clerk