

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, SEPTEMBER 12, 2023

A regular meeting of the Town Board, Town of Little Falls was held on September 12, 2023 at the town hall commencing at 7:03 p.m. with the following members present:

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

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Codes Enforcer, Phil Green; Susan Meeker, Town Assessor; Nicholas Macri, Town Attorney; Elaine Cobb; Planning Board Chairwoman; ARC Herkimer Executives, Lorene Bass and Anthony Visconti; Bonacci Architects, job captain/designer, Carrie Hood.

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

-Privilege of the floor was granted to those present.

RESOLUTION #64

Minute Approval

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

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

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

-ARC Herkimer representatives, Anthony Visconti and Lorene Bass, and Bonacci Architect representative, Carrie Hood, gave a presentation on their proposal to construct an event center off Eatonville Road, adjacent to their Mohawk Valley Golf Course.

Ms. Bass stated that they had previously went before the town's planning board and obtained approval for their event center and that they are present tonight to ask for approval for that project with a little bit of revision to it. Ms. Bass stated that they currently have an event tent that cannot be used all season; that the original plan was to remove the tent and replace it with a 6600' permanent square facility that holds 200 people but are now looking to have the center in a different location.

Ms. Hood showed and outlined the layout of the new two-story building as previously approved by the town planning board. Ms. Hood stated that after the project was approved, prices for materials increased and they realized they didn't have enough funds to move forward and put the project on hold; that they now have reinvigorated the project with a bit of revision.

Mr. Visconti, explained that while the project was on hold, another opportunity presented itself, that 13 acres adjacent to the golf course went up for sale, so they solicited funds and a grant allowed them to purchase the property; however, they still didn't have enough funds for the event center, so they re-evaluated the project, felt more parking would be needed, and decided to move the event center to the 13 acres.

Mr. Visconti distributed a map of the proposed site plan, stating that they're looking for the board's approval to put the event center in that area. Mr. Visconti explained that phase one is the site plan preparation, putting in the road, parking lots, water, electric and septic areas, after which, phase two is the construction of the center itself.

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Mr. Visconti stated that there is a significant tree line bordering the facility and that there are only three homes that may be effected by the new location; that they had previously received a two million dollar donation for the project, have just received another two million dollar donation, and believe they now have enough funds to move forward; therefore, they are asking for town board approval to start; that the building itself is not changing from what was previously approved.

Mr. Visconti stated that as a side note, they provide services to 500 folks with disabilities and 370 jobs for people on the payroll for ARC Herkimer at about 15 million dollars; that they are a pretty big employer in the area, do pay taxes all over the area, and 50-60 people with disabilities get services or work experience at the golf course or the restaurant right now, which will only increase if this gets approved.

Mr. Visconti stated that when they got their property donated, they didn't change their tax implications, they didn't put in for exemptions, nor are they planning on it; that most of the time when someone brings in dollars like this, they do get tax breaks; that they are a "Not for Profit", organization and decided when they took over the golf course they didn't want to have an unfair advantage over other courses; that if they had gotten everything tax free, it would put those places out of business, so whatever taxes the previous owner had, they pay them.

Mr. Visconti stated that if approved, they may try to break ground this year and get some of the site prep done, if not, they hope to do it in the spring of 2024 and then put the event center up at the end of 2024 or early 2025.

Ms. Hood stated that the plan is to handle the sewage and storm water on site because and get the water from one of the wells on site.

Clerk Regan stated that, as discussed during their meeting with the planning board, the planning board had concerns with the traffic coming and going off of State Route 5.

Chairwoman Cobb stated that she believes there is a misunderstanding as to why they are here tonight; that Mr. Crosley and Mr. Bonacci clearly understood that they were previously approved without a SEQR because there had been a previous building there; however, this is a completely new site that's never had anything built on it, it's not on the old footprint which means they have to start over and a SEQR definitely needs to be done.

Chairwomen Cobb stated that they are not here for project approval, that the planning board sent them to the town board because the planning board was told that the town board may want to obtain outside engineering/law consultants to do the SQER process; that it was never the thought or understanding of the planning board, nor Mr. Bonacci, that they were coming here tonight for project approval; they are coming here to find out if the town board wants to turn the project over to the planning board or take it upon themselves to have it handled through an outside engineering/law firm. Chairwoman Cobb stated that they are now in a completely different setting, the neighbors need to be notified and there's a lot of discussion needed about the access off State Route 5.

Ms. Hood stated she had spoken with the civil engineer that's working on this project and was told that if the project is approved to go forward, they would contact the DOT to find out if they thought it necessary to add a turning lane or whatever's necessary to help with the access problem to Eatonville Road.

Attorney Macri informed ARC Herkimer that the town has a local law that allows the town to hire an outside law firm as well as an engineering firm to review all of this at their cost.

Chairwoman Cobb stated the question is whether the town wants the planning board to send this to another firm to go through the SEQR process; that it's the planning board's understanding that the town board wants an outside engineering and or legal firm to handle bigger projects such as this; which is fine with the planning board; that the planning board works really hard, but it doesn't mean they have the knowledge of an engineering firm.

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Councilman Soules asked if they planned on paying taxes, Mr. Visconti stated that they pay 100% sales taxes; that even if they didn't pay property taxes, they still have to pay sales tax, and at the present time are planning on paying property taxes.

Ms. Hood stated that phase three would be the possibility of a future hotel; it would be small something for the people of the event itself to use.

Discussion was held on who should be the contact persons for ARC Herkimer and the Town and it was decided that Ms. Hood and Chairwoman Cobb would be the primary contacts.

The board thanked ARC Herkimer for their attendance and ARC Herkimer left the meeting.

-Discussion was held on getting an outside engineer to review the project. After discussion, the town board decided that the town should get one.

Councilman Sullivan stated that ARC Herkimer needs to be informed that the board is planning to obtain outside consultants.

Discussion was on held this with Supervisor Casler directing Attorney Macri to contact the Wladis Firm about representing the town and see if they have any recommendations on engineering firms and to write a letter to ARC Herkimer informing them of the town's intent to hire outside engineering and legal services for the project. Attorney Macri stated he would contact Christopher Baiamonte from the Wladis Firm and write a letter of intent to ARC Herkimer informing them that the town is seeking out some advice and that it's the town's intent to obtain outside legal and engineering services.

Attorney Macri was also directed to look into the taxability of the site and to get something in writing regarding their paying property taxes.

-Chairwoman Cobb stated the Little Falls Solar Project is still pending. Attorney Macri stated that he is still waiting for the information he had requested from RIC and he hasn't heard anything back on the decommissioning agreement.

-Town Assessor Meeker informed the board that ARC Herkimer can apply for a 485B upon completion of their construction which would give them half off their building and that they'd start getting taxed on half of the assessment and that it would gradually go up 5% every year for the next 10 years.

-Codes Officer Report:

Codes Officer Green reported that building permits are still coming in and inspections are ongoing.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That he doesn't have a monthly financial report but rather the 2024 tentative budget for the board's review.

-Town Attorney Report:

Attorney Macri recommended going into an executive session to discuss a personnel matter and asked Councilman Soules to step out.

Attorney Macri reported that Clerk Regan had informed him that there was a goat problem on O'Hara Road and that she had been asked by the neighbors if anything could be done about this. Attorney Macri stated that there's nothing the town can do, it's a matter for the State Troopers.

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RESOLUTION #65

Executive Session-Personnel Discussion

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

Ayes-Supervisor Casler; Councilmen Viscomi, Schwasnick, Sullivan

Noes-0

Councilman Soules stepped outside and did not participate in the session.

RESOLVED that the Town Board hereby moves to hold an executive session to discuss personnel.

-Regular meeting recessed at 7:55 p.m.

-Executive session commences at 7:55 p.m.

-Executive session ends at 8:10 p.m.

-Regular meeting resumes at 8:10 p.m.

-Attorney Macri stated that discussion was held on personnel during the executive session and that no action was taken during such session.

RESOLUTION #66

Attorney Authorization To Speak With Justice Soules' Attorney Regarding Salary Payments Being Held In Escrow

On motion of Councilman Viscomi, 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

Councilman Soules Abstain

RESOLVED that Attorney Macri is hereby authorized to speak with Justice Soules' Attorney to find out if the justices' monthly pay can be held in escrow.

-Councilman Soules abstained from voting due to his relationship to Justice Soules, was not present during the executive session, nor did he participate in this matter.

-Attorney Macri stated that the money would have to be held in a line item and that he will look into this matter.

-Dog Control Officer Report: None

-Health Officer Report: None

-Town Justice Report: Supervisor Casler reported that no monthly deposit has been received.

-Planning Board Report:

Clerk Regan reported that no monthly meeting had been held therefore there's no report.

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-Supervisor Casler questioned Attorney Macri if he had anything on the Dog Law. Clerk Regan stated that they are waiting for a draft of a Law from Attorney Macri's office. Attorney Macri stated that he had thought this had been done and will have his office do this.

Clerk Regan stated that the town currently has laws and ordinances for dog control, that what they were supposed to be doing was to address having a law pertaining to puppy mills, which the town doesn't have. Clerk Regan stated that she will distribute any laws and ordinances the town currently has to the board. This matter was tabled.

-Supervisor Casler asked Attorney Macri if he had reviewed the Humane Society Contract. Attorney Macri did not reply. Clerk Regan stated that she has distributed copies of the contract to the board for their review and reviewed the contract herself and found it to be very similar to previous years, that the only thing that needs to be addressed or removed is the requirement that the town hold a dog enumeration every three years, which has always been blackened out in the past.

-Highway Superintendent Report:

Superintendent Cotton stated that a decision should be made on the plow for the new pickup truck and sander for the Mack snow plow.

Discussion was held on these matters with the board deciding to purchase the plow for the pickup from Charles Stahl Sales and Service as quoted, and the Sander for the 2010 Mack Snow Plow from Tracey Road, as quoted.

RESOLUTION #67

Superintendent Authorization To Purchase New Plow For The Town Pickup Truck

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

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

RESOLVED that the Town Highway Superintendent hereby be authorized to purchase a new 2023 Boss 9'2" V Plow from Charles Stahl Sales and Service for \$7,137.80, as quoted.

RESOLUTION #68

Superintendent Authorization To Purchase New Sander For The 2010 Mack Snow Plow

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

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

RESOLVED that the Town Highway Superintendent hereby be authorized to purchase a new

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(Resolution #68-cont.)

Hi-Way Heavy Duty Self Contained 304SS Hopper Type Spreader for the town's 2010 Mack Snow Plow from Tracey Road for \$24,850.00, as quoted per Onondaga County Contract.

-Clerk Regan reported that the website is under construction and that she is still working on this.

-Supervisor Casler stated that the audit report needs to be approved. Discussion was held on this with the board deciding to accept rather than approve the report as presented by Read Financial.

RESOLUTION #69
2022 Audit Approval

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

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

RESOLVED that the Town Board, of the Town of Little Falls, hereby accepts the 2022 town audit report as presented by Read Financial and filed with the state.

-Supervisor Casler reported that he hasn't been contacted by the union yet and negotiations are pending.

-Supervisor Casler reported that he received a \$50,610.00 from Auction International for the sale of the town's equipment.

-Supervisor Casler reported that he distributed copies of the budget for the board's review and that he had made some small increases to some of the salaries. Discussion was held on this with the board deciding to hold a budget workshop to review the tentative 2024 budget on September 27th at 6:00.

-Clerk Regan asked if the board wanted to adopt the Tax Override Law. Supervisor Casler stated it should be done as a precautionary measure.

RESOLUTION #70
Acceptance of Local Law #2-2023 Overriding Tax Levy Limit and Scheduling of Public Hearing

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

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

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(Resolution #70-Cont.)

WHEREAS, a local law has been introduced to override the Tax Levy Limit,

BE IT RESOLVED that the Town Board, of the Town of Little Falls, hereby accepts Local Law #2-2023 as introduced, and

BE IT FURTHER RESOLVED that the town clerk hereby by authorized to publish notice of a public hearing to be held on said law on October 10, 2023 at 7:00 p.m. at the town hall, in the Times Telegram at her discretion.

-Meeting recessed at 8:50 p.m. to audit the bills.

-Meeting resumed at 9:03 p.m.

RESOLUTION #71

Payment of General Bills

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

Ayes- Supervisor Casler; Councilmen Viscomi, Schwasnick, Sullivan, Soules

Noes-0

RESOLVED that the General Bills #106-115 in the amount of \$37,661.32 hereby be paid.

RESOLUTION #72

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, Sullivan, Soules

Noes-0

RESOLVED that the Highway Bills #111-120, in the amount of \$106,048.97 hereby be paid.

-Supervisor Casler reported that the spray foam project is done; that the project cost \$49,095, of which \$20,000 was paid by the county and that he needs to transfer the ARPA funds to pay the balance of this project and transfer the remaining funds to the highway fund for road repairs.

RESOLUTION #73

Fund Transfer

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

Councilman Soules Aye

RESOLVED that \$35,167.60 ARPA funds hereby be transferred from Account A4960 to A1620.4 to pay for the town's spray foam project and infrastructure repairs.

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RESOLUTION #74

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
Councilman Soules	Aye

RESOLVED that \$39,294.40 ARPA funds hereby be transferred from Account A4960 to D5110.4 for road repairs.

-The next regular meeting will be held on October 10, 2023 immediately following the public hearing on Local Law #2-2023 scheduled for 7:00 p.m. at the town hall.

-Meeting adjourned at 9:04p.m.-Councilmen Sullivan, Soules

Respectfully submitted,
Sandra Regan, Town Clerk