

MINUTES OF THE MEETING OF THE TOWN BOARD
TOWN OF SANDY CREEK
1992 HARWOOD DRIVE, PO BOX 52
SANDY CREEK, NEW YORK 13145-0052

Date: August 16, 2017

Kind of Meeting: Regular & Public Hearing

Place: Town Hall

Board Members Present: Nancy Ridgeway
John W. Wood, Jr.
Dave Warner
Ruth E. Scheppard

Others Present:
Tammy L. Miller
Allison J. Nelson, Esq. at 7:04 pm
Margaret A. Kastler
Michael Kastler
Shirley Rice
Pat McCullough
Dustin Clark, P.E.
John Howland out @7:33 pm
Jessica Godfrey
Peggy Rice
Pat McDougal at 7:09 pm
Alan Zalbowitz

Absent: Nola J. Gove

CALL TO ORDER:

Town Supervisor Nancy Ridgeway called the meeting to order at 7:03 pm with the Pledge of Allegiance.

PUBLIC HEARING: Local Law 2 of 2017 - A local law regulating solar energy systems in the Town of Sandy Creek.

At 7:04 pm Town Supervisor Nancy Ridgeway opened a public hearing relative to the adoption of proposed Local Law 2 of 2017 - A local law regulating solar energy systems in the Town of Sandy Creek. No one spoke for or against this local law. The hearing was closed immediately.

APPROVAL OF MINUTES:

RESOLUTION 73-17

On motion by John W. Wood, Jr, seconded by Ruth E. Scheppard, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Warner, Scheppard, Wood
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek approves the minutes of the June 29th and July 12th meetings as written.

FINANCIAL REPORT:

The Town Board received a copy of the monthly financial report of the Supervisor. It was filed in the Town Clerk’s office and is available for public inspection.

REPORTS:

Code Enforcement Officer – John Howland’s report for July is on file in the Town Clerk’s office. Since the fair’s demolition derby is over, junk letters will be sent out soon. The compliance date for Mr. Domick’s junk violation was July 31st. He appeared in court and was not in compliance. The case was adjourned for 20 more days. Mr. Howland reviewed a list of violations and explained the local law regarding mobile homes, mobile home parks, RV parks, and campgrounds. The Greenfield park model violation was explained. Mr. Howland recommends that the Town Board have Attorney Nelson send Mr. Greenfield a letter. The park model is currently hooked up to public water and the septic system at 227 Seber Shores Road. Water Superintendent Kastler mentioned that if it remains, a 0.25 EDU charge should be added to the parcel’s water assessment according to the town’s EDU schedule. Attorney Nelson agreed that a letter to Mr. Greenfield should be the next step stating that if he does not comply by the compliance date the matter would go to state supreme court.

RESOLUTION 74-17

On motion by John W. Wood, Jr, seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Warner, Scheppard, Wood
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek authorizes Attorney Nelson to send a letter to Mr. Greenfield regarding a violation on his property at 227 Seber Shores Road.

Assessor – Rhonda Weigand’s report is on file in the Town Clerk’s office and available for public inspection. There has been one Small Claims Assessment Review (SCAR) application filed. The town’s equalization rate is 100% again this year. The Enhanced STAR renewal applications will be mailed in September.

Dog Control Officer- Elisa Dunn’s reports from June and July were received and filed in the Town Clerk’s office.

Historian – Charlene Cole’s monthly report is on file in the Town Clerk’s office and available for public inspection. Supervisor Ridgeway reported that 2 second place ribbons and 1 third place ribbon were earned at the fair for the town’s history displays.

Town Justice- The judges’ reports for July have been received by the Town Supervisor.

Legislator – Margaret Kastler reported that the Triple E virus has been found near Central Square. The county is planning to spray for mosquitoes in that area as they have done in the past. She read the Oswego County Wide Shared Services Report 2017 and is amazed at the number of services our municipalities currently share. The Shared Services committee will continue to meet to plan for next year. Mrs. Kastler plans to attend the flood relief forum on August 18th at MVCC hosted by Congresswoman Claudia Tenney.

Library- Director Jessica Godfrey reported that the animal event in early August went well. Approximately 80 people attended with about ½ watching the show. Seventy dollars was raised to adopt a Canadian Lynx at Thompson Park Zoo. The library was

quiet during the fair. The front railing is loose near the front door and may need repair. A Little Free Library was installed in front of the library.

Planning Board – Chairman Shirley Rice gave the report of the Sandy Creek Regional Planning Board’s meeting on August 1st. Howland Solar, LLC was approved with conditions. A public hearing regarding High Peaks Solar LLC will be held September 5th at 7 pm. Their budget for 2018 is complete with no raises requested.

Highway/Water Superintendent – Michael C. Kastler read his highway report. Several Highway Superintendents met with the county to discuss a pilot program for snowplowing. Our town could receive \$5,000 per mile for 19.03 miles. This would guarantee \$95,150 for budgeting purposes. The most our town has received in the last several years was approximately \$140,000. The past couple years we have averaged approximately \$95,000. Superintendent Kastler has requested an additional 100 tons of salt from the county, valued at approximately \$5,000. The county was very receptive. Seven towns are considering this pilot program. On August 22nd another meeting is scheduled to discuss the money disbursement schedule. After this year we would receive all of the money in one fiscal year. The snow and ice agreement needs to be signed. An addendum to it will be sent if the town joins the pilot program. Superintendent Kastler does recommend the town participate in the program. The county will consider extra funding in case of an unusual weather event. Mike received 3 quotes for 2 overhead doors as follows:

Interstate Door Co., Inc.	\$5,950.00
Overhead Door Company of Watertown	\$5,925.00
Raynor Overhead Door Sales, Inc.	\$6,640.00 without prevailing wage \$9,870.00 with prevailing wage

The money is in the budget for the new doors. He also had the entry door to the highway garage replaced and repairs to the salt shed have been made. All work was done by the highway department. The MOU for Stanley Drive from the DEC needs to be voted on. The flood waters have started to recede and all roads are dry. Some maintenance can now be done. The new plow truck is expected to be delivered in early September. There are currently 2 overdue water bills, 1 in each district. Notices have been sent to terminate their water service. On Co Rt 15 a corporation stop had to be turned on. It was off due to contractor error during the WD#1 project. The water rate for WD#2 must set in October for the November 1st billing.

Town Board- Councilman Warner has been in contact with a company in Saranac Lake that installs solar panels on small parcels of land. They have done work at the Great Camps of the Adirondacks. He would like them to look at two town-owned parcels. No one on the board was opposed to this. He also heard that the US trade commission may be placing increased taxes on solar panels imported from China. There is a large solar farm being built near Camden, NY. Supervisor Ridgeway and Councilman Wood still plan to work on welcome signs. Councilman Scheppard is still looking into the Municipal Electric & Gas Alliance.

Town Clerk – Tammy Miller reported that receipts and total disbursements for the month of July totaled \$2,184.08 of which \$1,978.96 was paid to Supervisor Ridgeway as town revenue. This report is on file in her office and available for public inspection. A Republican primary will be held on September 12th from noon to 9 pm at the Town Hall.

Engineers – Dustin J. Clark, P. E. of Barton & Loguidice, D.P.C. reported that the 2017 NYS DEC/EFC Wastewater Infrastructure Engineering Planning Grant Program application has been completed. The results will be announced in October or November. The Office of the State Comptroller called Attorney Nelson with questions regarding Water Service Area #3. The application for funding to the USDA-RD is not looking promising for large projects. The town could proceed with phase 1A archaeological studies. The cost would be about \$5,000 and take approximately two months to complete. After that shovel testing may need to be done. The cost of that step varies greatly and could cost between \$10,000 and \$40,000. In Water District #1 two or three areas in Richland had to be tested. There were none in Water District #2. If the town fronts the money and begins archaeological studies now, several months' time can be gained. A private company will do the work and there is no expiration date on the study.

RESOLUTION 75-17

On motion by John W. Wood, Jr., seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek authorizes Barton & Loguidice to proceed with phase 1A archaeological studies for Water Service Area #3.

PUBLIC COMMENT – **Alan Zalbowitz**, owner of a cottage on Park 3 Drive expressed his concern about lake water levels in the future. He has hundreds of sandbags and luckily no water entered his cottage. However, he cannot use it as the septic system has failed and he spoke with a realtor who said he cannot sell it now (although he does not intend to sell). In the Binghamton area many lakes were dying and sewer districts were formed. The area there is rejuvenated and very clean now. Property values have skyrocketed. He believes a sewer system is needed at Sandy Pond or it too will die. He has spoken to Assemblyman Barclay and sent a letter to Governor Cuomo regarding this issue. He stated that money is available from the state for this emergency situation. He believes that if sewer had been installed at the same time as public water it would have cost taxpayers half as much. He also believes the town will be inundated with assessment reviews next year. Mr. Zalbowitz has contacted the Oswego County Health Department about testing the water in Sandy Pond. He is requesting that the town do the testing.

Dustin Clark responded by explaining that obtaining funding approval for both water and sewer at the same time is highly unlikely. They come from two separate funding sources. There would not be the savings that you might imagine.

OLD BUSINESS

RESOLUTION 76-17

On motion by John W. Wood, Jr., seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek will act as lead agency and authorizes Town Supervisor Nancy Ridgeway to sign part 1 of SEQR and authorizes Attorney Nelson to send SEQRA letters to interested agencies and forward a 239 review form to the county planning department and sets the public hearing on Local Law #2 of 2017, a local law reviewing manure storage facilities for CAFOs in the Town of Sandy Creek for October 11th at 7 pm

RESOLUTION 77-17MOU for Stanley Drive and Boat Ramp on North Sandy Pond
On motion by Ruth E. Scheppard, seconded by Nancy Ridgeway, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek confirms the agreement between the Town of Sandy Creek (Town) and the New York State Department of Environmental Conservation (DEC) to provide all season access to the public parking area and boat ramp (facility) constructed by DEC on North Sandy Pond.

The facility consists of parking spaces and a concrete ramp designed to allow recreational access to the North Pond during all seasons. The facility is located on Stanley Drive, Town of Sandy Creek, Oswego County, NY. Currently Stanley Drive is a private road, albeit used by residents and the public. Attached to this letter agreement as Exhibit A is a drawing of the facility.

The Town and DEC Agree as follows:

1) Beginning in the winter of 2017/2018 and continuing on a year to year basis thereafter, the Town shall clear Stanley Drive from St Rt 3 to the vehicular entrance of the facility and the facility of snow and ice. When the Town Highway Superintendent determines it is necessary to clear snow and/or ice on Town roads, highways and/or parking lots, the Town will do the same for Stanley Drive and the facility. The schedule for this work will be reasonably determined by the Town Highway Superintendent.

Notwithstanding the above, if the County of Oswego or the Town declares a snow emergency pursuant to the NYS Executive Law, work herein may be suspended until the snow emergency is lifted.

2) During the 2017 construction season, DEC shall perform or arrange to have performed the following work on Stanley Drive from the intersection of Stanley Drive and St Rt 3 to the vehicular access to the facility:

- a. re-grade existing gravel road and drainage improvements, and
- b. install a 3 inch binder and 2 inch top asphalt.

The Town shall, upon request of DEC, provide a roller and operator to assist DEC in re-grading. DEC shall only be obligated to complete said work subject to the rights of the owners of the underlying fee for Stanley Drive and the rights of the users of Stanley Drive.

3) After Stanley Drive is re-surfaced as set forth in paragraph "2" of this agreement, then the Town shall use its best efforts to obtain the documents necessary, including deeds from the owners of the underlying fee of Stanley Drive, to dedicate Stanley Drive as a Town Highway pursuant to New York State Highway Law section 171. DEC shall use its best efforts to assist the Town in dedicating Stanley Road, including providing the Town with a signed and sealed map of the access easements granted to DEC in 2014 which will show the centerline of the vehicle easement along Stanley Drive and the "Block" easement depicted on DEC Map No. 12441.

Notwithstanding the above, the Town shall be responsible for the expenses of dedication, including, as necessary, the cost of abstracts, deeds and recording.

4) DEC and the Town shall cooperate in the administration of and access to the facility for the general benefit of the People of the State of New York.

5) DEC shall perform routine maintenance of the facility including litter pick up, surface work and placing signage.

6) To the extent provided by the Court of Claims Act and Public Officers Law, DEC agrees to indemnify and save harmless the Town, its officers and employees, from and against all losses from claims, demands, payments, suits, actions, recoveries and judgments of every nature and description brought or recovered against them by reason of the negligence acts of the DEC, or its employees, in the use of the boat ramp and parking area to the extent that such loss is directly attributable to such conduct.

7) Other than performing the obligations set forth in this letter, neither the Town nor DEC shall be required to complete any additional improvements, maintenance or services for the facility.

8) This letter agreement can be terminated by either the Town or DEC after completion of the obligations set forth in paragraphs "2" and "3" upon written notice to the other party.

Very truly yours,

New York State Department of Environmental Conservation

By Matthew Marko—DEC Regional Director

The Town of Sandy Creek by resolution agrees to the terms and obligations set forth in this letter.

NEW BUSINESS

There will be a Town Budget training session at 7 pm on August 21st in Parish.

Attorney Nelson read the questions on Part 2 of the environmental assessment form for the solar law. The Town Board answered "no" to all.

RESOLUTION 78-17

On motion by Dave Warner, seconded by John W. Wood, Jr., the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner

0 No

1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek determines that Local Law No. 1 of 2017, a local law regulating solar energy systems in the Town of Sandy Creek, will not have a potentially significant adverse impact on the environment and hereby issues a negative declaration, and authorizes Town Supervisor Nancy Ridgeway to sign the form.

The Town Board thanked the Sandy Creek Regional Planning Board for their work on this local law.

RESOLUTION 79-17

On motion by Nancy Ridgeway, seconded by John W. Wood, Jr., the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner

0 No

1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek adopts Local Law No. 1 of 2017, a local law regulating solar energy systems in the Town of Sandy Creek as follows:

SECTION 1: TITLE

This local law shall be known as Local Law No. 1 of 2017, a local law regulating solar energy systems in the Town of Sandy Creek.

SECTION 2: STATEMENT OF AUTHORITY

The Town Board of the Town of Sandy Creek, pursuant to the authority granted it under Article 16 of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

SECTION 3: PURPOSE AND INTENT

A. The Town of Sandy Creek recognizes that solar energy is a clean, readily available and renewable energy source. It further recognizes that energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.

B. The Town of Sandy Creek has determined that comprehensive regulations regarding the development of solar energy systems are necessary to protect the interests of the Town, its residents and its businesses. This local law aims to accommodate solar energy systems while balancing the potential impact on neighbors and preserving the rights of property owners to install solar energy systems. This local law is intended to promote the effective and efficient use of solar energy resources, set provisions for the placement, design, construction and operation of such systems to be consistent with the Town of Sandy Creek Comprehensive Plan, to uphold the public health, safety and welfare, and to ensure that such systems will not have a significant adverse impact on the environment, aesthetic qualities and character of the Town.

C. It is not intended by this local law to repeal, except as herein stated, abrogate or impair existing conditions previously made or permits previously issued relating to the use of buildings or premises or to impair or interfere with any easements, covenants or agreements existing between parties. Except as otherwise provided herein, whenever this local law imposes a greater regulation upon the use of buildings or premises than is required by existing provisions of law, ordinance, regulations or permits, or by such easements, covenants or agreements, the provisions of this local law shall control.

SECTION 4: DEFINITIONS

The following terms shall have the meanings indicated:

Building-Integrated Photovoltaic (BIPV) System - A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the facade, which does not alter relief of the roof.

Building-Mounted Solar Energy System - A solar energy system that is affixed to the roof or side(s) of a building or other structure, either directly or by means of support structures or other mounting devices. Solar energy systems constructed over a parking lot are considered building-mounted solar energy systems.

Ground-Mounted Solar Energy Systems - A solar energy system that is affixed to the ground either directly or by support structures or other mounting devices and that is not attached or affixed to an existing structure. Pole-mounted solar energy systems shall be considered ground-mounted solar energy systems for the purposes of this local law.

Net-Metering - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

Reflector, Solar - A device for which the sole purpose is to increase the solar radiation received by a solar collector.

Residential/Small Business/Small-Scale Solar Energy System - Any solar energy system that cumulatively on a lot meets all of the following provisions:

a. Is an accessory use or structure designed and intended to generate energy primarily for a principal use located on site, and

b. Produce up to ten kilowatts (kW) per hour of energy or solar thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings beyond the lot. Small-scale solar energy systems located on a farm operation (as per NYS Agriculture and Markets Law section 301(11) definition of that term) can produce up to 110% of the farm's needs.

Solar Access - Space open to the sun and clear of overhangs or shade, including the orientation of streets and lots to the sun, so as to permit the use of a solar energy system on individual properties.

Solar Collector - A solar or photovoltaic cell, plate, panel, film, array, reflector or other structure affixed to the ground, a building or other structure, that harnesses solar radiation to directly or indirectly generate thermal, chemical, electrical or other usable energy, or that reflects or concentrates solar radiation to a solar or photovoltaic cell, plate, panel, film, array, reflector or other structure that directly or indirectly generates thermal, chemical, electrical or other usable energy.

Solar Energy System - A complete system intended for the collection, inversion, storage and/or distribution of solar energy and that directly or indirectly generates thermal, chemical, electrical or other usable energy. A solar energy system consists of, but is not limited to, solar collectors, mounting devices or structure, generators/turbines, water and

energy storage and distribution systems, storage, maintenance and/or other accessory buildings, inverters, combiner boxes, meters, transformers and all other mechanical structures.

Solar Skyspace - The space between a solar collector and the sun through which solar radiation passes.

Solar Panel - A device for the direct conversion of solar energy into electricity.

Solar Thermal System - A system that directly heats water or other liquid using sunlight.

Utility-Scale Solar Energy System or Solar Farm - Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics, concentrating solar thermal devices or various experimental solar technologies, designed and intended to supply energy principally into a utility grid for sale to the general public.

SECTION 5: APPLICABILITY

The requirements of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law, excluding general maintenance and repair and Building Integrated Photovoltaic Systems.

Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.

SECTION 6: SOLAR DESIGN STANDARDS

- A. All Solar Energy Systems shall be designed and installed in conformance with the current International Building Code requirements, the New York State Unified Solar Permit (where applicable), and the manufacturer's recommendations.
- B. All on-site electrical wires associated with Solar Energy Systems shall be installed underground, except for "tie-ins" to a public utility company and public utility company utility poles, towers and lines. This standard may be modified by the Town if the project terrain is determined to be unsuitable due to reasons of excessive grading, biological impacts or similar factors.
- C. All Solar Energy Systems shall be operated such that no damage is caused by stray voltage. If it has been demonstrated that a system is causing stray voltage, the system operator shall promptly mitigate the damage or cease operation of the system.
- D. Photovoltaic systems that are integrated directly into building materials, such as roof shingles, and that are a permanent and integral part of, and not mounted on the building or structure, are exempt from the requirements of this local law.

- E. All solar collectors and related equipment shall be surfaced, designed and sited to minimize glare on adjacent properties and roadways.
- F. Ground-mounted Solar Energy Systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.
- G. All solar collectors and their associated support elements shall, at the time of installation, be designed according to generally accepted engineering practice to withstand wind pressures applied to exposed areas by wind from any direction, to minimize the migration of light or sound from the installation and to minimize the development of sight obstructions for adjacent structures or land parcels.
- H. All solar energy systems, solar collectors and solar panels shall be maintained in good condition and in accordance with all requirements of this Local Law.
- I. All Solar Energy Systems shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
- J. Solar Energy Systems and equipment shall be permitted only if they are determined by the Town of Sandy Creek not to present safety risks, including, but not limited to, weight load and ingress or egress in the event of an emergency.
- K. Small solar panels of less than one square yard used individually for charging of batteries and powering small equipment or devices shall not require a permit.
- L. All Ground Mounted Solar Energy Systems and Utility-Scale Solar Energy System or Solar Farms shall obtain site plan approval from the Sandy Creek Planning Board prior to the issuance of a building permit.

SECTION 7: ROOF MOUNTED SOLAR ENERGY SYSTEMS

- A. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use when attached to any lawfully permitted building or structure.
- B. Height. Roof Mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.

SECTION 8: GROUND MOUNTED SOLAR ENERGY SYSTEMS

- A. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures.
- B. Height and Setback. Ground-Mounted Solar Energy Systems shall not exceed the maximum height of fifteen (15) feet and shall be set back a minimum of twenty (20) feet from all property lines.

SECTION 9: RESIDENTIAL/SMALL BUSINESS/SMALL SCALE SOLAR ENERGY SYSTEMS

- A. The installation of a solar collector or panel for a Residential/Small Business/Small Scale Energy System, whether attached to the main structure, an accessory building, or as a detached, free-standing or ground mounted solar collector is permitted as an accessory structure, shall meet all requirements of this Section and shall require the issuance of a building permit.
- B. Free-standing or ground-mounted solar collectors for a Residential/Small Business/Small Scale Energy System are permitted as accessory structures subject to the following additional conditions:
 - 1. Lot size minimum of 43,560 square feet (one acre) for a ground-mounted or free-standing system.
 - 2. Screening shall be provided from adjoining lots through the use of architectural features, earth berms; landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the collectors.

SECTION 10: UTILITY-SCALE SOLAR ENERGY SYSTEMS/SOLAR FARMS

- A. Utility-Scale Solar Energy System or Solar Farms are permitted through the issuance of site plan approval subject to the requirements set forth in this Section.
- B. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted in the application for site plan approval.
- C. Plans showing the layout of the Solar Energy System shall be signed by a Professional Engineer registered in New York State. Any Solar Energy Systems attached to a structure shall be required to submit a structural report to address all load impacts.

- D. The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- E. Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- F. Decommissioning Plan. To ensure the proper removal of Utility-Scale Solar Energy System or Solar Farms, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of site plan approval under this Section. The Decommissioning Plan must specify that after the Utility-Scale Solar Energy System or Solar Farms can no longer be used, it shall be removed and disposed of by the applicant or any subsequent owner in a lawful and proper manner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. The plan shall also include an expected timeline for execution. Removal of Utility-Scale Solar Energy System or Solar Farms must be completed in accordance with the Decommissioning Plan. If the Utility-Scale Solar Energy System or Solar Farm ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period. If the Utility-Scale Solar Energy System or Solar Farm is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality. The Planning Board may require that the applicant provide the Town with a decommissioning bond.
- G. Lot Size. Utility-Scale Solar Energy System or Solar Farms shall be located on lots with a minimum lot size of 5 acre.
- H. All Utility-Scale Solar Energy System or Solar Farms shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The fencing and the system may be further screened by landscaping as needed to avoid adverse aesthetic impacts.
- I. Any application under this Section shall meet any substantive provisions contained in the Town's site plan requirements.
- J. The Planning Board may impose conditions on its approval of site plan approval under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

K. Construction of on-site access roadways shall be minimized.

SECTION 11: ABANDONMENT AND REMOVAL

Solar Energy Systems are considered abandoned when the Code Enforcement Officer determines the site and system has not been maintained, is a safety risk, or after one year without electrical energy generation and must be removed from the property. If the Solar Energy System ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the system, mount and associated equipment and facilities by no later than ninety (90) days after the end of the twelve (12) month period.

SECTION 12: APPEALS

All appeals of any decision by the Town of Sandy Creek shall be directed to the Board of Appeals.

SECTION 13: PENALTIES

- A. Any persons who shall violate any of the provisions of this local law shall be guilty of a misdemeanor and subject to a maximum fine of One Thousand (\$1,000.00) Dollars for each offense. Every such person shall be deemed guilty of a separate offense for each week the violation, disobedience, omission, neglect or refusal shall continue.
- B. In addition to the above provided penalties, the Board may also maintain an action or proceeding in the name of the town in a court or competent jurisdiction to compel compliance with or restrain by injunction the violation of any article of this local law.

SECTION 14: SEVERABILITY

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provision.

SECTION 15: EFFECTIVE DATE

The law shall be effective upon filing with the Secretary of State.

**TRANSFER OF FUNDS
RESOLUTION 80-17**

On motion by Ruth E. Scheppard, seconded by John W. Wood, Jr., the following resolution was

ADOPTED - 4 Ayes	Ridgeway, Scheppard, Wood, Warner
0 No	
1 Absent	Gove

Resolved that the Town Board of the Town of Sandy Creek authorizes the following transfers of funds:

From SW2-1990.4 Contingent	To SW-8993.1 Water Advisory	\$ 300.00
A1990.4 Contingent	A1220.4 Supervisor Contractual	786.00
A1990.4 Contingent	A1420.4 Law Contractual	310.00
B5710.4 North Pond Waterway	B5710.43 Public Boat Launch	2,950.00
B1990.4 Contingent	B1440.4 Engineering	500.00

PAY BILLS

RESOLUTION 81-17

On motion by Ruth E. Scheppard, seconded by John W. Wood, Jr., the following resolution was

ADOPTED - 4 Ayes Ridgeway, Warner, Scheppard, Wood
 0 No
 1 Absent Gove

Resolved that the bills be paid on Abstract #14 in the following amounts:

General Fund \$ 276.69
Trust & Agency \$ 9,511.73

And on Abstract #15 in the following amounts:

General Fund \$ 26,016.26
Trust & Agency \$ 9,511.73
Highway Fund \$195,719.37
Water District#1-SW \$ 4,508.24
Water District#2-SW \$ 521.91
Water District#3-H \$ 333.42

RESOLUTION 82-17

On motion by John W. Wood, Jr., seconded by Dave Warner, the following resolution was

ADOPTED - 4 Ayes Ridgeway, Scheppard, Wood, Warner
 0 No
 1 Absent Gove

Resolved that the Town Board of the Town of Sandy Creek authorizes Town Highway Superintendent Michael C. Kastler to execute the County of Oswego Highway Department Snow Removal and Ice Control Agreement for 2018.

The next regular monthly meeting of the Town board will be September 13th at 7 pm.
The next Water Advisory Committee meeting will be August 28th at 6 pm.

On motion by Dave Warner, seconded by John W. Wood, Jr., and carried unanimously, the meeting adjourned at 9:00 pm.

Respectfully submitted,

Tammy L. Miller, RMC
Town Clerk