

Minutes of the Regular Meeting of the Town Board of the Town of Kirkland, held at the Town of Kirkland Municipal Building, 3699 State Route 12-B, Clinton, Oneida County, New York on February 06, 2023, at 5:00 p.m.

Present:

Supervisor Robert J. Meelan (by Zoom call)

Councilwoman Donna E. Yando

Councilman Richard J. Maxam

Councilwoman Melanie L. O’Neil

Attorney Anthony Hallak

Absent:

Councilman Garry F. Colarusso

Supervisor Meelan called the regular meeting to order at 5:00 p.m. and asked those present to stand for the Pledge of Allegiance.

Supervisor Meelan recognized the Public in attendance, there was no one present who wished to address the Board.

RESOLUTION #15

Upon motion by Councilwoman O’Neil, seconded by Councilwoman Yando, the following resolution was ADOPTED:

RESOLVED, that the Kirkland Town Board approve the minutes of January 3, 2023 as printed.

Roll Call Vote:

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Abstain
Councilman Garry F. Colarusso	Absent
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

The Town Board will vote on the minutes of January 25, 2023 at the February 27th meeting.

RESOLUTION #16

Upon motion by Councilman Maxam, seconded by Councilwoman O’Neil, the following resolution was ADOPTED:

RESOLVED, that the Kirkland Town Board approve the 2023 Capital Projects Plan, previously reviewed and discussed at the January 25, 2023 meeting.

Roll Call Vote:

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Absent
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

RESOLUTION #17

Upon motion by Councilwoman O’Neil, seconded by Councilwoman Yando, the following resolution was ADOPTED:

WHEREAS, The Town of Kirkland will be entering into an agreement with the Office of Parks and Historic Preservation and,

WHEREAS, The Town has accepted the Grant Funds pursuant to Resolution #13 and,

WHEREAS, Oneida County has provided \$400,000 towards the Arena Floor Project

RESOLVED, that the Budget Director is hereby authorized to make the following Budget Amendment to the 2023 Budget to support the additional matching funds required,

INCREASE: Account B 9901.9 Transfer to Other Funds (Capital) \$300,000

INCREASE: Account B 599 Appropriated Fund \$300,000

Roll Call Vote:

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Absent

Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

RESOLUTION #18

Upon motion by Councilman Maxam, seconded by Councilwoman Yando, the following resolution was ADOPTED:

RESOLVED, that the Kirkland Town Board adopt Local Law No. 1 of 2023, a Local Law to adopt pursuant to Real Property Tax Law §487(8) opting out of the exemption from taxation for certain energy systems. (A copy has been made a part of these minutes)

COUNTY OF ONEIDA, STATE OF NEW YORK

Local Law No. 1 of 2023

A Local Law to adopt pursuant to Real Property Tax Law § 487(8) opting out of the exemption from taxation for certain energy systems.

BE IT HEREBY ENACTED by the Town Board of the Town of Kirkland as follows:

Section 1. Legislative Intent.

Section 487 of the state Real Property Tax Law grants a fifteen-year exemption from real property taxation on the increase in assessed value attributable to the construction or installation of qualifying solar or wind energy systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment and electric energy storage systems, and fuel-flexible linear generator electric generating systems. Real Property Tax Law § 487 also authorizes a municipality to opt out of granting that property tax exemption by adoption of a local law. The Town of Kirkland is substantially a residential community, and the Town Board seeks to promote appropriate development. However, since the Town is substantially residential, the Town Board seeks to protect the Town’s tax base by adoption of this article, which requires that solar energy systems, wind energy systems, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment and electric energy storage systems, and fuel-flexible linear generator electric generating systems are subject to the payment of Town taxes.

Section 2. Opt-Out of Real Property Tax Law § 487 exemption.

- A. Notwithstanding the provisions of Subdivision 2 of Real Property Tax Law § 487, no real property tax exemption of Town taxes shall be granted to solar energy systems, wind energy systems or farm waste energy systems which began construction after June 8, 2016.
- B. Notwithstanding the provisions of Subdivision 2 of Real Property Tax Law § 487, no real property tax exemption of Town taxes shall be granted to micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, electric energy storage equipment and electric energy storage systems or fuel-flexible linear generator electric generating systems which were constructed after the effective date of this article.

Section 3. Severability.

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date

This Local Law shall become effective upon filing in the Office of the Secretary of State of the State of New York as provided in Section 27 of the Municipal Home Rule Law.

Roll Call Vote:

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Absent
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

GENERAL ORDER

Attorney Anthony Hallak – No report
Town Clerk Donna Maxam – No report
Highway Supt. Jon Scott – Absent
Police Dept. - Administrative Officer Occhipinti – Absent
Building and Grounds Liaison Councilwoman Yando – No report
Recreation Liaison Councilwoman O’Neil – No report
Seniors Liaison Councilwoman Yando – No report
Sewer Liaison Councilman Maxam – Spring Street pump down, a new one has been ordered but the 2nd pump is keeping things going
SWOCO Liaison Councilman Maxam – No meeting held

The monthly Safety Inspectors’ Reports and Animal Control Officer’s Reports were reviewed by the Town Board Members.

CORRESPONDENCE

None

AUDIT BILLS

RESOLUTION #19

Upon motion by Councilwoman Yando, seconded by Councilman Maxam, the following resolution was ADOPTED:

RESOLVED, that the Kirkland Town Board review and approve the bills as audited: The totals were:

A -	32,912.46
B -	4,449.59
DA -	64,944.85
DB -	3,276.39
SL 1-	690.11
SL 2-	237.36
SL 3-	130.88
SL 4-	781.75
SS1 -	3,010.19
SS2 -	480.26
SS4 -	477.85

Roll Call Vote:

<u>NAME</u>	<u>VOTE</u>
Supervisor Robert J. Meelan	Aye
Councilman Garry F. Colarusso	Absent
Councilwoman Donna E. Yando	Aye
Councilman Richard J. Maxam	Aye
Councilwoman Melanie L. O’Neil	Aye

There being no further business to come before the Town Board, upon motion by Councilwoman O’Neil, seconded by Councilman Maxam, the meeting was adjourned at 5:07 p.m.

Donna B. Maxam, Town Clerk