

REGULAR MONTHLY MEETING

PUBLIC HEARING – LOCAL LAW #1-2020 SOLAR ENERGY SYSTEMS AND FACILITIES LAW

September 10, 2020

The Public Hearing was opened at 7:00 pm with the Pledge of Allegiance by Supervisor Dan Acton.

Board members present were Dan Acton, Bill Cleveland, Wende Dailey and Matthew Snyder. Present via Zoom was Fion MacCrea. Others attending in person were representatives from Clark-Patterson-Lee, Codes Enforcement Officer Steve Kilmer, Highway superintendent Bob Halsey and Town Clerk Janice Burdick. Attending via Zoom were Bill Dailey, Christel and Jason Rodd, Becky Graves, Jim Grimm, Kasey Klingensmith, Catherine Chambers, Fred Sinclair, Jim Ninos, and Peter McClain. Representing the press was Dave Snyder of the *Alfred Sun*. (Please note, there may have been others participating in this Zoom meeting that I did not catch.)

Public Hearing – Local Law #1-2020

No written or oral comments have been received. Supervisor Acton thanked the Planning Board for putting this together. Catherin Chambers stated that she read the las and it seems pretty clear but questioned is someone could put a multi-unit solar farm in the fields next to her (Kenyon Road). Bill Dailey answered that it is allowed in the Ag. Light Industrial and Industrial Districts. Being no further discussion, the Public Hearing was closed at 7:05 pm.

The Regular Monthly meeting was opened by Supervisor Acton at 7:05 pm. A motion was made by Dan Action to adopt Local Law #1-2020, seconded by Matthew Snyder and carried 5-0.

Guests: Representatives of Clark-Patterson-Lee – Sidewalk Presentation

Ron Rink presented maps and proposed pictures of the sidewalk that will extend from Servu to Dollar General on the Dollar General side of the road. Mr. Rink provided some background to the project stating that the Village of Alfred applied for a Smart Growth Grant in the amount of \$2.5 million dollars. Part of that was to put sidewalks along State Rt 244. They have been working with a committee to come up with the best possible scenario. Since it is a State Highway, have to follow state guidelines. Total road would be a 16' paved are, a driving lane and shoulder, curb, then 4-5' tree line between the road and sidewalk. State will not budge on those distances. Curb line is 15.5' from the center of the road and the bike lane will be about 4.5', tree lawn then 5' sidewalk. Any permanent structure such as drainage would require an easement from the property owner. If just grading will need a release from the residents. If more than 25' from back edge of sidewalk and highway would require an easement from the property owner. If sidewalk goes outside of that boundary, need an easement. When asked about drainage, Mr. Rink replied that they haven't looked at where drainage is going to be needed yet. Storm drains are owned by NYSDOT. Area near Stearns they would allow to stay with no lawn area due to significant impact and would require a lot of grading. This is the early stages of the design and it has received final approval from DOT. There will be two crosswalks, one at Palmiter Road and one at Tinkertown Hardware with a potential bus stop there. Also, may include flashing lights at the one at Tinkertown. Still working with DOT for options of a crossing ant the intersection of 244 and Servu – tricky intersection. DOT prefers a tree line and curb. Matthew Snyder stated that the trees are part of the project and would probably want mature trees that don't get too large. Suggested no more than 20' and a variety of species. Mr. Rink stated that they would work with the residents on the number and type of tree. Wendy Dailey asked if any of the residents that are affected will loose any lawn? Mr. Rink responded that some may lose a little- the shoulder currently is 8', will be moved in with a 5' sidewalk. But getting 5' of lawn on other side of sidewalk. Will vary on each property. Mr. Rink stated that they have tried to reduce the impact and there will be some locations where an easement will

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be needed. Mr. Acton informed everyone that the renderings will be left here and anyone can come look at them. It was also noted that the original grant was to bring sidewalks all the way down through Alfred Station. It was cut back as a result of concerns expressed by residents. Mr. Rink added that the other side of the road was ruled out due to the number of utility poles that would have had to be moved. Fred Sinclair commented that the crossing at Dollar General and Tinkertown Hardware will make it safer for people crossing. Mr. Rink added that they are working with DOT for flashing yellow lights – pedestrian would push a button to activate. Bicycle Law will not be signed as a bike lane but can be used as one. Matthew asked the reason for that and was told that DOT wants 6' or more and it would cost more with all the signage. Jason Rodd commented that with his experience with Village sidewalks the grass gets nasty with gravel and waste, an island is not a good idea at the 244 turnoff. Mr. Rink stated that that option has probably been taken off the table. Jason Rodd – by drastically reducing the size of the project, has the budget also been reduced or just looking to spend a lot of money on a smaller project? Peter McClain responded that he doesn't believe the new figures have been run yet, once known actual bidding can be done. Mr. Rodd then asked if they have figured out how much will be new and how much replaced? Are they losing any of the shoulder – with less shoulder when a car is pulled over there will be less room on the road. CLP responded that the road will be narrower but that should slow traffic down in that area. The new lane will be 11', currently 12' with 8' shoulder. Jim Grimm asked who is going to maintain the sidewalk in the winter. Mr. Acton answered that through Shared Services with the Village, the Village will take care of it. Jason Rodd stated that the Village doesn't currently maintain the Village sidewalks, how are they going to maintain more? Mr. Acton stated it will have to be worked out.

Code Enforcement Officer

Mr. Kilmer reviewed his monthly report and permits issued. Noted that Ray Palmer has not returned paper work for a Special Use Permit for mining. Concern with camper on East Valley Road -hooked up to sewer from house, in road right of way. Dangerous situation with young kids. Mr. Kilmer told the owner it has to be moved. Chrystal Drumm on going yard sale - Mr. Kilmer stated that he feels it is a hoarder situation. Tons of stuff all over. Would like to get the Town Attorney involved. Mr. Kilmer stated that after 3 days of continuous sales, supposed to collect sales tax – not operating as a business. Town Board gave Mr. Kilmer permission to contact the Town Attorney and discuss the two situations.

Approval of Minutes: The minutes of 8/13/2020 were approved with a motion by Bill Cleveland seconded by Wendy Dailey and carried 5-0.

Police Report – reviewed written report. Matthew Snyder expressed concern with the siren going off every Tuesday at 7:00 pm. It appears to be coming from Waterwells and will be looked into further.

Monthly Report: All ok.

Correspondence:

- Mike Finn – opinion on Solar Law – sees no problem with as written.
- DSL – Notifying Town they will be submitting paper work for a Solar Farm.
- Equalization Rate – 82%

General Abstract #9-2020- Vouchers #85-93 in the amount of \$2290.23 in the General A Fund; Voucher #11 in the amount of \$3328.16 and #9 in the SF Fund in the amount of \$3442.50. A motion to approve the bills was made by Wendy Dailey, seconded by Bill Cleveland and carried 5-0.

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Highway Abstract #9-2020 Vouchers #88-96 in the DA Highway Fund in the amount of \$4076.15 and Vouchers #37-43 in the DB Fund in the amount of \$92247.61 were approved with a motion by Matthew Snyder, seconded by Dan Acton and carried 5-0.

Highway Report: Mr. Halsey reviewed the written report. Reviewed road work done this last month and repairs done. Regraded Burdick and Barber Lane and stone and oiled Burdick, Barber, and Randolph Road. Patched roads, mowed, trimmed trees and graded. Helped Almond and Andover.

Mr. Halsey reported that on Wednesday was informed that the State is going to hold 20% of this years CHIPS. Mr. Halsey added that he has been keeping in touch with Dawn from DOT and said everything was ok so he kept on working. May have overspent CHIPS allocation now so just doing routine work. Wendy Dailey stated that she sat in on a Webinar from the Association of Towns and they suggested planning on 20% cuts plus 20% cut in State Aide. Bob Halsey suggested everyone contact our State Senators and Congressmen. Mr. Halsey added that they were able to do 4 miles of roads this year.

Supervisor's Report:

- Supervisor Acton asked if the Board wanted to consider selling the Town land on Hamilton Hill Road. Would have what was budgeted plus proceeds from sale for storage building. Also, may be able to Wellsville students build it. According to the Association of Towns the Board can do a referendum for just a Board vote. The land is currently just being used to store old sluice pipes. Bob Halsey stated that he doesn't see any reason to keep it. Bill Cleveland suggested talking to Wellsville and seeing how much it will cost and Matthew Snyder felt the Board should move forward to sell it. Wendy Dailey agreed. A motion was made by Dan Acton to sell Town property located on Hamilton Hill Road, seconded by Matthew Snyder and carried 5-0.

Town Clerk – Resolution Adopting the Retention and disposition of Records Schedule. Motion by Matthew Snyder to adopt, seconded by Wendy Dailey and carried 5-0.

Invitation to attend the Marker at Baker's Bridge.

Other Business: Fred Sinclair stated that he has sent a letter to the Board in regards to the NYSEG pole. He then read his comments for the record. Mr. Sinclair added that he has done more research on what these towers are going to do. Under SEQR Town would be assured they are meeting FCC Guidelines. Mr. Sinclair stated that he feels the Town is operating outside the law by not rescinding and demanding a SEQR. Owe residents by your oath of office to do a SEQR and notify neighbors, give them the opportunity to voice their concerns. Dan Acton responded that the Board is not disinterested in protecting the public. If SEQR shows they meet the FCC Guidelines ok. Fred Sinclair added that NYSEG should have provided information on this and added that FCC Guidelines are on a sliding scale based on closeness to residents and businesses. Board is "making a mistake have insurance that would cover a lawsuit". Mr. Acton stated that if end up in the same place if they are adhering to FCC standards. Mr. Sinclair disagreed and added that the Town may have a civil claim against the Town and feels there is going to be action against the Town with an Article 78 proceeding. Bill Dailey suggested the Town go to NYSEG and tell them the Town feels the application was incomplete and want to see their FCC compliance and do a SEQR -instead of rescinding the permit. Suggest contact NYSEG and let them know that the Town has been informed that there may be some dangers to the public. Mr. Dailey added that if they have to do a Type II SEQR, the Town doesn't have the knowledge to do this. Mr. Sinclair stated he feels the Town can do it if sit down and research it. Bill Dailey added that the original tower was 180' and they have reduced it. Fred Sinclair added

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that need to know the frequencies and Town just let it slide by. “Law says you have to do SEQR”. Bill Dailey added that is it can be approached without an adversary situation that would be best. Dan Acton agreed and asked Mr. Sinclair what we should be requesting.

Mr. Sinclair stated need them to fill out the initial SEQR sheet. Dan Acton would like to have a letter from the Town Attorney requesting this information. Mr. Sinclair added that instead of rescinding the permit issue a stop work order – the tower has not been started. After further discussion it was decided that Supervisor Acton would contact the Town Attorney and request he send a letter requesting this information from NYSEG.

2021 Budget – Dan will email when tentative budget is ready for everyone’s review.

Bank Statements – Motion by Matthew Snyder to approve the bank statements, seconded by Wendy Dailey and carried 5-0.

Fion MacCrea will put pictures of the proposed sidewalk on the webpage.

The meeting was adjourned at 8:50 pm with a motion by Bill Cleveland, seconded by Matthew Snyder and carried 5-0.

Respectfully submitted,
Janice L. Burdick
Town Clerk