

Scottsville, New York
November 7, 2024

Regular Town Board Meeting held November 7, 2024, at 6:00 P.M. at the Wheatland Municipal Building, Scottsville, New York.

Present: Supervisor Jim Kirch
Councilman Tim Davis
Councilman Edward Shero
Councilwoman Tina Stevens
Councilman Carl Schoenthal

Absent:

Recording Secretary: Laurie Czapranski, Town Clerk

Also Attended: Jay Coates, Deputy Fire Marshal, Planning Bd. Chair
Shanna Fraser, Recreation Supervisor, Senior Ctr. Dir.
Cheryl Kisicki, Secretary to the Supervisor
Frank Saeva, Dog Control Officer
Eric Stowe, Attorney for the Town
Brian Turner, Highway Superintendent

Supervisor Kirch presiding.
Pledge of Allegiance to the Flag.
Roll Call. All Town Board Members present.

Public Before the Board:

Betsy Musshafen congratulated Brian Turner on his successful election. She also spoke of the Clearview Farms assessment and the Tax Certiorari Attorney's findings relating to the Assessor and the agreement signed in January 2024 by the Assessor. She asked the Town Board what steps they intend to take as a result of these findings.

Supervisor Kirch commented that personnel matters cannot be discussed in a public forum. He said that he would like, as a Board, to come up with an update for the public.

JoAnn Ward spoke about the Clearview Farms assessment and said that actions need to be taken to resolve the issues for all that have been affected by the elevated taxes to restore trust and alleviate the unjustified burden.

Jay Coates, Planning Board Chairman gave a presentation on the Solar Facilities and PILOTS vs. taxation models. (included with these minutes).

Approval of Minutes:

On a motion of Councilman Davis, seconded by Supervisor Kirch and unanimously carried, the Minutes of October 3, 2024, were approved.

Supervisor's Report:

- The parking lot is complete. The cost came in at approximately \$164,000, which is below the estimated \$180,000.
- There is one opening in the Highway Dept. for a MEO.
- Tentative budget review with workshop held on 11/4.
- Looking into writing services for the Master Plan.

Department and Board Reports (Submitted previously or herewith):

1. Town Clerk report, October.
2. Highway, October.
3. Recreation, October.
4. Building Inspector, October.
5. Fire Marshal report, October.
6. Budget Officer report, October.
7. Dog Control report, October.
8. Senior Center report, October.
9. Town Attorney, October.

Cheryl Kisicki, Secretary to the Supervisor gave an update on the grants being pursued for Dog Control upgrades to the kennel in addition to the status of possible consolidation of dog control services with other towns in Monroe County.

Town Board Committee and Liaison Report:

Councilman Schoenthal reported on a new round of Trail Town grants after January 1st. He also mentioned a meeting with the Oatka Creek Watershed. There will be a tree planting on November 23rd and another in December.

Councilman Shero said that the Master Plan was passed by the Planning Board and sent to the Town Board in October and mentioned that it needs to be reviewed for corrections and then printed.

Correspondence:

1. Alex Camarda, Sr. Dir. Govt. Affairs, Charter Communications, re: Programming changes.

Old Business:

Whereas, it was moved by Councilwoman Stevens seconded by Councilman Davis and unanimously carried,

Resolution No. 142:

THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Wheatland accepts the Cable Franchise Agreement between Spectrum Northeast, LLC and the Town of Wheatland for fifteen (15) years commencing with the date of approval by the Public Service Commission and expiring fifteen (15) years hence.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Additional Agenda Items:

Whereas, it was moved by Councilwoman Stevens seconded by Supervisor Kirch and unanimously carried,

Resolution No. 143:

THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to retroactively approve the Monroe County Land Use Training attended by Kane Gascon, John Crowley and Terry Rech on October 30, 2024, at a cost of \$50 each.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Davis seconded by Councilwoman Stevens and unanimously carried,

Resolution No. 144:

THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to hire Lilac Real Estate Services to clean the Donnelly House windows at a cost of \$479.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

New Business:

Whereas, it was moved by Councilwoman Stevens seconded by Supervisor Kirch and unanimously carried,

Resolution No. 145:

THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Wheatland grants approval of the proposed 31 Bricks program.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Councilman Davis and unanimously carried,

Resolution No. 146:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland authorizes the Supervisor and Recreation Director to sign a contract with 31 Bricks LLC for the program to be held on various dates.

Roll Call: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Councilman Shero and unanimously carried,

Resolution No. 147:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland grants approval of the proposed Social Networking Security Program.

Roll Vote: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Supervisor Kirch and unanimously carried.

Resolution No. 148:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland authorizes the Supervisor and Recreation Director to sign a contract for EPIC training classes including Social Networking Security, Home Alone, First Aid for Kids and Babysitting courses on various dates.

Roll Vote: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Councilman Shero and unanimously carried,

Resolution No. 149:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to change A1010.400 Town Board Contractual budget amount to \$3,000.

Roll Vote: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Councilman Davis and unanimously carried,

Resolution No. 150:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to reduce A1220.110 Deputy Supervisor Personnel Services budget line item to \$1,200.

Roll Vote: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Schoenthal, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 151:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to increase A3510.100 Dog Control Personnel Services to \$19,128.

Roll Vote: Supervisor Kirch-aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Davis, seconded by Councilwoman Stevens and unanimously carried,

Resolution No. 152:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland agrees to decrease A8810.400 Cemetery Contractual Expense budget line item to \$1,500.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Schoenthal, seconded by Councilwoman Stevens and unanimously carried,

Resolution No. 153:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland sets December 5, 2024 at 6:00 P.M. in the Wheatland Municipal Building as the time and place for a public hearing on the 2025 Special District's Budget.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Schoenthal, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 154:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland sets December 5, 2024 at 6:00 P.M. in the Wheatland Municipal Building as the time and place for a public hearing on the 2025 Budget.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilman Davis, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 155:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland upon the recommendation of the Highway Superintendent, agree to move Ethan Palmer from PT Laborer to FT Laborer-Step 2 at a rate of \$20.49/hour, effective immediately.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Councilman Schoenthal and unanimously carried,

Resolution No. 156:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland authorizes the Town Clerk to sign an agreement with Stericycle for one time offsite shredding services at a cost not to exceed \$500.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 157:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland authorizes the Supervisor to sign the Intermunicipal Agreement with Monroe County and execute the Intermunicipal Agreement for the Youth and Senior Programming Beneficiary Agreement.

Roll Vote: Supervisor Kirch – aye
 Councilman Davis-aye
 Councilman Schoenthal-aye
 Councilman Shero – aye
 Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Schoenthal, seconded by Councilwoman Stevens and unanimously carried,

Resolution No. 158:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland upon the recommendation of the Highway Superintendent, grant approval to purchase a 2025 Chevy 2500 Truck off the OGS Contract #23166 at a price not to exceed \$55,000.

Roll Vote: Supervisor Kirch – aye
Councilman Davis-aye
Councilman Schoenthal-aye
Councilman Shero – aye
Councilwoman Stevens-aye

Whereas, it was moved by Councilwoman Stevens, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 159:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland upon the recommendation of the Highway Superintendent, grant approval to purchase a 2024 Toro zero turn mower off of the Source Well contract at a price of \$15,813.09.

Roll Vote: Supervisor Kirch – aye
Councilman Davis-aye
Councilman Schoenthal-aye
Councilman Shero – aye
Councilwoman Stevens-aye

Whereas, it was moved by Councilman Davis, seconded by Supervisor Kirch and unanimously carried,

Resolution No. 160:

THEREFORE BE IT RESOLVED, That the Town Board of the Town of Wheatland authorizes the Supervisor to sign the Inter-Municipal Agreement between the Town of Wheatland and the Wheatland Scottsville Joint Fire District for plowing and salting services at the district's facility at 385 Scottsville-Mumford Road. The effective date shall be November 15, 2024-April 15, 2025.

Roll Vote: Supervisor Kirch – aye
Councilman Davis-aye
Councilman Schoenthal-aye
Councilman Shero – aye
Councilwoman Stevens-aye

Upon a motion of Councilwoman Stevens seconded by Councilman Schoenthal and unanimously carried, the Abstract dated October 17, 2024, with voucher numbers 20240750 through 20240756 in the amount of \$12,151.33, and Abstract dated November 4, 2024, with voucher numbers 20240757 through 20240840 in the amount of \$483,217.79 were approved provided that all bills are paid out of their respective funds after proper audit.

Fund	Description	Amount
A	GENERAL FUND A	\$3,114.53
B	GENERAL FUND B (TOV)	260.85
DA	HIGHWAY DA	835.07
	MUMFORD REFUSE	6,047.12
	ROLLING ACRES REFUSE	1,463.36

FAIRVIEW REFUSE	430.40
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Grand Total:	\$12,151.33
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<u>Fund</u>	<u>Description</u>	<u>Amount</u>
A	GENERAL FUND A	\$327,402.47
B	GENERAL FUND B (TOV)	869.96
DA	HIGHWAY DA	99,988.17
DB	HIGHWAY DB	45,089.41
	MUMFORD LIGHT	873.86
	MUMFORD REFUSE	6,047.12
	ROLLING ACRES REFUSE	1,463.36
	FAIRVIEW REFUSE	430.40
	NORTHEAST SEWER	489.29
T/A	TRUST & AGENCY	563.75
Grand Total:		\$483,217.79

Upon a motion of Supervisor Kirch, seconded by Councilman Shero and unanimously carried, the meeting was adjourned at 7:24 P.M.

Laurie B. Czapranski
Wheatland Town Clerk

Solar Facilities

Taxes

Opt-in Opt Out

PILOTS

Concerns

Options available to Municipalities

- Opting Out –
 - Opting out of automatic exemption for Solar energy facilities.
 - Allows for property and Facility tax per NYS Solar assessment model.
 - Eliminates PILOT
 - *All facilities get assessed, including Residential.*
 - Local Govts. Can pass a resolution to opt out.
- Opting In –
 - Current Town status
 - Negotiate a PILOT payment for each large facility (non -residential)

Real Property Tax Law § 487

- This law provides a 15-year real property tax exemption for properties located in New York State with renewable energy systems.
- The law only applies to the value that a solar electric system adds to the overall value of the property; it does not mean that landowners with an installed renewable energy system are exempt from all property tax.
- A local government that does not opt out can still benefit financially through payment-in-lieu-of-taxes (PILOT) agreements
- In local governments that have taken no action one way or the other, the exemption is in effect.

PILOTS

- The law allows jurisdictions that offer the RPTL § 487 exemption to negotiate payments in lieu of taxes (PILOTS).
- The purpose of a PILOT is to reduce the tax burden and tax rate uncertainty on the property and/or system owner, while preserving revenue that would have been paid in property taxes.
- PILOTS are often used for large-scale renewable energy projects, including solar electric systems.
- They are annual payments commonly related to the system's size (often in dollars per megawatt [MW])
- It cannot exceed the amount of taxes (15-year duration) that would be owed without the exemption.
- The PILOT may not exceed a 15-year term

Appraisals

- The 2021-2022 NYS State Budget established a process for the New York State Department of Taxation and Finance to develop a standard appraisal methodology for solar and wind energy systems with a nameplate capacity equal to or greater than one megawatt.
- The Tax Department—in consultation with the New York State Energy Research and Development Authority (NYSERDA) and the New York State Assessors Association (NYSAA)—will annually develop:
 - an appraisal model using the discounted cash flow approach for solar and wind energy systems, and
 - discount rates to be applied to the models.
- Beginning with 2022 assessment rolls, local assessors are required to use the model and discount rates to value and place assessments on affected solar and wind energy systems (regardless if opting IN or OUT).

5 Megawatt Solar Farm Assessed Value

5mw Solar Plant	
Present Value of Cash Flows:	\$ 4,398,762.61
Land value no ag	\$ 202,100
Assessed value	\$ 4,600,863

Wheatland Tax	\$ 5.60
Town tax per year	\$ 25,765.09

15 years \$ 386,476

PILOT Revenue vs. Opt. Out (5MW Plant)

Pilot (15 year)	15 Years Tax
\$ 100,000	\$ (286,476)
\$ 125,000	\$ (261,476)
\$ 150,000	\$ (236,476)
\$ 175,000	\$ (211,476)
\$ 200,000	\$ (186,476)
\$ 225,000	\$ (161,476)
\$ 250,000	\$ (136,476)
\$ 275,000	\$ (111,476)
\$ 300,000	\$ (86,476)
\$ 325,000	\$ (61,476)
\$ 350,000	\$ (36,476)
\$ 375,000	\$ (11,476)

- Over the 15 Year PILOT life – revenue loss dependent on PILOT amount.
- Cash Flow analysis changes dependent on Facility size.
- PILOT can be negotiated on a case-by-case basis.
- PILOT negotiated after Planning Board approval but before Permit is issued.
 - Town Board role is final PILOT amount approval.

Pro's and Con's of Opting Out

- Pro's

- Increased revenue stream over 15 years
- Pilot agreements to date have not provided a revenue stream that equates well vs. the present NYS model.

- Cons

- Opting – Out would increase residential solar customers taxes
- Up front PILOTS provide a large single payment up front to the Town
- Flexibility to negotiate a PILOT for individual projects

Issues

- Solar farms have significantly increased workload for the Building Department
 - Approval process
 - Permitting
 - Construction/Inspecting
 - Removal Bond/Costs
 - 5 year updating of Bond removal costs
 - Fire Department Training
 - Emergency Response
 - Ongoing monitoring (still in operation)
 - Maintenance especially screening
 - Changing of ownership
- Resident complaints- visual, loss of farm country community look and feel
- Loss of good agricultural lands
- Need Battery Storage codes for Town
- Update certain existing regulation sections- i.e. lot coverage and setbacks
- Update fees to recover more or Town costs for approval and permits
- Fire Service issues- events are occurring and they are extremely resource intensive. If battery storage need to have fire service costs included