

**REGULAR MEETING
OF THE
TOWN BOARD TOWN OF STEPHENTOWN
26 GRANGE HALL ROAD, STEPHENTOWN, NEW YORK 12168
OCTOBER 17, 2022**

The Regular Board Meeting of the Town Board, Town of Stephentown was called to order by *Philip Roder* at **7:11 PM** at the Town Hall.

MEMBERS PRESENT:

(X) Supervisor Philip Roder

(X) High. Superin. Alden Goodermote

(X) Council Diana Clark

(X) Assessor, Jennifer Van Deusen

(X) Council William Jennings

(X) Council Everett Madden

(X) Council Kyle Kidney

(X) Town Clerk Stephanie Hoffman

A quorum (X) was () wasn't established.

5 from the Public were present

AUDIT OF CLAIMS:

- Claim #**240-22** through #**267-22** in the amount of **\$15,747.50 to be approved** from the **General Account**
- Claim #**143-22** through #**154-22** in the amount of **\$26,863.12 to be approved** from the **Highway Account**
- For a **Total of \$42,610.62** audited and approved by the Town Board.

MOTION BY: MADDEN

SECONDED BY: CLARK

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Minutes of the **September 19th, 2022 Regular Town Board Meeting** were approved by the Town Board as written.

MOTION BY: JENNINGS

SECONDED BY: KIDNEY

VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

TOWN CLERKS REPORT: The Town Clerk turned over the sum of **\$1,157.22** to the Supervisor for the month of **SEPTEMBER 2022**.

JUSTICE COURT REPORT: The distribution from the office of the State Comptroller, Justice Court Fund to the Town of Stephentown for the month of **JULY 2022 was \$2,425.00 and AUGUST 2022 was \$1,390.00**

TRANSFER STATION REPORT: The Transfer Station deposited a total of **\$10,981.00** for the month of **SEPTEMBER 2022**. *(September 2021 income was \$11,742.00)*

Bags: **\$4,819**

C&D & Metal: **\$1,733**

Tires: **\$54**

Stickers: **\$4,320**

Appl. & Electronics: **\$55**

Propane Tanks: **\$0**

Council Jennings reported on the Paint Program – it's currently going well and we are on the next four containers, have filled the first four. Encourages people to take advantage of this, it is a free program to the residents. Budget season has begun, discussion of costs will be considered. Bushhogging looks great, Tim Dormady did a lot of weed-wacking, ERCSWMA Calendars will be going out soon, residents sometimes don't receive them, if you don't get one see myself or Stephanie (Town Clerk) to get your address on the list.

*T. Dormady: commented on the price of the senior permits and believes it should be increased.
Council Jennings: reported that there has been consideration on permit increases as well as other costs.*

Supervisor Roder: reported that the Highway Crew will be taking over the plowing at the Town Hall and the Transfer Station this year to see if it is manageable for them – we will not be bidding out the plowing this year.

ACCOUNT TOTALS:

GENERAL \$966,131.23	HIGHWAY \$534,090.99
GENERAL RESERVE FUND \$631,343.61	HIGHWAY RESERVE FUND \$511,406.36
BEACON ESCROW \$ 885.19	BEACON ESCROW FOR PLANT (BOND) \$5,000 & \$70,000
AMERICAN RESCUE PLAN ACT FUND: \$285,177.21	

REPORT FROM THE TOWN BOARD AND TOWN OFFICES:

RESOLUTION # 55-2022	AUTHORIZING THE EXTENSION OF THE SERVICE AGREEMENT WITH THE EASTERN RENSSELAER COUNTY SOLID WASTE MANAGEMENT.
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WHEREAS: the Eastern Rensselaer County Solid Waste Management Authority manages MSW programs, Recycling programs, Household hazardous waste programs and Education programs; and

WHEREAS: the Eastern Rensselaer County Solid Waste Management Authority service agreements are all coming to an end in the next three months at staggered dates for their member communities, and the Eastern Rensselaer County Solid Waste Management Authority board of directors has determined that due to large projects currently in progress, that it would be in the best interest and benefit of the member municipality's to extend these service agreements one year to further pursue these projects; and

WHEREAS: the Eastern Rensselaer County Solid Waste Management Authority service agreements would remain unchanged to the current agreements; and

WHEREAS: it is necessary that a Contract by and between the EASTERN RENSSELAER COUNTY SOLID WASTE MANAGEMENT AUTHORITY, herein called the ERCSWMA, and the Town of Stephentown be executed; now therefore be it,

RESOLVED: that the Members of Town of Stephentown Town Board extend the ERCSWMA service agreement 1 year from the end of the current agreement.

MOTION BY: KIDNEY SECONDED BY: JENNINGS
VOTES OF: 5 AYE 0 NAY 0 ABSTAINED

Council Jennings: the one year agreement provides flexibility to towns.

Supervisor Roder: reported historically the agreements were 20 to 30 year agreements. Agreed with Council Jennings that it provides the town with flexibility.

Council Clark: provided a report for the Veterans' Celebration – it will be held on November 12th at 11:00AM if the weather is bad it will be located at the Town Hall, otherwise it will be at the Veterans' Park.

Provided an update on the Solar Committee tentative members Everett Madden (Town Council), Scott Wyner (ZBA Chairman), Chris Langlois (Town Attorney), John DeFrest (Town Resident with 30+ years of Solar Construction experience), Code Enforcement will be assisting the committee but not on the committee. There are a lot of facets involved we are trying to make sure we have the best interest of the residents.

Council Kidney: acknowledged the Highway Superintendent and the Highway crew cleaned up the Town

Hall and Town Park "Looks great".

Supervisor Roder: we did receive BIDs that were submitted after the deadline, we will have a resolution to pass.

MEETING OPEN TO PUBLIC COMMENT :

K. Roppolo: reported another Teen Event will be held this Friday. Looking for judges for the Halloween Party.

Supervisor Roder: reported that he will be a judge.

K. Roppolo: reported that Eckhardt Farm has donated pumpkins again this year for the Jack-o-lantern display. Pick up your pumpkins on Saturday and return them before Halloween.

Super Roder: reported that there were some cuts made to the Youth Commission budget and asked Roppolo to review and discuss them with the youth commission director. Reported that the Town requested speed limit reductions in 2020 on 4 roads, NYSDOT has responded, Andrews Lane will be 35mph, Losty Road will be 40mph, Tom Titus will be 35mph and Sutherland Road will be 40mph.

J. Peabody: provided a Fire Department report for September. 31 Total calls (19 EMS with transportation, 2 EMS without transportation needed, 1 motor vehicle accident with injury, 1 without injury, 3 mutual aide, 1 brush fire, 2 cancelled and 2 weather wire down). 2 members have completed EMT Class, 4 currently taking EMT classes, we will have 6 EMTs, currently recruiting for ambulance drivers. This Saturday there will be a Roast Beef Dinner, we will be having a toy drive and 11/26 the Light Parade.

Council Kidney: fuel company suggested keeping the Kerosene furnace and switching the burner to a propane burner.

Supervisor Roder: reasonable consideration, that way if we have to switch back we can, cost effective, tank comes with it.

Superintendent Goodermote: as long as you use them, they will own the tank.

Supervisor Roder: correct

Council Jennings: do we know where they would put the tank?

Council Kidney: he suggested the end corner of the building

Superintendent Goodermote: they are currently pulling fuel from Plattsburgh.

Supervisor Roder: not a bad idea to keep both, cost effective to keep both in case we need to go back we can. Public Hearing for the Budget will be on 10/24, we will be keeping in under the tax cap and have a reasonable approach. Asked the Superintendent of Highways his thoughts on the budget.

Superintendent Goodermote: reported that the Town will "survive next year", however expressed concern if the economy continues we won't be able to, commented "we won't be alone."

Supervisor Roder: agreed. Will have the budget up on the website for public review. Asked if there are any further public comments from the public.

RESOLUTION #56 -2022

ADOPTION OF PROPOSED LOCAL LAW # 8 OF 2022 – ESTABLISH A 6 MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY FACILITIES WITH THE TOWN OF STEPHENTOWN

WHEREAS, the Town Board has commissioned the drafting of a proposed SOLAR MORATORIUM Law; and

WHEREAS, the Town Board has conducted the necessary public hearing on the proposed local law annexed hereto as Exhibit A;

EXHIBIT A

Section 1. Title

This Local Law shall be known as the "2022 Town of Stephentown Commercial Solar Energy Facilities Moratorium Law."

Section 2. Authority

This Local Law and moratorium are enacted by the Town Board of the Town of Stephentown pursuant to Its authority to adopt local laws under Article IX of the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Purpose and Intent

The Town of Stephentown has received applications seeking approval for the construction of new commercial solar energy facilities within the Town, and anticipates the receipt of additional applications in the future. The Land Use Regulations of the Town of Stephentown do not currently address commercial solar energy facilities. The Town Board believes that it is appropriate and necessary for the Town Board to amend the Town's current Land Use Regulations to address matters specifically pertaining to commercial solar energy facilities such as, among other things, set back, lot coverage, maximum height, and other requirements; landscaping, screening, and visual impact mitigation; site operation and maintenance; facility decommissioning and site restoration; and financial security for the construction, maintenance, and/or removal of such facilities. The Town Board believes that such amendments will provide necessary guidance to the various Town boards involved in reviewing and considering applications for the construction of new commercial solar energy facilities; will assist applicants in understanding the requirements associated with proposed commercial solar energy facilities within the Town; and will serve to minimize potential adverse impacts to the areas in which such facilities are constructed. It is therefore the purpose and intent of this Local Law to temporarily suspend, for a period of six (6) months, the consideration, review, or approval of any commercial solar energy facilities while the Town Board undertakes a thorough review of the pertinent issues and adopts amendments to the Town's Land Use Regulations.

Section 4. Definitions

For the purpose of this Local Law, "commercial solar energy facilities" shall mean solar energy systems, whether ground-mounted or roof-mounted, which (1) consist of solar panels or other equipment which directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy, together with associated hardware, materials, and equipment, and (2) generates energy primarily for the purpose of offsite sale or consumption.

Section 5. Moratorium

For a period of six (6) months following the effective date of this Local Law, after which date this Local Law shall lapse and be without further force and effect unless duly extended, and subject to any other Local Law adopted by the Town Board during such six (6) month period:

- A. The Planning Board of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to preliminary and/or final site plan approval or special use permit approval) are suspended and stayed while this Local Law is in effect.
- B. The Zoning Board of Appeals of the Town of Stephentown shall not accept for review, hold a hearing, or make any decision upon any application pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law. Any statutory and/or locally enacted time periods for processing and making decisions (including but not limited to with respect to appeals and/or variances) are suspended and stayed while this Local Law is in effect.
- C. The Building Department of the Town of Stephentown shall not accept for review nor grant any application for a building permit or other approval pertaining to commercial solar energy facilities where such application was made or submitted after the effective date of this Local Law provided, however, that nothing herein shall preclude the Building Department from issuing a building permit or other approval with respect to commercial solar energy facilities as to which the Planning Board has issued site plan approval and/or a special use permit

Section 6. Variances

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the granting of a variance would not adversely affect the health, safety, or welfare of the citizens of the Town or significantly conflict with the purpose and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk and shall include a fee of Two Hundred Fifty Dollars (\$250) for the processing of such application. All such applications shall be promptly referred to the Town Board, which shall conduct a public hearing on the application on not less than five (5) days public notice and shall make its decision within forty-five (45) days after the close of the public hearing.

Section 7. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 8. Superseding Effect

All local laws in conflict with the provisions of this Local Law are hereby superseded and suspended for the duration of this moratorium. This Local Law also supersedes, amends, and takes precedence over any inconsistent provisions of the New York State Town Law for the duration of this moratorium. The New York State Town Law provisions intended to be superseded include all of Article 16 of the Town Law, Sections 261-285 inclusive, and any other provision of law that the Town may supersede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York.

Section 9. Effective Date

This Local Law shall take effect immediately upon filing with the New York Secretary of State as provided by law.