

December 22, 2022

Supervisor Horr opened the Public Hearing on the adoption of a solar amendment to the zoning law at 5:02 pm. Supervisor Horr stated that all the adjacent towns were notified of the Public Hearing and the SEQR was done and approved at our November meeting. There were no environmental issues. There were comments from Livingston County Planning Board. A decision will need to be made on if we will take of the recommendations or pass the law as the Board sees fit.

Rollcall was taken and found Councilperson Infantino, Colella, Bacon, and Luce present. Supervisor Horr, and Highway Superintendent MacWhorter, and Assessor Holley Smalt were also present. Guest Kim Coleman.

Pledge to the flag led by Councilperson Bacon.

Supervisor Horr opened the floor to comments from the public on the Solar Law. He thanked Councilperson's Luce, and Colella for their work on this law over the past 9 months. Councilperson Bacon asked if a fee schedule should be added or if that was something that would come later? Councilperson Colella stated we would need to attach appendix 1 which is referred to in section 1403a for type 1 solar. It is an application for type 1 solar for residential type stuff. Bacon asked if this should be part of the law? Colella responded that it is referred to as appendix 1 to the law so we should have it. For type 2 solar there is no reference to an appendix. Colella stated that we should have fee's set. Councilperson Colella said he asked Tammy Saylor if she could get the fee schedule that other Town's are using, and he has not heard back from her. We will hold off on type 2 applications for site plan review and special permit we should hold off on that as we do not have the data. Bacon wanted to know if we could approve the Solar Law tonight without that information. Colella wants to proceed with approving the law and then making an amendment to it later.

There were no more comments at this time on the Solar Law. Supervisor Horr proceeded into the regularly scheduled year end meeting.

A motion by Councilperson Bacon and a second by Colella to approve the minutes from the December 13th public hearing on repealing Local Law #1 of 2021. All in favor. MOTION CARRIED.

Cemetery: Superintendent MacWhorter spoke again about the leaf picker that the Village has. He has spoken to Mayor Vogt and Scott Tracy. At the Village meeting, it was discussed that the Village was going to give us the leaf picker but is waiting for Supervisor Horr to contact the mayor about it. Supervisor Horr sent an email to Mayor Vogt regarding this already. Supervisor Horr will follow up again with the mayor.

Highway: Superintendent MacWhorter stated they were ready for the impending storm.

Airport: Hangar roof has not started. Supervisor Horr will follow-up and find out when the anticipated work will begin.

Other: A public hearing was held on 12/13/22 to hear comments on repealing Local Law # 1 of 2021 which the Town opted out of allowing retail cannabis sales and consumption sites within the Town of North Dansville. Supervisor Horr asked the Board on what action they would like to take and asked if there was a motion to repeal.

A motion by Councilperson Bacon and a second by Luce to Repeal Local Law No. 1 of 2021. He said in doing so that his hopes are to get some tax revenue out of it. Councilperson Luce commented that the Village has four applications currently in for license to sell cannabis. He feels that if we do not repeal it, we would miss out on the tax revenue. He also stated that he does not believe that the tax revenue will be as high as projected, but that will not be known for some time. Councilperson Colella had concerns that there are already too many drugs going around the community and in schools. He does not feel we will gain much in tax revenue. There will be too many other dispensaries in the area to benefit. Councilperson Infantino agreed with everyone who commented but was not in favor of repealing Local Law No.1 of 2021. Supervisor Horr stated he was not looking at the revenue. He felt that if cannabis will be sold in the area, he could not think of a better person to work with on this than Ms. Coleman. Supervisor Horr requested a rollcall vote.

**RESOLUTION: ADOPTING LOCAL LAW #5 OF THE YEAR 2022
NO. 12-1-2022**

Motion by: Councilperson Bacon
Second by: Councilperson Luce

WHEREAS, the Town Board has prepared and submitted for review Local Law #5 of the year 2022; and

WHEREAS, a legal advertisement was placed in the Hornell Spectator informing the General Public of a Public Hearing scheduled for December 13, 2022 at 6:00pm.

WHEREAS, the Town Board's intent of this Local Law is to repeal Local Law No. 1 of 2021, and opt-in to allow on-site cannabis retail dispensaries and consumption sites in the Town of North Dansville under NYS Cannabis Law article 4.

WHEREAS, this Local Law is adopted pursuant to NYS Cannabis Law §131 which authorizes the Town Board to repeal a Local Law to prohibit the establishment of cannabis retail dispensary licenses and/or on-site consumption licenses in the Town, subject to permissive referendum under NYS Municipal Home Rule Law §24.

WHEREAS, The Town Board repeals Local Law No. 1 of 2021 by which the Town Board opted out of allowing cannabis retail dispensaries and on-site consumption sites. By this new Local Law, the Town Board opts-in for allowing cannabis retail dispensaries and on-site consumption sites within the Town.

WHEREAS, if any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm, or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation of circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts Local Law No. 5 of 2022.
2. The Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.
3. This resolution shall take effect immediately.

Roll Call vote: AYES: Councilperson Luce, Bacon, and Supervisor Horr

NOES: Councilperson Infantino, and Colella.

MOTION CARRIED 3 TO 2.

Supervisor Horr stated that in his 22 years here on the board, this is only the second time the vote has not been unanimous. It shows how tough the decision is and he appreciated everyone's opinions.

Budget transfers

GENERAL FUND - TOWNWIDE			
<i>Transfer From:</i>	AA.1990.400	Contingency	\$ 39,608.00
	AA.1320.400	Auditor, Contr Expend	\$ 17,725.00
			\$ 57,333.00
<i>Transfer To:</i>	AA.1330.400	Tax Collection, Contr Expend	\$ 510.00
	AA.1410.102	Clerk, Pers Serv, Deputy	\$ 3,274.00
	AA.1410.400	Clerk, Contr Expend	\$ 7,248.00
	AA.1620.200	Buildings, Equip & Cap Outlay	\$ 23,545.00
	AA.1910.400	Unallocated Ins., Contr Expend	\$ 1,221.00
	AA.5182.400	Street Lighting, Contr Expend	\$ 1,863.00
	AA.5615.100	Joint Airport, Pers Serv	\$ 3,290.00
	AA.7140.100	Playgr & Rec Centers, Pers Serv	\$ 525.00
	AA.7140.400	Playgr & Rec Centers, Contr	\$ 176.00
	AA.8810.102	Cemetery, Caretaker Services	\$ 15,977.00
	AA.9055.800	Disability Insurance, Empl Bnts	\$ 214.00
			\$ 57,333.00

GENERAL FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	BB.3620.200	Safety Inspetion, Equip & Cap Outlay	\$	500.00	
	BB.3620.400	Safety Inspetion, Contr Expend	\$	1,412.00	
	BB.4020.100	Registrar of Vital Statistics, Pers Serv	\$	785.00	<u> </u>
	BB.8010.103	Zoning, Pers Serv, Clerk	\$	400.00	<u> </u>
	BB.8020.103	Planning, Sers Serv, Clerk	\$	46.00	
			\$	3,143.00	
<i>Transfer To:</i>	BB.4010.100	Public Health, Pers Serv	\$	900.00	<u> </u>
	BB.4020.400	Registrar of Vital Stat, Contr Expend	\$	733.00	<u> </u>
	BB.8010.400	Zoning, Contr Expend	\$	110.00	
	BB.8020.400	Planning, Contr Expend	\$	1,400.00	
			\$	3,143.00	
<i>Transfer From:</i>	DA.5130.400	Machinery, Contr Expend	\$	5,109.00	
	DA5148.400	Services, Other Govts	\$	3,000.00	
			\$	8,109.00	<u> </u>
<i>Transfer To:</i>	DA.4025.400	Laboratory, Contr	\$	379.00	
	DA.5130.200	Machinery, Equip & Cap Outlay	\$	2,022.00	
	DA.9060.800	Hospital & Medical, Empl Bnft	\$	5,681.00	<u> </u>
	DA.9089.800	Other Employee Benefits, Empl Bnfts	\$	27.00	<u> </u>
			\$	8,109.00	<u> </u>

HIGHWAY FUND

HIGHWAY FUND - OUTSIDE VILLAGE

<i>Transfer From:</i>	DB.5110.400	Maint of Streets, Contr Expend	\$	14,095.00	
			\$	14,095.00	<u> </u>
<i>Transfer To:</i>	DB.5110.100	Maint Streets, Per Serv	\$	14,045.00	
	DB.9030.800	Social Security, Empl Bnfts	\$	50.00	<u> </u>
			\$	14,095.00	<u> </u>

HIGHWAY FUND - OUTSIDE VILLAGE

UNANTICIPATED REVENUE
Upon receipt of the funds

<i>Transfer From:</i>	DB.3501.000	St Aid Consolidated Highway Aid	\$	52,395.23	
			\$	52,395.23	<u> </u>
<i>Transfer To:</i>	DB.5112.200	Perm Improve Highway, Equip & Cap Outlay	\$	52,395.23	<u> </u>

A motion by Councilperson Infantino and a second by Luce to approve the budget transfers as listed. All in favor. MOTION CARRIED.

A motion by Councilperson Bacon and a second by Luce to close the Public Hearing on the Solar Law with no additional questions or comments. All in favor. MOTION CARRIED.

RESOLUTION: ADOPTING LOCAL LAW #4 OF THE YEAR 2022 NO. 12-2-2022

Motion by: Councilperson Colella
Second by: Councilperson Bacon

WHEREAS, the Town Board has prepared and submitted for review Local Law #4 of the year 2022; and

WHEREAS, a legal advertisement was placed in the Hornell Spectator informing the General Public of a Public Hearing scheduled for December 22, 2022, at 5:00pm, with letters mailed to adjacent towns informing them of this Public Hearing.

WHEREAS, it is the Town Board’s intent to adopt Local Law No. 4 of 2022 entitled **ADDING ARTICLE XIV SOLAR ENERGY SYSTEMS TO ZONING LAW.**

WHEREAS, this article of the Zoning Local Law is adopted pursuant to Article IX of the New York State Constitution, the Municipal Home Rule Law, and the Statute of Local Governments, which authorize the Town of North Dansville to adopt zoning provisions that advance and protect the health, safety, and welfare of the community; and

WHEREAS, the Board Councilpersons of the Town of North Dansville recognizes that solar energy is a clean, readily available, and renewable energy source and the Town of North Dansville intends to accommodate the use of solar energy systems; and

WHEREAS, the Board of Councilpersons finds it necessary to properly site and regulate solar energy systems within the boundaries of the Town of North Dansville to protect residential uses, business areas and other land uses; to preserve the natural resources, overall beauty, nature, and character of the Town of North Dansville; to promote the effective and efficient use of solar energy resources; and to protect the health, safety and general welfare of the citizens of the Town of North Dansville; and

WHEREAS, Accordingly, the Board of Councilpersons finds that the adoption of these regulations in this Article is necessary to properly direct the location, size, construction, and control these Solar Energy Systems, and the removal thereof when no longer utilized; and

WHEREAS, the proposed law was forwarded to the Livingston County Planning Board for its recommendations, and the Town does not wish to make any changes suggested by this board, so the Town of North Dansville will be adopting this law as is with no changes.

WHEREAS, the Code Enforcement Officer will be directed to attach to this law appendix 1 an application for type 1 solar.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board hereby adopts Local Law No. 4 of 2022 as is with an attachment of appendix 1 an application for type 1 solar.
2. The Town Board hereby authorizes and directs the Town Clerk to file the Local Law with the New York State Secretary of State in accordance with the provisions of the Municipal Home Rule Law and acknowledges that the Local Law will take effect immediately upon filing by the Secretary of State.
3. This resolution shall take effect immediately.

Roll call vote: AYES: Councilperson Infantino, Colella, Bacon, Luce, and Supervisor Horr.

NOES: NONE.

MOTION CARRIED 5 to 0.

Councilperson Luce was asking if there was a response from MRB to our Solar Law. There was discussion among the board members and Supervisor Horr will follow up to see if there was a response from them.

A motion by Councilperson Bacon and a second by Luce to pay all bills as audited, General Account Vouchers #244- #251 incl., totaling \$ 25,225.74, Highway Account Vouchers #104- #106 incl., totaling \$807.26. All in favor. MOTION CARRIED.

Assessor Holley Smalt let the board know that at the Board of Supervisors meeting the State had increased the income limit for Senior Citizens exemptions and it was approved by the Board of Supervisors. It will have to be adopted and approved by the Town Board so the law will take

effect this year. Also, the State has passed a firefighter and EMT exemption of \$200 credit on income taxes or 10% property tax reduction. Information on this should be coming.

A motion by Councilperson Bacon, and a second by Luce to adjourn. All in favor. MOTION CARRIED

Meeting adjourned at 5:40PM.

Respectfully submitted

Lori Tyler
Town Clerk/Tax Collector