

Public Hearing on the Updates to the Comprehensive Plan has been postponed.

**AGENDA
TOWN OF NEW BALTIMORE, COUNTY OF GREENE
TOWN BOARD REGULAR MEETING**

JULY 11, 2016

AGENDA

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Bid Opening for Zero-Turn Commercial Mower

Approval of Minutes

- June 27, 2016 Town Board Work Meeting

Public Comment Period

New Business

- Resolution to Accept Bid for Purchase of Zero-Turn Commercial Mower
- Resolution to Accept Bid for Zero-Turn Commercial Mower
- Resolution to Go Out to Bid for Surplus Equipment and Other Goods Auction Services
- Resolution to Set the Salary for Summer Recreation Counselors
- Resolution to Schedule a Public Hearing for the Enactment of a Local Law Establishing a Community Choice Aggregation (CCA) Program
- Resolution Setting Public Hearing for Local Law #2 of 2016 Establishing Process and Regulation of Lot Line Adjustments
- Resolution Setting Public Hearing for Local Law #3 of 2016 Establishing Process and Regulation of Solar Arrays
- Audit of Claims

Discussion on Sewer Usage Fee Complaint

Upcoming Meetings

- July 14, 2016 Planning Board Meeting at 7 PM
- July 20, 2016 Comprehensive Plan Meeting at 7 PM
- July 25, 2016 Town Board Work Meeting at 7 PM
- August 3, 2016 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- August 8, 2016 Town Board Regular Meeting at 7 PM
- August 11, 2016 Planning Board Meeting at 7 PM
- August 22, 2016 Town Board Work Meeting at 7 PM
- August 28, 2016 Veterans Committee Picnic at District 2 Park
- September 17, 2016 Townwide Yard Sale 9 AM-4 PM

Public Comment Period/Community Events

Adjournment

****** Agenda Subject to Change******

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 123-2016

JULY 11, 2016

**RESOLUTION TO ACCEPT BID FOR PURCHASE OF
ZERO-TURN COMMERCIAL MOWER**

WHEREAS the town Board by Resolution 118-2016 dated June 27, 2016 authorizing the Town Clerk to advertise for bids for a Zero-Turn Commercial Mower to be submitted to the Town Clerk's office no later than 4 PM on Monday, July 11 and to be publicly opened at 7 PM on July 11, and

WHEREAS _____ bid(s) has/have been received and opened pursuant to the Town Board's authorization, and

WHEREAS a responsible bid was offered by _____ in the amount of _____.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby accept the bid of _____ pursuant to publicized bid in the amount of _____.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 124-2016

JULY 11, 2016

**RESOLUTION TO GO OUT TO BID FOR SURPLUS EQUIPMENT AND OTHER
GOODS AUCTION SERVICES**

WHEREAS, the Town of New Baltimore often has surplus equipment and other goods for which it no longer has a use or which have become obsolete, and

WHEREAS, the Town Board wishes to maximize any return it may receive from the sale of such surplus items, and

WHEREAS, the Town Board has received interest from surplus auction service companies to obtain the best return for such items.

RESOLVED, that the Town of New Baltimore shall go out to bid in accordance with the General Municipal Law Article 5-A to receive bids from all interested parties to provide auction services for surplus items.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 125-2016

JULY 11, 2016

**RESOLUTION TO SET THE SALARY FOR SUMMER RECREATION
COUNSELORS**

WHEREAS the Appointment of the Summer Recreation Program Staff was made by Resolution 101-2016 on May 9, 2016.

RESOLVED due to a change in the Minimum Wage, Julianna Trombley, Jacob Litchko, and Marisa Rosario will receive a salary of \$9 per hour.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 126-2016

JULY 11, 2016

**RESOLUTION TO SCHEDULE A PUBLIC HEARING FOR THE
ENACTMENT OF A LOCAL LAW ESTABLISHING A COMMUNITY
CHOICE AGGREGATION (CCA) PROGRAM**

WHEREAS, New York State Law and the New York State Public Services Commission ("PSC") have established and promulgated Community Choice Aggregation (CCA) rules and procedures, and

WHEREAS, it is the sense of the Town Board that participation in a CCA is appropriate and in the best interest of the residents of the Town of New Baltimore, and

WHEREAS, such State rules and procedures require the enactment of Local Law #1 of 2016 to authorize the establishment of a CCA program.

RESOLVED, that a public hearing shall be scheduled and conducted on the 25th day of July, 2016 at 6:30 PM to accept public comment upon a local law to establish a CCA, as attached.

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231
www.dos.ny.gov/corps

(Use this form to file a local law with the Secretary of State.)

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

Of NEW BALTIMORE

1 16

Local Law No. _____ **of the year 20**-----

AUTHORIZING PARTICIPATION IN A COMMUNITY CHOICE AGGREGATION PROGRAM

A local law -----
(insert Title)

=====

TOWN BOARD

Be It enacted by the _____ of the _____
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☐ Village

of _____ **NEW BALTIMORE** _____ as follows:

PLEASE SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2016 of the ~~(County)(City)(Town)(Village)~~ of NEW BALTIMORE was duly passed by the TOWN BOARD on July 25, 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. ~~(Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ and was deemed duly adopted on _____ 20 _____,
(Elective Chief Executive Officer*)
in accordance with the applicable provisions of law.

3. ~~(Final adoption by referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____ and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 _____. Such local law was submitted
(Elective Chief Executive Officer*)
to the people by reason of a ~~(mandatory)(permissive)~~ referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the ~~(general)(special)(annual)~~ election held on _____ 20 _____ in accordance with the applicable provisions of law.

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20 _____, and was ~~(approved)(not approved)(repassed after~~
(Name of Legislative Body)
~~disapproval)~~ by the _____ on _____ 20 _____. Such local law was subject to
(Elective Chief Executive Officer*)
permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____ in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a countywide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____

of the County of _____ State of New York, having been submitted to the electors

at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the

Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____1____, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: _____

**TOWN OF NEW BALTIMORE
LOCAL LAW # 1 OF 2016
AUTHORIZING PARTICIPATION IN A
COMMUNITY CHOICE AGGREGATION PROGRAM**

Be it enacted by the Town Board of the Town of New Baltimore as follows,

ARTICLE I

§1. Legislative Findings; Intent and Purpose; Authority

A. It is the purpose of this Local Law to seek to reduce the cost of natural gas and electricity to its residents.

B. The purpose of this CCA Program, as set forth in a certain agreement between the Town of New Baltimore and Good Energy, L.P., is to allow participating local governments including the Town of New Baltimore to procure energy supply service for their residential and commercial customers, who will have the opportunity to opt out of the procurement, while maintaining transmission and distribution service from the existing Distribution Utility. This Chapter establishes a program that will allow the [Town of New Baltimore or its designated agent for that purpose, to put out for bid the total amount of natural gas and/or electricity being purchased by their residential and Commercial customers. Bundled Customers will have the opportunity to have more negotiating strength and consequential potential to lower their overall energy costs, and to improve customer choice and value, by providing an additional alternative source for electricity and natural gas; thereby, fulfilling the purposes of this Chapter and fulfilling an important public purpose.

C. The Town of New Baltimore is hereby authorized to participate in a COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM pursuant to Section 10(1)(ii)(a)(12) of the New York Municipal Home Rule Law; and State of New York Public Service Commission Case No. 14-M-0224, Proceeding on Motion of the Commission to Enable Community Choice Aggregation Programs, Order Authorizing Framework for Community Choice Aggregation Opt-Out Program (issued April 20, 2016), including subsequent orders of the Public Service Commission issued in connection with or related to Case No. 24-M-0224 (collectively, the "Order").

D. This Chapter shall be known and may be cited as the "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM Law" of the Town of New Baltimore.

§2. Definitions

For purposes of this Chapter, and unless otherwise expressly stated or unless the context otherwise requires, the terms in this Chapter shall have the meanings employed in the State of New York Public Service Commission's Uniform Business Practices or, if not so defined there, as indicated below:

Administrator – Good Energy, LP, a New York State not-for-profit corporation.

Bundled Customers – Residential and Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.

Commercial – Non-residential customers as permitted in the Order.

Community Choice Aggregation Program or CCA Program – A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Town of New Baltimore.

Distribution Utility – Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission.

Public Service Commission – New York State Public Service Commission.

Suppliers – Energy service companies (ESCOs) that produce electric power and natural gas for Bundled Customers in connection with this Chapter or, alternatively, generators of electricity and natural gas or other entities who procure and resell electricity or natural gas.

§3. Establishment of a COMMUNITY CHOICE AGGREGATION (ENERGY) Program.

A. A Community Choice Aggregation (Energy) Program is hereby established by the Town of New Baltimore, whereby the Town of New Baltimore shall cooperate with the Administrator by participating in the CCA Program to the full extent permitted by the Order, as set forth more fully herein. The Town of New Baltimore’s role under the CCA Program involves the aggregating of the electric and/or natural gas supply for its residents, and the entering into a contract with one or more Suppliers, through the Administrator, for the procurement of electricity and/or natural gas supply for its residential and Commercial customers. Under the CCA Program, the operation and ownership of the utility service shall remain with the Distribution Utility.

B. The Town of New Baltimore’s procurement of energy supply through a CCA Program constitutes neither the purchase of a public utility system, nor the furnishing of utility service. The Town of New Baltimore will not take over any part of the electric or gas transmission or distribution system and will not furnish any type of utility service, but will instead negotiate with Suppliers through the Administrator on behalf of participating residential and Commercial customers.

C. In order to implement the CCA Program, the Town of New Baltimore shall adopt one or more resolutions that outline the process of and conditions for participation in the CCA Program, as consistent with the Local Law and the Order. The Town of New Baltimore shall adopt the following policies and agreements consistent with the Order: (i) an Implementation Plan; (ii) a Data Protection Plan; (iii) a Data Security Agreement; and (iv) a Certification of Local Authority

(collectively, the "Policies"). The Policies shall be adopted, submitted, amended, supplemented and filed in accordance with the Order.

D. The Public Service Commission supervises retail markets and participates in these markets through legislative and regulatory authority and the Uniform Business Practices, which includes rules relating to the eligibility of participating ESCOs, the operation by which ESCOs provide energy services, and the terms on which customers may be enrolled with ESCOs.

§4. Customer Eligibility.

A. Residential and Commercial customers, regardless of size, shall be eligible to participate in the CCA Program.

B. The Administrator shall apply opt-in and opt-out status to customers in accordance with the Order.

§5. Supplier Selection; Supplier Contracts.

A. The Administrator, on behalf of the Town of New Baltimore, shall issue one or more requests for proposals to Suppliers to provide energy to participants and may then award a contract in accordance with the CCA Program.

B. The terms of the Supplier contracts ("CCA Contract") shall comply with the Order.

§5. Opt-Out Notice and Procedures.

A. The Administrator shall provide information and education to potential CCA customers over no less than a two (2) month period.

B. The Town of New Baltimore shall mail opt-out letters to eligible opt-out customers provided: (i) the Policies have been filed; and (ii) the opt-out letters have been deemed compliant.

C. The opt-out letter shall comport with the requirements set forth in the Order.

D. The initial opt-out period shall be thirty (30) days after notification is sent to the customer.

§6. Customer Data Sharing.

A. The Administrator may request the Distribution Utility's aggregated customer information on all Bundled Customers in the Town of New Baltimore provided the Public Service Commission has approved the Policies.

B. Provided the Administrator has complied with the requirements of (A), the Distribution Utility shall transfer the aggregated customer and usage data within twenty (20) days of a request from the Administrator in accordance with the Order.

C. Customer-specific information may be requested for all eligible customers once the Administrator demonstrates that the requisite contracts with ESCOs have been entered into and executed. Detailed customer information may be requested for eligible customers who did not opt-out once the initial opt-out period has closed.

D. After the Administrator has entered into a CCA Contract with an ESCO, the Distribution Utility shall transfer customer-specific data to the Administrator within five (5) days of a request in accordance with the Order.

E. The Administrator, the contracted Supplier, and the Town of New Baltimore will protect customer information as required by law, subject to the Order and the limitations of the New York State Freedom of Information Law.

Section 2. This local law shall take effect upon filing with the Secretary of State.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 127-2016

JULY 11, 2016

**RESOLUTION SETTING PUBLIC HEARING FOR LOCAL LAW #2 OF 2016
ESTABLISHING PROCESS AND REGULATION OF LOT LINE ADJUSTMENTS**

WHEREAS, the Town Board of the Town of New Baltimore has received much public comment requesting a simplified process for subdivisions involving small portions of land or a simple boundary line movement.

THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of New Baltimore hereby schedules a public hearing to accept public comment on proposed local law #2 of 2016 Establishing Lot Line Adjustment Process and Regulations, as attached. The public hearing shall occur on July 25, 2016 at 7:00 pm

TOWN OF NEW BALTIMORE
LOCAL LAW #2 OF 2016
Altered Lot Lines and Boundary Line Adjustments

1. Short title.

This article shall be known as the "Lot Line Law of the Town of New Baltimore."

2. Purpose.

- A. The purpose of this local law is to amend the existing Town of New Baltimore Subdivision Regulations such that lot line alterations and boundary line adjustments are considered separately from subdivision of land.
- B. Where this article conflicts or is inconsistent with the Town of New Baltimore Subdivision Regulations, this article shall supersede said regulations.

3. Definitions.

As used in this article, the following terms shall have the meaning indicated:

ALTERED LOT LINE – The process whereby the owner of one parcel of land conveys a portion of land to an adjacent landowner merely for purposes of increasing the size of the neighbor's land or to accommodate a natural feature of the premises or the local zoning law without creating a new lot. However, this lot line law shall not be applicable where any lot affected by the proposed new lot line creates a new subdividable parcel and the applicant must, in that case, submit a full minor or major subdivision application, as the case may be.

BOUNDARY LINE ADJUSTMENT - A change in the boundary of two adjoining lots, which may be utilized to correct error(s) in deed(s) or to fulfill a shared desire of the property owners involved wherein no more than one acre is to be conveyed or at the discretion of the Planning Board.

SUBDIVISION – The division of any parcel of land into two or more lots, blocks or sites, with or without streets, and including resubdivision. Specifically excluded from this definition, however, is an "altered lot line."

4. Application and procedure for creating an altered lot line.

- A. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- B. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of Subsection G below; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.
- C. The grantor shall convey the parcel of land in issue by way of a proper deed and shall record the same.
- D. The adjacent landowner shall prepare and record a deed which describes, as a single parcel, his/her existing property and the parcel being acquired from the grantor. In the event, however, a survey of the adjacent landowner's property is not used, then the

adjoining landowner shall prepare and record one deed which describes both his/her existing parcel being acquired from the grantor as two separate parcels. In such case, however, the deed shall contain a clause stating that the purpose of acquiring the additional parcel is merely to increase the size of the existing parcel and that no new building lot is created by the conveyance.

E. Review and approval.

(1) Prior to approving an altered lot line, the New Baltimore Planning Board shall review;

- a. The map and survey of the land to be conveyed by the grantor.
- b. The map or survey showing both the adjacent landowner's property and the land to be conveyed by the grantor as a single parcel of land.
- c. The deed conveying the parcel in issue to the adjacent landowner.
- d. The deed of the adjacent landowner which describes his existing property and the parcel being acquired from the grantor, either as a single parcel or as two separate parcels in accordance with the provisions of Subsection D above.

(2) Upon approving an altered lot line, the New Baltimore Planning Board Chairman shall mark the adjacent landowner's survey map "accepted for filing by the New Baltimore Planning Board," and it shall be properly signed and dated by the duly designated officer of the planning Board. In the event the approved survey map and the receptive deeds are not filed in the office of the Greene County Clerk within 30 days of the date upon which they are approved, the altered lot line shall become null and void as though it had never been approved. The thirty-day time period, however, may be extended upon request of the grantor or the adjacent landowner and upon approval of the Planning Board.

- F. Unless a variance is granted, an altered lot line shall not be approved where such conveyance would cause a parcel to fail to meet the minimum lot size or setbacks required by any Town of New Baltimore local law or regulation.
- G. The New Baltimore Planning board may in its discretion require a survey map of the adjacent landowner's property with just cause.
- H. The Town of New Baltimore shall charge a fee as shall be set from time to time by resolution of the Town Board for each lot line application submitted.

5. Application and procedure for creating a boundary line adjustment.

The following items shall be submitted to the Planning Board:

- A. A filing fee in an amount as shall be set from time to time by resolution of the Town Board,
- B. A map and survey of the portion of land to be conveyed by a grantor to his/her adjacent landowner shall be prepared showing any existing buildings within 100 feet of all boundary lines.
- C. A map or survey of the adjacent landowner's property shall also be prepared, if required pursuant to the provisions of Subsection 4. G above; said map or survey shall show both the adjacent landowner's parcel and the parcel to be acquired as a single parcel of land.

- D. Decds describing the new boundaries of the properties;
- E. A brief written description of the purpose of the proposed transaction; and
- F. A public hearing is not mandatory, however the Planning Board may require a public hearing if in its discretion there may be substantial environmental or community impacts associated with the application.

7. Approval.

The decision of the Planning Board shall be rendered in writing within 62 days of the date all items set forth above were received by the Clerk of the Planning Board. The Planning Board shall deny any boundary line adjustment which violates existing Town of New Baltimore local law or regulation or is inconsistent with the stated purpose of such law or regulation. In the event the boundary line adjustment is approved, the Chairperson shall affix the date and stamp of the Town upon the map submit

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

**RESOLUTION 128-2016
JULY 11, 2016**

**RESOLUTION SETTING PUBLIC HEARING FOR LOCAL LAW #3 OF 2016
ESTABLISHING PROCESS AND REGULATION OF SOLAR ARRAYS**

WHEREAS, the Town Board of the Town of New Baltimore has received much public comment requesting a process for review and regulation of solar arrays.

THEREFORE IT IS HEREBY RESOLVED, that the Town Board of the Town of New Baltimore hereby schedules a public hearing to accept public comment on proposed local law #3 of 2016 Establishing a Process and Regulation of Solar Arrays, as attached. The public hearing shall occur on August 8, 2016 at 7:00 pm.

TOWN OF NEW BALTIMORE
LOCAL LAW #3 OF 2016
REGULATION AND APPROVAL STANDARDS FOR SOLAR COLLECTION
SYSTEMS

§1. Title. This law shall be known and cited as the "Town of New Baltimore Regulation and Approval Standards for Solar Collection Systems."

§2. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expedited process: The application, review and approval process for any solar collector system with a rated capacity of 12 kW or less, as set forth in §3 below.

Small-scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended for and used solely by an individual/home purpose and which have a rate capacity of greater than 12 kW.

Utility scale solar collector system: A solar collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and is capable of collecting, distributing, and storing (if appropriate to the technology) the sun's radiant energy for a beneficial use which is intended to be utilized for any purpose other than private residential or agricultural use.

§3. Expedited process for solar collector systems with a rated capacity of 12 kW or less

A. Purpose and intent.

The expedited solar permitting process uses a unified permit across participating municipalities in New York State. A combined building and electrical permit for a grid-tied solar electric system will be issued pending proper completion of forms, submission of approved plans and approval by municipality. All applicants must submit:

B. Applicability.

The expedited solar permitting process shall be applicable to all solar collector system with a rated capacity of 12 kW or less, whether intended for personal use or commercial use.

C. Application, Review and Permitting.

(1) Items to be submitted.

(a) Unified Solar Permit for Small-Scale Solar Electric Systems and an Eligibility Checklist; and

(b) A set of plans which must include the Project address, section, block and lot number of the property and the Owner's name, address and phone number and the name, address and phone number of the person preparing the plans;

(c) A Site Plan showing location of major components of solar system and other equipment on roof or legal accessory structure. This plan should represent relative location of components at site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan should show access and pathways that are compliant with New York State Fire Code, if applicable.

(d) One-Line or 3-Line Electrical Diagram as required by and shall include:

[1] Specification Sheets for all manufactured components. If these sheets are available electronically, a web address will be accepted in place of an attachment, at the discretion of the Code Enforcement Officer.

[2] All diagrams and plans must be prepared by a PE or RA as required by New York State law and include the system capacity in kW-DC.

(2) Upon receipt and verification of each of the above items, the Code Enforcement Officer shall issue a building permit for the construction and completion of the system.

§4. Regulation and approval standards for small-scale solar collector systems.

A. Purpose and intent.

(1) The purpose of these regulations is to balance the potential impact on neighbors where solar collectors may be installed near their property while preserving the rights of property owners to install solar collection systems without excess regulation. These regulations are not intended to override the New York State Agriculture and Markets Law.

(2) Solar energy is a renewable and nonpolluting energy resource that can prevent fossil fuel emissions and reduce energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid when excess solar power is generated.

B. Applicability.

(1) The requirements herein shall apply to small-scale solar collector system installations modified or installed after the effective date of this section with a rated capacity of greater than 12 kW.

(2) Solar collector system installations for which a valid building permit has been properly issued, or for which installation has commenced before the effective date of this section, shall not be required to meet the requirements of this section, except in accordance with Subsection D, Safety, found herein this section. Any modification, expansion or alteration to an existing solar collector system shall only be permitted in accordance with §§201-70 and 201-71 of the Town of New Baltimore Zoning Law.

(3) All small-scale solar collector systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the New York State Building Code.

C. Permitting.

(1) Rooftop and flush-mounted solar collectors are permitted in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all rooftop and flush-mounted solar collectors.

(b) Height limitations for structures found in this zoning law, shall apply.

(c) Rooftop and flush-mounted solar collector systems are permitted on the following structures:

[1] All principal structures.

[2] All accessory structures that meet the principal structure setbacks as required in each zoning district.

(d) Rooftop units must be three feet from any chimney and shall not be permitted on any roof overhangs.

(e) Any solar collector system attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof.

(2) Ground-mounted racks and freestanding solar collectors are permitted as an accessory structure in all zoning districts in the Town of New Baltimore subject to the following conditions:

(a) Building permits shall be required for installation of all ground-mounted and freestanding solar collectors except in the Hamlet and General Commercial Districts, where freestanding solar collectors shall not be allowed.

(b) Special use permit from the Planning Board is required for all ground-mounted racks and freestanding solar collectors greater than 10 feet in height or greater than 20 feet in length or if the solar array surface area is greater than 200 square feet in the aggregate in all residential zoning districts. All other ground-mounted racks and freestanding solar collectors shall follow the standard building permit process.

(c) All ground-mounted racks and freestanding solar collectors shall have a maximum height of 20 feet from ground elevation.

(d) All ground-mounted racks and freestanding solar collectors installed in the side or rear yards shall comply with the setback requirements for a principal structure found in this zoning law.

(e) Solar collectors may be installed in any front yard but shall not be less than 75 feet from the front property line and shall require a special use permit.

(f) Solar collectors shall be located in a manner that reasonably minimizes shading of adjacent property while still providing adequate solar access for collectors.

D. Safety.

(1) All solar energy systems and solar collectors must obtain a building permit and shall be designed to be and installed to be in conformance with the New York Uniform Fire Prevention and Building Code Standards that are applicable when the building permit is issued.

(2) If solar storage batteries are included, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use. When they are no longer in use, they shall be disposed of in accordance with the laws of New York State Fire Prevention and Building Code and local laws of the Town of New Baltimore and any other applicable laws or regulations.

(3) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

§5. Regulation and approval standards for utility-scale solar collector systems.

A. Purpose and intent.

(1) The purpose of these regulations is to provide utility-scale solar collector systems through performance criteria that balance the unique characteristics of each site. Utility-scale solar collector systems are allowed in all zones in the town, subject to site plan review approval pursuant to Article VII of the Town of New Baltimore Zoning Law.

(2) In any instances where specific permitted uses, area, or height standards, development guidelines and/or review procedures specifically set forth in this section conflict with any other general provision or requirements of the Zoning chapter, the particular provisions set forth herein shall take precedence and control.

B. Bulk and area requirements. The following dimensional requirements shall apply to all utility-scale solar collector systems:

(1) Height.

(a) All solar collectors shall have a maximum height of 20 feet from ground elevation.

(b) All buildings and accessory structures associated with the utility-scale solar collector system shall have a maximum height of 35 feet, excluding the solar collector.

(2) Setback. All utility-scale solar collector systems and associated buildings, accessory structures and equipment shall have a minimum setback from any property line of 100 feet.

(3) Lot coverage. The maximum percentage of coverage of a parcel in each zoning district shall be determined by Article V of the Town of New Baltimore Zoning Law.

C. General provisions.

(1) Site plan. All utility-scale solar collector systems shall provide a site plan in accordance with Article VII. of the Town of New Baltimore Zoning Law.

(2) Signage. All signage shall be provided as part of site plan review and shall be in accordance with Article VI. of the Town of New Baltimore Zoning Law.

(3) Visual.

(a) Utility-scale solar collector systems shall be sited in a manner to have the least possible practical visual effect on the environment.

(b) A visual environmental assessment form (Visual EAF), landscaping plan and visual assessment report, including appropriate modeling and photography assessing the visibility from key viewpoints identified in the Visual EAF, existing tree lines, surrounding topography, and proposed elevations shall be required.

(c) Landscaping, screening and/or earth berming shall be provided to minimize the potential visual impacts associated with the utility-scale solar collector systems and its accessory buildings, structures and/or equipment. Additional landscaping, screening and/or earth berming may be required by the Town Board and/or the Planning Board to mitigate visual and aesthetic impacts.

(d) Any associated structure shall be screened, placed underground, depressed, earth bermed or sited below the ridgeline to the greatest extent feasible, particularly in areas of high visibility.

(4) Lighting. A lighting plan shall be required. No utility-scale solar collector system shall be artificially lighted unless otherwise required by a federal, state or local authority. Exterior lighting may be provided for associated accessory structures and access entrances as may be determined appropriate for security purposes only.

(5) Utilities. The applicant shall provide written confirmation that the electric grid has the capacity to support the energy generated from the utility-scale solar collector system. Electrical and land-based telephone utilities extended to serve the site shall be underground.

(6) Access. The applicant shall indicate on a site plan all existing and proposed access to the site, including road, electric power, emergency access, land-based telephone line connection, and other utilities existing and proposed within the property boundaries of the proposed location. Existing roadways shall be used for access to the site whenever possible and determined acceptable by the Planning Board through site plan review.

(7) Glare and heat. No unreasonable glare or heat shall be produced that is perceptible beyond the boundaries of the lot on which such use is situated.

(8) Ownership. In the case of an application for a utility-scale solar collector system to be located on private lands owned by a party other than the applicant or the Town, a copy of the lease agreement with the property owner shall be filed with the Building Department.

(9) Proof of insurance. The applicant and the owner of the property where the utility-scale solar collector system is to be located shall file with the Building Department proof of insurance in a sufficient dollar amount to cover potential personal and property damage associated with construction and operation thereof.

(10) Security provisions. Each site shall have a minimum of an eight-foot security fence to prevent unauthorized access and vandalism to the utility-scale solar collectors and a security program for the site as approved by the Planning Board during site plan review.

(11) Noise. Noise-producing equipment shall be sited and/or insulated to minimize noise impacts on adjacent properties as approved by the Planning Board during site plan review.

(12) Documentation from the utility company, verifying that the utility-scale solar collector system is active, shall be provided annually to the Town of New Baltimore Building Department.

(13) Required sureties for construction, maintenance and removal of utility-scaled solar collector systems.

(a) Construction and maintenance. Prior to the issuance of a building permit for the utility-scale solar collector system and any associated accessory structures, the applicant shall post a surety in an amount and form acceptable to the Town for the purposes of construction and maintenance. The amount shall be up to 20% of the construction value. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee compliance with the conditions of the approval for the utility-scale solar collector. If the owner of the site fails to comply with any conditions of the approval during construction or as part of the long-term maintenance of the site, all costs of the

Town incurred to comply with conditions of the approval shall be paid using the surety provided by the applicant. Failure to comply with the conditions of the approval or to maintain an acceptable level of surety will result in revocation of the certificate of occupancy.

(b) Removal. The utility-scale solar collector system, including any accessory structures and/or equipment, shall be dismantled and removed from the site when the utility-scale solar collector system has been inoperative or abandoned for two years. As a condition of the certificate of compliance, applicants shall post a surety in an amount and form acceptable to the Town for the purposes of removal or abandonment. The amount shall be up to 20% of the construction cost. Acceptable forms shall include, in order of preference: cash; letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the utility-scale solar collector system should the system be abandoned. Abandonment shall be assumed by the Town if the annual documentation as required in C. (12) above, is not provided by the owner, applicant or lessee for two consecutive years to the Town of New Baltimore Building Department. The Town Building Inspector shall then provide written notice to the owner to remove the utility-scale solar collector system, and the owner shall have two years from written notice to remove the utility-scale solar collector system, including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Planning Board, all costs of the Town incurred to comply with this condition shall be paid using the surety provided by the applicant.

§6. Fees.

The Town Board may set application, review and/or approval fees by resolution, from time to time, as it deems appropriate.

§7. Severability.

If any clause, sentence, paragraph, word, section or part of this Code shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

§8. Effective Date.

This Local Law shall become effective immediately upon its filing in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 129-2016

JULY 11, 2016

RESOLUTION TO AUTHORIZE SUPERVISOR TO PAY AUDITED CLAIMS

WHEREAS the Town Clerk has presented claims to the Town Board for audit and review, and

WHEREAS the Town Board has audited claims 2016-07-01 to 2016-07-, it is

REVOLVED that the Supervisor is hereby authorized to pay claims 2016-07-01 to 2016-07-.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until August 31, 2016.