

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 14, 2023

A regular meeting of the Town Board, Town of Little Falls was held on November 14, 2023 at the town hall commencing immediately following the public hearing on 2024 Budget at 7:06 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; Peter Campione, Herkimer County Legislator.

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

-Discussion was held on having the word “borrowed” in October 10th's public hearing minutes changed to the word “transferred” with the board directing Clerk Regan to do so.

RESOLUTION #84

Minute Approval

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

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

RESOLVED that the minutes of the previous month's meetings, as submitted by the clerk, hereby be approved subject to having the word “borrowed” in October 10th's public hearing minutes changed to the word “transferred”.

-Privilege of the floor was granted to those present.

-Herkimer County Legislator, Peter Campione, stated that he had heard it mentioned at last month's meeting that the town will need a new furnace for the town garage, so he's going to give the town the last of his ARPA funds, which is \$3,000 towards the purchase of such.

The board thanked Legislator Campione for this money and Highway Superintendent Cotton is to obtain quotes for a new furnace.

-There were no more comments.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That the 2024 budget preparation is his financial report for the month.

-Supervisor Casler reviewed the budget reporting that he made the changes to the budget that the board had discussed, that some salaries were increased roughly 2%, that the fund balance may have to be dipped into to make ends meet for next year at approximately \$33,500, that the total tax amount to be raised is \$361,455.44 of which \$285,500 will go into highway, \$3,326,49 will go into general, the fire protection will be \$72,628.95 and that we're right at the 2% tax cap.

Clerk Regan asked what the total tax amount per thousand was. Supervisor Casler

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he didn't have that figure at this time but would provide it once he submits the budget to Beth Sadlon.

-That he had some correspondence with the state comptroller's office regarding the town's tax cap and has received a letter that the comptroller's office has reviewed the supporting documentation and calculation of the town's tax levy limit, as well as the proposed tax levy for the year 2024 and have no findings.

Supervisor Casler asked if there were any questions or comments on the budget. There were none. Supervisor Casler requested approved of the 2024 budget.

RESOLUTION #85

Adoption of the 2024 Town Budget

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

WHEREAS, notice was published and a public hearing was held on November 14, 2023 on the Town's 2024 Budget, and

WHEREAS, there were no comments against said budget,

BE IT RESOLVED that the Town Budget for the Town of Little Falls, for the Year 2024, hereby be adopted and,

BE IT FURTHER RESOLVED that the Town Clerk deliver two certified copies to the supervisor with all convenient speed.

The 2024 Budget Figures as presented are as follows:

	<u>Appropriations</u>	<u>Less: Estimated Revenues</u>	<u>Less: Unexpended Fund Balance</u>	<u>Amount to be Raised</u>
General	\$ 274,970.00	\$238,075.13	\$ 33,568.38	\$ 3,326.49
Highway	\$ 709,800.00	\$424,300.00	\$ 0	\$285,500.00
Special Districts	\$72,628.95		Tax Levy	\$288,826.49
Fire Protection			Tax Levy	\$ 72,628.95
Total 2024	\$1,057,398.95	\$662,375.13	\$ 33,568.38	\$361,455.44
			State Cap Allow	\$361,455.44
			State % Increase Allowed	2.00%
			Under Budget	\$ -0-

-Supervisor Casler reported that he received a letter from Comp Alliance that they're looking for the approved budget so they can do the calculations for next year's comp coverage.

Clerk Regan reported that she had a message that the town will be receiving a loyalty check in the mail. Supervisor reported that the contract renewal will be due in April.

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-Assessor Report: None

-Codes Enforcer Report: Tabled until Codes Officer Green is present.

-Town Attorney Report:

Attorney Macri reported:

-That he had the BAN for \$120,000.00 for the 2022 Caterpillar 938 Wheel Loader ready, that the interest rate is 5.25% and it will mature December 1st of 2024. Attorney Macri stated that this is a renewal of the original \$200,000.00 one from the year 2022, the payoff was \$80,000, and you're down to the \$120,000.00.

RESOLUTION #86

Acceptance of Renewal Ban For the 2022 Caterpillar 938 Wheel Loader as Prepared and Presented By Attorney Macri

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 the Town Board hereby accepts the terms of the renewal BAN for the 2022 Caterpillar 938 Wheel Loader as prepared and presented by Attorney Macri.

RESOLUTION #87

Supervisor Authorization to Renew the BAN for the 2022 Caterpillar 938 Wheel 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
Councilman Soules	Aye

RESOLVED, that as presented by Town Attorney Nick Macri, the Town Supervisor is hereby directed to pay \$6,030.46 interest due on Bond Anticipation Note 1 of 2022, dated December 1, 2022, held by Adirondack Bank together with a principal payment of \$40,000.00, which Note was issued in the amount of \$200,000.00 in anticipation of the sale of serial bonds for the purpose of purchasing the following listed equipment: 2022 Caterpillar 938 Wheel Loader and to renew said Note in the amount of \$120,000.00 with Adirondack Bank for a period of one (1) year, and that the said Renewal Note in the amount of \$120,000.00 will bear interest at a rate not exceeding Five and Twenty Five Hundredths per centum (5.25%) per annum payable at maturity.

-Attorney Macri reported that Andrew Callahan, with the Newville Solar Project, has been in contact with Clerk Regan, Planning Board Chairwoman Cobb and himself. That he had received

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a phone call from Chairwoman Cobb that Mr. Callahan told her that the project was passed and he's requesting that she send him the paperwork he's owed. Attorney Macri stated that upon hearing this, he double checked with Supervisor Casler and nothing has been passed.

Clerk Regan stated that she was also contacted by Mr. Callahan and that he is looking for the signed SEQR documents and copies of some minutes. Clerk Regan stated that she sent him the minutes he requested because that is public documents; however, she informed him that other than the minutes, as directed by the Town's Attorney, Chairwoman Cobb nor she are to send him any other documents, which she believes is due to the board's decommissioning agreement not being finalized.

Supervisor Casler stated that he has not received any final decommissioning proposal from the solar company nor has he had any discussions with them in the past three months.

Attorney Macri stated that if you go back in time, when present at a town board meeting, Christopher Baiamonte, from Wladis Law Firm, stated that he could probably intervene and have the solar company pay for their services. Attorney Macri stated that he suggests the town board at least look at the decommissioning agreement he has and that he'll email it tomorrow or the next day; that he thinks it's pretty much like the one board was close to the last time, but with some different language. Attorney stated that he had received an agreement, but it wasn't a final agreement, it was only a draft.

Supervisor asked if they had the \$50,000 figure in the agreement. Attorney Macri stated they have \$20,000 and he'll make sure to get this to Clerk Regan to distribute to the board, and then in December we can decide whether were going to approve it or get Baiamonte at the solar company's expense.

Attorney Macri asked the board if it was their pleasure that he distribute the agreement for the board's review and stated that he isn't the person who really approves it, he suggests it, that approval is up to the board. The board agreed.

Clerk Regan asked if the board was going with an outside lawyer or not.

Supervisor Casler stated that he thinks the town should and instructed Attorney Macri to have Baiamonte review it as long as he can have the company to pay for it.

Attorney Macri stated that it's his understanding that the way it works is they put the money in escrow, Baiamonte contacts them and tells them what their anticipated fee will be; by law, they'll have to put it in. Attorney Macri stated he'll contact Baiamonte and get this to him as soon as he can, that if Baiamonte can assure us there's no cost to the town, he's in, otherwise, it's an expenditure and the town board has to make a decision.

-Attorney Macri, speaking in regards to ARC Herkimer, stated that he's spoken to Sarah Brinski, who represents ARC, who says they use different attorneys when it gets complicated. Attorney Macri stated he's not sure what Chairwoman Cobb wants an engineer to review and he thinks the most important part of the equation is to get an agreement in lieu of taxes; that ARC stated they were interested in this and he's spoken with Baiamonte and they have a partner in their firm that specializes in this type of stuff, and again, they would have to agree to pay for an attorney for the permitting process.

Clerk Regan stated she's spoken with Carrie Hood and their questioning why they need to go through an outside engineer and they've asked to meet with the planning board in December to give an update on their process. Clerk Regan state that it's primarily the SEQR that needs outside review.

Attorney Macri stated he will contact Baiamonte to see if we can get an estimate for the attorney to draw up an acceptable agreement as to what the town wants to be put in escrow and he'll let the board and Ms. Brinski know this is what we're talking about before the town goes forward with it.

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Supervisor Casler stated that Chairwoman Cobb suggested Barton and Lugudice, whose name she obtained from Dominick Frank that the Town of Herkimer uses.

Supervisor Casler directed Clerk Regan to have Chairwoman Cobb contact Barton and Lugudice and get a tentative cost on what it be to review the site plan for ARC Herkimer and Attorney Macri was directed to contact Baiamonte regarding Newville's decommissioning agreement, tax and escrow agreements.

-Attorney Macri stated that the town of Schuyler has passed a moratorium three times and if the board is interested in this he has one that the town can use.

Discussion was held on this with the board agreeing they approve of having one and Attorney Macri was directed to draft a solar farm moratorium for the December town board meeting.

-Town Justice Report:

Supervisor Casler reported that he hasn't received the Justice deposit yet.

-Planning Board Report:

Clerk Regan reported:

-That the planning board did not meet, therefore there's no report.

-That ARC Herkimer wants to attend the December Planning Board meeting to give an update on their progress and they are also looking for an answer on whether or not the town board wants to use outside lawyers and or engineers. Clerk Regan stated that since ARC Herkimer and the new solar company needs to know if the board intends to use outside representation and they need to meet with both boards, it would be convenient to have them both come on one night with both boards present so everyone involved is on the same page; therefore, she is requesting permission to hold both meetings on the December 12th town board meeting night.

Supervisor Casler stated this would be okay and the town board should have some answers for ARC Herkimer. Clerk Regan will try to schedule such.

-Health Officer Report: None

-Dog Control Officer Report: None

-Highway Superintendent Report: Nothing

-Codes Enforcer Report:

Codes Enforcer Green reported everything's going good; that he completed a sexual harassment training course and that Justice Stone has decided to fine Mr. Daniels.

-Town Clerk Report:

Clerk Regan reported;

-That the website is up and running and more information will be added to it.

-That she wants to noted that there was no public hearing on the fire contract because it's not due for renewal until next year.

-That she will be ordering the letter folder for the tax collector as soon as she gets the town's tax exempt status setup.

-That the Humane Society contract was signed and mailed.

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(Town Clerk Report-cont.)

- That the Tax Override Law was filed with the state.
- That the town's equalization rate is 57.00
- That a letter of appreciation was mailed to James Malone and a replacement on the Board of Assessment & Review is needed.

- Supervisor Casler asked if there was any interest in getting the pay on line tax service.
Legislator Campione stated that the County is looking into this service right now and may be able to process your taxes for you, but they won't know anything until after the first of the year. The board decided to table this matter until they see what the County will have to offer.

- Supervisor Casler stated that the Highway Employee's Union Contract will need approval, that he only has a draft right now but would like to get it approved.
The board tabled approval until a final contract was received and reviewed.

- Meeting recessed at 7:55 p.m. to audit the bills.
- Meeting resumed at 8:09 p.m.

RESOLUTION #88

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 #120-131 in the amount of \$2,959.19 hereby be paid.

RESOLUTION #89

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 #128-140, in the amount of \$57,975.73 hereby be paid.

-Discussion was held on holding next month's meeting at 6:00 p.m. versus 7:00 p.m. with the board agreeing to hold December's meeting at 6:00 p.m.

-The next regular meeting will be held on December 12, 2023 at 6:00 p.m. at the town hall.

-Meeting adjourned at 8:15 p.m.-Councilmen Soules, Viscomi

Respectfully submitted, Sandra Regan, Town Clerk