

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

SEPTEMBER 12, 2022

Please turn off all cell phones and electronic devices.

Pledge of Allegiance

Adoption of Minutes

- August 22, 2022 Town Board Work Meeting

Public Comment Period

New Business

- Resolution to Set Public Hearing Regarding Local Law 4 of 2022, A Local Law Revising Town of New Baltimore Solar Law
- Resolution to Authorize the Supervisor to Sign Renewal Agreement with MVP Health Care Insurance
- Resolution to Place Advertisement for Board of Assessment Review Member
- Audit of Claims

Upcoming Meetings

- September 17, 2022 Townwide Yard Sale
- September 26, 2022 Town Board Work Meeting at 7 PM
- October 5, 2022 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 12, 2022 Town Board Regular Meeting at 7PM
- October 13, 2022 Planning Board Meeting at 7 PM
- October 24, 2022 Town Board Work Meeting at 7 PM

Public Comment Period/Community Events

Adjournment

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

GUIDELINES FOR PUBLIC CONDUCT DURING TOWN BOARD MEETINGS

1. The Supervisor shall preside at the meetings of the Town Board. In the absence of the Supervisor, the Deputy Supervisor shall be the acting Supervisor. In the event both the Supervisor and the Deputy Supervisor are absent, the other members shall designate one of their members to act as temporary chairman. A majority of the Board shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
2. Town residents who wish to speak shall fill out a card at the entrances of the meeting room listing their name, contact information, and the subject matter in which they would like to speak. These cards will be collected prior to the beginning of the Town Board meeting and given to the Town Supervisor or Deputy Supervisor in the absence of the Supervisor.
3. Speakers must be recognized by the presiding officer and then proceed to the lectern and state their name and address. They must limit their remarks on official town business to up to three minutes on a given topic and may not yield any remaining time to another speaker. They must address their remarks to the Board as a body and not to any member thereof and not to other members of the audience in the form of a debate.
4. Speakers should present their remarks in a courteous manner and may not make disparaging remarks or personal comments about public officials, town residents, or others. All speakers will observe the commonly accepted rules of courtesy, decorum, dignity, and good taste with no cursing, swearing, clapping, booing, finger pointing, bullying, whispering, or talking that disrupts the proceedings of the business of the Town Board.
5. Any speaker who disregards the directives of the presiding officer in enforcing the rules, disturbs the peace at a meeting, makes impertinent or slanderous remarks, or generally conducts themselves in an inappropriate manner shall be barred from further participation and will forfeit any balance of time remaining for their comments.
6. After a final warning, if a speaker willfully refuses to step down, the Town Supervisor shall contact the appropriate authorities to remove the speaker from the meeting room and to restore order.
7. The Town Supervisor, or in their absence the Deputy Supervisor, shall ensure compliance with these rules.

This policy will be amended by Majority vote of the Town Board.

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OPENING OF WORK MEETING

Supervisor Ruso opened the Regular Meeting at 7:00 PM and the Pledge of Allegiance was said. Also attending Councilmembers Boehlke, Downes, Irving, and VanEtten; Deputy Supervisor Dellisanti; Town Clerk Finke; and 6 members of the public who signed the attendance book.
Absent: Highway Superintendent VanWormer

ADOPTION OF MINUTES

The August 22, 2022 Town Board Work Meeting submitted by Town Clerk Finke, Moved by Supervisor Ruso and was seconded by Councilmember VanEtten. The adoption of the foregoing Motion was duly put to a vote and the vote was as follows:

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Public Comment Period

James Eckl: Good Evening, Sir, Ladies and Gentlemen. I want to start by saying I do appreciate that the text of proposed Local Law 4 was included with the Agenda as posted on the website and I understand the hearing will likely be set for two weeks from now and I understand that that's the occasion to comment on the law. However, the proposed Local Law can't be understood fully in isolation and I say this because the present Town Code already contains an Article 111 that addresses the issue of solar energy. So I'm wondering what the plan is? Is it that Article 111 will be repealed and replaced by Local Law 4?

Supervisor Ruso: This will replace that, yes. This would be in replacement of the exiting.

James Eckl: Forgive me if that doesn't come across in the text of the...

Supervisor Ruso: No, we didn't put it in the body of the law.

James Eckl: That answers my question, thank you.

Supervisor Ruso: I think that we would consider that for when we actually have our final approval, we can add that to our resolution. I didn't want to muddy up the law itself, but we can put that on the resolution and that will replace previous. The meeting two weeks from tonight is the full Public Comment Period. So if you have something to address, but that's gonna be more of a hearing specifically to this. This is more general Town Board.

Dan Watson: I think the only thing we were wondering about was that there's a reference to zoning districts in the bylaw that was proposed. I don't think the zoning districts lined up with the zoning map that we saw on the website. It may have been a zoning district from another Town or something. We weren't sure. We just want to understand if that was the intention if the Town was aware. I wanted to raise that before anything was formally proposed at a public...

Supervisor Ruso: If I'm not mistaken, your property is over there just south of the Hannacroix Creek and I do believe that that's zoned appropriately for this.

Dan Watson: Yes, so we are zoned Commercial according to the zoning map and Appendix 1 lot size requirements for example, there isn't a Commercial district referred to. I think General Business is referred to. I don't think there is a General Business District in the Town of New Baltimore.

Councilmember VanEtten: There's a Commercial District.

Supervisor Ruso: It's Commercial.

Dan Watson: Well, I think maybe it was just an error in drafting. That's all we wanted to call out. I don't think that was your intent. We just wanted to clarify that.

Supervisor Ruso: Thank you. I'm gonna write that down in the margins here.

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Dan Watson: It's Appendix 1 it's referenced and it's referenced one other place.

Supervisor Ruso: General Business, we have to keep that in there. It probably should be Commercial.

Dan Watson: In the beginning of Section 8 'Permitting requirements for Tier 3,' it also references General Business.

Supervisor Ruso: We poured over this how many times, Bill?

Councilmember Boehlke: A few.

Supervisor Ruso: Quite a few.

Dan Watson: We'll reserve all other comments as long as that's corrected and we look forward to the Public Hearing.

Supervisor Ruso: Other than that, were there any misgivings about what I... I had told you it was coming, it's coming. So here it is. No surprises I don't think were there?

Dan Watson: No, I think we're largely in support of it. We appreciate the Town's efforts and we know it's a lot of work..

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 126-2022
SEPTEMBER 12, 2022

RESOLUTION TO SET PUBLIC HEARING REGARDING LOCAL LAW 4 OF 2022
A LOCAL LAW REVISING TOWN OF NEW BALTIMORE SOLAR LAW

WHEREAS, the Town of New Baltimore established a Solar Law Review Committee in June of 2022 to review and/or revise existing Town Solar Law, and

WHEREAS said Solar Law Task Force met 7 times, reviewing Town of New Baltimore Solar Laws, Solar Laws of other municipalities, state regulations, and other written documentation; and

WHEREAS upon completion of the last version of the proposed solar law that version was sent to the Attorney for the Town for legal review; and

WHEREAS, given that the attached Solar Law has met the approval of both the Solar Law Task force and the Attorney for the Town.

NOW, THEREFORE BE IT RESOLVED, The Town of New Baltimore hereby submits such law and sets a Public Hearing to be held on Monday, September 26, 2022, at 6:30 p.m. at the New Baltimore Town Hall, 3809 County Route 51, Hannacroix, NY 12087 to hear the input of the public regarding said proposed local law.

PROPOSED LOCAL LAW 4 of 2022

Town of New Baltimore
Solar Energy Local Law

1. Authority

This Solar Energy Local Law is adopted pursuant to Article 16 of the New York State Town Law, and Articles 2 and 3 of the Municipal Home Rule Law of the State of New York, which authorize the Town of New Baltimore to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town of New Baltimore law of New York State, "to make provision for, so far as conditions may permit,

the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of New Baltimore by creating regulations for the installation and use of solar energy generating systems and equipment, with the following objectives:

- 1) To take advantage of a safe, abundant, renewable and non-polluting energy resource;
- 2) To decrease the cost of electricity to the owners of residential and commercial properties, including single-family houses;
- 3) To increase employment and business development in the Town of New Baltimore, to the extent reasonably practical, by furthering the installation of Solar Energy Systems;
- 4) To mitigate the impacts of Solar Energy Systems on environmental resources and;
- 5) To create synergy between solar and other stated goals of the community pursuant to its Comprehensive Plan.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A combination of Solar Panels and Solar Energy Equipment integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produce electricity for onsite consumption.

GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure that generates electricity for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of electricity.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the

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land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in Town of New Baltimore after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code (“Building Code”), the NYS Energy Conservation Code (“Energy Code”), and the New Baltimore Town Code.

5. General Requirements

A. A Building permit shall be required for installation of all Solar Energy Systems. The Town Code Enforcement Officer will be notified by the Town Supervisor that all requirements of the decommissioning plan and the PILOT and/or CHA have been satisfied and the project is eligible for a building permit.

B. Local land use boards are encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the New Baltimore Planning Board/Zoning Board of Appeals shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 (“SEQRA”).

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s).
- 3) Height: All Roof-Mounted Solar Energy Systems shall comply with the height limitations in Appendix 3.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

All Tier 2 Solar Energy Systems shall be permitted in all zoning districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

A. Glare: All Solar Panels shall have anti-reflective coating(s).

B. Setbacks: Tier 2 Solar Energy Systems shall be subject to the setback regulations specified for the accessory structures within the underlying zoning district. All Ground-Mounted Solar Energy Systems shall only be installed in the side or rear yards in residential districts.

C. Height: Tier 2 Solar Energy Systems shall be subject to the height limitations specified for accessory structures within the underlying zoning district.

D. Screening and Visibility.

- 1) All Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- 2) Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from surrounding properties and shading of property to the north, while still providing adequate solar access.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district.

8. Permitting requirements for Tier 3 Solar Energy Systems

All Tier 3 Solar Energy Systems are permitted through the issuance of a special use permit within the Residential/Agricultural, Planned Residential, General Business, Industrial and Planned Industrial zoning districts, and subject to site plan application requirements set forth in this Section.

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A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) reviewed by the Code Enforcement Officer for completeness. Applicants shall be advised within 10 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) subject to a public hearing to hear all comments for and against the application. The Planning Board/Zoning Board of Appeals of the Town of New Baltimore shall have a notice printed in a newspaper of general circulation in the Town of New Baltimore at least 5 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners or landowners within 1000 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board/Zoning Board of Appeals at the public hearing.
- 3) referred to the Greene County Planning Board pursuant to General Municipal Law § 239-m if required.
- 4) upon closing of the public hearing, the Planning Board/Zoning Board of Appeals shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board/Zoning Board of Appeals and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet. To the extent required by safety, signs can be larger, subject to the review and approval of the Planning Board/Zoning Board of Appeals.
- 2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s).

F. Lighting. Lighting of the Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

G. Thin-film panels will require initial soil testing as well as at decommissioning. Cost of sampling and any needed remediation shall be at the expense of the operator/property owner.

H. Tree-cutting. Removal of existing trees larger than 6 inches in diameter should be minimized to the extent possible but in no case should removal of existing trees exceed 50% of current forested coverage.

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I. Decommissioning.

1) Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of New Baltimore as set forth in Section 10(b) herein.

2) A decommissioning plan (see Appendix 4) signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:

- a. The cost of removing the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Town of New Baltimore Town Clerk a bond, or other form of security reasonably acceptable to the Town of New Baltimore Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by 50% of the estimated salvage value of the Solar Energy System. That bond shall be reviewed on the following schedule:
 - a. Every 5 years for the 1st 15 years
 - b. Every 3 years thereafter.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of New Baltimore, which shall be entitled to maintain an action thereon. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10(b) and 10(c) herein.

I. Site plan application. For any Solar Energy system requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.

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- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Solar Energy System.
- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board/Zoning Board of Appeals, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

J. Special Use Permit Standards.

- 1) Lot size
 - a. The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements in Appendix 1.
- 2) Setbacks
 - a. The Tier 3 Solar Energy Systems shall meet the setback requirements in Appendix 2.
- 3) Height
 - a. The Tier 3 Solar Energy Systems shall comply with the height limitations in Appendix 3 depending on the underlying zoning district.
- 4) Lot coverage
 - a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - I. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - III. Paved access roads servicing the Solar Energy System.
 - b. Lot coverage of the Solar Energy System, as defined above, shall be calculated on the aggregate of all lots affected rather than by individual lot.

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5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a fence that is 7 to 8 foot tall, as required by NEC, with a self-locking gate to prevent unauthorized access.

6) Screening and Visibility.

a. Solar Energy Systems shall be required to:

I. Conduct a visual assessment of the visual impacts of the Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.

II. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

III. The screening & landscaping plan shall specify the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Planning Board/Zoning Board of Appeals.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer and the Town Supervisor of such change in ownership or operator within 30 days of the ownership change. **Failure to notify both parties in the appropriate time frames may result in suspension of the special use permit.**

9. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Storage Batteries are included as part of the Solar Energy System, they shall meet the requirements of any applicable fire prevention and building code when in use and, when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of New Baltimore and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, provided that a building permit is issued for construction. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board/Zoning Board of Appeals, within 18 months after approval, the applicant or the Town of New Baltimore may extend the

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time to complete construction for 180 days. If the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.

B. Upon cessation of electricity generation of a Solar Energy System on a continuous basis for 12 months, the Tow of New Baltimore may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be completed within 360 days of notification.

C. If the owner and/or operator fails to comply with decommissioning upon any abandonment, the Town of New Baltimore may, at its discretion, utilize the bond and/or security for the removal of the Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of the Town of New Baltimore.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX 1: LOT SIZE REQUIREMENTS

The following table displays the size requirements of the lot for Ground-Mounted Solar Energy Systems to be permitted.

Table 1: Lot Size Requirements

Zoning District	Tier 3 Solar Energy Systems
Residential/Agricultural (RA/RA-1)	≥ 5 acres
Planned Residential (R-4)	≥ 5 acres
General Business (B-1)	≥ 5 acres
Residential (R-1/R-2/R-3)	≥ 2 acres
Industrial (I-1/I-2)	N/A
Planned Industrial (I-3P)	N/A

Key:
N/A: Not Applicable

APPENDIX 2: PARCEL LINE SETBACKS

The following table provides parcel line setback requirements for Ground-Mounted Solar Energy Systems. Fencing, access roads and landscaping may occur within the setback.

Table 2: Parcel Line Setback Requirements

Zoning District	Tier 3 Ground-Mounted		
	Front	Side	Rear
Residential/Agricultural (RA/RA-1)	30'	20'	25'
Planned Residential (R-4)	30'	20'	25'
General Business (B-1)	30'	15'	25'
Residential (R-1/R-2/R-3)	50'	40'	45'
Industrial (I-1/I-2)	30'	20'	25'
Planned Industrial (I-3P)	30'	20'	25'

APPENDIX 3: HEIGHT LIMITS

The following table displays height limits for each type of Solar Energy Systems. The height of systems will be measured from the highest natural grade below each solar panel.

Table 3: Height Limits

Zoning District	Tier 1 Roof-Mounted	Tier 2	Tier 3
Residential/Agricultural (RA/RA-1)	2' above roof	15'	20'
Planned Residential (R-4)	2' above roof	15'	20'
General Business (B-1)	4' above roof	15'	20'
Residential (R-1/R-2/R-3)	2' above roof	10'	--
Industrial	4' above roof	15'	20'
Planned Industrial	4' above roof	15'	20'

Key:

--: Not Allowed

APPENDIX 4: EXAMPLE DECOMMISSIONING PLAN

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by the Town of New Baltimore, [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

Decommissioning will occur as a result of any of the following conditions:

1. The land lease, if any, ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:

1. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.
2. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
3. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

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All said removal and decommissioning shall occur within 12 months of the Facility ceasing to produce power for sale.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

Motion by Supervisor Ruso seconded by Councilmember VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 127-2022
SEPTEMBER 12, 2022

RESOLUTION TO AUTHORIZE THE SUPERVISOR TO SIGN RENEWAL AGREEMENT WITH MVP HEALTH CARE INSURANCE

WHEREAS the MVP Health Insurance Company has offered to the to the Town of New Baltimore a renewal offering for health insurance for town employees; and

WHEREAS the offering for continuation of the existing plan of the MVP HMO Gold 2 HDHP (5618NY0210015) represents an increase to the Town for health insurance of 7%. This will bring the total cost to the town for the coverage for the following class of persons:

- a. Current employees (6) \$110,987.80 at present usage rates.
- b. Retired employees under 65 (5) to \$48,606.40 at present usage rates.

THEREFORE, BE IT RESOLVED that the Supervisor is hereby authorized to renew the agreement with MVP for employee health insurance beginning December 1, 2022.

Motion by Supervisor Ruso seconded by Councilmember Downes

Supervisor Ruso: I have attached the MVP offering here on the grid and for those that think this is the end of the health, there are other health insurance packages that we have to deal with as the year goes forward. We have the cost of insurance for the retirees over 65. We have certainly Vision costs and we have Dental and so this is merely just the health insurance of employees or retirees under 65. It is not our total cost.

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

Councilmember Downes: Jeff, but we only have six employees?

Supervisor Ruso: That have insurance. We do have another employee that becomes eligible before long which makes that larger. That's up to them. I can't say the person shall or shall not so we'll see.

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TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 128-2022
SEPTEMBER 12, 2022

**RESOLUTION TO PLACE ADVERTISEMENT FOR
BOARD OF ASSESSMENT REVIEW MEMBER**

WHEREAS the term of office of a Board of Assessment Review member will expire on September 30, 2022 and the Town Board approves the advertisement for said position.

RESOLVED the wording of the advertisement has been approved by the Attorney for the Town and following approval from the Town Board, the advertisement will be submitted to the Town Clerk for publication in the *Daily Mail* for one week.

The Town of New Baltimore is seeking a resident of the Town to be a member of the Board of Assessment Review where training is required. Please send letter of interest or resume outlining experience to Councilmember Shelly VanEtten, 3809 County Route 51, Hannacroix, NY 12087 or svanetten@townofnewbaltimore.org.

Motion by Supervisor Ruso seconded by Councilmember Downes

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

TOWN OF NEW BALTIMORE, COUNTY OF GREENE

RESOLUTION 129-2022
SEPTEMBER 12, 2022

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 2022-09-01 to 2022-09-47, it is

RESOLVED that the Supervisor is hereby authorized to pay claims 2022-09-01 to 2022-09-47.

BE IT FURTHER RESOLVED that the Town Clerk will prepare an abstract and hold it for public review until October 31, 2022.

Motion by Supervisor Ruso seconded by Councilmembers Downes and VanEtten

AYES: Ruso, Boehlke, Downes, Irving, VanEtten

NAYS:

ABSTAIN:

ABSENT:

Motion Carried

General \$39,252.62, Highway \$5,100.10, Sewer 1 \$1,117.23, Sewer 2 \$321.40, Water 1 \$312.56, Street Lighting 1 \$2,051.90, Street Lighting 2 \$213.57, Total \$48,369.32

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Upcoming Meetings

- September 17, 2022 Townwide Yard Sale
- **September 26, 2022 Public Hearing on Solar Law at 6:30 PM**
- September 26, 2022 Town Board Work Meeting at 7 PM
- October 5, 2022 Zoning Board of Appeals Meeting at 7:30 PM (If Needed)
- October 12, 2022 Town Board Regular Meeting at 7PM
- October 13, 2022 Planning Board Meeting at 7 PM
- October 24, 2022 Town Board Work Meeting at 7 PM

Public Comment Period

None

Supervisor Ruso: This is a matter of information. Our Tentative Town Budget has been presented to the Town Board for their review and at a meeting, I'm not certain which one that will be, but we will be reviewing that at a meeting upcoming and moving to the Preliminary. But this is the Tentative Budget and now's the time to change things or bring forth information. I want to thank Nick and Kelly for their help on putting the budget together as it currently sits. On a last point, I really want to give a large thanks to Michelle Stefanik from the Planning Board, Frank Orlando from the Planning Board, Mr. Boehlke from the Town Board, Brad Jourdin from the Zoning Board of Appels, and our Code Enforcement Officer, Alan Jourdin, for their help on putting together the proposed Solar Law. They all put in a lot of time and it shows.

Motion by Councilmember Downes seconded by Councilmember VanEtten to adjourn the meeting at 7:42 PM.

AYES: Ruso, Boehlke, Downs, Irving, VanEtten

NAYS:

ABSTAIN

ABSENT:

Motion Carried

Supervisor Ruso: Thank you everybody.

Respectfully Submitted,

Barbara M. Finke RMC
Town Clerk