

JULY 13, 2018

## West Turin Wins Minimum Maintenance Road Lawsuit

The town of West Turin prevailed in a lawsuit brought by a landowner aggrieved by the town's minimum maintenance road law. In the matter of *Jerry Weikel v. Town of West Turin and Richard Failing* decided by the Appellate Division Fourth Department on June 29th, the appeals court found that the plaintiff's challenge to the law was untimely, and was brought well after the expiration of the statute of limitations. The matter does not, however, settle the general validity of the minimum maintenance road concept and this was not addressed by the appeals court. The decision can be viewed at:

<http://www.nycourts.gov/courts/ad4/Clerk/Decisions/2018/06-29-18/PDF/0644.pdf>

The plaintiff had purchased property along the Bower Road in the Town of West Turin, obtained a certificate of occupancy for a seasonal dwelling 2008, and then requested the town to plow the road in 2014. The town had refused to plow the road, citing their minimum maintenance road law adopted in 1997 which designated the road maintenance regime as unplowed.

As the appeals court did not address the fundamental substance of the town's minimum maintenance law, State legislative authority to enact such laws is still being sought. There are ten Tug Hill towns with minimum maintenance roads, and seven others have been awaiting adoption pending this decision. There are about 158 miles of minimum maintenance roads designated on Tug Hill, with 50 miles bordering State land on one side and 33 miles bordering State land on both sides. Bordering State land makes road upgrades for plowing problematic, especially in forest preserve counties such as Lewis and Oneida. It is estimated that the average cost of such upgrades and necessary maintenance equipment to make such roads plowable would be about \$100,000 per mile.

## NOCCOG Welcomes New Associate

The executive board of the Northern Oneida County Council of Governments recently approved a new contract for an Associate Local Government Advisor.

A native of the Boonville area, John Healt brings a wealth of experience in public service to the task of providing municipal advice to local government officials in the seventeen NOCCOG communities. A graduate of Adirondack schools, Healt had formerly served as Trustee and Deputy Mayor of the village of Boonville, as well as many years on the board of directors for the Boonville Housing Authority and Adirondack Schools Board of Education. As a former business owner and operator, Healt also worked closely with the Boonville Area Chamber of Commerce.

"I am a life long resident of our area and I am dedicated to our communities. I understand the challenges many of our smaller municipalities and local organizations face," Healt said, "I also know firsthand how important the Northern Oneida County Council of Governments is in assisting each community, offering resources and much needed support. I am confident that I can undertake this position enthusiastically, knowing that I will be part of a team that helps so many of our local municipalities."

John Healt joins full time Circuit Rider Jennifer Armstrong-Symonds and long time Associate contractor Harlan Moonen in assisting NOCCOG communities.

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# New Tug Hill Aquifer Paper, Revised Comprehensive Plan Paper

A new issue paper, *Tug Hill Aquifer 101 for Local Communities*, and a revised issue paper, *Why Prepare a Comprehensive Plan*, are now available on the commission's website at [www.tughill.org/publications/technical-issue-papers/](http://www.tughill.org/publications/technical-issue-papers/).

The Tug Hill Aquifer has been identified as an important source of drinking water for communities along the western edge of Tug Hill Plateau since the 1980s, when it was first investigated by the U.S. Geological Survey. Recently, there has been renewed interest by local communities to understand this regional drinking-water supply and how to protect it. The new paper provides an update on progress of current studies and gives guidance on how these studies can be used by local planners to manage this important resource.

Comprehensive plans are a widely use tool by communities that provide several benefits. Comprehensive plans provide for citizen involvement in a shared vision for the future of the community, provides a legal foundation for and coordinates land use regulatory activities, and coordinates capital projects carried out by the community.



## Posting the Final Assessment Roll to Your Town Web Site

Have a town web site? There's something you need to do upon your assessor's completion of the final assessment roll.

New York State Real Property Tax Law section 1590 requires an assessing unit maintaining a web site to post a copy of the tentative roll "within ten days of [its] filing" with a link "prominently displayed on its home page" until the final roll has been filed. In lieu of posting the roll on the assessing unit's web site, an assessing unit may use the copy posted on the county's web site, "provided that a link thereto shall be prominently displayed on the website of the assessing unit."

A similar provision applies to the final roll. "Within ten days of the filing of the final assessment roll, the assessing unit shall cause a copy of such final roll to be posted either on its own website or on the county's website, in the same manner and subject to the same conditions as provided in paragraph (b) of this subdivision."

## Happy Valley WMA Public Session July 19

On Thursday, July 19, The NYS Department of Environmental Conservation will host a public session on a recently completed habitat management plan for Happy Valley Wildlife Management Area in the towns of Albion, Williamstown, Parish and Ambo, Oswego County. The session will be held at the Salmon River Fish Hatchery, 2133 County Route 22, Altmar, NY 13302 from 6 pm to 8:30 pm. A formal presentation will be given at 6:30 pm. The new habitat management plan can be viewed at [https://www.dec.ny.gov/docs/wildlife\\_pdf/yfihappyvalhmp.pdf](https://www.dec.ny.gov/docs/wildlife_pdf/yfihappyvalhmp.pdf).



# Origins of the Black River Trash Bash and How YOU Can Get Involved

Litter travels from hundreds of miles inland. A plastic sandwich bag, for example, blowing off a picnic table far inland washes down a storm drain, river, lake or stream, may end up being eaten by a sea turtle! The problem is increasing with significant implications for wildlife, fishing, human health, tourism, water quality and marine ecosystems.

Every year, tens of thousands of volunteers remove and collect data on tons of debris from hundreds of miles of shorelines across New York State as part of the annual NY State Beach Cleanup. The American Littoral Society's Northeast Chapter has led the NY State Beach Cleanup (as part of the International Coastal Cleanup) every September since 1985. This statewide effort has the overarching sponsorship of the Ocean Conservancy in Washington, DC.

The Black River Trash Bash was born out of a grassroots effort to draw attention to the Black River and the "new" watershed management plan in 2010. The Black River Trash Bash encompasses cleanup events at multiple sites throughout the watershed in Jefferson, Lewis, Oneida, Herkimer and Hamilton counties. Data on the trash removed is collected on data cards, summarized at the Tug Hill Commission and then sent to the American Littoral Society, who, in turn, summarizes data from hundreds of events like ours from all across the state. Once the state's data is summarized, it is then sent to the Ocean Conservancy, where it is analyzed and used to evaluate existing programs and develop new policies to control debris in order to protect the health and safety of humans and marine life. The event raises the public's consciousness of the state of our shorelines and generates important data that show trends in pollution.

Over the last eight years, participants have removed over 4,000 pounds of trash from the Black River Watershed, which filled over 260 trash bags! If you would like to be part of the Black River Trash Bash OR you would like to organize a cleanup event anywhere else, please contact Jennifer Harvill [jennifer@tughill.org](mailto:jennifer@tughill.org) or 315-785-2392. Everyone can take steps each day to protect our waterways.

## Trees for Tributaries Grants Available Through DEC

Approximately \$525,000 in grant funding from the NYS Environmental Protection Fund (EPF) and administered by DEC's Division of Lands and Forests is available for eligible planting projects in the Great Lakes Priority, Mohawk Priority and Statewide Priority watersheds. NYSDEC's Trees for Tribs Grant Program supports efforts to reforest New York's tributaries, or small creeks and streams, which flow into and feed larger rivers and lakes. The goal of the program is to support communities in planting young trees and shrubs along stream corridors, also known as riparian areas, to prevent erosion, increase flood water retention, improve wildlife and stream habitat, as well as protect water quality.

Eligible applicants include: municipalities, academic institutions, and 501(c)(3) not-for-profit corporations whose projects are located within the eligible geographic boundaries. Other groups such as unincorporated river associations must apply through a municipality, not-for-profit, or academic institution as the designated lead.

Collaborative proposals are encouraged. Project awards range from \$11,000 to \$100,000, and there is no match required. Grant applications are due by 3:00pm on September 7th, 2018.

Eligible activities under this grant include: landowner outreach and education, planting plan development, site preparation, riparian planting (including: native trees and shrubs, plant shipping costs, tree tubes, weed mats, stakes), equipment rentals, contractor and staff expenses. Planting can occur on both public and private lands, with landowner agreements.

For more information and to apply, visit: <https://www.dec.ny.gov/animals/113412.html>.

Two online tools are available to help develop project proposals:

1. NYS riparian restoration opportunity assessment to identify where riparian protection and restoration would achieve the greatest benefit towards achieving goals of improving water quality, fish and wildlife habitat, and resiliency: <http://www.nynhp.org/treesfortribsny>
2. Imapinvasives can be used to identify locations and/or record observations for terrestrial invasive species along a riparian area, and can be accessed at: <https://login.imapinvasives.org/nyimi/map/>. Riparian restoration projects could plant native plants after an invasives control project.

# Water Infrastructure Improvement Grants Due September 7

\$275 million in grant funding is available to municipalities for water infrastructure projects, through the Water Infrastructure Improvement Act and the Intermunicipal Water Infrastructure Grants Program, is part of the state's \$2.5 billion Clean Water Infrastructure Act of 2017.

Municipalities, county or town improvement districts and certain other entities are eligible to apply for funding. The New York State Environmental Facilities Corporation and Department of Health will assess all projects for which applications have been received. They will evaluate them based on several factors, including protection of water quality, benefits to public health and readiness to proceed expeditiously.

**Water Infrastructure Improvement Act Wastewater Infrastructure Projects:** Depending on the estimated cost of the project, successful applicants may receive Water Infrastructure Improvement Act grant funding for up to 25 percent of net eligible project costs, or a maximum of \$25 million, whichever is less.

**Water Infrastructure Improvement Act Drinking Water Infrastructure Projects:** Applicants seeking funding for a drinking water project are eligible to receive grants of either 60 percent of net eligible project costs, or \$3 million, whichever is less.

**Intermunicipal Water Infrastructure Grants Clean Water and Drinking Water Projects:** Cooperating municipalities with an eligible project may receive an award limited to the lesser of \$10 million or 40% of net eligible project costs.

Grant applications and additional information are now available at [www.efc.ny.gov](http://www.efc.ny.gov) and must be submitted along with any required supporting documentation to: [NYSWaterGrants@efc.ny.gov](mailto:NYSWaterGrants@efc.ny.gov) by September 7th, 2018.

## Informative Webinar on LED Streetlights

The Mid-Hudson Street Light Consortium recently held a webinar on LED street lights and highlighted the experience of three communities of different sizes: City of Kingston (population ~24,000, streetlights 2,428), Town of Red Hook (population ~11,300, streetlights 230), and Town of Rosendale (population ~1,350, streetlights 144). The consortium is funded by NYSERDA through the Cleaner Greener Communities program, and recently completed an options report for the 124 participating communities entitled "LED Street Light Conversion in NY – A Common Sense Guide for Local Governments in the Mid-Hudson Region," available on their website at [www.nystreetlights.org](http://www.nystreetlights.org).

Benefits of LED street lights include:

- Energy savings of 65% or more
- Dramatically lower maintenance costs
- Enhanced pedestrian and vehicle safety
- Greenhouse gas reductions
- Improved lighting uniformity
- Reduced light pollution

The webinar can be viewed at <https://bit.ly/2yKJbUg>.

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