

October 23, 2020

Workshop Opportunities Next Week

The Tug Hill Commission is ending the month of October with **five** opportunities to learn more about a variety of topics. Join us for one or for all!

Tuesday, October 27, 2020 · 3:00 – 4:30 p.m.

Black River Dam Relicensing: Who is FERC and How to Get Involved

Emily Carter and Allyson Conner, Federal Energy Regulatory Commission

On-line only. Register at: us02web.zoom.us/webinar/register/WN_TZ48eadYTOyMFYe1MI3bnQ

Tuesday, October 27, 2020 · 7:00 – 9:00 p.m.

Renewable Energy and Land Use

Attorneys Jim Burrows and Dave Geurtsen from Conboy, McKay, Bachman and Kendall, LLP

Join us LIVE at the Watertown Municipal Building, or on-line via Zoom. Register either way at:

us02web.zoom.us/webinar/register/WN_BsUpbOQuQQmUhfGyyO7sUw

Wednesday, October 28, 2020 · 7:00 – 8:30 p.m.

The Constable Chronicles Part 2, The Constable Family and Everyday Life in the 1800s

Martha Constable Murray, Constable Hall

On-line only. Register at:

us02web.zoom.us/webinar/register/WN_Nef7l2d2T02DR-mR54_F6Q

Thursday, October 29, 2020 · 3:00 – 4:30 p.m.

Floodplain Regulation for Local Review Boards

Patricia Burke and Paula Gilbert, NYS Department of State

On-line only. Register at: us02web.zoom.us/webinar/register/WN_gs1eENq4RHylTR1_X4b_Mw

Thursday, October 29, 2020 · 7:00 – 9:00 p.m.

Planning Board Basics

Matt Johnson and Alaina Mallette, Tug Hill Commission

Join us LIVE at the Florence Town Hall, or on-line via Zoom. Register either way at:

us02web.zoom.us/webinar/register/WN_JJABwIBtRwaAMF0VAnrKbQ

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Updated Tug Hill COVID-19 FAQ

The Tug Hill Commission's COVID-19 FAQ for municipalities has been updated to include information about the state's new Cluster Action Initiative and micro-cluster criteria, the new COVID-19 tracing app, and links to information from the NY Conference of Mayors and Association of Towns of the State of New York. It can be found on the commission's website at tughill.org/covid-19/.

Village of Parish Moves Forward with Zoning Revisions

The village of Parish will hold a public hearing on changes to its zoning law November 18 at the village municipal building. The Oswego County Planning Department recently approved the changes, which update provisions for manufactured homes, manufactured home parks, and signs. After adoption, the village, together with the town of Parish, will begin updating their joint comprehensive plan to reflect these changes.

Pinckney Approves Special Area Map, Official Road Map Update

The town of Pinckney held a public hearing on their proposed Special Areas map prior to their October meeting. Following the public hearing, the town board passed a resolution adopting the Special Areas map and approving to transmit the map to the Cooperative Tug Hill Council (CTHC) to be added to the regional map. Approval of the map by CTHC is expected to be discussed at the spring 2021 meeting. Once approved by CTHC, the update of the regional Special Areas map will be complete for the 16 towns that were members at the time the Planning Accord for Tug Hill, which underlays the Special Areas program, was adopted (1991). The final CTHC town, Adams (who joined in 2018) will have some work to do before the program can be extended to cover their town. For more information on the Special Areas program visit www.tughillcouncil.com/tug-hill-reserve-act/

The Pinckney Town Board also held a public hearing on their updated official road map. Following the hearing, Pinckney's highway superintendent transmitted a letter to the board certifying that the map accurately represented the current road system. The town board then approved the map as their official map and will now follow the process with appropriate filings. For more information on official road mapping supported by the Tug Hill Commission contact your circuit rider or the commission at tughill@tughill.org.

Congratulations to Pinckney on completing these important projects!

NYS Tug Hill Commission
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Tug Hill Commission YouTube Channel

The Tug Hill Commission's YouTube channel is quickly becoming populated with many videos from our webinars and online board meetings. From the Constable Chronicles and the virtual Black River Watershed Conference, to planning and zoning board trainings and commission board meetings, there is something of interest for many. Check it out and subscribe at www.youtube.com/channel/UCvolFp3AbYIQW0DNDSTNHww.

Shared Services Approval for LED Lighting Project

On October 20, Jefferson County municipalities approved the LED street lighting project for inclusion in Jefferson County's shared services plan. By incorporation into the plan, LED project participating communities have the potential to receive a rebate based upon a percentage of their savings. To date, Jefferson County communities that have approved their individual LED projects are the town of Wilna and the villages of Carthage, Deferiet, and West Carthage.

Lewis County is also considering adding the LED street lighting project into a shared services plan, so participating Lewis County municipalities can also be eligible for the same rebate. To date, Lewis County communities that have approved their individual LED projects are the town of Martinsburg and the villages of Copenhagen, Croghan, Lowville and Lyons Falls. The town of Denmark is also participating.

Lewis County Solar Approach

The Lewis County Industrial Development Agency (LCIDA) recently published an article in their monthly newsletter outlining the county's approach to solar development, with much of the information following excerpted from that article (naturallylewis.com/news/smart-growth-solar-through-ida-incentives-in-lewis-county).

Working with the county planning, real property, and soil & water conservation offices, as well as local attorneys, the county has developed a county-wide solar process. The county is working to ensure that solar development opportunities are welcome and that the best agriculture lands are preserved.

On September 1, the Lewis County Legislature passed a resolution of support that encourages municipalities to pass solar zoning laws, developed by [NYS Tug Hill Commission](#), [Development Authority of the North Country](#) and [Lewis County Planning](#). The solar law ensures key elements like:

- **Prime Ag land is being protected** to the maximum extent possible
- **Screening** so projects don't interfere with viewshed
- **Decommissioning** so project is cleaned up after useful life
- Requires **neighbors to be notified** of project
- **Property maintenance** plans submitted
- **Fencing** so solar projects are protected from public tampering
- **Noise** analysis to determine potential adverse impacts to neighboring properties

LCIDA has also revised their Universal Tax Exemption Policy (UTEP) to specifically address solar with a focus on creating a structure to incentivize the use of marginal agricultural land while also protecting a landowners ability to develop their land as they see fit. The UTEP helps to guide how the Lewis County IDA issues Payment in Lieu of Taxes (PILOT) programs for new business development. The UTEP is available at naturallylewis.com/images/LCIDA_Policies_2020/Solar_Policy_LCIDA_9-3-20.pdf.

Some of the key revisions to the UTEP specific to solar development include asking the questions:

- Is the land proposed for development supporting a commercial farming operation (within the past 18 months)?
- Is the land the solar developer pursuing labeled **prime, prime if drained or land of statewide importance**, as defined by USDA?
- Is the land considered **marginal land** (i.e. does not fit into the 3 categories outlined above)?

Each PILOT agreement will be considered on a case by case basis, with the proposal to start PILOT rates at \$5,500 per mega-watt for the use of prime, actively farmed land. The PILOT rate becomes more attractive for the developer as the developer pursues idle and/or lower quality soil types. This structure is an effort to more fairly compensate for the development of land with the highest value to the county's agricultural economy and encourage development of more marginal acres.

Remote Public Meetings and Hearings in the COVID Era

The New York State Department of State, Division of Local Government Services, recently presented a webinar titled "(Remote) Public Meetings and Hearings." The recording and handouts are available on our webpage at tughill.org/services/training/. In addition to covering Open Meetings Law related topics such as quorums, executive sessions and meeting notice requirements, the presentation also covers conducting virtual meetings and hearings.

Community Forests and Tree City USA Webinar October 28

The NYS Department of Environmental Conservation (DEC) is offering a webinar titled "Building and Maintaining Your Healthy Community Forest on Wednesday, October 28 at 9 a.m. Learn about the steps to becoming a Tree City USA and the benefits of the program from DEC's Tree City Coordinator, how to prepare for applying for grants and how to find funding for your program from DEC's partnership coordinator, and about recent outbreaks of invasive species that threaten trees in the Southern Adirondacks – including Hemlock woolly adelgid and emerald ash borer.

Register at meetny.webex.com/meetny/onstage/g.php?MTID=ecb9b4b40ae24efe4267132ebee8cbce. The event is also approved for 1.5 credits with the International Society of Arboriculture.

Assessor Training Session November 18

As a result of the cancellation of the Local Government Conference and recent survey feedback, we have scheduled an in-person training for assessors on Wednesday, November 18 with Denise Trudell, IAO as the speaker. The training will be held at the Tailwater Lodge, 52 Pulaski Street, Altmar, NY 13302. Registration starts at 8:30 a.m. workshop begins at 9:00 a.m. and ends at 4:00 p.m. Registration fee is \$50 and includes a light breakfast, lunch, venue and workshop materials. Participants will receive six credit hours, which can be banked toward 2021 training requirements. Social distancing requirements will be followed, screening questions will be asked, hand sanitizer will be available and masks must be worn when not seated.

If you would like to attend, the registration form can be found on our website at <https://tughill.org/2020/10/22/assessor-training-workshop/>. Please print, fill out, and return with check, to be RECEIVED in our office by November 11. Please email felicia@tughill.org if you have questions.

Budget Process Reminders

By now, towns are deep into the budget process for the fiscal year starting January 1, 2021. Following are some key reminders.

The tentative and preliminary budgets are to include a report on exemptions, prepared by the assessor pursuant to NYS Real Property Tax Law section 495:

www.nysenate.gov/legislation/laws/RPT/495.

The town is to have a public hearing no later than the Thursday following Election Day. It can be earlier if the preliminary budget is completed earlier and a public notice (to include salaries of elected officials) can be published with adequate advance notice ("At least five days shall elapse between the date of the first publication of the notice and the date specified for the hearing." – NYS Town Law section 108), and posted on the town signboard.

The town board may continue to work on and revise the budget following the hearing.

The tax levy limit for the 2021 budget is an increase of 1.56%. Municipalities should have received a reminder of this and the need to file with the comptroller's office regarding budget plans. In addition, there *is* still a requirement for a town to adopt a tax levy limit override local law should their budget exceed the tax levy limit. This includes all the usual steps involved in passing a local law, including a public hearing. For towns planning on exceeding the levy limit, this law must be passed before the final town budget is adopted; otherwise the town is not authorized to expend funds collected in excess of the levy limit.

The deadline on adopting the town budget is November 20. The budget is to be adopted by resolution, not just by a simple motion, second, and vote. After that, the town clerk prepares and certifies in duplicate a copy of the adopted budget, with any required attachments including adopted estimates and the annual budget adopted by any fire districts. Within five days thereof the town clerk shall deliver two copies of such budget to the supervisor of the town. The supervisor shall present the copies of the annual budget to the county.

The Office of the State Comptroller has a "Understanding the Budget Process" guide available at www.osc.state.ny.us/files/local-government/publications/pdf/budgetprocess.pdf.

Smart Floodplains Webinar November 9

The NYS Department of Environmental Conservation and the Buffalo Waterkeeper are offering a webinar titled "Smart Floodplains – Best Practices to Reduce Flood Risk and Restore Waterways" on Thursday, November 12 from 9:30 a.m. to 12 p.m. The session will share information on the fundamentals of proactive and protective floodplain management, and nature-based floodplain management solutions and case studies.

Register at us02web.zoom.us/meeting/register/tZwtcOCrrzwoHNeHitbJ-CnTEdK-4v_1K01G. This event qualifies for 2.5 hours of training credit toward meeting the NYS mandatory training requirement for local planning and zoning officials. Attendance certificates will be available for all participants.

NYS Public Employer Mandatory Emergency Planning

On September 7, 2020 Governor Cuomo signed legislation requiring **all public employers** to create contingency operations plans to protect public workers in future health emergencies. This requirement applies to public employers including: **state, county, and local governments; public authorities; commissions; public corporations; agencies; and school districts.**

Per the Governor's website, plans are to be **submitted to unions and labor management committees within 150 days (February 4, 2021)**, and all plans must be **finalized by April 1, 2021.**

PLANS **MUST INCLUDE** THE FOLLOWING:

- A list and description of positions and titles considered essential
- Protocols which will enable non-essential employees to work remotely
- A description of how work shifts may be staggered to reduce overcrowding
- Protocols for procuring, storing, and distributing PPE
- Protocols to prevent the spread of disease if an employee is exposed, symptomatic, or tests positive
- Protocols for documenting hours and work locations of all employees for contact tracing
- Protocols for coordinating with applicable government entities for temporary emergency employee housing

Developing meaningful plans that meet these legal requirements can be challenging. The Association of Towns recently sponsored a webinar on the topic with a company called Emergency Preparedness Solutions (EPS). EPS has developed a plan template that they are making available for public employers to use without charge. They also offer for pay services to help with tailoring a plan to a specific municipality, but it is not necessary to hire them to utilize the template. While the template provides guidance and formatting, public employers must still develop various protocols within this plan to meet the law requirements. To download the template, go to www.epslc.biz and click on "NYS Public Employer Mandatory Emergency Planning" at the top of the page.

Notice of Written Public Comment Period Stream Activities General Permit (GP-0-20-002)

The NYS Department of Environmental Conservation (DEC) proposes to issue a statewide general permit for various activities in state-regulated streams, navigable waters, and wetlands. The Stream Activities General Permit (GP-0-20-002) is proposed to be issued for a five-year term in response to the ongoing need for affected property owners to stabilize stream banks, repair culverts and bridges, repair utility lines, and undertake other routine projects within regulated New York State waters. The permit authorizations would include ECL Article 15 Stream Disturbance; ECL Article 15 Excavation & Fill in Navigable Waters; ECL Article 24 Freshwater Wetlands; and State Section 401 Water Quality Certification. The [draft General Permit](#) containing the full description of proposed authorized activities, terms, and conditions is available for review on NYS DEC's website at: www.dec.ny.gov/permits/90349.html.

Comments must be sent in writing to Scott E. Sheeley, NYS DEC - Division of Environmental Permits, 625 Broadway, 4th Floor, Albany, NY 12233-1750, E-mail: DEPPermitting@dec.ny.gov **by November 9, 2020.**

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For upcoming trainings, grant deadlines, and meetings, view our [calendar](#).