

REGULAR MEETING - WOLCOTT TOWN BOARD - MARCH 21,
2017

A regular meeting of the Wolcott Town Board was held Tues., Mar. 21, 2017, at 6:00 PM at the Town Hall with the following people pre-sent:

PRESENT - Supervisor - Lynn Chatfield
Councilman - Adam Ellis, Jr.
Councilman - Russell Freer, Jr.
Councilman - Christopher Loveless
Councilman - Daniel Youngman

OTHERS PRESENT - Dawn Krul, Town Clerk; Amber Roberts, Assessor/ Supervisor's Clerk; Don Camp, Code Enforcement Officer; Scott Maybe, Highway Supt.; Robert Huntington, Highway Dept.; Jack Whitaker, 6300 Wadsworth Rd., Wolcott; Zachary Decker, 12975 Red Creek Rd., Wolcott; Ronald Lancy, 11972 Cottage Rd.#1, Wolcott; Lori Furguson, 7870 North Maple Rd., Wolcott; George Lockwood, Rep for Lakeshore Ambulance; Tom Puchner, with law firm representing Hollygrove Solar, LLC.

Copies presented to the Town Board:

1. Minutes of February 21, 2017 (Regular Meeting)
2. Minutes of February 23, 2017 (Special Meeting)
3. General Fund Claims (Unaudited)
4. Highway Fund Claims (Unaudited)
5. Blind Sodus Bay SD (Unaudited)
6. Port Bay SD Claims (Unaudited)

The Supervisor's, Town Clerk's, Justices, Code Enforcement Offi-cer's, and Highway Supt's reports were presented to the Town Board.

Supervisor Chatfield called the meeting to order at 6:00 PM.

Pledge of Allegiance -

SOLAR PROJECT UPDATE - Tom Puchner

Mr. Puchner attended tonight's meeting to bring the board up to date on the proposed solar project on Rte. 104A between Red Creek and Fair Haven. He explained that certain criteria is needing to be met in order to move forward. One of those things is for the town to pass a resolution declaring their intent to act as lead agency in coordination with other involved agencies for the SEQR process for this project. Discussion.

RESOLUTION #15-17 DECLARING THE INTENT OF THE TOWN OF WOLCOTT TOWN BOARD TO ACT AS LEAD AGENCY PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE HOLLYGROVE SOLAR PROJECT

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The following resolution was presented by Russ Freer, moved by Adam Ellis, seconded by Dan Youngman,

Project Name: Hollygrove Solar, LLC Proposed Ground-Mounted Solar System Project ("Project")
Location: Undeveloped, rural land located

at 7233 Route 104A
Town of Wolcott, Wayne County,
New York ("Site").

Project Description: Hollygrove Solar, LLC ("Hollygrove") proposes to install certain ground-mounted solar systems in the Town of Wolcott on an approximately twenty-five (25) acre parcel located at 7233 Route 104A ("Site"). The Site consists of rural/suburban land and is currently zoned Agricultural ("AG").

The Project consists of the installation of an approximately 3,000 kW solar photovoltaic array system consisting of ground-mounted, solar panels in either a fixed-tilt or single-axis tracking configuration. The Project will operate as a Community Distributed Generation ("CDG") facility as prescribed by the New York State Public Service Commission under the electric tariffs of Rochester Gas and Electric. As a CDG facility, the Project will provide clean energy to the existing electrical grid operated by Rochester Gas and Electric and offer local customers the opportunity to contract for energy at or below current market rates.

WHEREAS, the Project will include obtaining all of the necessary approvals to develop the site as ground-mounted

solar system,

which may include, but may not be limited to
(1) a Site Development Permit from the Town Board; and (2) a Special Permit from the Town Board;

WHEREAS, the Project may also include the granting of certain financial incentives from the New York State Energy Research and Development Authority; and

WHEREAS, Pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York,

as amended (the "SEQR Act") and the regulations adopted pursuant

thereto by the Department of Environmental Conservation of the

State of New York, being 6 NYCRR Part 617, et. seq., as amended

(the "Regulations" and collectively with the SEQR Act, "SEQRA"),

the Lead Agency is defined as "an involved agency principally responsible for undertaking, funding or approving an action, and

therefore responsible for determining whether an environmental

impact statement is required in connection with the action, and

for the preparation and filing of the statement if one is re-

quired"; and

SOLAR PROJECT - (cont'd)

RESOLUTION - (cont'd)

WHEREAS, other potentially involved agencies include: (1) New

York State Energy Research and Development Authority; (2) Wayne County Board of Supervisors; and (3) Red Creek Central School District; and

WHEREAS, the Town Board has broad authority over the Project pursuant to Sections 401 and 402 respectively of the Land Use Code of the Town of Wolcott which includes the Site Development Permit

and Special Permit review provisions; and WHEREAS, pursuant to SEQRA, the Town Board may not undertake or approve the Project until it has complied with the requirements

contained in SEQRA for such action or project;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE TOWN BOARD

AS FOLLOWS:

1. The Project is a Type I action pursuant to SEQRA.

2. The Town Board proposes to conduct a coordinated review for this Type I action and believes that it is in the best position to investigate all potential impacts associated with the Project,

and has the authority to impose any and all appropriate mitigation

measures. Accordingly, the Town Board declares its intent

to act as Lead Agency for purposes of SEQRA, pursuant to 6

N.Y.C.R.R. Section 617.6(b)(3).

3. The Town Board requests that any and all involved agencies

have the appropriate personnel within each agency review Part I of the Full Environmental Assessment Form as well as supporting documentation and provide the Town Board with any comments the Town Board should consider concerning Lead Agency status for this Project.

4. The Town Board hereby authorizes and directs Donald Camp, Code Enforcement Officer for the Town of Wolcott, to distribute appropriate notice of this Resolution to all involved agencies and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

5. The Town Board's Notice of Intent to Act as Lead Agency has been prepared in accordance with the requirements of SEQRA (Article 8 of the Environmental Conservation Law).

6. This Resolution shall take effect immediately.

SOLAR PROJECT - (cont'd)

RESOLUTION - (cont'd)

Supporting Documentation:

1. Application materials from Hollygrove Solar, LLC, dated De-

ember 12, 2016, including Part I of the Full Environmental Assessment Form attached thereto.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Freer "YES", Loveless "YES", Youngman "YES".

The foregoing Resolution was thereupon declared duly adopted.

Mr. Puchner left the meeting at 6:05 PM.

SPECIAL PERMIT REQUEST - Gregory Peck
10746 Wolcott Rd.
North Rose, NY 14516
Property Location - 8237 East Port Bay Rd.
Wolcott, NY 14590
Tax Map #75120-19-554102

Code Enforcement Officer, Don Camp, presented Special Permt Re-quest #6-2016, which was brought before the Town Board Jan. 17, 2017, at which time a negative impact was declared on the environment and signed by the Supervisor.

Request regarding Town of Wolcott Local Law #1-2000 Section 502-C which requires a special permit to expand pre-existing structures on less than one acre of land in a waterfront area. Mr. Peck would like to build a roof over an existing camper which is attached to his cot-tage on his property located at 8237 East Port Bay Road.

The permit was brought before the local Planning Board and the County Planning Board where they both recommended approved.

There being no objections from the Town Board, the following re-solution was presented by Adam

Ellis, moved by Russ Freer, seconded by Chris Loveless "Be it RESOLVED that the Wolcott Town Board approve the request of Gregory Peck and the recommendation of the Planning Board to the Town Board."

VOTE - AYES 5 NAYS 0.

GENERAL BUSINESS -

GENERAL CORRESPONDENCE -

1. Email from WA CO Public Health announcing all rabies clinics to be held in 2017. Information is posted in the Town Hall and on our website.

GENERAL CORRESPONDENCE - (cont'd)

2. Notice from the Town of Huron regarding a public hearing that was held on March 20, 2017, to consider the adoption of Local Law No. 3 of 2017, amending the Town of Huron Zoning Law.

3. Letter from New York Municipal Insurance Reciprocal (NYMIR), which is our liability insurance carrier, regarding the results of their investigation into the claim of David Savary against the Town of Wolcott.

A motion was made by Adam Ellis, seconded by Dan Youngman, to accept the minutes of Feb. 21 and Feb. 23, 2017, general correspondence and departmental reports.

VOTE - AYES 5 NAYS 0.

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #78 thru #120 - total
- \$13,461.06

HIGHWAY ACCOUNT - DA Townwide - total -
\$8,021.97

PORT BAY SD - Claims #6 thru #8 - total -
\$46,580.47

BLIND SODUS BAY SD - Claim #2 - total - \$210.00

A resolution was presented by Chris Loveless,
moved by Adam Ellis seconded by Dan Youngman "Be it
RESOLVED to pay General, Highway,
Port Bay and Blind Sodus Bay Sewer Districts claims
as presented."

VOTE - AYES 5 NAYS 0 .

ASSESSOR/SUPERVISOR'S CLERK - Amber Roberts

1. Amber has been busy holding informal
hearings with property owners after sending out
change of assessment notices. After recon-ciling
all the information over the next couple of weeks,
she will
file the Tentative Roll with the County.

HIGHWAY - Scott Maybe

1. Scott and the rest of the highway crew have
been busy taking
down some big trees.

CODE ENFORCEMENT OFFICER - Don Camp

1. Don had an environmental form needing to be
signed by the
Supervisor.

CODE ENFORCEMENT OFFICER - (cont'd)

RESOLUTION #16-17 AUTHORIZING THE SUPERVISOR TO
SIGN NEGATIVE DECLARATION FOR A SHORT ENVIRONMENTAL
QUALITY REVIEW (SEQR) FORM FOR
STEVEN NICKLUS -

The following resolution was presented by Russ Freer, moved by Chris Loveless, seconded by Dan Youngman,

WHEREAS, Steven Nicklus has requested to place a 1991 single-wide mobile home on his property located at 13493 Mixer Road in the Town of Wolcott; and

WHEREAS, our Local Law #1-2000, Section 601-C, requires a special permit to place a mobile home that is more than 10 years old within the Town of Wolcott; and

WHEREAS, the Code Enforcement Officer has reviewed said project and feels a negative declaration is in order; and

WHEREAS, the Town Board concurs with the Code Enforcement Officer and sees no negative impact environmentally;

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the Supervisor to sign a negative declaration for said project.

VOTE - AYES 5 NAYS 0 .

2. Don will be at code school April 4th-6th in Syracuse.

3. Don will be on call, in case of an emergency, for the Town of Rose as their Code Enforcement Officer, Henry Dunphy, broke his leg.

4. Don sent letters last summer to property owners in the Blind Sodus Bay Sewer District that had not hooked in to the system. Wayne County Soil & Water sent Don a list of all the people in that district and only 86 of 171 parcels are actually connected. Don will send out another letter within the next few months asking those who are not connected to get in compliance with our local law.

TOWN CLERK - Dawn Krul

1. The Town Clerk stated they are still collecting taxes thru the end of March. She sent out 2nd notices on March 10th for those who hadn't paid yet.

2. The Town Clerk informed the board that the Town Hall would be closed on Friday, April 14th.

SUPERVISOR - Lynn Chatfield

OLD BUSINESS -

1. Assessor's/Town Clerk's records room - someone from MIG was supposed to contact Amber with regards to shelving for the records room and no one has called her. Councilman Loveless recommended we ask Ron Gill who has been doing a lot of work for us lately.

SUPERVISOR - (cont'd)

2. Land Use Code - Lynn is still waiting to hear from our attorney on this.

3. Security System - we are trying to get in contact with Mark Sauer, who installed our system, with regards to the cost of fobs to arm/disarm the system as opposed to punching in a code. Discussion was had as to who should be contacted if the alarm is set off. As of right now, no one is programmed in and this needs to be addressed.

4. Water/Sewer Unit Charges - these need to be addressed for the Joint Port Bay Sewer District with the Town of Huron. However, the Supervisor for Huron will be out of commission for awhile. Amber will contact Dave Roach, sole assessor for Huron, regarding this to see how he is moving forward and then get back to Lynn.

5. Port Bay Sewer District - Lynn said Marty from MRB Group was meeting with people today with regards to special easements. Other easements are trickling in. We have about 80% returned. Discussion.

6. Brown/Wadsworth Road Water District - Lynn referred to the paper he put in the board members mailboxes regarding the well samples he took from various locations within the district and the results. Out of ten samples taken only two wells passed.

7. Blind Sodus Bay Water District - Lynn said they contacted Don Hass, who has the motel and cabins on Rte. 104A, and Glenn Walker, who owns Rainbow Nurseries on Rte. 104A, to possibly include them in this potential district. They are both interested

in being included.

8. Disposition of Notice of Claim by David Savary - the Town received a copy of a letter sent by NYMIR, our insurance company, to the law offices of Brendan Denz, representing Mr. Savary, containing the results of their investigation into Mr. Savary's claim against the Town from an accident involving himself and a North Rose-Wolcott school bus.

9. Update on construction of courtroom entrance - Lynn stated Ron Gill is busy working on getting this completed.

10. Town Cleanup Day - Our annual cleanup day is June 10th.

LAKESHORE AMBULANCE - George Lockwood

George had been invited to attend tonight's meeting to answer and/or clarify any questions the board had regarding our contract with them. Discussion. Mr. Lockwood left the meeting at 6:35 PM.

NEW BUSINESS -

1. Planning Board Vacancies - there are two Planning Board Vacancies to be filled. Ginny Fletcher's term is expiring and Amber Roberts is resigning with one year left of her term. The Town Clerk will advertise for two weeks in the Shopper for volunteers to fill these positions.

2. Wayne County Planning Board App't - Lynn informed the rest of the board that Ken Burgess, who has volunteered for the last several years on this board, will continue to do so with another 3-year term.

SUPERVISOR - (cont'd)

3. Secretary to the Board of Assessment Review
- Amber has been looking for a secretary for this board as the former secretary was no longer interested in the position. Amber talked with Lynn Pritchard who has agreed to fill the vacancy.

RESOLUTION #17-17 APPOINTING LYNN PRITCHARD
SECRETARY TO THE
BOARD OF ASSESSMENT REVIEW -

The following resolution was presented by Adam Ellis, moved by Russ Freer, seconded by Chris Loveless,

WHEREAS, the Board of Assessment Review has an opening for the position of secretary; and

WHEREAS, the Board of Assessment Review is in need of immediately filling this position: and

WHEREAS, Lynn Pritchard has agreed to fill this vacancy;

NOW, THEREFORE, BE IT RESOLVED, to appoint Lynn Pritchard, Secretary to the Board of Assessment Review at an hourly rate of \$10.96.

VOTE - AYES 5 NAYS 0 .

4. Amend February General and Highway Abstracts -

RESOLUTION #18-17 AMENDING FEBRUARY GENERAL AND
HIGHWAY ABSTRACTS
DUE TO ACCOUNT WITHDRAWAL ERRORS -

The following resolution was presented by Chris Loveless, moved by Dan Youngman, seconded by Adam Ellis,

WHEREAS, the annual boot allowance for three members of the highway department was mistakenly put on the General Abstract, account number A5132.4, for \$125.00 each; and

WHEREAS, these three allowances of \$125.00 each need to be applied to the Highway Abstract, account number DB1710.4; and

WHEREAS, the total of the General Abstract needs to be amended to reflect the subtraction of \$375.00 and the Highway Abstract needs to be amended to reflect the addition of \$375.00;

NOW, THEREFORE, BE IT RESOLVED, to amend the General Abstract total from \$33,248.29 to \$32,873.29 and the Highway Abstract total from \$39,192.71 to \$39,567.71 to reflect said changes.

VOTE - AYES 5 NAYS 0.

5. Conflict of Interest Policy - a Conflict of Interest Policy was needing to be adopted by the Town Board.

SUPERVISOR - (cont'd)

RESOLUTION #19-17 ADOPTING CONFLICT OF INTEREST POLICY -

The following resolution was presented by Chris Loveless, moved by Adam Ellis, seconded by Dan Youngman,

BE IT RESOLVED, by the Town Board of the Town of Wolcott that:

(1) The Town Board of the Town of Wolcott hereby adopts the attached Conflict of Interest Policy in accordance with NYS General Municipal Law Article 18.

Town of Wolcott Conflict of Interest Policy

ARTICLE 1: Authority

Under the authority granted in NYS General Municipal Law Article 18 § 800-809, the Town Board of the Town of Wolcott hereby adopts the following Policy concerning conflict of interest.

ARTICLE 2: Purpose

The purpose of this Policy is to ensure that the business of the Town of Wolcott will be conducted in such a way that no public official of the municipality will gain a personal or pecuniary advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved.

ARTICLE 3: Definitions

For the purposes of this ordinance, the following definitions shall apply:

- a. "Municipality"** means the Town of Wolcott
- b. "Conflict of interest"** means a direct personal or pecuniary interest of a public officer, his or her spouse, household member business associate, employer or employee, in the outcome of a cause, proceeding, application or any other matter pending before the officer or before the public body in which he or she holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public officer has a personal or pecuniary interest in the outcome no greater than that of other

persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.

c. "Emergency" means an imminent threat or peril to the public health, safety or welfare.

d. "Official act or action" means any discretionary legislative, administrative or judicial act performed by any elected or appointed officer or employee while acting on behalf of the municipality.

e. "Public body" means a municipality and its departments, boards councils, commissions, committees or other instrumentality's.

f. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of the municipality

g. "Public officer" or "public official" means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for a public body.

ARTICLE 4: Disqualification

a. A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

b. A public officer shall not personally or through any member of his or her household, business associate, employer or employee represent, appear for, or negotiate in a private capacity on behalf of any person or organization in any cause, proceeding, application or other matter pending before the public body in which the officer holds office or is employed.

c. In the case of a public officer who is an appointee, the person or public body which appointed that public officer shall have the

authority to order that officer to recuse him or herself from the matter.

ARTICLE 5: Disclosure

a. A public officer who has reason to believe that he or she has or may have a conflict of interest but believes that he or she is able to act fairly, objectively and in the public interest in spite of the conflict of interest shall, prior to participating in any official action on the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

b. In the case of a public officer who is an elected member of a board, commission or other body, the remaining members of that body shall have the authority to inquire of the officer about a possible conflict of interest and to suggest or recommend that the member recuse him or herself from the matter. If the member believes that he or she does not have a conflict of interest or believes that he or she is able to act fairly, objectively and in the public interest in spite of an existing conflict of interest, the member shall, prior to participating in the matter, prepare a statement describing the matter under consideration, the nature of the potential conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest.

c. The statement required by subsections (a) and (b) above shall be signed by the officer and filed as part of the minutes of the meeting of the public body in which the officer holds

office.

ARTICLE 6: Determination

a. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, the public officer shall leave the Board meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

ARTICLE 7: Hearing before the Board

a. Any resident of the municipality or Board member who believes that an officer should recuse him or herself from a matter because of a conflict of interest or that the officer should provide a disclosure statement regarding his or her conflict of interest in the matter, may file a complaint with the Town Clerk or a Town Board member.

b. Upon receipt of the complaint, a presentation may be made at the next Board meeting. After the presentation the public officer shall leave the meeting during the discussion of the complaint and the Board shall consider all the evidence. The Board shall issue a written decision as to whether the official shall be required to recuse him or herself from the matter and state the reasons for that decision.

ARTICLE 8: Violations

a. If the Board has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.

b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

ARTICLE 9: Enforcement

a. Refusal to comply with the decision of the Board shall be considered a violation of this policy. The legislative body, acting on behalf of the municipality, may seek injunctive relief in superior court which may include, but not be limited to, an order to negate any vote or other action taken by the officer in the matter.

b. In addition to any other remedies provided by law, a public officer who violates this policy may be publicly censured by the Board.

ARTICLE 10: Records of Proceedings

Once a decision is made by the Board, the minutes of the Board and all committees with board delegated powers shall contain:

a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's decision as to whether a conflict of interest in fact existed.

b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with

the proceedings.

ARTICLE 11: Exception

The provisions of Article 4 of this policy shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

ARTICLE 12: Severability

If any section of this policy is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this policy.

ARTICLE 13: Periodic Reviews

The Town of Wolcott Town Board shall regularly and consistently monitor and enforce compliance with this policy by periodic reviews and taking such actions as are necessary for effective oversight. If at any time during the year, the information in this policy changes, the Board shall approve such changes in a meeting, by a majority vote of the Board and disclose such changes in the minutes of that meeting. The policy shall be re-approved yearly at the Annual Meeting.

ARTICLE 14: Effective Date

This Policy shall become effective March 21, 2017 with its adoption by the Town of Wolcott Town Board.

ON ROLL CALL VOTE - Chatfield "YES", Ellis
"YES", Freer "YES",
Loveless "YES", Youngman
"YES".

6. Cemetery Mowing for 2017 - Erick Gerstner
would like to con-
tinue mowing our abandoned cemeteries again this
year.

A motion was made by Adam Ellis, seconded by
Chris Loveless, to
extend Erick Gerstner's cemetery mowing contract
for another year for
the sum of \$1,500.00. VOTE - AYES 5 NAYS 0.

PRIVILEGE OF THE FLOOR -

Supervisor Chatfield asked if anyone would like
privilege of the
floor. Lori Furguson asked if there had been any
discussion on how
the town could help or participate in fixing the
new breach on Port
Bay. Discussion.

EXECUTIVE SESSION -

A motion was made by Adam Ellis, seconded by
Russ Freer, to move into executive session at 6:47
PM to discuss the financial history of
a particular person or corporation. VOTE -
AYES 5 NAYS 0. (The
Highway Supt. and Amber were asked to remain while
all others left
at this time.)

CLOSE EXECUTIVE SESSION -

A motion was made by Chris Loveless, seconded by Russ Freer, to close executive session at 7:07 PM. VOTE - AYES 5 NAYS 0.

The next regular meeting of the Wolcott Town Board will be held Apr. 18, 2017, at 6:00 PM at the Town Hall.

A motion was made by Chris Loveless, seconded by Russ Freer, to adjourn the meeting at 7:08 PM.

Respectfully submitted,

Krul

Clerk

Dawn M.

Town

