

REGULAR MEETING & PUBLIC HEARINGS
WOLCOTT TOWN BOARD – June 20, 2023

A regular meeting of the Wolcott Town Board was held Tuesday, June 20, 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; Dick Flynn, Sterling; Dan Smith, Deputy Village Mayor; Jack Whitaker, Wolcott; Kevin Lozier, Red Creek; Todd Ellsworth, Wolcott; Chris Henner, Village Mayor; Lance Brabrant, MRB Group; Lori Furguson, Wolcott.

Copies presented to the Town Board:

1. Minutes of May 16, 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 PM.

Pledge of Allegiance –

GENERAL BUSINESS –

Privilege of the Floor -

1. Mr. Whitaker attended the meeting to speak about the new Volunteer Firefighter & Ambulance Worker property exemption, he said since there was a large agenda and not all the Board members had a copy of the law he would wait until the next month to speak about it. Lynn asked if the School District has opted into the law, Jack said he did not know.
2. Mr. Ellsworth attended the meeting to speak to the Board about the speeds at which people drive on East Port Bay outside the Village limit where the speed limit is 40 mph and is concerned. Lynn said he will speak the Sheriff about having a deputy patrol the area more.
3. Mr. Flynn said he has wanted to enjoy and improve his property just like everyone does, Ray said he has been waiting for reports. Mr. Flynn asked if the special permit has any correlation with the retaining wall on the property, Lynn said the retaining wall is a safety issue. Mr. Flynn said he is in the process of taking care of the wall; Ray has sent recommendations regarding the Gazebo and would like those followed.

OPEN PUBLIC HEARING – Local Law #2-2023

Supervisor Chatfield declared the Public Hearing open at 6:10 PM and asked the Town Clerk to read the notice of Public Hearing on the proposed Local Law #2-2023 Solar Energy Law.

Supervisor Chatfield asked for comments or questions from the floor.

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Julie Aldrich to close the Public Hearing at 6:11 PM. VOTE - AYES 5 NAYS 0.

Lance Brabrant, MRB Group – Lance said the Town Board should adopt the SEQR Resolutions then the Town Board can adopt the Local Law. Lance said Part 1 would be adopting the Designating Lead Agency Resolution,

RESOLUTION #33-23 SEQR RESOLUTION DESIGNATING LEAD AGENCY –

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

WHEREAS, the Town of Wolcott Town Board (hereinafter referred to as Town Board) on February 16, 2023, declared its intent to be designated the Lead Agency for the Town of Wolcott Solar Law Adoption under the provisions of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has provided written notices to this effect to the identified involved and interested agencies; and

WHEREAS, the Town Board has not received any written objections from the involved or interested agencies to the Board's being designated as the lead agency under the SEQR Regulations; and

WHEREAS, the Town Board has previously determined that it is the most appropriate agency to insure the coordination of this Action and for making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby designate itself as the lead agency for the Action identified above herein;

VOTE - AYES 5 NAYS 0.

Next Lance said the Board must complete SEQR FEAF (Full Environmental Assessment Form) Part 2, complete SEQR FEAF Part 3 and have Lynn sign, next is the Determination of Environmental Significant Resolution.

RESOLUTION #34-23 SEQR RESOLUTION DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE –

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

WHEREAS, the Town of Wolcott Town Board (hereinafter referred to as Town Board) has determined the above referenced Action to be a Type 1 Action pursuant to Part 617 of the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Town Board has reviewed and accepted the completed Full Environmental Assessment Form Parts 1, 2, and 3 on the Action prepared by the MRB Group; and

WHEREAS, the Town Board has completed the coordinated review and public comment period provided for under the SEQR Regulations; and

WHEREAS, the Town Board has designated itself as lead agency under the SEQR Regulations for making the determination of significance upon said action; and

WHEREAS, the Town Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c) (1) of the SEQR Regulations and the information contained in Full Environmental Assessment Form Parts 1, 2, and 3.

NOW THEREFORE BE IT RESOLVED, that said Action WILL NOT result in any significant adverse environmental impacts based on the review of the Full Environmental Assessment Form; and

BE IT FINALLY RESOLVED that the Town Board does hereby make a Determination of Non-Significance on said Action, and the Town Supervisor is hereby directed to sign the Full Environmental Assessment Form Part 3 and issue the Negative Declaration as evidence of the Town Board's determination of environmental non-significance.

VOTE - AYES 5 NAYS 0 .

Lance said he now has to forward the documents to NYSDEC, and an Environmental Notice Bulletin will have to be published that will be the last step on his end and our end for this process. After the steps had been completed the Board decided to present the Local Law.

RESOLUTION #35-23 TO ADOPT LOCAL LAW 2- 2023 ENTITLED A LOCAL LAW REGULATING SOLAR ENERGY SYSTEMS -

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 20th day of June 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 20th day of June 2023, at which time all interested persons were given an opportunity to be heard thereon

NOW THEREFORE BE IT RESOLVED, that Local Law 2 of 2023 be enacted as follows:

A LOCAL LAW REGULATING SOLAR ENERGY SYSTEMS

BE IT ENACTED: by the Town Board of the Town of Wolcott, as follows:

Section 1: Authority.

This solar energy chapter is adopted pursuant to §§ 261 through 263 of the Town Law and § 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Wolcott 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."

Section 2: Statement of Purpose.

This solar energy chapter is adopted to advance and protect the public health, safety, and welfare of the Town of Wolcott by creating regulations for the installation and use of solar-energy generating systems and equipment, with the following objectives:

- A. To take advantage of a safe, abundant, renewable and nonpolluting energy resource;
- B. To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- C. To increase employment and business development in the Town of Wolcott, to the extent reasonably practical, by furthering the installation of solar energy systems;
- D. To mitigate the impacts of solar energy systems on environmental resources such as important agricultural lands, forests, wildlife and other protected resources; and
- E. To create synergy between solar and other stated goals of the community;
- F. To decrease the use of fossil fuels, thereby reducing the carbon footprint of the Town of Wolcott;
- G. To invest in a locally generated source of energy and to increase local economic value, rather than importing nonlocal fossil fuels;
- H. To align the laws and regulations of the community with several policies of the State of New York, particularly those that encourage distributed energy systems;
- I. To become more competitive for state and federal grants and tax benefits;
- J. To make the community more resilient during storm events;
- K. To aid in the energy independence of the community as well as the country;
- L. To diversify energy resources to decrease dependence on the grid;
- M. To improve public health;
- N. To encourage a sense of pride in the community;
- O. To encourage investment in public infrastructure supportive of solar, such as generation facilities, grid-scale transmission infrastructure, and energy storage sites.
- P. To improve and modernize an aging electrical grid to ensure it can meet the needs of current and future populations.

Section 3: Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACTIVE AGRICULTURAL LAND:

Land used for a Farm Operation in accordance with Agriculture and Markets Law § 301 – uses of which include production of crops, livestock, and livestock products – within the past five years

APPLICANT

The person or entity submitting an application and seeking an approval under this Article; the owner of a Solar Energy System or a proposed Solar Energy System project; the operator of Solar Energy System or a proposed Solar Energy System project; any person acting on behalf of an Applicant, Solar Energy System or proposed Solar Energy System. Whenever the term “applicant” or “owner” or “operator” are used in this Article, said term shall include any person acting as an applicant, owner or operator of such Solar Energy System.

BATTERY ENERGY STORAGE SYSTEM

One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time (not to include a stand-alone 12-volt car battery or an electric motor vehicle).

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 on-site consumption.

DECOMMISSIONING

The removal and disposal of all Solar Panels, Solar Energy Equipment, Structures, equipment and accessories, including subsurface foundations and all other material, concrete, wiring, cabling, or debris, that were installed in connection with a Solar Energy System and the restoration of the parcel of land to the original state prior to construction on which the Solar Energy System is built to either of the following, at the landowner's (either the Initial Landowner or it's heirs, successors or assigns) sole option: (i) the condition such lands were in prior to the development, construction and operation of the Solar Energy System, including but not limited to restoration, regrading, and reseeded, or (ii) the condition designed by landowner (either the Initial Landowner or it's heirs, successors or assigns) and the Town. Details of the expected Decommissioning activities and costs are to be described in the Decommissioning Plan and Decommissioning Agreement as may be required pursuant to this Article.

DECOMMISSIONING AGREEMENT

A written Agreement between Applicant, Initial Landowner and Town that sets forth the obligations of the Applicant and/or the Initial Landowner to properly decommission the Solar Energy System if the use of such system is discontinued, abandoned or becomes inoperable.

FARMLAND OF STATEWIDE IMPORTANCE

Land, designated as "farmland of statewide importance" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that is of statewide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of statewide importance may include tracts of land that have been designated for agriculture by state law.

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 on-site or off-site consumption.

NAMEPLATE CAPACITY

A solar energy system's maximum electric power output under optimal operating conditions. Nameplate Capacity may be expressed in terms of Alternating Current (AC) or Direct Current (DC).

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.

PRIME FARMLAND

Land, designated as "prime farmland" in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey, that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

ROOF-MOUNTED SOLAR ENERGY SYSTEM

A solar energy system located on the roof of any legally permitted building or structure that produces electricity for on-site or off-site 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, 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:

- (1) Roof-mounted solar energy systems.
 - (2) Building-integrated solar energy systems.
- B. Tier 2 solar energy systems.

(1) Tier 2 solar energy systems include ground-mounted solar energy systems with with nameplate 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; and

(2) Tier 2 solar energy systems include ground-mounted solar energy systems with a total surface area of all solar panels on the lot of up to [4,000] square feet and that generate up to [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.

TILT

The vertical angle, where 0° minimum tilt means the panel is lying flat, and 90° maximum tilt means that it is vertical.

TOWN

The Town of Wolcott, Wayne County, New York.

Section 4: Applicability.

A. The requirements of this chapter shall apply to all solar energy systems permitted, installed, or modified in the Town of Wolcott after the effective date of this chapter, excluding general maintenance and repair.

B. Solar energy systems constructed or installed prior to the effective date of this chapter shall not be required to meet the requirements of this chapter.

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 chapter.

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 New York State Uniform Fire Prevention and Building Code ("Building Code"), the New York State Energy Conservation Code ("Energy Code"), and the Code of the Town of Wolcott.

Section 5: General requirements.

A. Site plan approval by the Town Board of the Town of Wolcott and a building permit issued by the Town of Wolcott Code Enforcement Officer shall be required for installation of all solar energy systems.

B. The Town Board is encouraged to condition its approval of proposed developments on sites adjacent to solar energy systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of site plan approval 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").

Section 6: Permitting requirements for Tier 1 solar energy systems.

All Tier 1 solar energy systems, shall be subject to site plan approval by the Town Board of the Town of Wolcott and the issuance of a building permit subject to the following conditions for each type of solar energy system:

A. Roof-mounted solar energy systems. Roof-mounted solar energy systems shall incorporate, when feasible, the following design requirements:

- (1) Solar panels on pitched roofs shall be mounted with a maximum distance of eight inches between the roof surface and the highest edge of the system.
- (2) Solar panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
- (3) Solar panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
- (4) 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.
- (5) All roof-mounted solar energy systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the Town of Wolcott.

B. Building-integrated solar energy systems shall be shown on the plans submitted for the building permit application for the building containing the system. C. Glare. All solar panels shall have anti-reflective coating(s).

Section 7: Permitting requirements for Tier 2 solar energy systems.

All Tier 2 solar energy systems shall be subject to site plan approval by the Town Board of the Town of Wolcott and the issuance of a building permit and 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 in the Town Code. All ground-mounted solar energy systems shall only be installed in the side or rear yards in residential districts.

C. Height:

(1) Tier 2 solar energy systems shall be subject to the height limitations specified for accessory structures within the Town of Wolcott.

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 Town of Wolcott.

Section 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 issued by the Town Board of the Town of Wolcott subject to site plan application requirements set forth in this section.

A. Application for installation.

(1) Applications for the installation of Tier 3 solar energy system shall be:

- (a) Reviewed by the Code Enforcement/Zoning Enforcement Officer and Town Attorney for completeness. Applicants shall be advised within 20 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- (b) Subject to a special use permit issued by the Town Board of the Town of Wolcott. The Town Board of the Town of Wolcott shall conduct a public hearing on the application and shall have a notice printed in a newspaper of general circulation in the Town of Wolcott at least five days in advance of such hearing. Applicants shall post notice of the public hearing on the property to be developed in form and size sufficient to be readable from the road and shall mail a copy of the notice of hearing by first class mail to adjoining landowners or landowners within 500 feet of the property at least 10 days prior to such a hearing, or, in the event that the applicant does not mail within the ten-day period, delivery of said notice to each property owner shall be required. Proof of posting, mailing and delivery shall be provided to the Town Board at the public hearing.

(2) The application shall be referred to the Town of Wolcott Board of Appeals and the Wayne County Planning Board pursuant to General Municipal Law § 239-m if required.

(3) Upon closing of the public hearing, the Town Board shall take action on the application within 62 days of the public hearing, which may include approval, approval with conditions, or denial. No special use permit shall be granted in the absence of a decommissioning plan with adequate security meeting the requirements of Subsection H below and such other requirements as the Town Board may impose. The sixty-two-day period may be extended upon consent by both the Town Board and applicant.

(4) No construction may begin prior to the issuance of a building permit by the Code Enforcement/Zoning Enforcement Officer which permit shall not be issued until the applicant has been issued a duly authorized special use permit by the Town Board, as well as received final site plan approval from the Town Board, and has an approved decommissioning plan with adequate security as may be required by the Town Board.

(5) Battery Energy Storage Systems are strictly prohibited for Tier 3 solar energy systems.

B. Underground requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including, without limitation, any poles, with new easements and 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 twenty-four-hour emergency contact information. Said information shall be depicted within an area no more than eight square feet.

(2) As required by the 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 six inches in diameter should be minimized to the extent possible. If extensive tree cutting (defined as more than three (3) trees) will be performed the applicant will be required to submit a tree management plan to be reviewed and approved by the Town Board. H. Decommissioning.

(1) Solar energy systems that have been abandoned and/or not producing 50% of its design capacity electricity for a period of one year shall be removed at the owner and/or operator's expense, which may come from any security made with the Town of Wolcott as set forth in Subsection H(3) herein. The decommissioning plan must ensure the site will be restored to Pre-development condition without delay, including, but not limited to, the following:

(a) Removal of aboveground and below-ground equipment, structures, and foundations.

(b) Restoration of the surface grade and soil after removal of equipment.

(c) Revegetation of restored soil areas with native seed mixes, excluding any invasive species.

(d) At the landowner's request, with Town Board approval, some items can remain on the site, i.e., landscaping, tree planning, roads etc.

(2) A decommissioning plan signed by the owner and/or operator of the solar energy system shall be submitted by the applicant, addressing the following:

(a) The decommissioning plan must specify that after the Large-Scale Solar Energy System is no longer being used or is inadequately maintained, it shall be removed by the applicant or any subsequent owner.

(b) The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.

(c) An itemized decommissioning cost estimate detailing the removal of the solar energy system and all of its components including but not limited to, solar energy systems, fencing, landscaping, and roadways. This is to be signed and stamped by a licensed professional of NY.

- (d) The salvage value of any system components should not be included in the decommissioning estimate.
- (e) The time required to decommission and remove the solar energy system and any ancillary structures.
- (f) The time required to repair any damage caused to the property by the installation and removal of the solar energy system.

(3) Decommissioning Agreement.

(a) Prior to obtaining a zoning permit and as a condition to issuance of any Special Use Permit, the Applicant, Initial Landowner, the proposed Solar Energy System owner and operator, and all leaseholders must enter into a Decommissioning Agreement with the Town Board, with advice from the Board of Appeals, that sets forth the joint and several obligations of the Applicant, the Initial Landowner, the solar energy system operator and solar energy system owner, all leaseholders, and all of their heirs, successors and assigns to properly maintain the Solar Energy System and decommission it when in the determination of the Town Board the use of such system is discontinued, abandoned, becomes inoperable or is otherwise terminated.

(b) The Decommissioning Agreement shall require the Applicant to provide an irrevocable financial security bond, or other form of surety, acceptable in form, substance, and amount to the Town Board in its sole discretion for maintaining the system during its life as well as decommissioning of the system, with the Town as the designated assignee/beneficiary. The amount of the bond shall be determined by the Town Board, with input from the Board of Appeals and town consultants. Said amount shall equal 150% of the estimated cost of maintenance of the system throughout system life, and the estimated decommissioning cost, including but not limited to the removal and disposal of all solar related materials and equipment, piers and foundations, and the total restoration of the premises and rejuvenation of the soil to their original preconstruction conditions. The salvage value of the solar energy equipment shall not be accounted for in the estimated cost of implementing the decommissioning plan. Said bond or other surety shall be in effect before the special use permit is granted and before any site work is commenced.

(c) The bond or other surety shall provide for an annual increase in the amount of the surety as determined yearly in the sole discretion of the Town Board to compensate for any use of the bond, the cost of inflation and any other then anticipated increases in costs of maintenance and decommissioning. Each year after a Solar Energy System has been constructed, and no later than thirty (30) days after being notified by the Town of the new amount of the bond, the then system owner/permit holder for the system shall provide the Town written proof that the required financial security bond (or other form of surety) is still operable and valid and that such surety has been properly increased to the new amount determined by the Town. Full value of the bond is to be provided for the life of the project.

(d) The Decommissioning Agreement shall provide that the Initial Landowners, the Applicant, the initial Owners and initial Operator of the Solar Energy System, all leaseholders and all of their successors and assigns shall be jointly and severally responsible for the timely completion of all obligations pursuant to the Decommissioning Agreement. If any obligation(s) is not timely completed, the Town may complete the obligation(s) at the aforesaid obligors' expense; the Town shall have the irrevocable right to execute upon and be paid in advance from said bond for all anticipated expenses of completion including but not limited to all consultant costs.

(e) Said Agreement shall be recorded at the office of the Wayne County Clerk and shall be indexed as deed restrictions against all the property upon which the Solar Energy System is constructed, with the Town as the benefitted party, thus placing all future owners and interested

parties of the subject real property on notice of the obligations contained in the said Agreement.(4) Security.

(a) The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town Board in form approved by the Town Attorney and/or Engineer, 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.

(b) 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. (c) In the event of default or abandonment of the solar energy system, the system shall be decommissioned as set forth in § [insert section] and C 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, fencing, site access for the project site. Clearly show setbacks from road right of way, adjacent property lines, residences, and accessory buildings.
- (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 overcurrent 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 a building permit.
- (5) Name, address, and contact information of the 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 the 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) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, maintenance and replacement of landscaping, and clearing of snow from access roads. This is to be a site/ project specific Operation and Maintenance Plan.
- (8) Erosion and sediment control and stormwater management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Town Board.
- (9) Prior to the issuance of the building permit or final approval by the [Reviewing 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.
- (10) Point of interconnection, overhead utility poles, and all underground transmission lines
- (11) Emergency Requirements including but not limited to providing vehicular access on at least two sides of the project location. Installation of man gates on each side of the fence surrounding the site. Ensuring adequate emergency vehicle access and turnarounds in compliance with Appendix D of the New York State Fire Code. Emergency requirements are subject to review and approval by the Code Enforcement Officer, local fire department and the Wayne County Emergency Management Department.
- (12) Decommissioning agreement
- (13) Applicant will be required to submit a road use agreement for review and approval by the Town Board.

J. Special use permit standards.

- (1) Lot size.

- (a) The property on which the Tier 3 solar energy system is placed shall be no less than forty acres in size;
- (2) Setbacks - The Tier 3 solar energy systems shall comply with the following setback requirements:
 - (a) Setback from the front property line(s) of no less than 100 feet;
 - (b) Setback from the side property line(s) of no less than 50 feet;
 - (c) Setback from the rear property line(s) of no less than 50 feet;
- (3) Height.
 - (a) The Tier 3 solar energy systems shall not exceed a maximum height of fifteen (15) feet as measured from the highest point of any Solar Panel (orientated at maximum tilt) or Solar Energy Equipment, to the ground directly beneath it
- (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:
 - [1] Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - [2] All mechanical equipment of the solar energy system, including any pad-mounted structure for batteries, switchboard, transformers, or storage cells.
 - [3] Paved access roads servicing the solar energy system.
 - [4] Space between the panels
 - (b) Lot coverage of the solar energy system, as defined above, shall not exceed the maximum lot coverage requirement of the Town of Wolcott.
- (5) Fencing Requirements. All mechanical equipment, including any structure for storage shall be enclosed by a seven-foot-high fence, as required by NEC, with a self-locking gate to prevent unauthorized access.
- (6) Screening and visibility.
 - (a) Solar energy systems smaller than 10 acres shall have views minimized from adjacent properties to the extent reasonably practicable using architectural features, earth berms, landscaping, or other screening methods that will harmonize with the character of the property and surrounding area.
 - (b) Solar energy systems larger than 10 acres shall be required to:
 - [1] Conduct a visual assessment of the visual impacts of the solar energy system on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including, for example, a digital viewshed report, may be required to be submitted by the applicant.
 - [2] Submit a screening and landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of solar panels and solar energy equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.
 - [a] The screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system. The landscaped screening shall be comprised of a minimum of one evergreen tree, at least six feet high at time of planting, plus two supplemental shrubs at the reasonable discretion of the Town Board of the Town of Wolcott, all planted within each 10 linear feet of each other and 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 must be provided to the Town of Wolcott and approved; or

- [b] In the event the above screening plan is deemed inadequate by the Town of Wolcott due to the design of the system, topography of the land or other reason, the screening and landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Wolcott.
- (c) Submit a noise and glare study that addresses potential visual and audible impacts to abutters.
- (7) Agricultural resources. For projects located on agricultural lands:
- (a) Prime farmland or farmland of statewide importance.
- [1] Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance shall not exceed 25% of the area of prime farmland or farmland of statewide importance on the parcel; or
- [2] Any Tier 3 solar energy system located on the areas that consist of prime farmland or farmland of statewide importance shall not exceed 25% of the entire lot.
- (b) To the maximum extent practicable, Tier 3 solar energy systems located on prime farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- (c) Tier 3 solar energy system owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.
- (8) Tier 3 solar energy systems prohibited in Waterfront Corridor.
- (a) No solar energy facilities will be allowed for the Waterfront Corridor, which is defined as being all properties North of Clapper Road, and along East Port Bay Road, North of Brown Road and East of Brown Road, North of Rasbeck Road, from Brown Road to Broadway Road, and all properties North of Kakat Road and Smith Road from Broadway Road to West Bay Road.
- (9) Maintenance. All grounds shall be maintained on a regular basis to avoid unsightly vegetation growth.
- (10) Coordinated Electric System Interconnection Review (CESIR) will need to be provided prior to issuance of a Special Use Permit
- (11) a construction schedule that outlines a timeline for all construction activities from start to finish.
- (12) PILOT Agreement.
- (a) The owner of a property on which a Solar Energy System is located or installed (including any improvement, reconstruction, or replacement thereof), shall enter into a PILOT Agreement with the Town or other agency designated by the Town for such purpose, such as the Wayne County Industrial Development Agency, consisting of the following:
- a) Name and contact information of the Owner or other party authorized to act upon behalf of the Owner of the Solar Energy System.
- b) The SBL number for each parcel or portion of a parcel on which the Solar Energy System will be located.
- c) A requirement for fifteen successive annual payments, to be paid commencing on the first Annual Payment Date after the effective date of the Real Property Tax Exemption granted pursuant to Real Property Tax Law § 487.
- d) The Capacity of the Solar Energy System, and that if the Capacity is increased or increased as a result of a system upgrade, replacement, partial removal or retirement of Solar Energy Equipment, the annual payments shall be increased or decreased on a pro rata basis for the remaining years of the Agreement.

- e) That the parties agree that under the authority of Real Property Tax Law § 487 the Solar Energy System shall be considered exempt from real property taxes for the fifteen-year life of the PILOT Agreement.
- f) That the PILOT Agreement may not be assigned without the prior written consent of the Town of Wolcott, which consent may not be unreasonably withheld if the Assignee has agreed in writing to accept all obligations of the Owner, except that the Owner may, with advance written notice to the Town Board, but without prior consent, assign its payment obligations under the PILOT Agreement to an affiliate of the Owner or to any party who has provided or is providing financing to the Owner for or related to the Solar Energy System, and has agreed in writing to accept all payment obligations of the Owner.
- g) That a Notice of this Agreement may be recorded by the Owner at its expense, and that the Town of Wolcott shall cooperate in the execution of any Notices or Assignments with the Owner and its successors.
- h) That the Annual Payment shall be
 - i) For Solar Energy Systems with a Capacity greater than 1 MW, \$ _____ per MW of Capacity.
- i) That the Annual Payment shall escalate ____ percent (____%) per year, starting with the second Annual Payment.
- j) That if the Annual Payment is not paid when due, that upon failure to cure within thirty days, the Town of Wolcott may cancel the PILOT Agreement without notice to the Owner, and the Solar Energy System shall thereafter be subject to taxation at its full assessed value.

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 Code Enforcement Officer/Zoning Enforcement Officer of such change in ownership or operator no less than 30 days prior to the ownership change.

L. Application for waiver from requirements of chapter.
(1) A waiver from any of the foregoing requirements of this chapter may be requested from the Town Board by the applicant, provided the applicant must show the requirements set forth in this chapter cannot be achieved.

The determination whether to grant a waiver is left to the sole and absolute discretion of the Town Board.

M. Preconstruction Meeting

Prior to construction commencing, a preconstruction meeting with the Town CEO is required to occur.

Section 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. If storage batteries are included as part of the solar energy system, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Wolcott and any applicable federal, state, or county laws or regulations.

Section 10: Permit time frame and abandonment.

- A. The special use permit and site plan approval for a solar energy system shall be valid for a period of 18 months, provided that a building permit is issued for construction and construction is commenced. 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 of Wolcott, within 18 months after approval, the Town of Wolcott, for good cause shown, may extend the time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months of the issuance of the special use permit and site plan approval, the approvals shall expire.
- B. Upon cessation of electricity generation of a solar energy system on a continuous basis for [12] months, the Town of Wolcott 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 180 days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of Wolcott 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.

Section 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 of Wolcott.

Section 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.

Section 13. 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".

OPEN PUBLIC HEARING – Local Law #3-2023

Supervisor Chatfield declared the Public Hearing open at 6:22 PM and asked the Town Clerk to read the notice of Public Hearing on the proposed Local Law #3-2023 A Local Law Increasing The Term of Office of The Town Clerk And Highway Superintendent From Two (2) Years to (4) Four Years.

Supervisor Chatfield asked for comments or questions from the floor, Lori Furguson spoke and asked the Board what has changed since her time on the Board when it was discussed two years prior and decided that the terms should stay the same, Zach said that it was a new Board. Lori said she believed two-year terms were sufficient.

CLOSE PUBLIC HEARING -

A motion was made by Adam Ellis, seconded by Dan Youngman to close the Public Hearing at 6:25 PM. VOTE - AYES 5 NAYS 0 .

RESOLUTION #36-23 TO ADOPT LOCAL LAW 3 of 2023 ENTITLED A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN CLERK AND HIGHWAY SUPERINTENDENT FROM TWO (2) YEARS TO (4) FOUR YEARS -

At a regular meeting of the Town Board of the Town of Wolcott, County of Wayne, New York, held at the Town Hall at 6070 Lake Ave. Wolcott, NY on the 20th day of June, 2023 at 6:00 p.m. The following resolution was presented by Adam Ellis, moved by Dan Youngman, seconded by Jordan Brown

WHEREAS, a public hearing was held thereon the 20th day of June 2023, at which time all interested persons were given an opportunity to be heard thereon

NOW THEREFORE BE IT RESOLVED, that Local Law 3 of 2023 be enacted as follows:

A LOCAL LAW INCREASING THE TERM OF OFFICE OF THE TOWN CLERK AND HIGHWAY SUPERINTENDENT FROM TWO (2) YEARS TO (4) FOUR YEARS

BE IT ENACTED: by the Town Board of the Town of Wolcott, as follows:

Section 1: Purpose.

The purpose of this article is to extend the term of the elected office of the Wolcott Town Clerk and Wolcott Highway Superintendent from two to four years. The Town Board believes an extended term will provide greater continuity to the office of Town Clerk and Wolcott Highway Superintendent and thus believes the extended term is in the public's best interest.

Section 2: Statutory authority.

This article is adopted pursuant to the provisions of the Municipal Home Rule Law §§ 10 Subdivision 1(ii)(a) and 23 Subdivision (2)(e) of the State of New York.

Section 3: Increase in term of office.

The term of office of the elected Town Clerk and the elected Town Highway Superintendent shall be four years. Such four-year term shall apply to the person elected after January 1, 2024, provided a proposition submitted pursuant to Section 4 below is approved by a majority of the qualified voters of the Town of Wolcott.

Section 4: Mandatory referendum.

This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Wolcott at the General Election to be held on November 7, 2023. A proposition in the following form shall be included in the ballot at such General Election and the increased term of office shall not take effect until the next biennial election held after January 1, 2024, and only upon such proposition being approved by the majority vote of the qualified voters voting thereon:

Shall Local Law No. 3 of 2023 entitled "Local Law Increasing the Term of Office of the Town Clerk and Highway Superintendent from two (2) Years to four (4) Years" be approved?

Section 5. Effect on other provisions.

This article shall supersede Town Law § 24 relating to the term of office for Town Clerk and Highway Superintendent of the Town of Wolcott.

Section 6. Effective date.

This article shall become effective no later than January 1, 2024, upon being filed in the office of the Secretary of State after approval by the qualified voters.

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

GENERAL CORRESPONDENCE –

1. Notice of a Public Hearing at the Town of Sterling on Tuesday, June 20th, 2023, at 7PM.

A motion was made by Adam Ellis, seconded by Jordan Brown, to accept the minutes of May 16, 2023, departmental reports, and general correspondence.

VOTE - AYES 5 NAYS 0 .

ABSTRACT OF CLAIMS -

GENERAL ACCOUNT - Claims #157 thru #192 - total - \$8,613.10

HIGHWAY ACCOUNT - DA Town wide & DB Outside - total - \$23,233.39

ARPA ACCOUNT – Claim #1 - total - \$211,603.00.

A resolution was presented by Julie Aldrich, moved by Jordan Brown, seconded by Dan Youngman “Be it RESOLVED to pay General, Highway and ARPA account claims as presented.”

VOTE - AYES 5 NAYS 0 .

ASSESSOR/SUPERVISOR'S CLERK - Amber Roberts

1. Amber said her 2023 Roll is done and sent to the County, once that has been printed on their end, she will start on the 2024 Roll.
2. Amber said there was a check sent to a company that they never received, nor has it been cashed but, payment need to be sent to them, therefore a new check needs to be reissued.

RESOLUTION #37-23 AMENDING JANUARY 2023 HIGHWAY ABSTRACT DUE TO REISSUED CHECK -

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

WHEREAS, due to Certified Laboratories never receiving payment for their invoice; and

WHEREAS, the payment amount was on the January Highway abstract for the invoiced amount of \$486.95; and

WHEREAS, a new check will be issued on the June 2023 Highway Abstract to Certified Laboratories for the invoiced amount;

NOW THEREFORE, BE IT RESOLVED, to amend the January Abstract by removing voucher #194 In the amount of \$486.95 for a corrected total of \$38,398.19 for the January Highway Fund Abstract.

VOTE - AYES 5 NAYS 0 .

3. The check from the insurance company for the damaged plow was received and it needs to be replaced.

RESOLUTION #38-23 AMENDING 2023 BUDGET TO INCREASE LINE ITEM DA5130.2 HIGHWAY EQUIPMENT -

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

WHEREAS, there was an insurance claim made for damage to a front plow; and

WHEREAS, the check came to the Town for payout of the insurance claim; and

WHEREAS, the line item needs to be increase in order to cover the replacement purchase from the insurance payout;

NOW, THEREFORE, BE IT RESOLVED, to increase line item DA5130.2 Highway Equipment in the amount of \$9,081.60 for an insurance payout.

VOTE - AYES 5 NAYS 0 .

HIGHWAY – Zach Decker

1. The Highway Department needs a salt barn.
2. A survey needs to be done on a pipe on Blind Sodus Bay due to drainage issues.
3. The old excavator is for sale on Auctions International, there will need to be a vote to accept or reject the bid once it is done. Julie asked about the estimated amount for the excavator, Zach said it might be around \$95,000.00.
4. A new plow to replace the damaged one has been ordered.

CODE ENFORCEMENT OFFICER – Ray Hauss

1. Ray spoke about Mr. Flynn earlier in the meeting.
2. Ray updated the Board regarding Kevin Lozier, he said he will be reviewing the plans in the next week. The board decided to wait until after the plans have been reviewed to vote on the special permit.

TOWN CLERK - Jessica Freer

1. Jessica said she had spoken with Lindsey at Wayne County Soil & Water and agreed to be a sign-up location for the Wayne County Fishing Derby.

SUPERVISOR - Lynn Chatfield

NEW BUSINESS –

1. Lynn received a phone call from Kreher Farms asking if the Town will support their expansion/upgrades that are planned, and the letter will help them look for grant funds. There is also a letter from Wayne County Economic Development and Planning to do more studies.

A Motion was made by Adam Ellis, seconded by Dan Youngman to allow the Supervisor to sign the letters of support from the Town of Wolcott for Kreher Farms and Wayne County Economic Development and Planning.

VOTE - AYES 5 NAYS 0 .

2. There were amendments made to the NYS Sexual Harassment Prevention Policy and the new wording needs to be adopted.

RESOLUTION #39-23 TO ADOPT SEXUAL HARASSMENT PREVENTION POLICY 2023 AND RESCIND PRIOR POLICY RESOLUTION –

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

WHEREAS, New York State has recently signed into law several amendments to the Sexual Harassment Prevention Policy which is required by New York State employers to adopt a sexual harassment prevention policy and associated annual trainings; and

WHEREAS, the law requires employers to adopt the state model policy or establish a policy that meets or exceeds the state model policy; and

WHEREAS, the existing Town of Wolcott Sexual Harassment Prevention Policy was authorized;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Wolcott hereby adopts the New York State model policy to use as the Town of Wolcott Sexual Harassment Prevention Policy; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Wolcott hereby rescinds any prior Sexual Harassment Prevention Policy.

VOTE - AYES 5 NAYS 0.

OLD BUSINESS -

1. Land Use Code – Lynn said he is going to speak with Matt Horn at MRB to get started on the Land Use Code.
2. Building Maintenance – The back door to the building has gaps, and the drain in the ladies' room drains slowly.
3. Blind Sodus Bay Water District – Dave Doyle is still working on this.
4. Salt Barn – The press release has been out; we are just waiting for funds to begin the next step.
5. Cemetery Monument Update – The Highway Department is helping to get this finished.
6. Blind Sodus Bay Bluff & Barrier Bar Status – The Bluff is finished, there is a 1-year contingency with the contractor for maintenance. The Barrier Bar went out to bid.

The next regular meeting of the Wolcott Town Board will be held July 18, 2023, at 6:00 PM at the Town Hall.

A motion was made by Jorden Brown, seconded by Dan Youngman, to adjourn the meeting at 6:42 PM.

Respectfully submitted,

Jessica Freer
Town Clerk