

TOWN OF DEPOSIT MONTHLY BOARD MEETING MINUTES

The Town of Deposit held their regular Town Board Meeting on Tuesday, February 13, 2024 at 5:00pm. Councilmen present- William Morley, Robert Mills, and Lonny Schaefer. Town Supervisor-Rebecca Walley, Highway Superintendent- Ryan Tiffany, Code Enforcement Officer-Peter Hathaway, Town Clerk-Beverly Hartz, and Deputy Town Clerk- Elizabeth Polomcean.

Public Hearing: Solar Law- The Public Hearing was open for public discussion at 5:00 pm. James Michalac had questions regarding the 12% versus 20% slope maximum on the Solar. He spoke about changing the slope maximum of 20% to keeping it at a maximum 12%. Shelly Johnson-Bennett, Director of Delaware County Planning and Town Attorney Richard Lewis stated that the slope maximum data was taken from NYSERTA recommendations. Mr. Michalac was also, concerned about the not to exceed 50% of prime farmland or farmland of state wide importance; he suggested changing it to 25%. Town Attorney Lewis and Shelly Johnson-Bennett both stated it is to protect prime farmland but also not telling a farmer who has prime farmland what they can or cannot do with their land to help support their farm. Shelly Johnson-Bennett stated that the Site Plan Review Local Law also has maps that describe the different types of farmland classifications for the Town. Shelly Johnson-Bennett also stated that these soil types are defined by the Federal Government. Mr. Michalac questioned commercial solar projects using herbicides to control the weed and tree growth around the solar panels. Shelly Johnson-Bennett stated that the developer of the solar project will have to present a maintenance plan which include annual inspections for the site to the Planning Board and Code Enforcement Officer. Councilman Schaefer reminded everyone that this does not pertain to residential solar projects, only commercial projects. Shelly Johnson-Bennet and Attorney Lewis concur. Planning Board Member Jeff Hartz stated the Town should adopt the amended Site Plan Review Local Law the way it stands because if the Town tries to dictate a total band to the state, the Town would lose. Supervisor Walley asked if there were not more questions. Since there were none, Public Hearing was closed at 5:30 pm.

1.1 Each candidate for Board vacancy will be given 3 minutes to speak is so desired-Each candidate stood in front of the Board and expressed their interest in becoming a Councilman for the Town of Deposit.

1.2 Public Participation- none

2.0- Minutes and Reports

2.1 The Town Board Meeting minutes from January 9, 2023 were reviewed. Councilman Morley made a motion to approve the minutes. Councilman Mills seconded. Motion carried.

2.2 The Payment of Bills was reviewed. The bills that were paid in General Fund #37-76. Highway Fund- Item #1, 1&2-, Item #3-1-16, Item #4,1-5. Councilman Mills made a motion to accept the payment of bills. Councilman Morley seconded. Motion carried.

2.3 The Financial Report- Councilman Mills made the motion to accept the Financial Report. Councilman Morley Seconded. Motion carried.

2.4 The Highway Department –Highway Superintendent Tiffany stated that the roads were patrolled almost everyday to check road conditions. The crew was sent out when needed to plow and treat roads. In between storms the crew spent time on both building, equipment repairs and maintenance. The break room and bathroom were both repainted. The shop and trucks were cleaned. The crew repaired leaking seals on our roadside mowing tractor. The excavator, tractor, cat grader, broom, wood chipper, and trucks #10 & #15 were all serviced for this coming work season. Truck #3 had new tires installed. Trucks #10 & #12 had the cutting edges replaced on their snow plows. When the weather allowed more tree trimming was done along the town roads.

Councilman Schaefer made a motion to accept the Highway report. Councilman Mills seconded. Motion carried.

2.5 No Health Officer report currently.

2.6 Code Enforcement Officer Report- CEO Hathaway stated there was no building permits issued last month. CEO Hathaway stated that he filled out the annual New York State code administration report and sent it in. He worked on documents the attorney's office sent for the gate at Catskirondack Rd. CEO Hathaway stated that on February 5, he was called out to Wendy's for a small electrical fire, this ended up being loose wire nuts, he had them get a third-party electrical inspector so they could reopen. CEO Hathaway stated he is working on a complaint about a property on County Rt. 20. He has also taken two different online code training classes. Councilman Mills made a motion to accept the Code Enforcement Officer's report. Councilman Schaefer seconded. Motion carried.

2.7 Planning Board Meeting Report- Planning Board Chairman Adolf Schaefer stated that they had someone come and try to create a landlocked parcel of land with a right of way to access it, but it was not approved. Planning Board Chairman Schaefer stated that one of the reason the Planning Board exists is to make sure

lots are not created, that down the road will cause issues. Councilman Morley made a motion to accept the Planning Board meeting report. Councilman Schaefer seconded. Motion carried.

2.8 The Dog Control Officer Report- There were no dog calls for the month of January.

2.9 Town Clerk Report was reviewed. Town Clerk Hartz stated that she had a FOIL request, a death, and a violation search. Town Clerk Hartz stated that as of the end of January, we are at 80% of taxes collected and they are still coming in steadily.

Councilman Mills made a motion to accept the Town Clerk report. Councilman Schaefer seconded. Motion carried.

3.0- Old Business

3.1- Fill vacancy on Town Board- Supervisor Walley asked for a vote by show of hands for each candidate. Ammon Bush-3, James Michalac-0. Councilman Schaefer stated that he wanted to thank both candidates for coming to the meeting and taking the time and energy to give the Board a couple of options to fill the vacancy. Supervisor Walley reminded both candidates that the position's term is up in 2025, so the position will be up for election this November, to fill the remainder of the term, as well as November 2025 for a new term.

3.2- Administer Oath of Office to New Board Member (Town Clerk)- Town Clerk Hartz administered the Oath of Office to Ammon Bush who then joined the Board at the table.

3.3- Approve Solar Law- SEQR- Resolution #4 of 2024- Adoption of Site Plan Review Local Law as amended to include standards for the development of solar energy projects- The Town Board and Supervisor thanked Shelly Johnson-Bennett: Director of Delaware County Planning, The Planning Board, and Richard Lewis: The Town Lawyer for the time and effort it took to amend the Site Plan Review Local Law to include Solar Projects. The SEQR was discussed, reviewed, and completed by the Board. A motion was made to approve the SEQR with a negative declaration by Councilman Mills. Councilman Morley seconded. Motion carried 4-aye, 0-nay

Councilman Mills made a motion to adopt Resolution #4 of 2024 Adoption of Site Plan Review Local Law as amended to include review standards for the development of Solar Energy Projects. Councilman Morley seconded. Motion carried 4-aye, 0-nay

Lift the Moratorium on Commercial Solar Projects-Councilman Mills made a motion to adopt a Resolution to Lift the Moratorium on Commercial Solar Projects as of March 12, 2024. Councilman Morely seconded. Motion carried 4-aye, 0-nay

3.4-Cameras in parking lot- Town Clerk Hartz stated that she requested an estimate for the cameras from Sentry Alarms, who does the alarm system for the DMV. Councilman Mills asked if the estimate included a warranty or maintenance. She stated that she did not know but could check. Supervisor Walley also asked if there was another estimate requested. Town Clerk Hartz stated that she only requested an estimate from Sentry Alarms. Supervisor Walley stated that the Procurement Policy does require to get at least two estimates so she suggested tabling it till next month's meeting. Councilman Mills made a motion to table the camera system until next month's meeting. Councilman Bush seconded. Motion carried

3.5- FOIL Requests- Supervisor Walley stated that when she went to the training last month, she checked about being able to charge for FOIL requests. She stated that you are not able to charge more than the amount to copy each page unless it takes more than 2 hours to make copies. In this case you can charge the salary amount of the person making the copies in addition to the \$0.25 per page.

4.0- New Business-

4.1- Reappoint George Sanford & Michael Anderson to Planning Board Committee (five-year term)- Councilman Morley made a motion to reappoint both members. Councilman Mills seconded. Motion carried.

4.2 Letter from Justic Court (records available for audit)- Supervisor Walley stated that she has done this in the past as bookkeeper but feels that the Board should review them together. It was agreed that Supervisor Walley will get in touch with the Judges about setting a date to go over the books with the Board.

4.3 Discuss purchase of Road Saw (HWY) to replace the one being used which is a loan- Highway Superintendent Tiffany stated that he sent out requests to three companies for a quote on the road saw. He stated that two got back to him and the lower quote was for \$2,850.00 from J.C. Smith. The Board discussed the purchase of a road saw. Councilman Schaefer made a motion to purchase the saw from J.C. Smith. Councilman Morley seconded. Motion carried with 4- aye, 0- nay.

4.4 Discuss Roods Creek Project. Highway Superintendent Tiffany stated that the main stabilization was completed in November. They are just waiting for the Spring to complete the Town's portion of the project. Supervisor Walley stated that

much of the project is being covered by AARP funds and the cost to the Town will be approximately \$8,000.

4.5 Set meeting of HWY committee (discuss purchase of Western Star 47X Truck and possible reserve fund)- It was discussed to have a Highway Committee meeting to discuss the purchase of a new truck. The meeting is scheduled at February 20th at 10:00 am.

4.6 NYSEG Update- a 1934 Franchise agreement with the predecessor of NYSEG was found. A new right of way contract that is project specific was drafted by the Town's Attorney and Supervisor Walley wanted it reviewed by the board members before either party signed. Councilman Schaefer made a motion to approve Supervisor Walley to sign the new right of way contract. Councilman Morley seconded. Motion carried.

4.7 Court request to appoint Jennifer Valentine as Court Clerk- Supervisor Walley stated that the current Court Clerk has resigned and the Justice Court wanted Jennifer Valentine to be considered for the position, she already has experience working for the Town of Sanford Court, and comes highly recommended. Supervisor Walley stated that she recommends the Board approve to hire Jennifer Valentine at \$20.00 an hour for up to 10 hours a week. She stated that the current minimum wage is set at \$15.00 an hour and Jennifer Valentine comes with experience. Councilman Bush made a motion to hire Jennifer Valentine as Court Clerk. Councilman Schaefer seconded. Motion carried.

5.0-Informational Items-

Councilman Schaefer made a motion to adjourn meeting at 6:24pm. Councilman Mills seconded. Motion carried.

Next meeting will be Tuesday, March 12, 2024 at 5:00pm

Beverly Hartz
Town Clerk