

MINUTES OF THE MEETING OF THE
SANDY CREEK VILLAGE BOARD OF TRUSTEES

Date: January 3, 2018

Kind of Meeting: Regular

Place: Village Office

Board Members Present:

Grant Rohrmoser, Mayor

Kenney LaRue, Trustee

Sharon Turo, Trustee

Others Present:

Jill Mattison, Clerk/Treasurer

Patricia McCullough, Deputy Clerk, SCRPB

Lance Collins, SCFD Chief

OPEN PUBLIC HEARING AND CALL TO ORDER:

Mayor Rohrmoser opened the public hearing to order at 7:00 P.M. The purpose of the public hearing was to hear comments on proposed Local Law #1 of 2018 Regulating Solar Energy Systems in the Village of Sandy Creek. Oswego County Department of Community Development, Tourism and Planning recommends approval with modification. *The relevant provisions of the proposed local law should be folded into the current regional site plan review law (Local Law Number 1 of 2004).* There were no other comments.

CLOSE PUBLIC HEARING AND OPEN THE REGULAR MEETING

APPROVAL OF MINUTES:

RESOLUTION 50-FY17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the minutes of the December 4, 2017 meeting are approved as written.

AUDIT AND APPROVAL OF MONTHLY BILLS, TRANSFERS AND ACCEPT

DECEMBER 2017 FINANCIAL STATEMENT:

RESOLUTION 51-FY 17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Abstract 13, vouchers #192 - #198 in the amount of \$6,694.62

Abstract 14, vouchers #199 - #210 in the amount of \$3,814.12

Transfer \$ 50 from A8540.4 to A8540.1

\$594 from F8340.4 to F8340.1

Fund Balances: 1/3/18

General Fund		\$342,914.16
Reserve Fire Apparatus & Radios	84,495.16	
Water Fund		66,498.02
Repair Reserve	22,205.68	
Capital Reserve	20,032.07	
Trust & Agency Permanent		0.00
Non-expendable	2,000.00	
Expendable	1,261.51	
Water Tower Capital Project		1,371,579.88
TOTAL ALL FUNDS		\$ 1,784,253.57

Resolved that the monthly bills and transfers are approved and the December 2017 financial statement was accepted.

REPORTS:

PLANNING BOARD:

Mrs. McCullough gave the report of the December 5, 2017 meeting, so noted and filed in the Village Office. The January meeting was rescheduled to Tuesday, January 9, 2018, 7:00.

FIRE DEPARTMENT:

Chief Collins presented the December call report:

<u>December 2017 Call Report</u>	<u>Year to Date</u>	
Total Calls: 41	307	
Structure Fires: 2	17	Mutual Aid
Vehicle Fires: 1	3	Mannsville 1
Vegetation Fires: 1	5	Pulaski 1
EMS: 23	180	Town of SC 27
Rescue: 0	8	Village of SC 12
MVA: 5	27	
Extrication: 1	3	Active Membership: 24
Hazardous Condition: 0	3	
Service Call: 3	11	
Good Intent Call: 1	4	
False Alarm: 0	7	
Cancelled Enroute: 3	38	
Mutual Aid Given: 2	38	
Mutual Aid Received: 1	7	
Average Personnel: 4.41	4.28	
Average Enroute Time: 4.89	4.47	
Average Onscene Time: 10.92	10.08	

Elections will be held tomorrow. No change in officers is expected.

A quote of \$600 was submitted by Todd Windy to shovel the snow and remove the ice from the fire hall roof. He will be submitting a quote to insulate, plug the holes from the whirly birds and venting the attic space.

Chief Collins inquired if a village owned fire department can be located in the town. He further commented on how the Town plows and sands the Lacona Fire Department lot, but does not do the same for Sandy Creek.

COUNTY LEGISLATOR:

Legislator Kastler was absent.

HISTORIAN:

Mrs. Cole submitted the December 2017 report, so noted and filed in the Village Office.

CODE ENFORCEMENT:

CEO Howland was absent but submitted the 2017 annual report of building permits and violations.

CORRESPONDENCE:

NYMIR Online University

NYS Department of Health – plans and specifications were approved for the new water storage tank.

OLD BUSINESS:

Nothing has been decided on the proposals for the generator maintenance.

NEW BUSINESS:

ADOPT LOCAL LAW #1 OF 2018

RESOLUTION 52 – FY17/18

On a motion by Trustee Turo, seconded by Trustee LaRue, the following resolution was

ADOPTED – unanimous

Resolved that Local Law No. 1 of 201, a local law Regulating Solar Energy Systems in the Village of Sandy Creek be adopted.

SECTION 1: TITLE

This local law shall be known as Local Law No. 2 of 2017, a local law regulating solar energy systems in the Village of Sandy Creek.

SECTION 2: STATEMENT OF AUTHORITY

The Board of Trustees of the Village of Sandy Creek, pursuant to the authority granted it under Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

SECTION 3: PURPOSE AND INTENT

A. The Village of Sandy Creek recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The Village of Sandy Creek has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Village, its residents and its businesses. This local law aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems. This local law is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems, to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the environment, aesthetic qualities and character of the Village.

C. It is not intended by this local law to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this local law imposes a greater regulation upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits, or by such easements, covenants or agreements, the provisions of this local law shall control.

SECTION 4: DEFINITIONS

The following terms shall have the meanings indicated.

Building-Integrated Photovoltaic (BIPV) System - A solar energy system that consists of integrating relief of the photovoltaic modules into the building structure, such as the roof or the facade, which does not alter relief of the roof.

Building-Mounted Solar Energy System - A solar energy system that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

Ground-Mounted Solar Energy Systems - A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems for the purpose of this local law.

Net-Metering - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Reflector, Solar - A device for which the sole purpose is to increase the solar radiation received by a solar collector.

Residential/Small Business/Small-Scale Solar Energy System - Any solar energy system that cumulatively meets all of the following provisions:

a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located onsite, and

b. Produce up to ten kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot. Small-scale solar energy systems located on a farm operation (as per NYS Agriculture and Markets Law section 301(11) definition of that term) can produce up to 110% of the farm's needs.

Solar Access - Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun, so as to permit the use of a solar energy system on individual properties.

Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector or other structure affixed to the ground, a building or other structure, that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generates thermal, chemical, electrical or other usable energy.

Solar Energy System - A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structure, generators/turbines, water and energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers and all other mechanical structures.

Solar Panel - A device for the direct conversion of solar energy into electricity.

Utility-Scale Solar Energy System or Solar Farm - Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy principally into a utility grid for sale to the general public.

SECTION 5: APPLICABILITY

The requirements of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law, excluding general maintenance and repair and Building Integrated Photovoltaic Systems.

Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.

SECTION 6: SOLAR DESIGN STANDARDS

- A. All Solar Energy Systems shall be designed and installed in conformance with the current International Building Code requirements, the New York State Unified Solar Permit (where applicable), and the manufacturer's recommendations.
- B. All on-site electrical wires associated with Solar Energy Systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers and lines. This standard may be modified by the Village if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts or similar factors.
- C. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
- D. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure, are exempt from the requirements of this local law.
- E. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.
- F. Ground-mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- G. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration

of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.

- H. All solar energy systems, solar collectors and solar panels shall be maintained in good condition and in accordance with all requirements of this Local Law.
- I. All Solar Energy Systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
- J. Solar Energy Systems and equipment shall be permitted only if they are determined by the Village of Sandy Creek not to present any unreasonable safety risks, including, but not limited to, weight load and ingress or egress in the event of an emergency.
- K. Small solar panels of less than one square yard used individually for charging of batteries and powering small equipment or devices shall not require a permit.
- L. All Ground Mounted Solar Energy Systems and Utility-Scale Solar Energy System or Solar Farms shall obtain site plan approval from the Sandy Creek Planning Board prior to the issuance of a building permit.

SECTION 7: ROOF MOUNTED SOLAR ENERGY SYSTEMS

- A. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure.
- B. Height. Roof Mounted Solar Energy Systems shall not exceed the maximum height of three (3) feet above the level of the permitted building height and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

SECTION 8: GROUND MOUNTED SOLAR ENERGY SYSTEMS

- A. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures.
- B. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of twenty (20) feet from all property lines

SECTION 9: RESIDENTIAL/SMALL BUSINESS/SMALL SCALE SOLAR ENERGY SYSTEMS

- A. The installation of a solar collector or panel for a Residential/Small Business/Small Scale Energy System, whether attached to the main structure, an accessory building, or as a detached, free-standing or ground mounted solar collector is permitted as an accessory structure, shall meet all requirements of this Section and shall require the issuance of a building permit.
- B. Free-standing or ground-mounted solar collectors for a Residential/Small Business/Small Scale Energy System are permitted as accessory structures subject to the following additional conditions:
 - 1. Lot size minimum of 21,780 square feet (one-half acre) for a ground-mounted or free-standing system.
 - 2. Screening shall be provided from adjoining lots through the use of architectural features, earth berms; landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the collectors.

SECTION 10: UTILITY-SCALE SOLAR ENERGY SYSTEMS/SOLAR FARMS

- A. Utility-Scale Solar Energy System or Solar Farms are permitted through the issuance of site plan approval subject to the requirements

B. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application for site plan approval.

C. Plans showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State. Any Solar Energy Systems attached to a structure shall be required to submit a structural report to address all load impacts.

D. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.

E. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

F. Decommissioning Plan. To ensure the proper removal of Utility-Scale Solar Energy System or Solar Farms, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of site plan approval under this Section. The Decommissioning Plan must specify that after the Utility-Scale Solar Energy System or Solar Farms can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and proper manner. 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. The plan shall also include an expected timeline for execution. Removal of Utility-Scale Solar Energy System or Solar Farms must be completed in accordance with the Decommissioning Plan. If the Utility-Scale Solar Energy System or Solar Farm ceases to perform its originally intended function for more than twelve (12) consecutive months, the applicant or any subsequent owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. If the Utility-Scale Solar Energy System or Solar Farm is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. The Planning Board may require that the applicant provide the Village with a decommissioning bond.

G. Lot Size. Utility-Scale Solar Energy System or Solar Farms shall be located on lots with a minimum lot size of 5 acres.

H. All Utility-Scale Solar Energy System or Solar Farms shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be further screened by landscaping as needed to avoid adverse aesthetic impacts.

I. Any application under this Section shall meet any substantive provisions contained in the Village's site plan requirements.

J. The Planning Board may impose conditions on its approval of site plan approval under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

K. Construction of on-site access roadways shall be minimized.

SECTION 11: ABANDONMENT AND REMOVAL

Solar Energy Systems are considered abandoned when the Code Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. If the Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the applicant or any subsequent owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period.

SECTION 12: APPEALS

All appeals of any decision by the Village of Sandy Creek shall be directed to the Board of Appeals.

SECTION 13: PENALTIES

A. Any persons who shall violate any of the provisions of this local law shall be guilty of a misdemeanor and subject to a maximum fine of One Thousand Dollars (\$1,000.00) for each offense. Every such person shall be deemed guilty of a separate offense for each week the violation, disobedience, omission, neglect or refusal shall continue.

B. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the Village in a court or competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this local law.

SECTION 14: SEVERABILITY

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provision.

SECTION 15: EFFECTIVE DATE

The law shall be effective upon filing with the Secretary of State.

SET 2018 MILEAGE RATE

RESOLUTION 53 – FY17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED – unanimous

Resolved that the mileage rate be set at **54.5** cents per mile (1/1/18 – 12/31/18).

SIGN ANNUAL SOFTWARE SUPPORT CONTRACT

RESOLUTION 54 - FY17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED - unanimous

Resolved that the annual software support contract with Williamson Law Book Company be signed.

INSTITUTE PROCEEDINGS TO TERMINATE WATER SERVICE

RESOLUTION 55 – FY17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED - unanimous

WHEREAS it has come to the attention of the Village Board of Trustees that certain individual water users of the Village of Sandy Creek water system are delinquent in the paying of water rent,

BE IT RESOLVED that the Board directs the Village Treasurer to institute proceedings to terminate water service upon proper notification under New York State Law with respect to the list of unpaid accounts presented by the Clerk/Treasurer.

FURTHER BE IT RESOLVED that the written NOTICE OF INTENT TO TERMINATE SERVICE shall state that the service will be discontinued on or about *February 2, 2018* if total payment is not received.

SIGN AGREEMENT WITH G&G MUNICIPAL CONSULTING AND GRANT WRITING

RESOLUTION 56 - FY17/18

On a motion by Trustee LaRue, seconded by Trustee Turo, the following resolution was ADOPTED - unanimous

Resolved that the agreement with G&G Municipal Consulting and Grant Writing be signed for conducting an income survey to determine the median household income and the low/moderate income of the Village.

On February 12, 2018 at 7:00 PM, the Sandy Creek Central School District will be giving a presentation at the Lacona Village Board meeting to discuss the proposed new school district capital project.

PUBLIC COMMENT:

Mrs. McCullough has heard comments from the public about snow being plowed and piled in front of Mel's Bar. People are worried about flooding when it thaws.

Many commented about the excellent job Al Miller is doing keeping the sidewalks plowed and equipment repaired.

MOTION TO ADJOURN:

There being no further business to come before the Board, a motion to adjourn at 8:00 P.M. was offered by Trustee LaRue and seconded by Trustee Turo, carried.

Next Sandy Creek Village Board meeting –Monday February 5, 2018, 7:00 PM

Next Joint Waterworks meeting – Monday, January 8, 2018, 10:00 AM
Monday, February 12, 2018, 10:00 AM

Jill M. Mattison, CMC, RMC, CMFO