

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024

A regular meeting of the Town Board, Town of Little Falls was held on November 12, 2024 at the town hall immediately following the public hearing on the 2025 Preliminary Budget commencing at 7:08 p.m. with the following members present:

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

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Don Cotton; Town Attorney Nick Macri; MVEDD (Mohawk Valley Economic Development District), Deputy Director, Heather Devitt.

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

RESOLUTION #87

Minute Approval

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

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

- MVEDD Deputy Director, Heather Devitt, discussed Building Energy Benchmarking with the board. Supervisor Casler stated that it's just a tiny hoop to jump through to get \$5,000 in grant money which can be used towards doing a comprehensive plan.

Ms. Devitt stated that she had spoken with Planning Board Member, Marianne Graziadei, and that the town is already on the path of comprehensive planning. Ms. Devitt explained some of the steps involved; stating that MVEDD can assist with a lot of the process and that she also recommends contacting Danny Lapin with the Department of State for assistance; that if the town applies for funding through the state, it's a 90/10 split.

Supervisor Casler stated this is something he wants to move ahead on and asked Ms. Devitt if MVEDD is available to assist the town with this and what the time frame. Ms. Devitt stated the first of the year is a good time to start; get your steering committee together; decide on what kind of outreach you're going to do, such as surveys; how you're going to do it, such as mailings, flyers, etc.; how long you want to keep it open, 6 or 8 week; and to start working on the town's history.

After discussion, Ms. Devitt stated she would email Clerk Regan the Benchmarking resolution and the steps involved in a comprehensive plan.

Supervisor Casler stated that if the town was to get the \$5,000 benchmarking funding, to get an additional \$5,000 three items would have to be purchased such string trimmers, chain saws, etc.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-
CONT.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That he attended ARC Herkimer's ground breaking ceremony and extended best wishes on the town's behalf.

-That ARC Herkimer has a copy of the pilot program. Attorney Macri stated he had some concerns; therefore, he has asked another attorney to review the pilot program.

-That the fire contract with the City has been signed and is finalized.

-Assessor Report:

Supervisor Casler reported Assessor Meeker had forwarded a copy of the Town's pilot agreement with Nexamp as he had requested.

-Codes Officer Report: None

-Town Attorney Report:

Attorney Macri stated that regarding the firing of Mr. Foster as the county animal cruelty control officer, there's no legal ability to impact him as our dog control officer.

Supervisor Casler stated he had received a letter from the Humane Society seeking a new contract with increased fees; however, since the town has recently signed a new five-year contract, that contract should be honored, not a new one. After discussion, the board agreed.

-Town Justice Report: None

-Planning Board Report:

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

-Health Officer Report: None. Discussion was held on the board acting as the town's health officer. Clerk Regan will contact the Association of Towns to see if this is permissible.

-Dog Control Officer Report: None.

Supervisor Casler stated that everyone is aware of the situation between the Humane Society and Dog Control Officer Foster and that he doesn't think the town has any issues with Mr. Foster. Discussion was held on whether or not Officer Foster was doing his job for the town. After discussion, as suggested by Attorney Macri, Supervisor Casler will contact Officer Foster and ask him for a yearly report.

Councilman Soules questioned if the Humane Society should be sent a letter to inform them that the town will be sticking with the current five-year contract.

Attorney Macri stated he would send a letter to the Humane Society informing them of such.

-Highway Superintendent Report: Nothing at this time.

-Town Clerk Report:

Clerk Regan reported:

-That Rodney St. Louis needs to be re-appointed to the Board of Assessment. This was approved.

-That the Tax Override Law has been filed with the state.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-
CONT.

-That she needs authorization to have the spring cleanup flyers put in this year's tax bills.
This was approved.

RESOLUTION #88

Re-Appointment: Rodney St. Louis, Board of Assessment and Review

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 Rodney St. Louis hereby be re-appointed to the Board of Assessment and
Review for a five-year term, effective October 1, 2024 through September 30, 2029.

RESOLUTION #89

Town Clerk and Highway Superintendent Authorization to Have Spring Cleanup Flyer Mailed
with Tax Bills

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 Town Clerk and Highway Superintendent are hereby authorized to make
up spring cleanup flyers at their discretion and deliver them to the Tax Collector to be inserted in
the January 2025 tax bills.

-Discussion was held on having a moratorium and/or law on Battery Storage. Attorney Macri
will look into this matter. This matter was tabled.

RESOLUTION #90

Adoption of 2025 Town Budget

On motion of Councilman Sullivan, 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

WHEREAS, notice was published and a public hearing was held on November 12, 2024 on the
Town's 2025 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 2025, hereby
be adopted and,

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-
CONT.

(Resolution #90-cont.)

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

The 2025 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	\$ 280,695.00	\$242,087.13	\$ 0	\$ 38,607.87
Highway	\$ 706,203.43	\$446,600.00	\$ 0	\$259,603.43
Special Districts	\$74,444.67		Tax Levy	\$298,211.30
Fire Protection			Tax Levy	\$ 74,444.67
Total 2025	\$1,061,343.10	\$688,687.13	\$ 0	\$372,655.97
			State Cap Allow	\$372,655.97
			State % Increase Allowed	2.00%
			Under Budget	\$ -0-

RESOLUTION #91

Approval of Building Energy Benchmarking

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

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Town of Little Falls is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Town of Little Falls Town Board desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Little Falls; and

WHEREAS, the Town of Little Falls Town Board desires to establish procedure or guideline for Town of Little Falls staff to conduct such Building Energy Benchmarking; and

(Res# 91-cont.)

NOW, THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) “Commissioner” shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Little Falls that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Town Office

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-CONT.

(Res. #91-cont.)

§2. APPLICABILITY

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-CONT.

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that makes benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than September 1st, and no later than May 1st every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1st and by September 1st of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section

5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

(Res. #91-cont.)

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, revision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

RESOLUTION #92

Supervisor Approval to Make \$44,137.57 BAN Payment on the 2022 Caterpillar Loader

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	Aye

RESOLVED that the Town Board hereby approves that a \$44,137.57 BAN payment be made on the 2022 Caterpillar Loader and that the Town Supervisor hereby be authorized to make said payment.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-
CONT.

RESOLUTION #93

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 \$38,810.91 on Bond Anticipation Note 1 of 2022, dated December 1, 2022, held by Adirondack Bank 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 \$38,810.91 with Adirondack Bank for a period of one (1) year, and that the said Renewal Note in the amount of \$38,810.91 will bear interest at a rate not exceeding Four and Seventy Five Hundredths per centum (4.75%) per annum payable at maturity.

-Supervisor Casler reported that he received the 3rd quarter sales tax revenue check for \$63,300 and that he's getting rid of the town's postage machine.

-Meeting recessed at 7:59 p.m. to audit the bills.

-Meeting resumed at 8:10 p.m.

RESOLUTION #94

Payment of General Bills

On motion of Councilman Schwasnick, 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 #127-131 in the amount of \$3,512.33 hereby be paid.

RESOLUTION #95

Payment of Highway Bills

On motion of Councilman Schwasnick, 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 #128-145, in the amount of \$35,962.44 hereby be paid.

-Discussion was held on having a new front door installed for the town hall. Superintendent Cotton will look into this.

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, NOVEMBER 12, 2024-
CONT.

-Discussion was held on camper trailer living and the need to regulate such. This matter was tabled.

-The next regular meeting will be held on December 10, 2024 at the town hall at 7:00 p.m.

-Meeting adjourned at 8:20 p.m.-Councilmen Soules, Viscomi

Respectfully submitted,
Sandra Regan, Town Clerk