

TOWN BOARD MEETING

May 9, 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, Ben Young, Bruce Dolph, Larry Light, Jordan Seaman, Jennifer North, Maureen Wacha, Steven Dutcher - CEO

Supervisor Gregory opened the Public Hearing for any persons wishing to speak in favor or against Local Law #1 of 2016. A local law to Amend Local Law No. 1 of the Year 2012, “ A Local Law for Flood Damage Prevention as Authorized by the new York State Constitution Article IX, Section 2, and Environmental Conservation Law, Article 36”

With no public comment, the hearing was closed at 6:03 p.m.

TOWN BOARD MEETING

May 9, 2016
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, Ben Young, Bruce Dolph, Larry Light, Jordan Seaman, Jennifer North, Maureen Wacha, Steven Dutcher - CEO

RESOLUTION #68

APPROVAL OF MINUTES

A motion was made by Councilman Armstrong, seconded by Rodriguez-Betancourt approving the minutes of April 11, 2016 as presented. All in favor, motion carried.

FLOOR TIME:

None requested

SUPERINTENDENT OF HWY. REPORT:

Reported that the 2012 Dodge Ram truck and ditching bucket sold on Auctions International.

2012 Dodge Ram	\$22,800.00
Ditching Bucket	\$835.00

RESOLUTION #69

SALE OF SURPLUS EQUIPMENT

A motion was made by Councilman Armstrong, seconded by Govern to accept the bids as presented for the sale of a 2012 Dodge Ram truck and a ditching bucket no longer needed by the Town Highway Department. All in favor, motion carried.

Requested to purchase replacement vehicles to replace the 2011 and 2012 trucks surplus. Discussion took place and it was agreed to bring the discussion back to the Highway Committee.

Reported that the Highway Department is looking for summer help for individuals 18 – 25 years of age and still enrolled in school.

Reported that one bid was received from SeedWay, for the seed and mulch request. The material will be used for the hydro seeder and will be reimbursed by NYCDEP.

Seed	\$1.26/lb or \$63.00/bag
Mulch	\$15.50/bale for full load or \$17.00/bale for pallet quantities.

RESOLUTION #70

MULCH AND SEED BID AWARD

A motion was made by Councilman Armstrong, seconded by Govern to accept the bid from SeedWay for seed and mulch for the hydro seeder. All in favor, motion carried.

Superintendent Geidel supplied a budget comparison to the Board.

TOWN CLERK'S REPORT:

Provided my financial report to the Board.

Reported that after collecting \$3,770,787.85, this puts the town at 89% collected and returned \$448,801.36 unpaid bills to the Delaware County Treasurer.

I supplied the Board with information that I obtained from my Town Clerk Association Conference. I informed the Board that I have accepted a nomination from the New York State Town Clerk's Association and am now a New York State Town Clerk's Association Regional Director. I will be the liaison between Otsego, Schoharie, Schenectady, Albany, Rensselaer, Columbia, Delaware and Greene Counties and the State Association. This is a three year term that I will share with Kimberly Pinkowski of Kinderhook.

CEO/DOG CONTROL REPORT:

Reported that he is still working on the dog list.

Reported that he will hold a Flood Regulation class on May 24, 2016 at the Village Hall at 10:00 a.m. This class will provide information to realtors and lenders.

Reported that he will be attending a conference in Saratoga on May 16th and May 17, 2016.

Reported that the tire collection will take place on May 19-21st. He stated that the Walton Pride Committee will provide assistance to the elderly or disabled during the tire collection on Thursday.

SUPERVISOR'S REPORT:

Provided the Board with the monthly Supervisors report.

Reported that the Assessor would like feedback on the monthly report provided. Should anyone like additional information, please contact the Assessor.

Provided the Board with a proposed resolution on Commercial Solar Farms. Supervisor Gregory read the proposal and discussion took place as to whether or not this needs to be drafted as a local law to be entered into the Town's Zoning Law Book.

Councilman Govern suggested placing a moratorium on Commercial Solar Farms until the law can be implemented. It was agreed that a Public Hearing would be held on June 13, 2016 on a Local Law for commercial solar farms.

It was agreed that the Walton Planning Department will be provided a copy of the proposal and Attorney Walas will draft a Local Law.

RESOLUTION #71

30 DAY MORATORIUM ON COMMERCIAL SOLAR FARMS

A motion was made by Councilman Govern, seconded by Rodriguez-Betancourt to place a 30-day moratorium on commercial solar farms until the proper zoning law could be drafted. All in favor, motion carried.

Supervisor Gregory brought before the Board two training sessions for the Assessor. One is reimbursable, the other is not.

Councilwoman questioned if the Assessor could do one of the trainings over the internet allow for a more affordable way for him to receive both trainings?

The Board was in agreement that both trainings would be beneficial to the Assessor.

RESOLUTION #72

APPROVAL FOR ASSESSOR TRAINING

A motion was made by Councilman Govern, seconded by Rodriguez-Betancourt granting permission for the Assessor to attend both trainings should one not be available over the internet and not to exceed \$1,200.00. All in favor, motion carried.

Reported that Attorney Walas found suggestions of changes to the CWC Cell Tower Feasibility Study. She is currently waiting for a reply.

Councilman Rodriguez-Betancourt pointed out that when the tower was placed, it was done so in the current area because that was the location for the best signal.

Supervisor Gregory announced that he wanted to make it clear that the Town of Walton is not looking to move the cell tower. He stated that Verizon is waiting to do a package deal and hope to be finalized by the end of the year.

Supervisor Gregory informed the Board that an organization would like to use the Green Space area for bounce houses. The Board was in agreement and requested that A.N.F. Inflatable rentals of Unadilla, NY fill out the Use of Facility Request and provide insurance information.

RESOLUTION #73

USE OF FACILITY

A motion was made by Councilwoman Wood, seconded by Rodriguez-Betancourt granting permission for the Green Space area to be used by A.N.F Inflatable rentals on June 11, 2016. All in favor, motion carried.

Attorney Walas suggested placing travel restriction on the Green Space area to place people on notice that there is no driving or parking on grass. It was agreed that signs will be purchased and placed on the property.

Reported that he met with the Mayor over the water bill for the Green Space area. The Mayor stated that the County was willing to pay a portion of the outstanding bill and that the Town would be responsible for the balance of \$225.00 and \$50.00 quarterly capital fee.

Discussion took place that the Board does not remember ever discussing the need for water at the site. Councilman Armstrong questioned if the Village was going to bill themselves if and when the Town turns the property over to the Village?

Supervisor Gregory stated that if the Town Board requested water on the site then we should pay the \$50.00 quarterly fee. Councilman Armstrong stated this project was to be a joint effort and the Village residents are receiving a reduction in flood insurance due to this project and received a paved parking lot and water line.

Councilman Rodriguez-Betancourt suggested paying the \$225.00 but no further future bills.

RESOLUTION #74

VILLAGE WATER BILL

A motion was made by Councilman Govern, seconded by Rodriguez-Betancourt to authorize the payment of \$225.00 water bill associated with the Town of Walton’s property located on Delaware Street. It was further agreed that the Town of Walton would not pay any other water invoice associated with that property. All in favor, motion carried.

Provided a recap of the reassessment project. He stated that ENPM was having trouble interfacing with the Delaware County Office of Real Property. He stated he was disappointed that the company did not bring this to his or the assessors attention sooner but ENPM assured that the reassessment will continue as soon as possible.

Councilman Govern state he has spoke with Graydon Dutcher of Soil and Water and they are still working on funding for the flood gage.

Councilman Govern pointed out that the Mayor has stated he still plans to move forward with a bio-digester. He stated that people have asked for financial data and have not received a figure yet on how much this will cost.

Supervisor Gregory explained how this project could potentially be an issue for the town and that if the bio-digester is not profitable the village could de-solve and the bond would be absorbed by the village residents causing the taxes to increase. The increase in village taxes could be a disincentive for businesses to move to Walton and affect home sales, thus having a negative impact on the town as a whole.

Councilman Govern questioned if the Town could FOIL the financial information? Attorney Walas will look into the request but stated anyone can FOIL information.

Councilman Rodriguez-Betancourt reminded the Board that information already received by FOIL does not agree.

The Board requested that the Supervisor send another letter to the Village of Walton requesting financial data on the proposed bio-digester.

Supervisor Gregory thanked the Chamber of Commerce for obtaining the information previously on the bio-digester because there was a lot of information that he did not see or was made aware of as a Village Trustee.

APPROVAL OF BILLS:

RESOLUTION #75

APPROVAL OF BILLS

A motion was made by Rodriguez-Betancourt, seconded by Armstrong approving the vouchers as presented for payment. All in favor, motion carried.

General Fund A	#86-120	\$20,445.82
General OV B	#	\$

General Hwy DA	#42-49	\$2,866.83
OV Hwy DB	#4-8	\$9,942.81

EXECUTIVE SESSION:

RESOLUTION #76

EXECUTIVE SESSION

A motion was made by Councilwoman Wood, seconded by Govern to enter into executive session for the purpose of Litigation, contract negotiations, and ongoing investigation. All in favor, motion carried.

Entered 7:35 p.m.

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

Out 8:15 p.m.

Supervisor Gregory previously took a vote on Local Law #1 of 2016 after closing the public hearing but decided to take a revote in public session forum

RESOLUTION #77

LOCAL LAW #1 OF 2016

A motion was made by Councilman Govern, seconded by Rodriguez-Betancourt approving Local Law #1 of the Year 2016. A Local Law To Amend Local Law No. 1 Of The Year 2012, “A Local Law For Flood Damage Prevention As Authorized By The New York State Constitution, Article IX, Section 2, And Environmental Conservation Law, Article 36”. Aye, Armstrong, Govern, Rodriguez-Betancourt, Wood and Gregory, Nay – 0. All in favor, motion carried.

Local Law No 1 of the year 2016

Town of Walton - County of Delaware

A LOCAL LAW TO AMEND LOCAL LAW NO. 1 OF THE YEAR 2012,

“A LOCAL LAW FOR FLOOD DAMAGE PREVENTION AS AUTHORIZED BY THE NEW YORK STATE CONSTITUTION, ARTICLE IX, SECTION 2, AND ENVIRONMENTAL CONSERVATION LAW, ARTICLE 36”.

Be it enacted by the Town Board of the Town of Walton, Delaware County, New York, as follows:

SECTION 1. PURPOSE AND INTENT

It is the purpose of this Local Law to update the Town’s Flood Prevention statute and to adopt the Flood Insurance Study and Rate maps to insure the Town’s continued compliance with, and participation in, the National Flood Insurance Program (NFIP).

SECTION 2. AMENDMENT REGARDING SUBSTANTIAL DAMAGE

The Town of Walton Local Law No. 1 of the year 2012 entitled, “A Local Law for Flood Damage Prevention As Authorized By The New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”, is hereby amended by the deletion of the provision of the current section 2.0 defining “Substantial Damage” in its entirety, and substitution of the following definition:

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to it’s before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SECTION 3. AMENDMENT REGARDING CRITICAL FACILITIES

The Town of Walton Local Law No. 1 of the year 2012 entitled, “A Local Law for Flood Damage Prevention As Authorized By The New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”, is hereby amended by the addition of “Critical Facilities” to the provisions of the current section 2.0 by the following definition:

Critical facilities means (1) Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic and/or water-reactive materials; (2) Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a flood; (3) Police stations, fire stations, vehicle and equipment storage facilities, and emergency operations centers that are needed for flood response activities before, during, and after a flood; and (4) Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

SECTION 4. AMENDMENT REGARDING AREAS OF SPECIAL FLOOD HAZARD

The Town of Walton Local Law No. 1 of the year 2012 entitled, “A Local Law for Flood Damage Prevention As Authorized By The New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36”, is hereby amended by the deletion of the provisions of the current Section 3.2 in its entirety, and substitutes the following provision:

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of Walton, Community Number 360215, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers

36025C0290D, 36025C0537D, 36025C0539D, 36025C0541D,
36025C0543D, 36025C0729D, 36025C0734D, 36025C0753D

whose effective date is June 19, 2012 and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

- (2) Flood Insurance Rate Map Panel Numbers

36025C0295E, 36025C0505E, 36025C0506E, 36025C0507E,
36025C0508E, 36025C0509E, 36025C0515E, 36025C0516E,
36025C0517E, 36025C0518E, 36025C0519E, 36025C0526E,
36025C0527E, 36025C0528E, 36025C0529E, 36025C0535E,

36025C0536E, 36025C0538E, 36025C0727E, 36025C0731E,
36025C0732E, 36025C0751E

whose effective date is June 16, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (3) A scientific and engineering report entitled "Flood Insurance Study, Delaware County, New York, and All Jurisdictions" dated June 16, 2016.

The above documents are hereby adopted and declared to be part of this Local Law. The Flood Insurance Study and/or maps are on file at the Town Hall, Clerk's Office, Walton, New York 13856.

SECTION 5. AMENDMENT REGARDING CRITICAL FACILITIES

The Town of Walton Local Law No. 1 of the year 2012 entitled, "A Local Law for Flood Damage Prevention As Authorized By The New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36", is hereby amended by the addition of a new provision; Section 5.6 entitled "Critical Facilities" as follows:

5.6 CRITICAL FACILITIES

In order to prevent potential flood damage to certain facilities that would result in serious danger to life and health, or widespread social or economic dislocation, no new critical facility shall be located within any Area of Special Flood Hazard, or within any 500-year flood zone shown as a B zone or a Shaded X zone on the Community's Flood Insurance Rate Maps.

SECTION 6. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

Discussion took place about hiring an appraiser to appraise the Sidney Federal Credit Union property.

RESOLUTION #78

HIRING OF AN APPRAISER

A motion was made by Councilman Govern, seconded by Wood granting permission for the Town of Walton to hire an appraiser to appraise the Sidney Federal Credit Union property. All in favor, motion carried.

With no further business before the Board, a motion was made by Wood, seconded by Govern to adjourn at 8:17 p.m. All in favor, motion carried.

Respectfully submitted,

Ronda Williams
Town Clerk