

TOWN OF PERTH
Regular Town Board Meeting
April 6, 2023
6:00 p.m.

PRESENT: Supervisor Fagan, Councilman Lewandowski, Councilman Betz, Councilman Fisher and Councilman Barker

ALSO PRESENT: Town Clerk, Judith English; Town Attorney, Carmel Greco Esq.; Highway Superintendent, David Dopp; Acting Foreman of the Highway Department Richard Wallace; Chairman of the Town of Perth Zoning Board of Appeals, Jeanne Pitkin; Member of the ZBA, Joseph Priamo; Chairman of the Town of Perth Planning Board, Ronald Cetnar; Members of the Town of Perth Planning Board, Tracey Gutkowski and Trevor Gilday; Member of the Town of Perth Board of Assessment Review, Paul Priamo; Fire Chief of the Perth Volunteer Company, Peter Watrobski; Lynn Morck; Victor Trippodo; Steven Adamchick; Brenda Dabo; William Hill; Timothy and Meghan Kordyjak; and Sarah Gilday.

Supervisor Fagan opened the Meeting at 6:08 p.m. A salute to the flag was held and a moment of silent prayer observed.

APPROVAL OF MINUTES

The minutes from the March 2, 2023 Regular Town Board Meeting were offered for approval by Councilman Fisher, and seconded by Councilman Lewandowski. All were in favor; motion carried.

OPENING OF PAVING BIDS FOR 2023

Town Clerk, Judith English, opened the bids she received for the paving of Town roads and the Town Hall Complex driveway on the west side. The bids were as follows: For the Roads per ton in place;

DelSignore	\$83.90
Empire	\$89.54
Luizzi Bros.	\$97,25
Callanan	\$79,65

Cobbleskill \$75.25
Mazza Paving Type 6 \$81.54 Type 3 binder \$79.10

For the Town Hall Complex Driveway;

DelSignore \$6,720.00 driveway project
Callanan \$245.00 per ton in place
Cobbleskill \$345.00 per ton in place
Gabriel \$4,800.00 driveway project
Mazza Paving \$257.03 per ton in place

Highway Superintendent, David Dopp took the bids to go over them, and a decision will be made at the May 4, 2023 Regular Town Board Meeting as to whom the bids are awarded to.

PUBLIC HEARING

Supervisor Fagan opened the Public Hearing on Local Law #2-2023 at 6:18 p.m. This law is entitled “A Local Law Amending the Zoning Law of the Town of Perth as it Pertains to Solar Farm Construction and Development”.

Town Attorney, Carmel Greco Esq. went over the four changes that the law will put into effect regarding solar farms, if it is passed. The law will increase the height of the solar panels allowed to twelve feet. Second it will increase the setback required from the roadway, and adjoining properties to 500 feet. A twelve foot high fence surrounding the solar farm will also be necessary. Last it will not allow a solar farm on prime agricultural land. This type of land is determined by the soil it is composed of.

Several persons attending indicated that they would like to comment on the Law. **Town of Perth Planning Board Member, Trevor Gilday** reported some statistics regarding solar farms in the Town of Perth. He states that from 2012 thru 2017 Perth suffered a loss of 30% or 10,000 acres of its agricultural land. There are now 22,181 acres left for agriculture. This includes 4,582 acres of prime agricultural land which this proposed law would protect.

Jeanne Pitkin, Chairman of the Town of Perth Zoning Board of Appeals says that a map of all of the Prime Agricultural land in the Town of Perth is available on line on the Code Enforcement Office site under the Town of Perth Comprehensive Plan.

Mr. Gilday realizes that Solar farms are controversial, however someone who engages in farming may decide to use a portion of their land for a solar farm in order to provide income to keep the farm profitable; and to ensure that the farm can support the family. The Planning Board cannot ban solar farms but they can put restrictions on them. This proposed law being discussed tonight will tweak the existing law and make it better for the community.

Councilman Barker asked what benefit these solar farms are to the Town of Perth. **Town Attorney Greco** told him that the Town cannot prohibit these solar farms from locating in the Town, but they can be regulated. This Local Law will address many of the town residents' concerns.

Fire Chief, Peter Watrobski spoke against solar farms in the Town. He gave as an example a solar farm that was applied for on County Route 132. The neighbors of this property were against it, because there was no way to screen it from their view. The company eventually gave up trying to get a permit because of the opposition expressed by the residents.

Several other residents spoke up opposing solar farms in the Town. They did not give their name before speaking, but mentioned that they lived on Della Valley Drive in the Town of Perth.

Tracey Gutkowski, Member of the **Town of Perth Planning Board** reiterated the purpose of the Public Hearing tonight. The Planning Board cannot prohibit solar farms in the Town, but can regulate them; which is what this law would do.

A resident asked if any application that was made before this law is passed could be put on hold, and made to follow the changes outlined in Local Law #2-2023? **Town Attorney Greco** replied that any application that was initiated prior to this new law being passed would not be subject to follow it, but would be held by the prior regulations.

Supervisor Fagan stated that if residents wished to have their views expressed it would be better if they went to the Planning Board Meetings when these solar projects are appearing before the Planning Board for approval. The Planning Board meets the third Monday of the Month at the Town Hall Complex at 6:00 p.m., except when it falls on a holiday.

Paul Priamo asked if there were any regulations for fire protection at these solar farms. **Fire Chief Peter Watrobski** has asked for some kind of entrance way about the property for fire fighters to get to the land around it in case of a grass fire. They do not go into the actual solar farm behind the fence. That is the Solar Farm company's responsibility.

COMMUNICATIONS

The Communication as listed on the Agenda is filed in the Town Clerk's Office, where it is available for anyone who wishes to see it. There was one communication. It was from a resident of Smith Road, Linda Terricola, expressing her gratitude to Code Enforcement Officer, Mark Concilla, for his assistance in a building project she was having done. Mr. Concilla's professional expertise saved her from having an unsafe structure being built on her property.

UPDATE FROM STANDING COMMITTEES

Councilman Betz reported for **Dog Control** that the **Dog Control Officer, Pat Ashbey**, held a rabies vaccination clinic on Saturday, April 1st from 9:00 a.m. to 12:00 p.m. A total of 65 dogs were vaccinated. **Supervisor Fagan** added that **Town Clerk, Judith English**, licensed 32 dogs after their vaccinations were done.

Councilman Betz read the **Assessor's Report**, a copy of which will be filed with these minutes. **Sole Assessor, David Walendziak**, said in his report that he will be doing road work next week. He also reported that Grievance Day this year will be on May 23rd from 4:00 p.m. to 8:00 p.m.

Councilman Betz also read the report from the **Perth Center Cemetery Association Inc.** for the year ending December 31, 2022. There were a total of five burials and three cremations. A copy of this report will be filed with these minutes.

The Cemetery has received designation as a 501.C3 organization which means they are a non-taxable, public charitable organization.

The Cemetery Association also held two clean-up days, including tree and brush removal. The Cemetery was used in the filming of a horror movie this past summer.

Councilman Lewandowski read the report from the **Perth Youth Commission Director, Lisa Wallace**, a copy of which will be filed with these minutes. T Ball registration has ended, with over 70 sign ups. They will start playing on May 12th. Councilman Barker asked if he could have an accounting of the money received by the Youth Commission from the families that registered their children.

Highway Superintendent, David Dopp, reported that two of the trucks have broken springs. He stated that everything else is good.

Councilman Barker told Superintendent Dopp that he has heard complaints from Town residents that there are many stones on the roads. He was asking if anything was going to be done about this? **Superintendent Dopp** stated that the Highway Department will be sweeping the roads soon. The situation occurred because there was not a lot of frost in the ground this year so the plow trucks were picking up loose dirt and stones on the shoulders.

Town Attorney, Carmel Greco Esq. reported that all of the Town's legal work is up to date.

Supervisor Fagan reported that he is still working on the Annual Update of the Town's finances for the State. He has finished his report on the State and Local Fiscal Recovery Funds the Town received and has given it to the U.S.Treasury Department.

Councilman Barker asked the Supervisor when we can expect delivery of the trash cans that the residents have ordered to comply with the new garbage truck? **Supervisor Fagan** replied that he expects the cans to be delivered by late April. The new truck is in Albany for its last inspection before being sent to the Town.

RESOLUTIONS

RESOLUTION # 42- REIMBURSE PERTH SENIORS FOR LUNCHEON

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the payment of the amount of \$411.70 to the Perth Seniors to pay for their St. Patrick's Day Luncheon; to be charged to Account A6772.4 Programs for Aging.

Offered by: Councilman Fisher
Seconded by: Councilman Lewandowski

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 43- AUTHORIZE THE RENTAL OF A PORTA-POTTY

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the rental of a porta-potty from May 1, 2023 to September 30, 2023 from Adirondack Septic at a cost of \$150.00 per month; to be charged to Account A7110.4 Parks Contractual. Service will be provided weekly.

Offered by: Councilman Lewandowski
Seconded by: Councilman Betz

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #44- NAME THE TOWN OF PERTH AS LEAD AGENCY FOR SEQR

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth names the Town of Perth as Lead Agency for the SEQR Review for Local Law #2-2023 entitled "A Local Law Amending the Zoning Law of the Town of Perth as it Pertains to Solar Farm Construction and Development". The complete text of this Resolution will be filed with these minutes.

Offered by: Councilman Lewandowski
Seconded by: Councilman Betz

A vote was taken with Supervisor Fagan, Councilman Lewandowski, Councilman Betz, and Councilman Fisher voting yes. Councilman Barker voted no. Motion carried.

RESOLUTION #45- AUTHORIZE THE TOWN OF PERTH TO ISSUE A NEGATIVE SEQR DECLARATION

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the Town of Perth to issue a Negative SEQR Declaration regarding Local Law #2-2023 entitled "A Local Law Amending the Zoning Law of the Town of Perth as it Pertains to Solar Farm Construction and Development". The complete text of this Resolution will be filed with these minutes.

Offered by: Councilman Lewandowski
Seconded by: Councilman Fisher

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #46- ADOPT LOCAL LAW #2-2023

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth adopts Local Law #2-2023 entitled "A Local Law Amending the Zoning Law of the Town of Perth as it Pertains to Solar Farm Construction and Development". A copy of this law will be filed with these minutes.

Offered by: Councilman Betz
Seconded by: Councilman Lewandowski

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION #47- AUTHORIZE THE TRANSFER OF MONEY

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the transfer of the amount of \$2,691.25 from Account A1990.4 Contingent to the following:

Account A1910.40 Unallocated Insurance the amount of \$2,170.00 for an increase in the premium this year

Account A3510.4 \$521.25 Dog Control Contractual for mileage reimbursement, and census pay for the Dog Control Officer, Patricia Ashbey

Offered by: Councilman Lewandowski

Seconded by: Councilman Betz

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 48- AUTHORIZE REPAIR OF GUTTERS

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the repair of the gutters on the Town Hall Complex by Property Medic a company located in the Town of Perth. The owner, Victor Trippodo, has offered to purchase the materials needed and perform the labor at no cost to the Town of Perth, as a gift to the community.

Offered by: Councilman Lewandowski

Seconded by: Councilman Fisher

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 49- AUTHORIZE PAYMENT TO DOG CONTROL OFFICER

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the payment of the amount of \$206.25 to Patricia Ashbey for reimbursement for miles traveled in her car regarding her job as Dog Control Officer for the Town of

Perth; and also authorized the payment of the amount of \$2,000.00 as half of the payment for the Dog Census she is conducting in the Town of Perth.

Offered by: Councilman ``Lewandowski

Seconded by: Councilman Betz

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 50- ACCEPT OFFER FOR FILE CABINETS FOR CODE ENFORCEMENT OFFICE FROM DAVIES

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth accepts the offer from Davies Office Equipment for six five drawer lateral file cabinets at a cost of \$1,745.00 including delivery, to be charged to Account 3620.2 Code Enforcement Equipment: and also approve the transfer of the amount of \$745.00 from Account 1990.4 Contingent to Account 3620.2 Code Enforcement Equipment.

Offered by: Councilman Fisher

Seconded by: Councilman Betz

A vote was taken with the Supervisor and all of the Councilmen present voting in favor; motion carried.

RESOLUTION # 51- AUTHORIZE THE PAYMENT OF BILLS ON ABSTRACT #4-2023

BE IT HEREBY RESOLVED that the Town Board of the Town of Perth authorizes the payment of bills on abstract #4-2023 as follows:

General Prepaid	24-37	\$8,762.39
Highway Prepaid	7-9	\$7,067.01
Highway	24-39	\$29,436.64
General	54-75	\$55,528.34

Offered by: Councilman Lewandowski

Seconded by: Councilman Fisher

Minutes, April 6, 2023

Councilman Lewandowski, Councilman Betz and Councilman Fisher indicated their approval by signing each voucher. Councilman Barker did not sign the vouchers. He has not signed any vouchers since January 2023.

With all of the business concluded for the evening a motion was made to close the Meeting at 8:35 p.m. by Councilman Betz and seconded by Councilman Lewandowski. All were in favor; motion carried.

The next meeting of the Town Board of the Town of Perth will be held on Thursday May 4, 2023 at 6:00 p.m. at the Town Hall Complex 1849 County Highway 107, Perth, NY.

Respectfully submitted,

Judith English
Perth Town Clerk