

**Regular Monthly Meeting  
Caledonia Town Board  
December 12, 2019**

The Regular Monthly Meeting of the Town Board of the Town of Caledonia was held December 12, 2019 at 7:00 P.M., at the Town Hall, 3109 Main Street, Caledonia, NY.

Supervisor Pangrazio called the meeting to order and led in the Pledge of Allegiance.

**PRESENT:**

Supervisor	Daniel Pangrazio
Councilman	Mark Rothrock
Councilwoman	Pam Rychlicki
Councilman	Todd Bickford
Councilman	Tim Anderson
Town Clerk	Laurie Sattora

**ATTORNEYS:** Peter Skivington, Jon Tantillo.

**ABSENT:** No One.

**OTHERS:** Highway Superintendent Mark Schroeder

**ATTENDEES FROM SIGN IN SHEET:** Seth Graham, Jamie & Brandon Littleton, Alonzo Chase, Neil Burnside, Cathy Stollevey, Dominique Lepoutre, Casey Brown, Tim and Sandy Daley, Keith Stein, Kate Millar, Megan Kellen, Cindy Kellen, Fred Webb, Joe Caluorie, John Kellen, Stephen Riggi, Quentin Clark, Jay Hunt, Susan Stevens, Bill Stevens, Noah Carnes, Peyton Hech, Jada Gerber, Sam Urriza, Sean Murphy, Garrison Vogt, Colby Miller, Aidan Martin and several other residents.

**APPROVAL OF MINUTES**

**RESOLUTION 135- 2019**

**NOVEMBER 7, 2019 MINUTES**

On motion of Councilwoman Rychlicki seconded by Councilman Bickford the following resolution was

ADOPTED- Aye- Pangrazio, Rothrock, Rychlicki, Bickford, Anderson Nay- 0 Absent-0

RESOLVED, that the minutes of November 7, 2019 be approved as presented.

**OPEN FORUM**

**JAMIE LITTLETON – 3663 CALEDONIA AVON ROAD – HORSESHOE SOLAR**

Jamie Littleton thanked the Board for allowing her to speak at the meeting tonight and gave a power point presentation on the Horseshoe Solar Article 10 Proposed Project. She presented each Board Member with a power point presentation about the project. Copies of the power point presentation packet, and the petition are on file at the Town Office.

Some of the Key Points that Jamie Littleton addressed in the presentation were:

- REAL PROPERTY TAX LAW § 487 – Provides a 15 -year real property tax exemption for NYS properties. Local Governments have the option to opt out of RPTL § 487 and tax solar projects at full property tax rate.
- PILOT (PAYMENT IN LIEU OF TAXES)- Annual payments are related to the systems size often in dollars per megawatt.
- PILOT PROJECTIONS FROM NYSEDA AND INVENERGY
  - NYSEDA – Compensation to Solar Developers from National Grid 1% - 3% (\$1700.00 - \$5100.00 per MW)
  - INVENERGY – From Page 5 of the October Public Involvement Plan – Low \$580,000.00 - \$700,000.00
- OPTING OUT OF PILOT-Petition submitted to the Board to Opt-Out RPTL § 487 Property Tax Exemption.
- CHANGE.ORG PETITION -199 Signatures submitted to the Board.
- THE CALEDONIA TOWN SOLAR CODE-Areas to Review -Definitions, Setbacks, Screening, Lot/Parcel Coverage, Location
- PRIME FARMLAND-HSS has leased more than 10% of the total acreage of Caledonia. Nearly all the Land included in the HSS Project Area is classified as Prime.
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- PROTECTING PRIME FARMLAND – We need to protect prime farmland and encourage the utilization of less optimal land to support Solar Energy generation.

At the end of the presentation, Jamie Littleton stated that this is not an argument against Solar but an argument for:

- Protecting our Town from being overrun by an onslaught of solar projects.
- Preserving the character of our Town.
- Most Importantly protecting our prime farmland.

**SUPERVISOR PANGRAZIO** thanked Jamie Littleton for her presentation and sharing the information with the Board. Supervisor Pangrazio stated that The Town will be introducing a Moratorium on Solar at this meeting so that the Board can take a look at the existing Solar Code.

**MEGAN KELLEN**

Megan Kellen stated that she attended the Open House that Invenergy held and thinks that the Solar Panels that were shown look terrible. She is concerned about the short plantings, a buffer and the visual impact on her property and asks that the Town look and change its Solar Code.

**LEON KRANSLER**

Leon Kransler asked questions about how much are taxes per acre with a Pilot or an exemption on a property and who pays the for the Pilot and taxes on a property.

**FRED WEBB**

Stated that he has concerns that this Article 10 proposed project has not appointed a Siting Board member from Caledonia.

**SUPERVISOR PANGRAZIO** stated that the Attorney's will be sending a letter to Governor Cuomo about the lack of local representation for the Article 10 process.

**BILL STEVENS**

Main concern is about his well water becoming contaminated and will he get water free of charge due to the Solar project.

**SUPERVISOR PANGRAZIO** stated that as part of a community host agreement, public water could be looked into.

**LEON KRANSLER**

He also is concerned about his well becoming toxic due to the solar farm.

**KATE MILLAR – INVENERGY**

Kate Millar stated that Invenergy is doing testing on the proposed area.

**DENNIS COHEN**

Dennis Cohen owns property on the corner of River Road and Route 5. Dennis stated he is in favor of the project. Nitrates and the chemicals that are sprayed on the land that poisons our wells. The wells at the mobile home park had high levels of nitrates from farming so they had to provide water for the park by seeking a grant and spending a significant amount of money to tie into the water supply from the Town of Avon. Dennis Cohen said Solar Energy will not contaminate wells and is great for our community and will bring in services, provide jobs and increase our tax base.

**NEIL BURNSIDE**

Neil Burnside said that this is an abomination and provides no advantage to the Town.

**DAN SCHULER**

Dan Schuler said that he has concerns about local residential use from the Solar Project and also wanted to know how owners were notified about the project.

### **KATE MILLAR**

Kate stated that Horseshoe Solar has spoken at length with homeowners who are directly impacted by the project. Kate also stated that this proposed project is still in the preliminary stages and the Siting Board makes the Final Decision on if the project moves forward.

### **NEIL BURNSIDE**

Stated he is not entirely against the proposed project but wants it done right with prevailing wage and local worker representation.

### **STEVE RIGGI**

Steve Riggi stated that he is angry at the Supervisor for his response in the paper to his letter to the editor and wants an apology for attacking his family and that the Supervisor's article in the Livingston County news was misleading. A Board member and Mr. Riggi exchanged a few words and Supervisor Pangrazio stated that was enough and that type of behavior would not be tolerated at a meeting. Supervisor Pangrazio apologized to Mr. Riggi if he felt that the response in the paper was an attack against his family. Supervisor Pangrazio asked Steve if he had any further comments. Steve stated that following:

- The Board has waited too long and is not doing anything to stop this project.
- He stated that in June his brother submitted three resolutions to the Board to pass and his brother never has received any response on the resolutions.
- Wants Seth to make this a matter of record.
- Stated that the minutes on the Town website have not been updated since September and would like to see minutes up on the website seven to ten days after the meeting, and an agenda on the website prior to the meeting.
- He would like the Board to be more responsive and provide better outreach to the community.
- He is not in favor of the project.

Supervisor Pangrazio told him that he did speak with his brother on the phone over the summer and the attorney's representing the Town have been working diligently on behalf of the Town for the proposed Article 10 Project.

### **ANNOUNCEMENTS/COMMUNICATIONS**

Supervisor Pangrazio reviewed the following communications with the Board:

- Year-end Board Meeting to pay Final Bills will be on December 30, at 4:00 P.M.
- Copy of the Caledonia Library Renovation and Expansion Project Update
- Letter from MRB Group requesting to be reappointed as the Town Engineer for the upcoming 202 year.
- The County is seeking teen applicants between the ages of 13-21 for a leadership position representing Livingston County as a member of the NYS Youth Council advising lawmakers on relevant topics that impact our youth.
- A copy of the response on behalf of the Town by Knauf Shaw dated December 2 to EDR's Recommended Viewpoints for the Horseshoe Solar Energy Proposed Project.
- A copy of the Livingston County Planning Board Agenda.

### **DEPARTMENTS/COMMITTEES**

#### **ATTORNEY-PETER SKIVINGTON**

Attorney Skivington addressed those present and spoke about implementing the proposed solar moratorium so that the Board can take a fresh look at Solar and the changes so that they can study surrounding towns Local Solar Laws and see where the Town's law may need to be revamped. Attorney Skivington stated that this Moratorium does not have any impact on the Article 10 Process since it is governed by the Department of Public Service. The Moratorium gives the Board time to review the present Solar Law and put a hold on future development and see how to move forward.

**STEVE RIGGI** – Asked Attorney Skivington how long is the moratorium?

**ATTORNEY SKIVINGTON** stated that it can be from one month up to twelve months.

**LEON KRANSLER** – Asked if other communities have moratoriums?

**ATTORNEY SKIVINGTON** stated some have but to remember that the State has taken control over the Article 10 process and that they have the ultimate say and approval over any Article 10 Project.

**MEGAN KELLEN** – Asked will the new or old Solar Code be used for the Article 10 Project and if the existing Code could be changed in stages as soon as possible.

**ATTORNEY SKIVINGTON** stated that if the Code was ever challenged as part of the Article 10 Project and it was to go to court, the court rules on what is used because this is an Article 10 Project governed by the Department of Public Service.

**PLANNING BOARD – NO MEETING**

Supervisor Pangrazio stated that no meeting was held in November.

**BUILDINGS/GROUNDS -SUPERVISOR PANGRAZIO**

Supervisor Pangrazio updated the Board that the Town is waiting for Rochester Colonial to come back out and finish fixing the upstairs windows.

**HIGHWAY DEPARTMENT-MARK SCHROEDER**

Highway Superintendent Mark Schroeder updated the Town Board on the projects that the Highway Department has been working on over the past month.

- The Highway Department has been quite busy with plowing and salting the highways with the winter weather.
- Completing maintenance on the trucks and in the shop.
- The mower is in and the new truck will be available for pick up next week.

**TOWN CLERK’S MONTHLY REPORT -NOVEMBER 1 – NOVEMBER 30, 2019**

<u>Account#</u>	<u>Account Description</u>	<u>Fee Description</u>	<u>Qty</u>	<u>Local Share</u>
A1255	Conservation	Conservation	10	79.59
	MISCELLANEOUS	Copies	5	1.25
		Marriage Certificate	6	60.00
			<b>Sub-Total:</b>	<b>\$140.84</b>
A1603	MISCELLANEOUS CASH	Birth Certificates	1	10.00
		Death Certificates	14	140.00
			<b>Sub-Total:</b>	<b>\$150.00</b>
A2130	MISCELLANEOUS CASH	Landfill - \$10.00	124	1,240.00
			<b>Sub-Total:</b>	<b>\$1,240.00</b>
A2544	Dog Licensing	Female, Spayed	23	138.00
		Male, Neutered	9	54.00
		Male, Unneutered	3	36.00
	Late Fee	Late Fee	4	20.00
			<b>Sub-Total:</b>	<b>\$248.00</b>
B2110	PLANNING/ZONING	Building Permits	1	4,250.00
			<b>Sub-Total:</b>	<b>\$4,250.00</b>
<b>Total Local Shares Remitted:</b>				<b>\$6,028.84</b>
Amount paid to: NYS Ag. & Markets Animal Population Control Fund				41.00
Amount paid to: NYS Environmental Conservation				1,553.41
<b>Total State, County &amp; Local Revenues:</b>		<b>\$7,623.25</b>	<b>Total Non-Local Revenues: \$1,594.41</b>	

**RESOLUTION 136– 2019**  
**CLERKS MONTHLY REPORT**

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was ADOPTED- Aye- Pangrazio, Rothrock, Rychlicki, Bickford, Anderson Nay- 0 Absent-0  
RESOLVED, that the Clerk’s monthly report is approved as presented.

## OLD BUSINESS

### TOWN RULES AND REGULATIONS

Supervisor Pangrazio stated that the Board all received the Rules and Regulations to review for the upcoming year. The new Rules and Regulations will be up for approval at our January 9<sup>th</sup> Board meeting.

### UPDATED HIGHWAY EQUIPMENT PLAN

Councilman Rothrock reviewed the updated Highway Equipment Plan with the Board.

### AUDIT QUOTE BONADIO & CO, LLP

The Board reviewed the quote received from the Bonadio & Co, LLP for conducting an audit. The quote was broken down for Town Related Internal Controls and Cybersecurity. Supervisor Pangrazio stated that the Town will proceed with the audit but will do the audit in phases due to the expense involved. The Town for has budgeted funds towards the audit expenses for the upcoming year. Councilman Anderson stated that he was going to check with our insurance company to see if they can complete the Cyber portion of the audit as part of our policy.

### RESOLUTION 137-2019

#### MRB REAPPOINTMENT FOR 2020

On motion of Councilman Rothrock, seconded by Councilwoman Rychlicki the following resolution was

ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford      Absent –0      Nay-0

RESOLVED, that MRB group will be reappointed to provide engineering services for the Town of Caledonia for 2020.

## NEW BUSINESS

### RESOLUTION 138-2019

#### ORGANIZATIONAL MEETING DATE-JANUARY 2, 2020 AT 5:00P.M.

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that the Organizational meeting for 2020 will be held on January 2, 2020 at 5:00 P.M.

### RESOLUTION 139– STEVE SICKLES -PLANNING BOARD

#### 7-YEAR TERM DECEMBER 31, 2026

On motion of Councilman Bickford seconded by Councilman Rothrock the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki      Nay-Bickford      Absent –0

RESOLVED, that Steve Sickles be re-appointed to the Planning Board for a seven-year term ending December 31, 2026.

### RESOLUTION 140– PAUL RAYMOND -ZONING BOARD OF APPEALS

#### 5-YEAR TERM DECEMBER 31, 2024

On motion of Councilman Anderson seconded by Councilwoman Rychlicki the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that Paul Raymond be re-appointed to the Zoning Board of Appeals for a five-year term ending December 31, 2024.

### INTRODUCE LOCAL LAW NO. 2 FOR 2019

#### MORATORIUM ON SOLAR FARMS AND LARGE BATTERY ENERGY STORAGE

Attorney Skivington and the Board had a discussion on a Battery Storage and Solar Moratorium. Attorney Skivington advised the Board to pass a Local Law to Impose a 12-Month Moratorium on Solar Farms and Large Battery Energy Storage Systems. By implementing the moratorium, it would enable the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Town's zoning laws to appropriately address the same within the confines of New York State Law. The purpose of this Local Law is to enable the Town to stay any and all of the activities prohibited by Section 4 of this Local Law, and all Town-level approvals relating to those activities for a period of twelve (12) months in order to provide the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the

Town's zoning laws to appropriately address the same within the confines of New York State law. The Town Board believes that a twelve-month moratorium after the effective date of this Local Law, coupled with the mechanism for use

variances already contained in the Town Zoning Law, will achieve an appropriate balancing of interests between the need to safeguard the character and other resources of the Town and the health, safety and general welfare of its residents, and the rights of individual property owners or businesses desiring to conduct such activities during that period.

#### **RESOLUTION 141-2019**

##### **SEQR RESOLUTION TYPE II ACTION -LOCAL LAW NO. 2 FOR 2019**

On motion of Councilman Bickford seconded by Councilman Rothrock the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki      Nay-Bickford      Absent –0

RESOLVED, that Local Law No. 2 for 2019 on Battery Storage and Solar Moratorium IS A TYPE II ACTION under SEQR. Attorney Skivington advised that the Local Law to Impose a Moratorium on Solar Farms and Large Battery Energy Storage Systems is exempt from the bulk of the SEQR review process. He asked to let the record reflect that this action is a Type II Action under SEQR.

#### **RESOLUTION 142– 2019**

##### **SEND PROPOSED LOCAL LAW NO. 2 FOR 2019 TO LIVINGSTON COUNTY FOR REVIEW**

On motion of Councilman Anderson seconded by Councilwoman Rychlicki the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that Proposed Local Law No. 2 For 2019 be sent over to the Livingston County Planning Board for review.

#### **RESOLUTION 143-2019**

##### **PUBLIC HEARING -LOCAL LAW NO. 2 FOR 2019 – FEBRUARY 13, 2020 AT 7:15 P.M.**

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that the public hearing on Local Law No. 2 For 2019 - **MORATORIUM ON SOLAR FARMS AND LARGE BATTERY ENERGY STORAGE** be held on Thursday, February 13, 2020 at 7:15 P.M. A copy of the Proposed Local Law will be on file at the Town Hall to be reviewed.

#### **RESOLUTION 144-2019**

##### **2020 VILLAGE POLICE AGREEMENT**

##### **AUTHORIZATION TO SIGN EMERGENCY POLICE AGREEMENT FOR 2020**

On motion of Councilwoman Rychlicki, seconded by Councilman Rothrock, the following resolution was

ADOPTED Aye- Pangrazio, Anderson, Bickford, Rothrock, Rychlicki      Nay- 0      Absent - 0

RESOLVED, that Supervisor Pangrazio is authorized to sign the Emergency Police Agreement from the Village of Caledonia's Police Department.

#### **RESOLUTION 145-2019**

##### **DATES FOR 2020 BOARD MEETINGS**

On motion of Councilman Anderson seconded by Councilman Rothrock the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki      Nay-Bickford      Absent –0

RESOLVED, that the TOWN OF CALEDONIA TOWN BOARD meetings shall be held on the 2<sup>nd</sup> Thursday of every month at 7:00 P.M. unless noted below with the following additional meetings of September 28<sup>th</sup> at 5:30 P.M. for the Tentative Budget meeting, and December 29<sup>th</sup> at 4:00 P.M. for the end of the year meeting.

January 2, 2020 Organizational Meeting – 5:00 P.M.-Oath of Office

January 9<sup>th</sup> – 7:00 P.M.

February 13<sup>th</sup> – 7:00 P.M.

March 12<sup>th</sup> – 7:00 P.M.

April 9<sup>th</sup> - 7:00 P.M.

May 14<sup>th</sup> -7:00 P.M.

June 11<sup>th</sup> -7:00 P.M.

July 9<sup>th</sup> -7:00 P.M.

August 13<sup>th</sup> -7:00 P.M.  
 September 10<sup>th</sup> 7:00 P.M.  
 September 28<sup>th</sup> 5:30 P.M. Tentative Budget Meeting  
 October 8<sup>th</sup> -7:00 P.M.  
 November 5<sup>th</sup> -7:00 P.M.  
 December 10th-7:00 P.M.  
 December 28<sup>th</sup> End of Year Meeting 4:00 P.M.

**AIM RELATED PAYMENTS UPDATE NEW ACCOUNT CODING**

A recent change mandated by the Office of the State Comptroller has been implemented statewide for all municipalities regarding AIM payments. New account classifications will be implemented going forward.

**RESOLUTION 146-2019**  
**BUDGET JOURNAL AMENDMENT**

On motion of Councilman Anderson seconded by Councilwoman Rychlicki the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that Supervisor Pangrazio is authorized to make the following budget amendment for the purchase of a truck from the Town of Canadice: In the March 14, 2019 minutes the Board authorized to purchase the 2017 truck from the Town of Canadice for \$149,000.00. The purchase included a sander and the remainder of the 84-month extended warranty through the end of 2023. The Town saved over \$70,000 by purchasing this gently used truck and used the revenue the Town received from the work that was completed by on the school project instead of expending funding from the Equipment Capital Reserve Account.

DB2770 (Unclassified Revenue)	Debit \$149,000.00	
DB5130.200 (Machinery Equipment)		Credit \$149,000.00

**RESOLUTION 147-2019**  
**BUDGET JOURNAL AMENDMENT**

On motion of Councilman Anderson seconded by Councilman Rothrock the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that Supervisor Pangrazio is authorized to make the following budget amendment to pay Shelter Point for Disability Insurance coverage.

A2770 (Misc. Revenue)	Debit \$166.10	
A9055.800 (Disability Ins.)		Credit \$166.10

DB2770 (Misc. Revenue)	Debit \$310.69	
DB9055.800 (Disability Ins.)		Credit \$310.69

**RESOLUTION 148-2019**  
**BUDGET JOURNAL AMENDMENT**

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was

ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Bickford, Rychlicki      Nay-0      Absent –0

RESOLVED, that Supervisor Pangrazio is authorized to make the following budget amendment.

A2770 (Misc. Revenue)	Debit \$15,789.09	
A1420.400		Credit \$15,789.09

B2770 (Misc. Revenue)	Debit \$1000.00	
B8020.400 (Planning Con.)		Credit \$1000.00

**RESOLUTION 149-2019**  
**CHANGING BEN QUINN’S POSITION TITLE**

On motion of Councilman Bickford seconded by Councilman Rothrock the following resolution was

ADOPTED- Aye- Pangrazio, Rothrock, Rychlicki, Bickford, Anderson      Nay- 0      Absent-0

RESOLVED, that Ben Quinn’s original hire date for 2019 was November 1, 2019 as a Part-time Laborer Seasonal. For Livingston County Personnel Civil Service Law Requirements, the Town of Caledonia shall change the position title from Part-time Laborer Seasonal position to MEO Part-time.

**REVIEW OF SUPERVISORS REPORT**

All Board Members have received via e-mail prior to the board meeting copies of the Monthly Supervisor’s Report which includes up to date Trial Balances and Budget to Actual revenues and expenditures and trial balances. All Board Members signed off on all the reports.

**AUDIT OF ABSTRACT OF PAID VOUCHERS AND TRIAL BALANCES**

The Board audited the Abstract of paid Vouchers and trial balances.

**RESOLUTION 150-2019**

**PAYMENT OF BILLS**

On motion of Councilman Anderson seconded by Councilman Rothrock the following resolution was ADOPTED- Aye- Pangrazio, Rothrock, Rychlicki, Bickford, Anderson Nay- 0 Absent-0  
RESOLVED, that the bills be paid in the following amounts:

GENERAL FUND A – Voucher #'s 355-365,367-384,386-388,391,392	\$ 12,726.34
GENERAL FUND B – Voucher # 366,385,389,390	\$ 1,638.87
HIGHWAY FUND DB – Voucher #'s 158-172	\$ 25,459.27
GRAND TOTALS	\$ 39,824.48

On motion to adjourn by Councilman Anderson seconded by Councilman Rothrock and carried by all, the board meeting was adjourned.

Respectfully Submitted,

Laurie Sattora  
Town Clerk