

The organizational meeting and the first regular January meeting of the East Otto Town Board was brought to order by Supervisor Ann Rugg on Tuesday January 14, 2021 at 6:00 PM.

Ann led the pledge to the flag.

Present: Supervisor Ann Rugg, Councilmen – David Forster, William Spors, Sid Barber, Angela Sherman, Highway Superintendent Thomas Benz, Clerk Deanna Bowen and CEO Jeff Holler.

Organizational:

1. Adopt the following salaries for elected and appointed officials:

	Annual Salary	Paid
Town Supervisor	\$ 7,000.00	Quarterly
Town Clerk	\$ 7,300.00	Quarterly
Town Clerk Deputy	\$ 250.00	Annually
Town Council Person (4)	\$ 1,440.00 each	Quarterly
Town Justice	\$ 6,600.00	Quarterly
Court Clerk	\$ 1,800.00	Quarterly
Appointed Assessor	\$ 7,020.00	Annually
Highway Superintendent	\$ 55,709.00	Bi-Weekly
Tax Collector	\$ 2,600.00	Annually
Assistant Tax Collector	\$ 250.00	Annually
Town Historian	\$ 150.00	Annually
Constable	\$ 20.00	Hourly
Planning Board Chairman	\$ 83.00 per meeting	Quarterly
Planning Board (4)	\$ 29.00 per meeting	Quarterly
Examining Review Board Chairman	\$ 125.00	Annually
Examining Review Board (2)	\$ 75.00 each	Annually
Zoning Board of Appeals Chairman	\$ 29.00 per meeting	Quarterly
Zoning Board of Appeals (3)	\$ 20.00 each per meeting	Quarterly
Code Enforcement Officer	\$ 5,650.00	Quarterly
Dog Control Officer	\$ 2,290.00	Annually
Budget Officer	\$ 1,680.00	Annually

Highway Employee Wages : In our organization a line for CDL Deputy Superintendent, CDL (commercial drivers license) full time, CDL part time.

CDL full time (3)	\$20.60 per hour	Bi-Weekly
CDL Deputy Superintendent (1)	\$20.60 per hour +.50 (\$20.50)	Bi-Weekly

2. Appoint the following:

Deputy Supervisor **	David Forster
Deputy Town Clerk	Marilyn Whitmer
Assistant Collector	Marilyn Whitmer
Deputy highway Superintendent	William McCabe
Assistant Deputy Highway Superintendent	Mark Westfall

Registrar of Vital Statistics	Deanna Bowen
Assessor 6 yr. Appointment 09/30/2024	Cattaraugus County
Highway Liaison **	Dave Forster
Records Officer	Deanna Bowen
Court Clerk	Denise Richards
Dog Control Officer	Mary Dankert
Budget Officer	Jim Beach
Code Enforcement Officer	Jeffery Holler
Town Historian	Michelle Gogel
Constable	Douglas Falk
Attorney for the Town based on time and materials	Vacant per diem
Engineer for the Town	Vacant
Bookkeeper for the Town per contract	Bahgat & Laurito-Bahgat,
CPA	voucher monthly
Prosecutor for the Town based on time and materials	James Musacchio voucher
	per diem

Planning Board (5 year term)	
Brian Church (Chairman)	12/31/2022
Brittnie Phillips	12/31/2025
Tammi Herr	12/31/2024
Darrin Jones	12/31/2023
Douglas Kirchner	12/31/2021
Zoning Board of Appeals (5 year term)	
Vacant	12/31/2016
Vacant	12/31/2022
Mike Jones	12/31/2023
Terry Kazmark	12/31/2024
Edward Perry Chairman**	12/31/2025

Board of Assessment Review (5 year term)	
Chairperson:	
Vacant	9/30/2024
Rosemary Solecki	9/30/2025
Charles Herr	9/30/2021

3. Establish the one regular town board meetings to be held on the second Tuesday of the month at 6:00 PM.

4. Committees:
- a.) Code of Ethics Committee- Angela Sherman and Dave Forster
 - b.) Workplace Violence Prevention – Angela Sherman and Ann Rugg
 - c.) Audit Committee-Bill Spors and Dave Forster
 - d.) Youth/Playground Coordinator – Sid Barber
 - e.) Emergency “911” house numbers coordinator – Bill Spors

5. Designate the Bank of Cattaraugus, M&T, Cattaraugus County Bank, Citizens Bank, Community Bank and Five Star as the town depository for the Supervisor, Town Clerk, Collector and Town Justice monies and the financial institution providing the highest

rate of interest for investment purposes.

6. Authorize Supervisor Ann Rugg to invest town funds pursuant to the Town of East Otto investment policy adopted July 2001 as follows:

I. Scope:

This investment policy applies to all moneys and other financial resources available for investment by the Town of East Otto.

II. Objectives:

The objectives of this policy for the Town of East Otto are to:

Conform with all applicable federal, state and other legal requirements;

To safeguard all town monies;

To provide funds to meet all operating requirements;

To obtain a reasonable rate of return on town funds that is invested

III. Delegation of Authority: The town board's responsibility for administration of the investment program is delegated to the Supervisor who is the chief fiscal officer of the Town of East Otto. The Supervisor will invest town monies as authorized by this policy. The Supervisor shall follow procedures that provide a satisfactory level of accountability for town monies that are invested by him and under his control.

IV. Prudence:

The Supervisor should invest town monies in a responsible manner as the custodian of the public trust and shall avoid any transaction that might impair public confidence in the Town of East Otto to govern effectively.

Investments should be made with judgment and care, under circumstance in which a prudent person would apply to his/her own affairs, not for speculation, but for investment and all investments shall be made considering safety of the principal as well as the income to be earned. The investing officer shall refrain from personal business activity that could interfere with his proper execution of his duties on behalf of the Town of East Otto. All investment decisions should be impartial.

Except as approved by the East Otto Town Board, all town monies shall be deposited in appropriate checking and savings accounts. Excess funds, not needed to meet current operating requirements, shall be invested in Certificate of Deposits. The Supervisor through inquiry shall obtain the best rate of return on the Certificate of Deposits. The Town Board shall approve the investment of town monies in other instruments (such as repurchase agreements), other than those included in this section, in advance.

V. Diversification:

Whenever possible the Supervisor of the Town of East Otto should attempt to diversify its investments (CD's) among several different banks and should always seek the best rate of return.

VI. Designation of Depositories:

Annually the Town Board of the Town of East Otto shall review and authorize the banks and trust companies where the Supervisor may deposit town

funds.

VII. Collateralizing of Deposits:

In accordance with General Municipal Law, Section 10, all deposits of the Town of East Otto, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured by a pledge of "eligible securities". The eligible securities pledge shall have a market value equal to or in excess of the amount invested by the Supervisor which exceeds Federal Deposit Insurance coverage.

VIII. Safekeeping and Collateralization:

Eligible securities pledged by the bank as collateral shall be held by a third party bank or trust company subject to the town's third party agreement(s) as reviewed and approved by the attorney for the town.

IX. Annual Review:

The Town Board shall review this investment policy on a yearly basis at the annual organizational meeting held in January of each year.

7. Designate the Springville Pennysaver as the official town paper.

8. Designate the bulletin board in front of the town hall and at the entrance to the town clerk's office, as the official bulletin board for the Town of East Otto.

9. Authorize the Highway Superintendent to purchase up to \$500.00 in small tools without consultation.

Pursuant to Section 103 of the General Municipal Law requiring local governments to adopt policies for procurement;

WHEREAS, SECTION 104 - b of the General Municipal Law (GML) requires every town to adopt internal policies and procedures governing all procurements of goods and services not subject to the bidding requirements of GML's 103 or any other law; and

WHEREAS, Comment has been solicited from those officers of the town involved with procurement; NOW THEREFORE, Be It RESOLVED: that the Town of East Otto does hereby adopt the following procurement policies and procedures:

WHEREAS: Section 103 of the General Municipal Law permits the Town of East Otto to make purchases of apparatus, materials, equipment, and supplies, and may make such purchases, or may contract for such services related to the installation, maintenance or repair of apparatus, materials, equipment, and supplies as may be required by the Town of East Otto therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision of district therein if such contract was let to the lowest responsible bidder or on the basis of best value in a manner consistent with this section and made available for use by other governmental entities;

Guideline 3. all estimated purchases of:

Less than \$10,000.00 but greater than \$4,000.00 require a written request for a proposal (RFP) and written/oral quotes from 3 vendors. Town Board approval.

Less than \$4,000.00 but greater than \$2,000.00 require an oral request for the goods and oral or written quotes from 2 vendors. Town Board approval

Less than \$2,000.00 are left to the discretion of the purchaser.

All estimated public works contracts of:

Less than \$20,000.00 but greater than \$10,000.00 require written RFP proposals from 3 contractors. Town Board Approval.

Less than \$10,000.00 but greater than \$3,000.00 requires written RFP proposals from 2 contractors. Town Board Approval.

Less than \$ 3,000.00 are left to the discretion of the purchaser.

That in an emergency situation for said purchase or repair over \$2,000.00 the highway superintendent or other supervisory employee shall notify the Town Supervisor who shall conduct a telephone poll of the Town Board Members for approval which will be confirmed by resolution at the next Town Board meeting.

10. Authorize the supervisor to pay, prior to audit by the Town Board the following: Doyle Security, National Fuel, National Grid, Constellation Electric Supplier, Health Insurance, Verizon, ATT, Telephone, Disability, Home Depot, Compensation, Postage, New York State Retirement, Insurance Premiums, Unemployment and Equipment lease payments.

11. Set mileage at 50¢ per mile.

12. Resolve to pay school expenses for elected officials which provide necessary training for conducting Town Business.

13. Resolve to pay all materials, supply purchases and machinery rental not to exceed county or state bid prices unless authorized by the Town Board.

14. Resolved that section 18 (4) (A) of Public Officials Law shall apply to indemnification and saving harmless it's employees from any judgment or settlement of a claim covered by said section.

15. Resolve to pay highway employees on the Wednesday following the two week pay period. Time Sheets/reports must be received by the bookkeeper no later than 9:00AM on the Friday prior to pay day.

16. Resolve to prohibit smoking in the Town Hall Building and all Town Properties.

17. All boards are to notify the Town Clerk three (3) days prior to all meetings. Minutes from all board meetings will be filed with the Town Clerk one (1) week following each meeting.

18. All bills to be paid must be submitted on vouchers no later than 10:00 AM on the Monday before the first regular board meeting day of each month.

19. (a) Resolve to require a physical every two years for the fulltime highway employees.

(b) Highway employees are paid time and a half (1 1/2) for working on the following Holidays: New Year's Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving & Christmas.

(c) Earned Vacation Days are figured from their start date as follows:

1 week after 1 year of employment

2 weeks after 2 years of employment

3 weeks after 15 years of employment

There is an option to collect up to one week (40 hours) of unused vacation time as pay at the end of the year, without taking actual vacation time, with the approval of the Highway Superintendent.

(d) 5 paid sick days are allowed per calendar year. Employees will be allowed to carry over unused sick days but, will not be allowed to accumulate more than 10 unused days (80 hours) at any time.

(e) 3 paid bereavement days are allowed for immediate family: spouse, parents, siblings, children, grandparents and grandchildren.

There is no payment for unused bereavement days.

(f) All new fulltime hires will be offered the same Health Care coverage as is currently in effect for the Town Employees. The coverage will be effective from their starting date if they so desire even though there is a 6month probationary period during which they may be terminated for cause. (change from 2002)

(g) Health Savings Account (HSA)

HSA's are tax advantaged accounts **owned and controlled by the employee**, designed to house funds that can be used to pay for current and future medical expenses on a tax free basis. This account rolls over from year to year and will move with the employee if they switch jobs or retire.

1. If an employee authorizes the Town of East Otto to withhold (from each paycheck) an amount to be deposited into their HSA, it will be mailed to their HSA at the end of each month at the same time the town files all other monthly reports.
2. If the Town of East Otto decides to contribute to the employee's HSA, The town's deposit will also be mailed to the employee's HSA at the end of each month at the same time the town files all other monthly reports.

20. Resolve to authorize the Town Clerk and the Justice to maintain a petty cash fund for making change in the amount of \$50.00.

21. Set the fee for copies at \$.35¢ per copy

Motion made by Bill Spors and seconded by Sid Barber to adopt salaries, appointments and resolutions just read.

Councilman David Forster	yes	Councilman Bill Spors	yes
Councilman Sid Barber	yes	Councilman Angela Sherman	yes
Supervisor Ann Rugg	yes		

All were in favor. Motion carried.

Motion made by Sid Barber and seconded by Angela Sherman to assess a \$30.00 fee for any returned checks.

All were in favor. Motion carried.

Motion made by Dave Forster and seconded by Sid Barber to appoint Lakeshore Testing Services (LETS) as the official testing service for drug and alcohol testing for 2020. In accordance with Town of East Otto drug and alcohol policy the Supervisor is the primary contact and the Deputy Supervisor the secondary contact in the drug and alcohol program. All were in favor. Motion Carried.

Motion made by Angela Sherman and seconded by Dave Forster to adopt the previous resolutions by a duly constituted quorum of the board of Town Council of the Town of East Otto present, if so provided by law, on January 12, 2021.

Councilman David Forster yes Councilman Bill Spors yes
Councilman Sid Barber yes Councilman Angela Sherman yes
Supervisor Ann Rugg yes
All were in favor. Motion carried.

A motion was made by Bill Spors and seconded by Dave Forster to open the public hearing on Solar Local Law R 6:32PM. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Sid Barber to close the public hearing at 6:44PM. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

A Motion made by Councilman David Forster and seconded by Councilman Sidney Barber to adopt the following local law #1 2021:

Roll Call vote as follows:

Councilman David Forster	yes	Councilman William Spors	yes
Councilman Sidney Barber	yes	Councilwoman Angela Sherman	yes
Supervisor Ann Rugg	yes		

All were in favor. Motion carried.

**TOWN OF
EAST OTTO
Local Law 1-2021**

ESTABLISHING SOLAR ENERGY REGULATIONS IN THE TOWN OF EAST OTTO

BE IT ENACTED by the Town Board of the Town of East Otto, Cattaraugus County, New York as follows:

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law of the State of New York, which authorize the Town of East Otto (the "Town") to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, "to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor."

2. Statement of Purpose

This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town by creating regulations for the installation and use of solar energy

generating systems and equipment, with the following objectives:

- A. To take advantage of a safe, abundant, renewable, and non-polluting energy resource.
- B. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses.
- C. To increase employment and business development in the Town, to the extent reasonably practical, by furthering the installation of Solar Energy Systems.
- D. To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources.
- E. To create synergy between solar and other stated goals of the community pursuant to its Comprehensive Plan, such as protecting, maintaining and enhancing the natural rural character of the Town, by deliberative planning, to prevent expansion and development of activities which would have an adverse impact on the agricultural or residential character of the Town.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

FARMLAND OF STATEWIDE IMPORTANCE: Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

PRIME FARMLAND: Land, designated as “Prime Farmland” in the U.S. Department of Agriculture

Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

1. Roof-Mounted Solar Energy Systems
2. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with a total surface area of all solar panels on the lot of up to 4000 square feet and that generate up to 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

4.Applicability

- A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town after the effective date of this Local Law, excluding general maintenance and repair.
- B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.
- C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5 % of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.
- D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable

codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the Town Code.

5. General Requirements

- A. A Building permit issued by the Town’s Code Enforcement Officer shall be required for installation of all Solar Energy Systems. The application and fee schedule for applicants seeking a building permit for installation of a Solar Energy System will be made available on the Town’s website, in the Town Clerk’s Office, and by mail upon request.
- B. Issuance of permits and approvals by the Town of East Otto Planning Board (the “Planning Board”) shall include review pursuant to the State Environmental Quality Review Act.

6. Permitting Requirements for Tier 1 Solar Energy Systems

Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems and the conditions set forth above in General Requirements Section 5(A):

- A. Roof-Mounted Solar Energy Systems
 - 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
 - 2) Glare: All Solar Panels shall have anti-reflective coating(s).
 - 3) Height: All roof mounted Solar Energy Systems shall comply with the height limitations in Appendix 3.
- B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

Tier 2 Solar Energy Systems shall be permitted in the agricultural district as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions; refer to General Requirements Section 5A. If requirements are not met, applicant will be referred to the Planning Board for Site Plan Review.

- A. Glare: All Solar Panels shall have anti-reflective coating(s).
- B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district.
- C. Height: Tier 2 Solar Energy Systems shall comply with the height limitations in Appendix 3.
- D. Screening and Visibility.
 - 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
 - 2) Solar Energy Equipment shall be located, on the property, in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.
- E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a special use permit within the Agricultural zoning districts, and subject to site plan application requirements set forth in this Section. A fee schedule for the special use permit application is available on the Town's website, in the Town Clerk's Office, and by mail upon request.

- A. Applications for the installation of Tier 3 Solar Energy System shall be:
 - 1) submitted to the Code Enforcement Officer for submission to the Town of East Otto Planning Board (the "Planning Board") to be reviewed for completeness. Applicants shall be advised within 10 business days of the completeness of their application by the Planning Board or any deficiencies that must be addressed prior to substantive review.
 - 2) subject to a public hearing to hear all comments for and against the application. The Planning Board shall have a notice printed in a newspaper of general circulation in the Town at least 5 days before such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners within 200 feet of their property at least 10 days before such hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
 - 3) referred to the Cattaraugus County Economic Development, Planning and Tourism Department pursuant to General Municipal Law § 239-m if required.
 - 4) Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent of both the Planning Board and applicant.
- B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles,

with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible.

H. Decommissioning.

- 1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town as set forth in Section 10(b) herein.
- 2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:

- a. The cost of removing Solar Energy System.

- b. The time required to decommission and remove the Solar Energy System and any ancillary structures.

- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

- 3.) Security.

- a. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or County engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal, as determined by the County Engineer, of the Tier 3 Solar Energy System and restoration of the property, with an escalator of 2% annually for the life of the Solar Energy System. The

decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.

- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
 - c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.
- I. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. A fee schedule for the site plan application is available on the Town's website, in the Town Clerk's Office, and by mail upon request. The site plan application shall include the following information:
- 1) Property lines and physical features, including roads, for the project site
 - 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
 - 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
 - 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
 - 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
 - 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
 - 7) Zoning district designation for the parcel(s) of land comprising the project site.
 - 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
 - 10) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

J. Special Use Permit Standards.

1) Lot size

- a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.

2) Setbacks

- a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.

3) Height

- a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district.

4) Lot coverage

- a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - I. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - III. Paved access roads servicing the Solar Energy System; per the Highway Superintendent.
- b. Lot coverage of the Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.

5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.

6) Screening and Visibility.

- a. Solar Energy Systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
- b. Solar Energy Systems larger than 10 acres shall be required to:
 - I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts,

additional impact analyses, including for example a digital viewshed report, may be required to be submitted by the applicant.

- II Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

- i. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town.

7) Agricultural Resources. For projects located on agricultural lands:

- 1) Any Tier 3 Solar System located on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 50% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel. In addition, Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

- 2) To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.

- 3) Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 30 days of the ownership change.

9. Safety

- A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.
- B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local

ambulance corps.

- C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 12 months, provided that a building permit is issued for construction or construction is commenced. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 12 months after approval, the applicant or the Town may extend the time to complete construction for 180 days. If the owner and/or operator fail to perform substantial construction after 24 months, the approvals shall expire.
- B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Town may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.
- C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

13. Effective date

This law will take effect immediately upon filing with the Secretary of State.

A motion was made by Dave Forster and seconded by Sid Barber to authorize the Supervisor to pay all general and highway funds bills audited. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

	Abstract #	Claim #	Amount
Highway 1 Encumbered 2020	E101	01	\$ 275.27
Highway 3 Encumbered 2020	E301	01-06	\$ 7,054.53
Highway 3 Encumbered 2020	E302	01	\$30,000.00
Highway 4 Encumbered 2020	E401	01	\$ 1,235.99
General Encumbered 2020	E001	01	\$ 192.05
General	001	01-04	\$ 1,005.47
Highway 3	301	01-05	\$ 2,431.89

A motion was made by Dave Forster and seconded by Angela Sherman to transfer \$500 from A1620.4 Buildings-Contractual to A1410.2 Town Clerk Equipment. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried

A motion was made by Dave Forster and seconded by Sid Barber to transfer \$10 from A9030.8 Employee Benefits-Social Security to A9050.8 Employee Benefits-Unemployment. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

A motion was made by Bill Spors and seconded by Sid Barber to transfer \$450 from A9030.8 Employee Benefits-Social Security to A9060.8 Employee Benefits-Medical.

Roll Call vote as follows:

Councilman David Forster	yes	Councilman William Spors	yes
Councilman Sidney Barber	yes	Councilwoman Angela Sherman	yes
Supervisor Ann Rugg	yes		

All were in favor. Motion carried.

A motion was made by Dave Forster and seconded by Sid Barber to adopt the following resolution

I. WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and

II. WHEREAS, on December 18, 2020 said declaration was extended to include: Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the

assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

III. WHEREAS, the Town is desirous in adopting such resolution while also allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, now, therefore, be it

IV. RESOLVED, that the Town Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

Roll Call vote as follows:

Councilman David Forster	yes	Councilman William Spors	yes
Councilman Sidney Barber	yes	Councilwoman Angela Sherman	yes
Supervisor Ann Rugg	yes		

All were in favor. Motion carried.

The Clerk paid to the Supervisor \$310.00 for December 2020 fees and commissions.

CEO report: Jeff issued 2 building permits, issued 2 violation notices, did 5 inspections, answered 9 phone calls and deposited \$125 to the clerk.

All were in favor. Motion carried.

The next meeting will be February 9, 2021 at 6pm.

A Motion was made by Sid Barber and seconded by Angela Sherman to adjourn at 7:42 PM. Forster, Spors, Barber, Sherman and Rugg were in favor. Motion carried.

Respectfully Submitted,

Deanna Bowen
Town Clerk