

Town of Yates Organizational and Regular Board Meeting
8 S. Main St. Lyndonville, NY 14098
January 14, 2021, 7:00PM

Present: Jim Simon, Supervisor
Harold Suhr, Councilman, via Zoom
John Riggi, Councilman
Jim Whipple, Councilman, via Zoom
Susan Hrovat, Councilwoman
Michele Harling, Town Clerk
Trisha Laszewski, Town Assessor
Dan Wolfe, Code Enforcement Officer

Excused: Roger Wolfe, Highway Superintendent

Others: Larry Wolfe Wes Bradley Georgette Stockman

Supervisor Simon called the Organizational Meeting to order at 7:10PM.

PLEDGE OF ALLEGIANCE

SUPERVISOR REMARKS

No remarks.

CORRESPONDENCE

No correspondence.

PRIVILEGE OF THE FLOOR ON AGENDA ITEMS ONLY

No comments.

RESOLUTION NO. 01-1/21

**RESOLUTION TO ACCEPT THE MINUTES OF THE DECEMBER 28, 2020 YEAR
END MEETING**

RESOLVED, to accept the minutes of the yearend meeting held December 28, 2020 as presented to each Board Member.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:
Councilman Suhr: Aye

Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 02-1/21

RESOLUTION TO NAME OFFICIAL DEPOSITORY

RESOLVED, to name M & T Bank and the Bank of Castile as the official depositories of the Town of Yates.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 03-1/21

RESOLUTION TO NAME OFFICIAL NEWSPAPER

RESOLVED, to name the Batavia Daily News as the official newspaper. Other advertising: Lake Plains Pennysaver and the Orleans HUB.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 04-1/21

RESOLUTION TO MAKE APPOINTMENTS BY THE TOWN BOARD

RESOLVED, to make the following appointments:

- Legal Service-----Webster, Schubel & Meier
- Fire & Building Code Officer-----Dan Wolfe
- Zoning Enforcement Officer-----Dan Wolfe
- Zoning Board of Appeals Clerk-----Dawn Metty
- Planning Board Clerk-----Dawn Metty
- Water Bookkeeper-----Millennium Roads, LLC
- Water District 4 Superintendent-----Roger W. Wolfe
- Cemetery Superintendent-----Roger W. Wolfe
- Youth Agency Representative-----Jim Whipple
- Registrar of Vital statistics-----Michele L. Harling
- Deputy Registrar-----Dawn Metty
- Dog Control Officer-----John Donald

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

- Roll Call Vote:
- Councilman Suhr: Aye
 - Councilman Hrovat: Aye
 - Councilman Riggi: Aye
 - Councilman Whipple: Aye
 - Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 05-1/21

RESOLUTION TO ACCEPT APPOINTMENTS BY DEPARTMENT HEADS

RESOLVED, to accept the following Department Head Appointments:

- SUPERVISOR
- Deputy Supervisor-----John Riggi

Bookkeeper-----Millennium Roads, LLC
Historian-----Dawn Metty

COMMITTEES

Finance & Budget-----Simon (Chairman), Riggi
Health & Public Safety-----Suhr (Chairman), Riggi
Planning & Zoning-----Simon (Chairman), Whipple
Public Works-----Riggi (Chairman), Hrovat
Sustainability-----Simon (Chairman), Riggi
Business Advisory & Tourism-----Whipple (Chairman), Suhr

TOWN CLERK

Deputy Clerk-----Dawn Metty

HIGHWAY SUPERINTENDENT

Deputy Superintendent-----Cal Stinson

JUSTICE

Court Clerk-----Susanne Sanderson
Court Bailiff-----Jason Barnum

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 06-1/21

RESOLUTION TO ALLOW SPECIFIC PERSONS TO ACT AS AUTHORIZED OFFICERS TO DO BANKING

RESOLVED, to allow the following to do banking in specific accounts:

Accounts Payable Account: Supervisor, Deputy Supervisor and Town Clerk
Money Market Account: Supervisor, Deputy Supervisor, and Town Clerk
Payroll Account: Supervisor, Deputy Supervisor and Town Clerk
Trust and Agency Fund: Supervisor, Deputy Supervisor and Town Clerk

Town Clerk's Checking and Savings: Town Clerk, Deputy Town Clerk and Supervisor

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 07-1/21

RESOLUTION TO ADOPT OFFICE HOURS

RESOLVED, to set the following office hours

Supervisor:

Friday 4:30PM – 6:00PM or By Appointment

Supervisor will not hold office hours the week of a regular Board Meeting.

Town Clerk:

Monday, Tuesday, Thursday and Friday - 9:00AM - 12:30PM, 1:30PM - 4:30PM

Wednesday- 9:00AM - 12:30PM, 6:30PM - 8:30PM

The office will be closed on Wednesday nights from May 1st thru July 31st.

Assessor:

Thursday 9:00AM - 12:30PM, 1:30PM - 4:30PM

Code & Zoning Officer:

Monday 8:00AM - 4:00PM

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 08-1/21

RESOLUTION TO NAME TIMEKEEPER FOR ALL PERSONNEL

RESOLVED, to name the Town Clerk as the Official Timekeeper for all Town Personnel. Each Department Head shall submit time sheets showing daily hours worked, holidays, vacation, personal, funeral, sick days and days off without pay.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 09-1/21

RESOLUTION TO SET PETTY CASH FUNDS

RESOLVED, to set petty cash funds as follows:

Town Clerk---\$200.00
Petty Cash-----\$200.00

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 10-1/21

RESOLUTION TO SET MILEAGE ALLOWANCE

RESOLVED, to reimburse Town Officers and Employees using personal vehicles for Town Business at a rate of \$0.56 per mile.

Offered by Councilman Hrovat, who moved its adoption

Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 11-1/21

RESOLUTION TO SET MEETING DATES AND TIMES

RESOLVED, to set the following dates and times for meetings:

Town Board Workshop Meetings—Monday before each Town Board Meeting, 5:30PM

Town Board Meeting—Second Thursday of each month 7:00PM

Planning Board—First Thursday of each Month 7:00PM

Zoning Board of Appeals – at least twice a year, once with Town Board Representatives, and when needed to hear an appeal

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 12-1/21

RESOLUTION TO ALLOW SUPERVISOR TO PREPAY VOUCHERS

RESOLVED, to authorize the Supervisor to prepay the following vouchers:

Bi-weekly, Monthly and Vacation Payrolls
Utility Bills
Installments on Contracts approved by the Board
Insurance premiums
Payment to Federal and State and County Agencies

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 13-1/21

RESOLUTION TO SET WORK PERIOD AND PAY DAYS

RESOLVED, to set the following:

Bi-Weekly -Monday thru Sunday midnight (14 days)
Pay day on the following Thursday

Monthly- first to last day of month
Pay day last banking day of Month

Others- completion of duties, end of the year, or if voucher after next regular Board meeting

When a payday falls on a Holiday the payday shall be on the preceding workday.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 14-1/21

**RESOLUTION TO SET SALARIES, WAGES AND COMPENSATION, EFFECTIVE
JANUARY 1, 2021**

MONTHLY

Legislative Board (4) -----\$ 3,275.00
Justice (1)-----\$ 8,670.00
Supervisor-----\$ 8,000.00
Supervisor Bookkeeper-----\$ 14,700.00
Water Bookkeeper-----\$ 3,400.00
Budget Officer-----\$ 0

BI-WEEKLY

Town Clerk-----\$47,779.00
Vital Registrar-----\$ 600.00
Highway Superintendent-----\$ 71,528.00
Cemetery Superintendent-----\$ 5,954.00
Water Superintendent-----\$ 15,350.00

HOURLY

Court Clerk-----\$16.76
Deputy Clerk-----\$13.41
Code & Zoning-----\$24.24
Highway MEO 3 Plus Years-----\$26.51
Highway MEO 2 Plus, Minus 3 Years-----\$25.08
Highway MEO 1 Plus, Minus 2 Years-----\$23.70
Highway MEO Starting Rate-----\$22.30
Highway Part-Time Employee-----\$13.00

Court Baliff-----\$25.00 per summons
 Dog Control-----\$10.00 per summons +mileage
 Assessment Review Board Chairman-----\$130.00 Annually
 Assessment Review Board Member-----\$130.00 Annually

Election Inspectors as follows:

Training-----\$25.00
 Primary 9 hours @ \$12.50-----\$112.50 per day
 Election 15.5 hours @ \$12.50-----\$193.75 per day
 Registration 7.5 @ \$12.50-----\$93.75 per day
 Registration 4 @ \$12.50-----\$50.00 per day

Zoning Board Members-----\$15.00 per meeting payable yearend
 Zoning Board Chairman-----\$25.00 per meeting
 Planning Board Chairman-----\$25.00 per meeting
 Planning Board Members-----\$15.00 per meeting payable yearend meeting
 Historian-----\$600.00 annually

Offered by Councilman Riggi, who moved its adoption
 Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
 Councilman Hrovat: Aye
 Councilman Riggi: Aye
 Councilman Whipple: Aye
 Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 15-1/21

RESOLUTION TO ALLOW SUPERINTENDENT OF HIGHWAYS TO USE TOWN EQUIPMENT AND PERSONNEL IN EMERGENCY

RESOLVED, that the Town Board of the Town of Yates hereby renews an Emergency response procedure (of December 13, 1984) by giving the Superintendent of Highways authority to use Town of Yates Highway Equipment and Personnel when requested by local Police, Public Safety Coordinator, Chief of Volunteer Fire Department, or some other Officer to protect citizens and property within the Town.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 16-1/21

RESOLUTION TO SET TOWN HOLIDAYS

RESOLVED to set Town Holidays as follows:

New Year's Day
Martin Luther King Day-Town Hall Offices
Good Friday
Memorial Day
Independence Day
Labor Day
Election day- Town Hall
Columbus Day-Highway
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Day before Christmas
Christmas Day
Day before New Years

BE IT FURTHER RESOLVED, when the Holiday falls on a Saturday, it will be celebrated on the preceding Friday, and when the Holiday falls on a Sunday it will be celebrated on the following Monday.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye

Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 17-1/21

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO EXPEND HIGHWAY MONEYS AS REQUESTED

WHEREAS, the Highway Superintendent has presented information of the Expenditure of Highway moneys as follows:

AGREEMENT FOR THE EXPENDITURE OF HIGHWAY MONEYS

AGREEMENT, between the Highway Superintendent of the Town of Yates, Orleans County New York, and the undersigned members of the Town Board

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

The sum of \$332,000.00 shall be set aside to be Expended for the primary work and general repair OR Capital improvement upon 36.80 miles of town Highways, including sluices, culverts and bridges having a span of less than five (5) feet and boardwalks or the renewal thereof.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 18-1/21

RESOLUTION TO ALLOW HIGHWAY SUPERINTENDENT TO MAKE PURCHASES NOT ONLY FROM STATE BIDS BUT ALSO FROM OTHER COUNTIES AND MUNICIPALITIES

WHEREAS, from time to time other Municipalities have bid purchases and reached low bids on purchases, therefore already going through a bid process, be it

RESOLVED, that the Highway Superintendent be allowed to make purchases, not only from State Bids but also from other Counties and municipalities.

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 19-1/21

RESOLUTION TO ALLOW TOWN OF YATES PERSONNEL TO ATTEND CONFERENCES, TRAINING AND CERTIFICATION SESSIONS

WHEREAS, the need for personnel to attend conferences, training, and certifications sessions is present, be it

RESOLVED, personnel has the approval to attend conferences, training and certification sessions, at Town expense, be it

FURTHER RESOLVED, Personnel shall notify the Board of upcoming conferences or training.

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 20-1/21

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN AGREEMENT FOR LEGAL SERVICES WITH WSM ELDER LAW, P.C.

LEGAL SERVICES AGREEMENT

THIS AGREEMENT made as of the 1st day of January, 2021, between the TOWN OF YATES, a municipal corporation of the State of New York, hereinafter referred to as “TOWN” and WSM Elder Law, P.C., hereinafter referred to as “WSM”,

WHEREAS, the Town requires legal services in connection with the operations and functions of the government of the Town, and

WHEREAS, WSM is experienced in matters involving municipal law and wish to perform necessary legal services for the Town,

NOW, THEREFORE, in consideration of the premises and the mutual covenants and promises hereinafter set forth, it is agreed as follows:

1.) WSM will perform the following legal services for the Town:

- a.) General consultation with all board members and Town officers, as required.
- b.) Attendance at meetings, conference sessions, workshops and public hearings of Town governmental bodies, including the Town Board, Planning Board and Zoning Board of Appeals, as requested by the Supervisor.
- c.) Preparation of resolutions.
- d.) Preparation and review of contracts and like transactional matters but excluding tax assessment proceedings, administrative agency proceedings, civil litigation and proceedings, in-rem tax foreclosure proceedings, capital project

matters, bond issues and other borrowings, and the purchase and/or sale of real property.

e.) General legal research and correspondence.

f.) Preparation of local laws.

g.) The representation of Town in administrative agency proceedings, civil litigation and proceedings, and in-rem tax foreclosure proceedings, except as to those matters for which the parties desire to engage outside counsel.

h.) Legal services in connection with capital projects, bond issues, and other borrowings and other related matters.

As compensation for the services as enumerated above, and except where the parties negotiate flat fees for any individual service from time to time, the Town will pay WSM an hourly rate of \$210.00 which shall be paid monthly upon submission of a voucher therefor by WSM, payable upon approval by the Town. The vouchered payments shall not be considered compensation for the purposes of the New York State Retirement System.

2.) The terms of this Agreement shall be for the period of one (1) year from January 1, 2021, to December 31, 2021. This agreement may be terminated by either party upon ten (10) days written notice by certified mail return receipt requested or personal delivery.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 21-1/21

RESOLUTION TO COMPENSATE DEPUTY HIGHWAY SUPERINTENDENT FOR TIME WORKED

RESOLVED, Cal Stinson, as Deputy Highway Superintendent, will receive \$3,000.00 for time worked as Deputy Superintendent, be it further

RESOLVED, duties of Deputy Highway Superintendent will be assigned and will include road checks and manpower call-ins when needed. Deputy Highway Superintendent will receive extra compensation if roadwork or plowing needs to be done. Deputy Superintendent assumes all the duties of the Highway Superintendent during Superintendent's absence, be it

FURTHER RESOLVED, Cal Stinson's compensation will be paid bi-weekly in his paycheck, starting January 2021.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 22 -1/21

RESOLUTION TO SET CODE ENFORCEMENT TIME AND PAY

RESOLVED, the Code Enforcement Officer shall be paid \$24.24 per hour and shall work Mondays from 8:00AM until 4:30PM, he shall be allowed 4 Vacation days and 2 Personal days. All other time shall be made up.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:
Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 23-1/21

RESOLUTION TO ACCEPT FINAL REPORT FOR THE COURT CLERK

WHEREAS, the Court Clerk for Justice Grabowski has presented the final report for the Justice for the year ending December 31, 2020, and

WHEREAS, the Town Board has reviewed these records

BE IT RESOLVED, the Town Board accepts the final report for Justice Grabowski as presented and that the fines therein collected have been turned over to the proper officials of the Town as required by law.

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 24-1/21

RESOLUTION TO APPOINT TOWN ENGINEER

WHEREAS, MRB Group, Engineering, Architecture & Surveying, D.P.C. has shown interest in being appointed the Town of Yates Engineering Firm for the coming year, be it

RESOLVED, the Town of Yates hereby appoints MRB Group, Engineering, Architecture & Surveying, D.P.C. as the Town of Yates Engineers, be it also

RESOLVED a copy of the hourly rate for such engineering be attached to these minutes.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 25-1/21

RESOLUTION TO AUTHORIZE WATER SHUT-OFF

WHEREAS, the Rules and Regulations for the Water District of the Town of Yates directs the Water Superintendent to shut-off water upon the request of the Town Board because of failure of payment by the consumer, and

WHEREAS, there are water accounts that are delinquent sixty (60) days after the end of each quarterly billing period, be it

RESOLVED, that the Town of Yates authorizes the Water Superintendent to turn-off water for non-payment of quarterly delinquent water accounts.

Offered by Councilman Riggi, who moved its adoption

Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Aye

Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 26-1/21

RESOLUTION ADOPTING RETIREMENT RESOLUTIONS FOR STANDARD WORK DAY REPORTING RS 2417 A&B and STANDARD WORK DAY RESOLUTION FOR EMPLOYEES RS 2418 FROM THE OFFICE OF THE NEW YORK STATE COMPTROLLER NEW YORK STATE AND LOCAL RETIREMENT SYSTEM

WHEREAS NEW FORMS RS2417 and RS2418 need to be submitted every year, be it

RESOLVED that these resolutions be adopted and be it further

RESOLVED, they shall be attached to these minutes and posted on the bulletin board in the Town Hall for 30 days.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 27-1/21

STANDARD WORK DAY RESOLUTION

WHEREAS, the Retirement system requires the Town to specify the standard work days of all employees, be it

RESOLVED, the following is hereby specified as standard workdays for retirement purposes

Highway Superintendent: 8 hours
Town Clerk: 6 hours
Court Clerk: 6 hours
Town Hall Custodian: 6 hours
Highway MEO & Laborers: 8 hours
Code and Zoning Officer: 8 hours
Clerical Staff & Councilman: 6 hours
Deputy Clerk: 6 hours

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye

Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 28-1/21

RESOLUTION TO ADOPT EXCESSIVE FORCE BY LAW ENFORCEMENT AGENCIES POLICY

WHEREAS, the Town of Yates, State of New York, has made application for Community Development Block Grant (CDBG) Funds from the State of New York; and

WHEREAS, in accordance with Section 519 of Public Law 101-144, the HUD Appropriations Act requires certain statement of assurances and certifications;

BE IT RESOLVED, that pursuant to the Town of Yates being granted CDBG funds by the State; the Town of Yates, by administrative act, does adopt a statement of policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.

Offered by Councilman _____, who moved its adoption
Seconded by Councilman _____

_____ Ayes _____ Nays

Motion: _____

The resolution was tabled as no motion was brought before the floor

RESOLUTION NO. 29-1/21

RESOLUTION INTRODUCING LOCAL LAW NO. 1 OF 2021

WHEREAS, the Town Board has considered amendments to the Town Zoning Regulations to modify regulations pertaining to the installation of solar energy systems in the Town, and

WHEREAS, the Board wishes to proceed with the adoption of such regulations through the enactment of a Local Law,

BE IT RESOLVED,

1. The Town Board hereby introduces for adoption Proposed Local Law No. 1 of 2021, entitled “Town of Yates Solar Energy Systems Law”, in the form annexed hereto.

2. Pursuant to General Municipal Law § 239-m, the action is subject to review by the Orleans County Planning Board, the Town Board hereby refers this action to the Orleans County Planning Board for review.

3. The Town Board hereby schedules a Public Hearing on the Adoption of Proposed Local Law 1 of 2021 to be held at the Town Hall on the 8th day of February, 2021, at 6:00pm, and the Town Clerk is directed to post Notice of the Public Hearing and to publish same in the Batavia News as required by law.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye

Councilman Hrovat: Aye

Councilman Riggi: Aye

Councilman Whipple: Nay

Supervisor Simon: Aye

4 Ayes 1 Nay

Motion: Carried

RESOLUTION NO. 30-1/21

RESOLUTION APPROVING FUNDS TO COMPLETE A SCOPING STUDY REGARDING FEASIBILITY OF A COMMUNITY BIODIGESTER FACILITY

WHEREAS, the Town of Yates is committed to renewable energy generation that is prudent and appropriate for the Town, its culture, environment and its constituents;

WHEREAS, the Town of Yates remains opposed to inappropriate and destructive Wind, Solar and Storage energy production modalities;

RESOLVED, the Town of Yates approves the expenditure of \$5,000 to complete a Community Biodigester Scoping Study. The study is to be completed by;

Martin Construction Resource
70150 HWY 50
Tipton, MO, 65081

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 31-1/21

RESOLUTION TO ADVERTISE FOR SEALED BIDS FOR GROUNDS MAINTENANCE FOR CEMETERIES AND TOWN PARK CONTRACT

WHEREAS, the Town of Yates is responsible for the grounds maintenance at Lynhaven Cemetery, Yates Center Cemetery, Beecher Cemetery, Greenman Road Cemetery and the Yates Town Park, and

WHEREAS, the Town of Yates would like to accept sealed bid proposals for the work to be done therein, be it

RESOLVED, that the Town of Yates authorizes the Town of Yates Cemetery Superintendent to advertise for formal sealed bids.

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 32-1/21

RESOLUTION TO PAY BILLS

WHEREAS, bills have been reviewed by the Town Board, be it

RESOLVED to pay bills as follows:

RESOLVED to pay bills as follows:

Fund A (General – Townwide)	\$ 36,637.15
Fund B (General – Outside Village)	\$ 2,171.88
Fund DA (Highway – Townwide)	\$ 22,208.51
Fund DB (Highway – Outside Village)	\$ 25,987.26
H (Capital Projects)-	\$ 647.50
Water 4-	\$ 99,164.16
Water 2-	\$ 42,138.43
Youth-	\$
Fire-	

TOTAL	\$228,954.89

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Riggi

Roll Call Vote:

Councilman Suhr: Aye
Councilman Hrovat: Aye
Councilman Riggi: Aye
Councilman Whipple: Aye
Supervisor Simon: Aye

5 Ayes 0 Nays

Motion: Carried

PRIVILEGE OF THE FLOOR

Georgette Stockman, Town of Yates asked for an update on the Town Park schedule.

Supervisor Simon explained that the Town is approved for the grant and that it has taken this long for the State to release the grant funding, that's why we will now start receiving reimbursements and we will be able to continue to spend which is good news. We will be setting up monthly meetings probably starting in February with Zoom links with the Engineer and the Department of State who are overseeing the project. We will work through things like playground design and final designs and we will be putting out to bid all of those things. He talked to Engineer, Jon Hinman, yesterday and some of the studies are done. He can't do any of the geotechnical studies in the water for the pier but is doing everything inland now that he can. The winter and lack of official grant approval slowed things down. Things will pick up speed here very quickly as things go out to bid. He expects groundbreaking this summer and that it

could be possibly completed this year if not, than by next year. We have until November 2022 to complete the project. He said that he will reengage the Task Force for their inputs because not all of the final designs were available to be reviewed by that group.

Georgette Stockman said that she had sat in on a State webinar last month that talked about natural shoreline materials throughout the State and it was interesting. She didn't know that the State was going to be actively involved in further design because they seem to have a plan for something. She offered to send material from that webinar to the Board for their review.

Supervisor Simon said when they moved past the initial approval stage the question of shoreline material came up from one of the State representatives who said something to the effect of "Are we just going to put rip rap across the whole shoreline of the Lake?" There was discussion with regard to that question the idea being that maybe we need to be thinking of different ways to protect it. Our project at one point was to obtain additional land and not doing anything to the shoreline to allow the water to come in and create a natural wetland. So when that plan no longer was available and the Town needed to remediate the shoreline from the original flooding, it was a done deal. The kayak launch will allow people to get down to the water level safely and also experience the water in a nice way.

Wes Bradley, Town of Yates, said that he was rather surprised when he received his 2021 Town and County tax bill with no change in his assessment from 2020, that his Town tax rate inside the Village increased by 43.3%, especially when in December, Supervisor Simon said that the tax rate was going up on average 11.9%. In checking this out, he found that the 2021 tax rate for residents outside of the Village went up 11.5%. He asked for an explanation for the huge discrepancy.

Supervisor Simon said that it was a gut wrenching decision by the Board that taxes needed to be raised on average 11.9% for 2021. What they found was that there was a disparity between the inside and outside tax rate. He said when you look at the Village rate now, it is still one of the lowest in the County and overall the town wide rate is still one of the lowest, too. He said we are still tracking below what is happening elsewhere but it did increase more than he ever would have wanted it to. They looked at all of the numbers as close as they could and came to this conclusion.

Wes Bradley said that he knew that this was going to happen. He said he could never recall a time when the tax rate inside the Village, where the residents pay A and DA, was greater than outside the Village which incorporates A, B, DA and DB. The tax rate outside the Village is always greater because B and DB are for outside services. Village residents pay a Village tax bill for their specific services. The Town outside increase was \$.49 per thousand and the Village rate went up \$1.16 per thousand or 2.36 times the amount, it doesn't jive.

Supervisor Simon said that the imbalance has been in existence for a long time and the only way to get it back in balance was this increase. The decision didn't set well with the Board.

Wes Bradley said that there will always be a discrepancy because every year the Town outside the Village rate will go up more because they receive more services. The Highway outside, lines

B and DB, are for things that the Village is not responsible for because those services are for the Town outside residents. Now you're asking people inside the Village to pay 2.36 times more in a tax increase than people outside the Village when they receive more services like drainage and ditching. The Village tax bill that residents inside the village pay takes care of those types of services. He can't fathom how the Board could come up with that kind of a discrepancy.

Supervisor Simon said that he did not agree with the way that Wes summarized it but he knows where he is coming from. This was a joint decision made by the Board.

Councilman Suhr said that he thinks it's a great time for the Village and Town governments to combine so that then the Village would be paying hardly any Village tax and will have the upper hand.

REPORT OF TOWN OFFICERS

Dan Wolfe, Code Enforcement Officer, said that he issued 44 building permits and that 25 of them have been closed out with a Certificate of Occupancy or a Certificate of Compliance with 19 remaining open. He added that he went by a house that burned in a fire last year on Roosevelt Highway and he saw a dumpster and the site is being cleaned up. This is good news because it will not be a charge to the Town.

Trisha Laszewski, Town Assessor, said that Julie is signed up to take the second part of a class called "Cost Market and Income". Once she finishes this class she will have 2 more classes left before she is certified.

Supervisor Simon asked how soon she could be certified.

Trisha said that it depends on when the other 2 classes she needs are offered.

ADJOURNMENT

Moved by Councilman Riggi, whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:39PM.

Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
 (Rev. 8/15)

BE IT RESOLVED, that the _____ Town of Yates / _____ 30101 hereby establishes the following standard work days for these titles and
 (Name of Employer) (Location Code)

will report the officials to the New York State and Local Retirement System based on their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Elected Officials								
Town Clerk	8.00	Michele L. Harling	5007		<input type="checkbox"/>	1/1/20-12/31/24	22.45	<input type="checkbox"/>
Councilman	6.00	James Whipple	8189		<input type="checkbox"/>	1/1/18-12/31/21	1.50	<input type="checkbox"/>
Councilman	6.00	John Riggi	7079		<input type="checkbox"/>	1/1/20-12/31/24	7.56	<input type="checkbox"/>
Appointed Officials								
					<input type="checkbox"/>			<input type="checkbox"/>
Code Enforcement Officer	8.00	Daniel Wolfe	8910		<input type="checkbox"/>	1/1/21-12/31/21	4 Days	<input type="checkbox"/>
Deputy Town Clerk	6.00	Dawn Metty	9154		<input type="checkbox"/>	1/1/21-12/31/21	n/a	<input type="checkbox"/>

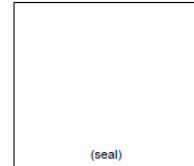
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, _____ Michele L. Harling _____, secretary/clerk of the governing board of the _____ Town of Yates _____, of the State of New York,
 (Name of secretary or clerk) (Circle one) (Name of Employer)
 do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the _____ 14 _____ day of
 _____ January _____, 20 21 _____ on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the _____ Town of Yates _____ on this _____ 14 _____ day
 of _____ January _____, 20 21 _____
 (Signature of the secretary or clerk) (Name of Employer)

Affidavit of Posting: I, _____ Michele L. Harling _____, being duly sworn, deposes and says that the posting of the
 (Name of secretary or clerk)
 Resolution began on _____ 01/14/2021 _____ and continued for at least 30 days. That the Resolution was available to the public on the
 (Date)

- Employer's website at townofyates.org
- Official sign board at 8 South Main Street, Lyndonville, NY 14098
- Main entrance secretary or clerk's office at 8 South Main Street, Lyndonville, NY 14098



Received Date

**Standard Work Day and Reporting
 Resolution for Elected and
 Appointed Officials Continuation Form**

Please type or print clearly
 in blue or black ink

Employer Location Code

RS 2417-B

(Rev. 09/18)

Title:	Standard Work Day: (Hrs/day) Min. 6 hrs Max. 8 hrs	Name: (First and Last)	Social Security Number: (Last 4 digits)	NYSLRS ID:	Tier 1 (Check only if member is Tier 1)	Current Term Begin & End Dates: (mm/dd/yy-mm/dd/yy)	Record of Activities Result:*	Not Submitted: (Check only if official did not submit their Record of Activities)
Elected Officials:								
Councilman	6.00	Susan Hrovat	0646		<input type="checkbox"/>	1/1/20-12/31/24	1.50	<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
					<input type="checkbox"/>			<input type="checkbox"/>
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Appointed Officials:								
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Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day Resolution for Employees*

RS 2418

(Rev. 7/11)

BE IT RESOLVED, that the Town of Yates, Location code 30101, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
Highway Superintendent	8.00
Town Clerk	6.00
Court Clerk	6.00
Town Hall Custodian	6.00
Highway MEO & Laborers	8.00
Code & Zoning Officer	8.00
Councilman	6.00
Deputy Clerk	6.00

On this 14 day of January, 2021

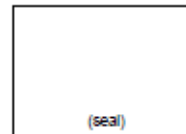
(Signature of clerk) Date enacted: January 14, 2021

I, Michele L. Harling, clerk of the governing board of the Town of Yates,
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 14 day of January, 2021 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
 Set my hand and the seal of the
Town of Yates
(Name of Employer)



*To be used for all employees. [Please list Elected and Appointed Officials on the form \(RS2417-A\) Standard Workday and Reporting Resolution for Elected and Appointed Officials.](#)

See Instructions for Completing Form on Back

The MRB Group rates for 2020 are as follows:

Senior Project Manager (Paul Chatfield) \$189/hour

Project Manager (Jon Hinman) \$175/hour

Civil Engineer II (Emilio Moran) \$120/hour

Design Technician (John Laing) \$90/hour

Resident Observation (Various) \$85/hour

Our Capital Project fees will remain as previously agreed upon.

ARTICLE I: TOWN OF YATES SOLAR ENERGY SYSTEMS LAW

1. Title and Authority

A. This Local Law shall be known as the “Town of Yates Solar Energy Systems Law.”

B. This Solar Energy Systems Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize 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

A. This Solar Energy Systems 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:

- 1) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 2) To mitigate the impacts of Solar Energy Systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources, and.

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.

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.

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 (excluding batteries), 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:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 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 Zoning Code.

5. General Requirements

A. A building permit shall be required for installation of all Solar Energy Systems.

B. Issuance of permits and approvals for Tier 3 Solar Energy Systems by the Town Board shall include review pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall require site plan review by the Town Planning Board under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

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 be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.

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

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts and shall require site plan review by the Town Planning Board under the local zoning code or other land use regulations, subject to the following conditions:

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. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

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 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 by the Town Board and are only permitted within the Industrial Zoning District of the Town, and subject to site plan application requirements set forth in this Section.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the Code Enforcement Officer and Town Board for completeness. Applicants shall be advised within 45 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing after application is deemed complete to hear all comments for and against the application. The Town Board shall have a notice printed in the newspaper of record and the town website at least 5 days in

advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 2,640 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Town Board at the public hearing.

- 3) referred to the County Planning Board pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the Town Board shall take action on the application within 120 days of the public hearing, which can include approval, approval with conditions, or denial. The 120-day period may be extended upon consent by both the Town Board and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground with the exception of the main service connection at the existing utility company 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 4 inches in diameter is prohibited.

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 herein.
- 2) A decommissioning plan, agreed to by the Town and 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 the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System and all 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, 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 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.
- a. 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.
- b. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10 herein.

I. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any 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 Town 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 for Tier 3 Solar Energy Systems.

- 1) Lot size
 - a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the Industrial District.
- 2) Setbacks
 - a. The Tier 3 Solar Energy Systems shall be setback 500-feet from all property lines, roads and structure.
- 3) Height
 - a. The Tier 3 Solar Energy Systems shall comply with the building height limitations for principal structures of the Industrial 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.

10 linear feet of the Solar Energy System. Existing vegetation may be used to satisfy all or a portion of the required landscaped screening. A list of suitable evergreen tree and shrub species should be provided by the Town.

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. Storage Batteries are only authorized in Tier 3 Solar Energy Systems and shall meet the requirements of any applicable fire prevention and building code when in use; must be setback from all property lines and buildings by 1,000 feet; 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, Decommissioning and Abandonment

A. The Special Use Permit and site plan approval for Tier 3 Solar Energy Systems shall be valid for a period of 18 months, provided that a building permit is issued for construction. 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 Town Board, within 18 months after approval, the applicant or the Town may extend the time to complete construction for 180 days. If the owner and/or operator fails 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 270 days of notification. The owner of the Solar Energy facility, as provided for in its lease with the landowner, shall completely restore the property to its condition as it existed before the facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 48 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

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.