

**Bovina Town Board
Regular Monthly Meeting
June 14, 2016**

RESOLUTIONS: 2016 – 77 – 85

Board Members Present: Tina Molé, Supervisor; Evelyn Stewart Barnhart, Mark Rossley, Thomas Hilson, Marni Greenberg, Members of Council; Edward Weber, Highway Superintendent; Catherine Hewitt, Clerk
Others Present: Joe/Connie Dibble, Mel Greenberg, Dick Barnhart, Annette Robbins, Chris Ingvordsen, Jan Bray

Supervisor Molé opened the meeting at 6:00 PM followed by the Pledge of Allegiance.

2016-77 It was moved by Hilson, seconded by Rossley to approve the minutes of the May 10, 2016 Regular Monthly Meeting as presented. All in favor, 5 ayes, 0 nays.

2016-78 The **GENERAL** bills (81-101) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Stewart Barnhart. All in favor, 5 ayes, 0 nays.

2016-79 The **LIGHTING** bill (6-6) was audited prior to the meeting and approval for payment was moved by Hilson, seconded by Stewart Barnhart. All in favor, 5 ayes, 0 nays.

2016-80 The **WATER** bills (24-26) were audited prior to the meeting and approval for payment was moved by Greenberg, seconded by Stewart Barnhart. All in favor, 5 ayes, 0 nays.

2016-81 The **SEPTIC** bills (18-24) were audited prior to the meeting and approval for payment was moved by Rossley, seconded by Greenberg. All in favor, 5 ayes, 0 nays.

2016-82 The **HIGHWAY** bills (60-72) were audited prior to the meeting and approval for payment was moved by Hilson, seconded by Greenberg. All in favor, 5 ayes, 0 nays.

Supervisor Molé said that the Workshop for the Well Project was cancelled. There was a problem finding the well on the Cipp property so the test was delayed until the well was located. The 72-hour pump test has been completed; the results are not back. A Workshop will be scheduled as soon as the results are back.

2016-83

**TITLE: RESOLUTION AUTHORIZING ENTRY INTO HOST COMMUNITY BENEFIT AGREEMENTS AS PAYMENTS
IN LIEU OF TAXES FOR COMMERCIAL SOLAR INSTALLATIONS IN THE TOWN OF BOVINA REAL PROPERTY
TAX SERVICES**

WHEREAS, the Town of Bovina, Town Board, wishes to cooperate and partner with the County of Delaware and school districts in creating a unified policy to deal with the taxable status of commercial solar installations: and

WHEREAS, the real estate parcels that contain those solar installations will fall into overlapping taxing districts; and

WHEREAS, the New York State Real Property Tax Law Section 487(9) states that solar, wind and farm waste energy projects are exempt from property taxes for a period of 15-years, but are eligible to contribute to their host community through PILOT agreements: and

WHEREAS, the Town of Bovina, the County of Delaware and many of the towns, villages and school districts agree that residential and agricultural solar projects should be tax-exempt, but commercial solar projects should pay their fair share of the costs of municipal expenses; and

WHEREAS, residential solar projects are defined as projects located at inhabited dwellings, connected to a single phase grid and no larger than 20 kw in size; and

WHEREAS, agricultural solar projects are defined as projects located on lands which qualifies for exemption under Real Property Tax Law §483; and

WHEREAS, commercial solar projects are defined as any projects other than those defined above as residential or agricultural; and

THEREFORE, upon approval of this Resolution, it is understood that the Town of Bovina authorizes that the Host Community Benefit Agreements will be put into place for all new commercial solar installations in the Town. It is further understood that taxing districts will need to adopt similar legislation to authorize the Host Community Benefit Agreements. In addition, it is expected that the Town of Bovina will be the lead agency in negotiating and ensuring that the Host Community Benefit Agreements are in place; and

WHEREAS, the Town, within a sixty (60) day period of the request for a building permit or any other formal notification received from an entity notifying the Town of Bovina of intent to construct a commercial solar installation, will notify such commercial solar array owners that the Host Community Benefit Agreement (PILOT) is in place in the Town of Bovina and will notify such other taxing districts as described within this resolution; and

FURTHERMORE, all commercial solar panel arrays will be subject to Host Community Benefit Agreements (PILOT) to be put into place by the Town of Bovina and the proceeds of which will be shared by each taxing district on a pro-rated amount (50% Town, 25% County, 25% School); and

WHEREAS, all residential and agricultural solar installations would remain as tax exempt for the 15-year period unless the law changes regarding tax-exempt status. This Resolution only applies to commercial installations; and

WHEREAS, under Section 487 (9) of the Real Property Tax Law, the Host Community Benefit Agreement must not exceed the amount of taxes that the entity would have paid on the new array if there were not tax exemption (For example, if a \$100,000 solar farm is built on a \$5,000 plot of land, the agreement cannot exceed what the property taxes would have been on a \$105,000 assessed value); and

WHEREAS, it is understood agreements made pursuant to this resolution shall be for 15 years and that the revenue will be divided among the taxing districts as described above.

NOW, THEREFORE, BE IT RESOLVED that the Town of Bovina Town Board is in agreement with this multi-jurisdictional cooperation agreement.

It was moved by Hilson, seconded by Rossley to accept the multi-jurisdictional agreement. All in favor, 5 ayes, 0 nays.

2016-84

TOWN OF BOVINA ENDORSEMENT OF THE MARK PROJECT INC.'S NY MAIN STREET PROGRAM

WHEREAS, the MARK Project, Inc., desires to apply for up to \$500,000 in financial assistance through the 2016 Consolidated Funding Application (CFA) under the NY Main Street Program;

WHEREAS, the program proposes funding to assist property owners to complete building renovations to downtown "main street" buildings on Main Streets in the Town of Bovina and the Town of Andes;

WHEREAS, the proposed funding will contribute to ongoing community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of Bovina, located in the County of Delaware in the State of New York, approves and endorses the MARK Project's 2016 NY Main Street Program for assistance prepared and to be submitted by the MARK Project, Inc.

It was moved by Stewart Barnhart, seconded by Hilson to accept the MARK Project's NY Main Street Program. All in favor, 5 ayes, 0 nays.

Councilwoman Stewart Barnhart said she has been involved in the Main Street Grant Funding as Bovina's representative. There was \$265,000 to be granted and 1.1 million in requests with 12 to 15 clusters applying. Each individual project was looked at and the need for this money is very evident. If this is funded it could mean \$200,000 to Main Street buildings in Bovina.

Supervisor Molé said

- the Dog Control Officer Inspection Report has been received and was Satisfactory.
- The Annual Water Report is complete and has been filed with the Department of Health as well as NYS DEC and is on file with the Town Clerk.

Councilman Rossley has had the NYSEG representative give a second estimate on updating the lighting in the Post Office, Main Room, Stage and Judge's Office. The total cost would be \$4,596.75 with the Town's portion being \$2,681.39. He does feel it is important to do something in these areas, especially the main room. Supervisor Molé asked Rossley to give the bookkeeper a copy of the estimate for budget time.

ADVISOR REPORTS

HIGHWAY – Councilman Hilson said that he didn't meet with Highway Superintendent Weber this month. Weber has been to Ithaca to the Annual Highway School.

FINANCE – Councilwoman Stewart said that she met with the bookkeeper and the Annual Report is not complete. He expects it to be done by the end of June or early July.

BUILDINGS – Supervisor Molé said that she planted the planters for this year. It was noted that they look very nice.

TRANSFER STATION/PLAYGROUND – Councilman Rossley said that he has been getting a few more names of people who need permits and giving them to the Clerk. There was an instance of one person using the station and it has been determined that they are not residents and do not pay taxes to Bovina so they will not use the station. Tire Day was two weekends and one Wednesday, and a container was about 2/3 full. The Playground has water running through it when it rains and weeds are growing. One resident has suggested no chemical spray in the playground. Rossley suggested that the parents volunteer to pull the weeds and if that works out there may not be a need to spray. If that isn't the case, it may have to be closed and a spray used.

PLANNING BOARD LIAISON – Councilwoman Greenberg said the Planning Board met. There are two neighbors doing a boundary line adjustment on Miller Avenue. There is a proposed subdivision on Jim Lane Road with 100-acres intending to be sold to New York City. There was a 2008 boundary line adjustment on Jim Lane/County Highway 5, the deed was never filed but the maps were. Planning received the new deed description and re-authorized the filing. The Planning Board continues to review and make changes to the Zoning Law.

HIGHWAY REPORT – Highway Superintendent Weber said that there is a problem on the corner of McNaught Hill and New Road. The culvert top is concrete and is deteriorating. The County came in and put barricades up on the lower side. Something needs to be done with that soon.

There is no new information on the Miller Avenue Culvert.

There will be paving done on two small pieces on Lee Hollow.

A 2008 Freightliner truck with 8,200 miles was made available through OGS and Weber contacted the Board members by phone about purchase. The cost of the truck was \$4,500 and shipping would be about \$5,550 with total cost being just over \$10,000.

2016-85 It was moved by Hilson, seconded by Stewart Barnhart to purchase the 2008 Freightliner. All in favor, 5 ayes, 0 nays.

Weber said that the first OGS truck is on the road, the second one is almost ready to be put into service and this next one will be done in the 2017 budget.

The men have been cleaning ditches, and shoulders for sealing on Bovina Road, New Road, Lee Hollow, New Kingston Mountain Road.

Weber is still looking into replacement cost for the Chevy Pickup. A Ford 550 with the necessary equipment about \$77,000.

COMMUNITY CONCERNS: Jan Bray said that the overhang by the front door at the Maynard Schoolhouse looks like it needs attention because it is starting to sag. It's not in danger of falling but should be looked at before it is.

Annette Robbins asked if the Town owns the land under the Library. There is an individual who wants to use a metal detector on the land around the Library as well as the ballfield. He was told that he couldn't but in the event he returns Annette wants to have her facts.

Joe Dibble asked about contact information for people who deal with invasive weeds. Tom Hilson suggested that he contact Cooperative Extension as a start.

With no further business, the meeting was adjourned at 6:45 PM.

Respectfully Submitted,

Catherine Hewitt, RMO
Clerk