

March 8th, 2022 LaFayette Town Board Meeting Minutes

Minutes of the Regular Town Board Meeting held by the LaFayette Town Board on March 8th, 2022 at 6:30 p.m. at LaFayette Town Hall and live on Facebook.

Present: William McConnell, Supervisor
Steve Zajac, Councilor
Melanie Palmer, Councilor
Jerry Marzo, Councilor
Carole Dwyer, Councilor

Recording Secretary: Jackie Bush Roorda Town Clerk

Attorney: Jeff Brown
Budget Officer: Tom Chartrand
Deputy Supervisor: Mark Distler

Others Present: Ralph Lamson, Bldg. & Code Enforcement
Mark Chambers, C & S Engineering
Chris Keenan, ZBA Chair
Jessica Rice, Librarian
And several other residents

1. Supervisor McConnell called the meeting to order at 6:30 PM
2. Town Clerk, Jackie Bush Roorda took the Roll. All Present
3. Pledge was led by Councilor Zajac.
4. Supervisor McConnell offered the following statement on behalf of Ukraine advising there are several avenues to donate food, money, etc.; for example, UNICEF in Europe, Red Cross, and Air B&B. He further advised that over 61,000 people have signed up to donate a room/house for those in need through Air B&B.

R-49-22 Supervisor McConnell moved and Marzo seconded the Motion on behalf of the Town Board and the Town of LaFayette to offer up a statement in support of Ukraine and all the people of Ukraine in their fight for democracy against the Russian invasion. Motion carried.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

4. Regular Meeting Minutes of February 8, 2022 and Special Meeting Minutes of February 24, 2022

R-50-22 Councilor Palmer moved and Marzo seconded the motion to accept the regular meeting minutes of February 8th, 2022 as submitted by Deputy Town Clerk Kristin Colburn. Motion carried 5-0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

R-51-22 Councilor Marzo moved and Palmer seconded the motion to accept the Special Meeting minutes of February 24, 2022 as submitted by Deputy Town Clerk Kristin Colburn. Motion carried 4-0, 1 abstained.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Abstained	

5. LaFayette Advisory Conservation Committee Solar Law Recommendations

Mark Distler gave a short slide show presentation with regard to the recommendations to update the Town’s Community Solar Law, in light of the Town’s new Comprehensive Plan:

- (1) Consider regulatory techniques & land use controls to manage future development in order to preserve the Town’s public vistas & critical environmental/farm areas;
- (2) Revise Town code to include provisions that promote the use of green energy & infrastructure in developments throughout the Town;
- (3) Visually: Increase setbacks, specify significant public vista areas, specify farmland, require anti-reflective coatings, prohibit farms from being closer than 1 mile;
- (4) Noise: Increased setbacks, Current noise laws are adequate to address anomalies, No night time operation, Inverters & transformers in center of farm;
- (5) Soil Erosion: Require PE certification of SWPPP, specify acceptable infiltration rate, Prohibit topsoil stripping & removal from property and;
- (6) Decommissioning Issues: require plan to be submitted for town approval, bonding amount to be updated every 5 years with town approval, Town approval of decommissioning before bond release date, bond for life of the project, corporate guarantee.

These recommendations are based on other Town’s laws, adding specificity and clarity for the Town and for applicants.

6. SEQR - Regarding Local Law No. 1 - Amend Chapter 290, Section 290-32 (H) (Solar Farms)

a. SEQR (State Environmental Quality Review) with regard to Local Law 1-2022. Attorney Jeff Brown explained that SEQR is necessary whenever there is a law that

potentially impacts the environment and there are two statutory provisions involved. This is a short environmental assessment based on the fact we are dealing with a local law. Attorney Brown reviewed the 11 questions in SEQR Part 2 with the Town Board and it was determined that there were little to no negative environmental impacts and therefore a negative declaration is appropriate.

R-52-22 Councilor Zajac moved and Palmer seconded the motion that the Town Board is the lead agency and is issuing a negative SEQR declaration as it was determined there are little or no significant negative environmental impacts with regard to Local Law No. 1-2022. Motion approved 5 -0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes

7. Public Hearing - for Local Law No. 1 -to amend Chapter 290, Section 290-32 (H) (Solar Farms)

R-53-22 Councilor Marzo moved and Palmer seconded the motion to open the public hearing for Local Law No. 1 Amending Chapter 290, section 290-32 (H) (solar farms). Motion carried 5-0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

Topics Discussed:

Ralph Lamson, Building & Code Officer expressed the proposed 3-mile perimeter to notify adjacent property owners seems extensive, currently we notify those within 500'. This would create a huge amount of extra work for the Town Clerk to notify so many and someone three miles away from the site wouldn't be affected. Mark Distler agreed and suggested it could be shortened. Discussed View Shed (all properties that can see Solar Farm) Chris Albanese agree with the need for a bigger scope and suggested maybe 2-mile radius. Other topics were increasing fees, road side signs notifying "possible site of a solar farm"; Town Clerk Jackie Roorda advised that since it is the responsibility of the applicant to send certified letters to the surrounding property owners and adjacent Towns, it shouldn't affect her. Supervisor McConnell advised that any changes to the proposed local law will delay it.

R-54-22 Councilor Marzo moved and Palmer seconded the motion to close the public hearing for Local Law No. 1 Amending Chapter 290, section 290-

**32 (H) (solar farms) pending approval from Onondaga County Planning.
Motion carried 5-0.**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

8. Vote on Local Law No. 1 to amend Chapter 290, Section 290-32(H) (solar farms)

Town of LaFayette

Local Law No. 1 of the year 2022.

A local law to amend Chapter 290, section 290-32 (H) (Solar farms) of the Code of the Town of LaFayette

Be it enacted by the Town Board of the

Town of LaFayette as follows:

Section 1. Chapter 290, section 290-32(H) titled “Solar farms” of the Code of the Town of LaFayette is amended to read as follows:

§ 290-32 **Solar energy systems.**

H.

Solar farms.

(1) Districts where allowed. Subject to the issuance of site plan approval and a special use permit approval and other requirements as set forth herein, solar farms shall not be a permitted use in any zoning district other than the Agricultural (AG) District and the Industrial (I) District within the Town.

(2) Districts where prohibited. Solar farms shall be prohibited in the Single-Family District (R-1), Residential Planned Cluster (RPC) District, Residential Multifamily (RM) District, Business (B) District, Commercial Planned Development (CPD) District, Hamlet (H) District and Floodplain (F) District.

[Amended 12-8-2020 by L.L. No. 2-2020]

(3) Lot area and yard regulations. The following lot area and yard regulations shall apply to solar farms located in the Agricultural (AG) District and Industrial (I) District within the Town:

(a) Minimum street frontage: 100 feet.

(b) Minimum lot area: 15 acres.

(c) Minimum front yard setback: 250 feet.

(d) Minimum rear yard setback: 250 feet.

(e) Minimum side yard setback: 250 feet.

(4) Permits required. No person, firm or corporation, or other entity being the owner, occupant or lessee of any land or premises within the Town of LaFayette shall use or permit the use of land or premises for the construction or installation of a solar farm without obtaining a building permit, a special use permit approval issued by the Zoning Board of Appeals and a site plan approval issued by the Planning Board as hereinafter provided.

(5) Special use permit approval.

(a) In addition to the criteria established pursuant to § **290-38D** of this chapter, the following criteria are hereby established for purposes of the granting of special use permit approval for a solar farm:

[1] Scenic viewsheds. A solar farm shall not be installed in any location that would substantially detract from or block the view(s) of all or a portion of a recognized scenic viewshed, as viewed from any public road, right-of-way or publicly owned land within the Town of LaFayette or that extends beyond the border of the Town of LaFayette. Such viewsheds are specially identified as Significant Views as shown on the Open Space Map & Potential Conservation Areas, found in the Town's 2021 Comprehensive Plan appendix.

[2] Areas of potential environmental sensitivity. A solar farm shall not be installed in any location that have areas of potential environmental sensitivity including unique natural areas, floodplains, historic sites, state-owned lands, conservation easements, trails, parklands, prime soils, and wetlands as identified by Open Space Map & Potential Conservation Lands, found in the Town's 2021 Comprehensive Plan appendix.

The development and operation of the solar farm shall not have a significant impact on water quality, fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the town, federal or state regulatory agencies.

[3] Prime farmland. Solar farms shall not be installed in any location that contains soils identified as prime farmland or farmland of statewide importance identified in Map 6: Agricultural Soils in the Town's 2021 Comprehensive Plan.

[4] Emergency shutdown/safety. The applicant shall demonstrate the existence of adequate emergency/safety measures. The applicant shall post an emergency telephone number so that the appropriate entities may be contacted should any solar panel or other component of the solar farm need immediate repair or attention. This emergency telephone number should be clearly visible and in a location which is convenient and readily noticeable to someone likely to detect a problem. Further, the applicant shall arrange for the filing of site plans and any emergency shutdown procedures with the Town Code Enforcement Officer and local first responders with training provided by the applicant.

[5] Security. All solar farms shall be secured to the extent practicable to restrict unauthorized access. See Subsection **H(6)(a)[19]** of this section.

[6] Access road. To the greatest extent possible, existing roadways shall be used for access to the site and its improvements. In the case of constructing any roadways

necessary to access the solar farm, they shall be constructed in a way that allows for the passage of any emergency vehicles in the event of an emergency. Each application shall be accompanied by correspondence from the responding fire department and emergency care provider as to the acceptability of the proposed ingress to and egress from the solar farm site.

[7] The development and operation of the solar farm shall not have a significant impact on fish, wildlife, animal or plant species or their critical habitats, or other significant habitats identified by the Town or federal or state regulatory agencies.

[8] Setbacks. Additional setbacks may be required in addition to those set forth in Subsection **H(3)** by the Zoning Board of Appeals in order to provide for the public's safety, health and welfare.

(b) Waiver. The Zoning Board of Appeals may, upon exercise of its reasonable discretion, waive one or more of the submission requirements imposed herein. Relief from all other requirements must be made by way of an area or use variance from the Zoning Board of Appeals.

(6) Site plan approval.

(a) The following submission requirements must be observed regarding a site plan approval application for a solar farm. The Planning Board may also require any of the requirements of § **290-37** of this chapter as part of the submission.

[1] A completed application form as supplied by the Town for site plan approval for a solar farm.

[2] Proof of ownership of the premises involved or proof that the applicant has written permission of the owner to make such application, along with contact information of involved parties. Any transfer of ownership or operating/maintenance responsibility of a solar farm either during the pendency of an application or any time after approval of an application shall require the prior written approval of the Town Attorney.

[3] Plans and drawings of the proposed solar farm installation signed, marked and/or stamped by a professional engineer registered in New York State showing the proposed layout of the entire solar farm along with a description of all components, whether on-site or off-site, existing vegetation and proposed clearing and grading of all sites involved. Clearing and/or grading activities are subject to review by the Planning Board and shall not commence until the issuance of site plan approval. The plans and development plan shall be drawn in sufficient detail and shall further describe:

[a] Property lines and physical dimensions of the proposed site, including contours at five-foot intervals.

[b] Location, approximate dimensions and types of all existing structures and uses on the site.

[c] Location and elevation of the proposed solar farm and all components thereof.

[d] Location of all existing aboveground utility lines within 1,200 linear feet of the site.

[e] Where applicable, the location of all transmission facilities proposed for installation. All transmission lines and wiring associated with a solar farm shall be buried underground and include necessary encasements in accordance with the National Electrical Code, National Fire Protection Association codes and Town requirements. The Planning Board may recommend waiving this requirement if sufficient engineering data is submitted by the applicant demonstrating that underground transmission lines are not feasible or practical. The applicant is required to show the locations of all proposed overhead electric utility/transmission lines (if permitted) and underground electric utility/transmission lines, including substations and junction boxes and other electrical components for the project on the site plan. All transmission lines and electrical wiring shall be in compliance with the public utility company's requirements for interconnection. Any connection to the public utility grid must be inspected by the appropriate public utility.

[f] Location of all service structures proposed as part of the installation.

[g] Documentation of utility company notification and approval, including the electric service order number. No solar farm shall be constructed until evidence has been provided to the Planning Board that the utility company operating the electrical grid where the installation is to be located has been informed of the construction of the solar farm and has agreed to an interconnection.

[h] Landscape plan showing all existing natural land features, trees, forest cover and all proposed changes to these features, including size and type of plant material. The plan shall show any trees and/or vegetation which is proposed to be removed for purposes of providing greater solar access. Topsoil stripping and removal from the site is prohibited.

[i] A berm, landscape screen or any other combination acceptable to the Town capable of screening the site shall be provided along any property line.

[j] Soil type(s) at the proposed site.

[4] Photographic simulations shall be included showing the proposed solar farm along with elevation views and dimensions and manufacturer's specifications and photos of the proposed solar energy systems, solar collectors, solar panels and all other components comprising the solar farm from vantage points selected by the Planning Board.

[5] If applicable, certification from a professional engineer or architect registered in New York State indicating that the building or structure to which a solar panel or solar energy system is affixed is capable of handling the loading requirements of the solar panel or solar energy system and various components.

[6] One- or three-line electrical diagram detailing the solar energy system installation, associated components and electrical interconnection methods, with all disconnects and over-current devices.

[7] Documentation of access to the project site(s), including location of all access roads, gates, parking area, etc.

[8]

A plan for clearing and/or grading of the site and a stormwater pollution prevention plan (SWPPP) for the site certified by professional engineers demonstrating that storm water runoff will infiltrate into the ground beneath at a rate equal to or less than that of the prior infiltration rate.

[10] Sunchart. Where deemed appropriate, the Planning Board may require that the applicant submit a sunchart for the proposed site indicating the sun angle for the southern boundary of the site for a minimum four-hour continuous period during the time of the highest sun angle on December 21, along with the potential for existing buildings, structures and/or vegetation on the site or on adjacent sites to obstruct the solar skyspace of the proposed solar farm. The sunchart shall also indicate the potential for obstructions to the solar skyspace of the proposed solar farm under a scenario where an adjacent site is developed as otherwise permitted by applicable provisions of this chapter with a building/structure built to maximum bulk and height at the minimum setback. Where no standards for setback are established, this scenario shall assume a maximum setback of five feet from the property line. The sunchart shall be kept on file at the Town Code Enforcement Office and determine the minimum setback required for any solar collectors from the south property line as well as the solar skyspace that should be considered when development of neighboring properties occurs. This section in no way places responsibility on the Town for guaranteeing the solar skyspace of a solar energy system in the event setbacks are waived at the applicant's request.

[Amended 12-8-2020 by L.L. No. 2-2020]

[11] Lightning Protection Plan. To be installed via internal lightning arrestors, surge protectors, or adequate ground.

[12] The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and be clearly visible.

[13] Solar energy systems shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the electric systems. Materials used for marking shall be weather-resistant. The marking shall be placed adjacent to the main service disconnect location clearly visible from the location where the lever is operated.

[14] The average height of the solar panel array shall not exceed 20 feet measured from the ground and including any base or supporting materials.

[15] Color. Neutral paint colors, materials and textures may be required for solar farm components, buildings and structures to achieve visual harmony with the surrounding area as approved by the Planning Board.

[16] Glare. The design, construction, operation and maintenance of the solar energy system shall prevent the direction, misdirection and/or reflection of solar rays onto neighboring properties, public roads, public parks and public buildings. All photovoltaic

modules used in the solar farm shall be coated with anti-reflection materials to prevent solar panel glare.

[17] Artificial lighting of solar farms shall be limited to lighting required for safety and operational purposes and shall be shielded from all neighboring properties and public roads.

[18] Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access as approved by the Planning Board. The style and type of fence shall be approved by the Planning Board as part of the site plan approval process.

[19] The Planning Board may place reasonable hours restrictions during the construction phase of the solar farm. However, construction shall begin no earlier than 7:30 a.m. and shall cease no later than 8:30 p.m., Monday through Saturday.

[20] Only signage used to identify the location of the solar farm shall be allowed, and such signage shall otherwise comply with the Town's sign regulations and requirements.

[21] To the extent practicable, equipment that produces noise above ambient levels during normal operation shall be placed in the center of the solar array or at a minimum of 1,000 feet from the nearest property line.

[22] All applications shall be accompanied by a full environmental assessment form for purposes of environmental review under the New York State Environmental Quality Review Act (SEQRA). A visual impact assessment (VIA) , performed by a qualified consultant following generally accepted guidelines (e.g., *Guide to Evaluating Visual Impact Assessments for Renewable Energy Projects*, US Department of Interior, 2014), shall be reported and submitted to the Planning Board, including but not limited to:

(a) The qualifications of the consultant including list of VIAs completed for other solar farms. The VIA report will describe guidelines and methods used.

(b) Photo simulations (*i.e.*, computer generated photomontages) of the proposed solar farm components and surrounding landscape (including how setback areas will be maintained) from key observation points (KOPs). KOPs are points on a travel route within a three-mile radius and other likely observations points on private property within a one-mile radius from the center of the project. KOPs will be selected in consultation with and approval of the Planning Board.

(c) The visual impact from each KOP will be assessed and rated for contrast, sensitivity, and scenic quality of view, by an independent panel of three. An overall impact rating for each KOP will be presented and discussed. Visual impact mitigation techniques, planned and available, will be described, including photo simulations with and without mitigation.

(d) The Planning Board will review and comment on the VIA, and may accept the report as is or ask for additional analysis, visual mitigation, and/or a revised VIA. As an agricultural town that values its natural resources, the following visual mitigation techniques are encouraged: (1) agrophotovoltaics (*i.e.*, sharing land use with agriculture such as crops,

beehives, sheep pasturing, greenhouses), (2) plantings that encourage wildlife habitats (e.g., pollinators, wild flowers).

(b) Site plan approval criteria. In addition to the above and subject to the criteria of § **290-37** of this chapter, no site plan approval shall be given unless the Planning Board determines that the proposed solar farm complies with the following additional requirements:

[1] The use is oriented in its location upon the site as to layout, coverage, screening, means of access and aesthetics so that:

[a] The flow control and safety of traffic and human beings shall not be adversely affected to an unreasonable degree;

[b] There is sufficient accessibility for any fire and other emergency vehicles and responders to the site; the applicant shall provide down-shielded lighting at the entrance points to the site and which shall be on file with the Town Codes Office and applicable Fire Department and first responders;

[c] There is reasonable compatibility in all respects with any structure or use in the surrounding area, actual or permitted, which may be directly substantially affected;

[d] There shall not be any unreasonable detriment to any structure or use, actual or permitted, in the surrounding area;

[e] There is a reasonable provision for open space and yard areas as appropriate to the surrounding area.

[f] Saturation. In deciding whether to issue a special use permit, the Planning Board shall consider the proximity of similar large solar energy systems (i.e., greater than 1 MW) to the one being proposed. In no event shall a solar farm be placed within one mile (as measured as the distance between the property lines nearest each solar farm) of an existing solar farm, without specific findings by the Planning Board that such placement does not adversely affect the community character of the surrounding properties.

(7) Public hearing. No action shall be taken by the Zoning Board of Appeals to issue special use permit approval, or by the Planning Board to issue site plan approval, nor the Zoning Board of Appeals to grant a use or area variance in relation to an application for a solar farm until after public notice and a public hearing by each Board for each such approval. Proper notice of a hearing before a board shall be given, as the responsibility of the applicant, by legal notice published in the Post-Standard newspaper and on the Facebook page of the Town of LaFayette at least 10 days before the date set for such public hearing(s). The applicant shall be responsible for notifying, by certified mail, all property owners of record within three miles of the outside perimeter of the boundary line of the property involved in the application of the time, date and place of such public hearing at least 10 days prior to such hearing. Notice shall be deemed to have been given if mailed to the property owner at the tax billing address listed on the property tax records of the Town Assessor or at the property address. At least seven days prior to such hearing, the applicant shall file with the Board his/her affidavit verifying the mailing of

such notices. Failure of the property owners to receive such notice shall not be deemed a jurisdictional defect.

(8) Compliance with New York State Uniform Fire Prevention and Building Code and National Fire Protection Association codes.

(a) Building permit applications shall be accompanied by standard drawings of structural components of the solar farm and all its components (including but not limited to solar panel, solar collector, solar energy system, etc.). Drawings and any necessary calculations shall be certified, in writing, by a New York State registered professional engineer, that the system complies with the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes. This certification would normally be supplied by the manufacturer.

(b) Where the structure, components or installation vary from the standard design or specification, the proposed modification shall be certified by a New York State registered professional engineer for compliance with the structural design provisions of the New York State Uniform Fire Prevention and Building Code and any applicable National Fire Protection Association codes.

(9) Compliance with state, local and national electric codes.

(a) Building permit applications shall be accompanied by a line drawing identifying the electrical components of the solar farm to be installed in sufficient detail to allow for a determination that the manner of installation conforms with the National Electrical Code. The application shall include a statement from a New York State registered professional engineer indicating that the electrical system conforms with good engineering practices and complies with the National Electrical Code, as well as applicable state and local electrical codes. This certification would normally be supplied by the manufacturer. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.

(b) Where the electrical components of an installation vary from the standard design or specifications, the proposed modifications shall be reviewed and certified by a New York State registered professional engineer for compliance with the requirements of the National Electrical Code and good engineering practices.

(10) USA made content. The applicant shall ensure that materials used in the solar farm be manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

(11) Following construction/installation of the solar farm, all disturbed areas where soil has been exposed shall be reseeded with grass and/or planted with low-level vegetation capable of preventing soil erosion and airborne dust.

(12) Post-construction/post-installation certification. Following the construction/installation of the solar farm, the applicant shall provide a post-construction/post-installation certification from a professional engineer registered in New York State that the project complies with any and all applicable codes and industry

practices and has been constructed and is operating according to the drawings and development plan(s) submitted to the Town and this section.

(13) Insurance. The applicant, owner, lessee or assignee shall maintain a current insurance policy which will cover installation and operation of the solar farm at all times. Said policy shall provide a minimum of \$5,000,000 property and personal liability coverage.

(14) Inspections. The Code Enforcement Officer and/or Town Engineer shall have the right at any reasonable time to enter, in the company of the owner or his agent, the premises on which a solar farm is being or is constructed, to inspect all parts of said solar farm installation and require that repairs or alterations be made if, in his judgment, there exists a deficiency in the operation or the structural stability of the solar farm or any component thereof. If necessary, the Code Enforcement Officer or Town Engineer may order the system corrected, secured or to otherwise cease operation. It shall not be required that the owner or agent be present in the event of an emergency situation involving danger to life, limb or property.

[Amended 12-8-2020 by L.L. No. 2-2020]

(15) Power to impose conditions. In granting any site plan approval, special use permit approval or variance for a solar farm, the Zoning Board of Appeals or Planning Board, as the case may be, may impose reasonable conditions to the extent that such Board finds that such conditions are necessary to minimize any adverse effect or impacts of the proposed use on neighboring properties and to protect the general health, safety and welfare of the Town.

(16) Decommissioning and removal of solar farm facilities.

(a) The applicant shall agree, in writing to the Town Planning Board, to remove the entirety of the solar farm and all accessory structures and components thereof if the solar farm ceases to be used for its intended purpose for 12 consecutive months. Removal of such obsolete and/or unused solar farm components shall take place within 90 days thereafter. Such agreement shall also include a commitment by the applicant to impose a similar obligation to remove any unused and/or obsolete solar panels upon any person subsequently securing rights to relocate the solar panels. The applicant agreement shall also include its obligation to prepare, no less than 60 days prior to decommissioning commencement, a written decommissioning plan, to be approved by the Town Planning Board. The plan will include among other items, the applicant methods to control soil erosion and stormwater run-off during and after decommissioning.

(b) Bond/Security. The applicant shall be required to execute and file with the Town Clerk a bond, or other form of security for an initial term of up to and including the entire useful life of the solar farm as determined by and acceptable to the Town Attorney and Engineer, in an amount sufficient for the faithful performance of the terms and conditions of the permit issued under this section, and to provide the decommissioning, removal and restoration of the site subsequent to the removal of the solar farm. The amount of the bond or security shall be no less than 150% of the cost of the removal of the solar panels

and restoration of the site, and shall be reviewed and adjusted at five-year intervals. The applicant shall submit, initially and every five years, documented justification, acceptable to the Town Attorney and Engineer, for the bond amount. In the event of a default upon performance of such condition or any of them, the bond or security shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The bond or security shall remain in full force and effect until the complete removal of the solar panels and site restoration is finished acceptable to the Town Attorney and Engineer. The Town Attorney may also require a corporate guarantee to assure compliance with this section.

(c) If the applicant fails to decommission and/or remove the solar farm as provided herein, the failure to do so will result in the Town removing the solar farm and assessing the cost of removal on the property in excess of the forfeited bond, if any, which shall constitute a lien on said property and be collected in the same manner as property taxes.

(17) Fees. Fees for applications and permits under this section shall be established by resolution of the Town Board of the Town of LaFayette. In accordance with the requirements of Chapter **160**, Fees, Article **I**, of the Town Code, it shall be the applicant's responsibility to reimburse the Town for any and all reasonable and necessary legal, engineering and other professional fees incurred by the Town in reviewing and administering an application for a solar farm under this section.

(18) Waiver. The Planning Board or the Zoning Board of Appeals may, under appropriate circumstances, waive one or more of the submission requirements contained herein.

Section 2. Severability. If any provision, word, clause, sentence, paragraph, section, article or part of this local law, or the application thereof to any person or circumstances, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate any other part of this local law or the application of this law, or any part thereof, to other persons or circumstances.

Section 3. This Local Law is effective upon filing with the Secretary of State.

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2022 of the Town of LaFayette was duly passed by the Town Board on March 8th, 2022, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in Paragraph 1, above.

R-55-22 Councilor Palmer moved and Dwyer seconded the motion to adopt Local Law No. 1-2022 Amending Chapter 290, section 290-32 (H) (solar farms) conditional on the Onondaga County Planning Board review. Motion carried 5-0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes

**Jerry Marzo
Carole Dwyer**

**Councilor
Councilor**

**Voted
Voted**

**Yes
Yes**

9. Communications

A. Bid Opening for the Dog Park -

Mark Chambers of C & S Engineering advised that we received 4 bids ranging from \$121k to \$84k. The budget for this project was around \$70k, so we are still over budget by about \$14k. Mark suggested that we could make this project work within budget based on how it was bid out by shrinking the scope of the landscape, fencing, etc. He recommended that we award the bid to the lowest bidder contingent on them coming in at our \$70k budget with the size and scope modifications made by C & S Companies.

R-56-22 Councilor Dwyer moved and Palmer seconded the motion to accept the low bid contingent upon matching the reduction in size and scope of the project to meet the \$70K budget and changes made by C & S Companies. Motion carried 5-0.

**William McConnell
Steve Zajac
Melanie Palmer
Jerry Marzo
Carole Dwyer**

**Supervisor
Councilor
Councilor
Councilor
Councilor**

**Voted
Voted
Voted
Voted
Voted**

**Yes
Yes
Yes
Yes
Yes**

B. Bid Opening for the Ron Bush Senior Center-

Mark Chambers advised that there is no good news on this project. The original round of bids from September of 2021 came in at \$2.1 million. We scaled the project back significantly and were hoping with not having weather to contend with, the bids would come in lower. We only received one general contractor bid which came in much higher at \$3.1 million, partly due to supply and demand and difficulty in getting materials. It was decided we really can't scale back the size of the building. Supervisor McConnell stated that as prices are right now, we cannot afford to move forward with this project currently and it was suggested that we sit on the project for the time being.

C. Request for support from Jamesville-Dewitt HS Operation Graduation

Budget Officer, Tom Chartrand advised that we previously supported this event in 2017 in the amount of \$200.00 and no motion is required as he has prepared a voucher for this.

10. Communications from the Public - No comments were voiced.

11. REPORTS

A. Departmental:

1. Town Supervisor Report -

a. The annual update filed in New York State which is basically our December report in State format. There is a Town update and a Southern Onondaga Trash Services (SOTS) update that have been filed. He asked the Board to authorize Town Clerk Jackie Roorda to notice that these reports are available for review during regular Town Clerk hours.

R-57-22 Councilor Marzo moved and Zajac seconded the motion authorizing Town Clerk Jackie Roorda to notice the State updates in the newspaper for review during regular Town Clerk hours. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

b. Budget Officer Tom Chartrand reported that:

- Court fines are coming in very strong.
- Franchise fees are slightly higher than we anticipated
- And that we received the funding from Honeywell for the Cardiff water district project in the amount of \$304,600 and that there is a voucher tonight to reimburse the Town for the engineering expenses previously incurred.

R-58-22 Supervisor McConnell moved and Palmer seconded the motion that a positive audit of the February bank reconciliation of the Supervisor's account was completed by Councilor Zajac and Marzo and was appropriate. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

2. Attorney - Jeff Brown was in attendance, via Zoom

3. Highway Superintendent - Steve Robson written report

Roads: Snow and Ice Operations were performed 18 times since the last Town Board Meeting. All trucks are operational now after some extensive repairs (Truck #6 the 2018 Western Star.

I would like to ask the Town Board to approve and sign the 284 agreements for the expenditure of our Roads budget. The CHIPs, EWR and Pave NY 284 agreement

will be submitted as soon as the New York State releases the budget amounts for 2022.

Grants: Syracuse Metropolitan Transportation Council has released a new round of the 2022 (RAISE) Grant opportunities. I will be working with Deputy Don Skinner and Mark Chambers (C&S) to see which parts could benefit the Town of LaFayette's infrastructure.

Equipment: The Town of LaFayette will be taking delivery of the new 2022 International CV515 this week. I would like to ask the Town Board if it would be possible to have a special meeting to surplus the 2013 Dodge Ram 4500 around the week of March 21, 2022. The 2019 Ford 550 is schedule for warranty work on March 15, 2022. Upon the return of that truck, I would like to place the 2013 Dodge on Auction International with a reserve of \$ 25,000.00. On April 11, 2022 the results of the auction will be in. On April 12, 2022 I will present the results for possible sale or to relist with a lower reserve.

I would like to ask the Town Board to place the funds received from the sale of the 2011 Dodge 4500 into the Machinery DA5130.2 (Equipment) Budget. The amount received from the auction was \$15,285.00

Safety: I have appointed Paul DeRoucher as our Highway Department Safety Officer and Don Skinner will be his deputy. We have implemented a safety program called Tailgate Talks that takes place twice a month. This program will cover various topics that the Highway Dept. contends with on a daily basis. Tailgate Talks is a Cornell Local Roads Program provided by Lewell Toast Jr. of Empire Safety Training & Consulting, Inc.

The Highway Department is in the process of setting up CPR and First Aid Training for our staff and would like to invite any town employees to attend. I will work with the Town Clerk to choose the best date.

On behalf of Highway Superintendent Steve Robson, Councilor Zajac asked to surplus the 2013 Dodge plow truck on the date of the delivery of the new truck and the return of the 2019 truck from repair. He would like authorization to list 2013 truck on Auctions International with a reserve of \$25k.

R-59-22 Councilor Zajac moved and Marzo seconded the motion authorizing the surplus of the 2013 plow truck upon the receipt of the new truck and completed repair of the 2019 truck, and to list on Auctions International with a reserve of \$25K Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

Supervisor McConnell advised that the Highway Department has been working together on changes to the Employee Handbook listed below:

- a. Double time on Sunday's & Holiday's - Approved
- b. Call in time a minimum of 4 hours on weekends / holidays - Approved
- c. Disability Insurance - Not at the time
- d. Vaccination Status - Approval of 1 extra day off per year, to take care of dental, medical or vaccinations.
- e. If employee is called in early, they have an option to stay for OT, normally 4 am - Noon. They would like the option to stay until 3 pm. - Not Approved. This is at the discretion of Superintendent Steve Robson.
- f. First Aid Training - Approved
- g. Holiday Clarification (Federally recognized / what is a floater? / Drop to 3 floaters (Lincoln's Birthday, Election Day, Good Friday) This was reviewed and determined at the January 11th Organizational meeting.

Lastly, the 284 Agreement. Budget Officer Tom Chartrand explained that Superintendent Robson did not fill the Permanent Improvements yet because he is waiting for the State budget to be adopted so that he will have the actual CHIPS numbers. Chartrand advised that we need to proceed with the adoption of this agreement and it can be amended upon State budget adoption.

R-60-22 Councilor Palmer moved and Dwyer seconded the motion authorizing the acceptance of the 284 agreement for the year 2022 on behalf of the Town of LaFayette Highway department. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

4. Town Clerk

- a. Town Clerk Jackie Roorda advised that the February, 2022 report was in the Board's meeting packet for their review.
- b. Roorda thanked her Deputy Town Clerk, Kristin Colburn for filling in while she was out for surgery, commenting that she did a wonderful job in every aspect of the Town Clerk position.
- c. Roorda also advised that on May 7th, 2022 from 9:00am to 12:00 (noon) the annual shredding, medication and torn/tattered flags drop off event will take place in the upper parking lot of the Town Hall.

5. Building and Zoning Code Enforcement - February report was available in packet

6. Library Director - Jessica Rice's written report

- **Personnel:** A new Youth Services Coordinator has been hired. Her name is Margaret (Em) Mong, and she is very enthusiastic! She will be starting story times

up again in a few weeks, and has already begun planning for the summer reading program. We are still looking for a part-time cleaner (3 hours/week.) Also, nametags were purchased for staff to wear.

- **Facilities:** After quite a delay, the new front desk is in place. We are still waiting to have an issue with the electrical/internet ports to be resolved, but it is functional, looks very nice, and will serve the library well. The new panic buttons have been installed. A dishwasher has been installed in the staff room, to allow for sanitizing of toys, etc.
- **Services/Programming:** The library has shifted to a "masks recommended, but not required" policy in line with the State Education Department. We also have moved the children's computer back out and are excited to start up additional programming.
- **Financial:** The treasurer of the library, Mike Force from the Board of Trustees, has set up a new online QuickBooks account, so that both he and the director can more easily see what is happening in the various accounts. We received several donations, as well as a state grant from John Lemondes.

7. LCC - Secretary Kim Tingley submitted a written report:

- Wrestling - The last wrestling tournament - Saturday, March 5 in Homer. The Wrestling banquet will be held on Wednesday, March 9th at the HS cafeteria.
- Volleyball for grades 3-6 - that is going well, splitting up the grades 3/4 and grades 5/6 has worked out well.
- Youth basketball for grades 4-6 boys and girls - Practices scheduled for Thursday evenings at Grimshaw. A large turnout on Thursday, March 3, registration is now closed.
- Basketball Clinic for grades 2-3 girls and boys - started on March 1.
- Next LCC meeting is TBD, it is expected to be the week of March 14th. Spring sports is on the agenda.

8. Dog Control

Dogs @ Large= 2 Dogs Missing= 3 Dog Complaints = 10
Miscellaneous Calls = 4

- Calls for Dogs in trash and on neighboring properties
- Many calls in regards to lost dogs at Jamesville Beach. This is not in our jurisdiction. The beach is under the jurisdiction of the county and the Park Ranger. Many people come and let their dog run and many do not return causing many missing dog calls. There appears to be a problem with policing this area as well as policies to address this issue.
- Also, many calls received in regards to dogs in mobile home parks. Again, this is the responsibility of the park owner to monitor ownership of the dogs that are

creating problems. It is also important to have these dogs licensed with the town so that if issues occur the owners can be located.

- Dog owners need to be reminded that the dogs are their responsibility and need to be under control at all times. Even though there is not a leash law in LaFayette as such, dogs cannot become a nuisance and invade other people's properties and create havoc for neighbors. This is an ongoing issue and may create the necessity for issuing tickets in the future.

9. LaFayette Fire Dept. -

Fire/Rescue Calls:

Ours: 5 Mutual Aid: 4

Ambulance Calls:

Ours: 26 Mutual Aid: 4

LaFayette Ambulance now has an automated chest compression device called a "Lucas". It makes CPR better and increases survival chances.

B. Committee Reports -

1. Community Development Committee - By Supervisor McConnell

a. Hamlet Revitalization Update: LaFayette Hotel & Adjacent Vacant Lot-

- closed on hotel on 2/28/22 • close on Millette Parcel 3/10/22
- Neighbors do not want property to be apartments
- Local diner prefers' no competition • Unknown well status
- No septic field • Site mediation for spills 4/15/22
- Current town investment \$77k for both properties, \$16k for completion of both Phase 1 & 2 inspections, Funding Source: 2021 Town of LaFayette ARPA funding
- Confirmed future funding: \$500K Onondaga County ARPA grand, Current Project obligation, \$50k for site remediation, Consulting service & Engineering service TBD.
- Future Focus: make the site a destination, encourage public & private use, seek partners with similar vision.
- A Destination: a crossroads "Stop & Visit" / Historical Route 20 Association, Business Incubators, Non-profit seasonal space: food, agritourism business start-ups, Appealing store fronts, comfortable public spaces.
- Public & Private Use: Balance between IDA & LDC
- Partners with our vision - Local collaboration, those with imagination, & who can build on historical tradition.
- Determine the course: Demolish building & begin over - tear down, build retaining wall & plan a Christmas tree OR repurpose the building and the parcel with a long-term vision.

2. LACC -

a. 2021 Annual Report -Submitted by: Mark Distler, LACC Chair

In accordance with the Town of LaFayette code Chapter 15 (Local Law 1-1971), this the 2021 annual report of the activities and work of the LACC. Starting in April, monthly reports were submitted to the Town Board for review at its monthly meetings.

1. **Membership** - Beginning in March with the Town Board appointment of Mark Distler as LACC chair and Carole Dwyer as member, an advertisement for members was placed in the Town newsletter. Volunteers responded and four new members were appointed in April. Through September, one member and two student members were appointed, and two members were offered auxiliary memberships (*i.e.*, no appointment, no voting rights). At the end of 2021, LACC had 7 appointed members, 2 student members, and 2 auxiliary members.
2. **Meetings** - The LACC met five times from April to December. Two of the LACC's ex officio's, Town Supervisor McConnell and Highway Superintendent Robson, attended one meeting each. Meetings focused primarily on initiating and checking on the LACC's projects and programs identified below.
3. **Projects & Programs** - The attached table summarizes the LACC activities and work. It includes 10 new projects (7 active and 3 completed) requested by the Town Supervisor and 3 programs selected by the LACC to build a community conservation culture. Also included are 5 new projects that the LACC will include in its 2022 work.

9. NEW BUSINESS

A. Councilor Dwyer gave a reminder of the Town's 5.56-acre property for sale situated between Eager and Apulia Roads, advising that it is land locked with no road access. The deadline for sealed bids is April 1, 2022 and will be opened by the Town Clerk on April 4th, at 12:00 Noon.

10. Motion to audit & pay bills

General Fund	18961-18995	\$ 39,011.67
Highway Fund	18938-19004	\$159,017.47
Special District	19005, 19007	\$ 2,103.15
Capital Develop. Fund	19006	\$ 25,345.75

R-61-22 Councilor Palmer moved and Marzo seconded the motion to audit and pay the above listed bills. Motion carried 5 - 0.

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

11. Motion to adjourn.

**R-62-2022 Councilor Dwyer moved and Marzo seconded the motion to adjourn
Motion carried 5-0**

William McConnell	Supervisor	Voted	Yes
Steve Zajac	Councilor	Voted	Yes
Melanie Palmer	Councilor	Voted	Yes
Jerry Marzo	Councilor	Voted	Yes
Carole Dwyer	Councilor	Voted	Yes

The Town Board Meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Jackie Roorda
Town Clerk

DRAFT