

REGULAR MONTHLY MEETING
PUBLIC HEARING – Cannabis Opt Out Law
December 9, 2021

The Public Hearing for Opting Out of Cannabis on site consumption was opened at 7:00 pm by Supervisor Dan Acton. Board members were present VIA ZOOM. Supervisor Dan Acton, Fion MacCrea, Bill Cleveland, Wendy Dailey and Matthew Snyder in addition to Janice Burdick, Town Clerk. Attending via ZOOM: Kathy Spencer and Mary Stebbin of LaBella, Shawn Grasby, Kelly Sullivan, Daniel Comptello, Mark Overall, Fred Sinclair, Johnny Molyneaux, Bill Dailey, K. Klingensmith and Catherine Chambers.

Public Hearing- Opting out of on-site consumption of Cannabis. Since there were no comments the Public Hearing was closed at 7:02 with a motion by Dan Acton, seconded by Matthew Snyder carried 5-0. The regular monthly meeting was then opened with the pledge of allegiance. The same people were present.

Guests: Alfred Solar – Dan Acton stated that a consensus was reached to ask for a 30-day extension before approving this project. Kathy Spencer from LaBella stated that a meeting was held and some concerns involved the following: The Electrical system and the access road regarding NYS building and Fire Codes. An area of concern was the physical strength of the road and whether it could support the fire trucks and whether it was long enough to reach all panels. If the road needs to be redesigned that would need to be figured so the request for the extension. Shawn Grasby stated that Section 503 of the Fire Code requires access to within 150' of panels. Fire Chief informed him they are ok as long as able to reach the panels and the road can hold the weight of the fire truck. Kelly Sullivan of Bergman's stated they were ok with the extension but still trying to track down the weight limit and 30 days will give them time to get that information. Kathy Spencer – if get information ASAP they can review it so it can be approved in January. The road design could affect storm water runoff. Daniel Comptello of Delaware River Solar stated that the weight limit of the access road follow DEC guideline and asked Shawn Grasby why he feels the need for a weight allowance of 75,000 lbs. is necessary? Mr. Grasby stated that that is the weight of the heaviest truck in the fire department. No problem giving an exception if he knows the road can handle that truck. Mr. Comptello asked if the fire company has other trucks and what is their weight? Shawn Grasby stated he would have to check with the fire department. Kelly Sullivan stated she has sent out a request to DEC to get the calculations. Dan Comptello commented that he has tried to contact the fire company and wondered if this concern is for emergency or fire issues. Shawn Grasby responded that it is for both. Mr. Comptello then asked if this is a SEQR issue or site plan issue to which Mr. Grasby responded it is a site plan but also SEQR due to not knowing the run off of the road. Dan Comptello stated that right now they have no plans on changing the road and Kathy Sullivan questioned if the road is not changed will this come up when issuing the Building Permit. Mr. Comptello stated that the road can be extended but doesn't see any reason to change the road type. Kathy Spencer added that the soil under the road is heavy clay and have requested soil samples. Shawn Grasby stated he hasn't seen any language on the strength of the road. Dan Comptello stated that they have use this type of road on every project they have done and have never had a problem. Tractor trailers weight more than the fire truck and they don't get stuck. Shawn Grasby added that he has seen some changed to a compacted road and also has issued exemptions on other projects. Mr. Grasby asked if the Town Board had any concerns and Supervisor Acton commented that they are confident is what Mr. Grasby is proposing. Matthew Snyder asked if the road has proposed can handle the weight of the fire truck and won't affect storm water runoff. Fion MacCrea added that the underlying soils in this area may be unique to other projects due to the clay. Can build a road in one place and have it

December 9, 2021

work and not in another location. Were these elements of the SUP being called into question due to the road? Fred Sinclair commented that use of this scenario is questionable – developer not responsible for long term maintenance for storm water runoff. Feels alternatives that could be built in – retention pond to collect water, orientation of panels, cannot build level edge spreader drip edge. Critical weakness of run off. Would like to ask the applicant to adopt scenario 2. Mr. Acton stated that this extended discussion is not appropriate tonight and the 30-day extension will address any issues. A motion was made by Dan Acton to extend the SEQR and SUP an additional 30 days, seconded by Wendy Dailey and carried 5-0.

Local Law #2 – 2021 – A Local Law to Opt out of On-Site Consumption of Cannabis was approved with a motion by Dan Acton, seconded by Bill Cleveland and carried 5-0. Johnny Molyneaux asked for clarification of the law and Supervisor Acton explained that sales will be allowed but no on-site consumption or lounges.

Approval of November 11, 2021 minutes: Motion by Matthew Snyder seconded by Dan Acton and carried 5-0.

Police Report – no police report.

Code Enforcement’s Monthly Report – Reviewed written report.

Solar Updates: Site plan for Buffalo Solar were reviewed by Steve Kilmer and Shawn Grasby and saw no problems. Mark Overall of Buffalo Solar was present via ZOOM. Matthew Snyder asked if there were any right of way issues and Mr. Overall replied that the lines will go over the road with a new meter being installed at the site. A motion was made by Dan Acton and seconded by Bill Cleveland to approve this project and issue the Special Use Permit. Fion MacCrea asked about the next step for a solar project like this one. Dan Acton explained that they did the Short Form of SEQR so they are ready to start. Mr. MacCrea asked if there will be a PILOT or taxed at full value? Mr. Acton replied that due to size didn’t believe there would be a PILOT. Bill Dailey stated that under the new Solar Law a Tier 2 project is subject to review by the Codes Enforcement Officer, County Planning Board and if no PILOT pays their assessed value.

Supervisor’s Monthly Financial Report – No report from BBS.

Correspondence – Insurance – Bill from NYMIR. Matthew Snyder suggested increasing the value of the buildings to \$900,000 for now and maybe look at increasing more in the future.

General Abstract #12-2021- Vouchers #98- -109 in the amount of \$21240.22 in the General A Fund; Voucher #15-16 in the amount of \$4467.16 in the B Fund, #12 in the SF Fund in the amount of \$3511.33 approved with a motion by Fion MacCrea, seconded by Dan Acton and carried 5-0. This includes paying the 2022 Retirement Bill.

Highway Abstract #12 -2021 Vouchers #107-119 in the DA Highway Fund in the amount of \$24277.63, and Vouchers #35-37 in DB in the amount of \$10722.24 were approved with a motion by Wendy Dailey, seconded by Matthew Snyder and carried 5-0. These also include the 2022 Retirement Bill.

Solar Escrow Account Abstract #12, Vouchers #7-8 in the amount of \$12822.00 were approved with a motion by Matthew Snyder, seconded by Bill Cleveland and carried 5-0.

Highway Report: The written Highway report was reviewed. Injectors on the 2010 Mack went and the cost for a kit to repair them is \$4000.

Supervisor’s Report: Supervisor Acton reported that most of his time has been spent on Solar issues.

Reviewed quotes from Mullen’s Carpet for carpeting in Board room. Matthew Snyder suggested going with a mid-grade due to the low volume use of the room. The platform will be removed and Kenn Burdick suggested going with the carpet tiles. Then if something happens just replace the tiles that are damaged. A motion to accept the quote of \$1906.00 from

December 9, 2021

Mullen's for carpet tiles was made by Dan Acton, seconded by Matthew Snyder and carried 5-0. This will be paid for out of ARP monies. Wendy Dailey asked about addressing the acoustics issue and Kenn Burdick suggested to wait and see what the carpet does.

At 8:10 pm Attorney Dwight Kanyuck joined the ZOOM meeting. Supervisor Acton updated him on issues addressed previously in the meeting.

Supervisor Acton thanked Bill Dailey and Fred Sinclair of the Planning Board for their input and help on the Solar projects.

Year-End/Organizational Meeting scheduled for Tuesday January 4th at 2:00 pm.

A motion to go to Executive Session at 8:15 pm to discuss medical, financial, credit or employment history of a particular person or matters leading to said dismissal, removal, promotion, appointment employment, discipline, demotion or suspension was made by Dan Acton seconded by Fion MacCrea and carried 5-0. Executive Session ended at 8:20 pm with a motion by Dan Acton, seconded by Matthew Snyder and carried 5-0.

Old Business: Matthew Snyder stated that at the last meeting touched on the sidewalk project moving forward and thought the DOT said the trees could not be put in the greenway. The current rendering shows that trees and streetlights in the greenway, lights seem to be unequally spaced. Mr. Acton stated that that is correct. Also, lights are 200' apart so that everything is properly lite. Matthew Snyder asked if new renderings could be done to show the correct positioning? Supervisor Acton stated that as a result of the letter he sent out to residents along this area he received 2 comments:

1. Dollar General – concerned with tearing up the new pavement in the driveway and the bus stop will it affect vision of cars pulling in and out?
2. Tinkertown – is bus shelter going to interfere with their sign?

Also, the cemetery pillars – if have to be moved or replaced the grant would pay for that.

Matthew Snyder then asked if the project is moving forward for bids and Mr. Acton responded that DOT still has to acquire some property around the storm drains and Fion MacCrea added that the new water line will be installed at the same time as the sidewalks.

Supervisor Dan Acton thanked Bill Cleveland for his time serving on the Town Board and virtually presented him with a Certificate of Appreciation.

The meeting was adjourned at 8:25 pm with a motion by Dan Acton, seconded by Wendy Dailey and carried 5-0.

Respectfully submitted,
Janice L. Burdick
Town Clerk