

Town of Lincoln
6886 Tuttle Road, Canastota, NY 13032
Town Board Meeting

September 8, 2021

Call to order time: 7:00 pm

Pledge of Allegiance

Members Present: Supervisor Yvonne Nirelli, Councilor Jayne Black, Councilor Melissa During, Councilor Doug Holdridge, Councilor Russell Blanchard

Member Apologies: None

Others in Attendance: Town Clerk, Amy Becker, Dave Chorley, Tony Domenicone,

Others in Attendance Via Zoom: John, Pam, Chuck Ghosin, Peggy LeClair, JSchoeck

Supervisor Nirelli welcomed all.

RESOLUTION #119-2021: Councilor Russell Blanchard made a motion to accept August 11, 2021 Minutes

Councilor Jayne Black seconded the motion.

Carried unanimously.

Clerk's Report: Read by Amy Becker, Town Clerk

RESOLUTION #120-2021: Councilor Russell Blanchard made a motion to accept the August Clerk's Report

Councilor Jayne Black seconded the motion.

Carried unanimously.

Code Officer's Report: Turned into clerk, copy to Councilors on file at TOL.

Dog Officer's Report: Turned into clerk, copy to Councilors on file at TOL.

Supervisor's Financials Report:

August General Fund: Beginning Balance: \$127,033.36, Receivables: \$107,556.14, Disbursements: \$22,623.03, General Savings: \$406,039.90, Ending Balance \$211,966.47

August Court Fund: Beginning Balance: \$4,038.00, Distributions: \$506.00, Receivables: \$997.00, Ending Balance: \$4,529.00

August Highway Fund: Beginning Balance: \$225,171.44, Receivables: \$2.54, Disbursements: \$73,400.56, HWR: \$87,652.53, HWS: \$392,525.49, Ending Balance: \$151,773.42

August Street Lighting Fund: Beginning Balance: \$6,493.49, Receivables: \$.11
Disbursements: \$220.84, Ending Balance: \$6,272.76

RESOLUTION #121-2021: Councilor Russell Blanchard made a motion to accept the
Supervisor's Report

Councilor Doug Holdridge seconded the motion.

Carried unanimously.

Highway Supervisor's Report: Tony discussed his work for the month.

Correspondence: A letter for broadband Grant through the County has gone out. They are
putting together site plans. A copy will be available in the Town Clerk's office. No
start date is available yet.

Old Business:

- A. Update on Clockville Water District: -There have been resident concerns
with restorations. They have just started and have a few more weeks to
complete this.
- B. Old Town Hall Sales Offer - waiting for the water installations, a septic dye
test and then the Closing will happen.
- C. 7171 Old County Rd is in Madison County Foreclosure sale.
- D. The EV Charging Station should be completed next week.

New Business:

A.

RESOLUTION #122-2021: Councilor Doug Holdridge made a motion to open the Public
Hearing for the Wind Moratorium Local Law C-2021 at 7:33pm

Councilor Russell Blanchard seconded the motion.

Carried unanimously.

Dave Chorley was present to hear about this public hearing. Supervisor Nirelli stated that we
needed more time to work on the Wind Law. The Solar Law was passed at last month's meeting.
Mr. Chorley was concerned about the heights of the Wind Turbines. JSchoeck asked if the
Planning board was working on the wind information. Supervisor Nirelli stated yes.

RESOLUTION #123-2021: Councilor Russell Blanchard made a motion to close the Public
Hearing for the Wind Moratorium Local Law C-2021 at 7:44pm

Councilor Jayne Black seconded the motion.

Carried unanimously.

RESOLUTION #124-2021: **TOWN OF LINCOLN LOCAL LAW NO. 3-2021**

("A Local Law Imposing a Twelve (12) Month Moratorium
on Wind Energy Conversion Systems within the Town of Lincoln")

The following resolution was offered by Councilor Doug Holdridge, who moved its adoption, seconded by Councilor Russel Blanchard, to wit:

WHEREAS, pursuant to the provisions of the Municipal Home Rule Law, proposed Local Law No. C-2021, titled “A Local Law Imposing a Twelve (12) Month Moratorium on Wind Energy Conversion Systems within the Town of Lincoln,” was presented and introduced at a regular meeting of the Town Board of the Town of Lincoln held on August 11, 2021; and

WHEREAS, a public hearing was held on such proposed local law on September 8, 2021, by the Town Board of the Town of Lincoln and proof of publication of notice of such public hearing, as required by law, having been submitted and filed, and all persons desiring to be heard in connection with said proposed local law having been heard, and said proposed local law having been in the possession of the members of the Town Board of the Town of Lincoln in its final form in the manner required by Section 20 of the Municipal Home Rule Law of the State of New York; and

WHEREAS, Volume 6 N.Y.C.R.R., Section 617 of the Regulations relating to Article 8 of the New York State Environmental Conservation Law of New York (SEQRA), requires that as early as possible in the consideration of a proposed action, an involved agency shall make a determination whether a given action is subject to the aforementioned law; and

WHEREAS, on August 11, 2021 the Town Board declared itself lead agency and determined that the enactment of proposed Local Law No. C-2021 is a Type II action and therefore will have no significant effect on the environment, thus concluding environmental review under State Environmental Quality Review Act; and

WHEREAS, the Town of Lincoln Town Board has now determined that it is in the public interest to enact said Proposed Local Law No. C-2021.

NOW, THEREFORE, it is

RESOLVED that the Town Board of the Town of Lincoln, Madison County, New York, does hereby enact Proposed Local Law No. C-2021 as Local Law No. 3-2021 as follows:

**“TOWN OF LINCOLN
LOCAL LAW NO. 3-2021**

A LOCAL LAW IMPOSING A TWELVE (12) MONTH MORATORIUM ON WIND ENERGY CONVERSION SYSTEMS WITHIN THE TOWN OF LINCOLN

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Lincoln to impose a twelve (12) month moratorium on wind energy conversion systems within the Town of Lincoln.

SECTION 3. LEGISLATIVE PURPOSE.

The Town of Lincoln presently has in effect a Town of Lincoln Land Management Law which has established regulations for building, construction and allowable uses within the Town. In recent months, the Town has become aware of increasing interest by developers of larger scale wind energy conversion system applications in the Town and surrounding areas, such that wind energy uses are becoming increasingly prevalent in the Town of Lincoln at a commercial scale. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning wind energy conversion systems (windmills) installations, and to determine whether additional local regulations are necessary in order to preserve and protect health, safety and welfare of its residents. Such wind energy conversion systems can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with wind energy conversion systems that are becoming increasingly popular in our rural community. The Town had previously enacted a moratorium on wind energy conversion systems but due to the impacts associated with the Covid-19 pandemic, the Town has been unable to develop comprehensive regulations governing such use, thereby necessitating the enactment of a new moratorium to allow for appropriate review of this issue.

The Town recognizes the potential benefits and desirability of wind power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the systems. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town.

SECTION 4. DEFINITIONS.

Commercial Wind Energy Conversion System – Any wind energy conversion system, including all related infrastructure, electrical lines, substation access roads and accessory structures, and any area of land principally used to convert wind energy to electricity with the primary purpose of supplying electricity to a utility grid for wholesale or retail sales of electricity to the general public or to a utility provider.

Person - The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 5. MORATORIUM.

- A. The Town Board hereby enacts a moratorium which shall prohibit Wind Energy Conversion Systems anywhere within the Town and/or the processing or further processing of all land use applications for such Systems.
- B. For a period of twelve (12) months following the effective date of this Local Law, or for a shorter period if the Town Board so determines by resolution that the intent and purpose of this law has been satisfied, the Town Board, the Town Planning Board, the Zoning Board of Appeals and the Code Enforcement Officer and all other officers and employees of the Town of Lincoln shall not accept, process, review or grant approval of any Building Permit, Site Plan, Use Variance, Area Variance or Specific/Special Permit applications or any other land use approval pursuant to the Land Management Law of the Town of Lincoln or any other laws of the Town, in connection with Wind Energy Conversion Systems within the Town of Lincoln, regardless of whether such applications have been submitted to the Town Board, Planning Board, Zoning Board of Appeals or Code Enforcement Officer prior to the effective date of this Local Law.
- C. This moratorium shall apply to all zoning/land use districts and all real property within the Town.
- D. Wind Energy Conversion Systems that have been previously approved are expressly excluded from this moratorium.

SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

- A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
- B. Application for relief shall be filed in triplicate with the Town Clerk together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorneys' fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in New York State Town Law, Section 267-b(2) in reviewing any application for relief.
- C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made by the Town Board solely after determining whether or not the requested relief is compatible with any contemplated amendments to the Town of Lincoln Land Management Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.

- D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Clerk, and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a Wind Energy Conversion System in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
- B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 8. ENFORCEMENT.

This Local Law shall be enforced by the Code Enforcement Officer of the Town of Lincoln or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 9: VALIDITY & SEVERABILITY.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this Local Law.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter filed with the New York State Department of State and shall remain in force and effect for a period of twelve (12) months from the date of passage.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Jayne Black	Councilor	Voted	Yes
Doug Holdridge	Councilor	Voted	Yes
Melissa During	Councilor	Voted	Yes
Russell Blanchard	Councilor	Voted	Yes
Yvonne Nirelli	Supervisor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

B.

RESOLUTION #125-2021: Councilor Russell Blanchard made a motion to pass the Snow and Ice Agreement with Madison County.

Councilor Doug Holdridge seconded the motion.

Carried unanimously.

C. Supervisor Nirelli discussed the retail selling of Marijuana opt in/out Local Law. If we do nothing it's an automatic yes as of Dec 31st. The Consensus is yes to stay in.

D. Supervisor Nirelli said we had a successful 125 celebration.

E.

RESOLUTION #126-2021: Councilor Russell Blanchard made a Motion to schedule a Nov 4th public hearing for the Budget and to move the regular Board meeting to Nov 17th Councilor Jayne Black seconded the motion.

Carried unanimously.

RESOLUTION #127-2021: Councilor Russell Blanchard made a motion to Pay Claims

Councilor Melissa seconded the motion.

Carried unanimously.

Public Discussion: Jayne Black asked about the Church parking paving. Tony stated that he didn't know if he will have the funds as the price has gone up. Tony will put a 2021 price out in an email to the Board.

RESOLUTION #128-2021: Councilor Russell Blanchard made a motion to end the meeting.

Councilor Doug Holdridge seconded the motion.

Carried unanimously.

Meeting was adjourned at 8:09pm. Next meeting October 13, 2021