

Town of Alexandria Public Hearing on Solar Moratorium
Wednesday, March 20, 2019, 5:45pm

Attendance: Supervisor Brent Sweet, Councilman John Stine, Councilman Ron Thomson, Councilman Mike Fayette, Councilman Jim VanCour, Attorney Bob Slye, Town Clerk Jessy Hudon

Supervisor Opened the Public Hearing

Citizen/Business Owner Gary Williams asked the question "Is this personal?"

Board responded "NO".

Norris Handschuh, Code Enforcer stated the Committee is progressing on Rules and Regulations for the Solar Moratorium.

No further questions from the floor.

Motion to CLOSE the Public Hearing made by Councilman Jim VanCour, Seconded by Councilman Ron Thomson. Discussion, none. All in favor 5 ayes, zero nays. Motion passed.

Public Hearing Closed at 5:50pm.

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Pledge of Allegiance

Attendance: Supervisor Brent Sweet, Councilman John Stine, Councilman Ron Thomson, Councilman Mike Fayette, Councilman Jim VanCour, Attorney Bob Slye, Town Clerk Jessy Hudson.

Approval of February 20, 2019 minutes: Tabled

Motion to pay bills made by Supervisor Brent Sweet, Seconded by Councilman Mike Fayette.
Discussion, none. All in favor 5 ayes, zero nays, motion passed.

Public Comment: ACS Superintendent Mr Clopper said thank you to the Board and Hwy Supt. Mike Tibbles for help provided over the winter months.
Mr Farman, Redwood, read a statement on behalf of Dan Peterson.
Public Comment Closed.

Discussion: Rink project; the Board did a walk thru of Bonnie Castle Rec Center

Discussion: Motion/Resolution to put \$500,000 in interest bearing account at WSB, tabled.

Discussion: Ray Savage past water bills, no discussion

Discussion: Crowley & Hallorhan update, the Towns Pre-2014 billing software review

Engineer Report: Engineer company looking into grants thru USDA to help with needed road construction.

Discussion touched on St Lawrence culvert & DEC questions impact on spawning beds & wetlands (musky grounds).

Gionet Property (Rt 12): Structure torn down and job completed. Current question is the house. Final report not back yet with recommendations. Attorney Slye stated the house could be subject to eviction and County could auction off the property at the tax sale.

Sewer Committee Report: Given by Councilman Mike Fayette.

Town Clerk Office Hours: New hours will be Monday, Wednesday, Friday 8am-4pm, Tuesday, Thursday 8am-5pm, no closing for a lunch hour.

Highway Report: Discussion on Bridge, Budget, roads in need of repair

Youth Program: Given by Stacey Durand

Rink Report: given, will look into roof leak further

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Town Clerk Report: given

September 2018, January 2019 minutes: tabled

Zoning Report: given

Water Report: given

Sewer Report: given, pump failure, replacement pump status

Court Records Audit Status: Motion by Councilman Ron Thomson to hire Crowley & Hallorhan for professional services to review the 2018 court records for the fee of \$2000-\$3000, Seconded by Councilman John Stine. Discussion, none. All in favor 5 ayes, zero nays. Motion passed.

Discussion: Letter from WSB regarding Henderson property in Redwood, NY, letter asked the Board to reduce the bill. The Board did not comment on the letter.

Discussion: Town mowing and mowing equipment

Cemetery Bids for 2019: mowing bids will have 2 cemeteries that will not be included in the bid process, bid will be for 2 years.

Motion to purchase a new trailer for recyclables for the Transfer Site for the cost of \$1000-\$1500 made by Councilman Jim VanCour, **Seconded** by Councilman Ron Thomson. Discussion, none. All in favor 5 ayes, zero nays. **Motion passed.**

Discussion: Hwy Dept. timeline for doing Spring cleanup at the cemeteries, weather permitting.

Discussion: Playground rehab for Plessis; equipment needs to be Municipal (GOVT.) certified, Jamie Papin will look into pricing.

Motion to purchase a sign for the entrance of the Transfer site made by Councilman Jim VanCour, **Seconded** by Councilman John Stine. Discussion, none. All in favor 5 ayes, zero nays, **motion passed**

Discussion: replacement of fence at Rt12/Rt26 Village Intersection that borders Church St cemetery and State property; Councilman Mike Fayette will contact DOT about replacement

Budget Revisions: Councilman Ron Thomson (Deputy Supervisor \$2000/year) and Councilman Mike Fayette (Budget Officer \$500/year) asked to donate their wages totaling \$2500 to be split equally between the Town Youth Program & Hearts for Youth, **Tabled**

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Town Vehicle Policy: Tabled

Finalize 2nd Corrective Action Plan: Tabled

Discussion: Work Session scheduled for 5:00pm on Monday, March 25, 2019.

Discussion: STAR Re-Certification renewal (expires in 2020) for Trevor Bogart and Jamie Papin, looking into courses.

Discussion: AUD Completed and available online and in Town Clerks' office.

Discussion: Letter read by Supervisor Sweet from citizen Larry Malcomb promoting the purchase of the Bonnie Castle Rec. Center

Motion to accept the Local Law No 1 of the Year 2019 in reference to the Solar Moratorium made by Councilman Mike Fayette, **Seconded** by Councilman Ron Thomson. Discussion, none. All in favor 5 ayes, zero nays. Motion passed.

LOCAL LAW NO. 1 OF THE YEAR 2019

SECTION 1: TITLE

This Local Law shall be known as Town of Alexandria Local Law 1 of the year 2019 Imposing a Temporary Town-Wide Moratorium on the Installation of certain Solar Energy Systems.

SECTION 2: PURPOSE AND INTENT

The purpose of this Local Law is to protect the public health, safety and welfare of the residents of the Town of Alexandria and to maintain the status quo as to certain solar energy uses, as the present zoning regulations in the Town do not adequately address this type of use. The moratorium will stop and temporarily suspend the processing of applications for, and the issuance of any permits, certificates of occupancy and approvals for certain land uses relating to certain solar energy systems, including but not limited to solar farms, and large scale solar energy systems, as defined in Section 4 herein.

The Town Board recognizes that solar panels have many benefits for the property owner and the community in general yet wise regulations regarding the placement of certain solar energy systems is required.

The installation of certain solar energy systems, particularly large-scale solar energy, utility-scale solar systems, and solar farms have impacts on neighboring properties. Solar panels are not always visually compatible with the setting and they require the clearing of trees and structures to ensure that sunlight reaches the solar collectors.

The moratorium is for a period of six (6) months from the effective date of the Local Law to provide adequate time for the Town Board to analyze and determine potential appropriate revisions and amendments to the Town of Alexandria Zoning Law concerning the use. Provision is made in this Local Law to allow for the extension of the six month moratorium if necessary.

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SECTION 3: LEGISLATIVE FINDINGS

The Town of Alexandria Town Board does hereby find that without a temporary halt on the processing, permitting and approvals for certain solar land uses, there is the potential that such uses could be located in unsuitable areas within the Town and/or on particular lots without adequate dimensional regulations in place. The potential for the unsuitable location of, and lack of property dimensional regulations for, such uses would have material adverse and irreversible impacts on the Town.

Solar energy systems which are mounted on rooftops on existing buildings, and ground mounted systems covering less than 1/4 acres and generating power solely for the improvements located on the same property, likely require some clearing of trees and vegetation, but often can be visually integrated into existing structures and landscape.

The Town Board also finds that it is in need of time to perform the necessary analysis of the potential types of solar energy facilities which could be located in the Town. By maintaining the status quo regarding such uses the Town Board can provide for the planned orderly growth and development of the Town.

SECTION 4: MORATORIUM IMPOSED; APPLICABILITY

For a period of time of six (6) months following the effective date of the adoption of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals and the Zoning Officer, shall not permit, accept, process, interpret, deliberate upon, decide, deny, or make any determination for any land uses relating to solar energy, including but not limited to utility-scale solar energy and solar farms as defined hereafter.

This moratorium shall apply to all currently pending and future applications.

The terms "land uses relating to solar energy" shall be broadly construed to include any facility designed to generate electric power to be marketed, sold or used primarily for other than the power demands of the improvements on the property on which such facility is located, including but not limited to "utility-scale solar systems" and "solar farms" (as defined hereafter).

Not included within the scope of this moratorium are solar energy facilities designed to generate electric power solely for the use of the improvements located on the same property.

The term "solar farm" shall mean "a collection of solar panels covering one-quarter (1/4) acres or more of land that are designed to capture sunlight and transform it into electricity." This definition includes freestanding and ground pole-mounted photovoltaic and parabolic solar installations. This definition does not include photovoltaic panels which are mounted on or affixed to residential dwellings for their use, or municipal buildings for their use, or existing panels mounted on commercial or industrial buildings for use solely for the building located on the property.

This Local Law shall be binding on the Town Board, Planning Board, Zoning Board of Appeals, Zoning Officer, all Town officials and employees, and any applicant or real property owner in the Town desiring to apply for or receive a permit, certificate of occupancy or approval in the Town of Alexandria.

The moratorium shall apply to all currently pending and future applications and shall apply to all areas in the Town of Alexandria and all Zoning Districts.

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During the period of the moratorium, the Town Board shall endeavor to complete all reasonable and necessary review, study, analysis and, if warranted, the revisions to the Town of Alexandria Zoning Law. During the period of the moratorium, no applications will be accepted, nor permits, certificates of occupancy, or approvals issued, which would authorize development within the Town for land uses relating to solar energy as described above.

SECTION 5: TERM

This moratorium shall be in effect for a period of six (6) consecutive months from its effective date. This Local Law shall be subject to renewal for a cumulative period of up to an additional six (6) months, if necessary, by Resolution(s) of the Town Board.

SECTION 6: EFFECT ON OTHER LAWS

To the extent that any law, ordinance, rule or regulation, or parts of any laws, ordinance, rules or regulations of the Town of Alexandria are in conflict with any provision of this Local Law, or any provision of Article 16 of the New York State Town Law concerning special use permits, site plans, building permits and certificate of occupancy procedure and requirements, this Local Law shall control and supersede such laws, ordinances, rules or regulations.

SECTION 7: HARDSHIP

Should any owner of property affected by this Local Law suffer any extraordinary hardship in the way of carrying out the strict letter of this Local Law, then the owner of the said property may apply to the Town board of the Town of Alexandria in writing for a variance from strict compliance with this Local Law upon submission of evidence of such extraordinary hardship. For the purposes of this Local Law, extraordinary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special use permit, site plan, subdivision, variance or other permit during the period imposed by the moratorium imposed by this Local Law.

A request for a variance based upon extraordinary hardship shall be filed with the Town Clerk, including a fee of \$350.00 to cover processing and advertising costs by the landowner, or the applicant with consent of the landowner. The request shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship, and shall contain such other information as the Town Supervisor or his designee shall prescribe as necessary for the Town Board to be fully informed with respect to the application.

Upon submission of the aforementioned written application to the Town Clerk, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing to consider whether an extraordinary hardship is present. A public hearing on any request for an exception for extraordinary hardship shall be held by the Town Board as the first regular meeting of the Town Board that occurs after the expiration of the publication of notice of the request for a waiver. The notice shall be advertised in the Town's designated newspaper at least ten (10) days prior to the date of the public hearing. Notice shall also be given, by regular mail, to abutting property owners at the addresses on the tax rolls.

At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision, either granting or denying the application for variation from the strict requirements of this Local Law.

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If the Town Board determines that a property owner will suffer extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary strict compliance with this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with the Local Law.

SECTION 8: PENALTIES

Any person, firm or corporation that shall establish, place alter, enlarge or construct any structure in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

- A. Such penalties as may otherwise be provided by laws, rules, regulations of the Town of Alexandria for violations; and
- B. Injunctive relief in favor of the Town of Alexandria to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law.

SECTION 9: SEVERABILITY

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 10: REVIEWS

It has been determined this is a Type II Action under the State Environmental Quality Review and therefore not subject to review.

This Local Law has been referred to the County Planning Board in accordance with the General Municipal Law §239-m [7] and the Town Board has received and reviewed the findings and recommendation of the Jefferson County Planning Department.

SECTION 11: EFFECTIVE DATE

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with New York Municipal Home Rule Law.

Adjourn meeting until work session on Monday, March 25, 2019 at 5:00pm.

Motion to go into Executive Session for purchase/sale of real property and pending/proposed or current litigation by Supervisor Brent Sweet, Seconded by Councilman John Stine. Discussion, none. All in favor 5 ayes, zero nays. Motion passed.

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Motion to close Executive Session at 9:50pm and return to Regular Session made by Councilman Ron Thomson, **Seconded** by Councilman Mike Fayette. Discussion, none. All in favor 5 ayes, zero nays. **Motion passed.**

Motion to adjourn the Regular Board Meeting at 9:51pm until March 25, 2019 Work Session made by Councilman Ron Thomson, **Seconded** by Councilman John Stine. Discussion, none. All in favor 5 ayes, zero nays. **Motion passed.**

Minutes taken by Town Clerk Jessy Hudon

Minutes written by Town Clerk Jessy Hudon

Minutes shortened by Deputy Clerk Cheri L. Van Brocklin