

**MINUTES OF TOWN BOARD MEETING OF SEPTEMBER 12, 2022
HELD AT THE TOWN HALL, 8529 MAIN ST., CAMPBELL, NEW YORK**

PRESENT: Town Board Members: Jeffrey Horton John R. Tschantre; Glenn Vogel, and James F. Drumm, Michael Austin; **Town Clerk:** Michelle L. Seeley; and **Highway Supt:** Thomas A. Austin; **Code Enforcement Officer:** Thomas Hargrave, **Assessor:** Holley Smalt, **Water Administrator:** Jacquelyn Kohman, **DCO:** Randy Akins **Bookkeeper:** Wendy Oman

ABSENT:

GUESTS: Joe Seeley, Normand Maynard, Denice Thompson, Linda Baird, Steve Peck, Dale Seeley, David Weeks, Ron Morse

Public Hearing LL#1 of 2022 Moratorium on Renewable Energy (180 days)

TOWN OF CAMPBELL

LOCAL LAW #1 OF THE YEAR 2022

“LOCAL LAW IMPOSING SIX-MONTH MORATORIUM ON COMMERCIAL SOLAR ENERGY SYSTEMS, ENERGY STORAGE SYSTEMS, AND WIND GENERATION SYSTEMS WITHIN THE TOWN OF CAMPBELL”

The Town Clerk took roll call.

A motion by Michael Austin and seconded by Glenn Vogel to open the Public Hearing at 7:01 PM was adopted by a unanimous vote.

Jeffrey Horton then read the proposed Local Law #1 of 2022

ARTICLE 1 PURPOSE AND INTENT

The following is a law duly adopted by the Town Board of the Town of Campbell, Steuben County, New York, on (September 12, 2022):

This local law is intended to impose a moratorium to prohibit the creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems within the Town of Campbell for a period of one hundred and eighty (180) days, pending the development and addition of a Renewable Energy Addendum to the 2013 Comprehensive Plan, as well as revisions to the existing zoning laws for additions as it relates to Renewable Energy.

The objective of this moratorium is to allow the Town of Campbell to assess and address its Code to promote community planning values by properly regulating future commercial scale solar installations, commercial energy storage systems, and commercial wind generation systems. During the time of the moratorium, the Town Board will consider how best to permit such installations with regards to maintaining the character of the agricultural community and landscape. Permitting development during the moratorium would undermine the agricultural integrity and operate in contrast to the Comprehensive Plan. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to further develop and adopt necessary zoning and land use changes to the Campbell Town Code, thus protecting and furthering the public interest, health and safety.

ARTICLE 2: TEMPORARY MORATORIUM

A. There is hereby adopted in the Town of Campbell a one hundred and eighty (180) day moratorium on the consideration, receipt, or granting of land use applications, site plan approval, and zoning changes or amendments to permit the siting or creation of “Commercial Solar Energy Systems”, “Commercial Energy Storage Systems”, and “Commercial Wind Generation Systems”. “Commercial Solar Energy Systems” are defined, for the purpose of this local law, as

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"Commercial Energy Storage Systems" are defined, for the purpose of this local law, as any rechargeable energy storage system consisting of electrochemical storage batteries, battery chargers, controls, power conditioning systems, and associated electrical equipment designed to store and provide electrical power primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for personal, residential and onsite use shall not be considered a Commercial Energy Storage System and shall be specifically exempted from this moratorium.

"Commercial Wind Generation Systems" are defined, for the purpose of this local law, as any individual or collection of wind turbine generators designed to convert the kinetic energy in wind into a usable form of electricity, and any and all related infrastructure, electrical lines, substations, access roads and accessory structures, which are designed and intended to produce electricity to be consumed primarily off site or for commercial purposes. Any installations by, or undertaken on behalf of individual landowners, householders, businesses or farmers, primarily for the purpose of off-setting their own electric energy use shall not be considered a Commercial Wind Generation System and shall be specifically exempted from this moratorium.

B. During the term of the moratorium the Town Board intends to develop, consider and adopt changes to comprehensive land use plan and local laws so as to regulate Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems. Said moratorium shall be effective as of the date set forth herein below.

C. While the moratorium is in effect, no applications shall be accepted, and no permits issued or approvals given by any Board, agency or official of the Town of Campbell for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, or Commercial Wind Generation Systems.

ARTICLE 3: APPLICABILITY

The provisions of this local law shall apply to all real property within the Town of Campbell, and all land use applications for the siting or creation of Commercial Solar Energy Systems, Commercial Energy Storage Systems, and Commercial Wind Generation Systems within the Town of Campbell.

ARTICLE 4: EXTENSION

If the Town Board seeks to extend the moratorium by an additional six (6) months at the end of the initial moratorium, the Board may adopt a resolution to do so.

ARTICLE 5: CONFLICTS

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation, or code provision.

ARTICLE 6: SEVERABILITY

The invalidity of any word, section, clause, sentence, paragraph, part, or provision of this local law shall not affect the validity of any other part of the law which can be given effect without such invalid part or parts.

ARTICLE 7: EFFECTIVE DATE

The effective date of this local law shall be immediate upon its filing with the Secretary of State, or upon actual submission of a copy of the adopted local law to any individual, person or applicant.

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PUBLIC COMMENT:

Norman Maynard questioned whether the moratorium was for just commercial use, being sold back to the electric company, or for all renewable energy.

Jeffrey Horton confirmed that it is only for Commercial use.

Dale Seeley questioned what kind of experience Southern Tier Planning and Development has with writing this type of law. How long have they been doing this service?

Jeffery Horton stated that the STPD works with Towns to develop Planning and Zoning Laws. He would check on how long they have been working in this capacity. The STPD is working in an advisory role and will do research, look at other local laws, help develop new regulations, assist in developing restrictions and regulations for flood plains, and will help develop a local code for decommissioning plans that can be enforced at a local level.

Glenn Vogel explained that STPD assists with developing code and that the Southern Tier IDA would also be involved to assist with legal advice and ensure proper land usage regulations.

Joseph Seeley questioned if there would be a public list of who is working on the project (experts). Who the people are that give the opinions?

Michael Austin stated that the names would be public and would be available to the public. The Town is not looking at discouraging these projects, the Town wants to ensure that there is a decommissioning plan and that there is a plan in place to make sure that any construction is environmentally safe for future generations.

Linda Baird questioned if Code Enforcement would be involved.

Jeffrey Horton stated that he would like all future meetings to be open to the public and held when members from the Planning Board and Town Board along with the Code Enforcement Officer can be present to help draft the code and the law.

Normand Maynard asked if the Moratorium was temporary or permanent.

Jeffrey Horton stated that the moratorium is for 180 days, but that there is an option to extend it for an additional 180 days if time is needed to complete the new code guidelines.

A motion to accept Local Law #1 of 2022 was made by Michael Austin and seconded by James Drumm, And was upon roll call vote adopted :

Supervisor Jeffrey Horton	Aye
Deputy Town Supervisor John Tschantre	Aye
Councilman Michael Austin	Aye
Councilman James Drumm	Aye
Councilman Glenn Vogel	Aye

The public hearing was closed at 7:15 PM

Regular Meeting Call To Order/Pledge /Roll Call/ Prior Minutes.

Mr. Horton called the regular monthly meeting to order at 7:16 p.m. at the meeting room of the Campbell Town Hall. The minutes of August 8, and September 1, 2022 were noted.

A motion was offered Michael Austin Glenn Vogel by and seconded by John Tschantre to accept the minutes referenced above as written. Adopted by vote: AYE: 5 NAY: 0

REPORTS

Monthly Reports Filed.

It was noted that monthly Town Supervisor's Report dated, 2022 was received from Wendy Oman the Town Bookkeeper, a Bookkeepers report was received from

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Wendy Oman, A Code Enforcement report was received from Thomas Hargraves, A Dog Control report was received from Randy Akins, and an Assessors report was received from Holley Smalt, Copies were filed with the Town Clerk, and are available upon request.

Highway Report (Thomas Austin)

The new trailer is working well and is a good asset to the Highway department. Work at the park is going well, the new tennis and basketball courts will need to be paved next year due to the weather.

Water Report (Thomas Austin)

Vacri is looking at starting the Water Extension project in October or November. They may need to take a break in the winter, depending on weather conditions. They will be installing pipe 1000' at a time.

The Bid opening for Contract #2 of Water District #1 Extension #1 is scheduled for September 15, 2022 at 1pm. Jeffrey Horton asked the Board to allow him to accept the bid if it came in under or at budget.

A motion to allow the Town Supervisor, Jeffrey Horton, to except and award the bid for Contract #2 of Water District #1 Extension #1, if the bid comes in at or below the budgeted amount and meets all bid specs was made by James Drumm and seconded by Michael Austin and was approved by roll call vote Austin-Aye, Tschantre-Aye, Drumm-Aye, Vogel-Aye, Horton-Aye

Michael Austin confirmed that the question regarding the flood plain and site plan application process, raised last month, had been answered and that the process had been completed. Thomas Hargrave confirmed that the process was complete.

Dog Control Report

Randy Akins addressed the board about an email he had received from Jeffrey Horton. The email was questioning if he had plans to do the dog enumeration that he is to plan every 3 years. He stated that he had a plan 2 years ago then with Covid he could not do the plan. there has not been one in the Town of Campbell since the 80's. He would like to start the process in the spring of 2023. He will need volunteers for assistance.

Fire Department Report (Linda Baird)

Linda Baird of Campbell Fire Dept., reported on fire calls; August Total 71 YTD Total 376 .

Old Business

Ramp at back of building

The new ramp in the rear parking lot will be installed September 30, 2022 over Friday and Saturday.

Sidewalk repairs

Wendy Oman has found grant monies to assist in repairing the sidewalks in the hamlet. Before the process can begin Thomas Austin will need to get estimates for the work and making a plan.

Additional Bond Payment Water #3

A motion to make an additional payment towards the principle in the amount of \$5,000 as budgeted in 2022 was made by Glenn Vogel and seconded by John Tschantre Adopted by vote: Horton-Aye; Drumm-Aye; Austin-Aye; and Tschantre-Aye Vogel- Aye Austin-Aye.

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NEW Business

Health Officer

The Town needs to hire a new Health Officer. The position will need to be advertised.

Budget

2023 Tentative Budget

Discussion was had concerning the 2023 Tentative Budget

Wendy Oman presented the tentative budget to the Board, she explained that this stage of the process is about what the department heads have asked for in their departments. The salary piece would be discussed in executive session and would be available in the preliminary budget in October.

Public Comment

Steve Peck requested that the Board encourage people to begin attending the School Board meetings which are on the third Monday of the month at 6 pm. He commented that the school and facilities are A-rated and the student teacher ratio is 11-1, but half of the students are failing. He insisted that more community members need to get involved.

Executive Session.

On motion of Michael Austin and seconded by John Tschantre, that the Board move into executive session to discuss items concerning Personnel. Time 8:28 PM. Adopted by roll call Vote: Ayes- 5; Nays-0.

Close Executive Session.

On motion of Michael Austin, seconded by John Tschantre, that the executive session be closed and that the Board return to regular meeting. Time 10:20 PM. Adopted by vote: Ayes-5; Nays-0

The 2023 Tentative Budget was filed with the Town Clerk by the Town Supervisor after executive session ended.

Voucher Audit – 8:30 p.m.

Vouchers were submitted and approved as follows:

General Fund Vouchers # 259-294	\$ 21,566.20
Street Lighting Voucher #258 & 295	\$ 1,268.49
Highway Vouchers # 139-157	\$ 78,063.75
Water District 1 Vouchers # 57-63	\$ 5,216.26
Water District 2 Vouchers # 24-27	\$ 3,390.04
Water District 3 Vouchers # 26-28	\$ 3,454.42
Capital Projects Vouchers #14 & 15	\$ 4,850.00
Trust & Agency Voucher # 11	\$ 198.00

For a grand total of \$ 117,980.16

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Adjournment.

There being no further business before the Board, the meeting was, upon motion by Jeffrey Horton and seconded by Michael Austin, adjourned at 10:28 p.m.

Respectfully submitted,

MICHELLE L. SEELEY
Campbell Town Clerk

DATED: September 19, 2022

ATTACHMENTS: