

REGULAR MEETING & PUBLIC HEARING
WOLCOTT TOWN BOARD – APRIL 18, 2023

A regular meeting of the Wolcott Town Board was held Tuesday, April 18, 2023, at 6:00 PM at the Town Hall with the following people present:

PRESENT - Supervisor - Lynn Chatfield
Councilman - Adam Ellis, Jr.
Councilman - Daniel Youngman
Councilman – Jordan Brown
Councilwoman – Julie Aldrich

OTHERS PRESENT - Jessica Freer, Town Clerk; Amber Roberts, Assessor/Supervisor's Clerk; Ray Hauss, Code Enforcement Officer; Zach Decker, Highway Superintendent; Jackie & Eryn Youngman, Wolcott; Rob Richardson, Genesee/Finger Lakes Regional Planning Council; Chris Bauer, Deputy Highway Superintendent.

Copies presented to the Town Board:

1. Minutes of March 21, 2023 (Regular Meeting)
2. General Fund Claims (Unaudited)
3. Highway Fund Claims (Unaudited)

The Supervisor's, Town Clerk's, Justices, Code Enforcement Officer's, and Highway Superintendent's reports were presented to the Town Board.

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

Pledge of Allegiance –

GENERAL BUSINESS –

Proclamation – A proclamation from Wayne County was given to Eryn Youngman for Wayne/Finger Lakes Superintendent Award of Student Leaders, Lynn read the proclamation to the Board and presented it to her.

Jackie & Eryn left the meeting at 6:02pm

OPEN PUBLIC HEARING – Local Law #1-2023

Supervisor Chatfield declared the Public Hearing open at 6:03 PM and asked the Town Clerk to read the notice of Public Hearing on the proposed Local Law #1-2023 which would extend the temporary moratorium on solar energy facilities by an additional three months and to show proof of publication.

Supervisor Chatfield asked for comments or questions from the floor. There were no comments or questions.

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Dan Youngman to close the Public Hearing at 6:04 PM. VOTE - AYES 5 NAYS 0.

RESOLUTION #21-23 TO ADOPT LOCAL LAW 1- 2023 ENTITLED A LOCAL LAW EXTENDING THE TEMPORARY MORATORIUM ON APPROVALS FOR SOLAR ENERGY FACILITIES BY AN ADDITIONAL THREE MONTHS -

At a regular meeting of the Town Board of the Town of Wolcott, County of Wayne, New York, held at the Village Hall at 6070 Lake Ave. Wolcott, NY on the 18 day of April, 2023 at 6:00 p.m. The following resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Dan Youngman,

WHEREAS, a public hearing was held thereon the 18th day of April, 2023, at which time all interested persons were given an opportunity to be heard thereon

NOW THEREFORE BE IT RESOLVED, that Local Law 1 of 2023 be enacted as follows:

A LOCAL LAW EXTENDING THE TEMPORARY MORATORIUM ON APPROVALS FOR SOLAR ENERGY FACILITIES BY AN ADDITIONAL THREE MONTHS

Be it enacted by the Town Board of the Town of Wolcott as follows:

Section 1. Title

This Local Law shall be referred to as the " Local Law Extending the Temporary Moratorium on Approvals For Solar Energy Facilities by an Additional Three Months."

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Wolcott (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Wolcott previously declared a temporary one (1) year moratorium on the establishment, development or enlargement of any new Solar Energy Facilities or the enlargement of any existing Solar Energy Facilities in the Town, or the issuance of any approvals or building permits therefor.

The Town Board needs an additional extension of three months in order to make appropriate changes to the draft of the proposed Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review of the Local Law, comply with applicable provisions of Law, adopt the Local Law, and file a copy of the Local Law (as adopted) with the Secretary of State of the State of New York.

Section 3. Scope and Controls

A. During the effective period of this Local Law;

1. The Town Board of the Town shall not grant any approvals that would result in the establishment or development of any new solar energy production facilities or the enlargement of any existing solar facilities within the Town.
2. The Building Code Inspector of the Town shall not issue any building permit or other permit; which would result in the establishment or development of any new solar energy production facilities or the enlargement of any existing solar energy production facilities within the Town.

B. · The Town Board of the Town reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law

Section 4. No Consideration of New Applications

No applications for excavation, construction, development, establishment, and/or enlargement of any solar energy production facilities affected by this Local Law or for approvals for a subdivision, a variance, or other permits relating to solar energy production facilities shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

RESOLUTION – (cont'd)

Section 5. Term

The moratorium imposed by this Local Law shall be in effect from May 20, 2023 through August 20, 2023. In the event that the Local Law entitled, "A Local Law Amending the Town Code of the Town of Wolcott, New York (Solar Energy)" or a similar local law relating to solar energy facilities is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that Town Local Law relating to solar energy production facilities takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Penalties

Any person, firm or corporation that shall establish or develop any new energy production and distribution facilities or enlarge any existing energy production and distribution facilities in violation of the provisions of this Local Law shall be subject to:

- A) Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and
- B) Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to restore any site work or construction which may have taken place in violation of this Local Law.

Section 7. Validity

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law, which can be given in effect without such invalid provision.

Section 8. Hardship

A) Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, or other permit during the period of the moratorium imposed by this Local Law.

B) Procedure. Upon submission of a written application to the Town Clerk by the owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the Official Newspaper of the Town. At said Public Hearing the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9.

The provisions of this Local Law shall not be applicable to any solar energy project that is designed to have a rated DC capacity of 25 kilowatts or less.

Section 10. Effective Date

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

ON ROLL CALL VOTE - Chatfield "YES", Ellis "YES", Youngman "YES",
Brown "YES", Aldrich "YES".

Rob Richardson, Genesse/Finger Lakes Regional Planning Council – Rob attended the board meeting to speak with the Board about the Clean Energy Community Program, he spoke about his background and what the program is. NYSEDA has incentivized municipalities to participate in the program to potentially receive clean energy grants, Rob explained about the process and what actions the Town could take to earn some of the incentives. There was a lengthy discussion between the Board members and Rob about the program.

Rob left the meeting at 6:44pm

GENERAL CORRESPONDENCE –

1. Letter from the Department of Health regarding a survey.

A motion was made by Jorden Brown, seconded by Julie Aldrich, to accept the minutes of March 21, 2023, departmental reports, and general correspondence.

VOTE - AYES 5 NAYS 0 .

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #98 thru #125 - total - \$10,185.42

HIGHWAY ACCOUNT - DA Town wide & DB Outside - total - \$56,579.43

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown “Be it RESOLVED to pay General and Highway account claims as presented.”

VOTE - AYES 5 NAYS 0 .

ASSESSOR/SUPERVISOR'S CLERK - Amber Roberts

1. Amber said her informal hearings are done, the tentative roll is done, then board of assessment review is next.

2. Amber said that the Court did get the check for their grant, next the Board needs to accept the grant then increase the budget line item in the Court Contractual so the monies can be spent.

RESOLUTION #22-23 ACCEPTING GRANT MONIES AWARDED TO THE WOLCOTT TOWN COURT THROUGH THE JUSTICE COURT ASSISTANCE PROGRAM (JCAP) -

The following resolution was presented by Adam Ellis, moved by Julie Aldrich, seconded by Dan Youngman,

WHEREAS, the Town Court Justices applied for grant monies available through the Justice Court Assistance Program (JCAP); and

WHEREAS, they have received notification they were awarded a grant from JCAP;

NOW, THEREFORE, BE IT RESOLVED, to accept grant funding from the Justice Court Assistance Program (JCAP) in the amount of \$6,314.99 for court improvements.

VOTE - AYES 5 NAYS 0 .

ASSESSOR/SUPERVISOR'S CLERK – (cont'd)

RESOLUTION #23-23 AMENDING 2023 BUDGET TO INCREASE LINE ITEM A1110.4 COURT CONTRACTUAL FOR JCAP GRANT -

The following resolution was presented by Adam Ellis, moved by Julie Aldrich, seconded by Dan Youngman,

WHEREAS, a grant has been accepted by the Town that was not included in the 2023 Budget; and

WHEREAS, the Town needs to increase the line in the budget for expenses the will incur that is specific to the awarding of the grant;

NOW, THEREFORE, BE IT RESOLVED, to increase line item A1110.4 Court Contractual in the amount of \$6,314.99 for awarding of the JCAP Grant.

VOTE - AYES 5 NAYS 0 .

3. RESOLUTION #24-23 TO AUTHORIZE BUDGET TRANSFER –

The following resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jordan Brown,

WHEREAS, the New York State Comptroller's Office made a recommendation during their audit process with the Town stating to do transfers for budget line items as they happen if they are over budget during the year; and

WHEREAS, bills came in larger than expected for zoning,

NOW, THEREFORE, BE IT RESOLVED, to allow the Supervisor's Clerk to make the following transfer to the line item in the 2023 Budget:

From Contingent – B1990.4 to Zoning – B8010.4 in the amount of \$2,485.00.

VOTE - AYES 5 NAYS 0 .

HIGHWAY – Zach Decker

1. Zach said he needs a Salt Barn.
2. He said they are starting summer work and just finished chopping brush.
3. Zach said the tractor is on Auctions International and the bids end tomorrow.

CODE ENFORCEMENT OFFICER – Ray Hauss

Special Permit Request – Jeffrey Payne
9343 Ingersoll Drive
Sterling, NY 13156
78121-14-263477

CODE ENFORCEMENT OFFICER – (cont'd)

Special Permit Request – (cont'd)

Code Enforcement Officer, Ray Hauss, presented Special Permit Request #3-2023, which was brought before the Town Board March 21, 2023, 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, states special permits are required to expand pre-existing structures on less than one acre of land in waterfront area. Jeffrey would like to add a second-floor dwelling to his existing garage including an exterior staircase and a deck onto his property.

Ray gave the information to our Board of Appeals, they voted unanimously to approve it on March 13, 2023.

RESOLUTION #24-23 JEFFREY PAYNE SPECIAL PERMIT #3-2023 –

The following resolution was presented by Dan Youngman, moved by Adam Ellis, seconded by Julie Aldrich,

BE IT RESOLVED, that the Wolcott Town Board approve the request of Jeffrey Payne at the recommendation of the local Board of Appeals to the Town Board.

VOTE - AYES 5 NAYS 0 .

RESOLUTION #26-23 AUTHORIZING THE SUPERVISOR TO SIGN NEGATIVE DECLARATION FOR A SHORT ENVIRONMENTAL QUALITY REVIEW (SEQR) FORM FOR RICHARD FLYNN -

The following resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Julie Aldrich,

WHEREAS, Richard would like to build a Gazebo with a metal roof and a toilet room while hooking into the sewer and water on his property located at 9359 Ingersoll Drive, Sterling; and

WHEREAS, our Local Law #1-2000, Section 502-C, states special permits are required to expand pre-existing structures on less than one acre of land in waterfront area; and

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

WHEREAS, the Town Board, upon review, 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 .

CODE ENFORCEMENT OFFICER – (cont'd)

RESOLUTION #27-23 AUTHORIZING THE SUPERVISOR TO SIGN NEGATIVE DECLARATION FOR A SHORT ENVIRONMENTAL QUALITY REVIEW (SEQR) FORM FOR MARC BOULAY -

The following resolution was presented by Dan Youngman, moved by Adam Ellis, seconded by Jordan Brown,

WHEREAS, Marc would like to build a 3 sided deck onto his property located at 9308 Blind Sodus Bay Rd, Red Creek; and

WHEREAS, our Local Law #1-2000, Section 502-C, states special permits are required to expand pre-existing structures on less than one acre of land in waterfront area; and

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

WHEREAS, the Town Board, upon review, 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.

TOWN CLERK - Jessica Freer

1. Jessica told the Board she made her final payment on April 13, 2023, at the Wayne County Treasurer's Office. She said the percentage of collection amount is lower than it was last year, but many factors can be blamed inflation, economy.

2. Jessica said her office will be closed Monday, April 24 - Wednesday April 26 for the Annual Town Clerks Conference that is hosted in Syracuse this year.

SUPERVISOR - Lynn Chatfield

OLD BUSINESS -

1. Building Maintenance – Jessica said the phones should be up and running by the time of the next meeting.

- Phone lines

3. Handbook – A draft handbook was sent around to the board; it needs to be reviewed then schedule a Workshop to discuss anything the Board would like to see in it.

4. Blind Sodus Bay Water District – Lynn spoke to Dave Doyle recently; Dave is trying to figure out the best option available for the Town without spending a large amount of taxpayer's money for a grant that may not be approved.

SUPERVISOR – (cont'd)

OLD BUSINESS – (cont'd)

5. Salt Barn – Lynn said he is going to try and get ahold of Emily Palumbos to help with obtaining grants for the Salt Barn. Julie asked about Claudia Tenney, Lynn said he spoke with her briefly at the Bicentennial regarding the project she said she is aware of the Salt Barn, and it is high on her list of priority projects.

6. Cemetery Monument Update – Lynn said he is going to contact the school to have the Steady Work kids dig the bases.

7. Blind Sodus Bay Bluff & Barrier Bar Status – Lynn said it is seeded.

NEW BUSINESS –

1. Open Bids for Mowing Cemeteries - The ad placed in the paper generated 3 bids for the mowing of our abandoned cemeteries. The following bids were opened and read by Supervisor Chatfield:

1. Richard Bell \$2,000.00 per month
2. Richard Ingham \$2,725.00
3. Erick Gerstner \$5,921.60

It was decided to table the discussion until more information can be obtained regarding insurance requirements.

2023 Fire & Ambulance Contracts –

RESOLUTION #28-23 2023 FAIR HAVEN AMBULANCE CONTRACT -

The following resolution was presented by Julie Aldrich, moved by Jordan Brown, seconded by Dan Youngman,

WHEREAS, the Town of Wolcott must have ambulance coverage; and

WHEREAS, the Village of Fair Haven covers a portion of the town; and

WHEREAS, the Town Board desires for the town to have such coverage;

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign and contract with the Fair Haven Village Ambulance and to pay them the sum of \$4,496.10 for their services.

VOTE - AYES 5 NAYS 0.

SUPERVISOR – (cont'd)

NEW BUSINESS – (cont'd)

RESOLUTION #29-23 2023 FAIR HAVEN FIRE CONTRACT -

The following resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jorden Brown,

WHEREAS, the Town of Wolcott must have fire protection; and

WHEREAS, the Town Board desires for the town to have such protection; and

WHEREAS, the Town Board of the Town of Wolcott has authorized a contract jointly with the Village of Fair Haven and the Fair Haven Fire Department;

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign and contract with the Village of Fair Haven and the Fair Haven Fire Department and to pay them the sum of \$14,280.00 for said services.

VOTE - AYES 5 NAYS 0 .

Privilege of the Floor was offered.

The next regular meeting of the Wolcott Town Board will be held May 16, 2023, at 6:00 PM at the Town Hall.

A motion was made by Adam Ellis, seconded by Dan Youngman, to adjourn the meeting at 7:20 PM.

Respectfully submitted,

Jessica Freer
Town Clerk