

TOWN OF SCHUYLER FALLS
TOWN BOARD
REGULAR MEETING AUGUST 21, 2018

Supervisor Potiker called the Regular Meeting of the Town of Schuyler Falls Town Board to order at 6:20 p.m.

Present

MEMBER

George Seymour	X
Barry White	X
Howard Newton	X
Martin Perrotte	X
Richard Potiker	X
Donna Hamel	X
John Rock	X
Michael McCormick	X

ATTENDEES

All Board Members were provided with a copy of the Minutes of the Regular Meeting that was held on July 24, 2018 before this meeting.

Mr. Newton made a motion to approve and accept the Minutes as presented, Seconded by Mr. White.

AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. White, Mr. Perrotte

COMMUNICATIONS 1. Received a memo from Charter Communications regarding some upcoming channel changes.

2. Received notification from the NYS Department of Taxation that they have established a final State equalization rate of %100 for the Town.

3. Received a request from a resident for a letter from the Town regarding the Town's role in enforcing deed restriction. A letter was sent stating that the Town could not enforce deed restrictions.

4. Received a copy of an appreciation letter sent to the Morrisonville Fire Department from the Clinton County Health Department regarding the use of the fire station for the 8/7 rabies clinic.

Mr. Seymour made a motion to file the communications, which was seconded by Mr. White and Unanimously approve.

MONTHLY REPORTS Town Clerk, Supervisor, Morrisonville Water, Woods Mills Water, Macey Lane Water, Codes Officer, Tax Collector, Historian, Ambulance

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

AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. White, Mr. Perrotte

RECEIPTS Town Clerk/\$773.00, Morrisonville Water/\$2,495.17, Woods Mills Water/\$472.59, Macey Lane Water/\$290.25, Judge Van Nortwick/\$2,042.00, Judge Barber/\$3,513.00.00, NYS FEMA Storm Stella/\$2,244.61

Mr. Seymour made a motion to file the receipts; Seconded by Mr. Perrotte.

AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. White, Mr. Perrotte

Mr. Newton made a motion to file the Minutes of the Planning Board Meeting that was held on July 3, 2018. Mr. Seymour seconded the motion and motion was Unanimously Approved.

DEPARTMENT REPORTS

Councilman/ Mr. Newton reported that two of the three time clocks are set up but still needs some computer input. He said that besides Mary, there should be another person to learn what needs to be done for the time clocks.

Mr. Newton will be attending a Local Government Conference in Potsdam on October 9th.

Highway/ Mr. Rock stated that his crew has been busy changing culverts, and ditching. The paving for the year is almost finished. The roads that they are working on are Macey Lane, Hardwood, Spring Pond Drive and Shingle Street. Mr. Potiker told the Board members that \$105,000 was taken from the Highway high interest bearing CD and placed in the main checking account as funds in the account were getting low. It was asked if a budget transfer or an amendment is needed. Mr. McCormick said that since the amount is already in the budget, nothing is needed.

Water/ Donna Hamel told the Board members that Charlotte Latour who lives at 2 Rickson Avenue came in to inquire about hooking up to the Town's water line. She is willing to pay for the push across the road and the piping for the hook-up. The Town of Plattsburgh's water department was going to do the push across the road until they were told that D & S Land Development still owned the water lines at the Buckley Estates development which is across the road.. Mr. Potiker called her with this information. She was going to call Morrisonville Construction for a price to do the push. When she gets all settled, she will come to the Town Offices for a water permit to start the work.

Supervisor/ Mr. Potiker met with Nancy Burnstein who is from ANC on July 26th. This meeting was regarding the LED conversion/Buy-out.

A Board work session was held on August 6th.

Mr. Potiker attended the Landfill open house on August 9th.

On August 13th, he met with a representative from Symquest regarding IT services they could offer.

On August 21st, a PERMA representative met with him regarding the worker's compensation insurance.

Attorney/ Mr. McCormick told the Board members that he was contacted by Steve Fuller who is one of the owners of Buckley Estates on Mason Street. Mr. Fuller presented a Phase 2 map of the subdivision to Mr. McCormick. Mr. McCormick presented it to the Board. Three lots are being purchased in the Phase 2 development. The road

extension going into that phase needs to be deeded to the Town. Mr. Rock signed a letter stating that the road extension is up to standards but because a deed was not drawn up and presented to the Attorney for review, this could not happen. The developer will pay all expenses to the Town's Attorney to draw the necessary paperwork needed. Another question holding up Phase 2 development is whether this project needs to be presented to the Planning Board for approval as the map presented was not stamped by the Planning Board Chairman. Mr. Potiker will inquire about this. It was said that a requirement from the bank regarding the three lots being purchased is that the lots are on a town road. With the Town Board approval, the Town Attorney will compose a letter that will hopefully suffice the bank regarding the status of the road's approval by the Town.

Historian/ Barb Benkwitt told the Board members that the Battle of Plattsburgh will be held on September 6 through the 9th. A lot of interesting and fun things planned for that event.

UNFINISHED BUSINESS/ Mr. Potiker told the Board members that he called for the status of the Pick-up truck that is on order. It is still being manufactured.

He told the Board members that he received one estimate for some tree removal work needed in the park at the Town Hall. This estimate was \$3,000.00. He will get another estimate for the work. A resident on Maple Street called regarding a tree on the Town's right of way that he feels is going to topple over on his garage. Mr. Potiker had it looked at by Arbor Opps who did the tree estimate for the park. He gave him an estimate of \$8,500.00 to remove the tree but told Mr. Potiker that the tree is not in jeopardy of falling over.

Elmore's SPCA is still working on a solution to house dangerous dogs for the Towns.

It was said that the acceptance of Matthew Way by the Town is still on hold. Mr. McCormick will contact Mr. Glode's Attorney for an update.

RESOLUTIONS

RESOLUTION #18-62

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 the Greater Schuyler Falls Lighting District in the Town of Schuyler Falls, County of Clinton, State of New York; and

WHEREAS, such map, plan and report was prepared by Laberge Engineering Consulting Group, Ltd., competent engineers, duly licensed by the State of New York, showing the boundaries of the proposed Greater Schuyler Falls Lighting District, general plan of the Greater Schuyler Falls Lighting District, and a report showing the ad valorem cost thereof to the typical properties; and

WHEREAS, said Lighting District formation will require 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 establishment of the Town of Schuyler Falls, Greater Schuyler Falls Lighting District.

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 the Greater Schuyler Falls Lighting District as described in the map, plan and report prepared by Laberge Engineering Consulting Group, Ltd., is an Unlisted Action and that establishment of the proposed Greater Schuyler Falls Lighting District 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 the Greater Schuyler Falls Lighting District is an Unlisted Action and that the establishment of Greater Schuyler Falls Lighting District 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 creation of the Greater Schuyler Falls Lighting District 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; and

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, NY 12233

**and Environmental Notice Bulletin
NYSDEC – Attn: Jack Nasca
625 Broadway, 4th Floor
Albany, NY 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. Potiker, Mr. Seymour, Mr. Newton, Mr. White, Mr. Perrotte

RESOLUTION #18-63

**RESOLUTION AND DETERMINATION
AUTHORIZING THE ESTABLISHMENT OF THE TOWN OF SCHUYLER FALLS, GREATER
SCHUYLER FALLS LIGHTING DISTRICT 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 Town of Schuyler Falls, Greater Schuyler Falls Lighting District, prepared by Laberge Engineering Consulting 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 July 24, 2018, reciting the filing of the map, the existing improvements, the fact that the map, plan and report are 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 August 21, 2018 at 5:45 p.m. at the Town of 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 21st day of August, 2018, at Town of Schuyler Falls Town Hall, 997 Mason Street, Morrisonville, New York 12962, beginning at 5:45 p.m. and the matter being duly discussed and all interested persons having been duly heard;

NOW, upon the evidence given at the hearing, it is

RESOLVED AND DETERMINED:

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

(b) That all property and property owners within the proposed Greater Schuyler Falls Lighting District are benefited thereby;

(c) That all property and property owners benefited are included within the limits of the proposed Greater Schuyler Falls Lighting District;

(d) That it is in the public interest to establish Town of Schuyler Falls, Greater Schuyler Falls Lighting District;

(e) That there is no cost to construct any improvements for the Town of Schuyler Falls, Greater Schuyler Falls Lighting District and that there will be no debt issued for the creation of the Town of Schuyler Falls, Greater Schuyler Falls Lighting District;

(f) The annual cost to the typical property owner within the Greater Schuyler Falls Lighting District shall be based upon the ad valorem method and the first year cost of full operation for typical property within the Greater Schuyler Falls Lighting District shall equal \$0.06/\$1,000 of assessed value;

(g) That the approval of the New York State Comptroller is not required for the creation of Town of Schuyler Falls, Greater Schuyler Falls Lighting District pursuant to Section 209-f of the Town Law since debt will not be issued or assumed by the Town of Schuyler Falls in connection with the creation of the Greater Schuyler Falls Lighting District; and it is

FURTHER RESOLVED AND DETERMINED, that the establishment of Town of Schuyler Falls, Greater Schuyler Falls Lighting District, as set forth in the map, plan and report, be approved, and 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. White

The adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. White Mr. Perrotte

RESOLUTION #18-64

MOTION BY: Mr. Seymour

WHEREAS, the Town Board of the Town of Schuyler Falls is anticipating that the budget for the fiscal year of 2019 will require a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c, and

WHEREAS, a local law is required pursuant to subdivision 5 of General Municipal Law § 3-c to authorize the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board, so be it therefore

RESOLVED, that Local Law #01 for the year 2018, entitled "A Local Law to override the tax levy limit established in General Municipal Law § 3-c is duly introduced, and be it further,

RESOLVED, that a Public Hearing on said proposed Local Law #1 will be held at the Town Hall on Tuesday, September 25 at 5:45 p.m. where the public will be allowed an opportunity to voice comments for or against said law.

SECONDED BY: Mr. Newton

DISCUSSION: It was asked why this Local Law is needed. The 2020 budget will probably be in excess of the tax levy limit. By law, if a Town goes over the tax cap, a local law is needed to do so. Mr. White was not in favor of this.

AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. Perrotte

NAYES: Mr. White

CLAIMS

General Abstract for the Month of August	\$20,829.62
Highway Abstract for the Month of August	\$82,647.17
Morrisonville Water Abstract for the Month of August	\$ 4,011.28
Woods Mills Water Abstract for the Month of August	\$ 1,621.96
Macey Lane Water Abstract for August	\$ 448.33
Audit only Abstract for the Month of August	\$ 3,413.33

Vouchers for Claims (#201800997- 201801065)
Vouchers for Audit Only (#201800972--201800983)
Payroll Vouchers (#201800952-201800971)
(#201800984-201800996)

Mr. Seymour made a motion to pay the claims, which was seconded by Mr. White.
AYES: Mr. Potiker, Mr. Seymour, Mr. Newton, Mr. White, Mr. Perrotte

NEXT MEETING

Work Sessions (if Needed) Tuesday September 4, 2018 6:00 p.m.
Monday, September 17, 2018

Public Hearing Tuesday, September 25, 2018 5:45 p.m.
Regular Meeting Tuesday, September 25, 2018 6:00 p.m.

ADJOURNMENT Mr. Newton made a motion to adjourn, which was seconded by Mr. White; and was UNANIMOUSLY APPROVED. ADJOURNMENT/ 7:25 p .m.

Donna Hamel/Town Clerk