

TOWN OF COVERT, SENECA COUNTY
PUBLIC HEARING and REGULAR TOWN BOARD MEETING
March 11th, 2024

The Public Hearing and regular meeting of the Town Board of the Town of Covert was held Monday, March 11, 2024 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, Town Code Enforcement Officer Roger Ward, Deputy Clerk Brian Quan, Deputy Highway Superintendent Glenn Boyes, Laurie Schuller (via GoogleMeet) 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 Bishop, to approve the minutes from February 12th, 2024. Aye - Wyckoff, Aye - Nottke, Aye - Bishop and Aye - Foster.

Public Hearing: Nottke moved, seconded by Foster, to open the Public Hearing at 7:01 to hear comments on the Variance Request for Laurie Schuller and 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 (LMO).

Reynolds explained that the owners will be making their cottage bigger. Neighbors are okay with it. The Planning Board recommended approval for this project.

Nottke moved, seconded by Wyckoff, to close the Public Hearing at 7:02 PM.

Presenter: Meg Jastran of the Friends of the Interlaken Library shared about what they are doing and plans for the future. She said that the Interlaken Library had turned over the operation for the fundraising book sales to the Friends of the Library. They have 2 pallets of used books stored in the basement of the Town municipal building but need more space for donated books. She said there is a turnover all the time, with the annual Old Home Days sale at the library and more sales planned for the future. Jastran said there is no other public space except 'this one' at the town hall. She asked if they could use the basement for book sales, but an issue with crumbling outside stairs was brought up. Morrell said that the issue should be fixed before inviting the public in. They would like to do a whole weekend sale.

The question of insurance coverage was brought up for the liability. The Town's building use policy says that liability insurance is required for use of the main room. Jastran will look into getting a rider on their insurance.

Jastran also said they need a place to collect book donations, as they've been limited in how many they can accept, and asked if the Town Hall could have a collection box. She was asked if it would be like the outside bin at Trumansburg Shursave.

Nottke asked if there was no place else. Jastran said they had asked the Baptist church to store books there, but it hadn't worked out. She had also asked if they could have a sale there.

Adams-Compton reported that 107 tax bills remain unpaid.

Quan said that the Interlaken Historical Society had received a donation of a private collection of Tupperware for fundraising that needs staging and sorting for upcoming Historical Society meeting planned for April 22nd at 7 PM.

Committees: Foster said he had been looking at the numbers for the solar project, with about \$16/school tax rate, \$6/acre Town/County tax rate for Person property, they don't add up to a very big number.

Nottke said that revisions have been made on the Three Falls LDC By-Laws and the Town Board will need to pass a resolution

TOWN OF COVERT, SENECA COUNTY
PUBLIC HEARING and REGULAR TOWN BOARD MEETING

March 11th, 2024

to accept the new terms. Morrell said he had been in touch with the LDC's lawyer, Carrie Pollack, to make revisions.

Morrell said that instead of a non-profit model, the new Bi-Laws pull back to a municipal organization, which includes requirements for public bodies like quorums, openness and transparency, and the requirements for contributions by members has been loosened by extending time limits based on fiscal years (I.e. Village fiscal year is different than Town). He said there is no procedure, at this time, to reinstate a member.

Now, if the Town doesn't want to monetarily participate in a specific project, voted/approved by the other municipalities, they wouldn't be required to.

Nottke had enlisted Highway Superintendent MacCheyne to come up with a list of hours/cost spent by the highway department on the Park's maintenance and new bridge preparation. Morrell said the benefit of the updated LDC bi-laws is that in-kind services can be used instead of cash for membership.

Bishop voiced concern that the Town's highway department's use at the park would take them away from necessary Town work.

Morrell said the LDC can cover the Town highway costs. He said also the Covert highway dept. could cut trees or mow the roadside lawn, for example, because they have the right equipment, instead of paying someone else to do the job.

Nottke said it was very helpful for the Town + County highway departments to remove the trees by the bridge, and ultimately will help the park when it becomes a park.

Foster said that the Town would have to approve any work done off the right of way anyway.

Morrell said this is just an avenue to allow the Town to have another means to contribute, as opposed to just cash.

Reynolds said he and Morrell have been working on bonding for the Booth Rd FEMA project from Don McCormick. Morrell said they're collecting information between the Town and the bank, and will need a description of the project. Reynolds said that Owen/TG Miller is ready to put the project out to bid. He said that MacCheyne thinks they can do two of the sluice pipes themselves (they'll get a separate bid for those), with 4-6 bigger projects to bid out.

Owen said what was last year a \$400,000 job, will probably be a \$500,000 project. Hopefully, money from FEMA would come back in a year.

Barry Ford said he had ideas for how to do the guardrail at Booth Rd that would be less costly. He was afraid of people driving off the road.

Reynolds said he had spoken with Gerry Messmer, Mayor of Odessa, Town of Dix, regarding solar farms. They have 6 farms, with 4 more coming. Messmer had sent Reynolds their Host Community Agreement for reference. Reynolds said that their host agreement that pays \$25,000/megawatt (one time). Reynolds said he would like to get \$35,000/MW. For Covert project that would mean ≈\$375,000.

Discussion of solar project monetary benefits followed. Morrell said that the tax would be on vacant, unimproved land, a PILOT would be on the project.

Tony Del Plato, Village of Interlaken Trustee, spoke that he is in favor of the project. He said he had been a member of Solar Seneca in 2015. He thinks this is a good project for diversifying on the Persoon farm. He said Persoon said it will provide electricity for the dairy farm. Del Plato also has solar panels; he expects to save on electricity bills when he's paid them off. Excess will be sold back to NYSEG.

Foster said, if you're going to change the community, there ought to be a benefit. Reynolds said he had a call in to Sara/IDA about a solar PILOT, but had no information yet.

Morrell said we are still waiting for the Town's engineer's report.

Morrell introduced the Variance Request for Laurie Schuller and James Lowe to construct an addition to their existing home. The proposed addition would add 4 feet to the existing structure with a new setback of 3'6". The topography of the parcel renders the bank on the east, west and north side unbuildable. Morrell reminded the Town Board that they have the option to approve, deny, or approve with conditions, and that neighbors are temporary and variances are semi-permanent.

**TOWN OF COVERT, SENECA COUNTY
PUBLIC HEARING and REGULAR TOWN BOARD MEETING**

March 11th, 2024

Morrell led the Town Board through the procedure for an area variance under the NYS Zoning law. The Town Board considered the benefit to the applicant if the variance for Schuller/Lowe, 8287 Dickerson Drive, Interlaken, Tax Map #06-2-24 to construct an addition, is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community by such grant. The Board determined that no undesirable change would be produced in character of neighborhood or a detriment to nearby properties, there is no feasible alternative, the requested variance is not substantial, there would be no adverse impact on the physical or environmental conditions in the neighborhood, the alleged difficulty was self-created but not significant. Finally, the Town Board determined that the benefit to the applicant does outweigh the detriment to the neighborhood or community.

Petitioners: Barry Ford asked whether the Persoon solar project is in the Village. The proposed project is on the boundary line just outside the Village of Interlaken.

Morrell gave a brief timeline for the Persoon Solar variance:

- Complete SEQR after Town's engineer's report
- PILOT + Host Community Agreement
- If negative impacts – Alleviate the impacts (ie. Screening, setbacks, truck traffic)

He asked the Board to look at the application closely.

More discussion of the proposed solar farm ensued. "Plan B" is a massive cow farm? "Bergen Manure Days"?

Resolutions:

Foster moved, seconded by Nottke, to re-schedule the Town of Covert Regular Board meeting for April to the third Monday of the month, April 15th, due to solar eclipse festivities on the 8th. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Nottke moved, seconded by Foster, to designate the Town of Covert Town Board as the lead agency for making SEQR determinations for the approval of the that Variance Request for Laurie Schuller + James Lowe, 8287 Dickerson Drive, Interlaken, Tax Map #06-2-24 to construct an addition, and Pursuant to 6 NYCRR 617.5(c)(11) it is hereby determined that the action proposed in this application constitutes a Type II action as defined under said regulations for granting of an area variance for a single-family residence. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Foster moved, seconded by Nottke, that the benefit to the applicant outweighs the detriment to the community with no significant adverse effects and hereby grant 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. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Nottke moved, seconded by Foster, to approve the Interlaken Historical Society to use the basement area for Tupperware sorting prior to and including use of the building for an IHS special program on Monday, April 22nd at 7 PM. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Nottke moved, seconded by Foster, to approve the Friends of the Interlaken Library to use the basement area to store an additional pallet of books and to install a "donation box" outside on Town Hall premises under advisement of the Town Supervisor. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Nottke moved, seconded by Foster, to create the classified position of Assessor, retroactive to the appointment of Sandra Hagin as Assessor on July 1, 2023. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

RESOLUTION #1 OF 2024

To Amend the By-Laws of Three Falls Local Development Corporation

WHEREAS, the Towns of Covert and Ulysses, and the Village of Trumansburg (together, the "Municipalities") formed the Three Falls Local Development Corporation (the "LDC") in 2023; and

WHEREAS, the creation of the LDC was intended to provide, among other things, flexibility and efficiency in decisions

TOWN OF COVERT, SENECA COUNTY
PUBLIC HEARING and REGULAR TOWN BOARD MEETING

March 11th, 2024

and operations with respect to the future management of the Camp Barton property once it is acquired by the New York State Office of Parks, Recreation, and Historical Preservation, as well as the negotiations for licensing the right to manage the same; and,

WHEREAS, in its first year in office the members of the LDC Board of Directors have discovered certain inefficiencies in its bylaws, included but not limited to:

- The requirement that most operating decisions of the LDC be approved by the individual Boards of each Member Municipality rather than the Board of Directors of the LDC;
- The requirement that all agreements between the LDC and outside entities be approved by the individual Boards of each Member Municipality rather than by the Board of Directors of the LDC;
- The requirement that all Member Municipalities share equally in all costs of the LDC regardless of urgency, timing, or the ability to fund said costs; and,

WHEREAS, the Board of Directors of the LDC believes it will greatly improve the efficiency of operations of the LDC to amend the bylaws to address the above, and better allow the LDC to carry out the purposes for which it was formed; now therefore,

WHEREAS, the Board of Directors of the Three Falls Local Development Corporation recommends to its Member Municipalities that the Bylaws of the Corporation be amended as presented.

BE IT RESOLVED, that the Town Board of the Town of Covert approves the amended Bylaws of the Three Falls Development Corporation as presented and adopted 2/20/2024.

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

Nottke moved, seconded by Wyckoff, to approve Agreement For The Payment of Municipal Engineering and Legal Expenses with Interlaken Solar 2, LLC, Interlaken Solar 3, LLC and Interlaken Solar 8, LLC for Company to reimburse the Town of Covert up to \$10,000 for all documented, out-of-pocket expenses, including engineering and legal fees incurred in connection with Town's review of their Applications for Variance. (full agreement on file with Town Clerk) Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

Nottke moved, seconded by Wyckoff, to declare the following items as surplus: Used Microwave, Entrance Door/damaged, 3 well-used desk chairs, several mangled folding chairs, old circulator pump, floor grates, cast iron radiator. Aye - Foster, Aye - Wyckoff, Aye - Bishop and Aye - Nottke.

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

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

Nottke moved, seconded by Wyckoff, to approve Town Clerk/Tax Collector report for the month of February 2024. Town Clerk received a total of \$439.75; \$238.03 was remitted to the Supervisor. Tax Collector received a grand total of \$2,131,148.86 through February '24. Aye-Wyckoff, Aye-Nottke, Aye-Bishop and Aye-Foster.

Nottke moved, seconded by Bishop, to approve the Dog Control Officer's report for the month of February 2024. Aye-Wyckoff, Aye-Nottke, Aye-Bishop and Aye-Foster.

Nottke moved, seconded by Bishop, that Highway Fund Vouchers #30-46 in the amount of \$118,460.29 and General Fund Vouchers #45-64 in the amount of \$11,071.00 be approved for payment. Aye-Wyckoff, Aye-Nottke, and Aye-Foster.

Nottke moved, seconded by Wyckoff, to adjourn the meeting at 8:31 P.M.

Respectfully submitted,
Leslie Adams-Compton, Town Clerk