

TOWN OF BROADALBIN

201 UNION MILLS RD
BROADALBIN, NY 12025
518-883-4657

REGULAR MONTHLY MEETING
December 10, 2024

TOWN OFFICIALS

Town Supervisor – Joseph DiGiacomo-present
Town Board Member – Doug Kissinger-present
Town Board Member – David Bardascini-present
Town Board Member – David Bogardus-absent
Town Board Member – Mike Rorick-present

Call to Order –The meeting was called to order at 6:30 p.m.

Pledge of Allegiance was said in unison led by Highway Superintendent Sandy Thompson.
Roll Call

-Acceptance of Minutes from November 12, 2024 and November 20 Special Meeting Bids

On a motion made by Councilman Bardascini and seconded by Councilman Rorick

RESOLUTION #2024- 83 APPROVAL OF SUBMITTED MINUTES NOVEMBER 12 and 20, 2024.

BE IT RESOLVED that the Town of Broadalbin Town Board approved the above mentioned minutes.

Discussion; none

VOTE: DiGiacomo-aye Kissinger-abstained Bardascini-aye Bogardus-absent Rorick-aye

Public Comment

Councilman Rorick stated last meeting he proposed zoning for the Town seeking shelter to enforce Town Codes/Laws. This evening he withdraws the zoning proposal stating the Town has a lot of work taking care of the Codes/Laws already in place.

Department Reports

Town Supervisor

-Supervisor DiGiacomo stated he has attended many County Meetings lately and after a lot of work in the Financial Meetings the County Tax for Broadalbin residents will see an increase of (8%) which in the beginning of budget discussions was closer to an increase of @(80%).

-Laurie Bollock inquired why the Gazette (The Leader Herald) printed an increase of \$11.20 /\$1,000 for County Tax to our parcels.

-Supervisor DiGiacomo stated that was an average for the County, stating this is why the equalization rate comes in to play.

-Supervisor DiGiacomo stated there will be a decrease of (10.3 %) in Broadalbin Town Tax for 2025 also stating the Town received \$46,891 in Mortgage Tax, which was down slightly from last year. In the spring Mortgage Tax received was @ \$59,000.

Supervisor Report cont.

- Councilman Rorick inquired with no tax increase what happens to our Reserve Funds if we need to use them for attorney and/or engineer fees for Solar issues that may come up.
- Supervisor DiGiacomo stated usually the Fund Balance is spent for one time only, stating our reserves should be between (15-30%) of the Town Budget, we have @ (200%) presently.
- Supervisor DiGiacomo stated he wouldn't let the Reserve Funds get close to depletion by understating the income and over estimating expenditures in the Town Budget.
- Supervisor DiGiacomo stated he has sent the Bid Packet and Plans for the new Highway Garage electronically as some have requested. There has been (5) picked up in the Town Clerk's Office and many are now calling from Mohawk Valley-ECA.
- Frontier inquired to the Highway Dept. if they needed a permit to run wires on Honeywell Corners Rd., Sandy thought that they didn't.
- Councilman Bardascini asked if there was a plan or amount in writing from the BYC to make payments back to the tax payers annually for the construction of the Town Park.
- Supervisor DiGiacomo stated nothing in writing as of yet.
- This evening the Historical Society had sent a letter requesting an overhead light fixture to be added in the basement over their work space for better viewing of historical items. The letter stated the Historical Society will be paying for the materials and will ask Mike Bogdan, an electrician, to install the fixture at no cost to the Town. The Town Board agreed to the above.
- The Historian, Bill Clizbe, present this evening, requested permission to make five (5) copies of William Warren's 100 page document on the history of Broadalbin. Mr. Clizbe stated Mr. Warren was a History teacher and this may have been his thesis. The five (5) copies will be distributed to the Library, the Historical Society, with a couple extras if needed. Mr. Clizbe stated the cost to make the copies total @ \$125.
- Supervisor DiGiacomo stated the Historian has \$150 in his (.4 and .2) 2024 budget which he may use for the copies.

Assessor –Miriam Young stated their office has been busy reviewing permits with three (3) new houses being built in the Town, where some parcels are being split.

- Supervisor DiGiacomo inquired what is the holdup on splits of properties.
- Miriam stated they have to wait on the County to send them to the Assessor's Office.
- Attorney Chris Stanyon agreed the County has many splits of properties to complete.
- Miriam also stated the County is printing the taxes out this week so nothing can be entered on the computer.

Building and Grounds –Councilman Rorick stated the Town Park is locked up for the season other than that all is quiet.

- Supervisor DiGiacomo stated there was an incident between an Uber driver and the passenger at Town Hall where our current security cameras didn't work, and no footage could be seen by the Sheriff's Dept., so the system had to be replaced.

Code Enforcer -Tom DiCaprio, not present but provided the Board with a written report for the month of November with 7 permits totaling \$2,625.60. (Consisting of 1 commercial building, 1 accessory building, 3 alterations, 1 site built home and 1 electrical installation)

-Councilman Bardascini stated he and Councilman Bogardus are working on the rewording of the Town Permit Application. The 1997 "grandfathered" clause is also in question.

-Attorney Chris Stanyon stated if a structure is present on a piece of property the clause of "grandfathered" in is allowed, however, if it would be a new build a variance would be needed.

-Councilman Rorick asked if there were any vacancies to the Board of Assessment Review or the Board of Appeals, which meets yearly for any variances that may be needed in the Town.

-Assessor Miriam Young stated the County told her last year for Grievance Day the Board of Assessment Review can be done with a four (4) person Board.

-Supervisor DiGiacomo stated five (5) members should be on the Board of Assessment Review, or three (3) in a pinch, in case of a tie vote.

-Councilman Kissinger stated during the Christmas Parade the lighting in the Village was poor. Seems like some lights were out or they need more lighting. The Town will contact the Village.

Community Events

-Supervisor DiGiacomo would like to see another block party in 2025.

Dog Control Officer – Dale Potts not present this evening.

Highway Superintendent

-Sandy Thompson stated the first storm of the year on Thanksgiving went well; the Board members all thanked the Town Road Crew on a good job.

-There is now a pile of sand and salt mix for the residents use in the parking lot of the Highway Garage.

-Sandy provided quotes for a sander on the pickup explaining as of now one pickup plows the dead end roads with the other having to follow to spread salt. A sander on the plow pick up would save time and money in the long run.

-Councilman Kissinger stated that should have been done years ago.

-Discussion took place on perhaps replacing the 2008 Volvo Loader with a smaller Loader (90). Sandy will look into how much it could go on Auction International in 2025.

-Supervisor DiGiacomo stated may be a lower interest rate if it was Bonded instead of leased.

-Sandy also stated our new truck that has been ordered may be completed in sixty (60) days if all goes right by T & T in Latham, we are still waiting on the box from Harrisville. The Build Slot may be ready for the next plow truck in March. It was discussed to have an equipment plan in writing, with many municipalities buying and selling equipment almost every two or three years selling it for close to the purchase price.

-Supervisor DiGiacomo stated years ago there was a ten (10) year equipment purchase plan in place. He advised Sandy to think about presenting a purchase plan to the Board in the near future.

Justice Court –Councilman Doug Kissinger read aloud the Court report for the month of November 2024 as follows; total fines collected \$3,958 including \$206 from old cases. Closed tickets -48, VTL -42, PL-3, Civil -3, DEC-0

*** All court employees have completed the Office of Court Administration training on Sexual Harassment that was mandatory.

Planning Board

- Planning Board Members Jay Abrams and Mike Gallup attended this evenings meeting.
-Jay Abrams stated the Planning Board will review the Minor Subdivision of the Grant Palmer Estate at their December 18, 2024 meeting, which was advertised by the Town Clerk as per Fulton County Director Scott Henze's request. The meeting date was advertised for one week early due to the Christmas Holiday.

-At this time the Solar Energy Facilities Law was discussed at length.

-Attorney Chris Stanyon previously advised the Town Board to contact outside counsel to review regulations the Town would like to have in place for Commercial Solar Facilities. He stated judicial challenge will result in the Town having no law in place. Solar is so technical that he feels he is not equipped to advise. Attorney Chris Stanyon recommended a model law such as the one the Town of Palatine has in place, which has passed muster or have a Solar Lawyer's Advice on how to proceed. He stated he knows there was a tremendous amount of work done but recommends to extend the Moratorium, which ends on February 9, 2025 to complete.

-Councilman Rorick stated he thinks it would be reckless to just put a law in place and thanked Attorney Stanyon for his advice this evening. He further stated the Town Board and the Planning Board should protect the land owner who would like to have a solar farm and the residents who may want to purchase land need a solar farm. He believes the Town Board should commit to the Comprehensive Plan, no more vagueness, set fees and move forward. Everyone is tired of working on this law but we need to be diligent.

-Supervisor DiGiacomo stated he agrees it should be written in black and white with time being critical to send to the County for the 239 M to be completed. The current moratorium will run out on February 9, 2025. He advised the audience that any topic can be discussed at a Town Board Meeting when the question arose about how many meetings we have prior to the February 9, 2025 deadline. Palatine had experts look at their solar law they have in place.

-Councilman Bardascini stated he agrees we should concur with experts about solar laws. Councilman Bardascini motioned to extend the current moratorium with Councilman Kissinger moved to second it.

-Attorney Chris Stanyon advised to put forth this in Resolution and to present facts as to why the Town needs to extend the Moratorium. Go with the Palatine Law and can amend, or have a solar lawyer review, then it needs to go to the County for a SEQR to be done in ninety (90) days.

**** Attorney Stanyon will produce the resolution to extend the Moratorium on The Solar Energy facilities Law to the Town Clerk on Friday.

RESOLUTION No. 24- 84

At a regular meeting of the Town Board of the Town of Broadalbin, Fulton County, New York, held at the Town Hall, 201 Union Mills Road, in said Town of Broadalbin, on the 10th day of December, 2024, at 6:30 o'clock P.M., there were:

PRESENT: Mr. Joseph DiGiacomo (Supervisor); Mr. David Bardascini (Councilman); Douglas Kissinger (Councilman); and Michael Rorick (Councilman)

ABSENT: David Bougardus (Councilman)

Mr. Michael Rorick offered the following resolution and moved its adoption:

WHEREAS,

- Town of Broadalbin is continuing to investigate the enactment of new solar panel zoning laws;
- A moratorium is presently in place prohibiting local implementation of solar fields pending Town legislation.
- The Town of Broadalbin, more specifically the Town Planning Board, has prepared two proposed Solar Energy Zoning Laws for the Town Council's review and consideration.
- The Town of Broadalbin recognizes that Solar Energy Zoning Laws are a unique problem dealing with specific areas of law and science that require professional, legal services to evaluate and provide feedback on the two Solar Energy Zoning Laws.
- The Town of Broadalbin is seeking the services of special counsel to provide them further guidance and feedback regarding its Solar Energy Zoning Laws;
- A public hearing is not needed for the extension of a moratorium when a public hearing has already taken place and the terms of the extended moratorium are substantially the same as the former moratorium. Caruso v. Town of Oyster Bay, et. al., 250 A.D.2d 639 (1998 2nd Dep't).

NOW, THEREFORE, BE IT RESOLVED that,

- The moratorium contained in Town of Broadalbin Local Law 2024-01 shall be extended through 5-9-2025 or until such time as the Town of Broadalbin enacts appropriate solar energy zoning ordinances, whichever occurs first.
- The moratorium under this local law shall, in all respects, contain the same material terms as Town of Broadalbin Local 2024-01, except for its duration.

Said resolution had been duly put to a vote, which resulted as follows: 4 AYES & 1 NAYS.

Therefore, it is resolved.

Certified by: Cheryl Briggs

Cheryl Briggs, Town Clerk

Roll Call VOTE:

Supervisor DiGiacomo - nay

Councilman Kissinger - aye

Councilman Bardascini - aye

Councilman Bougardus - absent

Councilman Rorick - aye

-Mike Dobrowolski stated most people are against solar farms because they are unsightly. Have the solar panels been proven to be unsafe? How about the people who own property and who will gain from solar farms? He stated if he can't do what he wants on his property then he wants a rebate on his taxes. Mike stated with the continued moratorium in place he is not sure now if the people still want his property.

-Councilman Rorick stated he agrees with property owners but also wants to make sure the water runoff from solar panels isn't poisoning a neighbor's property. He continued by saying the community has land use laws/codes for all kinds of projects. Set backs are in place so people can build against a solar farm not to deny but create a balance with residents. Councilman Rorick also advised any resident thinking about dealing with a solar company should lawyer up so they know their rights.

-Councilman Bardascini stated there is no easy answer to any of this, that's why he believes we need professionals to advise the Town Board.

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger A motion to allow the two renditions of the Solar Energy Facilities Law presently being considered by the Broadalbin Town Board reviewed by outside counsel Meyer and Fuller PLLC not to exceed \$10,000.

Discussion; Supervisor DiGiacomo stated this fee can be paid by using the Planning Board Contractual (.4) or Contingency if need be.

VOTE: DiGiacomo-aye Kissinger-aye Bardascini-aye Bogardus- absent Rorick-aye

Town Clerk –stated we received the proof of insurance form from the Charlton Snow Mobile Club but did not receive the blue card to sign and send back as a property owner for the trail which goes by the Town Park.

Youth

Commission- no one here this evening.

OLD BUSINESS

-Councilman Bardascini inquired if the Supervisor had any more information on the Veteran Banners we would like to place throughout the Town.

-Supervisor DiGiacomo stated he got busy but has the form ready and will contact the VFW, the Legion and talk to the Village Mayor to see about placement of banners.

NEW BUSINESS

Approval to pay vouchers (claim)

| | |
|---------|--------------|
| Prepaid | \$ 22,429.78 |
| General | 24,628.96 |
| Gen OV | 14.04 |
| Highway | 13,170.19 |
| Total | \$ 60,242.97 |

On a motion made by Councilman Bardascini and seconded by Councilman Kissinger
RESOLUTION #2024-85 APPROVAL TO PAY VOUCHERS (CLAIMS)
BE IT RESOLVED that the Town of Broadalbin Town Board authorizes the payment of the
vouchers in the amount of \$60,242.97.

No further discussion;

VOTE: DiGiacomo- aye Kissinger-aye Bogardus-absent Bardascini-aye Rorick-aye

ADJOURNMENT 7:44 P.M.

On a motion made by Councilman Kissinger and seconded by Councilman Bardascini
The December 10, 2024 Town of Broadalbin Town Board meeting was adjourned.

Cheryl Briggs