

**MINUTES OF THE SOLAR PUBLIC HEARING & REGULAR MONTHLY MEETING
OF THE TOWN BOARD OF THE TOWN OF CANAJOHARIE
HELD SEPTEMBER 14, 2023 AT THE TOWN HALL COMMENCING AT 7:15 PM**

Present: Benny Goldstein, Town Supervisor
William Armitstead, Councilman
Michael Muhlebeck, Councilman
John Peruzzi, Councilman

Recording Secretary: Erica Hayes, Town Clerk

Others Present: Charlene Ruszkowski, Sole Assessor
Amy Kretser, Town Bookkeeper
Steve Oare, Highway Superintendent
Les Hassan, Code Officer
Kirsten Dunn, Town Attorney
Kylie Ferguson, Legal Assistant
Mike Cole, Planning Board
EJ Watt, Village of Canajoharie Board Trustee
Milan Jackson, Lamont Engineering
Shawn Bowerman, Montgomery County Treasurer
Ann Norman, Town Resident
Steve and Sandy Stortecky, Town Residents

Call to Order

The Solar Public Hearing was called to order by Mr. Goldstein, at 7:19 PM, with the Pledge of Allegiance.

Recognition of Citizens Present

The Board recognized Town Residents, Ann Norman, as well as Steve and Sandy Stortecky, who came to support the efforts of the Town to create a Solar Law for the Town. The group was in agreement with the latest updates to the law, which reflected their requests from the last Solar Public Hearing, were acceptable.

Solar Public Hearing Adjournment

On a motion by Mr. Goldstein, seconded by Mr. Muhlebeck, the Solar Public Hearing was adjourned at 7:30 PM. All in favor, ayes carried.

Call to Order

On a motion made by Mr. Goldstein, seconded by Mr. Peruzzi, the regular monthly meeting was called to order by Mr. Goldstein, at 7:30 PM.

Accept the August 2023 Meeting Minutes

A motion was made by Mr. Goldstein, seconded by Mr. Peruzzi, Sr., that the minutes of the August 2023 meeting, as submitted by the Town Clerk, be approved. All in favor, ayes carried.

Town Garage

The Board passed the following resolution:

RESOLUTION #12 of 2023

**Resolution to Name Town Councilmember as Point Person With Ability to
Obligate Town With Regard to New Town Garage Building**

Sponsor: William Armitstead, Councilman
Second: Michael Muhlebeck, Councilman

WHEREAS, the Town of Canajoharie has been working with Lamont Engineering to develop plans for the "New Town Garage"; and,

WHEREAS, the Town Board has been involved in the development of this project, including approval of project engineered plans, seeking of bids for the construction of said project, approving and awarding of bids for the project, and approval of the Contracts to be secured by the Town; and

WHEREAS, the Town Board desires to appoint a Council Member to be the "point person," or a person with authority to act on behalf of the Town, with respect to details relating to the New Town Garage Project moving forward; and,

WHEREAS, the Town Board would like this person to be able to communicate directly with the Engineering Firm, Lamont Engineers, and act with the authority to make decisions on behalf of the Town, as it relates to the New Town Garage Project; and,

WHEREAS, Town Council Member, Rodney Young, has been integral in the planning process for the New Town Garage, as he is skilled and knowledgeable in the facts relating to said project; and,

WHEREAS, the Town Board desires to appoint him as the person with Authority to act on behalf of the Town with regard to the New Town Garage Project.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby appoints Rodney Young to act on behalf of the Town Board with respect to the new Town Garage Project; and,

BE IT FURTHER RESOLVED, Lamont Engineering may rely upon the decisions and signature of Rodney Young as having the full power and authority to act on behalf of the Town of Canajoharie with respect to the New Town Garage Project.

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor	X		
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman			X

Solar

The Board passed the following resolutions:

RESOLUTION #13 of 2023

Resolution to Declare Lead Agency Adopt a Negative Determination in Accordance with SEQR in Connection with a Proposed Solar Law for the Town of Canajoharie

Sponsor: Michael Muhlebeck, Councilman
Second: William Armitstead, Councilman

WHEREAS, the Town of Canajoharie has been deliberating over new solar provisions to be incorporated into the existing Zoning Code, entitled the Town of Canajoharie Solar Energy Local Law; and,

WHEREAS, Local Law No. 2 of 2023 was introduced to the Town Board to address the aforementioned need for new solar energy provisions, and, on July 13, 2023, August 10, 2023 and on September 14, 2023, the Town Board conducted noticed public hearings to hear interested persons; and,

WHEREAS, adoption of the Town of Canajoharie Solar Energy Local Law is an action subject to review in accordance with the State Environmental Quality Review Act (SEQR); and,

WHEREAS, the Town Board has caused a Long Environmental Assessment Form (LEAF) Part 1 to be prepared pursuant to SEQR (ECL Article 8 and 6 NYCRR Part 617) for the proposed action; and,

WHEREAS, on June 8, 2023, the Town of Canajoharie Town Board, in accordance with SEQR, classified the action as a Type 1 action, declared its intent to seek lead agency status in accordance with the required coordinated review, and initiated a coordinated review with the identified potential involved and interested agencies; and

WHEREAS, the Town Board has carefully considered the contents of the LEAF Part 1 for the adoption of Local Law No. 2 of 2023 in accordance with Title 8 of the Environmental Conservation Law and 6NYCRR Part 617 for potential significant adverse environmental impacts as a result of the action; and

WHEREAS, the Town Board has caused to be prepared Part 2 of the LEAF and compared the proposed action against the criteria listed in 617.7 (c) (i – xii), has considered the potential long-term, short-term, direct, indirect and cumulative impacts as per 617.7 (2), and has also assessed the likely consequence of the action in connection with the criteria of 617.7 (3) (i-vii); and,

Now, therefore, be it resolved as follows:

1. The Town Board hereby re-affirms classification of the action to adopt Local Law No. 2 of 2023 as a Type 1 action under SEQRA, and having received no responses to the contrary from potential involved agencies, declares itself lead agency for purposes of conducting the required review under SEQRA.

2. The Town Board hereby determines that, based on the environmental assessment and review, adoption of Local Law No. 2 of 2023 will not have any significant adverse impact on the environment and that a negative declaration, pursuant to Part 3 of the LEAF, which is annexed hereto and made a part hereof, is hereby adopted.

3. The Town Board hereby authorizes the Supervisor to sign Part 3 of the LEAF indicating thereon that an Environmental Impact Statement will not be prepared, and hereby directs the Town Clerk to cause the Notice of Determination of Non-Significance attached to be filed as required by law.

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor	X		
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman			X

RESOLUTION #14 of 2023

Resolution to Approve Passage of Local Law: Town of Canajoharie Solar Energy Local Law

Sponsor: John Peruzzi, Sr., Councilman
Second: William Armitstead, Councilman

WHEREAS, the Town of Canajoharie has deliberated over incorporating provisions into the existing Zoning Code, entitled the Town of Canajoharie Solar Energy Local Law; and,

WHEREAS, the Town has held public information and work sessions exploring Town concerns about the proper placement of solar facilities and the potential tax consequences thereof; and,

WHEREAS, the Town Board, after deliberation with the Town of Canajoharie Planning Board and by and through the advice of the Delaware Engineering, Adam Yagelski, Senior Planner, and Attorneys for the Town, Dunn&Dunn, PLLC, it was determined that the Town was in need of a new law regulating placement and development of Solar Energy Systems within the Town; and,

WHEREAS, the Town of Canajoharie finds that the above-mentioned law is the Town’s responsibility to its residents to preserve property values and protect the quality of life; preserve the essential character of the Town as

Historic and Agricultural; promote a clean, wholesome and attractive environment; protect clean water sources and prime farm lands; secure the public peace, health, safety, welfare and protection of the environment; and,

WHEREAS, the Town of Canajoharie Board has followed proper procedure to adopt new provisions into Town Zoning Code, including receiving input from residents of the Town of Canajoharie at Public Hearings; given Notice of the new proposed Laws to neighboring municipalities and the County of Montgomery; and, conducted appropriate environmental reviews and/or public workshops; and,

NOW THEREFORE, be it resolved by the Board of the Town of Canajoharie that as of the date of this Resolution:

1) The Town hereby approves the Town of Canajoharie Solar Law, which shall become Local Law and be incorporated into the Town of Canajoharie Zoning Code.

VOTING	AYES	NAYS	ABSENT
Benny Goldstein, Town Supervisor	X		
Michael Muhlebeck, Councilman	X		
William Armitstead, Councilman	X		
John Peruzzi, Sr., Councilman	X		
Rodney Young, Councilman			X

Adopt Solar Energy System Fee Schedule

On a motion made by Mr. Muhlebeck, seconded by Mr. Armitstead, the Fee Schedule was adopted for Solar Projects, ayes carried.

PILOT Law Public Hearing

On a motion by Mr. Muhlebeck, seconded by Mr. Goldstein, the PILOT Law Public Hearing has been set for the next Board Meeting on October 12th at 7:00 PM. All in favor, ayes carried.

The Board recognized EJ Watt, Board Trustee with the Village of Canajoharie, came to discuss the DIR Grant he’s applying for, for the Village. The Town Office falls within the boundaries of the Village, therefor he has asked that we provide a list of potential fixes to the building that could potentially fall under the realm of the grant.

The Board also recognized Shawn Bowerman, Montgomery County Treasurer, who came to discuss what the effects of going below 100% assessed value will have on the Town. The Board agreed, based on Shawn’s presentation, that they would like the Assessor to maintain a rate of 100%.

Town Supervisor

Mr. Goldstein addressed the Board and let them know that the Village Court Judge has stepped down from his position and the Town of Canajoharie’s Judge Gizzi will be taking over their cases until a new judge comes to the Village Court.

Sole Assessor

The Assessor discussed the issue of her mail not being monitored. The Town Attorney has advised that she can accept time stamped and signed mail or certified mail to fix the issue. A PO Box was also mentioned as an option to alleviate any issues.

Town Bookkeeper

TOWN OF CANAJOHARIE-9/14/23
CASH REPORT
AUGUST 31, 2023

CHECKING ACCOUNTS		MONEY MARKET ACCOUNTS	
General	\$ 56,949.59	General	\$233,232.44
Fire District	\$ 39.86	Highway Town Wide	\$268,993.44
Highway Town Wide	\$ 150,256.20	Highway PartTown	<u>\$297,015.83</u>
Highway Part Town	\$ 111,476.48	Total	\$799,241.71
Trust & Agency	<u>\$ 31,860.56</u>		
Total	\$ 350,582.69		

*\$31,859.96 Avangrid/Mohawk Solar Project Escrow

SAVINGS ACCOUNTS

Highway Cap Reserve	\$ 46,817.78
Gen-Cap Reserve-Garage	\$236,576.74
Gen-Cap Reserve-land	<u>\$ 15,623.93</u>
Total	\$299,018.45

Sincerely,
Amy S. Kretser, Bookkeeper

Authorization of Vouchers

The Town Clerk presented the following bill vouchers for approval:

General fund vouchers #242 through #273, totaling \$12,597.74.

Highway fund vouchers #77 through #90, totaling \$50,404.22.

On a motion by Mr. Goldstein, seconded by Mr. Muhlebeck, the bill vouchers were unanimously approved for payment. All in favor, ayes carried.

Adjournment

On a motion by Mr. Muhlebeck, seconded by Mr. Young, the meeting was adjourned at 9:00 PM. All in favor, ayes carried.

Respectfully submitted,
Erica Hayes, Town Clerk