

MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, JUNE 11, 2019 7:00 PM TOWN HALL

PRESENT:

Supervisor Martin	Councilman Hitchcock
Comptroller D. Piccioli	Town Clerk D. Pinney
Councilman Maguire	Hwy. Superintendent Moshier
Councilman Koebelin	Councilman Parker
Comptroller D. Piccioli	

ABSENT:

Attorney Tuttle

ALSO PRESENT:

Don Sue, Helen Larson, Scott Reed (BWB), Allyson Krieger and Levi Feeley (CPL).

Salute to the Flag at 7:00PM opened the meeting

#128-MOTION TO ACCEPT MINUTES FROM THE MAY 28, 2019 REGULAR BOARD MEETING

Motion by Councilman Koebelin to accept the minutes from the May 28, 2019 Regular Board meeting as written. 2nd by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

#129-MOTION TO ACCEPT MINUTES FROM THE JUNE 4, 2019 SPECIAL BOARD MEETING

Motion by Councilman Maguire to accept the minutes from the June 4, 2019 Special Board meeting as written. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

AUDITED CLAIMS

Gen A	\$	31,020.00
Gen B	\$	1,738.93
Hwy DA	\$	10,789.77
Hwy DB	\$	27,535.05
Spec Dist.	\$	2,987.24

- May 2019 revenue & expense reports – The Board stated that they had all received & reviewed the reports.

MONTHLY REPORTS

Town Clerk
Building & Zoning Depts.
Highway Dept.
Rec. Dept.
Cemetery

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Town Justice D. Porter – report for May 2019 – amount collected: \$ 10,754.00.
Town Justice A. Spears – report for May 2019 – amount collected: \$ 3,915.00.

CORRESPONDENCE

1. Municipal Solutions – Town Hall Project – Consolidated Funding application

NEW BUSINESS

1. Scott Reed – Report on Agreed-upon Procedures Year ended December 31, 2018
 - Scott reviewed the executive summary with the board and stated the recommendations.

#130-MOTION TO ACCEPT THE REPORT ON AGREED UPON PROCEDURES YEAR ENDED DECEMBER 31, 2018

Motion by Councilman Hitchcock to accept Report on Agreed-upon Procedures Year ended December 31, 2018 presented by Scott Reed from BWB. 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye.

CARRIED

- Discuss sewer revenues vs. expenses – Supervisor Martin stated that the revenues do not cover the expenses and the rates will need to be raised by the end of the year.
2. Levi Feely – Town Hall Renovation presentation
 - Levi stated the grant we are applying for is a Community Development Block Grant (CDBG) based on handicap accessibility and is state funding. Municipal Solution is working on the grant with Clark Patterson Lee.
 - We are applying for this grant for handicap accessibility for the Town Hall for both customers and employees.
 - Levi reviewed some potential plans and drawings with the board.
 - We may have to contact Shippo to be sure that there are no Historic Preservation violations.

#131-MOTION TO SET A PUBLIC HEARING FOR CDBG GRANT

Motion by Councilman Hitchcock to set a Public Hearing on Thursday June 27, 2019 at 7:00pm in the Town Hall Conference Room for the purpose of hearing public comments on the Town of Allegany community development needs, and to discuss the possible submission of one or more Community Development Block Grant (CDBG) applications for the 2019 program year. 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. **CARRIED**

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OLD BUSINESS

1. Vote on Solar Moratorium

LOCAL LAW NO. 1 OF 2019

A Local Law establishing a six (6) month moratorium on applications, approvals and/or construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Allegany, New York.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF ALLEGANY, NEW YORK AS FOLLOWS:

Section 1. Title

This Law shall be known as the “Town of Allegany Solar Energy Facility and Solar Farm Moratorium Law”.

Section 2. Purpose and Intent

The Town of Allegany presently has an established Zoning Ordinance for the Town of Allegany, New York. The Town Board believes that the Town of Allegany is likely to be considered for Solar Energy Facilities and/or Solar Farms.

The Town Board of the Town of Allegany is concerned that the current Town of Allegany Zoning Ordinance does not set forth any procedures for establishing Solar Energy Facilities or Solar Farms.

The Town Board of the Town of Allegany is of the opinion that if Solar Energy Facilities and/or Solar Farms are allowed to proceed without Zoning procedures in place the Town will have no way to assure the orderly development of such projects within the Town pursuant to the Town of Allegany Comprehensive Plan.

The Town Board of the Town of Allegany realizes that the Town of Allegany is a rural and open community, and that Solar Energy Facilities and/or Solar Farms may be appropriate as an alternate energy production source.

The Town Board of the Town of Allegany finds that a moratorium should be enacted to enable the Town of Allegany to investigate the appropriate regulation of Solar Energy Facilities and/or Solar Farms.

Section 3. Moratorium

- A.) A Moratorium on the construction or installation or for issuing building permits, site plan approval and/or any zoning permits or variances for the

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installation, construction, modification, alteration, approval or extension of Solar Energy Facilities and/or Solar Farms is hereby imposed for a period of six (6) months from the effective date of this Local Law. During the period of this moratorium the Town of Allegany, including but not limited to, the Code Enforcement Officer, Planning Board or Zoning Board of Appeals shall not accept any application for construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Allegany.

B.) For the purposes of this Local Law, the terms Solar Energy Facilities and/or Solar Farms are defined as follows:

SOLAR ENERGY FACILITIES – any facility designed to generate electric power to be marketed, sold or used for other than the power demands of any improvements on the property in which such facility is located. Excluded from this definition and from the scope of this moratorium are Solar Energy Facilities which are residential or accessory to residential uses as roof mounted on ground pole-mounted solar energy systems occupying $\frac{1}{4}$ acre or less of area for the site of installation.

SOLAR FARM – a collection of solar panels covering $\frac{1}{4}$ acre or more of land which are designed to capture sunlight and convert it into electricity. This shall include all freestanding and ground pole-mounted photovoltaic and parabolic solar installations.

C.) This action is exempt under SEQRA pursuant to 6 NYCRR Section 617.5 (30) as a type II action involving the adoption on a moratorium on land development or construction, and the moratorium is enacted by the Town of Allegany pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law Section 10.

Section 4. Violation

A violation of this law shall constitute an offense under the penal law. Any person convicted of violating this law shall be subject to a fine not exceeding \$1000.00 or ninety (90) days in jail or both.

Section 5. Enforcement

This Local Law shall be enforced by the Code Enforcement Officer for the Town of Allegany or such individuals as designated by the Town Board of the Town of Allegany, New York.

Section 6. Supersession

All Local Laws, ordinances, or parts of local laws and ordinances of the Town of Allegany that are in conflict with the provisions of this Local Law are hereby

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suspended to the extent necessary to give this Local Law full force and effect during the effective period of this moratorium.

Section 7.

This Local Law shall take effect immediately upon filing with Secretary of State.

#132-MOTION TO ADOPT LOCAL LAW #1 OF 2019

Motion by Councilman Parker to adopt Local Law #1 of 2019 establishing a six (6) month moratorium on applications, approvals and/or construction or installation of Solar Energy Facilities and/or Solar Farms in the Town of Allegany, New York. 2nd by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

- The Planning Board is almost ready to send the Solar Ordinance on to the County Planning Board. The Town Board may have it back by the July 9, 2019 meeting.

2. Supervisor Martin asked Attorney Tuttle about the status of the Allegany Cemetery survey. The survey is still in progress.

#133-MOTION TO APPOINT PLANNING BOARD MEMBER JASON CRISAFULLI

Motion by Councilman Hitchcock to appoint Jason Crisafulli to the Planning Board term ending 12/31/2023 due to vacancy left by resignation of Frank DeFiore. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

- Councilman Maguire asked if there were a conflict due to Mr. Crisafullis position at Kinley. Supervisor Martin said no because his role at Kinley has changed and he is no longer the President.
- Mr. Crisafulli also serves on the Board of Assessment review for the Town. He may be stepping down from this position.

OTHER BUSINESS

- Kathy Martin mention the recent rain storm and the water that entered the 60 plus building on Birch Run in the kitchen area. Jim, Bob and John Moshier inspected the situation. The water quickly disappeared on its own. Don Sue had mopped up the water.

COMMITTEE REPORT

1. Councilman Hitchcock has requested boundaries and others markers at the Cemetery be posted as well as walking the grounds with Stephanie and himself

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within the survey that has been ordered from Mike Roeske. Supervisor Martin spoke to Attorney Tuttle & the survey is still in process.

2. Councilman Maguire reported that the boat launch is in.
3. Supervisor Martin stated that she would like Stephanie Guthrie and Councilmen Parker, Hitchcock and Maguire to meet with representation from the Little League Association. She would like to know what the expectations are from each other.

FROM THE FLOOR - none

Executive session legal/personnel

#134-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR LEGAL/PERSONNEL REASONS.

Motion by Councilman Koebelin to adjourn to executive session at 8:32 pm for legal/personnel reasons. 2nd by Councilman Hitchcock. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

#135- MOTION TO RETURN TO REGULAR SESSION.

Motion by Councilman Maguire to return to regular session at 9:06 pm. 2nd by Councilman Parker. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

#136- MOTION TO ADJOURN THE MEETING.

Motion by Councilman Koebelin to adjourn the entire meeting at 9:07 pm. 2nd by Councilman Maguire. Martin-aye, Koebelin-aye, Hitchcock-aye, Maguire-aye, Parker-aye. CARRIED

Respectfully submitted,

Deryle L. Pinney, Town Clerk
6/11/2019