

**Regular Monthly Meeting
Caledonia Town Board
February 12, 2020**

The Regular Monthly Meeting of the Town Board of the Town of Caledonia was held February 12, 2020 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.

<u>PRESENT:</u>	Supervisor	Daniel Pangrazio
	Councilman	Mark Rothrock
	Councilwoman	Pam Rychlicki
	Councilman	Todd Bickford
	Councilman	Tim Anderson
	Town Clerk	Laurie Sattora

ATTORNEYS: Dwight Kanyuck.

ABSENT: No One.

OTHERS: Highway Superintendent Mark Schroeder, Code Enforcement Officer Tom Perkins.

ATTENDEES FROM SIGN IN SHEET: Joan Crunden, Keith Stein, Bill & Sue Stevens, Jamie Littleton, Michael Bode, Megan Kellen, Kate Millar, Jennifer Schamberger, Peter & Sally Humphrey, Brandon Littleton, John Smyth, Tom & Karen Stalica, Patience Lofgren, Millie Kirk.

RESOLUTION –51 2020

JANUARY 9, 2020 MINUTES

On motion of Councilman Bickford seconded by Councilwoman Rychlicki the following resolution was ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford Absent –0 Nay-0
RESOLVED, that the minutes of January 9, 2020 be approved as presented.

OPEN FORUM

No one requested to speak for open forum.

ANNOUNCEMENTS/COMMUNICATIONS

Supervisor Pangrazio reviewed the following announcements and communications with the Board:

- Teen Recognition nominations due soon.
- February 4, 2020 memo from New York State Association of Counties on frequently asked questions on the New York State plastic bag ban that will take effect on March 1, 2020.
- A copy of the February Livingston County PB agenda.
- Letter from Livingston County Economic Development congratulating Heather Hunt owner of Pastique located at 3123 Main Street for approval of funding through the County first Impressions Program.
- Letter from Ian Coyle regarding Pre-Trial Services and the reforms to the State's cash bail system and how it has impacted local and county governments statewide.

- A copy of the 2020 Caledonia Library Association Budget.
- On April 18, 2020 students from SUNY Geneseo would like to work with local Towns and Villages in cleaning up in the community.

DEPARTMENTS/COMMITTEES

CODE ENFORCEMENT OFFICER -TOM PERKINS

Code Enforcement Officer Tom Perkins reviewed the following items with the Board:

- Attended NYS Code Conference in Buffalo and new state codes with take effect May 2020. The new codes will all be on-line and include new energy codes for commercial properties, building codes for Green Houses, and new energy standards for future new home projects.

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 busy plowing roads due to the snowy weather.
- Larry Heins will be taking over for Barry at the transfer station and also mowing.
- A letter was received from NYS DOT stating that they have approved a speed reduction for McCorkindale Road all the way to Route 36. New signs will be posted once they are received from New York State.

TRAFFIC SAFETY – TIM ANDERSON

Councilman Anderson updated the Town Board on the most recent Traffic Safety meeting that he attended.

7:15 P.M. OPEN PUBLIC HEARING – LOCAL LAW No. 1 FOR 2020-MORATORIUM ON SOLAR FARMS AND LARGE BATTERY ENERGY STORAGE SYSTEMS

Supervisor Pangrazio opened the Public Hearing for Local Law No. 1 For 2020. Local Law No. 1 For 2020 is a Local Law to Impose a Moratorium on Solar Farms and Large Battery Energy Storage Systems. All Board members received copies of the proposed Local Law and notice of the Public Hearing was published in the Livingston County News along with being posted on the Town website, and in the Town Hall. Referral was also sent to the Livingston County PB and adjacent municipalities.

Supervisor Pangrazio asked Town Clerk Laurie Sattora to read the Legal Notice that was published in the Livingston County News.

ATTORNEY DWIGHT KANYUCK

Attorney Dwight Kanyuck explained that the proposed Local Law is a 12-month moratorium on any new Solar Farms and Large Battery Energy Storage Systems. It does not prohibit residential installations, or business, agriculture as long as it is used for their own consumption. The purpose of this Local Law is to enable the Town time to study the impacts, effects, and possible zoning controls over such activities, and to consider amendments to the Towns existing zoning laws to appropriately address the same within the confines of New York State Law.

On October 5, 2018, Horseshoe Solar Energy LLC (“Horseshoe”) initiated a proceeding before the New York State Public Service Commission (“PSC”) pursuant to Article 10 of the Public Service Law (“Article 10”) for approval to site a Solar Farm in the Town and the Town of Rush totaling up to 180 megawatts of

solar energy capacity (the “Article 10 Project”) that is currently estimated to require approximately 1,260 acres of land, of which approximately 80% is proposed to be located in the Town.

On October 10, 2019, Horseshoe updated the current plan for the Article 10 Project to indicate that the “buildable area” for the Article 10 Project may include approximately 400 acres of land in the Town adjacent to Route 5 between West River Road and Quarry Road (the “Route 5 Corridor”).

The Town Board recognizes that the Article 10 Project is not impacted by the Moratorium and Prohibitions of this Local Law.

Because Article 10 supersedes all local approvals for the Article 10 Project, the Town has no approval authority over the Article 10 Project, but Horseshoe is encouraged by Article 10 to comply with the Existing Solar Farm Code.

The Town has received inquiries from other Solar Farm developers for future commercial projects (collectively, the “Future Projects”) because the Town is economically attractive for Solar Farm development due to its proximity to high voltage transmission lines that traverse the northern and eastern Town boundaries and traverse north-south through the center of the Town.

Code Amendments need to be addressed for Large Battery Energy Storage Systems since no regulations are currently in place.

Definitions :

“Battery Energy Storage System” shall mean a rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services.

“Large Battery Energy Storage System” shall mean Battery Energy Storage Systems having an aggregate energy capacity greater than 20 kilowatt-hours.

“Solar Collector” shall mean a device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

“On-Farm Solar” shall mean the use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power that is eligible as a customer-generator for net energy metering, pursuant to New York Public Service Law §66-j and associated regulations and orders of the New York Public Service Commission, on a farm operation in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law.

“Solar Farm” shall mean the use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (KW) direct current (dc) or more when operating at maximum efficiency. For the purposes of this Local Law, the term “Solar Farm” shall not be construed in such a way as to include the Current Solar Projects, On-Farm Solar, or the installation or mounting of a series of one or more solar collectors upon the roofs of residential, municipal, and /or commercial structures regardless of whether

the said series of one or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (KW) direct current (dc) or more when operating at maximum efficiency, so long as such activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all permits required to be issued by the NYSDEC and any other regulating agencies.

Supervisor Pangrazio asked if anyone present had any comments or questions:

PUBLIC COMMENTS

Suzanne Stokoe – Livingston County Landowner and has concerns over the blanket moratorium and how it will impact farmers and their businesses. Solar leases help farmers and provides steady income to help preserve farms and future potential. She is not in favor of the moratorium and feels it will do more harm than to be intended.

Dominique LaPoutre – Quarry Road resident and agrees with Suzanne Stokoe and agrees that implementing the moratorium is problematic. She is very much in favor of Solar Energy.

Supervisor Pangrazio- Supervisor Pangrazio stated that the Town is currently working through the existing Solar Law that is in place and is confident that the Town will be able to implement a new Solar Law and Battery Storage Law quicker than the 12 -month moratorium.

No other Board Member or those present had any further comments.

TOWN CLERK – LAURIE SATTORA

MONTHLY REPORT-JANUARY 1 – JANUARY 31, 2020

Account#	Account Description	Fee Description	Qty	Local Share
A1255	Conservation	Conservation	2	1.66
	Marriage Lic.	MARRIAGE LICENSE FEE	3	30.00
			Sub-Total:	\$ 31.66
A1603	MISCELLANEOUS CASH	Death Certificates	27	270.00
			Sub-Total:	\$270.00
A2130	MISCELLANEOUS CASH	Landfill - \$10.00	86	860.00
			Sub-Total:	\$860.00
A2544	Dog Licensing	Female, Spayed	55	330.00
		Female, UnSpayed	2	24.00
		Male, Neutered	54	72.00
		Male, Unneutered	2	324.00
		Late Fee-\$5.00	7	84.00
			Sub-Total:	\$852.00
Total Local Shares Remitted to Town Supervisor				\$3,633.66
Amount paid to:	NYS Ag. & Markets Animal Population Control Fund			136.00
Amount paid to:	NYS Environmental Conservation			28.34
Total State, County & Local Revenues:				\$3,798.00
Total Non-Local Revenues:				\$164.34

RESOLUTION 52-2020

TOWN CLERKS MONTHLY REPORT

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 Clerk's monthly report is approved as presented.

OLD BUSINESS

CALEDONIA RURAL CEMETERY

The Board discussed the condition of the Headstones in the Rural Cemetery. Highway Superintendent Mark Schroeder stated that he would take inventory of the stones and their condition and work with Councilwoman Rychlicki to get a quote for repairs.

NEW BUSINESS

RESOLUTION 53-2020

AGREEMENT TO SPEND HIGHWAY FUNDS FOR 2020

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki, Bickford Nay-0 Absent – 0

RESOLVED, that pursuant to the provisions of Section 284 of the Highway Law, the Highway Superintendent and Town Board agrees that moneys levied and collected for the repair and improvement of highways and received from the state for the repair and improvement of highways, shall be expended for 2020. The sum of \$228,498.00 may be expended for general repairs upon 44.87 miles of Town Highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or the renewals thereof.

RESOLUTION 54-2020

INVESTMENT POLICY

On motion of Councilman Anderson, seconded by Councilwoman Rychlicki the following resolution was ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Bickford, Anderson Absent – 0 Nay-0
RESOLVED, that the Town's Investment Policy has been updated and reviewed.

RESOLUTION 55-2020

APPROVAL OF IN -HOUSE AUDIT OF TOWN COURT BOOKS

On motion of Councilman Rothrock, seconded by Councilman Anderson, the following resolution was ADOPTED- Aye- Pangrazio, Rothrock, Bickford, Anderson Abstain –Rychlicki Absent –0 Nay-0
RESOLVED, that the Town Board accepts Councilwoman Rychlicki's audit report of the books for the Town of Caledonia Town Court for the year 2019.

RESOLUTION 56-2020

MEMORIAL RESOLUTION-BARRY GANZHORN

On motion of Councilman Rothrock, seconded by Councilman Anderson, the following resolution was ADOPTED- Aye- Pangrazio, Rothrock, Bickford, Anderson, Rychlicki Absent –0 Nay-0

Therefore, Let It Be it resolved that the Town Board and Staff of the Town of Caledonia honor the life and career of

BARRY GANZHORN

Town of Caledonia Highway Employee Barry Ganzhorn passed away at home surrounded by his loving family. Barry worked for the Town of Caledonia Highway Department for many years, was highly respected and well-known throughout Livingston County. The Town of Caledonia has lost an outstanding public servant and citizen in the recent passing of Barry Ganzhorn. His colleagues will remember him as a compassionate person who readily gave of his time and talents to all who knew him. He has served his community with thoughtfulness and conscientious devotion of which his family and friends can be very proud.

Now, therefore, to record our esteem for our late public employee, we, the members of the Town Board of the Town of Caledonia do hereby express our deep sorrow and sympathy in the recent death of Barry Ganzhorn. The Town of Caledonia extends its deepest condolences to Barry's family and friends.

RESOLUTION 57-2020

2020 DOWNTOWN PARTNERSHIP PROGRAM MEMORANDUM OF UNDERSTANDING

On motion of Councilman Anderson seconded by Councilman Bickford the following resolution was ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki, Bickford Nay-0 Absent – 0

RESOLVED, that Supervisor Pangrazio is authorized to sign the 2020 Downtown Partnership Program Memorandum of Understanding and remit the budgeted sum of \$2000.00 prior to June 5, 2020 to the Livingston County Development Corporation.

RESOLUTION 58-2020

SURPLUS EQUIPMENT

On motion of Councilwoman Rychlicki seconded by Councilman Rothrock the following resolution was ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki, Bickford Nay-0 Absent – 0

RESOLVED, that the following computer equipment be declared surplus and will be scrapped at the transfer station. The items to be scrapped are:

2 – HP desktop computers, 3 – DELL Computer Monitors, and an HP printer.

INCREASED COST TO RECYCLE ELECTRONICS AND TIRES

Highway Superintendent Mark Schroeder updated the Board that the costs have increased once again for recycling electronics , and the cost to recycle tires. Last year alone the Town recycled 10,000 pounds of computer equipment and a 10-wheeler load of tires along with a 10-wheeler load of garbage that the highway department found on the road- sides.

7:45 P.M. CLOSE PUBLIC HEARING LOCAL LAW No. 1 FOR 2020 – MORATORIUM

Supervisor Pangrazio asked if anyone present or any Board Member had any comments on the proposed Moratorium. No Board member had any comments, but one resident had the following comment.

COMMENTS

Don MacKay – Village resident stated that the Caledonia Rural Cemetery sign in the back is fading out and needs to be refurbished and would like to Town to repair this.

No other Board Member or those present wished to speak further so Supervisor Pangrazio closed the Public Hearing on Local Law No. 1 For 2020.

RESOLUTION 59-2020

BUDGET AMENDMENTS

On motion of Councilman Bickford seconded by Councilman Anderson the following resolution was ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki, Bickford Nay-0 Absent – 0

RESOLVED, that Supervisor Pangrazio is authorized to make the following Budgetary Amendments:

DEBIT:	A2770(Misc. Revenue)	\$2000.00
CREDIT	A1420.400(Attorney Cont.)	\$2000.00
DEBIT:	B2770 (Misc. Revenue)	\$3000.00
CREDIT:	B8020.400 (Planning Cont.)	\$3000.00

RESOLUTION 60-2020

ADOPTION OF LOCAL LAW No 1 FOR 2020

On motion of Councilman Rothrock seconded by Councilman Anderson the following resolution was ADOPTED – Aye – Pangrazio, Rothrock, Anderson, Rychlicki, Bickford Nay-0 Absent – 0

WHEREAS, Notice of a Public Hearing on proposed Local Law No. 1 of 2020, which would enact a Moratorium on Solar Farms and Large Battery Energy Storage System, was published in the *Livingston County News* on January 23, 2020, and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on December 16, 2019 and on the Town of Caledonia website (along with the proposed text of the law) on December 19, 2019; and WHEREAS, the Local Law has been on the desks of all Town Board members since December 16, 2019; and

WHEREAS, adoption of proposed Local Law No. 1 of 2020 is a Type II action under the State Environmental Quality Review Act, pursuant to 6 N.Y.C.R.R. §617.5(c)(36), because it is the adoption of a moratorium on land development and construction; and

WHEREAS, the Local Law was referred to the Livingston County Planning Board, which recommended its approval on January 9, 2020; and

WHEREAS, the Town’s attorneys have reviewed and approved the proposed Local Law; and

WHEREAS, a public hearing was duly held on that proposed Local Law on February 13, 2020 at 7:15 PM before the Town Board at the Caledonia Town Hall, and all persons desiring to speak were heard;

NOW, on Motion duly made by Councilman Rothrock and seconded by Councilman Anderson, it is RESOLVED that, pursuant to the Municipal Home Rule Law, proposed Local Law No. 1 of 2020, is hereby enacted, and shall be filed with the Secretary of State.

Local Law Filing

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

Local Law No. 1 of the year 2020

Be it enacted by the Town Board of the Town of CALEDONIA as follows:

<p style="text-align:center">LOCAL LAW NUMBER 1-2020</p> <p style="text-align:center">TOWN OF CALEDONIA</p> <p style="text-align:center">A Local Law to Impose a Moratorium on Solar Farms and</p> <p style="text-align:center">Large Battery Energy Storage Systems</p>

Be it enacted by the Town Board of the Town of Caledonia as follows:

Section 1. Title.

This Local Law shall be known as the “Moratorium on Solar Farms and Large Battery Energy Storage Systems.”

Section 2. Authority and Intent; Findings; Purpose.

- a. Authority and Intent.** This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New

York State Constitution Article IX, §§2(c)(ii)(10); Municipal Home Rule Law §10; Statute of Local Governments §10; and Town Law §§ 264 and 265.

b. Findings of Fact. The Town Board makes the following Findings of Fact relating to this Local Law:

1. Caledonia is a community that takes great pride in and assigns great value to its rural residential character, small-town atmosphere, fine agricultural lands, Genesee River access, trails, and cultural, recreational, scenic and other natural resources.
2. Preservation of the Town's irreplaceable recreational and scenic sites, high-quality agricultural land, air quality and water quality, and priceless and unique character, is of significant value to the inhabitants of the Town and to the people who visit the Town.
3. The Town's rich natural environment is a valuable asset that creates a sense of identity and well-being for residents of the area. Preserving and protecting the scenic, recreational, other natural resources and aesthetics of the Town is important for both a healthy environment and vibrant economy.
4. Solar energy is abundant, non-polluting and does not emit greenhouse gases responsible for global warming. New York State has adopted policy and law to promote the installation of solar energy on residential, commercial, and municipal buildings, and ground-mounted large commercial generating systems.
5. As renewable power sources like wind and solar provide a larger portion of New York's electricity, energy storage systems will allow clean energy to be available when and where it is most needed and better use existing resources more efficiently and with fewer emissions. New York State has adopted policy and law to promote the installation of energy storage systems to be integrated into solar and wind energy projects and in critical locations within the electrical distribution and transmission grid.
6. The Town supports the use of solar energy and energy storage systems with appropriate regulations to promote and preserve the health, safety and welfare of the Town and its citizens.
7. Solar Farms are solar energy systems located on large tracks of land which are primarily used to convert solar energy into electricity for offsite energy consumption.
8. The Town currently regulates Solar Farms pursuant to Article 1 of Chapter 106 of the Town Code, adopted November 10, 2016 (the "Existing Solar Farm Code").
9. Since enactment of the Existing Solar Farm Code, several Solar Farms have been approved or are formally under review by the Town, including a 2 megawatt/8 acre project proposed by Valley Sand & Gravel and a 2 megawatt/10 acre project proposed by Livingston Solar (together, the "Current Solar Projects").

10. On October 5, 2018, Horseshoe Solar Energy LLC (“Horseshoe”) initiated a proceeding before the New York State Public Service Commission (“PSC”) pursuant to Article 10 of the Public Service Law (“Article 10”) for approval to site a Solar Farm in the Town and the Town of Rush totaling up to 180 megawatts of solar energy capacity (the “Article 10 Project”) that is currently estimated to require approximately 1,260 acres of land, of which approximately 80% is proposed to be located in the Town.
11. On October 10, 2019, Horseshoe updated the current plan for the Article 10 Project to indicate that the “buildable area” for the Article 10 Project may include approximately 400 acres of land in the Town adjacent to Route 5 between West River Road and Quarry Road (the “Route 5 Corridor”).
12. Because Article 10 supersedes all local approvals for the Article 10 Project, the Town has no approval authority over the Article 10 Project, but Horseshoe is encouraged by Article 10 to comply with the Existing Solar Farm Code.
13. The Town has received inquiries from other Solar Farm developers for future commercial projects (collectively, the “Future Projects”) because the Town is economically attractive for Solar Farm development due to its proximity to high voltage transmission lines that traverse the northern and eastern Town boundaries and traverse north-south through the center of the Town.
14. While the Existing Solar Farm Code provides substantial requirements for protecting adjacent properties and limiting the impacts of Solar Farms within the Town, it currently allows Solar Farms in all zoning districts and may not fully contemplate the cumulative impacts of the Current Solar Projects, the Article 10 Project, and the Future Projects on community character and the scenic, recreational, other natural resources and aesthetics of the Town.
15. Large Battery Energy Storage Systems are battery energy storage systems that are usually integrated with Solar Farms or connected directly into the electrical distribution or transmission grid.
16. While battery energy storage systems are regulated by the New York State Uniform Fire Prevention and Building Code, the Town does not currently have regulations for the siting and installation of Large Battery Energy Storage Systems and the Town Planning Board has begun reviewing various possible amendments to the existing Zoning Code to address these uses.
17. Allowing the activities prohibited by Section 4 of this Local Law without first obtaining more education and information may impair the existing character of the Town, because by their nature, such activities may have the potential to produce a combination of negative impacts upon the environment and people living in or in proximity to the communities in which they are located. Negative impacts suggested to be associated with those activities include, without limitation, noise, emergency response and firefighting considerations, damage to roadways,

damage to and loss of agricultural lands and soils, damage to and loss of open space, natural areas, and scenic views, decreased recreational opportunities, and loss of tourism.

18. During the effectiveness of this Local Law, the Town Board can study and draft revisions to the Existing Solar Farm Code and regulations for Large Battery Energy Storage Systems, and study the activities prohibited by Section 4 of this Local Law and determine whether to amend the Town Zoning Code to include these uses, or to permanently prohibit them in portions, or all, of the Town.

19. The Town Board recognizes that the Article 10 Project is not impacted by the Moratorium and Prohibitions included in Section 4 of this Local Law.

- c. Purpose.** 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.

Section 3. Definitions.

For purposes of this Local Law, the following terms shall have the meanings set forth below:

- a. "Battery Energy Storage System" shall mean a rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services.
- b. "Large Battery Energy Storage System" shall mean Battery Energy Storage Systems having an aggregate energy capacity greater than 20 kilowatt-hours.
- c. "Solar Collector" shall mean a device, structure, panel or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.
- d. "On-Farm Solar" shall mean the use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power that is eligible as a customer-generator for net energy metering, pursuant to New York Public Service Law §66-j and associated regulations and orders of the New York Public Service Commission, on a farm

operation in an agricultural district, as defined by Article 25-AA of the Agriculture and Markets Law.

- e. “Solar Farm” shall mean the use of land where a series of one or more solar collectors are placed in an area on a parcel of land for the purpose of generating photovoltaic power and said series of one or more solar collectors placed in an area on a parcel of land collectively has a nameplate generation capacity of at least 15 kilowatts (KW) direct current (dc) or more when operating at maximum efficiency. For the purposes of this Local Law, the term “Solar Farm” shall not be construed in such a way as to include the Current Solar Projects, On-Farm Solar, or the installation or mounting of a series of one or more solar collectors upon the roofs of residential, municipal, and /or commercial structures regardless of whether the said series of one or more solar collectors collectively has a total nameplate generation of at least 15 kilowatts (KW) direct current (dc) or more when operating at maximum efficiency, so long as such activities are in all respects being conducted in accordance with all applicable laws and regulations, including without limitation all permits required to be issued by the NYSDEC and any other regulating agencies.
- f. “NYSDEC” shall mean the New York State Department of Environmental Conservation.
- g. “Town” shall mean the Town of Caledonia, in Livingston County, New York.

Section 4. Moratorium and Prohibition.

- a. For a period of twelve (12) months after the effective date of this Local Law, no application for a special permit, zoning variance, building permit, operating permit, site plan approval, subdivision plat approval, certificate of occupancy, certificate of compliance, temporary certificate, or other permit of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town for the construction, establishment, or use or operation of any land, body of water, building, or other structure located within the Town for a Solar Farm or Large Battery Energy Storage System.
- b. For a period of twelve (12) months after the effective date of this Local Law, no person or entity shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town for a Solar Farm or Large Battery Energy Storage System.
- c. The prohibitions set forth in this Section 4 shall not prevent or prohibit property owners from applying for use variance based on unnecessary hardship pursuant to Section 130-104 of the Town of Caledonia Zoning Code.

Section 5. Enforcement.

- a. **Building Inspector.** The provisions of this Local Law shall be administered and enforced by the Code Enforcement Officer and his or her Deputies. The Code Enforcement Officer and his or her

Deputies are authorized to issue appearance tickets for violations of this law requiring appearance by the alleged violator in the Town of Caledonia Town Justice Court.

- b. Criminal Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this Local law or any written order of the Code Enforcement Officer or his or her Deputies directing compliance with this Local Law shall be guilty of an offense, and upon conviction thereof shall be subject to a fine of not more than one thousand dollars, or imprisonment for a period of not more than fifteen days, or both such fine and imprisonment for each offense. However, a person, firm or corporation convicted of a second or other repeated violation of this Local Law shall be guilty of a misdemeanor, and shall be subject to a fine of not more than two thousand dollars, or imprisonment for not more than six months, or both such fine and imprisonment for each offense.
- c. Civil Penalties.** Any person, firm or corporation who violates, disobeys, neglects, refuses to comply with or resists the enforcement of any provision of this local law or any written order of the Code Enforcement Officer or their Deputy directing compliance with this Local Law shall be deemed to have violated this Local Law, and shall be liable to pay the Town a civil penalty of up to one thousand dollars for each such violation. Such a civil penalty may be assessed in any action or proceeding brought by the Town or its taxpayers, pursuant to Town Law §268(2), or by the Town, to enforce the provisions of this local law.
- d. Continuous Violations.** Each day a violation or offense is continued or not corrected shall be deemed a separate violation or offense.
- e. Injunction.** Compliance with this Local Law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town.
- f. Costs and Attorneys' Fees.** In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative to such action, including attorneys' fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property or properties within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Section 6. Superseding Intent and Effect.

This Local Law shall supersede any inconsistent provisions of the Town Zoning Code, or any and all other local ordinances, laws or resolutions of the Town of Caledonia.

Section 7. Severability.

If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

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 61-2020

PAYMENT OF BILLS

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

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

RESOLVED, that the bills be paid in the following amounts:

GENERAL FUND A – Voucher #'s 22-28,30-33,35-41,43-48,50-59,61,62	\$ 99,579.35
GENERAL FUND B – Voucher # 29,34,42,49,60	\$ 5207.10
HIGHWAY FUND DB – Voucher #'s 8-23	\$ 24,224.56
SF FUND-Voucher # 2	\$ 327,181.00
GRAND TOTALS	\$ 456,192.01

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

Respectfully Submitted,

Laurie Sattora
Town Clerk