

TOWN OF WHITEHALL
7 PM
REGULAR MEETING
57 SKENESBOROUGH DRIVE

July 20, 2016

PRESENT: George Armstrong – Supervisor
John Rozell-Councilperson
Stephanie Safka – Councilperson
David Hollister-Councilperson
Farrell Prefontaine – Councilperson

OTHERS PRESENT: Town Clerk, Julie Millett; Town Highway Superintendent, Louis D. Pratt II; Heritage Director, Carol Greenough; Whitehall Times Reporter, Dan King; Town Attorney, Erika Sellar-Ryan; Compliance Officer, Vernon Scribner, John Millett Jr., Bruce Kastor, David Molenaar. Sign in sheet will be filed with the minutes.

Supervisor opened up regular meeting with Pledge of Allegiance to Flag and prayer.
No public comments at this time.

Motion to accept the prior minutes of June 15, 2016 made by Councilperson Hollister and seconded by Councilperson Prefontaine.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
 Nays 0

Heritage Report- written report by Carol Greenough

Rec. Report-no report by Julie Eagan

Dog Control Report-written report by Nancy Quell

Compliance Officer Report-verbal report by Vernon Scribner

Last meeting discussed person that had three storage containers on his property. Vernon spoke to assessor and stated that the containers would be assessed as personal property. There were three vehicles on the property. He doesn't see a violation there. He noticed the grass was getting a little high and Vernon drove by today and it has been mowed. The Supervisor also made a visit to the property and the owner opened up the containers and it looks like he is storing his things. It is really hard to see the storage containers from the road. Town Clerk brought up Orson Kingsley's mobile home permit that has been signed by Vernon. He is claiming it is for farm use. Vernon didn't know if he is milking cows or why he would need a farm hand, but that is what he put on the application. Vernon thought he was going to be here tonight to explain what it is for. The Town will have to do a public hearing on it if it is not for

farm help. Supervisor asked Vernon to speak to Orson and have him come to the next board meeting because we really don't have enough information. He is replacing a trailer that is going to be located on 99 Young's Way which is a different location than where Orson lives.

Town Clerk Report -written report by Julie Millett

Town Assessor Report- written report by Bruce Caza

Town Supervisor Report – written report by George Armstrong

Supervisor and Vernon went to see who was living on Carlton Road after getting complaints. The land owner is allowing them to live on their land. The two people we spoke to seemed all right. The couple will be looking for a place in the village to live. As far as the Supervisor knows there has been no written complaint on them. The festival went off with no problems other than the rain. The geese are beginning to be a problem down at the park. Keith Pratt has had to clean the grounds several times. The Village Mayor made George aware that he wanted to have Keith run the water fountain in the park a couple times a week for twenty minutes because of the bad water samples that have come back. Keith & Jim have removed all the brush along the canal and along the park and it really looks good. Councilperson Safka has been working with the attorney on issues with the solar moratorium. I will be asking the Board for \$200 for the framing of a replica flag that will be displayed at the County. Copy of the letter will be filed with the minutes. We will be working on a new highway contract and discussing during Executive Session. Would like to discuss the Resolution to support an efficiency study to see if we can combine some services among the Village, Town, County & State. Right now we have four highway barns in Whitehall for 4200 people. We really need to do something to reduce our costs for our highways. Councilperson Prefontaine stated that the County building is the most efficient building and wasn't built that long ago. Highway Superintendent stated that he feels that the Town garage is the right place. It is the best spot. We do need a new roof, but the County building is nowhere near big enough for all of our stuff. We did one of these grant studies before for \$50,000 and still haven't gotten reports back on it. Thanks to Ken Bartholomew and Louie Pratt we are one of the few towns to submit a detailed hazardous mitigation plan to the County. We had someone that wanted to use the park for Octoberfest with alcohol, but the Board decided in prior minutes that there would be no alcohol on park grounds so they will have to go somewhere else. Supervisor suggested the Elks' field or the Athletic Club. We had a nice letter from Elise Stefanik's office thanking us for assisting them in the mobile office that they made here in Whitehall. Reverend Paul Shepherd would like to place a sign somewhere in the Town recognizing the championship Varsity Football Team for last year. This sign will have room to add on future championships. We will probably want to place it somewhere along State Route 4 so they will have to be involved.

Planning Board Report- written report by Gregg Chappell

Budget Officer Report – written report by Joel Carpenter

Town Highway Report- verbal report by Louis D. Pratt II

He has handed in his Highway Reports for the Board to review.

We have been ditching and putting culverts in. We did paving on Buckley Road. The Village had money left over to pay on their grant for it. Did the whole road from Route 4 to the school.

They are finishing paving on Tanner Hill Road. Next month he will have to do an amendment to 284 agreement. The truck went out for bid and received a bid of \$10,800 and second bid came in at \$10,700.

Motion to sell truck at \$10,800 and if something happens where they don't pay than a motion to sell at the next bid of \$10,700 made by Councilperson Rozell and seconded by Councilperson Prefontaine.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

All Written reports will be filed with the minutes.

Motion to approve monthly reports made by Councilperson Hollister and seconded by Councilperson Safka.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

Councilperson Safka would like to report on the solar moratorium that was passed last month for three months. At the Planning Board meeting we did agree on a bond number for the solar projects. Borrego and the Planning Board agreed roughly on \$10,000 an acre. The Planning Board approved the two solar projects.

Bruce Kastor was surprised at that number, but if Borrego wants to pay it that is fine. He has a concern on the process. He thought the purpose of the moratorium was to amend the site plan review law and that the Planning Board should request the bond for future solar projects. He wants to know if the Planning Board has the authority to do that.

Erika Sellar-Ryan stated that in the existing site plan review law from 1990, Article 8, under paragraph C it says that the Planning Board, in conjunction with its approval of any site plan review application, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the imposition of a performance bond or letter of credit. She feels that because the Planning Board already has the authority to require the performance bond there is a provision under Article 11 of the Site Plan Review which enables the Planning Board after a public hearing to adopt and amend the rules and regulations of carrying out the provisions of this local law. Erika's recommendation will be the Planning Board to pass their own regulations about anyone putting up a bond, these are the factors they will look at.

Supervisor wants to make sure that the Town doesn't end up with a hazardous site. We have no idea in twenty years what could happen.

Erika stated there are a couple of options considering the solar law:

- 1) Repeal the exemption so that anything that comes in, the NYS exemption would not apply.
- 2) Do away with the exemption and require to enter into a PILOT. This is what other municipalities are doing according to Erika.
- 3) Allow exemption as the Town currently does and ask for a PILOT.

The Supervisor does not want to opt out, but would like a PILOT. Bruce Kastor stated that if you remove the exemption and therefore make it taxable and then you are going to ask for a PILOT on top of them paying taxes. That doesn't make sense to Mr. Kastor.

Erika thinks the theory behind it is that a municipality wants to show that they are behind solar, but they are putting people on notice that they are going to require a PILOT. Bruce Kastor stated that you could have a uniform policy where you keep the exemption and we will require a % of a PILOT right up front. Supervisor stated that all the towns that are opting out are sending a message they don't want solar. Supervisor does not want to send that message.

Erika did the research in Washington County and everyone keeps talking about all the towns that are opting out and she can't find anywhere where they are opting out. Supervisor stated that the assessor, Bruce Caza gets to decide. There are two or three different ways that you can do it. You can do it by income or cost. Let's say it is done by income and it is determined that the income is 3 million and had a 50% PILOT. That means that property would be assessed for 1.5 million. Bruce Kastor handed out a list from the New York State Tax Department from May 31, 2016 and Kingsbury is the only town listed that has opted out.

Erika wants to make sure that everyone that comes that wants to do solar is now on notice that the Town of Whitehall will require a PILOT (payment in lieu of taxes).

Bruce Kastor recommended that if the Town Board goes to the Planning Board and gives them a policy that the Town Board has drawn up on PILOTS in case someone comes to the Town. Erika recommends do it by resolution by the Town Board and put it on the Town website. The Board should get together with Bruce Caza and consult with him to see what the value would be. The Town Board's job is to come up with a % for the PILOT. Supervisor would like to do 50%; Councilperson Hollister would like to do 20%. Councilperson Hollister thinks the solar companies are putting 20% of the capital for these systems. The rest of it is federal grant money.

Erika stated that the Board has 60 days to respond to Borrego's letter that the Board would like to negotiate a PILOT. She mentioned this could go on and on. Councilperson Hollister wanted to know how much this was going to cost the Town going back and forth. Erika will look at the paperwork and make sure everything is in order. The attorney would not be involved in the negotiation part.

Supervisor asked Erika what needed to be done to end the moratorium that the Town passed by local law for 3 months. The Town Clerk hasn't even received the local law notice back from the state that they have received our local law on the solar moratorium. Erika stated that another local law would be needed to repeal it if that is what the Board wants to do. The Board decided to let the three months run out on the moratorium and not do a local law to repeal it.

Motion to authorize the Town Attorney to contact Borrego Solar in the interest of the Town of Whitehall to require a PILOT with Borrego Solar on the Levi Cahan and Joe Terry solar projects made by Councilperson Hollister and seconded by Councilperson Prefontaine.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

Councilperson Safka spoke to Steve Martin who put the cameras in at the park. She feels that we do not need to go on line and pay the monthly expense. The cameras are rolling and can be played back for review if vandalism occurs. She would recommend showing a police officer how to review the footage and not spend the money on the DSL.

Supervisor stated that there is still a leak in the town building above the fire garage section. Jim Austin tried to repair it before, but still leaking. Supervisor would like John Rozell to take a look at it.

Supervisor is asking the Board for a check for \$200 made out to Washington County to support the flag and he will keep the check until we are guaranteed that the other Supervisors are also contributing \$200.

Motion by Councilperson Safka and seconded by Councilperson Hollister.

ADOPTED **Ayes 3 Armstrong, Safka, Rozell**
Nays 2 Hollister, Prefontaine

Resolution # 39 in Support of Washington County's Submission of Local Government Efficiency Project Grant for Shared Regional Highway Operations Center

Motion by Councilperson Hollister and seconded by Councilperson Safka.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

Resolution will be filed with the minutes and in the Resolution Book.

Motion to use Jenkins, Beecher & Bethel to do the audit this year again at a \$300 increase by Councilperson Prefontaine and seconded by Councilperson Hollister.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

Use of the Park

August 28, 2016 for First Baptist Church

September 24, 2016 for Whitehall Beautification & Enhancement Committee for Sasquatch Calling

Motion to approve dates by Councilperson Hollister, Rozell & Prefontaine.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**
Nays 0

Correspondence from Charter Communications that they are merging with Time Warner and the Town's cable franchisee is now under the control of Charter Communications, Inc.

<u>Monthly Vouchers for Abstract # 7 of 2016</u>	General Fund V#16-7-1/ 24	\$9,463.76
	Highway Fund V#16-7-1/ 8	\$6,760.63
	B Fund V#16-7-1	\$ 868.88

Motion to pay the monthly vouchers made by Councilperson Prefontaine and seconded by Councilperson Hollister.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**

Nays 0

Motion to go into Executive Session at 9:05 PM to discuss ongoing litigation and the beginning of highway union negotiations by Councilperson Prefontaine and seconded by Councilperson Safka.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**

Nays 0

The Board came out of Executive Session and passed a motion to allow the Town Attorney to make an offer on the Kandy Bruce litigation.

Motion by Councilperson Rozell and seconded by Councilperson Prefontaine.

ADOPTED **Ayes 5 Armstrong, Rozell, Safka, Prefontaine, Hollister**

Nays 0

Adjourned

Respectfully submitted,

**Julie Millett
Town Clerk**