

TOWN OF WILLSBORO

TOWN BOARD MEETING WILLSBORO TOWN HALL

April 12th, 2023

ATTENDEES-Travis Crowningshield, Pat McCauliffe, Kyli Miller, Roger Sayward Sr., Greg Gordon, Victor Putman, Darren Darrah, Mark Bonfey, Roy Schiff

BOARD MEMBERS- Benway, Christian, Sayward, Sheehan, Gillilland

CALL TO ORDER at 6:30pm

PLEDGE OF ALLEGIANCE

Minutes:

Sheehan made the motion to accept the minutes. Christian seconded the motion. All in Favor.

Gillilland introduced Ray Schiff from SLR Engineering, he gave a detailed presentation on the Noblewood Landbank Assessment study, with Mark Carbeta and Ethan Ely were on zoom for the presentation as well. They talked about the sand slopes on Lake Champlain and how it could affect our residents' homes and buildings near the water. Mark and Ethan gave a data report, showing us graphs about the recent and predicted erosion on Lake Champlain and gave a report on Noblewood slope at the Day Camp. Overall, they want to stabilize the slope with a vegetative or hybrid approach. The town will have to decide which approach they want to take. Travis Crowningshield gave feedback on the Beach area and how the Noblewood Day Campers have been traveling down the road/pathway to the more northern part of the beach to the sandbar because of the danger of the foot path going down the slope to the beach area in recent years. Benway asked about the permitting process and approximate timeline of how long it takes to receive approval to do so. Schiff stated the Nature Conservancy would probably be more in favor of pulling the trees into the bank than removing them and the permit process would require an army corp permit and a protection of waters permit through the state. He stated because it would be done with block and tackle and not heavy equipment that it might be a low permit effort. Schiff could not give a timeline on this project but said he thought it would be an easy project. Gillilland stated with this being done the town will talk to the nature conservancy and move forward for funding for the vegetation and matting of this project. Schiff stated he would be in touch after the final preferred alternative after the project team reviews.

Shaun introduced Essex County and town Civil Engineer, Todd Hodgdon to talk about the proposed Salt/Sand shed project. The town was awarded \$410,000 for the reconstruction of the Salt/Sand Shed. Todd showed us a proposed site constraint and explained the site's limitations due to size and what is required from the APA to be approved. He has been trying to maximize the storage space on a small footprint. He showed the planned project map and the setbacks lines and explained it is a very restricted area. There are two proposed project options for the Shed and compared the two. (37 ft low profile vs the 43 ft high span) He recommended Option 2 the 43' High Span which is specifically designed for material storage because of the site limitations and it is designed for easier maintenance. NYSDOT installs option 2 for the ability to stack a lot of

material. Gilliland explained that salt leaching into the river is a real problem and that the town has been trying to do something since 2017 and it is a significant project. He also explained the town does not own another property to put this project on and that the town would not ever be able to get rid of the town shed property because it is a dirty super site. Christian asked if the current shed would go away and Crowningshield referred to a photo of the current salt/sand shed being part of the new one for cold storage. Sheehan asked if the town would be exempt from zoning and would a variance be needed. Hodgkins explained that a variance would be needed from the APA because of the 40' height restriction and that the state will not sign off until it is APA approved. Sheehan asked if the town board or the planning board would sign off. Gilliland stated that they can discuss that later.

Supervisors Report- Correspondence- Town-

-Letter from DEC approving the Salt/Sand shed project and the APA application completion going out for comment.

-Letter from SLIC to the State Office of Real Property for assessment grievances. They are grieving all assessments of all fiber optic in every Town and County that they work. If it is approved a portion of the taxes paid could have to be paid back. -Letter from DEC asking to complete the periodic review of the Black Ash Pond. Gilliland and Benway walk down there to inspect for the periodic review.

-Court System audit reminder. Gilliland passed this out with the audit checklist.

-EFC Required Documentation for Financing Notice pursuant to the Water Project. 5 Million grant money received, which the town is shifting over to short term financing on, because the water project is going to be costing money. The cost for the pilot project that was ordered by the Department of Health is \$55,000 and \$3,000 in electrical bills. A bond anticipation note for this is needed. The board has already approved the bond resolution up to 20 million dollars. The town would pay only interest on the bond for the first year until short term financing kicks in. EFC will pay that note off and also the interest that has been paid. We have 5 million and will be applying for another 1 million from the Northern commission. 6 million is the maximum that the town can get in grant money and the total water project will be 10 million. The town will have to bond for 4-5 million for the completion of the new water plant.

- an amendment to the NIEWPCC contract. This is basically a duration pushing it out. NIEWPCC is the Champlain Basin Program, the grant for the second physical screen for the sewer plant. This will not cost the town any money with the NIEWPCC grant and the DEC grant. The NIEWPCC grant counts as our enkind for the DEC grant.

-Received a letter of notice from the Champlain Hudson Power Express, which is the cable under the lake. Notifying they are submitting engineering construction plans for "mattressing" in Lake Champlain. Gilliland stated this means they will begin laying concrete in certain areas of Lake Champlain.

-Fireworks contract was signed for July 3rd (July 5th is the rain date) and for Christmas in the 'Boro on December 9th.

- Consulting Funding Applications will be due in June. That's when we will be applying for the Northern Borders and a town Comprehensive Plan development. Last update was in 2011.

County-

-Sheehan & Sons will start moving glass out of Reber next week.

-BHSN has a housing grant for a 40-unit housing and a portion of which will be used to house victims of domestic violence. It is a 100% grant and they are looking for a town to put it in, low/medium housing and domestic violence victims. Gilliland will be checking into this further to see if the grant includes land acquisition.

-The sale of the Westport hotel finally closed and will later be turned into another restaurant.

-Congratulations to Hannah Carson from Willsboro who was made the Assistant director of Real Property.

-Moriah Shock facility, not much from the State as to what is going to happen to this building. The Department of Correction is keeping the building heated and continues to have maintenance personnel in the building. Gilliland sent a letter to the adjacent general of New York inviting them to come take a look at it as a possible facility for the New York National Guard.

-State Police had a contract with the Public Safety Building for one hundred and forty-four thousand dollars a year since the building opened. Over the years they have had to expand the area in which they are in and they have most of the dispatch locations. They also do not pay for any of the 911 communication systems. The County is raising the rent on them and they will be putting in 3% a year escalator into the contract and they will help finance the upgrades to the communication system over the next few years. They have balked at this and threatened to move out and the county told them to just let them know when they would be moving out to be able to rent this space out. The county thinks they will eventually agree with this proposal as there is not a lot of space available in the area. Essex County 911 Communications system handles the entire North Country, reaching into 12 counties.

Sheehan made a motion to accept the warrant and the Supervisors Report. Benway seconded the motion.

Roll Call- Benway, Sheehan, Sayward, Christian, Gilliland

Town Clerk's Report-

The clerk's office in the month of March took in \$5,649.00, paying \$4.00 to NYS Ag and Markets and 22.50 to NYS Health Department. Decals took in \$60.00, of which \$56.68 went to the state and the town's commission was \$3.32. In March the Property taxes brought in was 88,115.05 I paid the County \$80,000.00. The sewer/water bills also brought in \$9,735. Things in the office are starting to pick up with Golf Course memberships and everyone coming in for landfill tickets to clean up their winter mess. In the last few days we have sold a few fishing licenses, and that will start picking up real soon. Lilly and I are still working on our file system, making it transparent and easier for us to work with.

Benway made a motion to accept the Town Clerk Report. Sayward seconded the motion. All in favor.

Town Highway Report-

The highway department has been working on the Golf Course equipment and getting that ready for the season. They will start turning on the water in the next few days. The first round of grading the roads is complete. The roads were in rough shape this year. They will start undressing the trucks next week and leave the head gear on and take the plows and wings off. As

soon as the trucks are done they will begin doing pick up of the town roads. The job shadow went really well with the Bouquet Valley student, he serviced the broom tractor under the supervision of TJ Benway. He will be going to CV-Tech to study heavy duty mechanics and operators. They also had him run the loader and excavator in the sand pile. Crowningshield stated he did very well. Terry Pulsifer passed his Class A license today. He now holds a CDL license. June 4-7 Crowningshield and Mikey Phinney will be attending Highway School in Ithaca.

Pickleball and tennis nets were put up today.

Sidewalks and issues of mobility around town need attention. The worst being Sunset Drive from Staffords to the railroad tracks, Middle Road from the intersection of Sunset to Joseph Walsh's house and Mill St. To repair these sidewalks with the April prices for blacktop it will cost \$13-15 thousand dollars.

Christian asked where the money is coming from to pursue this project. Gilliland stated it will come out of the general fund balance or ARPA funds. Christian stated he has no idea where the fund balance status is and would like to be updated.

Benway made the motion to authorize up to \$15 thousand in sidewalk repair. Sayward seconded the motion.

**Roll Call- Benway, Sheehan, Sayward, Christian, Gilliland
Ayes-5**

Water-

The sewer plant is running well. With the high flows of water in April chances are good that we will be violating the permits again this month. The last 2 days are the only days this month we have been under our daily limit. There are no fines, however there will be paperwork to submit to the EPA. Pat is meeting with Todd Hodgdon about lack of storage and a larger treatment plan. There are grants available and we will be looking into this right away. Todd made engineering plans to be submitted soon. It has been very busy with the pilot study and how there is no space on the site due to water sites and power lines being brought in. The quality of the water coming in was very concerning at first because it is sometimes harder to process clean water. The pilot is literally removing every particle from the water. The quality of water is amazing. Lab reports will be back this week and hopefully a more smoothly run operation by next Monday. The pilot study runs 24 hours a day. Sayward asked for clarification on the meter meter installation. McCauliife explained that the water department will deliver the water meters to the homeowner to make sure they have the proper fittings. They have to verify that there is no lead in the service connections to the home for the EPA. 2 plumbers in the area are willing to do installations for people who can't do it themselves. The water department will go back in to calibrate after installation. There is no deadline as of yet to have these installed. [Justin Drinkwine](#) will be going out of work for surgery and will be out approximately six weeks.

Ambulance Report- A written financial report was submitted with no comments.

Youth Commission Report- A written report was submitted with photographs of activities.

Parks Commission-

The group is very excited and they are putting together a plan for the further to be done in stages. They will be focusing this year on building a pavilion with bathrooms at Florence Hathaway Park. [Travis Crowningshield](#) joined the last meeting and he was very helpful. A septic system needs to be engineered and they asked 2 engineers for quotes and only received 1 back for 3 thousand dollars. They would like to request this money from ROOST money to move forward. They do have future phases and will be putting these together and presenting them next month to the board. Beway said the decision of where the pavillion is going needs to be determined and that has to do with where the septic will be. A formal presentation will be at the next meeting. Gilliland suggested that this proposal, once complete, be put on the ballot to let the voters decide what should be done. Darrah stated they should have solid numbers at next month's meeting.

Benway made the motion to proceed with the soil investigation and septic design professional services for Hathaway Park not to exceed 3 thousand dollars. Sayward seconded the motion.

Discussion- Christian asked how big of a building the committee is proposing? Benway stated 24' X 48', with a BBQ pavilion with bathrooms on the end. This will not be 4 seasons.

Roll Call- Benway, Sheehan, Sayward, Christian, Gilliland Ayes-5

Old Business-

-Pilot Study- bond council is putting together initial paperwork of an initial band of 77 thousand dollars. This will be done soon.

-Salt/Sand Shed- The Town Board can exempt a project from the town code. The town code for Willsboro, town projects are not exempted. To be able to do this, it has to pass a 9 item test, each of the factors need to be taken into account and if it passes then the Town can pass a resolution to exempt the project from the zoning code. The resolution was written and is below. The final arbiter for this project will be the APA.

Discussion- Sheehan asked if the planning board would be asked to sign off on anything for this project? Gilliland stated it would be the responsibility to sign off. Sheehan stated that the Planning board was originally sent this project and asked if there had been communication to the Planning board about this resolution or will it be after the decision is made? Gilliland stated he would make them aware after the decision was made by the board. She also asked if they did not go ahead with the resolution what would be the deterrent in the timing to go through the process everyone else goes through? Gilliland explained that because there are no bid and exact plans which normally would happen with an applicant. The way it must be bid out and to come up with the best plan. The APA has sent letters to all the neighbors for their input and comments and in the application, they are asking to go up to 44 feet. Public comment will be to the APA. If the APA denies the application, then it would have to be under 40 feet. Sheehan also asked if the neighbors had a time frame to respond to the APA and were they given 30 days? Gilliland stated the deadline is April 20, 2023. Christian asked if it was in the hamlet and was it owned by the Town before 1973? Gilliland stated that it was but it did not count for height projects. These are separate applications. Gilliland said this resolution essentially takes it off the plate of the Planning / Zoning board and moves it forward for APA and the Town board can take it back to the boards. Sheehan asked if the neighbors had more than a week to respond? Gilliland stated they had from March 29,2023 to April 11, 2023.

**RESOLUTION OF GOVERNMENTAL IMMUNITY
OF TOWN SALT SHED PROJECT FROM TOWN ZONING LAWS**

WHEREAS, the Town owns real property located at 17 Stoker Lane, Town of Willsboro in Essex County, and which is identified as Tax Map Parcel #31.13-2-20.00 (the “Property”); and

WHEREAS, the Property is the location of the Town Highway Garage and a pole barn and is used in part to store sand and salt needed for the Town’s winter road maintenance and other Town purposes; and

WHEREAS, there are no covered facilities for the storage of the sand and salt at the Property; and

WHEREAS, it is important that salt and sand be stored in a covered manner to ensure that the materials are not exposed to the elements, which can result in waste of these necessary and costly materials and may also impact surrounding areas; and

WHEREAS, the Town Board believes it is a necessity for the Town and community to construct a storage facility (“Salt Shed”) for these materials; and

WHEREAS, the Town Board has been working on the design of and funding for construction of a Salt Shed on the Property and has sought necessary approvals from the Department of Environmental Conservation and Adirondack Park Agency; and

WHEREAS, a review under the New York State Environmental Quality Review Act for this Salt Shed project has been completed a Negative Declaration adopted on April 12th, 2023 finding the project will not result in any significant adverse environmental impacts; and WHEREAS, the Town Zoning Code does not currently address the Town’s immunity from its own Zoning regulations and therefore the Town Board desires to undertake a review of whether or not this Project should be immune from Town Zoning regulations pursuant to the balancing test for such determinations which has been established by New York State’s highest Court, the Court of Appeals, in the case entitled City of Rochester v. County of Monroe, 72 NY2d 338 (1988); and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board is the sponsor of the Project proposed to be constructed on Town-owned property and hereby makes the following findings under the balancing test set forth by the Court of Appeals in City of Rochester v. County of Monroe, 72 NY2d 338 (1988):

1. The nature and scope of the instrumentality seeking immunity: The Town Board is the legislative body for the Town of Willsboro and is seeking immunity from its own Zoning Laws to construct a project wholly within the Town, on Town Owned lands and for the benefit of the public.
2. The encroaching government’s legislative grant of authority: There is no “encroaching” government as the Willsboro Town Board is proposing to undertake construction on Town-owned lands located wholly within the Town of Willsboro. The Town Board is the legislative body in the Town of Willsboro.
3. The kind of function or land use involved. The Property is currently used for Town purposes and is the location of the Town Highway garage. The Property would continue to be used for these vital Town-purposes after the construction of the Salt Shed. However, the project would be a great improvement for the public in that the storage of salt and sand will be properly protected

from the elements, preventing waste of Town resources, and ensuring that the sand and salt does not pose an environmental risk to the surrounding community.

4. The effect local land use regulation would have upon the enterprise concerned: Subjecting the project to local land use regulations would delay a vital Town Project from advancing timely at a time when the Town Board is able to secure funding for such a project.

5. Alternative locations for the facility in less restrictive zoning areas: There are no viable alternative locations for this site-specific project. The Property is currently used for Highway Department maintenance facilities, including for salt and sand storage. The proposed Project would allow this Town use to continue, but in a safe manner that is also protective of public resources. The Town Board believes that construction of the Salt Shed at any other location would be impracticable and cost prohibitive.

6. The impact on legitimate local interests: Legitimate local interests support this project. Local interests would presumably support the Town availing itself of funding to construct the project for the purposes of protecting Town resources, the environment generally, as well as the surrounding community.

7. Alternative methods of providing the proposed improvement: There are no alternative methods. This is the current location of the Town Highway Garage and Highway Department maintenance facilities. The salt and sand at issue are currently being housed at the Property without appropriate cover and protection.

8. The extent of the public interest to be served by the improvement: The public will benefit from the Town constructing the Salt Shed as it will prevent waste of these costly materials and also protect the environment.

9. Intergovernmental participation in the project development and an opportunity to be heard: The Town has worked closely and is continuing to work closely with various governmental bodies and agencies within New York State to develop this Project. These entities include New York State, Essex County, the New York State Department of Environmental Conservation and the Adirondack Park Agency; and it is further

RESOLVED, that in balancing the public's interests based upon the Town

Board's analysis of the nine factors set forth above, the Town Board finds that it is in the public's best interest to allow the Salt Shed project to proceed without meeting the specific requirements of and obtaining any approvals under the Town Zoning Code; and it is further RESOLVED, that the Town Board finds the project exempt and immune from the requirements and approvals set forth in the Town Zoning Code and any other applicable

Town Local Laws and finds that this Project shall move forward in the same manner as

if it had received any and all approvals that may have been required if the project were subject to the requirements of the Town's Zoning Code; and it is further

RESOLVED, that the Town Board authorizes and directs the Supervisor, Town Clerk, Town Code Enforcement Officer and Town Counsel to take such further actions as may be necessary to effectuate the intent of this Resolution.

Christian made the motion of governmental immunity of the Town Salt/Sand Shed Project. Benway seconded the motion. Roll Call- Benway, Sheehan, Sayward, Christian, Gilliland Ayes-5 Nyes-0

New Business-

The Superintendent of the Golf Course after interviews suggested hiring the following people for attendants for the 2023 season at a rate of \$14.20 per hour. Doug Costin, William Eisenhardt, Patrick Oliver, Arnold Provost, Jeffrey McKenna

Sayward made the motion to hire all Golf Course members Eric Arnold has suggested above. Christian seconded the motion.

Discussion- Sheehan asked if there was any youth interest to work at the Golf Course? Crowningshield stated that Eric Arnold did receive youth applications and will be hiring them later closer to the end of school. A letter was put into the council's packets explaining this.

Roll Call- Benway, Sheehan, Sayward, Christian, Gilliland Ayes-5 Nyes-0

Summer Program:

The camp fee has not been raised since 2014 and Gilliland suggested raising it to \$75.00. Sheehan gave the figures that at \$75.00 it would amount to \$1.36 an hour.

Christian made a motion to raise the fee of the Summer program to \$75.00 per child. Benway seconded.

Benway questioned the front steps of the Town Hall. Gilliland stated we have 2 quotes and he would like to have 3 and will bring it back to the board next month.

Public Comment-

Dan Benoit complained that the Westelcom Alarm system is not working at the Heritage Museum. After lots of discussion, it was decided Benoit will come into the Town Hall tomorrow and they will call to get this security system figured out. Meeting will be held this week.

Many volunteers have been doing clean up around town.

Will put on the town page to encourage town clean up.

Adjourned at 8:21 pm