

December 10, 2018

A regular meeting of the Village Board held on the above date was called to order at 6:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, NY 14432.

Presiding: Bill Hunter, Mayor

Board Members Present: Dan Blondell, Jeff Linsner, Earl Lincoln, Jim Keyes

Board Members Absent: None

Also Attending: Street Supervisor Jason Lannon

Minutes: The minutes of the meeting of November 12, 2018 were approved upon motion by Trustee Lincoln 2nd by Trustee Keyes. All members present voted AYE. Carried.

Vouchers: General, Water and Sewer Vouchers #511 through #599, approved for payment by Trustee Lincoln 2nd by Trustee Keyes. All members present voting AYE. Carried.

General Fund =	\$ 61,642.33
Water Fund =	\$ 37,875.23
Sewer Fund =	\$ 20,491.53

PUBLIC HEARING LOCAL LAW 3 -2018

A local law amending Chapter 120 (zoning) of the Code of the Village of Clifton Springs to add regulations pertaining to Solar Energy Systems

Mayor Hunter opened the public hearing at 6:00 PM. This hearing was properly advertised in THE DAILY MESSENGER on November 29, 2019. No persons appeared before the Board to discuss the proposed local law pertaining to solar energy systems. The Board was asked to look into a code from a Village resident who is interested in having solar panels on the roof of his home. The Village Zoning Board drafted the proposed local law, with assistance from Steve DeHond, Code Enforcement Officer and the Town of Manchester zoning code.

Motion was made by Trustee Keyes 2nd by Trustee Blondell to close the public hearing at 6:10 PM and to adopt Local Law 3 -2018, adding regulations pertaining to solar energy systems.

Village of Clifton Springs

Local Law No. 3 of the year 2018

A Local Law Amending Chapter 120 (Zoning) of the Code of the

Village of Clifton Springs to Add Regulations Pertaining to Solar Energy Systems

Be it enacted by the Village Board, Village of Clifton Springs as follows:

Section 1. Part 4 of the Zoning Law of the Village of Clifton Springs is hereby amended with the addition of a new Section 120-40.27 to read as follows:

§ 120-40.27 Solar Energy Systems

A. Purpose.

Because it is in the public interest to provide for and encourage renewable energy systems and a sustainable quality of life, the purpose of this chapter is to facilitate the development and operation of renewable energy systems based on sunlight. Minor accessory solar collection systems, as herein defined, are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

Meeting of December 10, 2018 continued:

B. Definitions.

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

MAJOR SOLAR COLLECTION SYSTEM or SOLAR FARM

An area of land or other area used for a solar collection system, other than a minor or accessory solar collection system, principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use. Solar farm facilities consist of one or more freestanding ground- or roof-mounted solar collector devices, solar-related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

MINOR ACCESSORY SOLAR COLLECTION SYSTEM

A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, with the total surface area of all solar collectors on the lot not to exceed 4,000 square feet.

C. Minor Accessory Solar Collection Systems.

1. Rooftop- and building-mounted solar collectors that meet the definition of a minor accessory solar collection system are permitted as accessory structures in all zoning districts in the Village. Site plan approval and building permits shall be required for installation of rooftop- and building-mounted solar collectors.
2. Where site plan approval is required elsewhere in the regulations of the Village for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of the proposed minor accessory solar collection system.
3. All installations of minor accessory solar collection systems must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards, and, prior to operation, the electrical connections must be inspected by the Village Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Village. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.
4. When solar storage batteries are included as part of a rooftop- or building-mounted solar collector system that meets the definition of a minor accessory solar collection system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of Ontario County and other applicable laws and regulations.
5. If a minor accessory solar collection system ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

Meeting of December 10, 2018 continued:

6. Abandonment.

- a. All applications for a rooftop- or building-mounted solar collector system that meet the definition of a minor accessory solar collection system shall be accompanied by a decommissioning plan to be implemented upon abandonment, cessation of activity or in conjunction with removal of the facility, prior to issuance of a building permit.
- b. If the applicant begins but does not complete construction of the rooftop- or building-mounted solar collector system within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- c. The decommissioning plan must ensure the structure on which the rooftop- or building-mounted solar collector system is situate will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
 - (1) Removal of equipment, structures and foundations.
 - (2) Restoration of the structure after removal of equipment.
 - (3) The plan shall include a time frame for the completion of site restoration work.
- d. In the event the rooftop- or building-mounted solar collector system is not completed and functioning within 18 months of the issuance of the final site plan approval, the Village may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fails to perform, the Village may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Village.
- e. Upon cessation of activity of a constructed rooftop- or building-mounted solar collector system for a period of one year, the Village may notify the owner and/or operator of the rooftop- or building-mounted solar collector system to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.
- f. If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Village may, at its discretion, provide for the restoration of the structure in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Village shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other Village taxes.

Meeting of December 10, 2018 continued:

D. Prohibited Solar Energy Systems

1. Major solar collection systems and solar farms are prohibited in all zoning districts in the Village.
2. Ground-mounted and freestanding solar collectors that meet the definition of a minor accessory solar collection system are prohibited in all zoning districts in the Village.
3. The prohibitions in this paragraph shall not apply to solar collection systems located on property owned by the Village of Clifton Springs whose primary purpose is to benefit the Village of Clifton Springs.

Section 2. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CLIFTON SPRINGS,
ONTARIO COUNTY, NEW YORK,**

DETERMINATION OF SIGNIFICANCE – LOCAL LAW NO. 3 OF 2018

WHEREAS, the Village of Clifton Springs Village Board, hereinafter referred to as Village Board, has determined proposed Local Law No. 3 of 2018 to be a Type 1 Action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Village Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Village Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Village Board makes this Determination of Non-Significance based upon: the Long Environmental Assessment Form prepared for this action, Village Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Village Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Village Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Village Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Village Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Village Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

Meeting of December 10, 2018 continued:

I, Lori Reals, Village Clerk of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on December 10, 2018 by the following vote:

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	X	
Jeffrey Linsner	X	
James Keyes	X	

Dated: December 11, 2018

Lori Reals, Village Clerk/Treasurer

SEAL

RESOLUTION AUTHORIZING ADOPTION BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CLIFTON SPRINGS OF LOCAL LAW NO. 3 OF 2018

WHEREAS, a resolution was duly adopted by the Board of Trustees of the Village of Clifton Springs for a public hearing to be held by said Board of Trustees on December 10, 2018, at 6:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, New York 14432, to hear all interested parties on a proposed Local Law Amending Chapter 120 (Zoning) of the Code of the Village of Clifton Springs to Add Regulations Pertaining to Solar Energy Systems;

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village of Clifton Springs, on November 29, 2018 and all other notices required by law to be given were properly served, posted or given; and

WHEREAS, said public hearing was duly held on December 10, 2018, at 6:00 p.m. at the Village Hall, 1 West Main Street, Clifton Springs, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Village Board that adoption of said Local Law would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR; and

WHEREAS, the Board of Trustees of the Village of Clifton Springs, after due deliberation, finds it in the best interest of the Village of Clifton Springs to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Clifton Springs hereby adopts said Local Law No. 3 of 2018, entitled, "A Local Law Amending Chapter 120 (Zoning) of the Code of the Village of Clifton Springs to Add Regulations Pertaining to Solar Energy Systems", a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Village Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Clifton Springs, to publish an abstract of this local law in the Village's official newspaper and to give due notice of the adoption of said local law to the Secretary of State of New York.

Meeting of December 10, 2018 continued:

I, Lori Reals, Village Clerk of the Village of Clifton Springs do hereby certify that the aforementioned resolution was adopted by the Board of Trustees of the Village of Clifton Springs on December 10, 2018 by the following vote:

	Aye	Nay
William Hunter	X	
Earl Lincoln	X	
Daniel Blondell	X	
Jeffrey Linsner	X	
James Keyes	X	

Dated: December 11, 2018

Lori Reals, Village Clerk/Treasurer

SEAL

PRIVILEGE OF THE FLOOR:

Supervisor Jason Lannon – Street and Water reports

Jason Lannon appeared before the Board to give his street and water reports.

Street report: Supervisor Lannon reported that the Festival of Lights went well. Also reported this has been a costly season for snow so far. Discussion was held again on the surplus stove that was removed from the park. The Board agreed if no one is interested in the stove it can be disposed of for scrap metal. The used tires were sold for \$600. This credit was taken off the bill for the purchase of the new tires. The Veterans banners have been removed and winter banners have been put up. Discussion was held on having 8 more banner brackets made and put up, no decision was made on this. Some of the crew has been helping the sewer department with the sewer manhole inspection study. The crew will be trimming trees in the park. Supervisor Lannon is working on the street budget for 2019-2020.

Water report: Two residential water meters need repair. Two commercial water meters need replacement. The last round of water testing for EPA sampling will be done next week.

CORRESPONDENCES:

Local Law 3-2018 – solar system regulations

A copy of the local law on solar system regulations, for the public hearing.

Reviewed and adopted during the public hearing.

Phelps Assessor – Sr. Citizen exemption

Resolution from the Town of Phelps. The town has increased the amount of income for senior citizens to qualify for the aged exemption.

Clerk Reals explained that the assessor from the Town of Phelps called the Village Clerks in Clifton Springs and Phelps and asked the Clerks to present to the Board the possibility of increasing the annual income for the Sr. Citizen exemption. Currently the dollar amount is \$20,000. Discussion was held on this and the Board does not want to change the income level at this time.

Kenny Deland – Eagle Scout candidate – Thank you

Thank you note from Eagle Scout Candidate Kenny Deland to the Village crew.

Kenny Deland is thanking the crew for hanging the banner brackets he made and thanking the crew for hanging the Veterans banners he had made. This is all part of his Eagle Scout project.

Meeting of December 10, 2018 continued:

Health insurance rates for 2019

Copy of the health insurance rates for 2019.

This was carried over from last month because Trustee Blondell was not present. The Board reviewed the rates and will continue with the Blue Cross Simply Blue Plus Gold 5 plan. Currently the Village has a cap that the Village will contribute toward health insurance at \$8,500 for a family or two-person policy and \$5,500 toward a single policy.

Brownfield application – G.W. Lisk property

Copy of an email the Village received on a Brownfield Application for clean up at G.W. Lisk Company – 2 South Street.

Reviewed. Additional information is available with the NYS Department of Environmental Conservation.

Planning Board minutes from 11-14-18

Copy of the Planning Board meeting minutes from November 14, 2018.

Reviewed.

Local Law 2-2018 was filed

Letter from the Department of State that shows Local Law 2-2018 has been filed by the State.

Reviewed. This was the local law for the property tax cap over ride.

Certificates of training for Scott Landschoot, Dan Delpriore and Dan McGrath

Copies of training certificates for ZBA and Planning Board members Scott Landschoot, Dan Delpriore and Dan McGrath.

Reviewed. The Board appreciates these members taking the time to obtain the required training.

Well Spring Church – Family Promise

Copy of a letter and correspondences from Steve DeHond with Well Spring Church, regarding Family Promise.

Mayor Hunter had a letter from Family Promise. Steve DeHond, Code Enforcement Officer has received the information he requested from Well Spring Church and Family Promise. Well Spring Church will host their first family for one week during the month of December 2018.

ZBA meeting minutes from 11-19-2018

Copy of the ZBA meeting minutes from November 19, 2018.

Reviewed.

STREET DEPARTMENT: See privilege of the floor for the report from Supervisor Lannon.

SEWER DEPARTMENT: Trustee Blondell reported the following:

Miscellaneous work

The crew will be working on inspecting all sewer manholes. This is part of the inflow and infiltration grant. The sewer plant has been working on changing out lighting to LED lighting. The food composting is going well. Eric Merkley, Chief Operator, spoke to the local Rotary Club to educate the community on food composting.

WATER DEPARTMENT: See privilege of the floor for report provided by Supervisor Lannon.

Meeting of December 10, 2018 continued:

ZONING & PLANNING DEPARTMENTS: See correspondences. No Zoning or Planning Board meetings will be held in December 2018.

FIRE DEPARTMENT: Trustee Linsner reported the following:

Fire truck purchase

The Village is proceeding with the Fire Department on the fire truck purchase.

PARK – YOUTH DEPARTMENT: Nothing was reported.

POLICE DEPARTMENT: Mayor Hunter reported the following:

The Board received the Police Department report for November and the work schedule for December.

MAYOR HUNTER REPORT: Mayor Hunter's reported the following:

Village Justice at training

Village Justice John Maslyn is at "Taking the Bench" training this week.

Band Stand decorated by Ontario Telephone

Mayor Hunter wanted the Board to know that the Ontario Telephone Company, Phelps NY took the time to decorate the Rotary Band Stand on Main Street, prior to the Festival of Lights. The Band Stand looked lovely thru the holidays and the Village appreciates this work.

Thank you from the Village employees

The Village employees had a thank you card, each employee wrote a note of thanks to the Board for the extra holiday at Christmas and New Year.

CLERK REALS REPORT: Clerk Reals provided the Board with court reports for November, fire department report for November, copies of zoning violation letters, payroll worksheets, and bank statements for November. Year to date revenue and expenses thru November.

F.L.A.C.R.A. – possible annexation

F.L.A.C.R.A. was hoping to have documents to the Village for this Board meeting, but unfortunately, they were unable to have the documents ready. F.L.A.C.R.A. intends to be on the Board agenda for the January meeting for discussion on annexation of the property they are purchasing on Route 96, near the Dollar General.

OTHER BUSINESS:

Adjournment

There being no further business to come before the Board, motion made by Trustee Lincoln 2nd by Trustee Keyes to adjourn. All members present voting AYE. Meeting adjourned at 6:40 p.m.

Respectfully submitted,

Lori A. Reals
Clerk/Treasurer