

REGULAR MEETING, TOWN BOARD, TOWN OF LITTLE FALLS, APRIL 8, 2025

A Regular meeting of the Town Board, Town of Little Falls was held on April 8, 2025 at the town hall immediately following the public hearings on Local Laws No. 1 and 2 commencing at 7:26 p.m. with the following members present:

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

Absent; Councilman Kirk Schwasnick

Others Present: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Town Attorney, Nicholas Macri; Court Clerk, Therese Soules, Codes Enforcer, Phil Green; Comprehensive Steering Committee members Steve Salamone and Kimberly Pepper and Comprehensive Plan Project Manager, Jordyan Mueller; City of Little Falls Mayor, Debra Kaufman; Creative Outpost Executive Director, David Warner; Little Falls City resident, Elaine Sperbeck.

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

RESOLUTION #32

Minute Approval

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

Ayes: Supervisor Casler; Councilmen Viscomi, Sullivan, Soules

Noes-0

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

-Supervisor Casler stated that over the past few months he's met with Little Falls City Mayor, Debra Kaufman, along with several municipal leaders to look into ways to share services to save or make money or improve assets with such things as water, fire and EMT services; that members from the Department of State's Rural Structure Department have also attended the meetings to offer advice on what can be done with these type of agreements and what grants may be available.

Little Falls City Mayor, Debra Kaufman, stated that water seems to be something everyone has in common; that the city has tons of water, it's their greatest asset and multiple municipalities are interested in city water and what it would take to get it.

Mayor Kaufman stated that the Mohawk Valley Water Authority has been talking with Herkimer, Ilion and some other municipalities about providing water to them; that the city's capacity is significant without drilling extra wells, to accommodate East Herkimer, the Town of Herkimer and potentially towards Ilion; that the city has a massive amount of water that competes nicely with Hinkley which provides all the water for Utica and Rome.

Mayor Kaufman stated that they are looking right now at their plan to be able to sustain the city, that the city has a limited amount of housing, very few property owners that are paying taxes and a lot of nonprofits; that they have about 2000 participants in their property taxes and the city can no longer survive by taxing so they have to look for other sources of revenue, infrastructure and utilities are where they're going in the future.

Mayor Kaufman stated that they've had some issues with their filtration so they're transitioning from sand filters to a membrane system which will allow them to be able to adapt and add capacity very quickly; that they estimate it will take 5-10 years to get everything up and running; that they're going to start cleaning the water at the source versus bringing it dirty down to their Top Notch Road reservoir, that way it will allow them to deliver to Dolgeville, Manheim, Danube and go out towards Herkimer.

Mayor Kaufman stated that the very first thing the Department of State recommended was to do a feasibility study that would incorporate everybody in the area to see what it would look like. Mayor Kaufman stated that the feasibility study they would like to do would tie in all the communities in the area that have an interest in water for the future; that it doesn't obligate the town to anything, it's non-binding, it doesn't cost the town a dime; it's just lending the town's name, that the town's interested; if the town doesn't want to be included that's ok too, but we wanted to offer it to you.

Attorney Macri stated he's reviewed the resolution and that it's his opinion there's no harm for anyone, there's no obligation on the town's part by authorizing participation in the feasibility study.

Mayor Kaufman stated it's really about including the town in the study, that way in the future as they start coming down with the piping it will be easier since they'll have some studies done as to where they should route the piping. Supervisor Casler stated that if you look at the map, it's simple to see that it's going to cross the town at some point. Mayor Kaufman stated that regardless whether the town wants it or not, they have to go that way to get to Herkimer and some other places so they might as well include the town in the study so they know what it will take and how much it will cost.

Mayor Kaufman stated that she just found out the grant that was received by the Mohawk Valley Authority is not going to be used; that Legislator Ackerman is trying to work with Senator Walczyk to swing it the City's way; that there's two grants, one for around 3 million, the other around two 2 million, which is good money to get started. It's a big plan and they would love the town to be with them.

Attorney Macri stated that he just wants to be clear that this approval is strictly for being included in the study and that none of the cost will be passed to the town. Mayor Kaufman stated there's no cost to the town, that there's a 50% match which the city will take care of, that the study will give the city the detail they need from an engineering aspect as to where do they begin, what's the best route, how to do this at the least resistance as far as navigating through the different communities.

-Supervisor Casler stated that in being neighborly, he motions for approval for town participation in the feasibility study. There was no second therefore the motion failed.

-Councilman Sullivan asked if the comprehensive survey showed resident interest in water.

Comprehensive Plan Project Manager, Jordyan Mueller stated that there is some interest, there's a range of priorities, it's not at the immediate top, but there is some interest.

Councilman Soules stated that a few years back the town did a survey and town residents weren't concerned with water.

Ms. Mueller stated that there were two questions on the survey that pointed to this; the first one was a broad question expanding infrastructure which combined roads, water and sewer services, that combined question had 56.1% saying it was very important; when you break it out in the additional question around infrastructure expanding water and sewer services, 36.6% said it was very important.

-Councilman Soules motion to table this matter to allow the board more time to discuss and consider this.

RESOLUTION #33

Approval To Table Town Participation In City of Little Falls' Water Feasibility Study

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

Supervisor Casler	No
Councilman Viscomi	Aye
Councilman Sullivan	Aye
Councilman Soules	Aye

RESOLVED that the Town Board hereby tables any action on approving the town's participation in the City of Little Falls' feasibility study for regional shared water infrastructure until the next town board meeting to allow the board additional time to discuss and consider this matter.

-Supervisor Casler voted no because he wasn't in favor of tabling this matter since he is in favor of approving the town's participation in the feasibility study.

-Comprehensive Plan Project Manager, Jordyan Mueller, stated that the comprehensive plan survey is closed, that there's some hard copies that need to be rolled in, that 231 responses were received, that the steering committee has discussed holding focus group sessions this summer and is discussing the possibility of holding a town hall in October, and there's still more work to be done.

Ms. Mueller handed out and explained her comprehensive plan update report and survey result charts stating that these figures are not the full charts; that she has a steering committee report that she can email to the board that has the open end responses. Ms. Mueller stated the steering committee, as well as herself, would like to continue forward, and as discussed at the last meeting, pursue a smart growth comprehensive planning grant which opens in May and has a July deadline; that the grant could fund the completion of the comprehensive plan and professional planning and mapping; that a professional firm comes out, looks at the land and puts all the pieces together.

Ms. Mueller stated that, as she had alluded earlier in the meeting as to what a comprehensive plan can provide in terms of legal support in decisions such as moratoriums, having a thorough comprehensive plan will insure that those guardrails are set up, that whatever happens in the future in the town is representative of what the community wants and what is ideal for the community; in addition, a comprehensive plan positions the town in some ways for access to funding which she'll talk about at the next town board meeting; that a completed comprehensive plan puts you in the running for eligibility and guides future growth which she thinks pertains to a lot of the conversations tonight around the moratoriums and the different aspects of solar and shared services.

Ms. Mueller reported that as of this date, out of the \$5,000 that was approved for early work, including the invoice she's submitted tonight, \$3,250 will have been spent, which is 65 hours of work completed.

Councilman Soules stated that that amount doesn't include what the steering committee has been paid which adds to what's been spent; that there should be a report on the total spent so far.

Supervisor Casler stated that the steering committee is paid out of the planning board fund not the \$5,000. Ms. Mueller stated that she's unaware of that arrangement that she only reports on her fees out of the \$5,000.

Ms. Mueller reported on some data from the social media outreach and the preferences people have on how to keep in touch and receive updates and ongoing communications stating, that as you know, we have a Face Book page dedicated to the comprehensive plan only and as of last week the page has been viewed 10.3 thousand views and has reached 2,216 people; for reference, in the Town of Little Falls, she thinks the total number of people is 1,459, so that indicates we're getting some visibility; as far as how to keep in touch, 40% of respondents said they prefer social media, face book, etc., 23% said email updates, 20% said newsletters, 15% said public meetings/town halls. Ms. Mueller stated that she thinks the overall survey responses received is encouraging and the engagement, specifically on social media, is positive and shows that people do want to participate.

Ms. Mueller stated that the next step is moving to the smart growth comprehensive planning grant application period opening that she's hoping the board will consider; that the grant will provide funding to continue this process. Ms. Mueller reported that Dan, herself, and any of town board if interested, will be meeting this Thursday at 3:00 with the IDA to discuss potential funding support for the contents of the planning process. Ms. Mueller stated that there's a gap, that even if awarded the smart growth comprehensive planning grant, that money wouldn't probably be awarded until around October, so to continue this work, given there's only \$1,800 or so left of the \$5,000, there's a gap, and while they can still move forward with planning and focus groups, that money is going to run out so the IDA has verbally expressed committing funding support to continue to move forward.

Ms. Mueller stated that as far as her remaining balance it will be for continued engagement and she'll dive deeply into the data to map across demographics and see what certain demographics we're interested in.

Councilman Viscomi asked how much the grant was for. Ms. Mueller stated that the minimum you can apply for is \$75,000 and it depends on what you're looking for in terms of the comprehensive planning process; that next month when she gives the town board a final survey report she's planning on giving recommendations on what the town board might consider for that grant such as continuing community engagement, bringing on a firm that can do RGIF mapping, getting those maps and all the studies done to understand what's or what's not possible and what the impact of certain things is. Ms. Mueller stated that there's a couple ways you can structure bringing on a firm, you can kick her to the street and let a firm handle it or she can subcontract as a project lead with that firm to act as a lesion between the community and that firm.

Supervisor Casler stated that he thinks those recommendations should come from the steering committee. Ms. Mueller stated that she would meet with the steering committee and planning board before the next town board meeting so their recommendations are clear where we are, where we're headed, and what they want to see happen.

Ms. Mueller asked if there were any questions or comments. There were none.

-Supervisor Monthly Report:

Supervisor Casler reported:

-That he's submitted a monthly financial report for the board's review and stated that the town just wrapped up one of the most extreme winters there's been for quite awhile; that in past seasons the town typically had enough money in the highway fund to cover bills and highway payroll; however, due to this year's extreme winter and monthly expenses from January through February and due to the timing of the income we receive from the county and state to reimbursement these costs, he found it necessary to transfer money from the general fund

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to the highway fund to cover these expenses. Supervisor Casler stated that at the February Town Board meeting, he had reported to board that he had to transfer \$15,000 from the general fund to the highway fund prior to that meeting to cover highway payroll and that a couple days after that transfer was made, \$37,000 was received from the state to cover that transfer. Supervisor Casler stated that at that meeting he had asked the board for a motion to retroactively approve that transfer and after a brief discussion, was told that since the transfer was already done it wasn't necessary. Supervisor Casler stated that he again is motioning for retroactive approval for that transfer. This request was approved.

RESOLUTION #34

Fund Transfer Approval

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 Sullivan	Aye
Councilman Soules	Aye

WHEREAS, the Town Supervisor found it necessary in February to transfer \$15,000 from the general fund to the highway fund to cover highway payroll prior to the February Town Board meeting and,

WHEREAS, the Town Board had been informed of said transfer at the February 2025 town board meeting and didn't formally approve said transfer,

BE IT RESOLVED that the Town board hereby retroactively approves said transfer.

-Assessor Report: None

-Codes Officer Report:

Codes Officer Green reported that he's received a few phone calls regarding building permits, other than that all, is going well.

-Town Attorney Report: Nothing at this time.

-Town Justice Report:

Supervisor Casler reported that the court deposit was received. Court Clerk Soules reported that she is working on back logs, is having difficulty getting money from past due fines, and has been working extra hours on this and filing civil judgments.

RESOLUTION #35

Approval & Audit of Town Justice's End of Year Records For 2024

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

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

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(Resolution # 35-continued)

WHEREAS, Councilman Viscomi has examined the Records of Town Justice Jeffrey Stone for the year 2024, and has to the best of his ability found them to be correct,

NOW THEREFORE BE IT RESOLVED that the Town Board does hereby accept as correct the reports and records of the Town Justice for 2024 as presented.

-Bill VanGorder from NBT Insurance Agency reviewed the town's liability insurance renewal policy with the board. After review the board approved the renewal.

RESOLUTION #36

Approval of the Town's Liability Insurance Coverage Renewal Policy

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

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

RESOLVED that the Town Board hereby approves the renewal of the town's liability insurance with NBT at a cost of \$30,231.44 effective 4/1/2025 through 4/1/2026.

-Health Officer Report: None

-Dog Control Officer Report: None

-Highway Superintendent Report: None

-Planning Board Report:

Clerk Regan reported:

-That two meetings were held with the planning board and the board of appeals, to discuss a proposed used car dealership on a half acre lot, located on State Route 5; one on March 20<sup>th</sup> the other on April 1<sup>st</sup> with Attorney Macri present. No formal action was taken at meetings due to having a lack of a quorum, but it was the consensus of both boards, as well as Attorney Macri, that this business cannot be done because of the size of the lot. Clerk Regan will contact the owner to discuss this matter.

Clerk Regan stated that the only board that had a quorum was the planning board on March 20<sup>th</sup>. Clerk Regan asked the town board if they wanted to pay the members that did attend the meetings even if there wasn't a quorum.

Discussion was held on this matter with the town board deciding that all members on both the boards should be paid for all meetings they were attended. Clerk Regan stated she would voucher payments as such for the board's approval.

-Town Clerk Report:

Clerk Regan reported:

-That the Office of the Aging held their first Ti Chi class at the town hall, that all went well, and that she's put their insurance coverage on the bulletin board.

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(Town Clerk Report-continued)

-That she had sent the board an email and information regarding a phone call she received from Tim Lynch, Caretaker of Mountain View Cemetery, who was looking for the town's annual donation. Clerk Regan asked the board what they wanted to do about this.

Discussion was held on this matter with the board deciding that the cemetery needs to submit an annual written request for a donation and Clerk Regan was directed to inform Mr. Lynch of this.

-That Highway Superintendent Cotton and herself discussed the need for a new outside bulletin board and she'd like the board to consider this.

-That she had received a phone call from a town resident that wanted the board to be aware of the condition of a home and the junk on the property located on the corner of Burt Road and State Route 169. The board directed the clerk to refer this matter to Codes Enforcer Green.

-Councilman Soules motioned for an executive session to be held to discuss personnel. This was approved.

RESOLUTION #37

Approval To Hold An Executive Session

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

Supervisor Casler	No
Councilman Viscomi	Aye
Councilman Sullivan	Aye
Councilman Soules	Aye

On motion of Councilman Soules, seconded by Councilman Viscomi, the board moved to hold and executive session to discuss personnel.

-Regular meeting adjourned at 8:43 p.m.

-Executive session commenced at 8:43 p.m.

-Executive session ends at 8:54 p.m.

-Regular meeting resumed at 8:54 p.m.

RESOLUTION #38

Adoption of Local Law #1-2025, Eight-Month Moratorium on Solar Energy Systems

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

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

RESOLVED that the Town Board of the Town of Little Falls hereby adopts Local Law #1-2025 as follows:

**A local law** Establishing an Eighth 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 eight (8) 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 eight (8) 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 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



(Resolution #38-continued)

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 eight (8) consecutive months from its effective date. This term may be extended for a cumulative period of up to an additional eight (8) 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.

#### **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.

**RESOLUTION #39**

**Adoption of Local Law #2-2025, One-Year Moratorium on Battery Energy Storage Systems**

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 Sullivan	Aye
Councilman Soules	Aye

RESOLVED that the Town Board of the Town of Little Falls hereby adopts Local Law #2-2025 as follows:

**A local law** Establishing a Moratorium on Battery Energy Storage Systems within the Town For A Period Of One Year

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

BE IT ENACTED by the Little Falls Town Board, Herkimer County, as follows:

**Section 1. Purpose and Intent**

The purpose of this Local Law is to establish a moratorium on the processing; permitting and/or construction of all battery energy storage systems within the Town for one (1) year. A moratorium will grant the Town Board ample time to examine the existing local law, draft, review and adopt effective policy regarding battery energy storage systems, and ensure adequate restrictions and regulations are placed as may be necessary to promote and preserve the health, safety and welfare of the Town of Little Falls and its citizens.

**Section 2. Findings**

The Town of Little Falls Town Board does hereby find that without a temporary halt on the processing, permitting and approvals for battery energy storage systems, there is the potential that such uses could be located in unsuitable areas within the Town or installed in such a manner so as to alter the fabric of the community. Such uses could have materially adverse and irreversible impacts on the Town, and may threaten the health, safety or welfare of the Town's citizens.

**Section 3. Definitions**

**BATTERY ENERGY STORAGE SYSTEM:** One or more devices, assembled together, capable of storing energy in order to supply electrical at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle.

(Resolution #39-Cont.)

**Section 4. Moratorium imposed; Applicability**

For the period of one (1) year commencing on the effective date of this Local Law, or until such time as the Town of Little Falls passes a Local Law on battery energy storage systems, whichever is sooner, there shall be a moratorium on the processing, permitting, and/or construction of battery energy storage systems within the Town of Little Falls.

**Section 5. Term**

This law shall take effect immediately, as provided by the law, upon filing with the Secretary of State and shall remain in full force and effect for a period of one (1) year from its effective date.

**Section 6. Severability**

The invalidity of any word, section clause, paragraph, sentence or part or provision of this Local Law shall not affect the validity or any other part of this Local Law which shall be in effect.

**Section 7.**

This local law shall take effect immediately upon its filing in the office of the Secretary of State.

-Meeting recessed to audit the bills at 9:09 p.m.

-Meeting resumed at 9:19 p.m.

**RESOLUTION #40**

Payment of General Bills

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

Ayes- Supervisor Casler; Councilmen Viscomi Sullivan, Soules

Noes-0

RESOLVED that the General Bills #42-53 in the amount of \$3,675.61 hereby be paid.

**RESOLUTION #41**

Payment of Highway Bills

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

Ayes-Supervisor Casler; Councilmen Viscomi, Sullivan, Soules

Noes-0

RESOLVED that the Highway Bills #51-67, in the amount of \$35,584.47 hereby be paid.

-The next regular meeting will be held on May 13, 2025 at the town hall at 7:00 p.m.

-Meeting adjourned at 9:20 p.m.-Councilmen Soules, Sullivan

Respectfully submitted,  
Sandra Regan, Town Clerk