

**TOWN OF COVERT, SENECA COUNTY**  
**PUBLIC HEARINGS and REGULAR TOWN BOARD MEETING**  
**February 12th, 2024**

The Public Hearings and regular meeting of the Town Board of the Town of Covert was held Monday, February 12, 2024 at 7:00 P.M. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

<b>Roll Call:</b>	Supervisor Michael Reynolds	Present
	Councilwoman Deborah Nottke	Present
	Councilman Bill Bishop	Absent
	Councilman Brayton Foster	Present
	Councilman Todd Wyckoff	Present

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

**Call to order:** Supervisor Reynolds called the meeting to order at 7:01 P.M. All rose for the pledge of allegiance.

**Approval of Minutes:** Nottke moved, seconded by Wyckoff, to approve the minutes from January 8<sup>th</sup>, 2024. Aye - Wyckoff, Aye - Nottke, and Aye - Foster.

**Public Hearing:** Nottke moved, seconded by Foster, to open the Public Hearing at 7:02 to hear comments on the proposed Local Law Authorizing Section 466-a of the New York State Real Property Tax Law - A Property Tax Exemption for Volunteer Firefighters and Volunteer Ambulance Workers to receive a maximum of 10% off their assessment after a minimum of two years of service, as is consistent with the Seneca County law.

Foster asked if they can flip between taking the property tax exemption and the income tax deduction year to year. Yes, they should be able to choose their benefit.

Nottke moved, seconded by Foster, to close the Public Hearing at 7:06 PM.

**Public Hearing:** Nottke moved, seconded by Wyckoff, to open the Public Hearing to hear comments on the Variance Request for Nick Joseph, 4330 E Covert Rd, Interlaken, Tax Map #17-1-09.7, to construct a third residence, a tiny home, 14' x 28', where roadway setback is short and there is a limit of one dwelling structure per parcel under the Town of Covert Land Management Ordinance (LMO).

Seneca County had approved septic to tie into the existing septic. The Covert Planning Board recommended denial and alternatives such as subdividing property or adding on to the original house.

Foster asked why it is planned for so close to the road when they have a five acre parcel. Joseph said it would probably not be as close as original plan, 40'-50' from right-of-way. Joseph said the County considered the building a shed. He said it would be portable, built on skids.

Joseph said he proposes that he could survey off 2 acres, or create a flag pole lot portion. Foster said a flag pole lot would not be okay by him because of the road frontage needed.

Foster said the structure sounds like a trailer on wheels, and way-back, the Town didn't want multiple trailers on a property. The residence would be 392 sq ft; Foster said the LMO used to require 900 sq ft.

Joseph will have to try something different and re-apply for a development permit.

Nottke moved, seconded by Wyckoff to close the Public Hearing at 7:22 PM.

**Committees:** Nottke reported that the trees were cut down right away by the County for the new bridge.

MacCheyne and Nottke sent a letter to the design team for needed permission from Trumansburg's DPW for the Town to adjust the grade for the driveway at the well house on S Frontenac Rd.

Barry Ford offered used concrete he had available for the project.

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Foster said with the Public Hearing for the Persoon's proposed solar farm in three weeks, he had created a list of questions and comments requesting clarification from the engineers at the Public Hearing. #1. Screening: planting trees - seedlings or larger? #2. Address the distance to the school, etc. and health issues. #3. State the source of the panels, etc. #4. Guarantee funding to cover Town's costs for evaluation of project. #5. Clarify reclamation bond. #6. No recycling available; guarantee no landfill disposal. #7. Clarify property assessment (taxes) through stages of project. #8. Since character of community changes, provide royalty based on production? (excerpted from list on file with Town Clerk)

Foster also said that he was not interested in a PILOT for the solar farm.

Foster said that on Friday they had received information from Henry Zomerfeld, attorney representing New Leaf Energy, with answers to previous concerns that were voiced regarding the proposed solar energy facility. (letter on file with Town Clerk) Foster said he agreed with the first 5 points, but the last three items, ie. #6, All equipment will follow applicable industry codes and standards. #7, A substantial change in use, "currently vacant land"? Or cornstalks? And #8, Construction of the project will take ~ four to six months, met with skepticism, referring to solar facility on Applegate Rd, Ithaca, as taking longer than that to construct.

Nottke said she had re-sent an email from last October when she had asked for \$20,000 to be reserved in the Town's budget for Three Falls LDC to maintain voting member status. She said she went to the County Board of Supervisors meeting to ask for the money, but it was tabled. Then she went to another Tuesday meeting where the County Manager suggested that the money come from the sales tax money the County will distribute in June. The Town is expected to get about \$100,000.

Nottke appealed to the Town Board again, reiterating that the Town of Covert deserves to have a say in the operation of the park and the money will allow the Town to keep their voting membership. She said that grant money will come in after the sale is completed. The Boy Scouts are waiting on the LDC, for assurance of continued use, and NY State Parks is waiting on the bridge. The expected opening date is May 1<sup>st</sup>.

Foster said he wouldn't commit taxpayer money, and was concerned that \$30,000 was already spent, mostly on legal fees, and 'we' still don't have the property. Foster remained opposed until a few things happen: transfer of property, boyscouts, + LDC, concrete results.

Nottke said that the money would be brought back to the Town of Covert. The Boy Scouts would be a revenue stream. When the NY Parks has ownership, they will be able to apply for grants. This last piece of lake front property is so important to the future, the community and tourism. Nottke said the contract was for ten years of management, with option for another 10 years.

Morrell said that the park is a service for your residents, and a tourist attraction: If it makes money, if it breaks even, great. Also, the Boy Scouts, who were using it, want to continue using it. It is a large chunk of land with lake frontage that will slip out of the Town's control if they do not take action and keep their seat at the table.

Foster said he did not want that to happen, but his fear is that the LDC will continue to ask for more money.

Morrell speculated that, as the Town of Covert has responsibility for the road and bridge, the LDC could contract with the Covert Highway Department going forward.

Nottke announced the next Three Falls LDC meeting on Thursday at 9:30 AM when they would hopefully finalize the contract with the Boy Scouts.

Nottke said that the County Board of Supervisors meeting was enlightening in their discussion of the Emergency Management being taken over at the County level. North Seneca EMS is falling apart. Trumansburg service works great, but at a high cost. South Seneca ambulance is surviving, but less efficient. There was more discussion about the need for workers and equipment, and that Schuyler County's EMS services join together to cover their area already.

Morrell has spoken with Donald MacCormack regarding bonding for the Booth Road project. Reynolds said it won't cost extra to use them for bonding.

Reynolds said the Town will need 5% of the cost for Frontenac bridge, \$100,000 - 120,000 to be bonded too. The County will be paying 95% of the bridge bills.

Reynolds said that Emminger Newton Pigeon & Magyar Inc.'s proposal for a townwide revaluation is the best deal at \$80,000.

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He said they will do public meetings. Morrell said they were good to work with in Seneca Falls. It has been 8 – 9 years since the last revaluation.

Reynolds said that Jason McCormick will review the documents for the Persoon solar facility, and that New Leaf will give the Town \$5,000 toward the hiring of an engineer.

Reynolds announced that the new electronic sign should be working Wednesday.

Morrell mentioned that the Town Board may want to change its April 8, regularly scheduled meeting date, as the solar eclipse will be that afternoon, and that schools are closed and many events planned.

There will be a Public Hearing for the Variance Request for Jack and Jen Persoon, 8182, 8184, 8186 State Rte 96, Interlaken, to install three solar arrays, where there is a limit of one electricity production system per parcel and all electricity production systems with a DC capacity greater than 25 kW are prohibited under the Town of Covert Land Management Ordinance on March 4<sup>th</sup> at 7 PM.

**Petitioners:** Ford asked how the Reval will be paid for. The revaluation will be paid with taxpayer money, \$40,000 this year, \$40,000 next year. Part of last year's sales tax money will be used this year.

Ford asked if there is a plan for guard rails in the Booth Rd FEMA project. Reynolds said it will probably be bid that way.

**Resolutions:**

Nottke moved, seconded by Wyckoff, to refer the Variance Request for Laurie Schuller + James Lowe, 8287 Dickerson Drive, Interlaken, Tax Map #06-2-24 to construct an addition where right setback and property size do not meet minimum requirements of the Town of Covert Land Management Ordinance, to the Planning Board on February 29<sup>th</sup> at 7 PM. Aye - Foster, Aye - Wyckoff, and Aye - Nottke.

Nottke moved, seconded by Wyckoff, to schedule a Public Hearing for the Variance Request for Laurie Schuller + James Lowe, to construct an addition at 8287 Dickerson Drive, Interlaken, on March 11<sup>th</sup> at 7 PM. Aye - Foster, Aye - Wyckoff, and Aye - Nottke.

RESOLVED, that the Town Board of the Town of Covert hereby adopts Local Law No. 1 of the year 2024, "A Local Law To Authorize A Real Property Tax Exemption For Volunteer Firefighters And Volunteer Ambulance Workers Pursuant To Real Property Tax Law Section 466-A"; to read in substantially the following form:

A Local Law To Authorize A Real Property Tax Exemption For Volunteer Firefighters And Volunteer Ambulance Workers Pursuant To Real Property Tax Law Section 466-A

Be it enacted by the Town of Covert, as follows:

Section 1. Purpose and Intent

It is the intent and purpose of this Local Law to grant a partial real property tax exemption to qualifying volunteer firefighters, volunteer ambulance workers, and their qualifying spouses, residing in the Town of Covert, County of Seneca, State of New York, as authorized by New York State Real Property Tax Law section 466-a.

Section 2. Exemption Granted.

A. Any qualified member who has been certified by the authority having jurisdiction (hereinafter the "AHJ") for the incorporated volunteer fire company, fire department or volunteer ambulance service as an enrolled member of such incorporated volunteer fire company, fire department or volunteer ambulance service for a period of at least 2 years shall be entitled to a 10% reduction in the taxable value of their real property for Town real property tax purposes subject to the following requirements of section 466-a:

- 1) The applicant resides in the Town of Covert, which is served by the incorporated volunteer fire company, fire department or volunteer ambulance service;
- 2) The real property is the primary residence of the applicant;
- 3) The property is used exclusively for residential purposes; provided however, that in the event any portion of

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such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

- 4) The applicant submits a certification from the AHJ stating that they have been an enrolled member of the incorporated volunteer fire company, fire department or volunteer ambulance service for at least 2 years prior to submitting an application for this tax exemption.
- B. Any member who has achieved over 20 years of accumulated service shall be considered a life member and the exemption shall continue for the remainder of their life if the real property serves as their primary residence.
- C. Any un-remarried surviving spouse of a volunteer who is killed in the line of duty shall continue to receive the real property tax exemption if:
- 1) The AHJ certifies that the un-married surviving spouse is eligible for the exemption;
  - 2) The volunteer had accumulated at least 5 years of service;
  - 3) The real property continues to serve as the primary residence of the surviving spouse;
  - 4) The deceased volunteer had been receiving the exemption prior to their death.
- D. Any un-remarried surviving spouse of a deceased volunteer that shall continue to receive the exemption if:
- 1) The AHJ certifies that the un-married surviving spouse is eligible for the exemption;
  - 2) The deceased volunteer had accumulated at least 20 years of service;
  - 3) The real property continues to serve as the primary residence of the surviving spouse; and
  - 4) The deceased volunteer had been receiving the exemption prior to their death.

Section 3.

This Article shall take effect immediately upon filing with the Secretary of State and shall be applicable to all assessment rolls prepared pursuant to the first taxable status date occurring on or after the effective date of this article.

Motion: Foster, Second: Wyckoff; Aye – Nottke, Aye – Foster, Aye – Wyckoff, and Aye – Reynolds.

Nottke moved, seconded by Foster, to allow the Town Supervisor to enter into negotiations with Emminger, Newton, Pigeon & Magyar for the purpose of a townwide revaluation at the sum total of \$80,000, subject to arriving at an acceptable contract between the Town of Covert and Emminger, Newton, Pigeon & Magyar as negotiated by the Town Supervisor. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Wyckoff, that the Covert Town Clerk and Tax Collector's records were examined on January 15th, 2024, and found to be in good order. Aye-Nottke, Aye-Foster, Aye-Wyckoff and Aye Reynolds.

Foster moved, seconded by Wyckoff, that the Covert Town Justice's Court records and dockets were examined on January 15th, 2024, and found to be in good order. Aye-Foster, Aye-Wyckoff and Aye-Reynolds.

Wyckoff moved, seconded by Foster, that the Covert Town Supervisor's Bookkeeper's records were examined on February 15th, 2024, and found to be in good order. Aye-Nottke, Aye-Foster, and Aye-Wyckoff.

Nottke moved, seconded by Wyckoff, to approve the Supervisor's Income and Expenditure report for the month of January 2024. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Foster, to approve the Highway Superintendent's report for the month of January 2024. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Wyckoff, to approve Town Clerk/Tax Collector report for the month of January 2024. Town Clerk received a total of \$907.00; \$505.00 was remitted to the Supervisor. Tax Collector received a grand total of \$2,008,618.41 through January '24. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Foster, to approve the Code Enforcement Officer's report for the month of January 2024. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

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Nottke moved, seconded by Foster, that Highway Fund Vouchers #10-29 in the amount of \$75,232.33 and General Fund Vouchers #19-44 in the amount of \$370,456.12 be approved for payment. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Wyckoff, to adjourn the meeting at 8:36 P.M.

Respectfully submitted,

Leslie Adams-Compton, Town Clerk