

**REGULAR MEETING
OF THE
TOWN BOARD TOWN OF STEPHENTOWN
26 GRANGE HALL ROAD, STEPHENTOWN, NEW YORK 12168
AUGUST 15, 2022**

The Regular Board Meeting of the Town Board, Town of Stephentown was called to order by Philip Roder at **7:02 PM** at the Town Hall.

MEMBERS PRESENT:

(X) Supervisor Philip (PJ) Roder *(X) High. Superin. Alden Goodermote*
(X) Council William Jennings *() Assessor Jennifer VanDeusen*
(X) Council Everett Madden *() Constable, Henry Wagar*
(X) Council Diana Clark
(X) Council Kyle Kidney
(X) Town Clerk Stephanie Hoffman

A quorum was wasn't established.
 ___4___ from the Public were present

AUDIT OF CLAIMS:

- Claim #185-22 through #213-22 in the amount of \$26,936.94 to be approved from the **General Account**
- Claim #116-22 through #128-22 in the amount of \$93,377.22 to be approved from the **Highway Account**
- For a **Total of \$120,314.16** audited and approved by the Town Board.

MOTION BY: KIDNEY **SECONDED BY: JENNINGS**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Minutes of the **July 18th, 2022 Regular Town Board Meeting** were approved by the Town Board as written.

MOTION BY: JENNINGS **SECONDED BY: KIDNEY**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Minutes of the **AUGUST 8th, 2022 Public Hearings on THREE Proposed Local Law Amendments:**

- **Local Law #5 of 2022 Tax Exemption for Alternative Veterans**
- **Local Law #6 of 2022 Veterans Tax Exemption for Eligible Funds**
- **Local Law #7 of 2022 Tax Exemption of Real Property Owned by Persons With Limited Incomes Who Are Disabled**

were approved by the Town Board as written.

MOTION BY: JENNINGS **SECONDED BY: KIDNEY**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Minutes of the **AUGUST 8th, 2022 Public Hearings on the (ARPA) American Rescue Plan Allocated Funding** were approved by the Town Board as written.

MOTION BY: CLARK **SECONDED BY: MADDEN**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Supervisor Roder explained the public hearing for the ARPA funds was a guideline and options, had a great discussion, one topic can certainly spend all the funds available. The Board will continue to review and figure out how to allocate the funds.

TOWN CLERKS REPORT: The Town Clerk turned over the sum of **\$451.87** to the Supervisor for the month of **JULY 2022**.

JUSTICE COURT REPORT: The distribution from the office of the State Comptroller, Justice Court Fund to the Town of Stephentown for the month of **MAY 2022 was \$942.00** and **JUNE 2022 was \$1,014.00**. *JULY 2022 – Report not received to date.*

TRANSFER STATION REPORT: The Transfer Station deposited a total of **\$8,551.00** for the month of **JULY 2022**. *(July 2021 income was \$9,085.00)*

Bags: **\$ 5,449.07** C&D & Metal: **\$2,490** Tires: **\$27**
Stickers: **\$390** Appl. & Electronics: **\$195** Propane Tanks: **\$0**

Council Jennings reported out on Clean Up Day, Cost the Town approximately \$5,000. 5 Roll offs of C&D materials, tires, 1 roll off of TVs & Electronics. Reported to be a successful event. New Permits are available and on sale. We may have to consider an increase in the future for something as prices keep increasing. Paint cans will soon be accepted at the Transfer Station. There will be 4x4x3 foot containers to put sealed paint cans. New program went into effect in May. NYS has adopted a law that you now have to pay a disposal fee for the can of paint when you purchase it. Any size can, any type of paint and the contents in it. Most of it is recycled. Anything that says paint or stain, no sealants. There will be a detailed list provided. "Paint Care" works with 11 states waiting on the contract to be finalized and we will move forward. We will eventually have a shed, but to start it will be under the roof on the slab. There will be 200 fliers made up to hand out. Must have a permit to use this service.

T. Dormady: questioned if the cans would be opened to see what the contents is.

Council Jennings: No. The cans are to remain sealed; we are not to open the cans. The company will open them and send us a report if there are any issues.

T. Dormady: questions if there is a limit on the amount someone can dispose of.

Council Jennings: we can put a limit, but at this time we are not limited people. The container holds 144 1-gallon cans, we will be getting 4 containers to start off with, when they are full "a call" into the company for pick up is required. The company will come haul away at no additional costs or fees. Hopefully this will be a good program as people never had a place to dispose of paint before, unless it was at hazardous waste day.

Highway Superintendent Goodermote: will it eventually be like a bottle deposit at the store?

Council Jennings: that is the only difference is you will not get your deposit back. The deposit that is made at the store goes to the paint recycling companies to dispose of the cans and contents.

ACCOUNT TOTALS:

GENERAL \$ 782,790.45	HIGHWAY \$ 759,017.29
GENERAL RESERVE FUND \$631,343.61	HIGHWAY RESERVE FUND \$511,406.36
BEACON ESCROW \$ 885.19	BEACON ESCROW FOR PLANT (BOND)
\$5,000 & \$70,000. AMERICAN RESCUE PLAN ACT FUND: \$285,177.21	

REPORT FROM THE TOWN BOARD AND TOWN OFFICES:

RESOLUTION # 45 of 2022

SOLAR MORATORIUM

WHEREAS, at a meeting held on July 18, 2022, the Town Board introduced a proposed local law known as the “2022 Town of Stephentown Commercial Solar Energy Facilities Moratorium Law” and designated as Local Law No. 8 of 2022; and

WHEREAS, upon consideration, the Town Board has decided to revise proposed Local Law No. 8 of 2022, so as to provide in Section 5 that the moratorium shall only apply to applications pertaining to commercial solar energy facilities made or submitted after the effective date of the Local Law; and

WHEREAS, Article XI of the Amended Land Use Regulations of the Town of Stephentown (Local Law No. 1 of 2014) provides that all proposed amendments, supplements or changes thereto be referred to the Planning Board for a report and recommendation; and

WHEREAS, General Municipal Law § 239-m requires that certain proposed actions be referred to a county planning agency for review and recommendation.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that Section 5 of proposed Local Law No. 8 of 2022, as introduced at the July 18, 2022 meeting of the Town Board, is hereby revised to read as follows:

Section 5. Moratorium

For a period of six (6) months following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such six (6) month period:

A. The Planning Board of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to preliminary and/or final site plan approval or special use permit approval) are suspended and stayed while this Local Law is in effect.

B. The Zoning Board of Appeals of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to with respect to appeals and/or variances) are suspended and stayed while this Local Law is in effect.

C. The Building Department of the Town of Stephentown shall not accept for review nor grant any application for a building permit or other approval pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law provided, however, that nothing herein shall preclude the Building Department from issuing a building permit or other approval with respect to commercial solar energy facilities as to which the Planning Board has issued site plan approval and/or a special use permit.

; and it is further

RESOLVED, that the Town Clerk is hereby directed to refer proposed Local Law No. 8 of 2022, as revised, to the Planning Board for a report and recommendation; and it is further

RESOLVED, that the Town Clerk is hereby directed to refer proposed Local Law No. 8 of 2022, as revised, to the Rensselaer County Planning Agency for review and recommendation

MOTION BY: RODER

SECONDED BY: KIDNEY

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Supervisor Roder: reported that there was a Solar Moratorium resolution that was passed last month, but as expected got some push back. The Board did this due to the Town currently not having any regulations around Community Solar. This was to gather thoughts to put something in place. This resolution will allow the current projects, the one in front of the Zoning Board and one in front of the Planning Board to move forward. Any new projects will be placed on hold until something is established.

RESOLUTION # 46 of 2022

ADOPTION OF LOCAL LAW # 5 of 2022 TAX EXEMPTION FOR ALTERNATIVE VETERANS

WHEREAS, the Town Board has commissioned the drafting of a proposed amended TAX EXEMPTION FOR ALTERNATIVE VETERANS Law; and

WHEREAS, the Town Board has conducted the necessary public hearing on the proposed local law annexed hereto as Exhibit A;

NOW THEREFORE BE IT RESOLVED THAT the Town Board resolves to enact said local law and authorizes the Town Clerk to file with the Secretary of State.

MOTION BY: MADDEN

SECONDED BY: CLARK

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

RESOLUTION # 47 of 2022

ADOPTION OF LOCAL LAW # 5 of 2022 VETERANS TAX EXEMPTION FOR ELIGIBLE FUNDS

WHEREAS, the Town Board has commissioned the drafting of a proposed amended VETERANS TAX EXEMPTION FOR ELIGIBLE FUNDS Law; and

WHEREAS, the Town Board has conducted the necessary public hearing on the proposed local law annexed hereto as Exhibit B;

NOW THEREFORE BE IT RESOLVED THAT the Town Board resolves to enact said local law and authorizes the Town Clerk to file with the Secretary of State.

MOTION BY: CLARK

SECONDED BY: JENNINGS

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

RESOLUTION # 48 of 2022

ADOPTION OF LOCAL LAW # 5 of 2022 TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED

WHEREAS, the Town Board has commissioned the drafting of a proposed amended TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED Law; and

WHEREAS, the Town Board has conducted the necessary public hearing on the proposed local law

annexed hereto as Exhibit C;

NOW THEREFORE BE IT RESOLVED THAT the Town Board resolves to enact said local law and authorizes the Town Clerk to file with the Secretary of State.

MOTION BY: KIDNEY **SECONDED BY: MADDEN**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

RESOLUTION # 49 OF 2022 **OPENING OF SEALED BRUSH HOGGING AT THE LANDFILL BIDS FOR 2022**

WHEREAS: the Town Board requested sealed BIDs for the 2021 Brush Hogging services at the Transfer Station Old Landfill site, and

WHEREAS: the Town Clerk's Office received 1 sealed BIDs by August 15th, 2022, at 7:00PM from:

1. Terry Sykes of Stephentown, NY at \$475.00

and

WHEREAS: the Town Board has the right to accept or deny any and all BIDs, now therefore be it;

RESOLVED: that the Town Board would like to award the 2022 Brush Hogging services for the Old Landfill to Terry Sykes, for the amount of \$475.00.

MOTION BY: JENNINGS **SECONDED BY: KIDNEY**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

RESOLUTION #50 OF 2022 **ADVERTISE FOR BOARD OF ASSESSMENT REVIEW POSITION**

WHEREAS: the Town Board would like to advertise for a Board of Review position that is due to expire on September 30th, 2022, and

WHEREAS: the Town board would like to request letters of interest and resumes for the 5 year term which is due to expire September 30th, 2027, now therefore be it,

RESOLVED: the Town Board request the Town Clerk to advertise for said position, letters and resumes are to be submitted to the Town Clerk's Office no later than 7:00pm on Friday, September 9th, 2022.

MOTION BY: RODER **SECONDED BY: JENNINGS**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

CLERK NOTES: DANIEL SIDOR IS UP FOR REAPPOINTMENT

RESOLUTION #51 OF 2022 **REQUESTS FOR BIDS FOR SHRUB TRIMMING AND CLEAN UP AT THE TOWN HALL AND TOWN PARK**

WHEREAS: the Town Board would like to request bids for shrub trimming and clean up at the Town Hall and the Town Park, and

WHEREAS: the Town Board has privileges to accept or deny any or all bids; now therefore be it

RESOLVED: that the Town Board authorizes the Town Clerk to advertise for sealed bids for the above-mentioned project. Sealed bids to be delivered to the Town Clerk's Office by September 19th, 2022 at 7:00PM. Sealed bids will be opened at the Regular Town Board meeting held on Monday, September 19th, 2022 at 7:00pm at the Town Hall.

MOTION BY: MADDEN **SECONDED BY: CLARK**
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Supervisor Roder: there was discussion at the workshop in regards to the trees and shrubs at the hall need attention and have been hitting the building. Millie Smith used to volunteer her services to clean up the town park for years.

Council Jennings: Alex has been doing it and sends us a bill, now that we are paying for it, we feel it needs to go out to BID.

MEETING OPEN TO PUBLIC COMMENT :

J. Peabody: provided an update on the Youth Commission – they will be having a debriefing for next year. Budget looks great from their end. The swimming program was a huge success this year.

A motion to adjourn the meeting was made at 7:50PM by Council Clark and seconded by Council Jennings.

Town Supervisor Roder motioned to re-open the Regular Board meeting due to missing a resolution at 7:54PM, Council Jennings seconds. Votes received by board 5 Aye 0 Nay – meeting reopens.

Supervisor Roder: we need to appoint an engineer for the Solar Project before the Planning Board. The engineer that was recommended rejected the project. The 2nd applicant there was push back. This resolution will allow the Supervisor to accept/appoint an engineering firm before the next meeting.

RESOLUTION #52 OF 2022 AUTHORIZING THE TOWN SUPERVISOR TO ENTER INTO AN AGREEMENT WITH A QUALIFIED FOR ENGINEERING SERVICE TO BE PROVIDED TO THE TOWN PLANNING BOARD IN CONNECTION WITH THE LONGROAD DEVELOPMENT COMPANY, LLC COMMUNITY SOLAR FARM APPLICATION

WHEREAS, Longroad Development Company, LLC (“Applicant”) has an application pending before the Town Planning Board and is seeking the grant of a Site Plan and Special Permit application in that it desires to establish a community solar farm on State Route 22 in the Town;

WHEREAS, the Planning Board desires the assistance of a professional engineer for this project, the cost of which is to be ultimately paid by the Applicant;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to enter into an agreement on behalf of the Town with a qualified engineering firm to provide an engineering review and to advise the Planning Board with respect to the site plan and special use permit application submitted on behalf of Applicant Longroad Development Company, LLC, in connection with a proposed 5 MW ground mounted solar photovoltaic system on real property located on NY Route 22, subject to the Applicant confirming in writing that it will reimburse the Town for all fees and costs incurred in connection with such review.

MOTION BY: RODER **SECONDED BY: JENNINGS**

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

MOTION TO ADJOURN AT 7:58 PM

MOTION BY: KIDNEY **SECONDED BY: CLARK**

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

****A Workshop Meeting** is held every second Monday of every month at the Town Hall next one will be held on Monday, September 12th, 2022 at the Town Hall following all Public Hearings.

****The next Regular Meeting** of the Town Board, Town of Stephentown will be held on **Monday, September 19, 2022 at 7:00 PM** at the Town Hall located at 26 Grange Hall Road, Stephentown, NY 12168. (2023 Budget materials will be distributed for next month).

Stephanie M. Hoffman

Town Clerk

EXHIBIT A

LOCAL LAW # 5 OF THE YEAR 2022 TAX EXEMPTION FOR ALTERNATIVE VETERANS

BE IT ENACTED, by the Town Board of the Town of Stephentown, that the Code of the Town of Stephentown is as follows:

SECTION 1. LEGISLATIVE INTENT.

The Town Board hereby exercises the power given to it by § 458-a(2)(d)(ii) of the NY Real Property Tax Law to set the maximum amounts of the assessed value of qualifying residential real property as defined in section § 458-a(1)(d) of the NY Real Property Tax Law that will be exempt from taxation pursuant to § 458-a of the NY Real Property Tax Law.

SECTION 2. AMOUNT OF EXEMPTIONS.

- A. Qualifying residential real property shall be exempt from taxation to the extent of 15% of the assessed value of such property; provided, however, that such exemption shall not exceed \$45,000 or the product of \$45,000 multiplied by the latest state equalization rate for the Town.
- B. In addition to the exemption provided by Subsection A of this section, where the veteran served in a combat theater or combat zone of operations, as documented by the award of a United States campaign ribbon or service medal, or the armed forces expeditionary medal, naval expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, qualifying residential real property also shall be exempt from taxation to the extent of 10% of the assessed value of such property; provided, however, that such exemption shall not exceed \$30,000 or the product of \$30,000 multiplied by the latest state equalization rate for the Town, whichever is less.
- C. In addition to the exemptions provided by Subsections A and B of this section, where the veteran received a compensation rating from the United States Veteran's Administration or from the United States Department of Defense because of a service-connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property multiplied by 50% of the veteran's disability rating; provided however, that such exemption shall not exceed \$150,000 or the product of \$150,000 multiplied by the latest state equalization rate for the Town, whichever is less. For the purpose of this subsection, where a person who has served in the active military, naval or air service during a period of war died in service of a service connected disability, such person shall be deemed to have been assigned a compensation rating of 100%.
- D. For the purpose of this article, a Gold Star Parent as defined in RPTL § 458-a, Subdivision 7(a), is included within the definition of "qualified owner" contained in section RPTL § 458-a, Subdivision 1(c), and real property owned by a Gold Star Parent is included within the definition of "qualifying residential real property" contained in RPTL § 458-a, Subdivision 1(d), provided that such property is the primary residence of the Gold Star Parent.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.

EXHIBIT B

LOCAL LAW # 6 OF THE YEAR 2022 VETERANS TAX EXEMPTION FOR ELIGIBLE FUNDS

BE IT ENACTED, by the Town Board of the Town of Stephentown, that the Code of the Town of Stephentown is as follows:

SECTION 1. LEGISLATIVE INTENT.

Section 458 of the New York Real Property Tax Law ("§ 458") affords certain veterans of military service or certain members of their families who own real property a limited exemption from real estate taxes based upon what the statute calls "eligible funds." Under §458, the maximum amount of the partial exemption is \$7,500. Since properties in the Town currently are assessed at only a fraction of their actual value, a maximum of \$7,500 affords a veteran a reasonable exemption.

Subdivision 5 of § 458 authorizes the Town Board, by local law, to adjust the maximum amount of the partial exemption which § 458 allows to reflect revaluation, thereby continuing to make the exemption produce a reasonable reduction in real estate taxes for those persons entitled to it. Through this enactment, the Town Board exercises the right given to it by Subdivision 5 of § 458.

SECTION 2. ADJUSTMENT OF THE § 458 EXEMPTION.

If, the total assessed value of the real property for which an exemption pursuant to §458 has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in Title 2 of Article 12 of Chapter 50-A of the Consolidated Laws of the State of New York, is certified for the assessment roll pursuant to the rules of the Commissioner of Taxation and Finance, the Assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by the change in level of assessment factor.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.

EXHIBIT C

LOCAL LAW # 7 OF THE YEAR 2022 TAX EXEMPTION OF REAL PROPERTY OWNED BY PERSONS WITH LIMITED INCOMES WHO ARE DISABLED

BE IT ENACTED, by the Town Board of the Town of Stephentown, that the Code of the Town of Stephentown is as follows:

SECTION 1. LEGISLATIVE INTENT.

To Provide Partial Tax Exemption of Real Property owned by certain persons with limited income who are disabled.

Pursuant to Section 459-c (“§459-c”) of the Real Property Tax Law, gives the Town the option of granting a reduction in the amount of property taxes paid by qualifying persons with disabilities and limited incomes.

SECTION 2. APPLICATION PROCESS.

Application for such exemption shall be made annually by the owner or all of the owners of the property on forms prescribed by the State Board and shall be filed in the Town Assessor’s office by March 1st or such other date as may be established by law; provided, however, proof of permanent disability must only be submitted in the first year exemption is sought pursuant to § 459-c or the disability is determined to be permanent.

SECTION 3. EXEMPTION ELIGIBILITY.

Persons with Disabilities and Limited Income. Effective as hereinafter provided, there shall be an exemption from taxation for general Town purposes to the extent of the percentage of assessed valuation provided in the following schedule, determined by the maximum income exemption eligibility level also provided in the following schedule up to a maximum of fifty percent (50%) of the assessed valuation of real property owned by one (1) or more persons with disabilities, at least one of whom has a disability and whose income, as hereinafter defined, is limited by reason of such disability.

ANNUAL INCOME	PERCENTAGE OF ASSESSED VALUATION EXEMPT FROM TAXATION
Not exceed \$29,000	50% exemption
\$29,001 but less than \$30,000	45% exemption
\$30,001 but less than \$31,000	40% exemption
\$31,001 but less than \$32,000	35% exemption
\$32,001 but less than \$32,900	30% exemption
\$32,901 but less than \$33,800	25% exemption
\$33,801 but less than \$34,700	20% exemption
\$34,701 but less than \$35,600	15% exemption
\$35,601 but less than \$36,500	10% exemption
\$36,501 but less than \$37,400	5% exemption

SECTION 4. EFFECTIVE DATE.

This local law shall take effect upon filing with the office of the Secretary of State of the State of New York.