

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, MAY 9, 2023

A regular meeting of the Town Board, Town of Little Falls was held on May 9, 2023 at the town hall commencing at 7:10 p.m. immediately following the public hearing on Local Law #1-2023 with the following members present:

Present: Supervisor Dan Casler
Councilman Anthony Viscomi
Councilman Kirk Schwasnick
Councilman Mitch Soules

Absent: Councilman Anthony Viscomi

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; 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.

-RIC's Energy Project Manager for Little Falls Solar Project, Camille Warner, introduced herself to the board stating that she was present to discuss the decommissioning part of the 2.5 megawatt facility that was approved by the town's planning board subject to the town board's approval of a decommissioning agreement.

Supervisor Casler stated that he had conversations with officials and did some research and came up with a 4% inflation rate for decommissioning costs. Ms. Warner stated that they had used NYSERDA's guidelines, are offering a 2.5% inflation rate and to reevaluate the decommissioning cost estimate, as well as the inflation rate, every three years so the town will get a real time living/decommissioning cost estimate.

Supervisor Casler stated that the board is not in agreement with that figure and may exercise the town's option to require the hiring of an outside engineer to determine the inflation rate.

Ms. Warner was asked how large the project was. Ms. Warner stated that the project will sit on 20.39 acres, but less than that would be impacted by the project itself.

Ms. Warner stated that she is authorized to bump up the 2.5% a little and asked if the board was interested in revisiting this every three years. Councilman Soules stated that he was in favor of revisiting this every five years.

Discussion was held on this with Ms. Warner agreeing to a 4% inflation rate and a five year revisiting term.

The board agreed that this was acceptable subject to receiving revised decommissioning documents and Attorney Macri's review and approval.

RESOLUTION #35

Approval of Little Falls PV, LLC Solar Project's Draft of a Decommissioning Agreement

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 Soules	Aye

(Resolution #35-cont.)

WHEREAS, Little Falls PV, LLC intends to construct, operate and maintain a 2.5 megawatt solar energy facility located at 291 Newville Road, in the Town of Little Falls, and

WHEREAS, the Town Planning Board has approved said project subject to Town Board approval of a decommissioning agreement, and

WHEREAS, the Town Board has met with RIC Energy and negotiated a decommissioning agreement between RIC Energy and the Town of Little Falls,

NOW, THEREFORE BE IT RESOLVED that the Town Board of the Town of Little Falls hereby approves that net decommissioning costs be 35 years at a 4% inflation rate and revisited every five years, and

BE IT FURTHER RESOLVED that said decommissioning agreement's approval is subject to receipt of revised agreement documents and review and approval of the Town's Attorney.

-Ms. Warner thanked the board and left the meeting.

RESOLUTION #36

Minute Approval

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

Ayes-Supervisor Casler; Councilmen Schwasnick, 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 he's submitted a monthly financial report for the board's review.

-That he'd like to make a \$40,000 principal payment on the loader now, which will reduce the figure owed in December to \$160,000 and reduce the total interest rate by several thousand dollars. Supervisor Casler stated there's enough money since the CHIPS money of \$44,000 was rolled over from last year, which was received a month or so ago. Supervisor Casler stated that he'd like to make a payment now and another one by December 1st; that the December payment will be a second payment, but a 1st payment on the BAN and that we'll save approximately \$3,000 if the payment is made now. This matter was tabled until later in the meeting.

-That he attended a County Legislature meeting on shared services and about five concepts came up which involve police and fire protection, health insurance, DPW/highway, and health insurance; that his Supervisor's Association officers met with the officer's of the Highway Superintendent's Association and basically agree that the towns are already doing some shared services amongst the towns and will continue to do so without any outside influence. Supervisor Casler stated that he thinks it's a good idea to share services to save money and that one of his fellow Supervisor's suggested the sharing of fuel oil, office supplies and health insurance.

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Supervisor Casler stated that there will be another Legislative meeting on June 20th and that he will keep the board updated.

-That the books of the Town Justice and Clerk need to be audited.

-That notice was received from the Board of Elections that there will be no primary for the town and that the general election will be held on November 7th.

-That the Hazard Mitigation Plan was submitted and that he will apply for a new generator.

-Supervisor reviewed his monthly financial report and asked for its approval.

RESOLUTION #37

Supervisor Monthly Financial Report Approval

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

Ayes-Supervisor Casler; Councilmen Viscomi, Schwasnick

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.

-Assessor Report-None

-Codes Enforcer Report:

Codes Enforcer Green reported:

-That the case involving the property on Dise Road is ongoing, that the property owner didn't show up to court; that the Town Justice went to the property and will issue a weekly fine until the property is cleaned up and Attorney Macri will be contacted to assist with this matter.

-That he has some property issues to address and that he sent out a notice of violation to a person on Route 5s for a septic system that is leaking into a creek and that building permit are coming in.

-Attorney Report: None

-Town Justice Report:

Supervisor Casler reported the April court deposit was received and that the court received about half of the grant money they applied for and that Justice Soules will be working with Hummels to find out what they can purchase for the money that was received.

-Planning Board Report:

Clerk Regan reported that the Planning Board didn't meet this month, therefore, there's nothing to report.

Supervisor Casler stated that town resident, Kelly Gehring, is willing to serve on the planning board. The board approved the appointment.

RESOLUTION #38

Appointment-Kelly Gehring, Planning Board Member

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

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Soules	Aye

WHEREAS a vacancy was created on the Town's Planning Board by the passing of Member Marge Smith,

BE IT RESOLVED that Kelly Gehring hereby be appointed to the Town's Planning Board to fill the unexpired term of Marge Smith, effective May 9, 2023 through June 30, 2027.

-Health Officer Report-None

-Dog Control Officer Report-None

-Highway Superintendent Report:

Highway Superintendent Cotton reported that the Town's Spring Cleanup Days went well, that there were three roll offs filled.

Town Clerk Report:

Clerk Regan reported;

-That the Board of Appeals had met to consider the Sagatis request for a variance and that a variance was denied being the proposed building was too close to the road.

-That in regards to the puppy mill law, Attorney Macri wanted to review the town's current law before any action was taken and that she hasn't heard anything from Attorney Macri on this. Supervisor Casler stated this matter will be tabled until Attorney Macri is present.

-That Local Law #1-2023 needs to be adopted.

RESOLUTION #39

Adoption of Local Law #1-2023, Providing For The Establishment and requiring permit applicants to fund an escrow account for the payment of professional services required to properly review submitted applications.

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

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Soules	Aye

WHEREAS notice of public hearing to be held on Local Law #1-2023 was published in the Times Telegram Newspaper on April 23, 2023, and

WHEREAS said public hearing was held on May 9, 2023, and there were no comments for or against said law,

(Resolution #39-cont.)

BE IT RESOLVED that the Little Falls Town Board, Herkimer County, hereby Adopts Local Law #1-2023, and

BE IT ENACTED as follows:

Section 1. Findings; Intent.

The Town Board of the Town of Little Falls has found that applications for certain permits may require review and other services by professional consultants engaged by the Town in order to make a determination, and that these services may pose a substantial expense which is more appropriately borne by the applicant than the tax payers of the Town. The purpose and subject of this Local Law is to amend the Town Code of the Town of Little Falls to authorize the establishment of an escrow account to be funded by an Applicant when the Town Board determines that professional services are necessary to properly review a submitted application.

Section 2. Authority.

The Town Board of the Town of Little Falls as Legislative Body for the Town of Little Falls hereby enacts this Local Law pursuant to authority conferred by New York State Town Law Article 16, New York Municipal Home Rule Law, and the New York State Constitution.

Section 3. Costs for Professional Review of Applications.

1. If the Town Board determines that professional review services are appropriate the time of application or at any time during the approval process, the Town Board shall request from a professional consultant retained or to be retained by the Town an estimate fee for performing a review of the project submissions or other necessary services to properly review and consider an application. For the purpose of this section, professional review services shall be defined as, but not limited to, those services provided by engineers, lawyers, architects, designers, planners, surveyors, appraisers and related professionals.
2. The Town Board shall require the applicant to deposit a cash amount equal to the estimated professional review costs into a Town established escrow account. This money will then be used to pay for professional review services performed during the review process.
3. Payment to the escrow account is a prerequisite to a complete application and no review will be initiated until full payment is received. In the event review costs exceed available escrowed funds, applicant will be required to submit additional funds to the escrow account. No final action will be taken upon an application until all incurred professional fees have been paid by the applicant. The Town Board is authorized to suspend review of an application until such time that the professional review escrow fund is replenished to an amount equal to projected costs for professional review.
4. When review services are less than the amount in the escrow account, remaining funds shall be returned to the applicant within thirty (30) days of project approval.
5. The funds required by this section to enable proper professional review of applications do

(Resolution #39-cont.)

not include: any approvals or fees required from or by other agencies, professional review of any improvement district or district extension required by the proposed project, or any application fees otherwise required by the Town of Little Falls.

Section 4: Supersession.

The Town of Little Falls hereby exercises its authority pursuant to New York State Municipal Home Rule Law to supersede any conflicting state or local laws contrary to this Local Law.

Section 5: Severability.

If any portion of this Local Law or the application thereof shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remaining portions of this Local Law.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the NYS Secretary of State.

-Discussion was held on having the town's building's insulation project done. After discussion, the board approved A&S Spray Foam to do the project.

RESOLUTION #40

Acceptance and Approval of Insulation Quotes and Project

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

Supervisor Casler	Aye
Councilman Viscomi	Aye
Councilman Schwasnick	Aye
Councilman Soules	Aye

RESOLVED that the Little Falls Town Board hereby accepts the three written estimates received from A&S Spray Foam, Collis, and Upstate Spray Foam Insulation to insulate the Town Building, and

BE IT FURTHER RESOLVED that the Little Falls Town Board hereby approves the lowest estimate received from A&S Spray Foam from Sprakers, NY for \$49,095.25 for said insulation project.

-Supervisor Casler motioned for approval to make a \$40,000 principal payment now on the loader as previously discussed earlier in the meeting.

Councilman Soules stated that he wasn't comfortable spending that kind of money at this time and doesn't see the need.

Being that there was no second on this motion, motion failed and approval denied.

-Meeting recessed at 8:32 p.m. to audit the bills.

-Meeting resumed at 8:45 p.m.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, MAY 9, 2023-CONT.

RESOLUTION #41

Payment of General Bills

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

Ayes- Supervisor Casler; Councilmen Viscomi, Schwasnick, Soules

Noes-0

RESOLVED that the General Bills #59-75 in the amount of \$2,847.31 hereby be paid.

RESOLUTION #42

Payment of Highway Bills

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

Ayes-Supervisor Casler; Councilmen Viscomi, Schwasnick, Soules

Noes-0

RESOLVED that the Highway Bills #68-81, in the amount of \$7,733.06 hereby be paid.

-The next regular meeting will be held on June 13, 2023 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:45 p.m.-Councilmen Soules, Schwasnick

Respectfully submitted,
Sandra Regan, Town Clerk