

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JUNE 11, 2024

A Regular meeting of the Town Board, Town of Little Falls was held on June 11, 2024 at the town hall commencing at 6:05 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, Don Cotton; Planning Board Chairwoman, Elaine Cobb; Planning Board Vice Chairman; Ken Schlag; Planning Board Member, Marianne Graziadei; City of Little Falls Mayor, Deborah Kaufman; Former Supervisor of the Town of Fairfield, Hank Crofoot; Mohawk Valley Economic Development (MVED) Representative, Anthony Marris-Swann.

Note-Meeting was moved to 6:00 p.m. and notice posted at the town hall.

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

-Supervisor Casler stated that for the record, there was no May Town Board Meeting due to a lack of a quorum.

RESOLUTION #39

Minute Approval

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

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

RESOLVED that the minutes of the April meeting, as submitted by the clerk, hereby be approved.

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

-Hank Crofoot, former Supervisor of the Town of Fairfield, stated that Fairfield did their comprehensive plan about 30 years ago, that the main reason for comprehensive plan is for residents to decide how they want their town to look and grow, that it's basically a footprint for the town; that without it you're open to people with a lot of money and good lawyers to just come in and do whatever they want and you have no planning for the future, that he thinks the town should have a comprehensive plan.

-Debra Kaufman, Mayor of the City of Little Falls, stated that she supports what Mr. Crofoot said, that she didn't realize how important having a comprehensive plan is from a legal perspective; that it provides control of your land mass; that the city has a limited amount of land whereas the town has more land; without a plan or zoning whatever zone you have you're at developer's mercy. Mayor Kaufman stated that lately developers are very aggressively going after communities and the variances they want; that currently there is a developer that wants to build 138 units in the middle of an R1 area that butts up against the town of Little Falls and if they get their way and if there's no zoning or a comprehensive plan they'd just move in, it

would be done and nobody would have a say in it; it's farm land that's right against this and they could build whatever they want to build there.

Mayor Kaufman stated that residents have come out in droves from all over the city, they don't want to be told by someone from out of state what's going on the land next door to them; people have built beautiful houses only to be moved out/pushed out by low income housing; that it's not just one, they want to build multiples in Little Falls; if this happens on the land mass we have, the desperate need we have for market rate housing can't be filled and we'll become a hub for low income so they've elected to hold strong with our home rule to protect the rights of our citizens to be able to make their own choices as to what goes on the land.

Mayor Kaufman stated that this is all important, it is the essence of a comprehensive plan, if you don't have this and it's appealed and goes to court the only thing a judge can do is look at what the other side is looking at instead of the intent of why this was zoned a certain way to begin and she can't stress enough that today is different than any other time in our lives, we've got big things coming at us and not for the benefit of the community all the time, it's for the benefit of whoever's the investor. It's a big upside for the investor, there's no taxes gained from it and 40 year pilots are given, it's one of those things that couldn't be more important in any community to at least get things started.

Clerk Regan asked if having a comprehensive plan without zoning can stop things. Mayor Kaufman stated it actually can. Mr. Crofoot stated by itself it's not totally stoppable, but without it you have no standing at all; with one you legally have some clout. MVED representative, Anthony Marris-Swann stated that the state's standard for making decisions about land use like this is whether something is or is not in alignment with the goals you set out in your comprehensive plan.

Supervisor Casler stated that with the discussions he's had with Mayor Kaufman he thinks it behooves both the city and town to have something solid; to be able to move forward and look to the future on a couple of ideas whether it be a water district, fiber lines, or any other number of things; that things are changing fast that and it's been said the town has been targeted heavily by solar companies because the town doesn't have a comprehensive plan in place.

Mr. Marris-Swann stated that he thinks the town has a real competitive advantage being it's in close proximity to a city that has an existing plan and to him it makes a lot of sense to use the city's plan as a template to work from, that all the statistics are easily identified that need to be updated and changed to incorporate the town, it's a huge leg up rather than starting from scratch.

Supervisor Casler stated that he agrees with Mr. Marris-Swann, that the town doesn't have to reinvent the wheel, that we have templates we can use, that the key is getting public input and we need a lot of buy in as far as why it needs to be developed in the first place; a prime example, not to shed any bad light on Mayor Kaufman's experience with the city so far, but when she tried to get a moratorium enacted back in April, he thinks there was a lot of snowballing going on beforehand that lead to the flood gates being open, that the council didn't back her up so they didn't end up getting a building moratorium in place; that he's been trying to get the town board to buy in to the idea that the town needs to get a comprehensive plan developed.

Councilman Sullivan stated that this has been brought up more than one time, that it's a public thing and the first question is how much is it going to cost; that over the past three years it's been anywhere from \$5,000 to \$50,000 to get it started; we need a number and it needs to go before the public, it's not the board's decision, we're not the ones holding it up, it's not us.

Supervisor Casler stated that he thinks the town needs to move forward on this. Councilman Sullivan stated that he understands this, that he thought the last four meetings were to get a number to give to the public. Supervisor Casler stated that at this point we don't have a number.

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Mr. Marris-Swann stated that ultimately it comes down to how detailed you want it to be, what you want it to include, NYS doesn't have a prescription for what needs to be in a comprehensive plan.

Councilman Sullivan stated that the board needs more information, if a public hearing is held and the public starts asking questions and wants some answers the board will have nothing and no answers so it's not going to go anywhere.

Mayor Kaufman stated that the city didn't spend a dime on theirs, that now they're at the point where it would be easier to have people do it for them and clean it up; that they have the directions they just have to do it; that as far as going out for public opinion they did a lot of surveys on line as well as in person, that the great thing about being on line is that it captures all the data, what they've said, what they didn't say, who it was, all of that can be added which costs zero; you can go as cheap as you want or turn it completely over to someone else; you're not looking like what Buffalo or Chicago needs for a comprehensive plan.

Councilman Sullivan stated that he thinks they decided that the zero end of it is going to be our planning board and they want no part of it so we need to move to the next step.

Mayor Kaufman was asked who did theirs and stated that three members on their planning board carried the heavy weight and one person who just honed it; that you can go out to the public using the newspaper, flyers and posters which doesn't cost anything; that there's a lot of sweat equity put into it; that they didn't go to the common council or out for a vote to ask about doing a comprehensive plan, it was assigned to planning, that's their job, to come up with zoning and make sure it's adjusted every few years, all of this is part of the job.

Supervisor Casler stated that during conversations with Mr. Marris-Swann, a \$40,000 figure was discussed. Mr. Marris-Swann stated that it's about what they came up with for a community of this size just based on their consulting rate on how many hours they'd expect to spend on it. Supervisor Casler asked Mr. Marris-Swann how much he'd anticipated would be grantable. Mr. Marris-Swann stated that it would depend on what grant program the town went after; there are a lot of factors as far as this.

Councilman Sullivan stated that you need a number for the public as to about how much it would cost and inform them that grants are available towards this. Mr. Marris-Swann stated that he wished it was more cut and dry, but there's not a simple answer as to how much it will cost out of pocket, he can tell you what their experience has been with this but their goal is to try and save the town as much money as they can, that their not looking to make money of this, they're here as a public service. Mayor Kaufman asked if the town could just use the city's plan. Mr. Marris-Swann stated some edits would need to be made and he doesn't think it's a terrible idea, that it would be a simple place to start and a better place than the town's at right now especially if you can establish that the goals of the city and town were aligned in certain ways. Mayor Kaufman stated that because the city and town are so closely related it matters in your comprehensive plan; geographically it matters where your resources are, where you shop, lodge, etc., the things that are important to the town. Mayor Kaufman stated that she'll get a copy of the city's plan to the town.

Planning Board Chairwoman Cobb stated that she wants to clarify that the planning board doesn't want not to do it; they don't feel they're qualified to do it. Councilman Soules asked what happened to Barton & Loguidice giving the town a quote, that they were here back in April and were going to give us one. Supervisor Casler stated that he was steering away from them and looking to have MVED do this so he informed Barton & Loguidice that the town was pursuing another avenue; however, since MVED is unable to do the plan, he'll contact Barton & Loguidice for a quote. Mayor Kaufman stated that Barton & Loguidice is very expensive, charging \$338.00 an hour and you're probably looking at 100 to 150 hours of work which can become very expensive.

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Councilman Schwasnick asked if the planning board could at least take a look at the various plans we do have. Chairwoman Cobb stated that she thinks the planning board is willing to do some work but isn't willing to say they'll do the whole thing.

Discussion was held on getting public input through email, surveys, and or mailings with Councilman Sullivan stating he thinks the town should send out surveys through the mail, that people will open a piece of mail received from the town rather than searching a website. Planning Board member, Marianne Graziadei stated that she thinks a mailing should also be done since there are Amish residents near her that are very interested in what's going on, especially with the Zaida project, that don't use the internet.

Supervisor Casler stated that moving forward he will contact Barton & Loguidice and get a quote on the cost for the board's consideration.

Chairwoman Cobb stated she's looking for a resolution directing the planning board to come up with a survey that can be sent to town residents based on what they have or will have. This was approved.

RESOLUTION #40

Planning Board Directed To Come Up With a Residential Survey Regarding Comprehensive Planning

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

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

Noes-0

RESOLVED that the Town Board hereby directs the Town Planning Board to review any comprehensive plans they can obtain and come up with a survey/questionnaire to be sent to town residents regarding opinions on comprehensive planning for the board's review.

-Planning Board Vice Chairman, Ken Schlag asked if it was the consensus of the town board to move forward with a comprehensive plan.

Councilman Soules stated that he was kind of against one, but the board is forced to look at this since they represent the people and what they want; that he is seeing that it should be done for the township.

Chairman Schlag stated that what the planning board is talking about is what Chairwoman Cobb suggested, that it be broken up in smaller parts; having the planning board deal with the survey/questionnaire, he can accept this with Chairwoman Cobb and Member Graziadei behind him.

-Supervisor Casler thanked Mayor Kaufman and Mr. Crofoot for attending the meeting.

-Supervisor Casler stated that Justice Stone wasn't present but wanted to talk with the board about possibly consolidating courts with German Flatts; that it's something to think about for the future. This matter was table until Justice Stone is present.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That he had to get a new software program.

-That he's submitted a financial report for this month.

-That the county snow removal check has been received.

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-That the town had received a total of \$174,487.67 of ARPA money and he's submitted a final report on such.

-That he asked the county to add a hold harmless clause to the highway contract and is waiting for a response.

-Assessor Report:

Supervisor Casler reported that Assessor Meeker has attended a continuing education class.

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

-Town Attorney Report:

Supervisor Casler reported that he had received a pilot program proposal from the Wladis Firm for the ARC Herkimer project and that he has forwarded it to Attorney Macri to review.

RESOLUTION #41

Supervisor Monthly Financial Report Approval

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

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

RESOLVED that the Supervisor's Monthly 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.

-Justice Report:

Supervisor Casler reported that a resignation had been received from Justice Soules and it needs to be accepted..

RESOLUTION #42

Acceptance of Resignation From Justice Mitchell Soules Jr.

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 resignation of Mitchell Soules Jr., as Town Justice, hereby be accepted effective April 17, 2024.

-Planning Board Report:

Planning Board Chairwoman Cobb reported that as advised by Christian Bertram of Barton & Loguidice, she had notified ARC Herkimer that the planning board is requiring that an independent traffic impact study be done and that Carrie Hood of ARC Herkimer had advised her that one has been ordered. Chairwoman Cobb stated that Mr. Bertram recommended that ARC Herkimer's study be reviewed by Creighton Manning Engineering and that she is asking

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the board to consider hiring this firm to do this so as soon as ARC Herkimer's study is completed and received it can be given to Creighton Manning for their review. This was approved.

RESOLUTION #43

Approval to Hire Creighton Manning Engineering To Review ARC Herkimer's Traffic Impact Study

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 Supervisor, of the Town of Little Falls, is hereby authorized to hire Creighton Manning Engineering to review ARC Herkimer's independent traffic impact study once it's received and,

BE IT FURTHER RESOLVED that the cost for said review be paid by ARC Herkimer.

-Chairwoman Cobb stated that Christopher Baiamonte had informed her that they anticipate having a pilot agreement with ARC Herkimer in July.

-Codes Officer Report:

Codes Enforcer Green reported that he's conducting some inspections and that everything is going well.

Supervisor Casler stated that he has a fee schedule for permits from the Town of Stark for review. Clerk Regan stated she would review theirs, work on getting a complete list of all town fees, and work on having a standard fee schedule for the board's review.

-Chairwoman Cobb stated that the town has nothing regulating Bed & Breakfasts, Air B&B's and hotels like other municipalities; that she's going to talk to the rest of planning board on this and may suggest enacting a moratorium on these until this matter can be addressed.

Clerk Regan stated she would speak with Attorney Macri on this and about getting a law drawn up for the board's review.

-Health Officer Report: None.

-Dog Control Officer Report: None.

-Highway Superintendent Report: Nothing at this time.

-Town Clerk Report:

Clerk Regan reported:

-That a 30 day notice was received from the John Springer that he's applied for a liquor license for the Tin Cup Tavern. There were no comments from the board.

-That the current six month solar systems moratorium expires July 17<sup>th</sup> and that according to The Association of Towns, a moratorium can't be extended by resolution, that a new law is needed; therefore, the board has to accept the new law and schedule a public hearing on such.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, JUNE 11, 2024-CONT.

Clerk Regan asked the board if they wanted another moratorium and for how long. Discussion was held on this with the board approving such for eight months.

RESOLUTION #44

Acceptance of Proposed Local Law #2024-2, Eight Month Moratorium on Solar Energy Systems, Scheduling of Public Hearing and Clerk Authorization to Publish Notice of Such

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

BE IT RESOLVED that the Town Board, of the Town of Little Falls, hereby accepts proposed Local Law #2024-2, as presented, which calls for an eight month moratorium on solar energy systems, allowing the Town Board to analyze and determine potential zoning regulations concerning this use and,

BE IT FURTHER RESOLVED that the Town Board, of the Town of Little Falls, hereby schedules a public hearing on said law to be held on July 9, 2024 at 7:00 p.m. at the town hall and,

BE IT FURTHER RESOLVED that the town clerk hereby be authorized to publish notice of said hearing in the Times Telegram at her discretion.

-Highway Superintendent Report: Nothing at this time.

-Supervisor Casler reported:

-That the town received a thank you from Herkimer Soil & Water for the town's donation to their Envirothon.

-That notice was received from Excellus that they're looking at a 13% increase to both the medical and dental insurance rates.

-That he received an application for tax relief for ARC Herkimer.

-That he needs to renew the CD for Nexamp's decommissioning account.

RESOLUTION #45

On motion of Councilman Viscomi, 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 Supervisor is hereby authorized to renew the CD for Nexamp's decommissioning account with Adirondack Bank.

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-Meeting recessed at 8:12 p.m. to audit the bills.

-Meeting resumed at 8:32 p.m.

RESOLUTION #46

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 for May #58-70 in the amount of \$9,960.91 hereby be paid.

RESOLUTION #47

Payment of Highway Bills

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

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

Noes-0

RESOLVED that the Highway Bills for May #62-78, in the amount of \$24,540.34 hereby be paid.

RESOLUTION #48

Payment of General Bills

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

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

Noes-0

RESOLVED that the General Bills for June #71-87 in the amount of \$2,549.57 hereby be paid.

RESOLUTION #49

Payment of Highway Bills

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

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

Noes-0

RESOLVED that the Highway Bills for June #79-91, in the amount of \$25,175.55 hereby be paid.

-The next regular meeting will be held on July 9, 2024 at the town hall immediately following the public hearing on Local Law #2024-2 schedule for 7:00 p.m.

-Meeting adjourned at 8:35 p.m.-Councilmen Viscomi, Schwasnick

Respectfully submitted,  
Sandra Regan, Town Clerk