

REGULAR MEETING AND PUBLIC HEARING  
WOLCOTT TOWN BOARD – April 19, 2022

A regular meeting and public hearing of the Wolcott Town Board was held Tuesday, April 19, 2022, 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 – Ray Hauss  
Councilman – Jorden Brown

OTHERS PRESENT - Jessica Freer, Town Clerk; Amber Roberts, Assessor/Supervisor's Clerk; Don Camp, Code Enforcement Officer; Zach Decker, Highway Superintendent, Jack Whitaker, Wolcott; Brandy & Sierra Starczewski, Wolcott; Karli Starczewski, Assessor's Clerk; Chris Bauer, Deputy Highway Superintendent; Kara Chapin, Town of Wolcott Historian.

Copies presented to the Town Board:

1. Minutes of March 15, 2022 (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 –

OPEN PUBLIC HEARING – Local Law #1-2022

Supervisor Chatfield declared the Public Hearing open at 6:00 PM and asked the Town Clerk to read the notice of Public Hearing on the proposed Local Law #1-2022 which would impose a 1-year moratorium on solar energy facilities and to show proof of publication.

Supervisor Chatfield asked for comments or questions from the floor; Don Camp has some questions. Don asked if the moratorium included residential solar facilities, Jessica referred to section 9 of the law that states a project under 25 kilowatts or less would be excluded from the moratorium; Don stated that is a residential project therefore, he was satisfied with the moratorium.

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Dan Youngman to close the Public Hearing at 6:05 PM. VOTE - AYES 5 NAYS 0.

**RESOLUTION #11-22 TO ADOPT LOCAL LAW 1-2022 ENTITLED A LOCAL LAW IMPOSING A TEMPORARY 1 YEAR MORATORIUM ON APPROVALS FOR SOLAR ENERGY FACILITIES**

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

**TOWN OF WOLCOTT LOCAL LAW NO. 1 OF 2022  
A LOCAL LAW IMPOSING A TEMPORARY 1 YEAR MORATORIUM ON APPROVALS FOR SOLAR ENERGY FACILITIES**

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 Imposing a Temporary 1 Year Moratorium on Approvals for Solar Energy Facilities."

**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 hereby declares 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 anticipates that there may be an increase in the demand for this type of energy producing and distribution facilities in the Town and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of energy producing and distribution activity within the Town.

The question of integrating energy production and distribution facilities within the Town's existing pattern of residential, commercial and agricultural land use emphasizes the need for suitable siting, land use standards with reference to energy production and distribution facilities, consistent with applicable provisions of law.

The Town Board of the Town desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same. The Town Board of the Town is now in the process of considering various options relating to this issue. The Town Board of the Town finds and determines that it needs the period time covered by the moratorium imposed herein in order to carefully study the integration issue, draft proposed amendments to the Town Code, 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.

**Section 5. Term**

The moratorium imposed by this Local Law shall be in effect for a period of one (1) year from the effective date of this Local Law. 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",  
Hauss "YES", Brown "YES".

GENERAL CORRESPONDENCE – No Correspondence this month.

A motion was made by Dan Youngman, seconded by Jordan Brown, to accept the minutes of March 15, 2022, and departmental reports.

VOTE - AYES   5   NAYS   0  .

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #96 thru #127 - total - \$13,907.41

HIGHWAY ACCOUNT - DA Town wide & DB Outside - total - \$34,510.30

A resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jordan 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 that the Medical Center transfer is complete, she has cancelled the insurance for the building and the facility is now taxable as it is not Town owed property anymore.

2. The informal hearings for assessments are complete, she will be sending second notices to residents she had spoken/met with. She is looking forward to Grievance Day on May 24, 2022.

3. Amber said she would like a drone to view the properties around the Bays, Dan offered to take a video of the Bays with his drone for Amber to review at some point in the future.

#### HIGHWAY - Zach Decker

1. Zach would like to purchase a factory extended warranty for the Case tractor for around \$2,800.00, he said there has been some transmission issues and the warranty runs out at the end of the month; the Board did not have an issue with this.

2. Zach would also like to install a flatbed on one of the 10 wheelers, he his estimated the price of the build and install to be less than \$7,000.00; Zach said it would be used as a service truck.

3. Zach provided more information to the Board regarding the gravel beds, he said he cannot close them yet; they would have to be reclaimed and inspected. He will in all likely hood have to apply for the permits until vegetation starts to grow, then the process of closing can be looked at again.

4. Aramark who provides rags for the Highway Department has been canceled but is still trying to service the Highway, Zach has sent letters in the past informing them of the cancelation. Zach said his next step is to stop submitting the vouchers for payment, he wanted to inform the Board of this situation.

5. The Town of Wolcott and Town of Huron purchased a trench compactor for \$800.00 each, it attached to an excavator.

6. Zach said the Highway has converted the equipment for spring work.

7. Lynn said there was a concept meeting the previous week for the Salt Shed, and the process is still moving forward.

#### CODE ENFORCEMENT OFFICER - Don Camp

1. Don attended Code School; he received his 24 hours of required training.

2. Don believes that the Planning Board should be reinstated again to discuss the future Solar Law. He said once a solar project gets too large it is out of the hand of the municipalities and would be under NYSEDA (The New York State Energy Research and Development Authority). Lynn said he has been in contact with an employee at MRB Group that would help with the development of the regulations. The Board recognizes this process will take a long time.

#### TOWN CLERK - Jessica Freer

1. Jessica said on April 13<sup>th</sup>, 2022, she made the final tax payment to the Wayne County Treasurer. She has a copy of the Tax Collector's Report if anyone would like to see it. Jessica said out

of the 3.3 million tax warrant the amount collected at the office was \$2,787,427.00 which equates to roughly 84.5% of the total warrant; the percentage is on par with last year and up from 2020 and 2019.

2. Jessica said she will be attending the Town Clerk's Annual Conference in Albany; she will be leaving on Sunday and will return on Wednesday afternoon.

### SUPERVISOR - Lynn Chatfield

### OLD BUSINESS -

1. Land Use Code – Lynn said the woman he has been corresponding with to arrange a meeting is on vacation and will speak to her when she gets back.

2. Brown/Wadsworth Road Water District & Port Bay Sewer District – Amber said for both projects they are complete, in the next few months the Town will close the excess accounts for the projects.

3. Building Maintenance – Lynn came out to the Town Hall to give an estimate of \$1,370.50 for rekeying the building with multiple keys per office as well as fixing a broken door handle.

A motion was made by Adam Ellis, seconded by Dan Youngman, to allow the Supervisor to sign the proposal from Valley Locksmith.

VOTE – AYES 5 NAYS 0.

There was a gentleman from DD2 Consulting that came to the Town Hall to look at the phones/systems. This gentleman is waiting to hear from his contacts at Verizon before getting back to Lynn again. Lynn asked about the front door and back door of the buildings that need maintenance.

- New Keys
- Phone lines
- Back Door
- Front Door

4. Blind Sodus Bay Water District – Jessica said she will be seeing Matthew later in the week and has some papers to give him regarding the district. Zach spoke briefly about the construction end of the project and would like some stipulations added to the bid that would prevent problems with the road after the project is completed.

5. Update Water Feasibility Study – Lynn said Dave at MRB Group has a copy of the study.

6. Leash Law – Lynn and Ray are meeting with attorney to draw up a Local Law. Jessica said she received a complaint from a resident in the Town about dogs constantly in or near her road when she is walking, Jessica told this resident there is not a town-wide leash law but would make the Board aware.

### NEW BUSINESS –

1. Lynn introduced Kara Chapin, Town Historian to the Town Board; Kara explained her background to the Board. Lynn said he is looking for grant monies for replacing old headstones at the abandoned cemeteries and will possibly be contacting Kara for help with this.

2. Mowing of the Cemeteries -

A motion was made by Adam Ellis, seconded by Jordan Brown to allow the Supervisor to sign the 2022 contract with Erick Gerstner for the mowing of the abandoned cemeteries in the Town of Wolcott. VOTE - AYES 5 NAYS 0.

3. Fire & Ambulance Contracts –  
RESOLUTION #12-22 2022 WOLCOTT FIRE CONTRACT -

The following resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Ray Hauss,

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 with the Village of Wolcott for fire protection;

NOW, THEREFORE, BE IT RESOLVED, to authorize the Supervisor to sign and contract with the Village of Wolcott for fire protection and to pay them the sum of \$31,927.00 for said services.

VOTE - AYES 5 NAYS 0.

4. Lynn spoke to Wayne County Soil and Water Authority regarding the Weed Harvesting schedule that had been spoken about previously, he would like to watch the bays more carefully to observe their schedule.

RESOLUTION #13-22 AUTHORIZING SUPERVISOR TO SIGN AGREEMENT WITH WAYNE COUNTY REGARDING DISBURSEMENT OF FUNDS FOR 2022 WEED HARVESTING IN PORT BAY AND BLIND SODUS BAY -

The following resolution was presented by Adam Ellis, moved by Jorden Brown, seconded by Ray Hauss,

WHEREAS, the Town realizes the economic value our waterfront property and communities contribute to our Town tax base; and

WHEREAS, the Town Board also realizes the environmental quality of our embayment's must be maintained; and

WHEREAS, the Town Board acknowledges the recreational value and quality-of-life value the embayment's contribute to our citizens; and

WHEREAS, the Town of Wolcott desires to be a good steward of our embayment's;

NOW, THEREFORE, BE IT RESOLVED, the Supervisor is authorized to sign an agreement with Wayne County contributing \$2,000.00 to this effort to pool with other contributions from the Town of Huron for \$9,000.00, the Town of Sodus for \$4,000.00 and the County of Wayne for \$15,000.00 for 2022.

VOTE - AYES 5 NAYS 0.

5. Lynn spoke to Barrett Memorials that came out to a few of the abandoned cemeteries to possibly replace the older headstones, he submitted a quote for 6 headstones for around \$7,000.00; Lynn also spoke to Oswego Monuments who would manufacture the headstones but will not place them. Lynn has spoken to a few people in the area who have been interested in the past including Mr. Durocher at Red Creek Central School and Cody Lapp who manages a program that has High School Students do community work. There is a certain procedure that has to be followed from NYS before a new stone can be placed, there has been talks to have the students do the labor and it would cost the

Town a fraction of the cost to replace and set new headstones. Lynn will come back next month with more information.

6. The Town has once again received a letter from the NYS Department of Health stating the Town has to appoint a local health officer, Lynn has spoken with Wayne County Public Health in the past regarding this and will do so again to clarify what qualifications this officer would need before they are appointed.

Privilege of the Floor was offered

The next regular meeting of the Wolcott Town Board will be held May 17, 2022, at 6:00 PM at the Town Hall.

A motion was made by Dan Youngman, seconded by Adam Ellis, to adjourn the meeting at 6:56 PM.

Respectfully submitted,

Jessica Freer  
Town Clerk