

PUBLIC HEARING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-LOCAL LAW #1-2016,  
OPTING OUT OF TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS

A Public Hearing of the Little Falls Town Board was held on February 9, 2016 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: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Town Attorney, Nicholas Macri; Codes Enforcer, Phil Green; Town Justice, Charles Oldick; County Legislator, Peter Campione; Town resident, Rick Smith.

-Legal Notice of the Hearing was published in the Times Telegram on January 22, 2016.

-Supervisor Marhaver called the hearing to order.

-Supervisor Marhaver reviewed proposed Local Law #1-2016 and asked if there were any comments for or against the law.

-There were no comments.

-All persons desiring to be heard, having been heard, the hearing was closed at 7:05 p.m.

Respectfully submitted,  
Sandra Regan, Town Clerk

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016

A regular meeting of the Little Falls Town Board was held on February 9, 2016 at the town hall, commencing at 7:05 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: Town Clerk, Sandra Regan; Highway Superintendent, Donald Cotton; Town Attorney, Nicholas Macri; Codes Enforcer, Phil Green; Town Justice, Charles Oldick; County Legislator, Peter Campione; Town resident, Rick Smith.

RESOLUTION #20

Minute Approval

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 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 #21

Adoption of Local Law #1-2016 Opting out of tax Exemption for Solar Energy Systems

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 Klock	Aye
Councilman Gehring	Aye

WHEREAS, Section 487 of the New York State Real Property Tax Law allows for an exemption of any increase in value due to the construction of a solar system and, to date, County Assessment has found that the installation of small-scale residential and commercial solar systems has not had an effect of property valued upon resale; and

WHEREAS, New York State has not made provision for the Town to distinguish between small-scale residential and large-scale commercial power generation facilities for the purpose of this exemption, and while the Town wishes to encourage the development of clean, alternative means of producing energy on a large scale, it recognizes that this priority must be balanced with the pressing fiscal needs of local governments and schools; and

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-CONT.

(Resolution #21-cont.)

WHEREAS, a decision to opt-out of the Sections 487 exemption may be reconsidered and the exemption restored by the Town at its discretion at any time in the future; and

WHEREAS, a public hearing on proposed Local Law #1 of 2016 was duly noticed and held upon February 9, 2016, and the input, testimony and evidence given there at were duly considered; and

WHEREAS, this action is classified as SEQRA Type II action such that no environmental review is required; and

WHEREAS, upon consideration and deliberation upon the same, the Town Board of the Town of Little Falls has hereby

RESOLVED that proposed Local Law #1 of 2016, entitled "A LOCAL LAW TO OPT-OUT OF SECTION 487 OF THE NEW YORK STATE REAL PROPERTY TAX LAW" be and is hereby approved and adopted in the form as presented to this meeting, and in such form "to be it so enacted"; and it is further

RESOLVED, that in accord with Section 21 of the Municipal Home Rule Law, the final adopted version of this Local law shall be presented to the Supervisor for approval; and it is further

RESOLVED that upon such approval by the Supervisor, (or other approval occurring pursuant to said Section 21 of the Municipal Home Rule Law), and within 20 days after the final adoption of the Local Law, the Town Clerk shall file a certified copy of this local Law, together with the required certifications, if any, as follows: (1) in the Office of the Town Clerk; and (ii) with the New York State Secretary of State as required by Municipal Home Rule Law Section 27 (said filing may be made by delivery to the State Records and law bureau, Department of State, 41 State Street, Albany, New York 12231).

This Local Law is filed as follows:

**Town of** Little Falls

**Local Law No.** 1 **of the year 2016.**

**A local law** To Authorize the Opting Out of Real Property Tax Exemption for Solar Systems Per Real Property Tax Law 487

**Be it enacted by the** Town Board **of the**

**Town of** Little Falls **as follows:**

**Section 1.** The exemption from Real estate taxation granted by the provisions of Real Property Tax Law Section 487 for certain solar or wind energy systems constructed subsequent to the effective date of this Local Law shall not be applicable within the jurisdiction of the County of Herkimer.

**Section 2.** This Local Law shall take effect immediately upon filing with the Secretary of State.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-CONT.

RESOLUTION #22

Supervisor Monthly Report

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 Supervisor's monthly report, as submitted, hereby be approved and placed on file.

-Supervisor Marhaver Reported:

-That he had run a report on last year's highway overtime and that we are down \$12,554 versus last year, adding, that we also be getting less in CHIPS money.

-That the town received \$1,000 more this year in sales tax.

-That Day, Scarafile & Read has completed the town's annual financial report that goes to the state and that they have reviewed the town records and have found no irregularities in the handling of funds or reporting of Town financial operations.

RESOLUTION #23

Approval of Supervisor's Yearly Records

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 Klock	Aye
Councilman Gehring	Aye

RESOLVED that the yearly records of the Town Supervisor, as reviewed by Day, Scarafile & Reed, hereby be approved.

RESOLUTION #24

Approval of Town Justice Yearly Records

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 Klock	Aye
Councilman Gehring	Aye

RESOLVED that the yearly records of the Town Justice, as reviewed by Councilman Klock, hereby be approved.

-Supervisor Marhaver reported that there is a grant funding workshop in Mohawk, on February 11<sup>th</sup> if anyone is interested in attending.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-CONT.

-Supervisor Marhaver reported that he had received a quote from Time Warner Cable for internet and phone service and that if we switch from Cornerstone to Time Warner the town can save money.

Superintendent Cotton and Justice Oldick reported that the phones seem to be working now. Discussion was held on switching from Cornerstone to Time Warner Cable. Supervisor Marhaver stated that by switching to Time Warner, the town will save about \$600 for the year and will get better service. The board agreed.

RESOLUTION #25

Supervisor Authorization to Change Phone and Internet Service from Cornerstone to Time Warner Cable

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 Klock	Aye
Councilman Gehring	Aye

RESOLVED that the Town Supervisor hereby be authorized to change Internet and Phone Service from Cornerstone to a two-year service contract with Time Warner Cable.

-Assessor Report: None

-Codes Enforcer Report:

Codes Enforcer Green reported that his year-end report has been filed with the state and that he will be attending some required code classes.

Supervisor Marhaver requested a copy of the year-end report. Codes Enforcer Green stated that he would get him a copy.

-Supervisor Marhaver reported that he had received a copy of the Town's land survey.

Discussion was held on what should be done with the neighbor who has a fence, cars, and shed on the town's property. The board decided that the items should be removed and directed Attorney Macri to forward a letter to the neighbor asking him to remove all encroachments from the town's property.

-Discussion was held on erecting a fence between the neighbor and the town. It was decided to obtain specifications as to what was needed. This matter was tabled until next month.

-Town Justice Report:

Justice Oldick reported that the court remains busy and that February 15<sup>th</sup>'s court date will be postponed to the 22<sup>nd</sup>.

Justice Oldick was directed to post this date change in the paper.

-Planning Board Report:

Clerk Regan reported that there was no meeting.

-Dog Control Officer Report:

Clerk Regan reported that the yearly deer depredation resolution put out by the County is in effect.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-CONT.

-Highway Superintendent Report:

-Highway Superintendent Cotton reported that the delivery of the truck should be made soon.

-That there is a draft resolution for the town to consider requesting that the Governor and Legislature make additional state funding and resources available, increase CHIPS funding, and restore funding between the MTA and the NYSFOR. No action was taken on this matter.

-That he would like to list the town's 1999 Dump truck, snow plow, and mower on Auctions International. This matter was tabled until next month's meeting.

-Highway Superintendent Cotton questioned Supervisor Marhaver if the town was doing anything about solar energy.

Supervisor Marhaver stated that he doesn't believe it's a good deal.

-Highway Superintendent Cotton questioned if anything was found out about the increase in the town's utility bills.

Supervisor Marhaver stated that the bills are still high but can't get anyone to come and check it out.

Superintendent Cotton will contact Mr. Mihevc regarding this matter.

-Town Clerk Report:

Clerk Regan reported that a letter had been received from the Soil and Water District requesting a donation for yearly environthon. The board agreed to make the usual \$100 donation.

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

-Meeting resumed at 7:57 p.m.

RESOLUTION #26

Payment of General Bills

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 General Bills #8-18 in the amount of \$3,251.33 hereby be paid.

RESOLUTION #27

Payment of Highway Bills

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 Highway Bills, #15-39, in the amount of \$43,088.45 hereby be paid.

-Clerk Regan reported that her new computer is up and running and requested permission to dispose of the old one. The board approved.

REGULAR TOWN BOARD MEETING, TOWN OF LITTLE FALLS, FEBRUARY 9, 2016-CONT.

RESOLUTION #28

Clerk Authorization to Dispose of Old Computer

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 Town Clerk hereby be authorized to dispose of an old computer and monitor at her discretion.

-The next regular meeting will be held on March 8, 2016 at 7:00 p.m. at the town hall.

-Meeting adjourned at 8:00 p.m.-Councilmen Beadle, Klock

Respectfully submitted,  
Sandra Regan