

TOWN OF SCHUYLER FALLS
TOWN BOARD
REGULAR MEETING JULY 28, 2020

Supervisor Randall called the Regular Meeting of the Town of Schuyler Falls Town Board to order at 6:10 p.m.

<u>MEMBER</u>	<u>Present</u>
Howard Newton	X
Martin Perrotte	X
Vernon Bruno	X
Reginald Facteau	X
Kevin Randall	X
Donna Hamel	X
Michael McCormick	X

PUBLIC RECOGNITION Mary Sorrell, Todd Yando, Bonnie Barcomb, Charlotte & Scott Latour, Rickey White, Richard Donah, Richard Dabrowski, Kimberly Boulds, Wayne St. John, Sam Campbell, Heather Nadeau, David & Lita Paczak, Matt & Mary Sutphen, Sherm Hamel

All Board Members were provided with a copy of the Minutes of the Regular Meeting that was held on June 23, 2020

Mr. Perrotte made a motion to approve and accept the Minutes as presented; Seconded by Mr. Newton.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

All Board Members were provided with a copy of the Minutes of the Work Session that was held on July 13, 2020

Mr. Perrotte made a motion to approve and accept the Minutes as presented; Seconded by Mr. Bruno.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

Mr. Randall suggested that Resolution #20-57 and Resolution #20-58 be read and acted on so that Mr. Ryan, Special Counsel hired for the Morrisonville Water District Extension, can travel back to Albany.

Mr. Ryan reviewed the Short Environmental Assessment Form with the Board members.

RESOLUTION #20-57

RESOLUTION REGARDING NEGATIVE DECLARATION FOR THE
ESTABLISHMENT OF THE TOWN OF SCHUYLER FALLS
MORRISONVILLE WATER DISTRICT EXTENSION

MOTION BY: Mr. Newton

WHEREAS, a map, plan and report have been prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Schuyler Falls relating to the establishment of Morrisonville Water District Extension in the Town of Schuyler Falls, County of Clinton, State of New York; and

WHEREAS, such map, plan and report was prepared by Laberge Group, Ltd., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Morrisonville Water District Extension, the general plan of Morrisonville Water District Extension and the various expenses to be charged for real property located within the District Extension; and

WHEREAS, the establishment of the Morrisonville Water District Extension requires compliance with the provisions of the Environmental Conservation Law of the State of New York and regulations of the Department of Environmental Conservation, Part 617, State Environmental Quality Review Act and the Town of Schuyler Falls has previously established that the Town Board act as lead agency for the review of plans and environmental impact, if any, of the proposed Morrisonville Water District Extension.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

The Town Board of the Town of Schuyler Falls as lead agency has determined that the establishment of Morrisonville Water District Extension as described in the map, plan and report prepared by Laberge Group, Ltd., is an Unlisted Action and that establishment of the proposed Morrisonville Water District Extension will not result in any significant adverse environmental impacts, and that the Supervisor of the Town of Schuyler Falls be authorized to execute the Short Environmental Assessment Form with respect to the determination that the establishment of Morrisonville Water District Extension is an Unlisted Action and that the establishment of the Morrisonville Water District Extension will not result in any significant adverse environmental impacts;

Based on its examination of the EAF, the criteria set forth in Sections 617.6 and 617.7 of the regulations, and such further investigation as the town board has deemed appropriate, no potential significant adverse environmental impacts are known;

Consent to proceed with the establishment of Morrisonville Water District Extension will not cause a significant impact on the environment, and the town board will not require the preparation of an environmental impact statement;

A negative declaration is to be signed by the supervisor;

The Town Clerk of the Town of Schuyler Falls is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Town Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of the Commissioner
Department of Environmental Conservation
625 Broadway
Albany, New York 12233

Environmental Notice Bulletin
NYSDEC – Attn: Jack Nasca
625 Broadway, 4th Floor
Albany, New York 12233-1750

All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

SECONDED BY: Mr. Perrotte

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

Mr. Ryan gave a recap of the resolution before Mr. Randall read the resolution.

RESOLUTION #20-58

RESOLUTION AND DETERMINATION

AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF SCHUYLER FALLS MORRISONVILLE WATER DISTRICT EXTENSION, IN THE TOWN OF SCHUYLER FALLS, COUNTY OF CLINTON, STATE OF NEW YORK, PURSUANT TO ARTICLE 12A OF THE TOWN LAW OF THE STATE OF NEW YORK

MOTION BY: Mr. Newton

WHEREAS, a map, plan and report relating to the establishment of the Town of Schuyler Falls Morrisonville Water District Extension, prepared by Laberge Group, Ltd., competent engineers, duly licensed by the State of New York, has been filed with the Town Clerk of the Town of Schuyler Falls, in accordance with the requirements of the Town Law; and

WHEREAS, an order was adopted by the Town Board of the Town of Schuyler Falls on June 23, 2020, reciting the filing of the map, plan and report, the improvements proposed, the estimated expense thereof, the proposed method of financing, the fact that the map, plan and report is on file in the Town Clerk's Office for public inspection, and all other matters required by law to be stated; and

WHEREAS, the order set July 28, 2020 at 5:45 p.m. at the Schuyler Falls Town Hall, 997 Mason Street, Morrisonville, New York 12962 as the date, time and place of the public hearing to consider the map, plan and report, and to hear all persons interested in the subject, and to take action as required and authorized by law; and

WHEREAS, such order was published and posted as required by law; and

WHEREAS, a hearing on the matter was held by the Town Board on the 28th day of July, 2020, beginning at 5:45 p.m. and the matter being duly discussed and all interested persons having been duly heard.

THEREFORE, NOW, upon the evidence given at the hearing it is hereby:

RESOLVED AND DETERMINED:

That the notice of hearing was published and posted as required by law, and it is otherwise sufficient;

That all property and the property owners within the proposed water district extension are benefited thereby;

That all property and the property owners benefited are included within the limits of the proposed water district extension;

That it is in the public interest to establish the Town of Schuyler Falls Morrisonville Water District Extension;

That there is no estimated cost to construct the improvements to the Town of Schuyler Falls Morrisonville Water District Extension and as a result there will be no debt service associated with the establishment of the Town of Schuyler Falls Morrisonville Water District Extension, for the first year;

That the operation and maintenance expenses for the first year for the Town of Schuyler Falls Morrisonville Water District Extension for the typical property shall consist of a quarterly flat fee of \$65.00 equating to an annual flat fee of \$260.00 and an ad valorem tax rate of \$1.65 per \$1,000 of assessed valuation;

That the approval of the New York State Comptroller is not required for the creation of the Town of Schuyler Falls Morrisonville Water District Extension inasmuch as debt will not be issued or assumed by the town for the improvements for the district extension; and it is

FURTHER RESOLVED AND DETERMINED, that the establishment of the Town of Schuyler Falls Morrisonville Water District Extension as set forth in the map, plan and report, be approved and that the requested improvements, if any, be constructed, and any necessary easements be obtained, and it is

FURTHER RESOLVED AND DETERMINED, that this resolution shall be subject to a permissive referendum in the manner provided in Article Seven of the Town Law.

SECONDED BY: Mr. Perrotte

DISCUSSION: Mr. Facteau stated that there is no reason to increase the rate by 60% and that is why he will vote no. He added that with the economy being what it is at this time and the decrease in the sales tax this year that the Town will be getting hit with, he does not want this increase. He said that there is \$287,000 in the unallocated fund balance for that district, so he does not see why we need to increase it by that much. He hopes that the Town Board would reconsider the amount to raise the quarterly rate. Mr. Randall said that he is hoping that a grant can be obtained to fix the problems with the water system, but until then, it would be irresponsible to spend all that money to maintain what is being lost in leaks in the system. If there was a major break or any kind of repairs, money would be needed for the repairs. Because the rate was not approved in February, three quarters of billings have already gone by. The rate increase would be \$25.00 for this year, as there is only one quarter left in the water calendar year. Average rate for water in a given Town is approximately \$500.00 to \$700.00 a year, so we are well under that amount.

If the Town was to receive a low interest loan and a partial grant, bonding companies would look at how much money is in the account to decide if they would want to bond the Town. If the unallocated fund balance was depleted, it would not be an asset, but a liability to receive the loan.

When asked by Mr. Randall, Mr. Ryan reemphasized that a bonding company looks at the bottom line of the figures in the accounts.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Randall

NAYES: Mr. Facteau

MONTHLY REPORTS Town Clerk, Supervisor, Codes Officer, Woods Mills Water, Macey Lane Water, Morrisonville Water, Historian, Dog Control

Mr. Newton made a motion to file the reports; Seconded by Mr. Bruno.

AYES: Mr. Newton, Mr. Perrotte, Mr. Facteau, Mr. Randall, Mr. Bruno

RECEIPTS Town Clerk/\$968.00, Morrisonville Water/\$9,960.60, Woods Mills Water/\$4,480.59, Macey Lane Water/1,225.43 Judge Van Nortwick/\$626.00 Judge Barber/\$557.00 Selective Insurance-Refund/\$213.13, Casella Waste-2nd Quarter/\$121,894.98, Ambit Energy-Refund/\$8.21, Bank of America-Credit Card Refund/\$96.65, Selective Insurance-Insurance Claim on 2005 Chevy Pick-up/\$9,391.00

Mr. Facteau made a motion to file the receipts; Seconded by Mr. Newton.

AYES: Mr. Newton, Mr. Perrotte, Mr. Facteau, Mr. Bruno, Mr. Randall

Mr. Perrotte made a motion to file the minutes of the Planning Board that was held on June 2, 2020. This motion was seconded by Mr. Bruno and was Unanimously Approved.

Mr. Bruno made a motion to file the minutes of the Zoning Board of Appeals that was held on March 16, 2020. This motion was seconded by Mr. Perrotte and was Unanimously Approved.

DEPARTMENT REPORTS/ Councilman/ Mr. Facteau asked about the Town's Local Law regarding Noise. Mr. Randall mentioned that there is nothing in the local law that specifies enforcement by the Clinton County Sheriff's Department or the New York State Police. Mr. Facteau asked if Mr. McCormick could look at the present Local Law and possibly revise it to add enforcement into it. Mr. McCormick said that he has seen several Local Law's regarding noise and knows that this law is difficult to enforce.

Mr. Perrotte asked what constitutes the level of noise. It was said that without the machine that measures the level of noise, it would be hard to enforce.

Mr. Facteau said that he has been approached by residents asking why there is not a local law regarding outdoor wood boilers. After some discussion on outdoor wood boilers, it was decided that Mr. McCormick will send the Town a copy of the Town of Chesterfield's local laws on both the noise and outdoor boilers.

Mr. Facteau asked if there were any new thoughts on the installation of street lights on Hilltop Estates. Mr. Randall mentioned that he received the audit report from Troy and Banks regarding the electricity costs that the Town has paid to NYSEG. It appears that the Town might have been overcharged approximately \$12,000.00 and will receive a refund. Although Troy and Banks will receive 25% of whatever the final figure will be, it will leave the Town with monies that possibly can be used for the street lights on Hilltop Estates. He did say that usually the sub developer would install all the lighting at the time of the development.

Supervisor Mr. Randall received and read several updates of changing line-ups and programming fees from Charter Communications. Mr. Randall told the Board members that he had thought that an income study of the Town was solely for a CDBG grant, but that is not the case. He said that it is important to have if applying for a low interest bond, as it is a factor when deciding what the interest rate would be. An income survey is valid for twenty- four months. He checked with the Association of Town's Attorney to see if an income survey could be included in the Morrisonville Water bills that will go out to the residents at the end of August. It was advised that this can be done. A 51% return of the surveys is what is needed to move forward. Mr. Randall received an invoice from Clinton County Real Property for \$11,700.00 for assisted services agreement. This amount is for the 2,340 parcels in the Town at a rate of \$5.00 a parcel. Increases for the service agreement is as follows; \$5.25 for 2021, \$5.50 for 2022 and \$6.00 for 2023. Towns are reaching out to their County Legislators regarding this matter. Mr. Randall updated the Town Board regarding the purchase of cameras for the computer. At this time, they are out of stock. They will be ordered when they are available, as most seminars will be done remotely going forward due to the COVID-19.

Codes Enforcement Mr. Randall updated the Board members on Mr. LaCount's progress on getting the properties in the Town cleaned up.

Historian Mr. Randall told the Board members that some residents had asked why there is an individual going around the Town taking pictures of their homes. He said that this is part of the historical grant that was received.

Assessor Mr. Drollette told the Board that the deadline is approaching for him to submit whether or not the Town will do an update to raise the equalization rate to 100%. Right now, the equalization rate for the Town is 95%. He said that homes in the Town are selling at a higher rate than their assessed value. If an update was done, he would have to raise home values. This would take a little off of senior and star exemptions. The State would like all Towns to follow market value and go to 100% equalization rate. He reminded the Board that the Town of Peru just did an update and got a lot of flak from the residents over it due to the way the economy is at this time. **After some discussion, Mr. Newton made a motion to not do a revaluation of the Town at this time. This motion was seconded by Mr. Randall and was unanimously approved.**

RESOLUTIONS

RESOLUTION #20-59

MOTION BY: Mr. Newton

RESOLVED, that the Town of Schuyler Falls Town Board acknowledges and accepts Christal Russell's written resignation, effective date July 13, 2020, from the Zoning Board of Appeals.

SECONDED BY: Mr. Bruno

DISCUSSION Ms. Russell was an alternate member

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

RESOLUTION #20-60

MOTION BY: Mr. Newton

WHEREAS, Victor McCasland, Planning Board Chairman, has requested that the present Planning Board Attorney, Brian Snell, be replaced with Mr. Thomas Murnane, be it therefore

RESOLVED, that the Town Board of the Town of Schuyler Falls authorizes the request to hire Mr. Thomas Murnane as Planning Board Attorney effective immediately.

SECONDED BY: Mr. Perrotte

DISCUSSION: Mr. Randall started to read the letter that he received from Vic McCasland who is the planning Board Chairman. When asked by Mr. Newton if there would be a conflict to have Mr. Murnane as both the Planning and Zoning Board Attorneys, Mr. McCormick replied that there would not be as many Towns use one attorney for both boards. Because of the delicate information regarding the request to change Attorneys, Mr. Facteau requested that the Board should go into Executive Session to discuss this matter further. Mr. Randall made a motion to enter into Executive Session to discuss a personnel issue. This motion was seconded by Mr. Newton and Unanimously Approved. Executive Session entered at 7:40 p.m.

Mr. Bruno made a motion to reconvene the meeting at 7:50 p.m. This motion was seconded by Mr. Perrotte and Unanimously Approved with all Board members present.

It was decided to add into the discussion that both Attorneys will be sent a letter.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

RESOLUTION #20-61

MOTION BY: Mr. Newton

WHEREAS, the Town of Schuyler Falls Town Board adopts the following rules and guidelines for Town Board meetings

Meeting Rules for the Town of Schuyler Falls “Public Addresses” and “Public Forum” Ground Rules

A: Sign in on sign-up sheet if you wish to speak.

B: Only speak if you “Have the Floor” (Addressee or Public Forum) by invitation of the Town Board or committee. Stand at podium or designated place.

C: Identify yourself – name and address.

D: Address ALL comments to the Board (NOT other members of the public). Face the Board, not the audience.

E: Speak slowly, loudly enough and as clearly as possible. (This helps lead to good Meeting Minutes).

F: One person is to speak at a time. Avoid/limit interruptions (including Board). NO “Side” discussions.

G: If addressing an applicant/issue, comment about the applicant/issue. Do NOT address unrelated issues and applicant(s).

H: Time limit on comments: 6 or less people – 3 minutes each; 7 or more people – 2 minutes each.

I: Limit of 1 time any one person may speak at each meeting (Unless a majority affirmative vote of the board to allow additional time). If granted, Time Limit for second address is 2 minutes.

J: NO “donation” or aggregation of time from others.

K: Any person that is disruptive will be asked to leave after one verbal warning. If person refuses to abide, proper authority will be contacted to assist.

L: Set meeting closing time at start of meeting.

Vital Roll of Supervisor/Chairman (Keep Control)

A: Run the meeting.

B: Establish (and state) basic ground rules (posted on back side of agenda).

C: Control the meeting and enforce compliance with ground rules.

D: Lead by example – courtesy and civility, BUT controlling.

E: If not Town Supervisor, Chairperson selection – firm and patient person, not based on seniority or popularity. (Selection process as per Association of Towns - Town Law Manual).

SECONDED BY: Mr. Perrotte

DISCUSSION: Mr. Facteau told the Board members that he was completely against this resolution. He said he does not think the Bord should place restrictions on the residents that come to the meeting to voice their concerns. He said that this was designed for Class A Towns and he requested that this resolution be tabled.

Mr. Randall mentioned that this resolution was just a starting point and moving forward could be changed to better accommodate the public. He said that the rules had been out to the Board members to review and to date, he had not heard anything from Mr. Facteau regarding his disapproval of the rules. Mr. Facteau mentioned that he had e-mailed Mr. Randall earlier with his thoughts on the resolution. After a heated discussion between the Board members and the public, it was decided to table this resolution until it can be reviewed and amended at the next work session.

Mr. Newton made a motion to withdraw and table resolution 20-61 until it can be discussed at the next work session. Mr. Perrotte seconded the motion.

AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall

CLAIMS

General Abstract for the Month of July	\$ 27,460.45
Highway Abstract for the Month of July	\$ 11,396.98
Morrisonville Water Abstract for the Month of July	\$ 7,709.97
Woods Mills Water Abstract for the Month of July	\$ 1,891.61
Macey Lane Water Abstract for the Month of July	\$ 547.67
Audit only Abstract for the Month of July	\$ 3,975.27

Vouchers for Claims (#202000873-202000969)

Vouchers for Audit Only (#202000852-202000866)

Payroll Vouchers (#202000819-202000851)

(#202000867-202000872)

Payroll vouchers voided due to power outage (202000806-202000818)

**Mr. Newton made a motion to pay the claims. This motion was seconded by Mr. Bruno.
AYES: Mr. Newton, Mr. Perrotte, Mr. Bruno, Mr. Facteau, Mr. Randall**

PUBLIC FORUM Heather Nadeau addressed the Board on a problem she is having with a neighbor using his wood boiler in an excessive matter. Mr. McCormick asked if she had contacted the authorities regarding the burning of garbage in the boilers. She said that she has contacted DEC and was told that they would have to catch him in the act to enforce anything. She said that there are times that she cannot open her window. She presented the Board with a draft that she drew up of a possible local law regarding wood boilers. She said that she took sections from the Town of Plattsburgh and the Town of Peru's local law regarding wood boilers. She does not want to burden the residents that have an outdoor boiler and is using it properly, but she said that something needs to be done to the residents that are being inconsiderate to their neighbors. Mr. Newton asked if DEC gave an indication, if a local law were to be passed, if they would enforce it. Heather said that they would not. It would be up to the Codes Officer to enforce. When Mr. Perrotte asked where does the Town go from here, Mr. McCormick suggested obtaining copies of neighboring Town's local laws regarding outdoor boilers.

Heather Nadeau added that there should be a local law regarding solar panels as well.

Heather Nadeau should Mr. Randall an updated map of the Town's right of way to the sand pit on Mason Street. Mr. Randall told her that Mr. Murnane has not sent him the final draft of the matter.

Rick Dabrowski, a resident in the Macey Lane water district, addressed the Board with problems that he and other residents on Macey Lane are experiencing with their water. He brought a water sample down to Endyme to be tested. The hardness higher than normal and the iron level was 10 times the amount it should be. Two other residents on the street are willing to bring in a water sample from their home to be tested.

He said that he and a person from the Town of Plattsburgh's water department talked with the previous owner of the water district, Ed Garrow, and was told that the flush valve at the end of the water line is supposed to be flush every year, as that is what Mr. Garrow had done in the past. Mr. Dabrowski said that the lines had not been flushed at that location for four years. He said that the Town of Plattsburgh does test the water every day at the corner of Irish Settlement Road and Macey Lane and also flushes the lines there.

Some houses in that district are not getting the same pressure of water as others. Mr. Dabrowski said that the Town of Plattsburgh did increase the water pressure a little. Mr. Perrotte said that the Town of Plattsburgh's water department said that the residents having trouble with their water pressure should install boosters. Mr. Dabrowski said he did not feel he should pay for a booster as he is paying for the water.

A discussion followed on whether or not water testing is required to be done every day. This will be addressed with the Town of Plattsburgh.

A discussion followed on whether or not the problem with the water in some of the resident's home might be the old galvanized pipes. He said that his neighbor's water has a funny smell and they have way less water pressure than he has.

Discussion followed on what might be making his neighbor's water smell; possibly the old piping and a mineral back up over the years. Mr. Dabrowski's said that his water line is newer, as it had to be replaced years ago when the highway department crushed his water line while doing some paving.

Mr. Randall told Mr. Dabrowski that he would contact the Town of Plattsburgh and would try to get the answers to the questions that were addressed tonight and will get back to him.

NEXT MEETING

Work Sessions (if Needed)	Monday	August 3, 2020	6:00 p.m.
	Monday	August 17, 2020	
Regular Meeting	Tuesday	August 25, 2020	6:00 p.m.

ADJOURNMENT Mr. Bruno made a motion to adjourn, which was seconded by Mr. Newton.; and was UNANIMOUSLY APPROVED. ADJOURNMENT/ 8:52 p.m.

Donna Hamel/Town Clerk