Town of Sardinia

Town Board Agenda

Town Board Proceedings

December 8, 2016

Public Hearing on Solar Law – Scheduled time6:00pm

Regular Board Meeting - Scheduled time 6:30pm

COUNCILMAN: Douglas J. Morrell

COUNCILWOMAN: Mandy Quinn

COUNCILMAN: Len Hochadel

COUNCILWOMAN: Cheryl L. Earl

SUPERVISOR Beverly Gambino

Others present

TOWN CLERK Betsy A. Marsh

HWY SUPERINTENDENT Donald Hopkins

TOWN ATTORNEY David DiMatteo, Esq.

Meeting called to order by Supervisor Gambino at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_pm

Roll Call

Pledge of Allegiance

Moment of Silence

Approval of Minute

1. November 10th Public Hearing on 2017 Budget
2. November 10th Public Hearing on 2017 CDGB Funds – Rural Transit Van Program
3. November 10th Regular Board Meeting

Approval of Bills

Monthly Committee Department Reports

COMMITTEES AND LIASONS

Personnel/Administration Beverly/Len

Finance/Planning & Economic Development Beverly/Len

Security and Disaster Preparedness Gerard Whittington

Public Safety (Constable, Building Code Doug

Enforcement, Animal Control)

Building & Capital Projects –Town Hall Beverly/Len

Parks Cheryl/Mandy

Highway Cheryl/Doug

Recreation/Youth Chris Warner/Mandy

Community Events/Celebrations Len

Community Service Len/Mandy

Senior Citizens and Programs Len/Doug

Environmental Committee Landfill/Mining Doug/Len

Liaison to Fire Company Beverly/Doug

Liaison to Veterans Beverly

Water Evaluation Committee Beverly/Len

Street Lighting Mandy

Energy Len/Cheryl

**Report from Highway Superintendent Donald Hopkins**

**Report from Town Attorney David DiMatteo**

Public Comment Period

Old Business **–**

**SNOW REMOVAL CONRACT**

 **WHEREAS,** the Sardinia Town Board has reviewed the contract for snow removal and ice control with the County of Erie; and

 **WHEREAS,** the Sardinia Town Board agrees to the negotiated contract which entails a reimbursement price of $3818.99 per lane mile for the 2016/2017 snow season; $3933.56per lane mile for the 2017/2018 snow season; and $4051.57 per lane mile for the 2018/2019 snow season; and

 **NOW, THEREFORE, BE IT RESOLVED,** the Sardinia Town Board hereby approves this contract and authorizes Supervisor Beverly Gambino to sign and submit the contract on behalf of the Town of Sardinia.

**Be it so resolved,**

|  |  |  |
| --- | --- | --- |
| **Motion:** | **Second:** | **Time:** |
| **Aye:** | **Nay:** | **Abstain:** |

**APPROVAL OF FUNDS FOR KIWANIS CHRISTMAS DINNER FOR SARDINIA SENIORS**

**WHEREAS,** the Sardinia Town Board has received a request for reimbursement for a dinner the Chaffee-Sardinia Kiwanis Club hosted for the Sardinia Seniors Christmas Dinner in the amount of $900.00, and

**WHEREAS,** the budget line for the Sardinia Seniors is more than adequate to cover this expense, and

**NOW, THEREFORE, BE IT RESOLVED,**  the Sardinia Town Board approves the amount of $900.00 to the Chaffee-Sardinia Kiwanis organization for reimbursement of the Sardinia Seniors Christmas Dinner, and,

**Be it so resolved,**

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| --- | --- | --- |
| **Motion:** | **Second:** | **Time:** |
| **Aye:** | **Nay:** | **Abstain:** |

**APPROVAL OF PROPOSED LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF SARDINIA TO REGULATE SOLAR ENERGY SYSTEMS**

**TOWN OF SARDINIA**

**A PROPOSED LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF SARDINIA TO REGULATE SOLAR ENERGY SYSTEMS**

**BE IT ENACTED** by the Town Board of the Town of Sardinia as follows:

**SECTION 1. STATUTORY AUTHORITY; TITLE**

This Local Law shall be referred to as “Amending the Zoning Ordinance of the Town of Sardinia to Regulate Solar Energy Systems” and is adopted pursuant the authority of Municipal Home Rule Law of the State of New York and sections 261-263 of the Town Law of the State of New York, which authorize the Town to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

**SECTION 2. PURPOSE AND INTENT**

The purpose of this local law is to amend language in the Zoning Ordinance to adequately regulate solar energy systems.

The amendments to the Zoning Ordinance are intended to promote the effective and efficient use of solar energy systems; and that the present zoning regulations in the Town do not adequately address this type of use. The Town of Sardinia has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents, and its businesses.

**SECTION 3. ENACTMENT**

The Town Board of the Town of Sardinia hereby amends the following language to the Zoning Ordinance of the Town of Sardinia by adding and replacing the following:

 **CHAPTER 115, ARTICLE 2, § 115-12: Definitions**

*Add the following definitions:*

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar energy system that is anchored to the ground and attached to a pole or other mounting system, detached from any other structures for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the primary purpose of producing electricity for onsite consumption.

SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, material, hardware, inverters. Or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy equipment.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

 **CHAPTER 115, ARTICLE 4, § 115-17.1: AR-Agricultural – Residential District: Purpose**

 §115-17.1 2. Principal Uses by Town Board special use permit or Zoning Board of Appeals Permission (as shown by ZBA).

*Add letter f:*

 f. Large-Scale Solar System as regulated by this chapter

 §115-17.1 4. Accessory uses permitted as of right

*Delete letter g and replace with following:*

g. Roof-Mounted Solar Energy System as regulated by this chapter

h. Ground-Mounted Solar Energy System as regulated by this chapter

 i. Other customary accessory uses

 **CHAPTER 115, ARTICLE 4, § 115-17.2: HR-Hamlet Residential District: Purpose**

 §115-17.2 3. Accessory uses permitted as of right

*Delete letter e and replace with following:*

e. Roof-Mounted Solar Energy System as regulated by tis chapter

f. Ground-Mounted Solar Energy System as regulated by this chapter

 g. Other customary accessory uses

 **CHAPTER 115, ARTICLE 4, § 115-17.3: HB-Hamlet Business District: Purpose**

 §115-17.3 2. Accessory uses

*Delete letter f and replace with following:*

f. Roof-Mounted Solar Energy System as regulated by this chapter

g. Ground-Mounted Solar Energy System as regulated by this chapter

 h. Other customary accessory uses

 **CHAPTER 115, ARTICLE 4, § 115-17.4: LC-Limited Commercial District: Purpose**

 §115-17.4 3. Accessory uses

*Delete letter f and replace with following:*

f. Roof-Mounted Solar Energy System as regulated by this chapter

g. Ground-Mounted Solar Energy System as regulated by this chapter

 h. Other customary accessory uses

 **CHAPTER 115, ARTICLE 4, § 115-17.5: BL-Business – Light Industrial District: Purpose**

 §115-17.5 3. Accessory uses

*Delete letter f and replace with following:*

f. Roof-Mounted Solar Energy System as regulated by this chapter

g. Ground-Mounted Solar Energy System as regulated by this chapter

 h. Other customary accessory uses

 **CHAPTER 115, ARTICLE 4, § 115-17.6: GCF-Government Facilities District: Purpose**

 §115-17.6 2. Accessory uses

*Add letters e and f:*

e. Roof-Mounted Solar Energy System as regulated by this chapter

f. Ground-Mounted Solar Energy System as regulated by this chapter

 **CHAPTER 115, ARTICLE 4, § 115-17.7: PR-Parks, Recreation and Conservation District: Purpose**

 §115-17.7 2. Accessory uses

*Add letters d and e:*

d. Roof-Mounted Solar Energy System as regulated by this chapter

e. Ground-Mounted Solar Energy System as regulated by this chapter

 **CHAPTER 115, ARTICLE 6: SUPPLEMENTARY REGULATIONS – LAND ACTIVITIES**

*Add new section:*

**§115-21.13: Solar Energy Systems**

A. Purpose: The Town of Sardinia recognizes that solar energy is a clean, readily available, and renewable energy source. The intent of this section is to 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 aesthetic qualities and character of the Town.

B. Roof-Mounted Solar Energy Systems: Roof-Mounted Solar Energy Systems that primarily use the electricity onsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure subject to the following:

 1. Roof-Mounted Solar Energy Systems shall only be permitted to generate one-hundred and ten percent (110%) of the electrical use of the property on which it is located to be verified with proof of three (3) years of electrical usage.

 2. Roof-Mounted Solar Energy Systems shall meet all requirements and restrictions of the zoning district within which they are located as defined in “Schedule of yard, bulk area and heights” in appendix, Exhibit A, of this chapter.

 3. Roof-Mounted Solar Energy Systems shall comply with all requirements of the New York State Energy Research and Development Authority and the New York State Uniform Fire Prevention and Building Code, and owners shall immediately notice the Fire Company and First Response Team that a Roof-Mounted Solar Energy System exists on the property

 4. Aesthetics. Roof-Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:

 a. Panels facing the front yard must be mounted at the same angle as the roof’s surface with a maximum distance of 18 inches between the roof and highest edge of the system.

 5. Roof-Mounted Solar Energy Systems shall be exempt from site plan review under this chapter or other land use regulations.

C. Ground-Mounted Solar Energy Systems: Ground-Mounted Solar Energy Systems that primarily use the electricity onsite are permitted as an accessory use in all zoning districts subject to the following:

 1. Ground-Mounted Solar Energy Systems shall only be permitted to generate one-hundred and ten percent (110%) of the electrical use of the property on which it is located to be verified with proof of three (3) years of electrical usage.

 2. Ground-Mounted Solar Energy Systems shall meet all requirements and restrictions of the zoning district within which they are located as defined in “Schedule of yard, bulk area and heights” in appendix, Exhibit A, of this chapter.

 3. Ground-Mounted Solar Energy Systems shall comply with all requirements of the New York State Energy Research and Development Authority and the New York State Uniform Fire Prevention and Building Code, and property owners shall immediately notice the Fire Company and First Response Team that a Ground-Mounted Solar Energy System exists on the property.

 4. All such Ground-Mounted Solar Energy Systems in residential districts shall be installed in the side or rear yards.

 5. Ground-Mounted Solar Energy Systems shall be exempt from site plan review under this chapter or other land use regulations

D. Large-Scale Solar Systems: Large-Scale Solar Energy Systems are permitted within the AG-Agricultural-Residential District as a primary use (they are not permitted as an accessory use to supplement an existing business or household) upon issuance of a special use permit and site plan approval by the Town Board, consistent with the requirements of Article 9 and Article 10 of this chapter.

 1. Submission Requirements: The applicant shall submit the following information with an application for a special use permit and application for site plan approval which shall be in addition to the information required on the town site plan checklist:

 a. 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.

 b. Blueprints showing the layout of the Solar Energy System signed by a professional engineer or registered architect shall be required.

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

 d. Property operation and maintenance plan that shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.

 e. Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. 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. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a professional engineer or contractor. Cost estimates shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not considered decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover the costs to the municipality.

 f. Bond. Proof of a bond with a surety recognized with the Town shall be filed with the Town for two and one-half times the cost estimate detailing the projected cost of executing the Decommissioning Plan and shall be provided along with the Decommissioning Plan.

 2. Standards for issuing a special use permit: The following standards shall be the basis for an approval of a special use permit for a Large-Scale Solar System and in addition to the general requirements of Article Ten (Special Use Permits) of this chapter:

 a. Height. Large-Scale Solar Energy Systems shall not exceed 25 feet in height when ground mounted. Roof mounted systems shall adhere to the height requirements of the underlying zoning district as defined in “Schedule of yard, bulk area and heights” in appendix, Exhibit A, of this chapter.

 b. Setbacks. Large-Scale Solar Energy Systems shall adhere to the setback requirements of the underlying zoning district as defined in “Schedule of yard, bulk area and heights” in appendix, Exhibit A, of this chapter.

 c. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of ten (10) acres.

 d. Solar panels shall not occupy more than fifty (50%) of the Lot.

 e. All Large-Scale Solar Energy Systems 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.

 f. Reasonable accessibility for emergency services vehicles shall be required and no photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the Town of Sardinia Fire Department.

 g. To the extent practical, all new distribution lines to any building, structure or utility connection must be located below ground.

 h. All Solar Energy Equipment must have a UL listing or equivalent

 i. All active Large-Scale Solar Energy Systems shall meet all requirements of the New York State Energy Research and Development Authority and the New York Uniform Fire Prevention and Building Code and shall be inspected by the Town of Sardinia Zoning Code Enforcement Officer.

 j. Utility Notification. No grid tied photovoltaic system shall be installed until evidence has been given to the Town Board that the owner has been approved by the utility company to install the system. Off-grid systems shall be exempt from this requirement.

 k. Buffer zones shall be proposed.

 3. Abandonment: Solar energy systems are considered abandoned after three-hundred and sixty-six (366) days without electrical energy generation and must be removed from the property.

**SECTION 4. SEVERABILITY/VALIDITY**

If any part or provision of this local law, or the application thereof, to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this local law, or application thereof to other persons or circumstances, and the Town Board of the Town of Sardinia hereby declares that it would have passed this Local Law or the remainder thereof, had such invalid application or invalid provision been apparent.

**SECTION 5. REPEAL**

All ordinances, local laws and parts thereof inconsistent with this local law are hereby

repealed.

**SECTION 6. EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

**NOW, THEREFORE, BE IT RESOLVED, the Sardinia Town Board approves the PROPOSED LOCAL LAW AMENDING THE ZONING ORDINANCE OF THE TOWN OF SARDINIA TO REGULATE SOLAR ENERGY SYSTEMS,**

**APPROVED WITH THE FOLLOWING CHANGES, IF ANY**

 1.

 2.

 3.

 4.

**Be it so resolved,**

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| **Motion:** | **Second:** | **Time:** |
| **Aye:** | **Nay:** | **Abstain:** |

**Approval of Auditor and Accountant Consultant**

**WHEREAS,** The Sardinia Town budget includes funds for the Town to retain Drescher & Malecki LLPas our auditor to prepare a review of 2016 expenditures and finances of the Town at a cost not to exceed $11,790.00 plus $1,000.00 for the Annual Update Document that is filed with the NY State Comptroller and assist in consultation for the year 2017 and

**NOW, THEREFORE, BE IT RESOLVED,** the Sardinia Town Board approves the firm of Drescher & Malecki LLP to perform the 2016 audit and reports, to the Town Board at a cost not to exceed $12,790.00.00 and perform 2017 accounting assistance,

**Be it so resolved that:**

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| Motion: | Second: | Time: |
| Aye: | Nay: | Abstain: |

**AUDIT ON COURT AND TOWN CLERK DEPARTMENTS FOR 2016**

**WHEREAS**, the Sardinia Town Board recognizes the need for periodic review and audit of departments with the Town, and

**WHEREAS,** it is necessary to complete these audit in order to be compliant with the State of New York Comptroller, and

**WHEREAS,** our auditor Drescher & Malecki can review the 2014 expenditures and finances of the Town of Sardinia Court and also the Town of Sardinia’s clerk’s office, and

**WHEREAS,** the cost to the Town of Sardinia for audit services for the Court is $1480.00 and the cost for the Clerk’s office is $1480.00 for a total cost of $2960.00,

**NOW, THEREFORE, BE IT RESOLVED,** The Sardinia Town board approves the firm of Drescher & Malecki to perform audits on both the Sardinia Town Court and the Sardinia Town Clerk’s office.

**BE IT SO RESOLVED,**

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| **Motion:** | **Second:** | **Time:** |
| **Aye:** | **Nay:** | **Abstain:** |

**APPROVAL OF MUCKDOGS LITTLE LEAGUE TRAVEL BASEBALL TO USE TOWNS BASEBALL FIELDS AND GYM**

 **WHEREAS,** the Muckdogs Little League Travel Baseball program would like to use the Town’s baseball fields and gymnasium for the 2017 baseball season, and

 **WHEREAS,** the Sardinia Town Board has supported and allowed the “Muckdogs” to use the Town’s facilities in the past,

 **NOW, THEREFORE, BE IT RESOLVED,** that the Sardinia Town Board approves the Muckdogs Little League Travel Baseball League to use the Town’s baseball fields and gymnasium.

**Be it so resolved that:**

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| --- | --- | --- |
| Motion: | Second: | Time: |
| Aye: | Nay: | Abstain: |

**APPROVAL OF Chaffee Sardinia Youth Baseball TO USE TOWNS BASEBALL FIELDS AND GYM**

 **WHEREAS,** the Chaffee Sardinia Youth Baseball program would like to use the Town’s baseball fields and gymnasium for the 2017 baseball season, and

 **WHEREAS,** the Sardinia Town Board has supported and allowed the “Chaffee Sardinia Youth Baseball” to use the Town’s facilities in the past,

 **NOW, THEREFORE, BE IT RESOLVED,** that the Sardinia Town Board approves the Chaffee Sardinia Youth Baseball League to use the Town’s baseball fields and gymnasium.

**Be it so resolved that:**

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| Motion: | Second: | Time: |
| Aye: | Nay: | Abstain: |

APPOINTMENT OF TOWN CLERK

**WHEREAS,** the Sardinia Town Board is in receipt of Betsy Marsh, Town Clerks resignation, and

**WHEREAS,** the Sardinia Town Board recognizes that they are losing a valuable asset to the Town of Sardinia, and

**WHEREAS,** the position of the Town Clerk is one that requires knowledge of legal issues, deadlines, and numerous State, County and Town laws, and

**WHEREAS,** the Current Town Clerk, Betsy Marsh has requested and highly recommends that the Town Board appoint her current Deputy Town Clerk, Jennifer Bray, and

**WHEREAS,** Jennifer Bray has eight years of training and would make the transition seamless for the residents of Sardinia, and

**NOW, THEREFORE, BE IT RESOLVED,** that the Sardinia Town Board appoints Jennifer Bray as Sardinia Town Clerk with the beginning date of January 1, 2017 with an ending date of December 31, 2017 which will fill out the balance of the Town Clerks term.

**Be it so resolved that:**

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| Motion: | Second: | Time: |
| Aye: | Nay: | Abstain: |

**NEW BUSINESS –**

**EXECUTIVE SESSION (if necessary)**

**ADJOURNMENT**