

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024

A Reorganizational/Regular meeting of the Town Board, Town of Little Falls was held on January 9, 2024 at the town hall immediately following the public hearing on Local Law 1-2024, commencing at 7:09 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; Phil Green, Codes Enforcer.

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

-Oath of office cards and code of ethics were signed.

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

RESOLUTION #1

Minute Approval And Amendment to Numbering of Local Law #2023-3 to #2024-1

On motion of Supervisor Casler, 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

WHEREAS, the NYS Department of State requires that for the purpose of filing a local law with the Department of State, each law has to be numbered consecutively beginning with the number one for the first local law filed in each calendar year, that the next number in sequence should be applied to each local law when it is submitted for filing, regardless of its date of introduction or adoption and that the date of filing of a local law is the date on which the local law is placed on file by the state, and

WHEREAS, the town's Solar Energy Systems Moratorium Law #2023-3, is being considered for adoption in 2024 and if adopted will be filed with the state in 2024, under the NYS Department of State's local law filing statute, it is required that the numbering of Local Law #2023-3, be amended to Local Law #2024-1, and

WHEREAS, the body of the law is the same which was advertised and presented to the public and there are no changes to said law except for an amendment to the numbering of said law,

NOW THEREFORE, BE IT RESOLVED that Local Law number #2023-3 hereby be amended to number Local Law #2024-1 and the December 20, 2023 minutes hereby be approved with said Local Law numbering amendment.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

RESOLUTION #2

Designated Banks

On motion of Supervisor Casler, 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 following be designated the Official Depositories for the Year 2024: Adirondack Bank for the Highway Fund, General Fund, Trust and Agency Fund, and Special Funds.

RESOLUTION #3

Designated Official Newspaper

On motion of Councilman Schwasnick, 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 Little Falls Times Telegram hereby be designated the Official Newspaper for all necessary notices and advertisements.

RESOLUTION #4

Designation of Second Tuesday of the Month for Regular Town Board Meetings

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 Board hereby designates the Second (2nd) Tuesday of each month for the regular Town board meetings.

RESOLUTION #5

Re-imbusement for Travel

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

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

(Resolution #5-cont.)

RESOLVED that the reimbursement for travel by Town Officials and Employees, while on town business, be at a rate of \$.55 per mile.

RESOLUTION #6

Supervisor Authorization to Deposit Idle Monies

On motion of Councilman Schwasnick, 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 the Town Supervisor is hereby authorized to deposit idle town monies in investments with the designated banks until needed as outlined in the Investment Policy of the Town of Little Falls.

RESOLUTION #7

Superintendent Authorized to Purchase Tools and Equipment

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 Highway Superintendent be authorized to purchase tools and equipment not exceeding \$3,000 without the prior approval of the Town Board.

RESOLUTION #8

One Year Appointments

On motion of Supervisor Casler, 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 following appointments are hereby made for the term of 1-year effective January 1, 2024 through December 31, 2024:

Budget Officer-Dan Casler
Deputy Supervisor-Kevin Sullivan
Codes Enforcer-Phil Green
Court Clerk-Therese Soules

Deputy Town Clerk-Michael Regan
Deputy Tax Collector-William Bladek
Historian-Linda Comstock
Dog Control Officer-Greg Foster

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

RESOLUTION #9

Yearly Salaries

On motion of Supervisor Schwasnick 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 salaries of the following appointed Town of Little Falls Officials for the year 2024 are as follows and do not exceed the amounts appropriated in the 2024 Town Budget:

TITLE	PAY PERIOD	ANNUAL SALARY
Councilmen (each)	Quarterly	\$ 2,100.00
Justice	Monthly	12,500.00
Supervisor	Monthly	8,800.00
Tax Collector	Quarterly	3,300.00
Town Clerk	Monthly	12,000.00
Highway Superintendent	Bi-weekly	43,000.00
Assessor	Monthly	8,800.00
Attorney	Monthly	12,500.00
Budget Officer	Quarterly	7,600.00
(Salary is subject to any and all outside resources utilized by the named budget officer)		
Health Officer	Quarterly	500.00
Registrar of Vital Stats	Annually	650.00
Historian	Annually	400.00
Dog Control Officer	Quarterly	2,000.00
Codes Enforcing Officer	Quarterly to City	7,800.00
Court Clerk	Monthly	15,820.00
Cleaner	Monthly	25.00 Per hour for a minimum of 4 hours per month.

RESOLUTION #10

Re-Appointment-Town Attorney, Nick Macri

On motion of Supervisor Casler, 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 Attorney Nicholas Macri, hereby be re-appointed as Town Attorney for a 2-year term effective, January 1, 2024 to December 31, 2025.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

RESOLUTION #11

Re-Appointment-Linda Comstock, Registrar of Vital Statistics

On motion of Councilman Sullivan, 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 Linda Comstock, hereby be re-appointed as Registrar of Vital Statistics for a 4-year term, effective January 1, 2024 to December 31, 2027.

RESOLUTION #12

Re-Appointment-Harold Comstock, Deputy Registrar of Vital Statistics

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 Harold Comstock, hereby be re-appointed as Deputy Registrar of Vital Statistics for a 4-year term, effective January 1, 2024 to December 31, 2027.

RESOLUTION #13

Appointment-Bob Brown, Board of Assessment & Review

On motion of Supervisor Casler, 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

WHEREAS, James Malone's 5-year term as member of the Town's Board of Assessment & Review expired September 30, 2023 and

WHEREAS, Mr. Malone notified the board that he would not be seeking re-appointment and a vacancy has occurred to said position,

BE IT RESOLVED, that Bob Brown, hereby be appointed to the Board of Assessment & Review for a 5-year term with said term being retroactive from October 1, 2023 to September 30, 2028, as instructed from Beth Sadlon, Herkimer County Real Property Office.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

-Supervisor Monthly Report:

Supervisor Casler reported that:

- He has a signed copy of the Highway Employees Union Contract.
- That ARC Herkimer will not be present tonight.
- That he forwarded copies of Barton & Loguidice's consulting agreement for ARC Herkimer for Attorney Macri's review.

-Codes Enforcer Green reported that he's waiting for the state to send him the forms for his yearly report and he's doing an inspection on a new home.

-Town Attorney Report:

Attorney Macri reported:

-That since the town doesn't have a signed escrow agreement for the outside legal and engineering expenses yet from ARC Herkimer, he recommends not entering into an agreement with Barton & Loguidice yet, that although Barton & Loguidice's agreement mentions that the applicant will fund the escrow, the town still pays the bill, that ultimately, the town's responsible for Barton & Loguidice's bill since the town is the one contracting with them.

Attorney Macri stated that it was his understanding that Barton & Loguidice was being retained for the SEQR process only, that if you read their agreement, it's for much more than that. Supervisor Casler stated that he will contact them and ask for a agreement that limits their service to the SEQR process only.

Attorney Macri stated that he'd first want a signed agreement from ARC Herkimer before signing an agreement with Barton & Loguidice. That ARC Herkimer has to approve and sign the proposed contract and then fund an escrow account, that way the town knows it has the money in an escrow account for Wladis and Barton & Loguidice's services; that once this is settle, the town can sign with Barton & Loguidice.

No action was taken on this matter at this time and per Attorney Macri's direction, this matter was tabled.

Attorney Macri reported that he received a foil request for information from Richard Pettingil and that due to the possibility of a criminal investigation, the only thing he's entitled to is the names, salaries, work hours and hire dates of employees. Supervisor Casler reported that he had sent this information to Mr. Pettingil.

-Attorney Macri stated that an executive should be held to discuss possible litigation and a personnel matter, Supervisor Casler motioned for such.

RESOLUTION #14

Executive Session-Possible Litigation and Personnel Discussion

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

Ayes: Supervisor Casler; Councilmen Schwasnick, Sullivan, Soules

Noes-0

RESOLVED that the Town Board hereby enter into an Executive Session to discuss possible litigation and a personnel matter.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

- Regular meeting recessed at 7:50 p.m.
- Executive session commenced 7:50 p.m.
- Executive session ended at 8:14 p.m.
- Regular meeting resumed at 8:14 p.m.

-Supervisor Casler reported that no action was taken during the executive session.

-Supervisor Monthly Report:

Supervisor Casler reported:

- That he doesn't have a financial report for this month.
- That he will be meeting with the newly elected Mayor of the City of Little Falls; that he believes with the City's DRI, it will only be a matter of time that things spill over in the town and he will discuss this with the mayor as well the town's emergency services contract and having a more formal codes enforcer agreement.
- That during a previous meeting with Barton & Loguidice a discussion was held on having a comprehensive plan and he believes the town should move on such.
- That he contacted and discussed the town's \$425,000 decommissioning agreement and town's law allowing the town to hire outside legal services with Andrew Callahan, from RIC's Little Falls Solar Farm Project, and he's waiting to receive something back from him.
- That he'd spoken with Jeremy Hughes, from Barton & Loguidice, regarding their service agreement for ARC Herkimer; that he had received a revised agreement but thinks it needs to be narrowed down more as discussed earlier in this meeting.

-Town Justice Report: None

-Planning Board Report:

Clerk Regan reported that no meeting was held so there's nothing to report other than the planning board intends to hold a meeting on February 6th.

-Health Officer Report: None

-Dog Control Officer: None

-Highway Superintendent Report: Nothing at this time.

-Town Clerk Report:

Clerk Regan reported that Local Law 2024-1 needs adoption and the County's Landbank proposal needs to be addressed.

RESOLUTION #15

Adoption of Local Law #2024-1 Six-Month Solar Energy System Moratorium

On motion of Supervisor Casler, 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

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

(Resolution #15-cont.)

Town of Little Falls
Local Law No. 1 **of the year 2024.**

A local law Establishing a Six Month Moratorium on Applications, Approvals, and/or Construction or Installation of Solar Energy Systems and/or Solar Farms within the Town of Little Falls.

Be it enacted by the Town Board **of the**
Town of Little Falls **as follows:**

Section 1: Purpose and Intent.

The purpose of this Local Law is to protect the health, safety, and welfare of the residents of the Town of Little Falls and to maintain the status quo as to certain solar energy uses, as the Town of Little Falls lacks zoning regulations to address this use. This moratorium will temporarily stop the processing of applications for and the issuance of permits, certificates of occupancy, and approvals for certain land uses related to solar energy, included but not limited to, solar farms. This moratorium will be effective on any application that has not completed State Environmental Quality Review Act (“SEQRA”) review and received a determination of significance. The moratorium is for a period of six (6) months, allowing the Town Board to analyze and determine potential appropriate zoning regulations concerning this use.

Section 2: Legislative Findings.

The Town of Little Falls Town Board hereby finds that without a temporary halt on the processing, permitting, and approval for certain solar land uses there is a potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of and lack of proper dimensional regulations for such uses would have materially adverse impacts on the Town. The Town Board also finds that time is required to perform the necessary analysis of the potential types of solar energy facilities that could be located in the Town. By maintaining the status quo regarding such uses, the Town Board can provide for the planned orderly growth and development of the Town.

Section 3: Moratorium Imposed; Applicability.

For a period of (6) months following the effective date of this Local Law, no application may be processed, and no permits, certificates of occupancy, approvals, variances, denials, determinations or interpretations may be issued or granted for any land uses related to solar energy, including but not limited to, solar farms. This temporary moratorium will apply to any application that has not completed SEQRA review and received a determination of significance upon the effective date of this Local Law.

The term “land uses relating to solar energy” shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used for other than the power demands of the improvements on the property on which such facility is located. Not included

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

(Resolution #15-cont.)

within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property. The term “solar farm” shall mean a collection of solar panels covering one-quarter (1/4) acre or more of land that are designed to capture sunlight and transform it into electricity. This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels that are mounted on or affixed to residential dwellings for their use or municipal buildings or existing panels mounted on commercial or industrial buildings.

This Local Law shall be binding on the Town Board, Building Inspector/Code Enforcement Officer, all Town boards, officials, and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy, or approval in the Town of Little Falls.

During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, enactment of a Town of Little Falls Zoning Code. During the period of the moratorium, no applications will be accepted nor permits, certificates of occupancy or approvals issued which would authorize development within the Town for land uses relating to solar energy as described above, unless the applicant has completed SEQRA review and received a determination of significance upon the effective date of this Local Law.

Section 4: Term.

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional six (6) months, if necessary, by resolutions of the Town Board.

Section 5: Effect on Other Laws.

To the extent that any law, ordinance, rule or regulation, or parts thereof are in conflict with the provisions of this Local Law, including all provisions of Article 16 of the New York State Town Law concerning special use permit, site plan building permit, and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such law, ordinance, rule, or regulation.

Section 6: Variance.

Any application for a variance from the terms of this moratorium may be submitted, with an application fee of \$500. Notwithstanding the provisions of Article 16 of the NYS Town Law, such variance requests shall be considered by the Town Board in accordance with the requirements for a use variance.

Section 7: Severability.

Should any provision of the Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

(Resolution #15-cont.)

Section 8: Effective Date.

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

-Supervisor Casler asked the board if there was any discussion on the information received on The Greater Mohawk Valley Landbank that was sent by Clerk Regan.

Discussion was held on this matter, no action was taken and the board decided that they needed more information on the program and any costs involved with such. Supervisor Casler will contact Legislator Campione and ask him to attend a meeting to provide more information on the program. This matter was tabled.

-Discussion was held on giving Mountain View Cemetery an annual donation. After discussion, the board decided on a \$700.00 donation.

RESOLUTION #16

Financial Donation to Mountain View Memorial Gardens Cemetery

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

WHEREAS Mountain View Memorial Gardens Cemetery has requested financial assistance from the Town of Little Falls to assist in maintaining the cemetery, and

WHEREAS the Town Board has considered said request,

BE IT RESOLVED that the Town Board hereby approves a donation of \$700.00 to the cemetery for 2024.

-Meeting recessed at 8:45 p.m. to audit the bills.

-Meeting resumed at 9:05 p.m.

RESOLUTION #17

Payment of General Bills

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

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

Noes-0

RESOLVED that the General Bills # 1-9 in the amount of \$31,609.35 hereby be paid.

REORGANIZATIONAL/REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JANUARY 9, 2024-CONT.

RESOLUTION #18

Payment of Highway Bills

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 Highway Bills #1-14, in the amount of \$34,796.50 hereby be paid.

-The next regular meeting will be held on February 13, 2024 at the town hall at 7:00 p.m.

-Meeting adjourned at 9:05 p.m.-Councilmen Soules, Schwasnick

Respectfully submitted,
Sandra Regan, Town Clerk