

TOWN OF COVERT
SENECA COUNTY
REGULAR TOWN BOARD MEETING
AUGUST 14, 2017

The regular monthly meeting of the Town Board of the Town of Covert was held Monday, August 14, 2017 at 7:00 p.m. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

Roll Call:	Supervisor Michael Reynolds	Present
	Councilman Gary Hunt	Present
	Councilman Jeffrey Vann	Present
	Councilman Leon Anderson	Present
	Councilman William Bishop	Present

Others Present: Town Attorney Patrick Morrell, Town Clerk Colleen Freese, Highway Superintendent Jeffrey MacCheyne, Reporter John Sheppard, County Manager and other interested citizens.

Call to Order: Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

Public Hearings: Anderson moved, seconded by Bishop, to open the public hearing at 7:05. to discuss the Moratorium on approvals for Solar Energy Facilities, Wind Energy Facilities and Cellular Communication Towers. People were concerned about having it for a year and felt that six months was long enough to do research and make changes than add it to the LMO. There were question about section 9 that it should be amended to 5kwl -20kwl and remove that energy could only be used on the lot on which it is located. Supervisor Reynolds shared that he wanted the Town Board and the Planning Board to get together and see what they want. Mr. Ford stated in the Boards defense this has been disused the last three month at the Board meeting.

Vann moved, seconded by Anderson, to close the Public Hearing and return to the regular meeting. Aye- Bishop Aye-Hunt, Aye-Vann and Aye-Anderson.

Presenter: John Sheppard- Seneca County Manager, discuss share services between the Towns and the County . The purpose of share services is to try to save money and reduce the taxes. There was discussion the cost to towns , What the County will provide should offset the cost so taxes shouldn't be raised in the Town's.

Mr. Sheppard shared , Seneca County intends to comply with chapter 59 of the Laws of 2017, Part BB.A Shared Services. The Towns of Seneca county will be compensated by the County to remove snow and ice from county roads. The County also wants shared services for mowing road sides.

The Village Mayor Richard Richardson, said the Town Highway is busy plowing for the County roads the Village would plow their roads.

Highway Superintendent MacCheyne stated, the town doesn't have the equipment or the man power to do the snow removal, we do have the equipment to do the mowing .

Don Kenyon share that he was in favor of shared services and asked that the Town Board would look at this as a opportunity. There would be some income from the county to help offset the cost to the town.

Councilman Bishop state that the Town Board need to look at this carefully so they don't shift the cost from the county out to the town.

A special meeting is set for August 20, 2017 for looking over cost and equipments and what will it cost the town ? The deadline for this year is September 12,2017 to have your town involved in the program.

Supervisor Reynolds share more information on the NYSERDA grant about the car charger and how is the Town of Covert going to be able to get money for the electric that goes out. There was talk about looking in to other ways to qualified for the NYSERDA grant. One suggestion was to put LDE lights in the court room as well as extending the parking lot and putting in LED lights in the parking lot so could see better at night.

Town Attorney Morrell Shared about changes to section 9 on the Temporary Moratorium for solar Facilities and Cellular Communications Towers,

Local Law No. 1 of 2017 Town of Covert, County of Seneca

A Local Law Imposing a Temporary 1 Year Moratorium on Approvals For Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers

Be it enacted by the Town Board of the Town of Covert as follows:

Section 1. Title

This Local Law shall be referred to as the "Local Law Imposing a Temporary 1 Year Moratorium on Approvals for Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers."

Section 2. Purpose and Intent

Pursuant to the statutory powers vested in the Town of Covert (hereinafter the "Town") to regulate and control land use, and to protect the health, safety and welfare of its residents, the Town Board of the Town of Covert hereby declares a temporary one (1) year moratorium on the establishment or development of any new Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers or the enlargement of any existing Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers in the Town, or the issuance of any approvals or building permits therefore.

The Town anticipates that there may be an increase in the demand for these types of energy producing or communications facilities in the Town and that it may receive a number of new applications for, and inquiries about, the establishment or enlargement of energy producing or communications activities within the Town.

The question of integrating energy production and communication facilities within the Town's existing pattern of predominately residential and agricultural land use emphasizes the need for suitable siting, land use standards with reference to energy production and communication facilities, consistent with applicable provisions of law.

The Town Board of the Town desires to address, in a careful manner, this integration question on a comprehensive Town-wide basis, rather than on an ad hoc basis, and to adopt Local Law provisions to properly regulate the same.

The Town Board of the Town is now in the process of considering various options relating to this issue. The Town Board of the Town finds and determines that it needs the period time covered by the moratorium imposed herein in order to carefully study the integration issue, draft proposed amendments to the Town Code, make appropriate changes to the draft of the proposed Local Law, schedule and hold the required public hearing on the Local Law, perform an appropriate environmental review of the Local Law, comply with applicable provisions of law, adopt the Local Law, and file a copy of the Local Law (ad adopted) with the Secretary of State of the State of New York.

Section 3. Scope of Controls.

A. During the effective period of this Local Law:

1. The Town Board of the Town shall not grant any approvals that would result in the establishment or development of any new solar or wind energy production or cellular communication facilities or the enlargement of any existing solar or wind energy production or cellular communication facilities within the Town.

2. The Building Code Inspector of the Town shall not issue any building permit or other permit, which would result in the establishment or development of any new solar or wind energy production or cellular communication facilities or the enlargement of any existing solar or wind energy production or cellular communication facilities with the Town.

B. The Town Board of the Town reserves the right to direct the Town Building and Code Inspector to revoke or rescind any Building Permits or Certificates of Occupancy issued in violation of this Local Law.

Section 4. No Consideration of New Applications.

No applications for excavation, construction, development, establishment or enlargement of any solar or wind energy production or cellular communication facilities affected by this Local Law or for approvals for a subdivision, a variance, or other permits relating to solar or wind energy production or cellular communication facilities shall be considered by any board, officer or agency of the Town while the moratorium imposed by this Local Law is in effect.

Section 5. Term.

The moratorium imposed by this Local Law shall be in effect for a period of one (1) year from the effective date of this Local Law. In the event that the Local Law entitled, "A Local Law Amending the Town Code of the Town of Covert, New York (Solar and Wind Energy and Cellular Communications) or a similar local law relating to solar or wind energy or cellular communications facilities is adopted prior to the date that the moratorium imposed by this Local Law expires, then in that event the moratorium imposed by this Local Law shall expire immediately on the date that Town Local Law relating to solar or wind energy production or cellular communication facilities takes effect in accordance with section 27 of the Municipal Home Rule Law.

Section 6. Penalties.

Any person, firm or corporation that shall establish or develop any new solar or wind energy production or cellular communication facilities or enlarge any existing solar or wind energy production or cellular communication facilities in violation of the provisions of this Local Law shall be subject to:

A. Such penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town for violations; and

B. Injunctive relief in favor of the Town to cease any and all such actions which conflict with this Local Law and, if necessary, to restore any site work or construction which may have taken place in violation of this Local Law.

Section 7. Validity.

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given in effect without such invalid provision.

Section 8. Hardship.

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

B. Procedure. Upon submission of a written application to the Town Clerk by the owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days' written notice in the Official Newspaper of the Town. 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 a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application of this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 9.

The provisions of this Local Law shall not be applicable to any solar or wind energy project that is designed to have a rated DC capacity of 25 kilowatts or less.

Section 10. 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.

Approval of Minutes: Anderson moved, seconded by Bishop that the August14,2017 minutes be approved. Motion Carried Unanimously.

Leon moved, seconded by Hunt, to approve the Temporary 1 year Moratorium for Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers. Anderson moved, Seconded by Vann, to pass the Moratorium with changes made to section 9 with DC capacity of 25 Kilowatts or less. Vote: Aye Vann, Aye Hunt, Aye Anderson and Aye-Bishop.

Anderson moved, seconded by Hunt, to approve the Supervisor's Revenue and Expenditure Report for July 2017. Aye-Bishop, Aye-Anderson Aye-Vann and Aye-Hunt.

Hunt moved, seconded by Bishop , to approve the Highway Superintendent's Report for the month of July 2017. Aye -Anderson, Aye-Hunt, Aye-Vann and Aye-Bishop.

Anderson moved, seconded by Hunt, to approve the Town Clerk's monthly report for July 2017. A total of \$ 767.00 was received and \$ 597.92 was remitted to the Town Supervisor. Aye-Anderson, Aye-Bishop, Aye-Vann and Aye-Hunt .

Vann moved, seconded by Bishop, to approve the Code Enforcement Officer's report for the month of July 2017. Aye-Bishop, Aye-Anderson, Aye- Vann and Aye-Hunt.

Anderson moved, seconded by Vann, to approve the Dog Control Officer's report for the month of July 2017. Aye-Hunt, Aye-Bishop, Aye-Vann Aye-Anderson.

Hunt moved, seconded by Vann, that Highway Fund Vouchers #94-111 in the amount of \$87,650.31 and General Fund Vouchers #116-132 in the amount of \$11,258.77 be approved for payment. Aye-Hunt, Aye-Bishop and Aye-Anderson and Vann.

Supervisor Reynolds moved, seconded by Vann, to hold a special meeting August 20,2017, to discuss shared services with Seneca County. Aye-Hunt, Aye-Bishop, aye-Vann and Aye-Anderson.

Anderson moved, seconded by Bishop , to go in to excusive session to discuss a personnel matter at 9:25 the Village of Interlaken Mayor Richardson and Town Clerk were asked to join the excusive session. Aye-Hunt, Aye-Bishop, aye-Vann and Aye-Anderson.

Hunt moved, seconded by Anderson to come out of excusive session no action was taken. Aye-Hunt, Aye-Bishop, aye-Vann and Aye-Anderson.

Hunt moved, Seconded by
Hunt moved to adjourn the meeting at 9:45p.m.

Respectfully Submitted,

Colleen R. Freese, Town Clerk