

April 10, 2017
Town of Albion Regular Board Meeting

Agenda:

1. Call Meeting to Order
2. Pledge of Allegiance
3. Exit Message
4. FYI: Remind residents to sign attendance sheet
5. Roll Call
6. Public Comment
7. Motion to approve the agenda
8. Motion to open public hearing on Local Law #2, 6 month extension on the Solar Farm Moratorium
9. Motion to close public hearing on Local Law #1, 6 month extension on the Solar Farm Moratorium
10. Resolution to adopt Local Law #2 of 2017, 6 month extension on the Solar Farm Moratorium
11. Motion to approve the minutes of the March 13th meeting.
12. Resolution to approve the vouchers
13. Town of Barre Water Contract
14. Code Enforcement Agreement with Gaines
15. Discussion of the meeting concerning the purchase of a ten wheeler
16. Retirement Resolution
17. Executive Session

A LOCAL LAW #2 of 2017, EXTENDING FOR SIX (6) MONTHS
THE MORATORIUM IMPOSED BY LOCAL LAW #2
OF 2016 IN THE TOWN OF ALBION

Be it enacted by the Albion Town Board, County of Orleans, State of New York
(hereinafter referred to as the Board), as follows:

SECTION I. TITLE

This Local Law shall be referred to as the "Local Law Extending for Six (6) Months the
Moratorium Imposed by Local Law #2 of 2016 in the Town of Albion.

SECTION II. PURPOSE AND INTENT

Pursuant to the statutory powers vested in the Town of Albion (hereinafter referred to as the Town) to regulate and control land use and to protect the health, safety and welfare of its residents, the Board hereby extends for an additional six (6) months the moratorium contained in Local Law #2 of 2016 previously passed by the Board effective November 14, 2016, on the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects. It is the further purpose of this Local Law to enable to the Town to prevent the construction or erection of solar power farms and/or commercial solar power projects for a reasonable period of time to allow the Board to contemplate and/or enact Local Laws regulating same in the Town. The Board is desirous of addressing, in a carefully contemplated manner, the establishment, placement, constructions, erection and/or

implementation of same on a comprehensive town wide basis, rather than on an ad hoc basis, and to adopt relevant regulations and/or provisions relating to same.

SECTION 3. SCOPE OF CONTROLS

During the effective period of this Local Law:

1. The Board of the Town will not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.

2. The Town of Albion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.

3. The Town of Albion Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town.

4. The Building Inspector/Code Enforcement Officer of the Town shall not issue any permit that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Town. The Board reserves the right to direct the Town Building Inspector/Code Enforcement Officer 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 application affected by this Local Law and/or for approvals for a site plan, subdivision, variance, special use permit or other permit 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 six (6) months from the effective date of this Local Law. This Local Law shall expire six (6) months from the effective date of this Local Law as more specifically discussed hereinbelow. This moratorium shall only apply to solar power farms and/or commercial solar power projects of an industrial scale encompassing more than one half (1/2) acre of land area and is not intended to apply to residential scale installations on or around homes designed to offset energy demands from the premises on which same is installed.

SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any solar power farms and/or commercial solar power projects in violation of the provisions of this Local Law or in violation of the provisions of this Local Law shall be subject to:

A. All penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Town of Albion 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 remove any construction that 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 that can be given effect without said 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 Board of the Town in writing for a variation from strict compliance with this Local law upon submission of proof of said 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, special permit or other permit during the period of the moratorium imposed by this Local Law.

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

SECTION 9. EFFECTIVE DATE

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

Dated: Albion, New York
 , 2017

March 13, 2017

Albion Town Board regular meeting held in the Town hall, 3665 Clarendon Rd.

Meeting called to order at 7:00 pm.

Pledge of Allegiance was said and the exit message was given.

Present were Councilperson Darlene Benton, Councilperson Richard Remley, Supervisor Matthew Passarell, and Councilperson Jake Olles and Councilperson Arnold Allen.

Supervisor Matthew Passarell: I need a motion to approve the agenda.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Arnold Allen approving the agenda with the moving of #10 to #20. Motion carried by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

Supervisor Matthew Passarell: I need a motion to open the public hearing.

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Jake Olles authorizing the opening of the public hearing on Local Law #1 of 2017, Games of Chance, at 7:05 pm. Motion carried by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

Supervisor Matthew Passarell: I need a motion to approve the minutes.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Arnold Allen approving the minutes of the February 13th meeting as published and submitted. Motion carried by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

Supervisor Matthew Passarell: I need a resolution for the vouchers.

Resolution #55 Payment of Claims

Whereas, the following are against the Town:

General A & B #'s – 78 - 103	\$ 20,251.11
Highway DA & DB #'s – 31 - 42	\$ 36,165.88
Water Districts #'s – 17- 21	\$ 2,984.07
Sewer District #'s – 4	\$ 30.97
For a grand total of	\$ 59,432.03

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Darlene Benton authorizing the payment of the above listed claims. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

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Supervisor Matthew Passarell: Next item is the discussion of meeting with Five Star.

Councilperson Richard Remley gave the board a brief overview of the meeting with Stephen Foster and Becky Dillenbeck concerning the banking needs of the Town of Albion. After discussion the following action was taken:

Motion was made by Councilperson Richard Remley and was seconded by Councilperson Darlene Benton authorizing amending Resolution #21, Bank Depositories, from Key Bank to Five Star Bank effective April 1, 2017.

Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Matthew Passarell, aye
Councilperson Arnold Allen, aye

Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: I need a resolution calling for a public hearing.

RESOLUTION #56 CALLING A PUBLIC HEARING RE: EXTENSION OF MORATORIUM ON SOLAR POWER FARMS/COMMERCIAL SOLAR POWER PROJECTS

WHEREAS, the Town Board of the Town of Albion is interested in developing a Town Code regulating the construction of solar power farms and commercial solar power projects; and

WHEREAS, Local Law #2 of 2016 declared a six (6) month moratorium on solar power farms/commercial solar power projects; and

WHEREAS, the Town Board of the Town of Albion is now desirous of extending said moratorium for an additional period of time in order to sufficiently accomplish this; and

WHEREAS, the Town Board of the Town of Albion is required to hold a Public Hearing on the matter before enacting the moratorium.

NOW THEREFORE BE IT RESOLVED:

Section 1 That the Town Board of the Town of Albion calls a Public Hearing to hear all persons for or against the adoption of a moratorium on the construction of solar power farms and commercial solar power projects on April 10, 2017 at 7:00 p.m. at the Albion Town Hall, 3665 Clarendon Road, Albion, New York.

Section 2 That the Albion Town Clerk is authorized and directed to cause an appropriate notice of this hearing to be published in the official newspaper of the Town, in accordance with Town Law §265.

Section 3 That this Resolution shall take effect immediately.

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Richard Remley authorizing the adoption of this Resolution. Resolution duly adopted by the following vote:

Councilperson Darlene Benton, aye
Supervisor Matthew Passarell, aye
Councilperson Arnold Allen, aye

Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: Barre water contract.

The Board discussed the contract and that something needed to be done to resolve it. The following action was taken:

Motion was made by Councilperson Darlene Benton and was seconded by Councilperson Richard Remley authorizing Attorney James Bell to draft a letter to the Town of Barre. Motion carried by the following vote:

Councilperson Darlene Benton, aye
Supervisor Matthew Passarell, aye
Councilperson Arnold Allen, aye

Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Supervisor Matthew Passarell: Discussion of 10 wheeler.

Highway Superintendent Michael Neidert and the Board discussed the need for this and the lack of funds to purchase one. Discussion also included the cost of the truck and the possibility of leasing. Supervisor Matthew

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Passarell and Councilperson Arnold Allen will meet with the Highway Superintendent on March 20, 2017 to discuss this and bring their findings back to the Town Board.

Supervisor Matthew Passarell: Paul Marchese is here to discuss his findings.

Paul Marchese from Marchese Computers presented the findings of the technology roadmap review and the various options the Town had. After discussion the following action was taken:

Motion was made by Supervisor Matthew Passarell and was seconded by Councilperson Jake Olles authorizing Marchese Computers to provide the infrastructure and network security changes as outlined in the proposal. Motion carried by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

Supervisor Matthew Passarell: I need a motion to close the public hearing.

Motion was made by Councilperson Jake Olles and was seconded by Councilperson Richard Remley authorizing the close of the public hearing on Local Law #1 of 2017, Games of Chance, at 8:15 pm. Motion carried by the following vote:

Councilperson Darlene Benton, aye	Councilperson Richard Remley, aye
Supervisor Matthew Passarell, aye	Councilperson Jake Olles, aye
Councilperson Arnold Allen, aye	

The Town Board called a recess at 8:16 pm.

Executive session began at 8:18 and ended at 8:30.

Regular session commenced at 8:31 pm.

Resolution #57 RESOLUTION ADOPTING LOCAL LAW #1 OF 2017 AUTHORIZING GAMES OF CHANCE BY PERMITTED ORGANIZATIONS WITHIN THE TOWN OF ALBION, COUNTY OF ORLEANS AND STATE OF NEW YORK

WHEREAS the Town Board of the Town of Albion is interested in implementing a Local Law authorizing games of chance by permitted organizations within the municipality; and

WHEREAS a duly advertised Public Hearing was held by the Albion Town Board pursuant to Town Law §265, at the Town Hall, Clarendon Road, Albion, New York on March 13, 2017 at 7:00 p.m. to hear all persons interested in the adoption of said Local Law; and

WHEREAS All persons desiring to be heard were heard, or given an opportunity to do so, and due deliberation having been had thereon.

NOW THEREFORE BE IT RESOLVED:

Section 1 That the Town Board of the Town of Albion does hereby adopt Local Law #1 of 2017 authorizing games of chance by permitted organizations within the Town of Albion, County of Orleans and State of New York.

Section 2 That the complete text of Local Law #1 of 2017 is attached hereto as Exhibit "A".

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Section 3 That the Albion Town Clerk is authorized and directed to file a complete copy of said Local Law #1 of 2017 with the Secretary of State as required by law.

Section 4 That this Resolution shall take effect immediately.

Motion was made by Councilperson Arnold Allen and was seconded by Councilperson Richard Remley authorizing the adoption of Local Law #1 of 2017, Games of Chance. Resolution duly adopted by roll call vote as follows:

Councilperson Darlene Benton, aye
Supervisor Matthew Passarell, aye
Councilperson Arnold Allen, aye

Councilperson Richard Remley, aye
Councilperson Jake Olles, aye

Meeting closed at 8:33 pm.