

REGULAR MEETING TOWN OF LITTLE FALLS, JANUARY 8, 2013

A Regular Meeting of the Little Falls Town Board was held on January 8, 2013 at the town hall, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Town residents, Rick Smith.

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

RESOLUTION #1

Minute Approval

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

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

RESOLUTION #2

Supervisor Monthly Report

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock
Noes-0

RESOLVED that the Supervisor's monthly report as submitted, hereby be approved.

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

-Supervisor Marhaver Reported:

-The final budget for 2012 has been completed and that there was approximately \$49,000 under budgeted allocations.

-That the payroll period has been changed to Monday through Sunday, 14 day period.

-That the 2012 records of the Supervisor, Town Clerk, and Town Justice were present for examination and that Councilman Klock will audit said records and report back to the board if there is any discrepancies.

-That IKON has been taken over by RICOH and that the service contract and copier needs will have to be updated.

-Assessor Report: None.

REGULAR MEETING, TOWN OF LITTLE FALLS, JANUARY 8, 2013-CONT.

-Codes Enforcer Report:

Codes Enforcer Green reported that he is working on a residential matter on the Decker Road.

-Justice Report: None

-Planning Board Report:

Clerk Regan reported that the board will hold its first meeting January 10th.

-Dog Control Officer Report: None.

-Highway Superintendent Report: Nothing at this time.

-Town Clerk Report:

Clerk Regan reported that the Herkimer County Environthon has requested the town's annual donation of \$100 and that two re-appointments had to be made for Neil Bandle and Mike Izzo. The board approved all three.

RESOLUTION #3

Environthon Donation

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board, on behalf of the Town of Little Falls, hereby approves of a donation of \$100.00 to the Herkimer County Environthon.

RESOLUTION #4

Re-Appointment, Neil Bandel to the Board of Assessment and Review

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Neil Bandel hereby be re-appointed to the Town's Board of Assessment and Review for a five year term effective 01/01/2013-12/31/2017.

REGULAR MEETING, TOWN OF LITTLE FALLS, JANUARY 8, 2013-CONT.

RESOLUTION #5

Re-Appointment, Mike Izzo to the Board of Appeals

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Mike Izzo be re-appointed to the Town's Board of Appeals for a five year term effective 01/01/2013-12/31/2017.

RESOLUTION #6

Designated Banks

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the following be designated the Official Depositories for the Year 2013: M&T Bank for the Highway Fund, General Fund, and Trust and Agency Fund, Bank of America and Adirondack Bank for Special Funds.

RESOLUTION #7

Designated Official Newspaper

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Little Falls Evening Times hereby be designated the Official Newspaper for all necessary notices and advertisements.

RESOLUTION #8

Designation of Second Tuesday of the Month for Regular Town Board Meetings

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

REGULAR MEETING, TOWN OF LITTLE FALLS, JANUARY 8, 2013-CONT.

(Resolution #8-cont.)

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board hereby designates the Second (2nd) Tuesday of the month for the regular Town board meetings.

RESOLUTION #9

Re-imbusement For Travel

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the reimbursement for travel by Town Officials and Employees, while on Town business, be at a rate of \$.55 per mile.

RESOLUTION #10

1-Year Appointments

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the following appointments are hereby made for the term of 1 year beginning January 1, 2013:

Court Clerk-Dale Oldick
Budget Officer-Brian Marhaver
Deputy Town Clerk-Michael Regan
Dog Control Officer-George Jones
Cleaner-Sylvia George
Town Historian-Linda Comstock
Attorney For The Town-David Malone
Deputy Tax Collector-John Sagatis
Codes Enforcement Officer-Philip Green
Deputy Supervisor-Eric Gehring

REGULAR MEETING, TOWN OF LITTLE FALLS, JANUARY 8, 2013-CONT.

RESOLUTION #11

Supervisor Authorization To Deposit Idle Monies

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Supervisor is hereby authorized to deposit idle Town Monies in investments with the designated banks until needed as outlined in the Investment Policy of the Town of Little Falls.

RESOLUTION #12

Superintendent Authorized to Purchase Tools and Equipment

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Highway Superintendent be authorized to purchase tools and equipment not exceeding \$2,000 without the prior approval of the Town Board.

-Meeting recessed at 7:17 p.m. to audit the bills

-Meeting resumed at 7:25 p.m.

RESOLUTION #13

Payment of General Bills

On motion of Councilman Beadle, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Klock

Noes-0

RESOLVED that the General Bills #1-8, in the amount of \$9,715.35 hereby be paid.

RESOLUTION #14

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock

Noes-0

RESOLVED that the Highway Bills, #1-18, in the amount of \$19,881.22, hereby be paid.

REGULAR MEETING, TOWN OF LITTLE FALLS, JANUARY 8, 2013-CONT.

RESOLUTION #15

Approval & Audit of Town Official's End of Year Records

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS, the Town Board has examined the Records of the Supervisor, Town Justice, and Town Clerk, and have, to the best of their 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 several Town officials as presented.

-The next regular meeting will be held on February 12, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:33 p.m.-Councilmen Beadle, Gehring

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR MEETING TOWN OF LITTLE FALLS, FEBRUARY 12, 2013

A Regular Meeting of the Little Falls Town Board was held on February 12, 2013 at the town hall, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman William Klock
Councilman Eric Gehring

Absent: Councilman Kirk Schwasnick

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Herkimer County Legislator, Dennis Korce; Town resident, Rick Smith.

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

RESOLUTION #16

Minute Approval

On motion of Councilman Beadle, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

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

-Legislator Dennis Korce, reported that the County Highway Committee had met and discussed their concerns about the poor visibility and obstruction of sight caused by overgrown trees and vegetation along the state highway at the intersection of NYS Rte 167 and Newville Rd.

Legislator Korce stated that the evergreen trees located on the Koch property are making the road dangerous and that the committee is requesting that the NYS Dept. of transportation evaluate the intersection for tree and brush removal and to take appropriate action to remove the obstructions and improve sight distance at this intersection.

Legislator Korce requested that the town send a letter to the County Engineer endorsing The County Committee's concern, then the County will send a letter to Mr. Koch requesting his cooperation in taking care of the matter.

After discussion, the board agreed that Mr. Koch should be asked about this situation prior to a letter being sent. Highway Superintendent Cotton said he would contact Mr. Koch and speak with him on this matter.

-Supervisor Marhaver reported:

- The town's annual report to the State Comptroller's office is being worked on.
- That a letter had been received from the State Dept. of Agriculture and Markets informing the town that the humane society has passed inspection.
- That Councilman Klock is reviewing the books of the town officials.

REGULAR MEETING TOWN OF LITTLE FALLS, FEBRUARY 12, 2013-CONT.

-Supervisor Marhaver reported that Rico has bought out Ikon and will no longer provide parts for the town's Cannon copier and that he had received a quote on the purchase of a new copier and lease. Since there is nothing wrong with the town's current copier, the board decided not to pursue purchasing a new machine until needed.

RESOLUTION #17

Supervisor Monthly Report

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Assessor Report: none

-Codes Enforcer Report:

Codes Enforcer Green reported that his 2012 report has been sent to the state and the property on the Decker Road has been cleaned up.

-The board directed Codes Enforcer Green to address the condition of the property next to the town hall.

-Justice Report:

Justice Oldick reported that Councilman Klock had reviewed his records and all is good.

-Planning Board Report:

Clerk Regan reported that the Planning Board had met and that a couple of town residents had been present to voice their concerns on the sale of property on Rte 167 to a development firm and that the board is looking into subdivision regulations.

-Town Clerk Report:

-Clerk Regan distributed business cards to the board that had been made for them as a thank you from Bette Szesny. The board expressed their appreciation for said cards.

-Clerk Regan reported that with the passing of Dog Control Officer, George Jones, the town needs to appoint a Dog Control Officer and that it has been suggested to her that the position be advertised.

The board agreed and directed the Clerk Regan to advertise the position at her discretion in the Evening Times. This matter will be addressed at next month's meeting.

-Highway Superintendent Report:

-Superintendent Cotton questioned how much money was left over in the budget.

Supervisor Marhaver stated he would look over and advise.

REGULAR MEETING TOWN OF LITTLE FALLS, FEBRUARY 12, 2013-CONT.

-Supervisor Marhaver questioned Superintendent Cotton on highway employee's overtime, questioning who decides when overtime is granted.

Highway Superintendent Cotton replied, he does. Supervisor Marhaver questioned if the guys shifts could be changed such as not working during the day when it isn't snowing and working nights when it is. Supervisor Marhaver stated that he has been asked by people why the guys can't work according to the weather, which could save on overtime.

Superintendent Cotton replied that you can't predict the weather and that it is not in the contract to change regular hours.

The board stated that they would look into the possibility of changing shifts or hours at contract renewal time.

-Attorney Malone reported that he would be attending the annual Town Association Conference.

-Supervisor Marhaver reported:

-That a Canal Sweep will be held on April 19th-21st.

-That a municipal planning board training will be held on May 1st in the town of Schuyler.

-That SUNY will administer Retirement plan Tier VI.

-That the town's disability insurance carrier will change from Zurich to NBL.

-Meeting recessed at 7:50 p.m. to audit the bills.

-Meeting resumed at 8:00 p.m.

RESOLUTION #18

Payment of General Bills

On motion of Councilman Beadle, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Beadle, Klock

Noes-0

RESOLVED that the General Bills #9-25, in the amount of \$8,252.30 hereby be paid.

RESOLUTION #19

Payment of Highway Bills

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock

Noes-0

RESOLVED that the Highway Bills, #19-37, in the amount of \$31,811.21, hereby be paid.

-Discussion was held on replacing the door in the town's cold storage building. The board asked Superintendent Cotton if this was something the guys could do.

Superintendent Cotton stated that this is a job for a contractor since it involves new casing and cement work.

After discussion, it was decided to solicit quotes from area contractors for the work.

This matter was tabled until next month's meeting.

-Discussion was held on replacing the town's fuel tanks. The board decided to solicit sealed bids for this project, using the specs that had been submitted by Councilman Beadle at the June 2012 meeting. Clerk Regan was directed to advertise for such.

REGULAR MEETING TOWN OF LITTLE FALLS, FEBRUARY 12, 2013-CONT.

RESOLUTION #20

Approval of June 2012 Specs for Town Fuel Tank Replacement Project

On motion of Councilman Beadle, seconded by Supervisor Marhaver, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

RESOLVED that the Specs from June 2012, hereby be approved for use for the Town's fuel tank removal and replacement project.

RESOLUTION #21

Approval to Advertise for Sealed Bids for Purchase and Installation of New Fuel Tanks and Removal of Old Tanks

On motion of Councilman Beadle, seconded by Supervisor Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

RESOLVED that the Town Board hereby approves the solicitation of sealed bids for the removal of the town's current fuel tanks and the purchase and installation of a new 1,000 gallon above ground diesel fuel tank with pump and a new 300 gallon above ground gas tank with pump, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk and Highway Superintendent to advertise for said bids, at their discretion in the Evening Times Newspaper, with said bids to be opened at 7:00 p.m. on March 12, 2013 at the town hall.

-The next regular meeting will be held on March 12, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:28 p.m.-Councilman Beadle, Klock

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR MEETING TOWN OF LITTLE FALLS, MARCH 12, 2013

A Regular Meeting of the Little Falls Town Board was held on March 12, 2013 at the town hall, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman William Klock
Councilman Eric Gehring

Absent: Councilman Kirk Schwasnick
Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice;

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

RESOLUTION #22

Minute Approval

On motion of Councilman Klock seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Klock, Gehring

Noes-0

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

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

RESOLUTION #23

Yearly Salaries

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

Supervisor Marhaver Aye

Councilman Klock Aye

Councilman Gehring Aye

RESOLVED that the salaries of the following appointed Town of Little Falls Officials for the year 2013 are as follows and do not exceed the amounts appropriated in the 2013 Town Budget:

TITLE	PAY PERIOD	ANNUAL SALARY
Assessor	Monthly	8,000.00
Attorney For the Town	Annually	3,600.00
Budget Officer	Quarterly	2,000.00
Health Officer	Annually	500.00
Historian	Annually	250.00
Dog Control Officer	Quarterly	2,000.00
Codes Enforcing Officer	Monthly	4,800.00
Court Clerk	Monthly	4,500.00
Cleaner	Monthly	\$ 9.00 per hour

REGULAR MEETING TOWN OF LITTLE FALLS, MARCH 12, 2013-CONT.

-Supervisor Marhaver reported:

- that the annual financial report is complete and a copy has been given to the clerk.
- that Councilman Klock has completed his review of official's records and all is good.

-Assessor report: none

-Codes Enforcer report:

Codes Enforcer Green reported that 4 permits have been issued and 1 ticket.

-Town justice report:

Nothing at this time.

-Planning Board Report:

-Clerk Regan reported that the planning board had met and that they had approved a business proposal from William Bladek to sell used automobiles at his home located on Eatonville Road.

-Dog Control Officer report:

Clerk Regan reported that she had received 21 inquiries on the dog control officer position. Discussion was held on appointing a dog control officer with the board appointing Larry Orlieb, who is currently the dog control officer for Danube and the City of Little Falls.

RESOLUTION #24

Appointment-Dog Control Officer, Larry Orlieb

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

Supervisor Marhaver	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Larry Orlieb hereby be appointed as Dog Control Officer for the Town of Little Falls to fill the unexpired term of said position, effective 3/12/2013 through 12/31/2013.

-Highway Superintendent report:

-Highway Superintendent Cotton reported, that in regards to his winter road summary Report, all roads are good.

-Discussion was held on bids received for the repair of the Garage door. There were two bids submitted as follows: Heritage Custom Homes, \$540.00 and Deschene Improvements, \$1,150.00. The board awarded the job to Heritage Custom Homes.

RESOLUTION #25

Bid Award-Heritage Custom Homes-Installation Garage Door

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

Supervisor Marhaver	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

REGULAR MEETING TOWN OF LITTLE FALLS, MARCH 12, 2013-CONT.

(Resolution #25-cont.)

RESOLVED that Heritage Customs Homes hereby be awarded the job to replace and install new door in Town Garage at a cost of \$540.00 as bid.

-Town Clerk Report:

-Clerk Regan reported that a building permit has been issued to the Snowmobile club for construction of a Pole barn which has created a conflict with Planning Board members Todd and Canastar. Clerk Regan stated that due to members Todd and Canastar's conflict of interest in this matter, and their inability to vote on this matter, in addition to having two vacancies on the planning board, there will be no quorum to vote on matters involving the snowmobile club. Clerk Regan stated that the town has to find some people to serve on the board. Discussion was held on possibly advertising position if the matter becomes an issue. Clerk Regan was directed to advertise the position, at her discretion if needed.

-Clerk Regan reported that she did not advertise for bids for new fuel tanks she the specs she had were no good. Discussion was held on this matter and the board decided to table this matter until new specs were obtained. Highway Superintendent Cotton is to obtain new specs. This matter was tabled.

RESOLUTION #26

Payment of General Bills

On motion of Councilman Klock, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Klock, Gehring

Noes-0

RESOLVED that the General Bills #26-42, in the amount of \$3,472.58 hereby be paid.

RESOLUTION #27

Payment of Highway Bills

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #38-50, in the amount of \$36,512.19, hereby be paid.

-The next regular meeting will be held on April 9, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:55 p.m.-Councilmen Gehring, Klock

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR MEETING TOWN OF LITTLE FALLS, APRIL 9, 2013

A Regular Meeting of the Little Falls Town Board was held on April 9, 2013 at the town hall, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Jesse Davis and Ed View; Town residents David George and Rick Smith.

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

RESOLUTION #28

Minute Approval

On motion of Councilman Beadle seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
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.

-Ed View addressed the board regarding his intent to build a dog park somewhere in the area for people to bring their dogs to run and play freely. Mr. View stated that he is looking at a couple of properties, one of which is at the corner of Shellsbush Road which is owned by East Herkimer Sno-riders Snowmobile Club as a possible site.

Mr. View stated that the park would be a 50 x 100' fenced in area with stone dust on the ground. Mr. View stated that there are three such parks in Liverpool, New Hartford and Rome. This would be the first one in our area and that he has spoken with the owners of the other parks and has had no bad feedback from any of them.

Mr. View stated that the people who are members of the park are the ones who police the park as well as clean up the park.

Jesse Davis, president of the Sno-riders snowmobile club, stated that it costs \$900 a year for liability insurance and that the snowmobile club would purchase the insurance themselves.

Mr. View stated that there are rules and regulations for use of the park and that people have to join the club and become a member prior to using the park.

Mr. View stated that he was present tonight to run the idea before the board so there are no surprises if and when the park is done.

Mr. View and Jesse Davis thanked the board then left the meeting.

REGULAR MEETING TOWN OF LITTLE FALLS, APRIL 9, 2013-CONT.

RESOLUTION #29

Supervisor Monthly Report

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Supervisor Marhaver reported that Day & Scarfile sold the town's insurance policy to NBT and that he has been working with them on our policy, but has no figures yet.

Highway Superintendent Cotton asked if the town could stay local with coverage.

Supervisor Marhaver stated that this is something we can look at but renewal time is limited now, adding that we can renew now and always switch later and that he will look into other companies for further consideration.

-Supervisor Marhaver reported that there are training sessions for officials at SUNY and the town of Russia if anyone is interest.

-Assessor Report: None.

-Codes Enforcer Report:

Codes Enforcer Green reported that 5 building permits have been issued so far this year and a couple of warning tickets have been issued.

-Supervisor Marhaver reported that a letter has been submitted from a town resident questioning the issuance of a building permit to the snowmobile club for a pole building.

Codes Enforcer Green stated that the permit has been issued and that the club can build the pole barn. There were no more comments on this matter.

-Justice Report:

Justice Oldick reported that a property maintenance ticket has been issued to the guy next door to get his property cleaned up, that this matter is pending. Justice Oldick reported that he will be holding a county magistrates meeting in the hall on the 21st, and that revenue might be down for a couple of months since the current DA has retired and the new guy is much slower in handling cases.

Planning Board Report:

Clerk Regan reported that the Planning Board had met and that a utility trailer business may be started on Shellsbush Road; that she has place an advertisement looking for people to serve on both the planning board and board of appeals in the newspaper.

REGULAR MEETING TOWN OF LITTLE FALLS, APRIL 9, 2013-CONT.

Dog Control Officer Report:

Clerk Regan reported that Larry Ortlieb is the new dog control officer and everything seems to be going well with that.

Supervisor Marhaver reported that he had not contacted the family of George Jones regarding the return of any equipment, but would do so in the future.

Clerk Regan stated that Larry has his own equipment so this was not an issue.

-Highway Superintendent Report:

Highway Superintendent Cotton reported that in regards to the installation of new fuel tanks, he had received a budgetary proposal estimate to have this done for \$19,585. Superintendent Cotton stated that if the tanks are less than 1100 gallons, no inspection is needed; therefore, he recommends getting a gas card for regular gas and getting a 1000 gallon diesel tank.

Discussion was held on this matter. Supervisor Marhaver will get information on a gas card and Superintendent Cotton and Councilman Beadle will look into getting specifications for a diesel tank.

This matter was tabled.

Town Clerk Report:

Clerk Regan reported that the ad for the town's Spring Cleanup will be advertised in the paper throughout the month and that a new table is need for the hall since the Planning Board is using the two that the town currently has. Supervisor Marhaver stated that he would buy one on his next trip to BJ's.

-Justice Oldick stated that he would like the board to look into security for court nights. Councilman Beadle will ask the Sherriff about this.

-Meeting recessed at 7:45 p.m. to audit the bills.

-Meeting resumed at 8:13 p.m.

RESOLUTION #30

Payment of General Bills

On motion of Councilman Klock, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Klock, Gehring

Noes-0

RESOLVED that the General Bills #43-59, in the amount of \$4054.11 hereby be paid.

RESOLUTION #31

Payment of Highway Bills

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #51-61, in the amount of \$22,553.64 hereby be paid.

REGULAR MEETING TOWN OF LITTLE FALLS, APRIL 9, 2013-CONT.

-The next regular meeting will be held on May 14, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:13 p.m.-Councilmen Gehring, Klock

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR MEETING TOWN OF LITTLE FALLS, MAY 14, 2013

A Regular Meeting of the Little Falls Town Board was held on May 14, 2013 at the town hall, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town residents Rick Smith, Tom and Diane Tohr; Planning Board Member, Elaine Cobb.

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

RESOLUTION #32

Minute Approval

On motion of Councilman Beadle seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

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

-Privilege was of the floor was granted to those present.

-Planning Board Member, Elaine Cobb, addressed the board and requested that they consider renewing the Town's Moratorium on Hydrofracking since the current moratorium expires this month. The board was in agreement to renew the moratorium for another year as Local Law 1-13.

RESOLUTION #33

Scheduling of Public Hearing on Proposed Local Law #1, Moratorium on Hydrofracking

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Town Board hereby schedules a Public Hearing to be held on Proposed Local Law #1-13 , a one year extension to the Town's Local Law #1-12, moratorium on Hydrofracking, on June 6th, at 7:00 p.m. at the town hall and

BE IT FURTHER RESOLVED that the Town Clerk hereby be authorized to advertise said hearing in the Evening Times Newspaper at her discretion.

REGULAR MEETING TOWN OF LITTLE FALLS, MAY 14, 2013-CONT.

-Town resident, Tom Tohr, addressed the board regarding the neighborhood rooster problem stating that the crowing has been under control for the past five days and that he wanted to thank the town for addressing this matter.

Councilman Klock stated that he had spoken with Supervisor Marhaver and Codes Officer Green concerning this matter.

Codes Enforcer Green stated that the owner of the roosters claims she would get rid of them.

Justice Oldick reported that the owner says the roosters are gone.

-Supervisor Marhaver reported that he has submitted his monthly report for the board's review.

-Supervisor Marhaver reported that the East Herkimer Snowmobile Club has built a pole barn on the property that has come under question.

Clerk Regan reported that a letter of opposition to the issuance of the building permit for the pole barn was received and that the matter has to go before the Town's Board of Appeals. Clerk Regan reported that she is trying to get the Board of Appeals to meet for a hearing on the matter.

-Codes Officer Report:

Codes Officer Green reported that building permits are going well this year and that he has issued six so far this year and has a couple more that are pending.

Codes officer Green stated that that he has received complaints again this year from town resident Janet Johnston, regarding the condition of the lawn next to her property and that Mrs. Johnston has asked if the town could mow the lawn again.

Discussion was held on whether or not the town should mow the lawn. The board was concerned that if the town were to maintain the lawn, it could set a precedence for the town to have to maintain other un-mowed properties. Discussion was held on having the lawn mowed and billing the owner of the property and/or putting the cost on the owner's taxes.

Attorney Malone stated that the town would first have to find out who owns the land and if the taxes are paid. Attorney Malone stated that he will check on the status of ownership and payment of taxes and report back to the board.

After discussion, the board directed Codes Enforcer Green to have the lawn mowed one time before the Memorial Day holiday and that the town would address the billing contingent on Attorney Malone's ownership/tax findings.

-Justice Report:

Justice Oldick reported all is going well.

-Planning Board Report:

Clerk Regan reported that the Planning Board held a meeting this month and granted approval for Rock City Trailer Fabrication to have his business of manufacturing utility trailers on Shellsbush Road.

Supervisor Marhaver reported that Town resident Donald Deschene has offered to serve on either the Town's Planning Board or Board of Appeals. The board appointed Mr. Deschene to the Planning Board.

REGULAR MEETING TOWN OF LITTLE FALLS, MAY 14, 2013-CONT.

RESOLUTION #34

Appointment-Donald Deschene, Planning Board

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Donald Deschene hereby be appointed to fill the board's vacancy and unexpired term, effective 05/14/2013 through 06/30/2019.

-Supervisor Marhaver stated that grievance day is May 31st this year.

-Dog Control Officer Report: None

-Highway Superintendent Report:

Superintendent Cotton reported:

- That the annual spring clean up went well. That there were 4 full dumpsters, 2 dump trucks of steel that they got \$455.00 for and 200 tires that made \$144.00 for the town.
- That the 1997 snowplow engine is out of the truck, the parts are in, and the truck will be worked on.
- That truck #4's transmission has blown out. That they have received faxed quotes from three vendors and that the best deal is from Stadium International Trucks for \$3,033.00 which includes delivery. The board approved the purchase.

RESOLUTION #35

Purchase Transmission for Truck Repair From Stadium International

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board, of the Town of Little Falls, on recommendation of Highway Superintendent Cotton, hereby approves the purchase of a transmission from Stadium International at a cost of \$3,033.00.

-Superintendent Cotton submitted a letter stating that the town's 1972 mower is not safe for the roads anymore and feels that with the surplus of funds in the town's unexpended balance he feels the town can afford to purchase a new one.

REGULAR MEETING TOWN OF LITTLE FALLS, MAY 14, 2013-CONT.

Discussion was opened on this matter with Councilman Gehring stating that he thinks the town should look into renting one, stating that for the cost of a new mower, the town could rent one for about 40 years.

The board discussed looking into buying a used one which would be a lot cheaper than buying a new one which cost over \$100,000.00.

Councilman Gehring stated that he would rather spend that kind of money on a piece of equipment that is used all the time rather than spend that kind of money on something that is used a few weeks out of the year.

Superintendent Cotton stated that he feels buying used equipment is only buying someone else's problems, but that it's up to the board to decide what to do.

The board directed Superintendent to get specifications for a new mower and prices to rent one for the boards review. This matter was tabled.

-Superintendent Cotton reported that the garage's door repair is done.

-Discussion was held on the removal and replacement of the fuel tanks and a gas card system. The board will work on obtaining specifications and a gas card system.

Town Clerk Report:

Clerk Regan reported that a Planning Board Training Session was held in Schuyler on May 1st and that the board needs to adopt a resolution approving that training session as the annual four hours training for planning board members.

The board approved such.

RESOLUTION #36

Acceptance of Schuyler Seminar as Four Hour Mandated Training for Planning Board Planning Board

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

Councilman Gehring	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye

WHEREAS the Town of Little Falls has primary responsibility to regulate private land use through citizen planning boards and zoning boards and their actions have a profound impact on state and local land use policies and individual land owners, and

WHEREAS effective January 1, 2007, a new New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning officials each year, and

WHEREAS this law applies to all Zoning and Planning board members as well as alternates, now, therefore be it, and

REGULAR MEETING TOWN OF LITTLE FALLS, MAY 14, 2013-CONT.

WHEREAS the 2013 Regional Municipal Planning/Zoning Training Seminar held at the Town of Schuyler on May 1, 2013 from 6:00 to 10:00 p.m. is hereby approved by the Town Board to provide the training to meet this law, therefore be it

RESOLVED that it is hereby the Policy of the Town of Little Falls that each member and alternate member of the Town Planning Board and town Zoning Board if Appeals obtain four hours of training related to their Board service, by attending and completing the above Training Seminar which has been approved by the Town Board.

-Meeting recessed at 7:40 p.m. to audit the bills.

-Meeting resumed at 7:55 p.m.

RESOLUTION #37

Payment of General Bills

On motion of Councilman Klock, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Klock, Gehring

Noes-0

RESOLVED that the General Bills #60-76, in the amount of \$6,795.82 hereby be paid.

RESOLUTION #38

Payment of Highway Bills

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #62-80, in the amount of \$9,063.92 hereby be paid.

RESOLUTION #39

Supervisor Monthly Report

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Klock, Gehring

Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-The next regular meeting will be held on June 11, 2013 immediately following the public hearing on Local Law #1 scheduled at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:55 p.m.-Councilmen Beadle, Klock

Respectfully submitted,
Sandra Regan, Town Clerk

SPECIAL MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-MEETING WITH CITY OF LITTLE FALLS-FELDMEIERS BUSINESS

A Special meeting of the Little Falls Town Board was held on June 11, 2013 at the town hall commencing at 6:32 with the following members present:

Present: Supervisor Brian Marhaver
 Councilman Kirk Schwasnick
 Councilman William Klock
 Councilman Eric Gehring

Absent: Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; City of Little Falls Mayor, Robert Peters; Jim Palmer from East Herkimer Industries Inc.

-City of Little Falls Mayor Peters and Jim Palmer of East Herkimer Industries Inc., addressed the board regarding Feldmeiers search for 10 acres. Mayor Peters told the board that he wants to keep Feldmeiers in the City and local. Mayor Peters stated that they would need water and was hoping the town might have a location available.

Supervisor Marhaver stated that the town and the city could work on supplying water to an area if needed and that there is funding out there to do so.

-Mr. Palmer stated that he had looked at the site located behind the town garage but that it has too much of a slope and to divert the creek that is there would be difficult and costly. Mayor Peters and Mr. Palmer stated that there is another possible site in the town that they are looking at and stated that they were present tonight to seek town support in their effort to keep Feldmeiers local. Mayor Peters stated that he would have a letter drawn up for the town to sign showing the town's support.

-A brief discussion was held with the Board agreeing to support the Cities effort in this matter. Mayor Peters thanked the board for their time.

-Meeting closed at 6:40 p.m.

Respectfully submitted,
Sandra Regan, Town Clerk

PUBLIC HEARING- TOWN OF LITTLE FALLS, JUNE 11, 2013-Local Law No. 1-2013, Moratorium on Hydrofracking

A Public Hearing of the Little Falls Town Board was held on June 11, 2013 at the town hall commencing at 7:00 p.m.with the following members present:

Present: Supervisor Brian Marhaver
 Councilman Kirk Schwasnick
 Councilman William Klock
 Councilman Eric Gehring

Absent: Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town residents Rick Smith and Marge Smith.

- Notice of the Hearing was published in the Evening Times Newspaper on May 30, 2013.

-Supervisor Marhaver called the hearing to order.

-Supervisor Marhaver stated that the proposed Local Law No. 1-2013 was to extend for one year, the town current Moratorium on Hydrofracking.

-Supervisor Marhaver asked if there were any comments on the proposed law. There were no comments.

-All those desiring to be heard, having been heard, the hearing was closed at 7:02 p.m.

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013

A regular meeting of the Little Falls Town Board was held on June 11, 2013 at the town hall commencing at 7:05 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Absent: Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; David Malone, Attorney for the Town; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town residents Rick Smith and Marge Smith.

-Supervisor Marhaver called the hearing to order directing the clerk to call the roll.

RESOLUTION #40

Minute Approval

On motion of Councilman Gehring seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Schwasnick, Klock, Gehring

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.

-Town resident, Marge Smith, addressed the board and requested that the town clean out the ditch in front of her home. Ms. Smith stated that she had approached Superintendent Cotton and asked that it be done with a gradall, but was told that the town doesn't have one.

Ms. Smith stated that if the town doesn't have one it needs to buy one. That there's money in the fund balance to use for this and that it's time for the town to start spending some of the money it has.

Supervisor Marhaver stated that the town has been using fund balances to keep the taxes down.

Ms. Smith stated that the town needs a gradall for ditching or needs to hire someone to do it properly, and that she wants her ditch cleaned and dug out and wants it done with a gradall not a backhoe.

The board directed Superintendent Cotton to look into the cost of renting or hiring a gradall for this job.

-There were no more comments from the floor.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

RESOLUTION #41

Supervisor Monthly Report

On motion of Councilman Gehring, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

RESOLUTION #42

Adoption of Local law No. 1-2013, One Year Extension of Moratorium on Hydrofracking

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

Supervisor Marhaver	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS a public hearing was held on proposed Local Law No. on April 17, 2012, and

WHEREAS the Town Board of the Town of Little Falls finds it in the best interest of the Town to adopt a local law calling for a moratorium prohibiting natural gas and petroleum exploration, extraction and underground storage activities,

BE IT ENACTED by the Town Board of the Town of Little Falls that Local Law No.1-2012 be enacted as follows:

Section 1. TITLE

This Local Law shall be known as the
**“Moratorium on and Prohibition of
Gas And Petroleum Exploration And Extraction Activities,
Underground Storage Of Natural Gas, and
Disposal Of
Natural Gas Or Petroleum Extraction, Exploration, And Production
Wastes.”**

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution #42-cont.)

Section 2. AUTHORITY AND INTENT; FINDINGS; PURPOSE

A. The Town Board of the Town of Little Falls hereby adopts this Local Law pursuant to the authority described at Section 1 of Appendix A attached hereto, which Appendix A is hereby incorporated and made a part of this Local Law for all purposes by this reference.

B. The Town Board has found, determined, and made the declarations of findings set forth at Section 2 of Appendix A attached hereto.

C. The Purposes underlying the Town Board's passage of this Local Law, as articulated, found, and declared by the Town Board, are set forth at Section 3 of Appendix A attached hereto.

Section 3. DEFINITIONS

For purposes of this Local Law, the following terms shall have the meanings respectively set forth below:

Agriculture Use--- Land used for the production of crops and/or livestock and livestock products (as those terms are defined at Section § 301 of the New York State Agriculture and Markets Law).

Below-Regulatory Concern --Radioactive material in a quantity or of a level that is distinguishable from background (as that phrase is defined at 10 CFR §20.1003), but which is below the regulation threshold established by any regulatory agency otherwise having jurisdiction over such material in the Town.

Gathering Line, Or Production Line --Any system of pipelines (and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump station, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), used to move oil, gas, or liquids from a point of production, treatment facility or storage area to a transmission line, which is exempt from the Federal Energy Regulatory Commission's jurisdiction under section 1(b) of the Natural Gas Act, and which does not meet the definition of a "Major utility transmission facility" under the Public Service Law of New York, Article 7, §120(2)(bJ).

Injection Well --A bored, drilled or driven shaft whose depth is greater than the largest surface dimension, or a dug hole whose depth is greater than the largest surface dimension, through which fluids (which may or may not include semi-solids) are injected into the subsurface and less than ninety (90) percent of such fluids return to the surface within a period of ninety (90) days.

Land Application Facility --A site where any Natural Gas Exploration And/Or Petroleum Production Wastes are applied to the soil surface or injected into the upper layer of the soil.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution #42-cont.)

Natural Gas –Methane and any gaseous substance, either combustible or non-combustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

Natural Gas And/Or Petroleum Exploration Activities –Geologic or geophysical activities related to the search for natural gas, petroleum or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, but only to the extent that such activities involve or employ core, rotary, or any other type of drilling or otherwise making any penetration or excavation of any land or water surface in the search for and evaluation of natural gas, petroleum, or other subsurface hydrocarbon deposits.

Natural Gas And/Or Petroleum Extraction Activities –The digging or drilling of a well for the purposes of exploring for, developing or producing natural gas, petroleum or other subsurface hydrocarbons, including without limitation any and all forms of shale fracturing.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes –Any of the following in any form, and whether or not such items have been excepted or exempted from the coverage of any federal or state environmental protection laws, or have been excepted from statutory or regulatory definitions of “industrial waste,” “hazardous,” or “toxic,” and whether or not such substances are generally characterized as waste: (a) below-regulatory concern radioactive material, or any radioactive material which is not below-regulatory concern, but which is in fact not being regulated by the regulatory agency otherwise having jurisdiction over such material in the Town, whether naturally occurring or otherwise, in any case relating to, arising in connection with, or produced by or incidental to the exploration for, the extraction or production of, or the processing, treatment, or transportation of, natural gas, petroleum, or any related hydrocarbons; (b) natural gas or petroleum drilling fluids; (c) natural gas or petroleum exploration, drilling, production or processing wastes; (d) natural gas or petroleum drilling treatment wastes (such as oils, frac fluids, produced water, brine, flowback, sediment and/or any other liquid or semi-liquid material); (e) any chemical, waste oil, waste emulsified oil, mud, or sediment that was used or produced in the drilling, development, transportation, processing or refining of natural gas or petroleum; (f) soil contaminated in the drilling, transportation, processing or refining of natural gas or petroleum; (g) drill cuttings from natural gas or petroleum wells; or (h) any other wastes associated with the exploration, drilling, production or treatment of natural gas or petroleum. This definition specifically intends to include some wastes that may otherwise be classified as “solid wastes which are not hazardous wastes” under 40 C.F.R. § 261.4(b). The definition of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes does not include (i) recognizable and non-recognizable food wastes, or (ii) waste generated by Agriculture Use.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility –Any of the following: (a) tanks of any construction (metal, fiberglass, concrete, etc.); (b) impoundments; (c) pits; (d) evaporation ponds; or (e) other facilities, in any case used for the

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution #42-cont.)

storage or treatment of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes that: (i) are being held for initial use, (ii) have been used and are being held for subsequent reuse or recycling, (iii) are being held for treatment, or (iv) are being held for storage.

Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump --Land upon which Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes, or their residue or constituents before or after treatment, are deposited, disposed, discharged, injected, placed, buried or discarded, without any intention of further use.

Natural Gas And/Or Petroleum Support Activities --Shall mean and be any one or more of the following: (a) Natural Gas Compression Facility; (b) Natural Gas Processing Facility; (c) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Disposal/Storage Facility; (d) Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes Dump; (e) Land Application Facility; (f) Non-Regulated Pipelines; (g) Underground Injection; or (h) Underground Natural Gas Storage.

Natural Gas Compression Facility --Those facilities or combination of facilities that move natural gas or petroleum from production fields or natural gas processing facilities in pipelines or into storage; the term shall include equipment for liquids separation, natural gas dehydration, and tanks for the storage of waste liquids and hydrocarbon liquids.

Natural Gas Processing Facility --Those facilities that separate and recover natural gas liquids (NGLs) and/or other non-methane gases and liquids from a stream of produced natural gas, using equipment for any of the following: cleaning or stripping gas, cooking and dehydration, residual refinement, treating or removing oil or condensate, removing water, separating NGLs, removing sulfur or carbon dioxide, fractionation of NGLs, or the capture of CO₂ separated from natural gas streams.

Non-Regulated Pipelines --Those pipelines that are exempt or otherwise excluded from regulation under federal and state laws regarding pipeline construction standards or reporting requirements. Specifically includes production lines and gathering lines.

Person -- Any individual, public or private corporation for profit or not for profit, association, partnership, limited liability company, limited liability partnership, firm, trust, estate, and any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Pipeline --All parts of those physical facilities through which petroleum, gas, hazardous liquids, or chemicals move in transportation (including pipes, valves and other equipment and appurtenances attached to pipes and other equipment such as drip stations, vent stations, pigging facilities, valve boxes, transfer pump stations, measuring and regulating equipment, yard and station piping, and cathodic protection equipment), whether or not laid in public or private easement or private right of way within the Town. This includes, without limitation, gathering lines, production lines, and transmission lines.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution #42-cont.)

Radioactive Material – Material in any form that emits radiation, but only if such material has been moved from its naturally occurring location through an industrial process. Such material is “radioactive material” for purposes hereof, whether or not it is otherwise exempt from licensing and regulatory control pursuant to the NYS Department of Labor, the US Nuclear Regulatory Commission, the US Environmental Protection Agency, the US Department of Energy, the US

Department of Transportation, or any other regulatory agency.

Radiation – The spontaneous emission of particles (alpha, beta, neutrons) or photons (gamma) from the nucleus of unstable atoms as a result of radioactive decay.

Subsurface – Below the surface of the earth, or of a body of water, as the context may require.

Town – The Town of Little Falls, Herkimer County, New York.

Town Board – The Town Board of the Town.

Transmission Line – A pipeline that transports oil, gas, or water to end users as a public utility and which is subject to regulation either by: (a) the Federal Energy Regulatory Commission’s jurisdiction under section 1(b) of the Natural Gas Act, or (b) as a “Major utility transmission facility” under the Public Service Law of New York, Article 7, §120(2)(b).

Underground Injection – Subsurface emplacement of Natural Gas And/Or Petroleum Extraction, Exploration Or Production Wastes by or into an Injection Well.

Underground Natural Gas Storage – Subsurface storage, including in depleted gas or oil reservoirs and salt caverns, of natural gas that has been transferred from its original location for the primary purpose of load balancing the production of natural gas. Includes compression and dehydration facilities, and pipelines.

Section 4. MORATORIUM AND PROHIBITION.

A. 1. From and after the date of this Local Law, no application for a building permit, subdivision approval, certificate of occupancy, or other Town-level approval shall be accepted, processed, approved, approved conditionally, or issued for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

2. From and after the effective date of this Local Law, no person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for any of the following: (i) any Natural Gas And/Or Petroleum Exploration Activities; (ii) any Natural Gas And/Or Petroleum Extraction Activities; or (iii) any Natural Gas And/Or Petroleum Support Activities.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution 342-cont.)

B. The moratorium and prohibition set forth above in Section A. of this Section 4 is not intended, and shall not be construed, to: (x) prevent or prohibit the right to use roadways in commerce or otherwise for travel; (y) prevent or prohibit the transmission of natural gas through utility pipes, lines, or similar appurtenances for the limited purpose of supplying natural gas to residents of or buildings located in the Town; or (z) prevent or prohibit the incidental or normal sale, storage, or use of lubricating oil, heating oil, gasoline, diesel fuel, kerosene, or propane in connection with legal Agriculture, residential, business, commercial, and other uses within the Town.

C. This moratorium and prohibition shall be in effect beginning on the effective date of this Local Law and shall expire on the earlier of (i) that date which is one year after said effective date, or (ii) the effective date of a duly enacted repeal of this Local Law.

Section 5. PENALTIES.

A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) [?]or imprisonment for not more than 10 days, or both, for the first

offense. Any subsequent offense within a three month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) [?] or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.

B. Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court.

Section 6. 'GRANDFATHERING' OF LEGAL, PRE-EXISTING NON-CONFORMING USE.

Notwithstanding any provision hereof the contrary, any Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law shall be subject to the following:

A.1. If, as of the effective date of this Local Law, substantive Natural Gas And/Or Petroleum Extraction Activities are occurring in the Town, -j-(those activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all valid permits required to be issued by the New York State Department of Environmental Conservation ("DEC") and all other regulating agencies, then and only then such Activity shall be considered a pre-existing, non-conforming use and shall be allowed to continue, subject, however, to the provisions of Clauses B. and C. of this Section 6.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

(Resolution #42-cont.)

2. Natural Gas And/Or Petroleum Extraction Activities that are being conducted in the Town as of the effective date of this Local Law and which do not qualify for treatment under the preceding Clause A. 1. of this Section 6 shall not be grandfathered, and shall in all respects be prohibited as contemplated by Section 4 hereof.

B. Upon the depletion of any well which is allowed to remain in operation after the effective date of this Local Law by virtue of Clause A. 1. of this Section 6, or upon any other substantive cessation of Natural Gas And/Or Petroleum Extraction Activities (otherwise grandfathered by virtue of Clause A. 1. of this Section 6) for a period of more than twelve (12) months, then and in such event the non-conforming use status of such Activity shall terminate, and thereafter such Natural Gas And/Or Petroleum Extraction Activities shall in all respects be prohibited as contemplated by Section 4 hereof.

C. Notwithstanding any provision hereof to the contrary, the pre-existing, non-conforming status conferred and recognized by Clause A. 1. of this Section 6 is not intended, and shall not be construed, to authorize or grandfather any Natural Gas And/Or Petroleum Extraction Activities extending beyond whatever well bore is authorized in any DEC permit in existence as of the effective date of this Local Law. Any expansion or attempted or purported expansion shall not be grandfathered under Clause A. 1. of this Section 6, and instead shall in all respects be prohibited as contemplated by Section 4 hereof.

Section 7. INVALIDITY OF ANY CONFLICTING APPROVALS OR PERMITS.

Except as contemplated by Section 8 of this Local Law, no permit or approval issued by any local agency, department, commission or board shall be deemed valid when or to the extent that such permit or approval purports to allow or permit any activity that would violate the moratorium and prohibition set forth at Section 4 of this Local Law.

Section 8. HARDSHIP EXEMPTION.

A. There is hereby established a mechanism by which persons aggrieved by a decision or determination of the Town's Code Enforcement Officer (or other administrative official or body charged with the enforcement of this Law) regarding Section 4 of this Law may make appeal to the Town Board for a Hardship Exemption from the provisions of said Section 4. The Town Board shall have the power, upon an appeal from a decision or determination of the Code Enforcement Officer or other administrative official or body charged with the enforcement of this Law, after public notice and hearing and in accordance with the requirements of law and this Law, to consider applications for a Hardship Exemption from the provisions of Section 4 of this Law. Applicants for a Hardship Exemption should consult the succeeding provisions of this Section 8, as well as Section 9 of this Law, for specification of application requirements and the procedural mechanism involved in consideration by the Town Board of an application for a Hardship Exemption.

B. No such Hardship Exemption shall be granted by the Town Board without a showing by the applicant that enforcement of Section 4 of this Law as to such applicant has caused "unnecessary hardship" for purposes hereof. In order to prove unnecessary hardship for purposes hereof, the

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applicant must demonstrate to the Town Board satisfaction of each of the following four conditions: (i) that, unless the applicant is granted a Hardship Exemption from the provisions of Section 4 of this Law, the applicant cannot realize a reasonable rate of return on the entire parcel of property, and such lack of return is substantial as demonstrated by competent financial evidence; (ii) that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the neighborhood or other area in the vicinity of the applicant's property; (iii) that the alleged hardship has not been self-created; and (iv) that the requested Hardship Exemption, if granted, will not alter the essential character of the neighborhood or other area in the vicinity of the applicant's property in an adverse manner.

1. *Reasonable Rate of Return.* In evaluating whether the applicant can realize a reasonable rate of return for purposes hereof, the Town Board shall examine whether the entire original or expanded property holdings of the applicant (as opposed to only the site of the proposed project) are incapable of producing a reasonable rate of return. No Hardship Exemption shall be granted unless, in addition to satisfying all other applicable provisions of this Law, the Town Board finds that the applicant has clearly demonstrated, by detailed "dollar and cents" proof, the inability to obtain a reasonable return for the entire parcel (and not just the site of the proposed project) unless the applicant is granted a Hardship Exemption from the provisions of Section 4 of this Law.

2. *Unique Hardship.* No Hardship Exemption shall be granted unless, in addition to satisfying all other applicable provisions of this Law, the Town Board finds that the entire parcel of which the project is a part possesses unique characteristics that distinguish it from other properties in the neighborhood or other area in the vicinity of the applicant's property. The applicant must demonstrate the unique nature of parcel as a whole. The fact that the improvements already existing at the time of the application are old, obsolete, outmoded or in disrepair or the fact that the property is then unimproved shall not be deemed sufficient to make the plight of the property unique or to contribute thereto. Exceptional topography is an example of a factor demonstrating the unique nature of the property.

3. *Self-Created Hardship.* The Town Board may find that the applicant suffers from a self-created hardship in the event that the Board finds that (i) the applicant's inability to obtain a reasonable return on the property as a whole results from having paid too much or from a poor investment decision; (ii) the applicant previously divided the property and is left with only a portion which suffers from some unique condition for which relief is sought and which did not apply to the parcel as a whole; or (iii) when the applicant purchased the property, he or she knew or should have known that the property was subject to this Law.

4. *Adverse Alteration of Essential Character of the Neighborhood or Other Area in Vicinity.* In making its determination of whether the proposed project will adversely affect the essential character of the neighborhood or other area in the vicinity of the applicant's property, the Town Board shall take into account factors that are of vital importance to the citizens of the Town including without limitation: (i) the rural residential, agricultural and historic character of the Town, (ii) the Town's irreplaceable recreation, scenic, and tourism sites, (iii) the extent of hazard to life, limb or property that may result from the proposed

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project, (iv) health impacts, (v) the social and economic impacts of traffic congestion, noise, dust, odors, emissions, solid waste generation and other nuisances, (vi) the impact on property values, and (viii) whether the applicant will use a style of development that will result in degradation to the air quality, water quality or historic, scenic and natural resources of the Town. In order to find that the proposed project does not alter the essential character of the neighborhood or other area in the vicinity of the applicant's property, the Town Board shall interpret the public interest in said essential character of the neighborhood or other area to require, at a minimum, that the project will not do any of the following: (x) pose a threat to the public safety, including public health, water quality or air quality, (y) cause an extraordinary public expense, or (z) create a nuisance.

C. In addition to any other application requirements from time to time established pursuant to this Law, an application for any Hardship Exemption shall contain a typewritten narrative explaining what the application is for, how the project meets or exceeds all of the criteria for a Hardship Exemption, and inclusion of the following:

1. With respect to a claim that the applicant cannot realize a reasonable rate of return, the applicant shall provide financial evidence containing reasonable specification of the nature and factual particulars of such claim, including, at a minimum (as to the entire parcel of which the proposed project is a part) specification of the following: (a) the date(s) of acquisition of the property; (b) the purchase price; (c) present value of the property; (d) the amount of real estate taxes; (e) the amount of mortgages or liens and other expenses; (f) the asking price for the property when it had been offered for sale; (g) the costs of demolishing any existing structures on the property; (h) efforts to market the property; (i) a schedule of all other property in common ownership at either the date of the enactment of this Law or thereafter; and (j) "dollars and cents proof" such as appraisals, economic studies, and any other such evidence supporting the applicant's contention that the grant of a Hardship Exemption is appropriate. (For purposes hereof, common ownership means all other interests in property either located within the Town or contiguous to the Town that is held by the any of the applicants (if more than one), whether such ownership is of a legal or equitable interest, in whole or in part, contiguous or not, and whether such property interest is held by any of the applicants through a legal or equitable interest in an(other) corporation, partnership, trust, business, entity, association, fund, joint venture, or individually.)

2. With respect to a claim that, if granted, the requested Hardship Exemption will not adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant's property, the applicant must demonstrate that the proposed project will not adversely affect essential character with regard to physical, economic, social or environmental elements. Examples of adverse impacts to the essential character of the neighborhood or other area include (without limitation) decreased quality or increased quantity of storm water runoff, increased soil erosion, increased traffic congestion, decreased road quality, impairment of the scenic or rural character of roads, increased noise, dust, odor and/or glare, reduced wildlife habitat, decreased air quality, decreased water quality, impairment of the view shed, creation of solid wastes, negative impacts on sustainability efforts, increased social costs, increased emergency response times, negative

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impacts to public infrastructure, decreased property values, and negative impacts on the health of area residents.

D. In addition to all other application requirements from time to time established pursuant to this Law, each application for a Hardship Exemption shall include (without limitation) the following reports, so as to assist the Town Board in determining whether a grant of the requested Hardship Exemption will adversely alter the essential character of the neighborhood or other area in the vicinity of the applicant's property:

1. Environmental Assessment Form. A completed draft of a Long Form Environmental Assessment Form, Part I, regarding the proposed project.
2. Description of Surrounding Uses. The approximate location of all neighboring residential, hamlet, park/recreational, and/or agricultural areas, all county-designated Unique Natural Areas and locally designated Critical Environmental Areas (if any), all wetlands, intermittent, seasonal and other streams, rivers, and waterways, significant natural communities, endangered and threatened species and species of concern, and historical or archeologically sensitive or mapped areas within a two (2) mile radius of the perimeter of the site of the proposed use.
3. Traffic Impact Report. A traffic impact report containing: (a) the proposed traffic circulation plan, the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels, if the Hardship Exemption is granted; (b) existing and proposed daily and peak traffic hour levels as road capacity levels; (c) a determination of the area of impact of traffic to and from the proposed project; (d) the proposed traffic routes to the nearest intersection with an arterial highway, including gross weights and heights of vehicles; (e) the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed project if the Hardship Exemption is granted; (f) the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities; (g) a traffic impact analysis of the effects of the proposed project on the transportation network in the Town using passenger car equivalents if the Hardship Exemption is granted; (h) articulation of the effects and impacts of the proposed project on traffic based on existing conditions and projected future background traffic on the state, county, and Town road system if the Hardship Exemption is granted; (i) evaluation of whether the resulting traffic conditions are likely to hinder the passage of police, fire and emergency response vehicles, or degrade the quality of life, and/or otherwise contribute to hazardous traffic conditions if the Hardship Exemption is granted; and (j) determination of whether there is sufficient road frontage so that any vehicle leaving the site may turn into the lane of traffic moving in the desired direction and be channeled within such lane before crossing the nearest intersection or proceeding along the road and any vehicle entering the property may turn out of the nearest lane of traffic without interfering with other traffic if the Hardship Exemption is granted.

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4. Road Impact Report. An evaluation of (a) appropriate roadway geometry including required road widths, bridge widths, starting and stopping sight distances, intersection sight distances, horizontal and vertical curves along the proposed traffic routes; (b) the adequacy of existing pavement structures along the proposed traffic routes to accommodate the full weight load of any trucks and construction vehicles likely to be used in connection with the proposed project if the Hardship Exemption is granted; and (c) impacts to the rural or scenic character of any roads along the proposed traffic route if the Hardship Exemption is granted.

5. Transportation Plan. A description of ingress and egress through the proposed project site through which equipment and supplies will be delivered and which will provide access during and after construction if the Hardship Exemption is granted, and identification of any roads, streets, intersections, bridges, and other facilities along the proposed traffic route that do not meet New York State Department of Transportation standards. Such plan shall describe any anticipated improvements to existing roads, bridges, or other infrastructure, any new road or access construction, measures which will be taken to avoid damaging access/traffic routes and measures that will be taken to restore damaged routes following construction, and measures to maintain the scenic and/or rural characteristics of such roads.

6. Noise Impact Report. A report containing the following: (a) a description of the existing audible conditions at the project site to identify a baseline sound presence and preexisting ambient noise, including seasonal variation; (b) a description and map of sound producing features of the proposed project from any noise generating equipment and noise generating operations that will be conducted in connection with the proposed project site if the Hardship Exemption is granted, including noise impacts from truck traffic travelling within the Town to and from the proposed project; (c) with respect to the noise to be generated by construction and use of the proposed project, the range of noise levels and the tonal and frequency characteristics expected, and the basis for such expectation. (Such report shall cover, without limitation, low frequency, A-weighted, infrasound, pure tone, and repetitive/impulse noise); (d) a description and map of the existing land uses and structures including any sensitive area sound receptors (e.g., residences, hospitals, libraries, schools, places of worship, parks, and areas with outdoor workers, etc.) within one mile of the project parcel boundaries. (Said description shall include the location of the structure/land use, and distances from the proposed project, and expected decibel readings for each receptor); and (e) a description of the project's proposed noise-control features, including specific measures proposed to protect off-site workers and mitigate noise impacts for sensitive area receptors.

7. Visual Assessment. A visual presentation of how the site of the proposed project will relate to and be compatible with the adjacent and neighboring areas, within a two mile radius of the perimeter of the site of the proposed project, if the Hardship Exemption is granted. This presentation shall include computerized photographic simulation showing the site during construction and fully developed, and demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The study shall also indicate the color treatment of the facility's components and any visual screening incorporated into the project

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that is intended to lessen visual prominence.

8. Report of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and other Wastes. A report containing a description of Natural Gas and/or Petroleum Extraction, Exploration or Production Wastes and other solid wastes, industrial wastes, hazardous wastes, toxic and/or poisonous substances and pollutants (whether or not any such substances enjoy exemption or definitional exceptions from state or federal laws otherwise intended to protect the public with respect to hazardous, toxic, or poisonous substances) expected to be produced, stored, injected, discarded, discharged, disposed, released, or maintained on the project site if the Hardship Exemption is granted.
9. Compatible Uses Report. A discussion of characteristics of the proposed project that may decrease the Town's and/or the neighborhood's (or other area's) suitability for other uses such as residential, commercial, historical, cultural, tourism, recreational, environmental or scenic uses if the Hardship Exemption is granted.
10. Fiscal Impact Assessment. An assessment describing the adverse effects and impacts on Town revenue and costs necessitated by additional public facility and service costs likely to be generated by the proposed project if the Hardship Exemption is granted.
11. Fire Prevention, Equipment Failure and Emergency Response Report. A report containing:
(a) description of the potential fire, equipment failures and emergency scenarios associated with the proposed project that may require a response from fire, emergency medical services, police or other emergency responders if the Hardship Exemption is granted; (b) an analysis of the worst case disaster associated with the proposed project if the Hardship Exemption is granted and the impact of such a disaster upon the health, safety and welfare of the inhabitants of the Town and their property; (c) designation of the specific agencies that would respond to potential fires, equipment failures, accidents or other emergencies if the Hardship Exemption is granted; (d) description of all emergency response training and equipment needed to respond to a fire, accident, equipment failure or other emergency, including an assessment of the training and equipment available to local agencies; and (e) the approximate or exact location of all fire, police, and emergency response service facilities within a five mile radius of the perimeter of the site of the proposed use.
12. Public Facilities and Services Assessment. An assessment describing: (a) whether current Town public facilities and services, including water supply, fire protection, school services, recreation facilities, police protection, roads and storm-water facilities, are adequate for the proposed project (taking into account all other uses that have been permitted or are currently operating in the Town) if the Hardship Exemption is granted; (b) a comparison of the capacity of the public services and facilities to the maximum projected demand that may result from the proposed project if the Hardship Exemption is granted (in determining the effect and impact of the proposed project on fire, police, and emergency services, the review shall take into consideration response times, and the number and location of available apparatus and fire, police and emergency service stations that are manned by full time professional service personnel; and where applicable, calculation of response time shall also include the time it takes volunteer

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emergency personnel to get to their stations); and (c) a review of the impact of the proposed project on the safety if the Hardship Exemption is granted of all children going to and from school by car, bus, bicycle, and walking during and outside of school zone hours and whether safety measures such as signaled cross walks or elevated sidewalks exist along intended truck routes so as to aid in prevention of accidents.

13. **Property Value Assessment.** A property value analysis, prepared by a licensed appraiser in accordance with industry standards, regarding the potential impact of the project if the Hardship Exemption is granted on the value of properties adjoining the project site.

14. **Health Impact Assessment.** A human health impact assessment identifying ways in which the proposed project could adversely affect the health of Town residents if the Hardship Exemption is granted, and a priority list of recommendations to minimize the potential health impacts of the proposed project. The health impact assessment shall include (a) a risk assessment of possible impact of chemical exposure on the health of residents, including the Chemical Abstract Service number of all chemicals proposed to be used or generated at the project site; (b) an assessment of possible health effects due to industrial operations in non-heavy industrial zoned areas; and (c) an assessment of possible health effects due to community changes including the presence of an industrial activity in a previously non-heavy industrial area, declining property values, impacts to the education system and sudden changes in population numbers, demographics and customs.

Section 9. HARDSHIP EXEMPTION APPLICATION PROCEDURES; TOWN BOARD CONSIDERATION PROCEDURE.

A. Every application for a Hardship Exemption shall be in writing on forms from time to time prescribed by the Town Board, and shall be signed by the applicant. If the applicant is not the owner of the property involved, the owner of the property shall nonetheless attest to the accuracy of the statements and representations made in the application, and both the applicant and the owner shall certify that he (or she or it) has undertaken due diligence with respect to the accuracy of the matters contained in the application. Ten copies of the application and supporting documentation shall be filed with the Town Board, accompanied by a fee in the amount set from time to time by resolution of the Town Board. The Town Board is hereby authorized to adopt rules and regulations for the conduct of hearings on applications for Hardship Exemptions, consistent with this Law and State statutes.

B. In evaluating an application for a Hardship Exemption, the Town Board shall comply with any applicable provisions of the state environmental quality review act (SEQRA) under Article 9 of the Environmental Conservation Law and its implementing regulations as codified in Title 6, Part 617 of the New York Codes Rules and Regulations, as the same may from time to time be amended.

C. The Town Board shall schedule a hearing on all applications for a Hardship Exemption within 62 days of the filing of a complete application therefor. Said 62 day period may be extended by mutual agreement of the Town Board and the applicant. Public notice of the hearing shall be

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

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given at least five days prior to the date thereof by publication in the Town's official newspaper. The Town Board may adjourn or continue such public hearing from time-to-time. The cost of sending or publishing any notices relating to any application shall be borne by the applicant, and shall be paid to the Town Board prior to the hearing. At least five days before any hearing on an application for, the Town Board shall mail all notices that the Attorney for the Town may advise are necessary or advisable (such as for example notices to abutters and notices that may be required by Section 239-rn of the NYS General Municipal Law).

D. In addition to such other procedures as may be required by applicable law, the following shall apply with respect to the conduct of hearings regarding applications for Hardship Exemptions: (a) the burden of proof shall remain with the applicant to show that he (or she or it) has satisfied the conditions necessary to qualify for a Hardship Exemption, and the burden shall never shift to the Town; (b) any party may appear in person or by agent or by attorney; (c) no decision or determination shall be made except upon consideration of the record as a whole and as supported by and in accordance with substantial evidence; (d) all evidence shall be made a part of the record; and (e) official notice may be taken of all facts of which judicial notice could be taken and of other facts within the specialized knowledge of the Town Board. When official notice is taken of a material fact not appearing in the evidence in the record and of which judicial notice could be taken, every party shall be given notice thereof and shall on a timely request be afforded an opportunity prior to decision to dispute the fact or its materiality.

E. Decisions by the Town Board on applications for a Hardship Exemption shall be made within 62 days from the close of the public hearing on such matter. The time within which the Town Board must render its decision may, however, be extended by mutual consent of the applicant and the Town Board. The final decision on such matter shall be made by written order signed by the Town Supervisor. Such decision shall state the findings of fact that were the basis for the Town Board's determination. The Town Board's decision as to each application for a Hardship Exemption shall be filed in the office of the Town Clerk no later than five business days after the day such decision is rendered, and shall be made a public record.

F. The Town Board, in the granting of Hardship Exemptions, shall grant only the minimum Exemption that it shall deem necessary and adequate to allow an economically beneficial use of the property, and at the same time preserve and protect the essential character of the neighborhood and the health, safety and welfare of the community.

G. The Town Board, in the granting of Hardship Exemptions, shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed project. Such conditions shall be consistent with the spirit and intent of this Law, and shall be imposed for the purpose of minimizing any adverse impact such Hardship Exemption may have on the neighborhood or other area in the vicinity of the applicant's property. Such conditions may include, but are not limited to, landscaping, lighting, access and egress, signs, screening, location and layout of buildings, and limitations upon the use or characteristics of the use which are reasonably related to the public health, safety and general welfare and as may be necessary to carry out the intent of this Law. If the applicant refuses to accept such requirements and conditions, the Hardship Exemption shall be denied.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

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H. Any person aggrieved by a decision of the Town Board with respect to an application for a Hardship Exemption may apply to the Supreme Court for review by proceedings under Article 78 of the Civil Practice Law and Rules. Such proceedings must be instituted no later than thirty (30) days after the filing of the Town Board's decision in the Town Clerk's office.

I. Any grant by the Town Board of a Hardship Exemption shall expire if a building permit for the proposed project is not obtained by the applicant within one hundred twenty (120) days from the date of the decision granting such Exemption.

J. Whenever the Town Board denies an application for a Hardship Exemption, the Town Board shall refuse to hold further hearings on such or a substantially similar application by the same property owner or his successor or assign for a period of one year following such denial, unless the Town Board shall find and determine from the information supplied that changed conditions have occurred relating to the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified.

Section 10. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed herefrom, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and persons or circumstances, a portion hereof is severed or declared invalid or unenforceable.

Section 11. SUPERSEDING INTENT AND EFFECT.

During the time this Local Law is in effect, it is the specific intent of the Town Board, to supersede any inconsistent provisions of any and all other local ordinances, local laws or local resolutions of the Town of Little Falls.

Section 12. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York Department of State.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

-Supervisor Marhaver reported:

-That there are transportation grants available and will be looking into continuing the bike trail if funding is available.

-That there is also funding available for the City to extend water to Rte 5s up to Eatonville Road that the Mayor of the City of Little Falls is looking into.

-Attorney Malone reported that the town's assessment information is not on the County's web site as other municipalities are.

Supervisor Marhaver will contact Assessor Meeker regarding this matter.

-Assessor Report-none.

-Codes Enforcer Report:

-Clerk Regan reported that building permits are going well.

-Supervisor Marhaver reported that the lawn has been taken care of on the Shellsbush Road property.

-Justice Report:

-Justice Oldick reported that there is a dog case that will be handled by the Town of Manheim and that tickets are up.

-Planning Board Report:

-Clerk Regan reported that the planning board had met and are working on improving the town's site plan law and that Gwen Gulley needs to be re-appointed.

RESOLUTION #43

Re-Appointment-Gwen Gulley, Planning Board

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

Supervisor Marhaver	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Gwen Gulley hereby be re-appointed to the Town's Planning Board for a seven year term effective 7/01/2013 through 6/30/2020.

-Dog Control Officer Report: none.

-Highway Superintendent Report:

-Superintendent Cotton reported that he is waiting for specs on the fuel tanks.

-One highway employee is out of work on a worker's comp. case.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

-Discussion was held on purchasing a new mower. Highway Superintendent Cotton reported that he had obtained one price for a new mower. The board stated that this would have to be put out for bids. This matter was tabled.

-Town Clerk Report:

-That the Bella Vista Restaurant has applied to renew their liquor license. There were no comments.

-That the ZBA hearing on the Snowmobile Club Building Permit will be held on June 18th at 7:00 p.m.

-Clerk Regan requested board permission to conduct a dog enumeration stating that the town has not had one done in a long time, stating that she has a high school student that is interested in doing it over the summer. Discussion was held on this matter with the board approving the request at a fee of \$2.00 per dog found, \$.55 per mile reimbursement, and reimbursement for expenses.

RESOLUTION #44

Approval to Hold Dog Enumeration

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

Supervisor Marhaver	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Clerk hereby be authorized to hire one to two people to conduct a town-wide dog enumeration at fee of \$2.00 per dog found, \$.55 per mile reimbursement and reimbursement for expenses.

-Attorney Malone addressed the board, stating that he has been attorney for the town for over 40 years and at 71 years old he would like to have some free evenings; therefore, he is resigning from office effective July 1, 2013. Attorney Malone submitted a written resignation to the clerk and thanked the board.

RESOLUTION #45

Acceptance of Resignation from Attorney For the Town, David Malone

On motion of Supervisor Marhaver, seconded by Councilman Gehring, the following resolution was ADOPTED:

Ayes: Supervisor Marhaver; Councilmen Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Town Board, of the Town of Little Falls, hereby accepts with regret, the resignation of Attorney For the Town, David Malone.

REGULAR MEETING, TOWN OF LITTLE FALLS, JUNE 11, 2013-CONT.

- Supervisor Marhaver stated that town resident, Attorney Nicholas Macri, is willing to take on the position.

RESOLUTION #46

Appointment of Attorney Nicholas Macri as Town Attorney

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

Supervisor Marhaver	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that town resident, Attorney Nicholas Macri, hereby be appointed as Town Attorney to fill the vacancy created by the resignation of Attorney for the Town, David Malone, effective July 1, 2013 through 12/31/2013.

-Attorney Malone stated that he would like permission from the board to bring Attorney Macri up-to-date on pending matters in the town.

There were no objections to this request. The board thanked Attorney Malone for his service to the town.

-Meeting adjourned at 7:40 to audit the bills.

-meeting resumed at 7:45 p.m.

RESOLUTION #47

Payment of General Bills

On motion of Councilman Klock, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen, Klock, Gehring
Noes-0

RESOLVED that the General Bills #77-92, in the amount of \$26,946.00 hereby be paid.

RESOLUTION #48

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Klock, Gehring
Noes-0

RESOLVED that the Highway Bills, #81-94, in the amount of \$13,466.40 hereby be paid.

-The next regular meeting will be held on July 9, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:52 p.m.-Councilmen Gehring, Klock

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013

A regular meeting of the Little Falls Town Board was held on July 9, 2013 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring
Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Dr. Tony Piana; Health Officer; Town residents Rick Smith and Jamie Anderson.

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

-A moment of silence was held in honor of former Supervisor Robert Gardinier.

RESOLUTION #49

Minute Approval

On motion of Councilman Gehring seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
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.

RESOLUTION #50

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013-CONT.

-Supervisor Marhaver reported that he attended a couple of meetings on Emergency Management and that the Town is in better shape than many municipalities, stating that our highway department did a good job.

Supervisor Marhaver reported that on July 5th, he filed the necessary letters to extend a state emergency for the town which is good through July, that we should hear from FEMA in a couple of days, and that the DEC has suspended regulations on creek work until 2014.

-Assessor Report: None.

-Codes Enforcer Report:

Codes Enforcer Green reported that there are a couple of cases pending on tall grass that needs to be mowed and warning tickets have been issued.

-Health Officer Report: Health Officer Piana reported that there is a hazard on the corner of Burt Rd. where the grass needs to be mowed. Dr. Piana stated he is a complaint oriented health officer ; but is concerned about the Austin Property located on Gun Club Rd.

Codes Enforcer Green stated that he would check on the property. Highway Superintendent Cotton stated he would call the state on the high grass issue.

-Town Justice Report:

Justice Oldick reported that everything is going fine and that he is in the process of changing banks since his current bank is charging fees to have an account with them. The board agreed to this.

RESOLUTION #51

Justice Authorization to Change Banks

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Justice hereby be authorized to change his Justice Accounts to Adirondack Bank.

-Planning Board Report:

Clerk Regan reported that due to the Holiday and vacations, this month's meeting was cancelled. The next meeting will be held on August 6th.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013-CONT.

-Dog Control Officer Report: None

Supervisor Marhaver questioned how the dog enumeration was going. Clerk Regan stated that nothing has been done yet since she is waiting for a list of town residents from 911. Superintendent Cotton stated that he would get her a list.

-Highway Superintendent Report:

Highway Superintendent Cotton reported:

- they had some washouts that the guys worked on, but the town is much better than some other places.

-that the transmission on the backhoe is gone and that it will cost \$9,373.50 to get it fixed. Superintendent Cotton stated that he didn't think it was worth putting \$10,000 into it, that they always have problems with the backhoe.

Discussion was held on fixing the backhoe versus buying a new one. Due to the state of emergency, and the need for a backhoe, Superintendent Cotton was directed to get three quotes for the purchase of a new backhoe for the board's consideration. A special meeting will be held if needed.

-that they rented a mower for \$1,000 for a week, but were unable to use it for the whole week due to the flooding that had to be addressed.

-that he went to a meeting at the County Engineer's office and that the state will bring in contractors and pay the bill for work needed. The board told Superintendent Cotton to get the state to fix anything if possible.

-Supervisor Marhaver stated that he applauds the highway department for the good job they did. They did the work and got it done.

-Town Clerk Report:

-Clerk Regan reported that town resident, Jesse Bucenec, has said he'd be willing to serve on both the planning board and board of appeals. The board appointed Mr. Bucenec to the boards.

RESOLUTION #52

Appointment-Jesse Bucenec, Planning Board

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Jesse Bucenec hereby be appointed to fill the vacancy on the Town's Planning Board effective 7/9/2013 through 3/31/2014.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013-CONT.

RESOLUTION #53

Appointment-Jesse Bucenec, Board of Appeals

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that Jesse Bucenec hereby be appointed to fill the vacancy on the Town's Board of Appeals effective 7/9/2013 through 12/31/2016.

-Clerk Regan reported that she had prepared two resolutions to be approved by the board. One is to honor Supervisor Gardinier and the other to honor Attorney Malone. Both were approved by the board.

RESOLUTION #54

Honor-Robert Gardinier

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

IN HONOR OF ROBERT GARDINIER

WHEREAS, a Divine Providence has removed from among us, our friend and former Town Councilman and Supervisor, Robert Gardinier, and

WHEREAS, we, the members of the Town Board and Town Officials of the Town of Little Falls feel the loss that has come to us, as well as the whole community, and we, who have known him well, desire to publicly express the esteem and affection in which we held him and to show our appreciation for the many years during which he well and faithfully served the Town of Little Falls as it's Councilman and Supervisor,

NOW, THEREFORE, BE IT RESOLVED that we extend our heartfelt sympathy to the bereaved family and that a copy of this resolution be spread upon our minutes, and a copy thereof be forwarded to the family of Robert Gardinier.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013-CONT.

RESOLUTION #55

Honor-Attorney Malone

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

IN HONOR OF ATTORNEY MALONE

WHEREAS, David Malone, Attorney For the Town of Little Falls, after many years in which he well and faithfully served this community, has retired with distinction from the office of Attorney For the Town on June 30th of the year 2013, and

WHEREAS, in his capacity as Attorney For the Town he has provided invaluable service to the citizens of the Town of Little Falls, and

WHEREAS, the members of the Little Falls Town Board wishes to recognize his many efforts on behalf of the Town of Little Falls,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, of the Town of Little Falls, does hereby present this resolution to honor Attorney David Malone for his many years of faithful and dedicated service and extends our best wishes for much happiness in the future.

-Meeting recessed at 7:40 p.m. to audit the bills.

-Meeting resumed at 7:54 p.m.

RESOLUTION #56

Payment of General Bills

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the General Bills #93-106 , in the amount of \$4,853.26 hereby be paid.

RESOLUTION #57

Payment of Highway Bills

On motion of Councilman Klock, seconded by Supervisor Marhaver, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Highway Bills, #95-110, in the amount of \$19,472.04 hereby be paid.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, JULY 9, 2013-CONT.

-The next regular meeting will be held on August 13, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 7:59 p.m.-Councilmen Gehring, Beadle

Respectfully submitted,
Sandra Regan, Town Clerk

SPECIAL MEETING, TOWN OF LITTLE FALLS, JULY 31, 2013-STATE OF EMERGENCY PURCHASE OF BACKHOE

A Special meeting of the Little Falls Town Board was held on July 31, 2013 at the town hall to discuss the purchase of a new backhoe, commencing at 7:30 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring
Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent.

Note: Due to the breakdown of the Town's backhoe and the need to replace said equipment under a state of emergency, this special meeting was held. Notice of this meeting was posted on the Town's bulletin board.

-Supervisor Marhaver called the meeting to order.

-Highway Superintendent Cotton and the Town Board reviewed four written quotes that were received for the purchase of a new backhoe which was needed to repair damage to the town's roadways, culverts, and ditches caused by the flood of 2013.

-After review the board decided to purchase a new backhoe at the lowest quote received from Milton Cat for \$63,615.00.

RESOLUTION #58

Purchase of new 2012 Cat 420F Backhoe

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS, the flood of 2013 has caused damage to roadways, culverts, and ditches, and

WHEREAS, the Town of Little Falls is in a state of emergency, and

WHEREAS, the Town's backhoe is broken and said machinery is needed to repair said damage for safety reasons, and

SPECIAL MEETING, TOWN OF LITTLE FALLS, JULY 31, 2013-STATE OF EMERGENCY PURCHASE OF BACKHOE-CONT.

(Resolution #58-cont.)

WHEREAS, the Town has received four written quotes for the purchase of a new backhoe,

THEREFORE BE IT RESOLVED that the Town Board of the Town of Little Falls, being under a state of emergency and in accordance with the Town's Procurement Policy Guideline Number 6, "Emergencies", hereby approves the purchase of a new backhoe at the lowest quote received from Milton Cat of Syracuse, NY for \$63,615.00 for a new 2012 Cat 420F single tilt loader, and

BE IT FURTHER RESOLVED that the Town Highway Superintendent and Town Supervisor hereby be authorized to purchase said backhoe.

-Meeting adjourned at 8:10 p.m.-Supervisor Marhaver, Councilman Schwasnick

Respectfully submitted,
Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, AUGUST 13, 2013

A regular meeting of the Little Falls Town Board was held on August 13, 2013 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring
Councilman Allan Beadle

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town residents Rick Smith and Peter Campione; Mohawk Valley Rock n Roll Relief Committee members Jason Stock, Brad Snyenki, Bryan Burton.

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

RESOLUTION #58

Minute Approval

On motion of Councilman Gehring seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

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

-Privilege was of the floor was granted to those present.

-Mohawk Valley Rock n Roll Relief Committee members Jason Stock, Brad Snyenki, Bryan Burton addressed the board regarding a fund raiser that will be held on September 6, 7, and 8th at Shumaker Mountain.

Mr. Stock that they are partnering with Mohawk Valley Community Action Agency and their emergency service team to raise money and provide relief to the 2013 flood victims in the Mohawk Valley area. Mr. Stock stated that the benefit will be a three day concert benefit that will feature several local bands and that there would be food, crafts and family entertainment. Mr. Stock explained that they would have adequate lighting, restroom facilities, traffic management, parking, and law enforcement. Mr. Stock stated that all proceeds will be donated to Mohawk Valley Community Action Agency and distributed to the flood victims through their emergency services program.

Mr. Stock stated that they were present to let the town know what was going on and ask the board for their support.

The board informed the members that the town has a mass gathering law and questioned how many hours and people they anticipated. Mr. Stock stated that event would most likely start at 1:00 each day and end no later than 11:00 on Friday and Saturday and 5:00

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, AUGUST 13, 2013-CONT.

on Sunday. Mr. Stock stated that they didn't anticipate having more than 200 people at one time during each day.

Since the event was a fund raiser, and that health and safety issues appear to have been addressed, it was the consensus of the board that they had no objections to the event and wished the committee good luck.

The committee members thanked the board for their time and support and left the meeting.

-Supervisor Marhaver reported that the new backhoe has been purchased and that a fund transfer needed to be approved to pay for the equipment.

RESOLUTION #59

Fund Transfer

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that \$40,000 hereby be transferred from the Highway Reserve Account #200.03 to the Highway Equipment Account #5130.2 to cover the purchase of a new backhoe.

-Supervisor Marhaver reported that Cornell's local road program is shutting down September 30, 2013 and that they are seeking town support to keep it going. Supervisor Marhaver questioned Highway Superintendent Cotton if he had any use for the program.

Superintendent Cotton said he found the program to be beneficial.

The board directed Supervisor Marhaver to forward a letter of town support to keep the program going.

Supervisor Marhaver reported:

-that there was a clerical error and that the town received an overpayment in April and July's sales tax distribution and that they will deduct the overpayments from the October payment, and that the equalization rates have been updated.

-that there will be a public hearings held in Utica and Watertown concerning options for area code changes.

-that NY passed a law that prohibits smoking at all playgrounds in NY and that signage must be posted and that free signage is available to municipalities with such playgrounds.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, AUGUST 13, 2013-CONT.

-that the County Supervisors Association will be holding an informational meeting on September 26th for all town officials regarding setting up a county-wide disaster program.

-that although the town missed grant deadlines for this year, grants are available for consolidated funding projects such as water districts and transportation grants that the town could consider next year.

RESOLUTION #60

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Assessor's Report:

Supervisor Marhaver reported that Assessor Meeker is working on updating the town's tax roll information on line and that the town's equalization rate is 3.45% and that all assessors need to be appointed for September 30th, which the board can do at next month's meeting.

-Codes Enforcer Report:

Codes Enforcer Green reported that building permits have been pretty steady.

-Justice Report:

Justice Oldick reported that everything is going smooth. The board questioned Justice Oldick on the status of the grant. Justice Oldick stated that he is still working on it. Discussion was held on what the town needed. It was decided to consider applying for a generator for the building. Superintendent Cotton is to obtain quotes on this for consideration.

-Planning Board Report:

Clerk Regan reported that a meeting was held and that the board approved a small business on Shellsbush Road that will sell agricultural products and that the board is continuing to work on updating the town's site plan.

-Dog Control Officer Report: None

-Highway Superintendent Report: Nothing at this time.

-Town Clerk Report:

Clerk Regan reported that she is working on having the town's website update to include all town laws.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, AUGUST 13, 2013-CONT.

-Meeting recessed at 7:42 p.m. to audit the bills.

-Meeting resumed at 7:59 p.m.

RESOLUTION #61

Payment of General Bills

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the General Bills #107-122, in the amount of \$1,830.80 hereby be paid.

RESOLUTION #62

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #111-128, in the amount of \$103,789.94 hereby be paid.

The next regular meeting will be held on September 3, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:07 p.m.-Councilmen Beadle, Klock

Respectfully submitted,

Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 17, 2013

A regular meeting of the Little Falls Town Board was held on September 17, 2013 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Kirk Schwasnick
Councilman Eric Gehring
Councilman Allan Beadle

Absent: Councilman William Klock

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Town Attorney, Nick Macri; Town residents Rick Smith and Peter Campione; County Legislator, Dennis Korce.

**Note: Due to the Primary, the regular monthly was held on September 17th rather than the 10th. Notice of change of date was posted at the town hall and in the Evening Times Newspaper.

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

RESOLUTION #63

Minute Approval

On motion of Councilman Beadle seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Gehring

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.

-Supervisor Marhaver reported:

-That he has distributed an updated listing of paid bills and that there is about \$40,000 in the highway budget for improvements which the town could use for the new fuel monitoring system.

Supervisor Marhaver handed out state examination reports that were issued for other municipalities for the board's review, stating that the state is really looking at the record keeping of fuel and that the town needs to address this matter.

-That there are grants available for town funds that the town should consider next year.

-That the County Supervisor's Association is holding a dinner meeting on Sept. 26th at the Knights Inn for anyone interested in going.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 17, 2013-CONT.

-Discussion was held on getting a fuel monitoring system. Superintendent Cotton, Councilman Beadle, and Attorney Macri will look into obtaining specifications for the town to use.

RESOLUTION #64

Supervisor Monthly Report

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Gehring
Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Assessor report: None. Supervisor Marhaver stated that the town needs to re-appoint Susan Meeker as Assessor. The re-appointment was done by resolution.

RESOLUTION #65

Re-appointment: Susan Meeker, Assessor

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Gehring	Aye

RESOLVED that Susan Meeker hereby be re-appointed as Assessor for the town for a six year term, effective 10/1/2013 through 09/30/2019.

-Codes Enforcer Report: None

Supervisor Marhaver reported that Codes Enforcer Green has given him a copy of a property maintenance law for the Town to consider.

Attorney Macri stated that he will provide a draft of a law for consideration at the next regular board meeting.

-Town Justice Report:

Justice Oldick stated that the deadline for the Justice Grant is October 15 and that he was seeking funding for signage and a generator for the town.

Discussion was held on obtaining bids for the generator with Justice Oldick stating that they had received a quote for \$19,500 for a 18 kilo generator and \$23,751 for a 25 Kilo generator.

Councilman Beadle stated that he was recently working on purchasing a generator for his work place and believed the town may be able to obtain a lower generator at a lower cost.

It was decided that a 18 kilo generator was sufficient for the town and that if the town was awarded a grant for the purchase of a generator, the town would purchase one through the bid process.

The board authorized Supervisor Marhaver and Justice Oldick to apply for said grant.

RESOLUTION #66

Justice and Supervisor Authorization to Apply for a 2013 Justice Grant

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

Supervisor Marhaver	Aye
Councilmen Beadle	Aye
Councilman Schwasnick	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board, of the Town of Little Falls, hereby authorizes the Town Justice and Town Supervisor to apply for a 2013 Justice Grant at their discretion.

-Planning Board Report:

Clerk Regan reported that the Planning Board had met and that they are continuing to work on the Town's Site Plan.

-Dog Control Officer Report: None

-Highway Superintendent Report:

Highway Superintendent Cotton reported that the town had rented a mower for the roads, that the Lyle Road flood damage project is almost complete, and the new backhoe has been delivered.

-Town Clerk Report:

Clerk Regan reported that she had worked with Bette Szesny and that the town's website is up to date and all town laws are now available and in a new format.

-Attorney Report:

Attorney Macri stated that he would like to move into an executive session to discuss union negotiations and a litigation matter. The board agreed.

RESOLUTION #67

Move to an Executive Session-Union Negotiations and a Litigation Matter

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-

Ayes-Supervisor Marhaver, Councilmen Beadle, Schwasnick, Gehring
Noes-0

RESOLVED that the Town Board hereby moves into an executive session to discuss union negotiations and a litigation matter.

-Regular meeting recessed at 7:30 p.m.

-Executive session held from 7:30 p.m. to 7:55 p.m.

-Regular meeting resumed at 7:55 p.m.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, SEPTEMBER 17, 2013-CONT.

-Supervisor Marhaver reported that no action was taken during the executive session.

-Clerk Regan reported that Codes Enforcer Green came to the meeting and reported that everything was going well and that he had nothing new to report.

-Meeting recessed at 7:56 p.m. to audit the bills.

-Meeting resumed at 8:10 p.m.

RESOLUTION #68

Payment of General Bills

On motion of Councilman Beadle, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Gehring

Noes-0

RESOLVED that the General Bills #123-138, in the amount of \$2,050.07 hereby be paid.

RESOLUTION #69

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Gehring

Noes-0

RESOLVED that the Highway Bills, #129-137, in the amount of \$18,971.72 hereby be paid.

The next regular meeting will be held on October 10, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:17 p.m.-Councilmen Beadle, Gehring

Respectfully submitted,

Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, OCTOBER 8, 2013

A regular meeting of the Little Falls Town Board was held on October 8, 2013 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Town Attorney, Nick Macri; Town residents Rick Smith, Peter Campione; Planning Board member, Elaine Cobb; Highway Employees George Gay and Ken Gardinier.

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

RESOLUTION #70

Minute Approval

On motion of Councilman Beadle seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
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.

-Supervisor Report:

Supervisor Marhaver reported:

- there are upcoming seminars that he has information on if anyone is interested in attending
- that he has worked on and revised the town's budget for review.

RESOLUTION #71

Supervisor Monthly Report

On motion of Councilman Klock, seconded by Councilman Gehring, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen, Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Assessor Report:

Supervisor Marhaver reported that one resident has won her small claims and has had her assessment lower and that a check will be written for reimbursement of her court fee.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, OCTOBER 8, 2013-CONT.

-Codes Enforcer Report:

-Codes Enforcer Green reported that he has a few outstanding complaints he's working on.

-Supervisor Marhaver reported that he had received a copy of the Property Maintenance Ordinance for the Town of Schuyler from Phil for the board's review.

Attorney Macri stated that he will look over the law and have his office prepare an ordinance for the town's review.

-Town Justice Report:

Supervisor Marhaver reported that court fees are steadily coming in.

-Attorney Report:

Attorney Macri reported:

-that the issue of the school road is ongoing and explained that there will first be a Preliminary conference to see if Attorney Rose and he can come up with an agreement, if any, then a dead line will be set for a hearing.

-that discussion on union negotiations is necessary. Discussion was held later in the meeting.

-Planning Board Report:

Clerk Regan reported that the planning Board had met and are continuing to work on the town's site plan review.

-Dog Control Officer Report:

-Supervisor Marhaver reported that the recently held rabies clinic was well attended.

-Clerk Regan reported that the dog enumeration has begun and that a high school is doing the job.

-Highway Superintendent Report:

Highway Superintendent Cotton reported:

-that he has specs and literature for the purchase of fuel tanks.

Discussion was held on this matter with the board tabling the process to allow specs to be drawn up, reviewed and approved by the board.

-that he had met with FEMA and that as of now, the town will receive \$67,151.00.

-that in regards to the generator, he had met with electrician, Joe Polnak, who stated that for the price difference, the town should go with the larger generator.

-Supervisor Marhaver reported that he had asked that the Highway Employees rate the town's equipment from 0-5 in need of repair or replacement, so the town could work on a five year plan to have said repairs or replacements done based on need.

-Planning Board Member, Elaine Cobb, questioned if the town had any information of the proposed installation of additional power lines.

Supervisor Marhaver that he had heard of this and will look into this matter to obtain further information.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, OCTOBER 8, 2013-CONT.

-Supervisor Marhaver called for an executive session to be held to discuss union negotiations.

RESOLUTION #72

Move to an Executive Session-Union Negotiations

On motion of Supervisor Marhaver, seconded by Councilman Beadle, the following resolution was ADOPTED-

Ayes-Supervisor Marhaver, Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Town Board hereby moves into an executive session to discuss union negotiations.

-Regular meeting recessed at 7:27 p.m.
-Executive session held from 7:27 p.m. to 7:45 p.m.
-Regular meeting resumed at 7:46 p.m.

-Supervisor Marhaver reported that discussion was held on union negotiations and that no action was taken.

-Supervisor Marhaver distributed copies of the 2014 budget, stating that he had revised the budget and that the increases are primarily due to increases in health insurance and retirement. Supervisor Marhaver stated that the budget calls for a 1.62% increase and that the preliminary budget should be adopted.

The board questioned how much money the increase was. Supervisor Marhaver stated he wasn't sure but that he could find out. It was questioned what copy of the budget was the correct one for the board to review.

Supervisor Marhaver will forward a correct copy to the board for their review and will have the increase figure for the board's consideration.

It was decided to table adoption of the preliminary budget until the increase amount was given and the correct copy verified.

Supervisor Marhaver is to forward said copy and figure to the board and will call a special meeting if needed.

-Meeting recessed at 7:48 p.m. to audit the bills.
-Meeting resumed at 8:00 p.m.

RESOLUTION #73

Payment of General Bills

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the General Bills #139-153, in the amount of \$2530.61 hereby be paid.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, OCTOBER 8, 2013-CONT.

RESOLUTION #74

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #138-148, in the amount of \$4,196.87 hereby be paid.

The next regular meeting will be held on November 12, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:01 p.m.-Councilmen Beadle, Gehring

Respectfully submitted,

Sandra Regan, Town Clerk

PUBLIC HEARING, TOWN OF LITTLE FALLS, NOVEMBER 12, 2013-2014 BUDGET

A public hearing of the Town of Little Falls was held on November 12, 2012 at the town hall, on the 2014 budget, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
 Councilman Allan Beadle
 Councilman Kirk Schwasnick
 Councilman Bill Klock
 Councilman Eric Gehring

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Charles Oldick, Town Justice; Nicholas Macri; Town Attorney; Town resident, Rick Smith.

-Notice of Hearing was posted on the Town Hall's Door 11/04/2013.

-Supervisor Marhaver called the hearing to order.

-Supervisor Marhaver reviewed the final 2014 budget figures and stated that the 2014 budget calls for a 1.59% tax increase which amounts to a \$.06 tax increase.

-Supervisor Marhaver questioned if there were any comments for or against the budget. There were no comments.

-All person desiring to be heard, having been heard, the hearing was closed at 7:04 p.m.

Respectfully submitted,

Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, NOVEMBER 12, 2013

A regular meeting of the Little Falls Town Board was held on November 12, 2013 at the town hall commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Charles Oldick, Town Justice; Phil Green, Codes Enforcer; Town Attorney, Nicholas Macri; Town residents Rick Smith; Planning Board member, Elaine Cobb.

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

RESOLUTION #75

Minute Approval

On motion of Councilman Gehring seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

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.

RESOLUTION #76

Adoption of 2014 Budget

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Budget for the Town of Little Falls, for the Year 2014, hereby be adopted, and be it further

RESOLVED that the Town Clerk deliver two certified copies to the Supervisor with all convenient speed.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, NOVEMBER 12, 2013-CONT.

The 2014 Budget totals are :

	<u>Appropriations</u>	<u>Estimated Revenues</u>	<u>Unexpended Balance</u>	<u>Amt to be Raised</u>
General	\$237,780.00	\$156,361.00	\$15,000.00	\$ 66,419.00
Highway	559,817.00	255,600.00	32,000.00	272,217.00
Fire Protection	56,395.00			56,395.00
Totals	\$853,992.00	411,961.00		291,636.00

-Supervisor Report:

Supervisor Marhaver reported:

- that he has submitted his monthly report for the board's review
- that the 2014 budget is ready and needs to be approved by November 20th
- that Oneida Herkimer Solid Waste Authority's 2014 rates are going down
- that there is a wetlands guide available by the Army Corp of Engineers
- that Mohawk Valley Edge will be holding a regional meeting for anyone that is interested in attending

RESOLUTION #77

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Supervisor's monthly report, as submitted, hereby be approved.

-Supervisor Marhaver recommended that funds be transferred to balance some of the town's accounts.

The board agreed and transfers were done by resolution.

RESOLUTION #78

General Fund Transfer

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

Resolved that \$3,084.89 from the General Fund Building Contractual account #1620.4, hereby be transferred as follows: \$700.00 to Mailing and Copy account #1670.4; \$584.59 to Data Processing Account #1680.4; and \$1,800.00 to zoning account #8010.1.

RESOLUTION #79

Highway Fund Transfer

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

Resolved that \$3,000.00 hereby be transferred from the Highway Fund's Machinery Contractual Expenditure account #5130.4, to the Machinery Personal Service Account account #5130.1.

-Assessor Report:

Supervisor Marhaver reported that the town has \$57,402,294.00 in town taxable value which has to be turned in with the budget.

-Codes Enforcer Report:

Codes Enforcer Green reported that everything is going well and that he is working on doing assembly checks.

-Town Justice Report:

Justice Oldick reported that he has completed his training and that a certificate has been placed on file with Clerk Regan.

The board asked if the grant has been submitted.

Justice Oldick stated that it had and that he has applied for a generator, answering machine, printer and signs.

-Town Attorney Report:

Attorney Macri reported that on Dec. 16th, he will be going to court in Oneida Court regarding the High School Road to set dates for a hearing, for discovery, and to clarify issues. Attorney Macri requested that Highway Superintendent Cotton be available for this date.

Supervisor Marhaver reported that he has distributed a draft of a property maintenance law drawn up by Attorney Macri for the board's review.

-Planning Board Report:

Clerk Regan reported that due to the general election, the Planning Board did not hold a meeting, but will do so in December.

-Dog Control Officer Report:

Clerk Regan reported that the enumeration is still on-going and that several unlicensed dogs have been located.

-Highway Superintendent Report:

Highway Superintendent Cotton reported that he had received a complaint from a resident that the boat that's parked across the road from the town hall is obstructing a neighbor's view making it

difficult for them to see when backing out of their driveway. Superintendent Cotton reported that the trooper's have been there and that the boat was moved a little bit, but is still parked in the town's right-of-way and is still blocking the neighbor's view.

Discussion was held on this with the board directing Attorney Macri to forward a letter to the resident asking them for their cooperation in moving the boat.

-Town Clerk Report:

Clerk Regan reported that she had attended a mandatory DEC training, held in Poland, and that the current DEC program will be changing for this coming year.

-Discussion was held on the purchase of new fuel tanks and a monitoring system. Clerk Regan distributed sample bid packets she had worked on for the board's review. Clerk Regan stated that legal notice, public contracts and non-collusion statements are standard forms used for bidding, but was uncertain of the specifications she has drawn up. Clerk Regan said she used the specifications she had been given at last month's meeting, but would like the board to review them.

After review, she requested that Attorney Macri review the specifications and make changes where needed.

Attorney Macri stated that he would have his office work on them for the board's review at the next month's meeting.

This matter was tabled.

-Supervisor Marhaver reported that an executive session needed to be held to discuss union negotiations and an insurance issue.

RESOLUTION #80

Executive Session-Union Negotiations and Insurance Issue

On motion of Councilman Klock, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the town board hereby move into an executive session to discuss union negotiations and an insurance issue.

-Regular meeting recessed at 7:35 p.m.

-Executive session commences at 7:35 p.m.

-Executive session ends at 7:50 p.m.

-Regular meeting resumes at 7:50 p.m.

-Supervisor Marhaver reported that discussion was held on the highway employee's union contract and that the board and employees have reached an agreement and that the contract is ready to be signed.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, NOVEMBER 12, 2013-CONT.

RESOLUTION #81

Supervisor Authorized to Sign Union Contract

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Supervisor, of the Town of Little Falls, hereby be authorized to sign the Little Falls Town Highway Employees Union Contract, with said contract to be a three-year contract, effective January 1, 2014 through December 31, 2016.

-Supervisor Marhaver stated that copies of the contract will be signed and filed.

-Supervisor Marhaver reported that having discussed the cost of health insurance, the highway employees and town board have agreed that all highway employees will pay 5% of their health insurance, and that the town board has agreed that effective January 1, 2013, all elected Town Officials will also pay 5% of their health insurance.

RESOLUTION #82

Town of Little Falls Employee's Health Insurance Payments

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that all Town of Little Falls Highway Employees and Elected Town Officials are hereby required to pay five (5) percent of their health insurance effective January 2014.

-Councilman Beadle noted that there had been an email asking what the town's policy was on residential culverts.

Clerk Regan stated that she had been sent the email and was wondering if the town had a policy.

Councilman Schwasnick questioned Clerk Regan what brought this matter about.

Clerk Regan stated that she had been recently asked by a neighbor about this and has been asked this in the past.

The board asked Superintendent Cotton what the Town did.

Superintendent Cotton stated that the resident usually pays for the pipes and the town has installed them, but that there really isn't any set policy.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, NOVEMBER 12, 2013-CONT.

Discussion was held on this matter with the board and the Highway Superintendent agreeing that due to liability the town will no longer install residential culverts for residents.

-Highway Superintendent Cotton questioned why it was decided that he had to pay for health insurance, stating that he didn't know about this and doesn't think he should have to pay. The board stated that due to the high cost of health insurance, they discussed this, and agreed that everyone has to pay something.

Highway Superintendent Cotton voiced his opposition to the board for having to pay for health insurance, citing what he has done for the town and what FEMA money he has obtained for the town.

The board told Superintendent Cotton that it was a mutual agreement, all officials have to pay.

RESOLUTION #83

Payment of General Bills

On motion of Councilman Schwasnick, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the General Bills #154-164, in the amount of \$1,391.46 hereby be paid.

RESOLUTION #84

Payment of Highway Bills

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #149-159, in the amount of \$19,604.63 hereby be paid.

The next regular meeting will be held on December 10, 2013 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:22 p.m.-Councilmen Gehring, Beadle

Respectfully submitted,

Sandra Regan, Town Clerk

SPECIAL MEETING, TOWN OF LITTLE FALLS, NOVEMBER 19, 2013-HEARING
NOTICES AND FUEL BIDS

A Special meeting of the Town Board was held on November 19, 2013 at the town hall, commencing at 6:00 p.m. to discuss hearing notices and fuel bids with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent

-Notice of the meeting was posted in the Evening Times Newspaper on 11/23/2013.

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

-Clerk Regan distributed bid packets for the board's review for the purchase of Diesel Fuel.

RESOLUTION #85

Authorization to Advertise for 2014 Fuel Bids

On motion of Councilman Gehring, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Town Clerk hereby be authorized to advertise for sealed bids for the purchase of Diesel Fuel for 2014, in the Evening Times Newspaper at her discretion with said bids to be opened and publicly read at the next regular town board meeting scheduled for December 10, 2013.

-Discussion was held on scheduling a public hearing to be held on the 2014 budget. The board decided to hold the hearing before the start of next month's meeting.

RESOLUTION #86

Scheduling of Public Hearing and Authorization to Advertise Said Hearing on the 2014 TownBudget

On motion of Councilman Beadle, seconded by Supervisor Marhaver, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Town Board hereby schedules a Public Hearing to be held on December 10, 2013 at 7:00 p.m., at the town hall, on the 2014 budget and ,

BE IT FURTHER RESOLVED that the Town Clerk hereby be authorized to advertise said hearing in the Evening Times newspaper at her discretion.

SPECIAL MEETING, TOWN OF LITTLE FALLS, NOVEMBER 19, 2013-HEARING
NOTICES AND FUEL BIDS

-Supervisor Marhaver stated that an executive session needed to be held to discuss a personnel issue.

RESOLUTION #87

Executive Session to Discuss Personnel

On motion of Supervisor Marhaver, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Town Board hereby moves into an executive session to discuss a personnel matter.

-Regular meeting recessed at 6:04 p.m.

-Executive session commences at 6:04 p.m.

-Executive session ends at 6:34 p.m.

-Regular meeting commences at 6:34 p.m.

-Supervisor Marhaver reported that due to inappropriate comments made by Highway Superintendent Cotton, relative to FEMA funding during the November 12th town board meeting, the board finds cause to further investigate this matter. No action was taken.

-Meeting adjourned at 6:50 p.m.-Councilman Beadle, Supervisor Marhaver

Respectfully submitted,

Sandra Regan, Town Clerk

PUBLIC HEARING, TOWN OF LITTLE FALLS, DECEMBER 10, 2013-2014 BUDGET

A public hearing of the Town of Little Falls was held on December 10, 2013 at the town hall, on the 2014 budget, commencing at 7:00 p.m. with the following members present:

Present: Supervisor Brian Marhaver
 Councilman Allan Beadle
 Councilman Kirk Schwasnick
 Councilman Bill Klock
 Councilman Eric Gehring

Others Present: Sandra Regan, Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Town residents, Thomas Sherman and Pete Campione.

-Notice of Hearing was advertised in the Evening Times Newspaper on November 23, 2013.

-Supervisor Marhaver called the hearing to order.

-Supervisor Marhaver reviewed the final 2014 budget figures and stated that the 2014 budget calls for a 1.59% tax increase which amounts to a \$.06 tax increase.

-Supervisor Marhaver questioned if there were any comments for or against the budget. There were no comments.

-All person desiring to be heard, having been heard, the hearing was closed at 7:02 p.m.

Respectfully submitted,

Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 10, 2013

A regular meeting of the Little Falls Town Board was held on December 10, 2013 at the town hall commencing at 7:03 p.m. with the following members present:

Present: Supervisor Brian Marhaver
Councilman Allan Beadle
Councilman Kirk Schwasnick
Councilman William Klock
Councilman Eric Gehring

Others Present: Sandra Regan; Town Clerk; Donald Cotton, Highway Superintendent; Phil Green, Codes Enforcer; Town residents Thomas Sherman and Pete Campione.

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

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

RESOLUTION #88

Supervisor Monthly Report

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Supervisor's Monthly Report, as submitted, hereby be approved and placed on file.

-Supervisor Marhaver reported that he had met with the City of Little Falls to discuss the possibility of running water to O'Hara Road, Burt Road, Gun Club Road and Eatonville Road. Supervisor Marhaver stated that 7.5 miles of pipes would be needed to get to Eatonville Road at a cost of approximately one million dollars per mile.

Resident, Thomas Sherman, questioned if they had discussed the Southside. Supervisor Marhaver stated they had not, but that they can address this area when they meet again.

Supervisor Marhaver stated that a survey would have to be sent out to see how many residents are interested and that there is a list of things that would need to be done.

Supervisor Marhaver stated that there are grants available for this type of project and that major fund money would be needed to proceed with this project.

Supervisor Marhaver stated that there will be another meeting, that this is just being discussed at this time.

-Supervisor Marhaver reported that he had received a letter from the Department of Public Service regarding alternating and upgrading the current transmission line and that it looks like they are following the existing power lines.

Supervisor Marhaver stated that there are public hearings scheduled if anyone is interested in attending.

-Assessor Report: None

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 10, 2013-CONT.

-Codes Enforcer Report:

Codes Enforcer Green reported that a few permits are coming in, but other than that, nothing is new.

-Discussion was held on the issue of a boat being parked on the side of the road on a property across from the town hall.

Superintendent Cotton stated that the troopers had been involved and have done what they can do, adding, that the neighbor is complaining that the boat is blocking her view when she backs out of her driveway.

Discussion was held on having the boat towed away with the board stating that they would first ask Attorney Macri if he had sent the resident a letter as directed at last month's meeting.

This matter was tabled.

-Justice Report: None

-Attorney Report:

Supervisor Marhaver stated that Attorney Macri had to go to NY City and was unable to attend tonight's meeting, but that he had reported that the School Road issue has been postponed until January.

-Planning Board Report:

Clerk Regan reported that the Planning Board had met and that they are continuing their work on the site plan review and that they are working on sending a letter to the windmill substation company requesting that they plant vegetation screening to obscure the station from the neighbor's view, which was supposed to have been, but was not.

-Dog Control Officer Report:

Clerk Regan reported that the Humane Society Contract is up for renewal and that the contract has a paragraph that states that an enumeration be done every three years and if not done this may make the contract null and void.

Clerk Regan stated that the Herkimer County Town Clerks Association held a meeting and have an issue with the Humane Society dictating this and are requesting that this be removed from the contract.

This matter was tabled until later in the meeting.

-Highway Superintendent Report:

Highway Superintendent Cotton reported that the grate in the back of the garage is broken and a new one is needed. Superintendent Cotton stated that the grate is 70' long and had obtained pricing which is \$53.00 a foot to replace the entire 70', or \$69.87 if we only do 30' for now.

Discussion was held on this with the board and Superintendent Cotton finding this to be a real safety issue should the grate collapse; therefore for the safety of the highway employees, the board directed Highway Superintendent to purchase said needed grate.

RESOLUTION #89

Purchase New Grate for Highway Garage

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

WHEREAS, a broken grate in back of the Highway garage is at risk of collapse, and the Town Board and Highway Superintendent find this causes a potential safety issue,

BE IT RESOLVED that the Highway Superintendent, hereby is directed to purchase a new 70' grate not to exceed the cost of \$4,000.00 and have it installed as soon as possible.

-Discussion was held on the purchase of the new fuel tank and monitoring system. No action was taken. The board is waiting for Attorney Macri to review the specifications for said purchase submitted at last month's meeting.

This matter was tabled.

-Town Clerk Report:

Clerk Regan reported that the dog enumeration is on-going and that two bids were received for the purchase of diesel fuel, one from Harbor point and one from Superior Plus.

-Two sealed bids for the purchase of Diesel Fuel were opened and read as follows:

1. Harbor Point Energy Products, Frankfort, NY:

Normal Diesel Fuel	3.119 gal.
Firm Differential	3.339 gal.
Winter Mix	3.151 gal.
Firm Differential	3.371 gal.
2. Superior Plus Energy Services, Marcy, NY:

Normal Diesel Fuel	3.2884 gal.
Winter Mix	3.6057 gal.

-Both bids received were accepted as submitted.

RESOLUTION #90

Acceptance of Fuel Bids

On motion of Councilman Beadle, seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that all sealed bids received for the purchase of Diesel Fuel, as submitted, hereby be accepted.

RESOLUTION #91

Bid Award-Purchase of Diesel Fuel

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Board hereby awards the purchase of Diesel Fuel to Harbor Point Energy Products of Frankfort, NY for one year, from 01/01/14 to 12/31/14 as bid.

-The board stated that Superior Plus will continue to supply the town with unleaded gas until the new tanks are switched out.

-Clerk Regan questioned the board as to what they wanted to do with the Humane Society Contract. The Board stated that they agreed to renew the contract, subject to the removal of paragraph no. 3 sentence "If said enumeration is not conducted every three (3) years, this may make this dog sheltering agreement null and void."

Clerk Regan will forward a letter to the Humane Society that the contract has been approved, subject to the removal of said sentence and request a new copy to be signed indicating such.

RESOLUTION #92

Humane Society Contract Renewal

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

Supervisor Marhaver	Aye
Councilman Beadle	Aye
Councilman Schwasnick	Aye
Councilman Klock	Aye
Councilman Gehring	Aye

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 10, 2013-CONT.

(Resolution #92-cont.)

RESOLVED that the Town of Little Falls hereby accepts and approves the Seized Dog Sheltering Agreement with the Herkimer County Humane Society for the year 2014 , subject to the removal of paragraph no. 3 sentence “If said enumeration is not conducted every three (3) years, this may make this dog sheltering agreement null and void”, and

BE IT FURTHER RESOLVED that a new copy of the contract be received with said sentence removed.

-Supervisor Marhaver stated that an executive session was needed to discuss a personnel issue.

RESOLUTION #93

Executive Session to Discuss Personnel Issue

On motion of Supervisor Marhaver, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

RESOLVED that the Town Board hereby moves into an executive session to discuss a personnel matter.

- Regular meeting recessed at 7:41 p.m.
- Executive session commences at 7:41 p.m.
- Executive session ends at 8:01 p.m.
- Regular meeting commences at 8:01 p.m.

-Supervisor Marhaver discussion was held on a personnel issue and that no action was taken.

RESOLUTION #94

Minute Approval

On motion of Councilman Beadle seconded by Councilman Schwasnick, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring
Noes-0

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

- Meeting recessed at 8:03 to audit the bills.
- Meeting resumed at 8:23 p.m.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, DECEMBER 10, 2013-CONT.

RESOLUTION #95

Payment of General Bills

On motion of Councilman Gehring, seconded by Councilman Klock, the following resolution was ADOPTED-vote:

Ayes- Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the General Bills #165-184, in the amount of \$56,442.42 hereby be paid.

RESOLUTION #96

Payment of Highway Bills

On motion of Councilman Schwasnick, seconded by Councilman Beadle, the following resolution was ADOPTED-vote:

Ayes-Supervisor Marhaver; Councilmen Beadle, Schwasnick, Klock, Gehring

Noes-0

RESOLVED that the Highway Bills, #160, in the amount of \$18,625.94 hereby be paid.

The next regular meeting will be held on January 14, 2014 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:22 p.m.-Councilmen Beadle, Schwasnick

Respectfully submitted,

Sandra Regan, Town Clerk