

TOWN OF PLATTEKILL
REGULAR TOWN BOARD MEETING
&
PUBLIC HEARING – SOLAR MORATORIUM LOCAL LAW
December 7, 2016

Time: 7:00 PM

SALUTE TO FLAG

Supervisor Croce opened the meeting with a salute to the American Flag and held a moment of silence, in memory, for all these who lost their lives at Pearl Harbor on this day in 1941.

ROLL CALL

The following Town Board Members were present:

Supervisor Croce
Councilman Putnam
Councilman Farrelly
Councilwoman Delgado
Councilman DePew

PUBLIC HEARING – LOCAL LAW #1 OF 2016 – SOLAR MORATORIUM

Supervisor Croce read the Legal Notice that was published in the newspaper.

Supervisor Croce explained that the Town Board was looking to adopt a local law to implement a moratorium on solar energy facilities within the Town of Plattekill. He stated that this was a continuation of the public hearing that was left open since August 2nd. Since then, he has received the Ulster County Planning Board comments and other comments from area residents and has discussed them with the Town Attorney.

Supervisor Croce explained that the Ulster County Planning Board had requested two changes to the local law and he and Mr. Kellar had made these changes within the new draft of the law. One change was to make the duration of the moratorium 3 months with a one-time additional 3 month extension and the second change was to call them “Utility Scale” Energy Facilities, so there would not be any question on what type of facilities this moratorium would cover.

The Town Board questioned what the term “Utility Scale” covered?

Supervisor Croce explained that this was best described as what it is not. He stated that it was not for private homes where people are just using the solar panels to run their own homes or businesses. It is for a facility that has an array of panels that generate electricity to be sold on the grid; on the open market.

Mrs. Coppola stated that this law was covering profit businesses, not personnel use.

Supervisor Croce stated yes.

Mrs. Coppola stated that the local law says the Town Board can grant a waiver.

Supervisor Croce stated yes, if there is a problem where someone can show, and they would have to, that this local law is causing a hardship, then they can make application to the Town and the Town

Board would have to make a decision whether to give them a waiver or not. This would have to occur during this 3 month moratorium.

Supervisor Croce explained that he did not feel that these large solar projects should be allowed in all our Zoning Districts. He also had questions on what would happen if the facility was de-commissioned. Who would be responsible to dispose of the solar panels and other parts of the facility? Also, how do we want to assess these types of facilities? Open-land is currently assessed a certain way; does this change when there are panels on the property?

Councilwoman Delgado stated yes, and there are other questions. She asked what they would do if there was a car accident and the car hit into a row of panels? What happens if a car hits a panel and gets caught in it? How do we shut down a facility like this for emergency purposes? Will our fire personnel need special training? What do we do with the old panels? Where do we dispose of them? There are a lot of unanswered questions.

Councilman DePew stated that he also wondered if the reflection from these panels would cause problems. Maybe they have to be a certain distance from the road so that they would not reflect sunlight into traffic or neighbor's homes.

There was discussion that many area Towns already have, or are working on, adopting new legislation to regulate these types of facilities. These types of facilities are coming and the Town needs to be prepared.

Supervisor Croce read a letter from Mr. Palmer Moore, Vice-President of Nexcamp Company, which is a company that puts in these types of solar facilities. He made several suggestions for the Town Board to review during their process in drafting regulations for solar facilities.

Supervisor Croce asked if there were any further questions from the public. There were none.

Supervisor Croce read the local law and one correction was made on page 3, section 9, Conflicts. The duration of the moratorium was changed from "nine" to "three" months.

* Supervisor Croce made a motion to adopt the following Resolution #19:

TOWN OF PLATTEKILL
SOLAR MORATORIUM ADOPTION – LOCAL LAW #1 of 2016
RESOLUTION #19

Supervisor Croce made a motion to adopt the following Resolution:

WHEREAS, the Town of Plattekill Town Board and Building Department have received many inquiries concerning the construction of ground mounted, utility scale, solar facilities within the Town of Plattekill, and

WHEREAS, the Town of Plattekill Zoning Code does not contain adequate regulations governing the location and placement of ground mounted, utility scale, solar facilities, and

WHEREAS, the Town Board has determined that these types of facilities may have a detrimental impact on the value of properties, may have adverse visual impacts and may impair important agricultural resources within the Town of Plattekill, and

WHEREAS, the Town Board has decided to temporarily halt the siting and installation of ground mounted, utility scale, solar facilities for a period of three (3) months to enable the Town to adopt appropriate regulations and appropriate local laws on the construction of these types of facilities,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Plattekill, Ulster County, New York, hereby adopts Local Law #1 of 2016 entitled "Ground Mounted Solar Energy Facilities Moratorium Law of the Town Of Plattekill", and

BE IT FURTHER RESOLVED, that this local law shall take effect upon its adoption and filing with the Secretary of State of the State of New York.

Councilman Putnam seconded.

On The Vote:	<u>YES</u>	<u>NO</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Supervisor Croce	X			
Councilman Putnam	X			
Councilman Farrelly	X			
Councilwoman Delgado	X			
Councilman DePew	X			

Date Adopted: Dec. 7, 2016

* Supervisor Croce made a motion to close the Public Hearing on Local Law #1 entitled Ground Mounted Solar Energy Facilities Moratorium Law of the Town of Plattekill, New York at 7:43 PM.

Councilman DePew seconded.

On the vote: all ayes.

Councilman Putnam offered to work with Supervisor Croce on the committee to review and draft new regulations for utility scale, solar facilities. He also suggested that the Supervisor contact the Assessor to have him begin checking on how these facilities can be assessed or valued.

Supervisor Croce stated that this would be a good idea and he would meet with the Assessor to have him start looking into this matter.

MINUTES

* Supervisor Croce made a motion to dispense with the reading of the minutes from the November 9th, 2016 2017-Budget Public Hearing Meeting, the November 16th, 2016 Regular Town Board Meeting and the November 29th, 2016 Special Town Board Meeting (Bldg. Dept. Interviews).

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the November 9th, 2016, 2017-Budget Public Hearing .

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to accept the minutes from the November 16th, 2016 Regular Town Board Meeting.

Councilman Putnam seconded.

On the vote: Supervisor Croce	Yes
Councilman Putnam	Yes
Councilman Farrelly	Abstained (Absent)
Councilwoman Delgado	Yes
Councilman DePew	Yes

Supervisor Croce made a motion to accept the minutes from the November 29, 2016 Special Town Board Meeting (Bldg. Dept. Interviews)
Councilwoman Deigado seconded.
On the vote: all ayes.

ADDITIONS

Supervisor Croce stated that he had two additions to the evening's agenda; one was a letter to the Veterans Committee and the other is an additional item to discuss in Executive Session, police personnel.

1. Donation Letter To Veterans Committee:

Supervisor Croce read a letter he had just received from Mrs. Morse, the Chairperson of the Veteran's Committee. The letter was from the New Paltz VFW, in memory of Jean Smith, giving a donation to the Veteran's Committee for all the work that they do, and continue to do, to help the veterans in our community.

SECTION 1 – AVLEXICA LLC (BEDELL AVENUE – ZONING CHANGE)

Mrs. Patty Brooks was present and wanted to let the Town Board know how she was progressing on the Bedell Avenue situation and the re-zoning of the Avlexica LLC property. She stated that she had spoken with the Town Attorney, Paul Kellar and it was determined that this project would have to include a public hearing, Ulster County Planning Board comments and the adoption of a Local Law to change the Zoning District.

There was discussion that the project had been sent to Ulster County for their comments and the only thing that the Town Board could do right away was have a Public Hearing. It was decided that if the comments were received and all the paperwork was completed over the next week then they could possibly have a public hearing on Dec. 21st. However, this was not likely, so they would look to having the public hearing at the second meeting in January as the first meeting in January would be the Re-Organization Meeting.

Supervisor Croce suggested that if he did receive comments from the Ulster County Planning Board, he would get them to her as soon as possible so that they could move to get this done. He stated that he spoke with Mr. Kellar about his suggestion that the deed should say that "there would be no further subdivision allowed on this property", as he felt that this was too restricting. He stated that Mr. Kellar suggested, since the purpose is to prevent future undersized lots or future uses in violation of the Zoning & Land use laws, that the wording could be "that no subdivision of the combined parcel will be made which is contrary to the current or any future zoning and land use laws of the Town".

The other Town Board members agreed that this wording would be better.

Supervisor Croce stated that all they can do at this point is wait.

Mrs. Brooks stated that she also has been working on the Lacouette project and has the maintenance agreement that needs to go to Mr. Kellar. She stated that she has given the Planning Board escrow funds to cover Mr. Kellar's review. She stated that the Planning Board had suggested that they could

pay for his review from the Planning Board escrow account, but she did not think this was the way it is usually done.

Supervisor Croce stated yes, he was not in favor of the Planning Board escrow paying for this as it is a Town Board decision being made. He stated that he would prefer that she set up a new escrow account for this with the bookkeeper.

Mrs. Brooks stated that she thought this was the way it was usually done. She will follow up and get a check to the Town Board for a new escrow account. She stated that she felt it was better to keep these things separate for bookkeeping purposes.

The Town Board thanked Mrs. Brooks for coming in this evening.

SECTION 2 – ICE CONTROL SAND & ABRASIVE SCREENINGS BID

Supervisor Croce read a memo from the Highway Superintendent suggesting that Ellenville Sand & Gravel should be awarded the bid for Ice Control Sand for the Highway Dept. The memo also stated that the Highway Superintendent was suggesting that the Town go back out to bid again for Abrasive Screenings as he did not feel that all of the companies who put in a bid, understood what he was looking for. He stated that he wanted to re-bid this item and add additional wording so that the contents of the Abrasive Screenings was clarified.

Supervisor Croce then read the bids that were opened on Dec. 2, 2016. He read that there were two bids opened for Ice Control Sand; one was from Tetz & Sons, Inc. at \$17.00 per ton loaded on Town trucks and \$24.00 per ton delivered and the second was from Ellenville Sand & Gravel at \$6.51 per yard loaded on Town trucks and \$13.69 delivered.

Supervisor Croce then read the bids for Abrasive Screenings that were also opened on Dec. 2, 2016. He read that Tetz & Sons, Inc. bid \$13.75 per ton loaded on Town trucks and \$24.00 delivered, Ellenville Sand & Gravel bid \$7.39 per yard loaded on Town trucks and \$13.69 delivered and Peckham Industries Inc. bid \$14.55 per cubic yard loaded on Town trucks and \$31.50 delivered.

* Councilman DePew made a motion to award the bid for Ice Control Sand to Ellenville Sand & Gravel at a cost of \$6.51 per yard loaded on Town trucks and \$13.69 per yard delivered.

Councilman Putnam seconded.

On the vote: all ayes.

* Councilman DePew made a motion, on the recommendation of the Highway Superintendent, that the Town re-bid the bid for Abrasive Screenings including new wording to clarify the product.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 3 – BINGO SUPPLIES FOR SENIOR CENTER

Supervisor Croce stated that at one of the budget meetings, the Town Board had agreed to share the burden to purchase a new Bingo Set for the Senior Center, Senior group. He stated that he did some research on a complete bingo set and there is one with colored, inch and a half balls and a plastic coated wire basket. The cost is \$199.00 so the cost split will be around \$40.00 each. The Town Clerk is purchasing new, large print, bingo cards.

The Town Board was in agreement that the Supervisor should order the Bingo Set.

Supervisor Croce stated that he would order it and let the Town Board know what they owe.

SECTION 4 – APPOINTMENT – BOARD OF ASSESSMENT REVIEW

Supervisor Croce stated that he had received a memo from the Town Assessor stating that Cindy Hilbert’s term on the Board of Assessment Review had expired Sept. 30, 2016 and she has agreed to take on another term.

* Councilwoman Delgado made a motion to re-appoint Cindy Hilbert to a new term on the Board of Assessment Review to end on September 30, 2021.

Councilman Putnam seconded.

On the vote: all ayes.

SECTION 5 – HIGHWAY TRANSFER OF FUNDS

Supervisor Croce read a memo from the Highway Superintendent asking the Town Board to transfer funds from one General Fund Account to another.

* Supervisor Croce made a motion to transfer \$6,000.00 from the General Fund Budget Line #A1640.4 Central Garage Contractual to General Fund Budget Line #A1620.1 Buildings & Grounds Personnel to cover the cost of personnel expenses for the remainder of 2016.

Councilman Farrelly seconded.

On the vote: all ayes.

SECTION 6 – PLANNING BOARD APPOINTMENT

Supervisor Croce read a memo from the Planning Board stating that Richard Gorres’s term, as a member of the Planning Board, would be ending on December 31, 2016. Mr. Gorres has stated that he would be interested in staying on the Board for another term.

* Councilwoman Delgado made a motion to re-appoint Mr. Richard Gorres to another term on the Town of Plattekill Planning Board with that term to expire on December 31, 2023.

Councilman Putnam seconded.

On the vote: all ayes.

At this time, Supervisor Croce read another memo from the Planning Board which stated that Ms. Cindy Hilbert has accepted a nomination to continue as the Chairperson for the Planning Board and Mr. Richard Gorres has accepted a nomination to continue as the Vice-Chairperson of the Planning Board. He stated that he felt these two people do a great job as members of the Planning Board and it is good to see them wanting to continue in these positions. The entire Planning Board does a great job and he is appreciative of all the work that they do; it is not easy.

SECTION 7 – SETTLEMENT & RE-ORGANIZATION

The Town Board scheduled the Settlement Meeting date on December 29, 2016 at 3:30 PM and the Re-Organization Meeting date will be Wednesday, January 4, 2017 at 7:00 PM.

PUBLIC INPUT

Ms. Nancy Pagan, a resident of the Town of Plattekill, was present to speak to the Town Board about a situation concerning her mother. She stated that her mother lives on Marcano Lane, which is a private road, and the condition of the road is terrible. She stated that her mother fell and broke her leg last

May and the emergency services had a hard time getting to her home because of the condition of the road and the junk and unregistered vehicles littering the roadway. She showed the Town Board a picture of a "Pod" that a neighbor had delivered to his home and it is sitting on the roadway. She stated that she had spoken with the Building Dept., but they told her this was a Police issue. She stated that she then contacted the Plattekill Police who told her this was a Building Dept. issue. She stated that she is coming before the Town Board because the situation just keeps getting worse and no one wants to help. She stated that it will be snowing soon and she does not know how someone could plow the road with all this junk in the roadway.

Supervisor Croce asked how long she felt the situation has been going on?

Ms. Pagan stated that her mother broke her leg in May and this is now December. It has been a mess for years, but this past year has been much worse. She stated that if there was a fire, she did not think a fire truck could fit down the road.

Councilman DePew asked if she had filled out a formal complaint with the Building Dept.?

Ms. Pagan stated yes, and Mr. Fuentes also filled out one for his mother too.

Supervisor Croce stated that he believed that there can only be one unregistered vehicle on a property so he cannot understand why they are not doing anything. He stated that he would speak with the Building Inspector tomorrow to see what is being done.

Mr. Castillo stated that he did a service call on Marcano Lane and he felt the condition of the road was terrible.

Supervisor Croce stated that he would think the residents of that road would have a maintenance agreement. He was not sure why they did not.

Ms. Pagan stated that she has paid for gravel and roadwork to be done, but others on the road refuse to chip in and help.

Supervisor Croce stated that he would speak with the Building Dept. tomorrow and he asked Ms. Pagan if she would contact him in a week or so if she has not received a response or it still looks like nothing is being done.

Ms. Pagan stated that she would stay in touch with him and let him know if anything happens.

Mrs. Coppola stated that she wanted to let the Veteran's Committee and the Town Board know that the Plattekill Golden Seniors group would be giving the Veteran's Committee a donation of \$300.00 as a Christmas/Holiday gift.

Supervisor Croce stated that this was very kind of the group and for her to thank them at their next meeting; thank you.

There were no further comments or questions from the Public.

* Supervisor Croce made a motion to close the Public Input section of the meeting at 8:27 PM.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 8 – EXECUTIVE SESSION

* Supervisor Croce made a motion to enter into Executive Session at 8:28 PM to discuss ongoing litigation and police personnel.

Councilwoman Delgado seconded.

On the vote: all ayes.

* Supervisor Croce made a motion to close Executive Session and re-open the Regular Town Board Meeting at 9:06 PM.

Councilman DePew seconded.

On the vote: all ayes.

SECTION 9 – VOUCHERS

* Councilman DePew made a motion to pay the Voucher Detail Report dated 12/7/2016, which includes: the General Fund amount of \$177,995.33, the Highway Fund amount of \$93,902.38, the Clintondale Light District amount of \$707.10, the Modena Light District amount of \$1,261.55 and the Trust & Agency amount of \$1,597.00 for a total amount of \$275,463.36 recognizing that the Audit Committee has reviewed the claims and found them acceptable for payment.

Councilwoman Delgado seconded.

On the vote: all ayes.

SECTION 10 – ADJOURNMENT

* Supervisor Croce made a motion to adjourn the meeting at 9:08 PM.

Councilman Depew seconded.

On the vote: all ayes.