TOWN OF PLATTEKILL

REGULAR TOWN BOARD MEETING

August 7, 2024

Time – 7:00pm

SALUTE TO THE FLAG:

ROLL CALL:

The following Town Board Members were present:

 Supervisor Depew

#### Councilman Castillo Jr.

#### Councilman Fazio

Councilman Hoppenstedt

ABSENT- Councilman O’Flaherty

MINUTES:

* Councilman Depew made a motion to NOT read the minutes from the July 17, 2024 regular meeting.

Seconded by Councilman Hoppenstedt

On the vote: All Ayes

Councilman Depew made a motion to ACCEPT the minutes from the July 17, 2024 regular meeting.

Seconded by Councilman Hoppenstedt

On the vote: All Ayes

ADDITIONS:

* Highway Department Memo

Month of August, Culvert Pipes and Bridge Repairs will be done along #910 and #1000 South Street. Message Board on South Street will advise on the dates.

PUBLIC INPUT:

* Supervisor Depew made a motion to open Public Input at 7:03pm.

Seconded by Councilman Hoppenstedt

On the vote: All Ayes

1. Mike Lembo- On the Agenda, states Pool Car, what is that?

Supervisor Depew- The Pool car would be purchased for the Town employees, they go back and forth to trainings, mail box, errands. We have a lot of uses for that vehicle. We are paying the Federal Rate for someone to use their private car which comes along with a Liability. When people lease their vehicles, you are only allotted so many hours/miles, and it is unfair for us to ask employees to use their own cars.

Mike Lembo- Couldn’t you use a retired Police Car instead of purchasing a new Car to save that money?

Supervisor Depew- We potentially could, yes.

1. Annette Laskowsky- You have battery storage discussion under old business, will people be able to ask questions during that time?

Supervisor DePew- Now is the time to ask questions. I don’t see a problem if anyone has questions.

1. Esther Coppola- What is the V & T Law?

Supervisor DePew- Vehicle and Traffic Law. There are certain laws that have escaped the books, and we don’t have them upfront. It could be a parking violation, parking in handicap areas, fire areas that are used for loading and unloading. There are certain laws that are not specifically described and we have been asked by our Law enforcement to look at these areas.

1. Mike Lembo- 2 weeks ago at the Clintondale Fire House, the company that gave the presentation on the Lithium Battery Storage Facility, they mentioned that it could generate 10 million in revenue for the Town. How or where did they come up with that figure that will generate that kind of income for our town? Is that a way of buying us off to accept this facility?

Supervisor DePew- It would be unfair for me to answer that question, I don’t understand where 10 million dollars will come from. I had another meeting to go to that night and was not there. I have a million questions and it is not something that we take lightly. This is worthy to look very close at. They had a Conceptual at the Planning Board and the meeting at the Clintondale Firehouse.

Mike Lembo- We should stay ahead of this.

Supervisor DePew- I will allow questions during the time we discuss the Battery Storage from the public.

1. Esther Coppola- I will make the assumption that they have not come in front of the board? To the entire Town Board?

Supervisor DePew- On a project like this, usually the Supervisor receives a letter first and we would make copies for the entire Town Board. All the boards should be communicating with each other. We cannot do our business if we all don’t know that is going on. The Conceptual meeting with the Planning board is the only thing that has happened so far.

Esther wants to make sure no board member has been approached regarding the Battery Facility?

Supervisor DePew polls the Town Board to make sure they haven’t been approached about anything regarding the Battery Storage facility.

Councilman Fazio, Councilman Hoppenstedt and Councilman Castillo all answered no.

Councilman Fazio- We have been going to the meetings. What is their plan to do with it just before they are finished, sell it!

Supervisor DePew- There was also communication that was written down and quoted, that their intention before they hit the switch was to sell it. I will educate myself as much as I can.

1. Linda Dohrenwend- How do these companies find Plattekill to build these projects? Why do they keep finding remote places like this to build these projects?

Supervisor DePew- I think you just answered the question, they are looking for remote places that are not densely populated. They want to come in and get the least resistance. If you come into a community with 6 houses that meets the criteria, versus and area with 600 houses, they know the least resistance will come from the most remote area.

The Board has taken a pro active approach on this, when we first heard about this, even before the Planning Board meeting, we formed a committee. We talked at a Town Board meeting about a moratorium. I reached out to the attorney about a moratorium. A moratorium is prescribed at 6 months at a time, you have to have a reason why you are having one for the 6-month time frame. You can get a 3-month extension, but you have to have a plan. There has to be a plan that you are going after. You can’t just keep saying we want 3 more months. The advice that I received was to do our due diligence and gather all of our information and then if at that time, we decide to put the moratorium on, we have a legitimate reason why.

The committee that was formed, they have put a lot of hours into this. They have traveled to other towns and incidents and have been diligently researching. The night of the meeting with the Planning Board, the facility had a consultant with them that was a retired firefighter. One of the things he said, throughout his work experienced, a member of the Planning Board, asked if there was a chemical or what sort of fire suppressant would this take, the gentlemen said “retreat” as far as training. If you google the fire in Warwick on the school property, affected a lot of things rather quickly. The school had to be shut down. Everyone should be researching Lithium Battery facilities.

The area that they are proposing to go is very environmentally sensitive. It is the headwaters to the Black Creek, an estuary to the Hudson Water. Whatever happens up there, residual wise could end up in that water way and end up in the Hudson River. If you go South is the Quassaick creek which goes into Orange County, Chadwick Lake and effects their water supply. There is a lot to this. We are trying to make the best educated decision.

Linda D- These companies come in and want to do this, the Landfill and the Battery Storage, why can’t you just say no from the beginning instead of going through all the Boards.

Supervisor DePew- This is a legal process; we cannot dictate what someone can and can’t do. What we can do, is that when they come in and want site plan approval, when it will affect other things, that is when the Boards can say, you need this, barrier/buffer, certain acreage- that is what the Planning Board does. If the project, encroaches on wet lands or property lines, then they do have the opportunity to go to the Zoning Board for variances, lot line changes. It is up to the applicant to do their homework; they are the ones that have the vision. We cannot stop them from applying. The Planning Board is the planners for the town. They will look at the codes for the town, the zoning for the town. There is a lot of things that go along with that, including environmental issues. Projects are always looked at very closely.

1. Chris Picca- This is commercial Zoning, Why cant we just say No commercial zoning, our town does not allow it in the area? Why waste everyone’s time?

Supervisor DePew- The laws are in the books and we cannot push every single thing away. It all has to be looked it. If it is zoned for it, then it is an allowable use. But if it is an allowable use but detrimental to everything around it, affects something else, then we would look at that realistically and deny it.

Chris Picca- If I wanted to put up a 4-story rental in front of my house, you would never allow it. It is not a commercial zone.

Councilman Castillo- When you say something like that, you can fall into a lawsuit.

Chris Picca- Just make it, no commercial zoning in the town.

Supervisor DePew- That is the job of the Planning Board, the applicant has the right to come in front of the Planning Board and present something. It doesn’t mean, by default that they automatically get it. There is a lot of things that the Planning Board has to look at. Why are we even using lithium batteries at all, why are we not using something else that is not so flammable?

Councilman Fazio- There are a lot of other materials that are a lot safer, they don’t burn like lithium batteries or emit the toxic chemicals. The committee is looking at all of this.

1. Laura Dougherty- When the race track, dragstrip was an issue in our community, the town decided it wasn’t right for our community, there was a code change/law change. Isn’t this the same situation? If we decide that a lithium battery storage facility is not right for our town, can’t we do the same type of thing?

Supervisor DePew- The racetrack, the law was not intended to go against one project or one group. It was called a racing law; it was passed to eliminate racing in certain areas of zoning. There is a lot of mandates by 2030, that a certain percentage of automobiles will be electric, heating will be electric, they are really pushing solar, wind and battery storage. There is a lot of government money being pushed for this.

1. Esther Coppola- You discussed a committee; how many people are on this committee? I want to know if some of the land owners that we are talking about, are they on the committee?

Councilman Fazio- 3 people are on it. Myself, Ed Diller- Building Inspector and Rich Dymtry who is on the Planning Board. No landowners are on the committee.

Ether- Is there a reason? The committee should be comprised of 5 people.

Councilman Fazio- We were trying to get people with knowledge about the project. We are all concerned with their land.

Esther- One individual that lives there should be on it so they can report back to their neighbors. This is biased. 3 people, all of which are employees of the Town of Plattekill or elected officials. I believe it public participation. You are going to do whatever you want to do.

Supervisor DePew- At this time, we could have as a board, put a moratorium on this with just the board involved. The best way to handle this right now, is the committee who is able to attend these meetings and prior knowledge of what they are dealing with. This does not have to go out to the public yet, not saying it wont but we are able to expand the committee if we need. We are trying to get all the information ahead of this.

Councilman Castillo- When the proposed landfill was being discussed, we went to every meeting and reported back to the people. The people got the information and they went up there too. We have 3 people that are gathering all the information and report back. There are members in this audience that also went up to the Legislature to fight the landfill. This is our town and we have to protect our town. We will do everything we can do.

10. AnneMarie Lobdell- Where I live is pretty much across the street, is where this project is being proposed. Also, across the street from where the landfill wanted to go. Why are we the dumping ground? Outside of the Planning and Zoning board, outside of bringing us information, what can this board do?

Councilman Fazio- We are working on the Moratorium as well as coming up with a law regarding this battery facility. The State is trying to push battery storage facilities.

Supervisor DePew- We don’t want to rush to pass a law that can be litigated in the future and reversed. We are trying to do the research, come up with a conclusion. We are in the second phase of our Master Plan/Comprehensive Plan which is due to be finished up mid-December. We have requested another grant to tighten up our zoning. What the first Master Plan did was take a snap shot of that time. Any type of laws or zoning measures that would be put into effect, any restrictions or allowable uses, would be looked into.

Annemarie- Chemicals toxins in a residential neighborhood should not be happening.

Supervisor DePew- Yes, it would affect a lot of neighborhoods.

11. Katherine Beinkafner- The name of this project is Mission Clean Energy. I did find out that before they came to Clintondale, this was a 95-acre parcel. It is zoned residential. They only want to take 40 acres of it. There is other residential property to the South. They should take the whole 95 acres and put the project in the center, have a buffer zone. Not that I am for it. The whole reason it is there is the power lines. Are the power lines owned by Central Hudson?

Supervisor DePew- I believe they do.

Katherine- They said they would construct this, sell it, then sell it to someone else, then they would sell to another company. This will be owned by a foreign country. That would be terrible. There is a lot of questions regarding this.

12. Robert Jackson- When did they did mention owners, one of them was from Saudi Arabia so it will be sold to somewhere outside of the country. I hope you do listen to Rich Dymtry because he was pushed away, He was on point. He was saying what needed to be said. Another thing, fire Matic tragedies and environmental tragedies, what scares me is that they said about these cylinders the batteries would be stored in would have no doors. This was a sales pitch; the very next picture showed a door. They will say anything false. A few councilmen were at the meeting. Look up those cylinders with the doors, a lot of bad things have happened.

Supervisor DePew- If you google the lithium battery storage, you will see things you cannot unsee.

Supervisor DePew- Safety is the upmost importance.

13. Tom Tansosch- If the Town gets a certain amount of money for this. Our property values will decrease and homeowners’ insurance will go up with this liability. How do the property owners get reimbursed?

Supervisor DePew- There is a lot of ramifications for this, this is why we have zoning. There is a lot of ramifications for everything. Very good point.

14. Linda Dorwin- This was 10 million dollars, that was 10 million over 25-year life of this facility.

Councilman Fazio- They want us to say an instant no to this project, it would be a lawsuit. The state is pushing for these facilities.

Supervisor Depew made a motion close public input at 8:02pm.

Seconded by Councilman Fazio

On the vote: All Ayes

REPORTS:

NONE

NEW BUSINESS:

* Thank you to Annamaria Maciocia!

She hosted a Notary introduction class in preparation for taking the exam

Well Attended and will be offered again

* IT Discussion

We had a risk assessment for the past 11-12 weeks where NYS Comptroller’s office came in.

They came in with a report on what we did well and where we had deficiencies. They will come back in for a full audit for 1-2 weeks and review our IT Department.

OLD BUSINESS:

* Special Olympics at the Town Park

These Olympics are aligned with the Summer Olympics in France.

200 participants/ 5 different counties.

Over 2-week span. 10am-2pm

* Vehicle and Traffic Law:

Laws that might not have gotten on the books, a lot of these laws were put into effect in the 70s and need to be looked at again

* Littering Law:

We are looking at other similar towns and researching this to be put on the books.

* Social Media Policy:

Something else we are looking at. A Social media policy is in the employee handbook but this is something to enhance the rules and regulations for that. This was sent out to the different unions. The Police Department asked to have a few things added for their organization.

* Playground/Gaga Pit/Pickleball Update:

Library will be taking our old playground to their facility and will be removed starting Friday, August 8.

Preparation for the new playground will begin right after that.

* Pool Car:

Training, Post office trips, town errands, Bank runs to alleviate employee’s own personal vehicles. Will be put out to bid shortly.

* Summer Camp- Concluded Friday 8/2

Kids had a great time, ended camp with a BBQ.

* RFP- Request for Proposal

Property Assessment

Surveying Town Hall Property as well as Town property on Route 32.

Engineering companies came in and gave us brief idea of path we should take

RFP is an assessment, for a feasibility study and concept planning for Town buildings for new or reconfigured buildings.

The Town board is considering constructing a new building on the Route 32 property, to house the Town Hall, Court and Police Department. Demolish the current Town Hall Building and reconfigure that site to be used solely for the Town Highway Department with drive thru bays and an office space. We are seeking study and report to determine the current and future space needs.

Supervisor DePew made a motion to go ahead and get the RFP Study, and have it posted in the newspaper for applicants.

Seconded by Councilman Castillo.

On the Vote: All Ayes

TRANSFERS:

NONE

VOUCHERS:

* Supervisor Depew reviewed the Voucher Detail report Dated August 7, 2024, which includes:

The A-General Fund amount of $36,189.09

The DA-Highway Fund amount of $21,816.42

The H-1 Ban Bridge NY in the amount of ………………………….$5,666.76

The H2- Recreation Playground Equip. ARPA in the amount of… $9,321.90

For a Grand Total amount of $$72,994.17

Supervisor Depew made a motion to accept the vouchers, recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Seconded by Councilman Hoppenstedt

On the vote: All Ayes

ADJOURNMENT:

Supervisor Depew made a motion to adjourn the meeting at 8:25 pm.

Seconded by Councilman Castillo

On the vote: All Ayes