

THE TOWN OF CHENANGO TOWN BOARD MET MONDAY SEPTEMBER 19, 2016, AT 7:00 P.M. IN THE TOWN OFFICE BUILDING, 1529 N.Y. ROUTE 12, BINGHAMTON, N.Y.

PRESENT: Harold Snopek, Town Supervisor
Russ Hemedinger, Councilperson
Gene Hulbert, Councilperson
Jim DiMascio, Councilperson

ABSENT: Terry Kellogg

ALSO PRESENT: Donald G. Walls, Town Attorney
Rhonda D. Milks, Town Clerk

PLEDGE OF ALLEGIANCE TO THE FLAG -

Mr. Snopek asked everyone present to stand and join in for the Pledge of Allegiance to the Flag.

APPROVAL OF MINUTES –

Mr. DiMascio moved, seconded by Mr. Hemedinger, that the minutes of the previous meeting be approved as prepared and presented. Motion carried.

BID OPENINGS: None

PUBLIC HEARINGS –

Mr. Walls, Town Attorney, opened the Public Hearing.

This Public Hearing is on proposed Local Law No. 2 -2016 – A Local Law Regulating Renewable Energy Systems, Solar Collection Systems and Solar Energy Production Facilities (Solar Farms)

Proposed Amendments to the Zoning Ordinance and Map of the Town of Chenango Regarding the Installation of Solar Energy Systems.

Mr. Walls turned the meeting over to Jim DiMascio, Town Councilman.

Mr. DiMascio, Town Councilman–

There has been a state wide initiative to create more Solar Farms for green energy throughout New York State. This came to us very quickly and most Towns including the Town of Chenango were not as prepared as we could have been because of lack of notice from the Governor’s Office. With that being said, we had already heard that there has been an energy company that was interested in leasing land from a Town of Chenango property owner. That created a necessity for us to dive into the subject fairly quickly but in depth. It is a very complex subject which takes a certain amount of acreage to create a solar farm and that would create enough energy for it to be profitable for someone to sell it back to the local utility. In our case, it would be NYSEG.

One of the issues would be the amount of land and how we would zone it. It typically would also have to go on a three (3) phase power line. There is really only one that travels through the Town of Chenango. Most of the acreage available would be in agricultural areas. Just to give you a sense of scale. These folks want to create at least 1 megawatt of power. That typically takes at least five (5) acres. So we knew that the sights would have to be near the three (3) phase power lines and in our agricultural zones. All that being said, we attacked it from that advantage point.

I would like to give a hand to Alex Urda, our Town Engineer and Scott Russell, our Department Head of Planning and Code. They put a tremendous amount of work into this. It is because of them that we could accomplish this over the last two months. The Town Board Members have been meeting almost every Wednesday for the past two months just to cross this hurdle on behalf of our residents.

In a nut shell there is a Local Law and most of it is regarding the amount of land it would take and the setback requirements. That is the short version of our story. We are excited that we have accomplished this and it is good for our community. We want to support our Town residents for those who can prosper on developing a Solar Farm. It creates more green energy for our State and for our community. We want to be supportive but we want to do it in a way that makes sense and is appropriate and fair. I am hopeful that we have accomplished that.

Cindy O'Brien, County Legislator asked a few questions regarding how the Town would benefit and if it's only the one (1) property/owner that has been approached.

Mr. DiMascio – Only this one as of this date and the Town really does not benefit. It is a private business. The property owner leases their land to the energy company and it is a private negotiation. I want to clear up a misconception. This is a for-profit endeavor. The property owner is going to get the lease and the energy company wants to create the solar and provide the energy to NYSEG who will pay them for it. The energy goes out onto the grid as a natural business transaction. It does not come back to NYSEG and get distributed to the Town of Chenango residents or New York State residents. Where it goes from there we do not know but hopefully over time we will create enough green energy and it will lower all of our expenses in the future. Again, it is a for-profit business expense and for the folks that have the acreage, they will have the opportunity to take their land and profit from it. It really does not benefit the Town of Chenango.

Russ Estus – It is on vacant land correct? So as it is developed it would help the tax base?

Mr. DiMascio – yes, correct.

Russ Estus – So you do benefit from it.

Mr. DiMascio – yes we do but it all depends on how it is appraised, etc. but we do. I was just looking at it from an energy consumption side. He agreed that from a tax base-yes we could benefit.

Mr. Snopek – I would like to thank Gene Hulbert for providing us with this map showing the areas.

Alita Kinne, 891 Castle Creek Road– Just wanted to say she knows that you have all worked very hard and in a speedy manner, so thank you.

Mr. DiMascio – It is what we are here for and it is our duty as a Town Board member. This was a very serious and complex subject to all of us and we treated it as such. We made a commitment to the landowners and energy companies that we would have this rectified by the month of October. We are proud that we have accomplished this.

Mr. Walls – With no other questions or comments we will adjourn the Public Hearing.

OPEN HEARING –

Mr. Snopek, Supervisor requested that those wishing to be heard should give their name and address and limit their remarks to five minutes:

Russ Estus, 1526 NY RT 12, has lived across the street for years. I have in my hand the noise ordinance. Nine pages of a noise ordinance and never have had a problem but I now he does. There is a motorcyclist, a group of them, revving them up at all times of the day and night. He came to speak with Mr. Pecha regarding this and Mr. Pecha says that we cannot do much about it. We can't prove it. It's usually after 4:00 – 4:30. There says something about a decibel machine. Do we have one of those?

Mr. Russell, Town Code Enforcement– Yes, yes we do, we just purchased it recently.

Mr. Estus – What do I have to do to get it checked?

Mr. Russell – I would like to ask the Board if you want us to work after regular hours of 8-4 Monday through Friday? Do you want us to come in after hours to do a decibel check – if we can catch this person?

Mr. Hulbert – I do not see a way around that especially if it does occur after hours. Then that's what you have to do.

Mr. Snopek – When does this usually occur/time frame?

Mr. Estus – It's been changing now because the hours have changed. It's usually between 7:00-8:00 p.m. but this Saturday it was 1:00 in the morning.

Mr. Hulbert – What exactly is the issue?

Mr. Estus – He goes out and starts his motorcycle and he revves it up. It shatters the whole neighborhood. He's got to warm it up he said when I went to speak to him about it. It's very loud and the neighbors have come to me to complain. He said he came to the Town and they said he can run it up to 11:00 p.m. like that.

Mr. Hulbert – What are the times/hours you are having issues with this noise.

Mr. Estus - Right now between 7:00 – 8:00 p.m. but sometimes like yesterday it was 4:00 in the afternoon.

Mr. Hulbert – Explained that there is a certain reading at the property line that the meter records. At most what the Town can do is take a measurement when (if we can get it when the offense is going on) and measure it. I would think that is what the procedure would be.

Mr. Russell – Asked Mr. Estus if he has called the State Police or the Broome County Sheriff's Department.

Mr. Estus – That's what Mr. Pecha said to do but what good would that be?

Mr. Russell – They would be able to respond quicker.

Cindy O'Brien – There are certain rules and regulations regarding mufflers and how long you can revv them. If he is doing it on purpose you can call the Sheriff's Department or the State Troopers, then they can come and check out if they are in violation.

Mr. Hulbert – Mr. Walls was just explaining something to us.

Mr. Walls – In the past I have had unreasonable violations that were charged by the Sheriff's Department against individuals. So they do follow up on those calls.

Mr. DiMascio – They have more legal responsibility. Ours is only a code violation versus theirs. Have them show up and give them a ticket. Hopefully they will be in the neighborhood and can respond quickly no matter what time it is.

Mr. Hulbert – I would not rule out the supporting documentation if the Town can help him. If it happens during the day, the Town can react to it. If it happens when the Town can get a noise level reading then that would only help the Sheriff or the State Police.

Mr. Estus – I understand everyone's comments I just wanted some direction.

Mr. Hulbert – We do have a Town Ordinance and if we get a complaint I don't see how the Town can do anything but try and do something to substantiate it or not based on the resources we have.

Mr. Estus – Thanks

Mr. Snopek – Invited anyone else who wished to speak.

Dick Trebilcock, Smith Hill Road, you know the old saying “It’s good to keep money in circulation”. It is his understanding that we give money to the Nimmonsburg Youth Association and then you turn around and take it back from them. They have a sign and any time they want to put it out they have to come in and get a sign permit. They get charged \$50.00. They are a non-profit organization. It seems like that should be waived. There are many times that they would like to put the sign out – like for baseball, soccer signs ups, etc. but they feel that they cannot afford the \$50.00 to put the sign up. If you left non-profit organizations exempt from that \$50.00 you can still have them come and obtain a sign permit but waive the fee so that you can have control on signage. He feels that the Town should look at their Zoning Rules and Regulations. They are a little outdated.

Also, he was speaking with a friend of his and having an addition put on and got a quote for the work and when he heard where he lived he said ok but the Town of Chenango is one of two towns that are the worse to deal with regarding building permits. That’s not a nice reputation.

Gene Hulbert – You had two points. The one regarding the sign issue has been brought up before regarding the waiver for the non-profit organizations and whether or not the Board takes that further, is a separate issue. Currently under the way it is right now there is no waiver so that really is the policy and that is what has to happen at this point.

The second issue regarding the building permit – My perspective is that because the department is asking the Contractor to do what is required by the law. The other Towns are lenient and allowing them to get away with things or not do the due process. That is interpreted by the Contractors as that is an easy Town to deal with or just doing what they want at any time. That is not the policy that the Town’s department has. I am one member of this Board and that is not the type of actions that I want the permit office to do. I want them to follow the Code, I want them to make sure the structures are safe and that the law is followed when it is built. I appreciate what you are saying about wanting to be respectful and for the public community to have an opinion that it is fair. That is what is more important for me and not whether they are easy or not to deal with.

COMMUNICATIONS: Town Clerk

1. The Town Clerk’s Office received 2 applications for new memberships from the Chenango Fire Company for the Town Board’s approval. The applicants are: Addelynn Bixby and Danielle Jean Braverman. Motion was made by Russ Hemedinger to accept these applicants and seconded by Gene Hulbert, motion was carried by the following roll call: 4 Ayes, 0 Nays, Absent 1 – Terry Kellogg.
2. On August 15, 2016, the Town Clerk received notice from New York State Department of State that Local Law No. 1-2016 was filed in their office.
3. On September 19, 2016, we received and filed notice from Agriculture and Markets that the Municipal Shelter Inspection Report was completed on 9/13/2016. This report relates to Agriculture and Markets Laws and Regulations. The dog shelter services were rated “Satisfactory”. Municipal dog shelters are subject to inspection by this agency on a regular basis.
4. The date has been set for our Children’s Holiday Celebration. It will be held on Friday December 9, 2016 from 6-8 p.m. All the little elves have been busy gathering and making gifts for the children to enjoy.

COMMITTEE REORTS:

Mr. Hemedinger – Music in the Parks concluded a few weeks ago. Many positive comments about the performances were given. There averaged approximately 50 -60 people at each of the concerts with 1 rain makeup, so we were able to get all of the concerts in. I would like to thank

Lizanne for helping with the administrative duties and the Public Work's Staff for making the parks look great for our performances.

There will be some staff training coming up on October 6th – Workplace Violence and Sexual Harassment. Training will be provided by a representative from our liability insurance company (NYMIR). Fire Extinguisher Training will also be held the same day. I would like to thank Joy Kasmarcik for setting up this training. The same NYMIR representative will also be conducting a Risk Assessment Audit of our facilities on the same day as well.

Mr. DiMascio – Planning Board/Zoning Board

There was no Planning Board or Zoning Board meeting for the month of August as there were no agenda items.

There was one item on the September 12, 2016 Planning Board meeting.

ADVISORY OPINION/REFERRALS

E. Michael McGowan – 18 Old River Rd., - Tax Map # 078.20-1-1- Double Use Variance to allow a storage trailer and to have the storage trailer without a principal use. MOTION WAS MADE FOR A FAVORABLE ADVISORY TO THE ZONING BOARD OF APPEARLS.

Mr. Hulbert – Public Works Department

July, 2016 Report

A fire hydrant was replaced at 27 Matthews Drive. NYSEG had to support the pole near the hydrant while work was being done.

At 22 Newman Ave., a curb valve was replaced. This was an after -hours emergency call.

A new curb valve was installed at 15 Calgary Lane

Liquid Engineering made repairs in the Maplewood, Poplar Hill, Savitch Road and Chenango Heights water tanks. This was the follow up to the inspections perform in 2014-2015 year.

Dug the curb valve at 5 Calgary Lane and installed a fitting to allow hose hook ups for flow testing. A low flow issue was discovered, which means that they will need to run a new service line from the main to the property line. This work will be done the first week of August.

The EPA performed an inspection of the Town owned collection system and treatment plants.

There were 14 after hour water and sewer call-outs.

August, 2016 Report

New York State performed the annual inspection of the Composting Facility. Everything was satisfactory.

A new water service line was run from the main to the property line at 5 Calgary Lane.

A drop pipe and valve assembly was installed at Bishop Road sewer lift station so the portable lift station can be used if needed.

The chlorine booster line ruptured at the Run Acres well house causing some electrical damage. The needed repairs were made in a timely manner.

A new pump was installed at the Fox Lane sewer lift station.

The sewer lateral at 50 Clark Avenue had to be dug up and repaired in the middle of the street. Approximately 30" of pipe was crushed.

The Prescott Road lift station received some kind of electrical feed issue on August 16th causing multiple failures of electrical equipment.

There were 14 after hour water and sewer call-outs.

Mr. Snopek – Supervisor's Report

A call was received from Corky Maus thanking us for getting that pool covered which took care of the mosquito problem.

RESOLUTIONS:

- 1.) Resolution Authorizing Auction of Equipment & Vehicles No Longer in Use was offered by Russ Hemedinger, seconded by James DiMascio, and carried by the following roll call: 4 Ayes, 0 Nays, Absent: 1 – Terry Kellogg.

UNFINISHED BUSINESS: None

As there was no further business to discuss, Mr. DiMascio moved, seconded by Mr. Hulbert, to adjourn the meeting. Motion carried and the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Rhonda D. Milks, Town Clerk