

THE TOWN OF CHENANGO TOWN BOARD MET WEDNESDAY, JULY 13, 2016 AT
7:00 P.M. IN THE TOWN OFFICE BUILDING 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.

PRESENT:

Harold Snopek, Supervisor
Terry Kellogg, Councilperson
Jim DiMascio, Councilperson
Russell Hemedinger, Councilperson
Gene Hulbert, Councilperson

ALSO PRESENT:

Donald G. Walls, Town Attorney
Rhonda D. Milks, Town Clerk
Michael Kwartler, Highway Superintendent

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Snopek welcomed everyone and requested that all present stand and join in the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES

Mr. DiMascio moved, seconded by Mr. Hemedinger, that the minutes of the previous meeting be approved as prepared and presented. Motion carried.

BID OPENINGS: None

PUBIC HEARINGS:

Mr. Walls opened the Public Hearing regarding Local Law No. 1-2016 – A Local Law to Opt-Out of Section 487 of the New York State Real Property Tax Law.

Mr. Walls gave a little history regarding this matter. NYS Legislature recently passed Section 487 of the Real Property Tax Law and that section provided that the Town can exempt from real property taxes as a result in the increase of the value of real property resulting from the installation of a qualified solar system. This statute also gives the Town the option of granting this exemption or not. In order to not grant it, they must adopt a Local Law “opting out” and disallowing the exemption. If they disallow the exemption, it is not permanent. They can always re-visit it at another time. The rationale for adopting this Local Law, at this time, is that the Town has under study the introduction of Solar Farms and Solar Systems in the Town, this would require changes in the zoning ordinance and map to determine if it is to be permitted and under what conditions and where it is going to be permitted. The Board has taken the position that until the study is complete, they are going to put this exemption question on hold.

At this time Mr. Walls asked for any questions on this matter.

Charlotte Schotanus- 369 Port Road- It is just farms – Solar or Private?

Mr. Walls – If we adopt it, there is no exemption at this time.

Charlotte Schotanus – Right, but it applies to both private and commercial?

Mr. Walls – Yes, both private and commercial.

Charlotte Schotanus – Even if you’ve had Solar before this?

Mr. Walls – Yes. Is there any other questions?

Robert Conroy, 305 Dimmock Hill Road, - You are thinking of taxing the amount that was spent on the installation of these solar panels?

Mr. Walls – They can raise the tax only if the value of the property goes up as a result of the installation of the system. So if you put it on your roof, for example, and the value of your house goes up by \$500.00, that’s the taxable mark.

Mr. Conroy – There are companies that will install these panels for nothing and they will charge you for the electricity produced on it. How will that play out.

Mr. Walls – That is entirely up to the Assessor to put a value on it. I do not think he is going to go instrument by instrument. He is just going to determine how much that system increases the value of your house.

Webb Sisson – A solar farm with 2.3 megawatts, which is significant enough to fuel at least 128 homes in Chenango Bridge or the Town Offices and most of the commercial buildings in the Town. It's going to cost about 4.2 million dollars to install. The person that takes that expense and puts up that money, where ever they put it up and it can go on to acreage as small as 12 ½ acres. The person is going to be hit with a tax increase of the value of that equipment when they are not even going to see any return on that investment for at least five (5) years. That's not really a fair way of doing an assessment. That should be exempted just like NYS, they are offering all of these exemptions and the Federal Government is offering the same. We are trying to, as the Governor put it, do clean energy. Since we can't do the gas, which is a good thing, solar energy is a good thing and on land that is normally not buildable. Those are the places to put solar farms and the Town would be discounted electric rates by getting in and opting in for their electric discounted rates from those farms. So I am asking the Town Board to look at it from that sense of the matter that it shouldn't be taxable.

Mr. Walls – I think your question proves my point, that this is a complex issue that requires some technical advice for the Town Board. This study is underway. It is not complete by any means. There is a lot of work to be done before those decisions can be made.

Webb Sisson – I realize that. He has a nephew that is in that industry. He is very knowledgeable and knows people who are also very knowledgeable in that industry and those are the people that the Town Board should be talking to. He doesn't do household systems. It is strictly the big farms – his smallest one is 10 acres and the largest is 150 acres. So that is what you need to look at. That is what I am asking the Town Board to pay attention to that particular avenue, so that possibly they are not taxable.

Mr. Walls – I am sure they will look into that.

Charlotte Schotanus – I want to re-iterate my question. I will use myself as an example. In 2010 we put in solar panels. At that time, the Town and NYS did not assess solar installation for ten (10) years from the date of the installation. So with what you are proposing, does that nix that or is it grandfathered in because it was put in back in 2010?

Mr. Walls – They can raise the assessment as a result of the improvement and that is what is exempt from taxation.

Charlotte Schotanus – Ok. I just don't understand it if it was exempt at the time of installation why would it change now.

Being there was no other questions or comments Mr. Walls closed the Public Hearing.

Mr. Snopek – One thing I failed to mention at the beginning of the meeting, Mr. Walls turned 88 yesterday, Happy Birthday!

Open Hearing, General Town Business

- a. Members of the general public are invited to address the Town Board. Speakers shall address comments to the Town Board and no other members of the audience. Said speakers shall speak in an orderly fashion and are requested to limit remarks to five (5) minutes. At the conclusion of the open hearing for general town business, public participation in the meeting will be concluded and the Board will resolve itself into session to handle all new and unfinished business without public participation.

Mr. Snopek asked if anyone wished to be heard.

As no one wished to be heard, the open hearing was closed.

COMMUNICATIONS - Rhonda D. Milks, Town Clerk

1. Received notice in the Town Clerk's Office on June 20, 2016, from the Chenango Bridge Red & White, located at 604 River Road that the new owner, Jesse Dutcher, is applying to the New York State Liquor Authority for a Liquor License.
2. On July 7, 2016, received and filed a quarterly report from the Chenango Forks Fire Company.

3. We have a new membership application from the Chenango Bridge Fire Company for the Town Board to approve. The applicant is Zachary Gage who resides at 9 Kattelville Road, Apartment #3, Binghamton, New York. Motion was made by Russ Hemedinger, Seconded by Jim DiMascio. Motion carried.

Mr. Russ Hemedinger – Liability Insurance/Safety Committee

The Town received the new Liability Insurance Premium last week. The amount went up almost 4% to just about \$80,000.00.

Music in the Parks started last week. It was held at Hider Park. The weather was great and had a good turnout. This Thursday evening it will be held at Chenango Bridge Park. Music will be by the Southerntiersmen, which gives us a unique acapella sound.

Mr. James DiMascio – Planning Board & Zoning Boards

The Planning board met on Monday, July 11, 2016

NEW BUSINESS

There were four (4) site plan reviews

- 1.) THERAPEUTIC MASSAGE – Margo Ann Spak-Hemedinger – 299 Smith Hill Rd. – Tax Map No. 128.07-2-14 – Commercial Re-Occupancy Site Plan Review for Therapeutic Massage. That site plan was approved.
- 2.) BLUE RHINO PROPANE – Sherri Kavanagh – 101 Castle Creek Road – Tax Map No. 111.16-1-39 – Site Plan update to add an outside storage display with vehicle protection bollard. That site plan was approved.
- 3.) KND PROPERTIES, LLC. – Terry Deamer – 2518 State Rte. 12 – Tax Map No. 067.08-1-13 – Site Plan update to add a storage tent, enclosing the existing pavilion & BBQ pit for excess storage. That site plan was approved.
- 4.) GRIZZLY’S BBQ – Randy Haig – 1128 Upper Front Street – Tax Map No. 128.08-1-26 – Site plan update to operate a food trailer and smoker. That site plan was approved.

There were two (2) advisory opinions/referrals

- 1.) LAURENCE BORELLI – Louis Korchak Jr., - 14 Cherry Lane – Tax Map No. 112.06-1-34 – Application for a Double Area Variance to construct an addition on a corner lot with less than required rear yard setbacks from 25’ to 21’ 2” & 25’ to 10’ in a residential zone. This was accepted and forwarded to the Zoning Board of Appeals with a favorable advisory.
- 2.) BC DEVELOPMENT, LLC. – Maryanne Burke – 101 Castle Creek Road. – Tax Map No 111.12-4-8 – Application for a Triple Area Variance to construct an accessory building in front of the principal use with less than required side yard setback from 10’ to 7’ & rear yard setback from 25’ to 8’ in a PDD-C Zone. This was accepted and forwarded to the zoning Board of Appeals with a favorable advisory.

Mr. Terry Kellogg – Highway Department

Summary report for June – The Highway Department cleaned a catch basin on Clark Avenue. The ditches on Brotzman Rd., Clearview, Clyde Gruver, David Avenue, portions of Poplar Hill Road and Port Road were cleaned. Catch basins at 58 Clark Avenue and 32 & 36 Green Meadow Lane were rebuilt.

A large culvert drainage pipe was replaced on Country Knoll Drive from the intersection of Echo back towards the cul de sac. A new sluice pipe was installed at 21 Beers Road and replaced at 946 Brotzman Road.

The Department has been taking advantage of the mild winter and lower blacktop prices by focusing on major road work. Clark Avenue, Cross Street, Green Meadow Lane, Newman Avenue, Paul Drive, Teeburn Blvd. and Wightman Drive were all milled and paved.

We also helped the Town of Dickinson with one of their road projects.

Roadside mowing is ongoing as well as patching as needed. The primary focus of patching has been driveway aprons on the milled and paved roads.

The crews have also strip patched the following roads: Bishop Road (riverside), Kennedy, La France, Merrill, Port, Prentice and Warner Roads.

Yard waste and chipping continues to be done on a weekly basis.

Mr. Gene Hulbert – Public Works Department

Summary Report for June - A new check-valve assembly was installed in the Woodland Road Sewer Lift Station.

A new pump was installed at the Bishop Road Sewer Lift Station.

Installation of a new fire hydrant was finished at 35 Fredrick Road. This replaces the faulty hydrant at the end of Panorama Drive.

Water main valves were replaced and a new Barn Hydrant was installed on Calgary Lane. They also took care of a water leak that was there as well.

Northeast Stripping lined the newly blacktopped Town Hall parking lot.

The new 2016 F-250 Pickup Truck was received. We will sell the old vehicle that it replaces at the Broome County Auction in September.

Seth Messina successfully completed all the schooling needed to be eligible for the Grade 2A Waste Water Treatment Plant Operators License. We are scheduling an exam presently. Congratulations to Seth.

There were 10 after hour water and sewer call-outs.

Mr. Snopek – Supervisor's Report

I just received a quote on my desk today regarding the trees over at Chenango Bridge Park to be cut down (a big maple and 10 smaller trees cut and taken away) \$2500.00. So we can hopefully get the drainage from that swampy area down to the river and then we won't have the field flooded all the time.

I also received a letter from Thorold J. Smith better known as T.J. It is his letter of resignation after 45 years of service to the Town of Chenango. His last day will be August 1, 2016.

The Town Board will be meeting with Mike Fedish, Town Justice, at next week's work session - we need to do something quickly about getting a new Judge.

RESOLUTIONS –

RESOLUTION AWARDDING CONTRACT TO W. H. LANE, INC. in the amount of \$20,675.00 for repairs to highway garage floor, offered by Russ Hemedinger, seconded by Jim DiMascio and carried by the following roll call: 4 Ayes, 0 Nays 1 Abstain (Terry Kellogg)

UNFINISHED BUSINESS – None

Being there was no further business to discuss a motion was made by Jim DiMascio to adjourn the meeting, seconded by Terry Kellogg. Motion carried and the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Rhonda D. Milks, Town Clerk
Town of Chenango