

TOWN BOARD MEETING

June 13, 2016
Public Hearing
6:00 P.M.

PRESENT: Councilpersons: Kevin Armstrong, Leonard Govern, Luis Rodriguez-Betancourt, Patty Wood, Supervisor Charles Gregory, Hwy. Supt., Walt Geidel, Attorney Carly Walas and Town Clerk Ronda Williams

OTHERS PRESENT: Abby Butler – The Reporter, Clayton Stanton, Crystal Stanton, Bruce E. Dolph, Wilma Hannon, Leo Hannon, Steve Schick, Linda Schick, and Dale Ashby

Supervisor Gregory opened the Public Hearing for any persons wishing to speak in favor or against a Resolution Authorizing Entry into Host Community Benefit Agreements as Payments in Lieu of Taxes for Commercial Solar Installations in the Town of Walton Real Property Tax Services

No Public Comment.

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With no further comments on the proposed resolution for commercial solar installations, Supervisor Gregory informed the Board that the Planning Board has reviewed the proposal and Attorney Walas will draft a local law similar to the current wind towers to be added to our Zoning Laws.

RESOLUTION NO. 80

**TITLE: RESOLUTION AUTHORIZING ENTRY INTO HOST COMMUNITY
BENEFIT AGREEMENTS AS PAYMENTS IN LIEU OF TAXES FOR
COMMERCIAL SOLAR INSTALLATIONS IN THE TOWN OF WALTON
REAL PROPERTY TAX SERVICES**

WHEREAS, the Town of Walton, Town Board, wishes to cooperate and partner with the County of Delaware and school districts in creating a unified policy to deal with the taxable status of commercial solar installations; and

WHEREAS, the real estate parcels that contain those solar installations will fall into overlapping taxing districts; and

WHEREAS, New York State Real Property Tax Law Section 487 (9) states that solar, wind and farm waste energy projects are exempt from property taxes for a period of 15 years, but are eligible to contribute to their host community through PILOT agreements; and

WHEREAS, the Town of Walton, the County of Delaware and many of the towns, villages and school districts agree that residential and agricultural solar projects should be tax-exempt, but commercial solar projects should pay their fair share of the costs of municipal expenses; and

WHEREAS, residential solar projects are defined as projects located at inhabited dwellings, connected to a single phase grid and no larger than 20 kw in size; and

WHEREAS, agricultural solar projects are defined as projects located on lands which qualifies for exemption under Real Property Tax Law § 483; and

WHEREAS, commercial solar projects are defined as any projects other than those defined above as residential or agricultural; and

THEREFORE, upon approval of this Resolution, it is understood that the Town of Walton authorizes that the Host Community Benefit Agreements will be put into place for all new commercial solar installations in the Town. It is further understood that taxing districts will need to adopt similar legislation to authorize the Host Community Benefit Agreements. In addition, it is expected that the Town of Walton will be the lead agency in negotiating and ensuring that Host Community Benefit Agreements are in place; and

WHEREAS, the Town, within a sixty (60) day period of the request for a building permit or any other formal notification received from an entity notifying the Town of Walton of intent to construct a commercial solar installation, will notify such commercial solar array owners that the Host Community Benefit Agreement (PILOT) is in place in the Town of Walton and will notify such other taxing districts as described within this resolution; and

FURTHERMORE, all commercial solar panel arrays will be subject to Host Community Benefit Agreements (PILOT) to be put into place by the Town of Walton and the proceeds of which will be shared by each taxing district on a pro-rated amount (50%, town, 25%, county, 25% school); and

WHEREAS, all residential and agricultural solar installations would remain as tax exempt for the 15-year period unless the law changes regarding tax-exempt status. This Resolution only applies to commercial installations; and

WHEREAS, under Section 487 (9) of the Real Property Tax Law, the Host Community Benefit Agreement must not exceed the amount of taxes that the entity would have paid on the new array if there were not tax exemption (For example, if a \$100,000 solar farm is built on a \$5,000. plot of land, the agreement cannot exceed what the property taxes would have been on a \$105,000 assessed value); and

WHEREAS, it is understood agreements made pursuant to this resolution shall be for 15 years and that the revenue will be divided among the taxing districts as described above.

NOW, THEREFORE, BE IT RESOLVED that the Town of Walton Town Board is in agreement with this multi-jurisdictional cooperation agreement.

RESOLUTION#80

**AUTHORIZING ENTRY INTO HOST COMMUNITY
BENEFIT AGREEMENTS AS PAYMENTS IN LIEU OF
TAXES FOR COMMERCIAL SOLAR INSTALLATIONS
IN THE TOWN OF WALTON REAL PROPERTY TAX
SERVICES**

A motion was made by Councilman Govern, seconded by Wood granting permission to enter into a Host Community Benefit Agreement as payments in lieu of taxes for commercial solar installations in the Town of Walton Real Property Tax Services. All in favor, motion carried.

RESOLUTION #81

APPROVAL OF MINUTES

A motion was made by Councilman Armstrong seconded by Wood approving the minutes of May 9, 2016 & May 13, 2016 as presented. All in favor, motion carried.

FLOOR TIME:

Wilma Hannon, realtor and resident of Walton expressed her displeasure of the possibility of a new Mental Health Facility being housed in Walton. She stated we need better for Walton and the twelve (12) jobs would not be beneficial because they already exist and would not reflect new jobs. She felt this type of facility would be better housed in the Town of Delhi and UHS could utilize the vacant building for doctors or other medical needs. She stated, “I am not welcoming this into our community.”

Leo Hannon, resident and owner of Danny’s Restaurant stated he was under the impression that the current Public Safety building in Delhi could hold this type of facility as an addition onto its existing building. Supervisor Gregory questioned who he heard this information from? Mr. Hannon stated it was a statement from James Eisel in an article.

Supervisor Gregory reiterated the process and reasons for the search of a new Mental Health Facility and the criteria to meet the needs of the new location. He stated, new employees may choose to live in Walton, how a local facility will benefit the youngsters so they do not have to lose a half day of school to attend appointments elsewhere. He explained that many who receive care at the Mental Health Facility are individuals just like in this room.

Mr. Hannon questioned, after the County announces their decision with the location, are we just stuck with it? Code Enforcement Officer Steve Dutcher stated that there would still be a site plan review process that would have public input at the Village of Walton.

Councilwoman Wood stated to Wilma Hannon that we can agree to disagree, “I feel we need it here.”

Supervisor Gregory informed Mr. Hannon that the Mayor and he are both in agreement that it would be beneficial to keep the facility here in Walton.

Steve Schick approached the Board with his concern of his neighbor's property not being maintained or mowed. Mr. Schick stated he would like the house to be condemned so that he could contact the mortgage holder in hopes to force the property owner to maintain the property.

Discussion took place as to whether or not the property falls under certain sections of the NYS Property Code Laws and if the Code Enforcement Officer has the authority to condemn the property within these laws.

Mr. and Mrs. Schick feel the home is unfit for human occupancy but CEO Dutcher stated that he is not aware of anyone trying to occupy the home. He stated if that were the case, then he would declare the home condemned but indicated that was only temporary until the citations were corrected.

Further discussion took place as to whether or not the Town would maintain the grass and if they wanted to pursue the fees incurred and re-levy onto the property owners tax bill.

The Board concluded that Mr. and Mrs. Schick would write an affidavit to present to CEO Dutcher, who in turn with Attorney Walas will look into the laws as well as check the Town Courts current status on the previous submitted summons in hopes to seek a search warrant of the property.

Leo Hannon re-approached the Board asking why 99 East Street is owned by Ulster County Mental Health and why this was tax exempt? This property had been exempt prior as a church and now remains exempt under the County ownership.

Crystal Stanton of 167 Upper East Brook Road, in response to a complaint received from a resident on the same road, presented pictures of her vehicles off the roadway and stated her car(s) are never parked in the road but stated on occasion a friend or family may park alongside the road but the road is never blocked and they are not there for very long.

SUPERINTENDENT OF HWY. REPORT:

Requested permission to move forward with the conversion of the purchased government surplus truck. He estimated the total cost to be approximately \$110,000.00 but reminded the Board that the Town of Walton has received a grant of \$50,000.00 for the conversion from Senator Bonicic. The Board was in agreement.

Reported that the Auctions International auction ended for the 2012 Dodge Ram 550 truck. The high bid was \$25,600 in which he recommended accepting the bid.

RESOLUTION #82

SALE OF 2012 DODGE RAM TRUCK

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt granting permission to accept the bid of \$25,600 for the surplused 2012 Dodge Ram 5500 truck. All in favor, motion carried.

Superintendent Geidel state he would like to surplus the other 2011 550 truck in hopes of bring the same amount at auction.

RESOLUTION #83

SURPLUS 2011 DODGE RAM 550 TRUCK

A motion was made by Councilman Armstrong, seconded by Wood granting permission to surplus the 2011 Dodge Ram 550 truck and place on Auctions International website for bid. All in favor, motion carried.

Discussion took place on the Youth Employment Program. Supervisor Gregory stated with the new income eligible guidelines for the CDO program, the youth did not have enough time to meet the application deadline and a highway worker does not qualify for the other Youth Employment Program. However, Superintendent Geidel stated he would still like to hire a summer youth worker without participating in the Youth Employment Program. Discussion took place with the Board in agreement to hire one youth summer worker.

RESOLUTION #84

SUMMER YOUTH EMPLOYEE

A motion was made by Councilman Govern, seconded by Armstrong granting permission to hire one summer youth employee. All in favor, motion carried.

Superintendent Geidel informed the Board that the I-beams retrieved from the purchase of the old Reporter Building are not needed and would seek permission to surplus these items along with other metal around the garage.

RESOLUTION #85

SURPLUS I-BEAM AND SCRAP METAL

A motion was made by Councilman Armstrong, seconded by Govern granting permission to surplus I-beam and scrap metal at the highway garage. All in favor, motion carried.

Superintendent Geidel informed the Board that the Town of Walton will receive additional CHIPs money. He stated with the additional money and less cost in emollition would result in the need to amend the Agreement for the Expenditure of Highway Moneys.

RESOLUTION #86

**RESCIND RESOLUTION # 24 OF JANUARY 4, 2016 AND
READOPT THE AGREEMENT FOR THE
EXPENDITURE OF HIGHWAY MONEYS.**

A motion was made by Councilman Armstrong, seconded by Govern to rescind resolution #24 of January 4, 2016 and adopt a revised Agreement for the Expenditure of Highway Moneys dated June 13, 2016. All in favor, motion carried.

TOWN CLERK’S REPORT:

Provided my financial report to the Board.

Presented the Annual Standard Work Day and Reporting Resolution to the Board.

Standard Work Day and Reporting Resolution

BE IT RESOLVED, that the Town of Walton hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Highway Superintendent	Walter Geidel			8	1/1/16-12/31/17	N	28		
Councilwoman	Patricia Wood			6	1/1/16-12/31/19	N	1		
Appointed Officials									
Dog Control Officer	Stephen Dutcher			6	1/1/16-12/31/16	Y			
Code Officer	Stephen Dutcher			6	01/1/16-12/31/16	Y			
Court Clerk	Kristin Beers			6	1/1/16-12/31/16	Y			
Attorney	Carly R. Walas			6	1/4/16-12/31/17	N	1		

On this 13 day of June , 2016 , Date enacted:

(Signature of clerk)

I, Ronda Williams , clerk of the governing board of the Town of Walton , of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 13 day of June , 2016 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original. I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the

(Name of Employer)

CEO/DOG CONTROL REPORT:

Reported that the tire collection was successful. He stated they collected approximately 500-600 tires. He personally thanked the Walton Pride Committee for their help in collecting from residents that did not have the means to get the tires to the collection site.

Reported that the Flood Commission along with himself would like to hold a 10 year flood commission mitigation celebration. This would take place at the green space area. Discussion took place with Councilwoman Wood stating she would like to put the flood behind us and not celebrate it. Councilwoman Wood suggested tying the celebration together with the flag pole and green space dedication. The Board except for Councilwoman Wood was in agreement to grant the celebration that will be held the end of July.

Reported that the CWC developed a propane/fuel oil tank anchor program. The program will be fully funded through the CWC and homeowners will need to apply through the Code Enforcement Officer. Properties within the Town and Village as long as they are located in the flood plain are eligible.

Requested permission for payment for the annual Certified Floodplain Managers membership of \$70.00.

RESOLUTION #87

CERTIFIED FLOODPLAIN MANAGER MEMBERSHIP

A motion was made by Councilwoman Wood, seconded by Rodriguez-Betancourt granting permission to pay \$70.00 for the annual Certified Floodplain Manager Membership that will be split between the Town and Village of Walton. All in favor, motion carried.

SUPERVISOR’S REPORT:

Provided the Board with the monthly Supervisor’s report.

Reported that the property data sheet information mailings have been sent out by ENPM. Property owners are asked to make any necessary corrections and return the form to the assessor as soon as possible.

Reported that Joan Hall will not be returning to the Zoning Board and will be looking for a replacement. He thanked Joan for her years of service.

Reported that it will be necessary to increase the insurance deductible as agreed in the approved union contract. The previous amount was \$2,200/single and \$4,200/two person or family that will now be increased to \$2,600/single and \$5,200/two person and family. He informed the Board that this change will result in an additional \$300.00 fee.

RESOLUTION #88

UNION INSURANCE DEDUCTABLE INCREASE

A motion was made by Councilwoman Wood, seconded by Armstrong granting permission to increase the Union insurance deductibles to reflect the Agreement by and between the Town of

Walton and Teamsters Local Union 317 dated 1/1/2016 – 12/31/2018. All in favor, motion carried.
Reported that he has requested the Assessor to compile data to reflect the current tax exemptions so that they can be reviewed for accuracy.

The Supervisor requested Attorney Walas to look for a way to recoup cost associated with any code violation.

It was agreed that Mr. and Mrs. Schick would supply a signed affidavit in relations to their concern of property located at 1528 East River Road. Reported that NYMIR provided recommendations upon the Town and would like a written response within 60 days indicating your thoughts or plan of actions. Some of the recommendations are costly and not budgeted for within this current year’s budget. It was asked of me to contact the insurance agency asking if the uncorrected recommendations could affect our premiums.

Reported that CWC had approved funding for a cell tower study. The original paperwork submitted by previous Supervisor Dolph was lost by CWC. A request to have a new signed contract was requested. The Board decided they are not in favor of the study and would like to rescind the Resolution #57 of 2015.

RESOLUTION #89

RESCIND RESOLUTION #57 OF 2015

A motion was made by Councilwoman Wood, seconded by Rodriguez-Betancourt granting permission to rescind Resolution #57 of 2015 and decline the CWC request to participate in the Cell Tower Study. All in favor, motion carried.

APPROVAL OF BILLS:

RESOLUTION #90

APPROVAL OF BILLS

A motion was made by Councilman Govern, seconded by Wood approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#121-149	\$12,408.98
General OV B	#6-9	\$523.84
General Hwy DA	#50-58	\$48,223.50
OV Hwy DB	#9-14	\$36,643.35

EXECUTIVE SESSION:

RESOLUTION #91

EXECUTIVE SESSION

A motion was made by Councilman Govern, seconded by Armstrong to enter into executive session for the purpose of Litigation, specific personal position contract, and ongoing investigation. All in favor, motion carried.

Entered 9:15 p.m.

Motion by Govern, seconded by Armstrong to close executive session. All in favor, motion carried.

Out 9:45 p.m.

RESOLUTION #92

STIPEND FOR VIDEO OF MEETINGS

A motion was made by Councilman Govern, seconded by Wood granting permission to offer \$50.00 per meeting for the purpose of videotaping the Town of Walton meetings. All in favor, motion carried.

Respectfully submitted,

Ronda Williams
Town Clerk