

TOWN OF COVERT, SENECA COUNTY
REGULAR TOWN BOARD MEETING
December 11th, 2023

The regular meeting of the Town Board of the Town of Covert was held Monday, December 11th, 2023 at 7:00 P.M. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

Roll Call:	Supervisor Michael Reynolds	Present
	Councilwoman Deborah Nottke	Present
	Councilman Bill Bishop	Present
	Councilman Brayton Foster	Present
	Councilman Todd Wyckoff	Present

Others Present: Town Clerk Leslie Adams-Compton, Town Attorney Patrick Morrell, Deputy Clerk Brian Quan, Code Enforcement Officer Roger Ward, Deputy Highway Superintendent Glenn Boyes and other interested citizens.

Call to order: Supervisor Reynolds called the meeting to order at 7:00 P.M. All rose for the pledge of allegiance.

Approval of Minutes: Nottke moved, seconded by Wyckoff, to approve the minutes from November 13 + 16, 2023. Aye - Wyckoff, Aye - Nottke, Aye - Bishop and Aye - Foster.

Presenter: Garrett Miller of Finger Lakes Cider House spoke regarding Cannabis Microbusiness prospects for the Town of Covert. He has applied for a microbusiness cannabis license through the Office of Cannabis Management (OCM). He said they've been in business since 1989 farming, as a farm/winery, open 7 days/week. He said they've applied for the smallest license offered in cannabis production/distribution, the microbusiness license. They would grow, process?, and sell the crop directly off the farm. He said they had 40,000 visitors last year. He said the licensing is much like the process for wineries in the '80's but more complex and regulated.

They would consider growing, processing and selling elsewhere or delivering to local people if the Town prohibits dispensaries. The micro business license allows for sales within 25 miles.

Reynolds asked if it was allowable for alcohol and cannabis to be sold at the same location, as it was prohibited before. Miller said yes, it is a separate license. Miller said the micro license allows them to grow, process and sell on a smaller scale.

Reynolds asked if the Town would see any income from allowing their business. Miller said it was more about jobs created, and 3% tax going to the town, 1% to the county, 9% to the state; the state portion is to be used to reinvest in local communities. He said he sees it as a great addition to the winery/ tourism industry. Estimated annual gross for his business is in the range of \$500,000 to \$2 million. He said their business would benefit from having sales in the Town.

Inspection of facilities would be through the OCM. Miller said there are a lot more requirements, each step of the way, with reporting, surveillance, and strict access with age requirements.

Miller said the first line of licenses would be issued in January or February.

Morrell said that in order to undo the Town's opt-out law, it would require a public hearing.

Foster asked if it bothered him that some regard the practice(?) as undesirable. Miller said it didn't bother him; it's like alcohol 50 years ago. He's looking at it as beneficial to the community.

Bishop(?) asked whether the wholesale market and big corporate interests would make it difficult for the middle man to survive. And, what are the odds of getting a license? Miller said the OCM would favor already existing farms.

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Miller said that the cannabis would be greenhouse grown, 500 sq ft.

Highway Superintendent: MacCheyne submitted his monthly report for November 2023 via email. The report included the following: Installed winter lights on #8, wing on #4 grader and #1 2019 Western Star, dismantled #12 side flail mower, ordered parts for #12, took #8 to Talmadge for front end alignment, mixed and hauled 1Bs for winter salt mix, added crusher run in driveway on Halls Corners, mowed roadsides and backslopes, repaired beams on salt storage building, cleaned up trees from tree crew on South Frontenac, cold patched on all town roads, and did regular maintenance on all equipment.

Committees: Foster said he attended the Planning Board meeting on November 30th. He asked New Leaf what's in it for the Town. They(?) said once the variance is approved they could work on revenue for the town. He commented that the process seemed backwards, having just received a letter of intent from New Leaf with a deadline.

Morrell explained RPT law §487, saying it was not inconsistent. Municipalities were given a chance to opt out, solar would not increase assessment, it is a state exempt investment unless the town has a PILOT. He said a PILOT affects city, school and town. There is an IDA process and land use review that is different than RPT. He said that the decision to approve the variance should not be influenced by income, and that there are other concerns and considerations. Morrell asked the Board's permission to start the PILOT process.

Foster asked about an accessible fund from NY to cover the cost of hired consultants. Morrell said 'no', the fund is for really large projects and this one does not qualify. He said that they can ask for escrow money to be set up by the engineers to pay for hired consultants. With NYSERDA's oversight, a part of the decommission plan is for a bond to be held as part of the solar company's insurance policy.

Foster commented that in the Association of Towns magazine it indicated that the solar farm process is a short timeline, and could be approved by default.

Morrell suggested that the Board identify what they don't like and get their consultant Jason McCormick in. He suggested a concern may be the driveway construction and that maybe they could send some power to the Town and school district.

Foster said that with the oil and gas industry, 3% would go to the Town/County.

Nottke announced two important Three Falls LDC meetings coming up: Thursday, December 14th at 9 AM and a meeting with Ulysses for the bridge easement on Friday, December 15th at 9:30 AM.

Supervisor: Reynolds said that Al Fiorille is negotiating a lower price for Emminger, Newton, Pigeon, Magyar Inc. and GAR revaluation companies.

Reynolds said he was approached by Jim Wyckoff asking why the Town didn't approve the firefighters' exemption. He said they have 10 new members. Until 2025 a \$200 credit is available from NY taxation. The exemption would be up to 10% of the assessed value of the residence of a volunteer firefighter or ambulance worker. Only one exemption/credit is allowed. A Public Hearing will be tentatively scheduled for the February 2024 Town Board meeting.

There was brief discussion about Seneca County's Focused Findings and Options for Future ambulance report received that day. Nottke had made notes.

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Petitioners: Barry Ford asked the Board if they had seen the solar farm across from Johnny’s Wholesale on Applegate Rd, Ithaca.

Ford made comments on economics being the reason for “pot dispensaries” and questioned the reason to grant license as improving the community. He did not see it as a positive thing.

Executive Session: Nottke moved, seconded by Wyckoff, to enter into executive session at 8:40 PM regarding pending litigation, to discuss assessment challenges in Shaw vs. Town of Covert.

Nottke moved, seconded by Wyckoff, to come out of executive session at 8:50 PM and close meeting.

Resolutions:

**Resolution #9 - 2023
To Amend the 2024 Budget**

WHEREAS, the Preliminary Budget of the Town of Covert for the Year 2024 was adopted on November 16th, 2023, and

WHEREAS, the public hearing on said Budget had been held on November 13th, 2023, as advertised, and

WHEREAS, it is desired to amend the approved Budget, now

THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Covert, that the following amendments to the adopted Budget of 2024 be made:

Reduce line item: Revenues: FINES AND FORFEITURES: Justice Fees A2610 \$5,000.00
Motion: Nottke Second: Wyckoff Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

**Resolution # 10-2023
Awarding Contract for S. Frontenac Road Culvert Replacement**

WHEREAS the Town of Covert Town Board finds that the culvert on S. Frontenac Road is in need of replacement; and

WHEREAS the Town of Covert Town Board did solicit bids for the General Construction contract for this project under the direction of T.G. Miller, P.C. engineers; and

WHEREAS four firms submitted bids, the lowest being submitted by Silverline Construction, Inc. out of Burdett, NY; and

WHEREAS all bids were reviewed by T.G. Miller, P.C. engineers and they have recommended that the Town accept the bid of Silverline Construction, Inc. and award the contract to them.

NOW THEREFORE BE IT

RESOLVED that the Town of Covert Town Board hereby awards the General Construction Contract for the S. Frontenac Road Culvert Replacement to Silverline Construction, Inc. with the lump sum bid of \$104,800.00; and

AND BE IT FURTHER RESOLVED the Town Board of the Town of Covert authorizes the Supervisor to execute all necessary documents to enter into a contract with Silverline Construction, Inc. for the completion of this work.

Nottke moved, seconded by Bishop; Aye-Foster, Aye-Nottke, Aye-Bishop, Aye-Wyckoff.

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Foster moved, seconded by Wyckoff, to schedule a Planning Board meeting for Thursday, December 28th at 7:00 PM, and a Public Hearing for Monday, March 4th, 2024 for the Variance Request for Persoon's solar farm. Aye-Foster, Aye-Nottke, Aye-Bishop, Aye-Wyckoff.

Nottke moved, seconded by Wyckoff, to refer the Variance Request for Douglas Boyes and Michelle Hunt to construct a new home where set back from road and lot size are deficient as required under the Land Management Ordinance to the Planning Board on December 28th at 7 PM. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to schedule a Public Hearing for the Variance Request for Douglas Boyes and Michelle Hunt to construct a new home, on January 8th at 7 PM. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to schedule a Public Hearing for 2024 Trumansburg Fire/EMS Contract and 2024 Interlaken Fire Contract and Year-End Town Board meeting for December 29th, 2023 at 5:00 pm. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to schedule Town Board's annual audit of the Town's Books for Monday, January 15th, 2023 at 10:00 AM. Aye-Foster, Aye-Nottke, Aye-Bishop, Aye-Wyckoff.

Nottke moved, seconded by Bishop, to reappoint Eric Spiegler to the Planning Board for 7 years, ending 12/31/2030. Aye - Foster, Aye - Wyckoff, and Aye - Bishop.

Foster moved, seconded by Nottke, to authorize Town Attorney Pat Morrell to send notice, pursuant to RPTL §487(9)(a), that the Town of Covert intends to require the New Leaf solar development to enter into a PILOT contract. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Foster moved, seconded by Nottke, to authorize inclusion of Town informational insert with the 2024 Property Tax bills mailing. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve the Supervisor's Income and Expenditure report for the month of November 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Foster, to approve the Highway Superintendent's report for the month of November 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to approve Town Clerk report for the month of November 2023. Town Clerk received a total of \$2218.00; \$740.56 was remitted to the Supervisor. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to approve the Code Enforcement report for the month of November 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Foster moved, seconded by Nottke, to approve the Dog Control Officer's report for the month of November 2023. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, that Highway Fund Vouchers #164 - 178 in the amount of \$21,646.82 and General Fund Vouchers #223 - 239 in the amount of \$12,392.41 be approved for payment. Aye-Wyckoff, Aye-Nottke, Aye-Bishop, Aye-Foster.

Nottke moved, seconded by Wyckoff, to adjourn the meeting at 8:50 P.M.

Respectfully submitted,

Leslie Adams-Compton, Town Clerk