

TOWN OF LINCOLN
6886 Tuttle Road Canastota, NY 13032
Town Board Meeting

Wednesday, December 13, 2023

Call to Order: 7:00pm

Pledge of Allegiance

Attendance: Supervisor Melissa During, Deputy Supervisor Doug Holdridge, Doug Fusillo, Jayne Black and Peggy LeClair.

Others in Attendance: John Schoeck, Amanda Spendley, Mat Spendley, Doug B Holdridge, Ed Mills, and Bill Jarvis.

Resolution 140-2023: Motion to approve November 2023 regular meeting minutes with no corrections made by Peggy LeClair, 2nd by Doug Holdridge, carried unanimously.

Correspondance: Town Web advertisement, ADT advertisement, State Comptroller Judicial Update no need for return as there is no changes, NBT Bank credit card advertisement, Quadiant advertisement, Utica National Insurance Group policy cancellation, Madison County Health Flyer, Neutro-wash flyer, and Madison County Solid waste lead agency letter.

Supervisor Announcements: Barton and Logudice reached out to Melissa During and notified her that the town is looking at possibly May or June of 2024 for possible grants to come out and the USDA grants will come out after the WIA grants. Taylor and Ben who the town has been working with no longer work for B&L so Melissa During talked with the new team of individuals and got them up to speed. They are looking to see all of the survey responses and a updated list of who the surveys were sent out to. B&L are also looking into the residents that were looking into receiving public water from the last water district that were not included before. B&L will be working with the town to finalize the draft PER. They will then do the map, plan, report, SEQR, district formation, and bond resolution. The next step after will be the attorneys working together on the district formation, this will all be done before the grants being applied for. Once the grants are applied for and approved the board will then be able to decide based on what they will receive.

New Business: The town board agreed upon the annual Standard Workday Resolution and Reporting Days for certain town officials and posted on the sign board and town website as follows:

RESOLUTION NO. 141-2023

ESTABLISHING THE STANDARD WORK DAY AND REPORTING DAYS FOR CERTAIN TOWN OFFICIALS

WHEREAS, The Office of the State Comptroller New York State and Local Employees' Retirement System requires that a Standard Work Day and Reporting Resolution be established for retirement credit reporting purposes for elected and appointed officials;

NOW, THEREFORE, BE IT RESOLVED, that The Town of Lincoln hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the Lincoln Town Clerk:

TITLE	NAME	STANDARD WORK DAY (HRS/DAY)	TERM BEGINS/ ENDS	RECORD OF ACTIVITIES RESULTS
ELECTED OFFICIALS:				
SUPERVISOR	MELISSA DURING	6	1/1/2022-12/31/2023	
HIGHWAY SUPERINTENDENT	ANTHONY DOMENICONE	8	1/1/2022-12/31/2025	
TOWN JUSTICE	ROBERT MILLER	6	11/1/2020-12/31/2023	
BOARD MEMBER	PEGGY LECLAIR	6	1/1/2022-12/31/2025	
APPOINTED OFFICIALS:				
DOG CONTROL	JASON DRISCOLL	6	1/1/2023-12/31/2023	1.56
COURT CLERK	KIMBERLY HOWARD	6	1/1/2023-12/31/2023	4.75
TOWN CLERK	AMANDA SPENDLEY	6	1/1/2023-12/31/2023	9.54
ACTING ASSESSOR	MATHIAS SPENDLEY	6	9/8/23-3/8/2023	8.11

Resolution 141-2023: Motion to approve the Standard Work Day and Reporting Days for certain town officials made by Doug Holdridge, 2nd by Peggy LeClair, carried unanimously.

The town board discussed scheduling the end of year meeting and came to an agreement on December 27th,2023 at 7pm.

Old Business:

Madison County Computer Agreement was skipped due to not receiving the new contract from the county.

The final Town of Lincoln Stakeholders and Madison County Solid waste informational meeting at the Town Hall is scheduled for 12/18/2023 at 7pm and the Madison County meeting will be held at the Madison County Supervisors chambers at 6pm on 12/19/2023. Fliers were sent out to Lincoln residents on Monday.

Holiday Parade of Lights went great everyone involved from the Town had a great time. Next year at the Parade there will be a category for the Towns, Highways and Fire Departments to be judged. A huge thank you went out to everyone involved in the preparation for the parade.

Breakfast with Santa was cancelled this year due to not having enough volunteers between the fire department and town.

The town has received the No smoking/ vaping signs for the highway department and town hall. Amanda Spendley will reach out to Tony Domenicone and Larry Cesario for proper placement of the signs outside each building.

Public Hearing for Local Law 5-2023 also known as “Temporary Battery Energy Storage System Moratorium” opened at 7:15pm. Resident Edward Mills stated he was in favor for this and asked who is developing the law. Melissa During and the town board will work with the town attorney to develop the new law. Resident Mat Spendley asked if the NYS laws will apply to this as well. The board is to ask the town attorney. Resident John Schoeck suggested using zoning to steer battery storage elsewhere. There are currently no pending applications for battery storage in the town of Lincoln. Public Hearing closed at 7:24pm. For the purposes of SEQR compliance Local Law 5-2023 also know as the Town of Lincoln Battery Storage Energy Storage System Moratorium which is a type 2 action. The proposed action will not have a negative impact on the environment, no permitting authority outside the town and does not require the preparation of a draft of the environmental impact statement. Local Law 5-2023 is hereby ordained by the Town of Lincoln in Madison County, NY as follows for a 1 year moratorium.

LOCAL LAW NUMBER 5 OF THE YEAR 2023

A LOCAL LAW OF THE TOWN OF LINCOLN, also known as “The Town of Lincoln Temporary Battery Energy Storage System Moratorium,” in relation to the creation of a temporary moratorium on commercial battery energy storage system installations.

IT IS HEREBY ORDAINED AND ENACTED by the Town Board of the Town of Lincoln, Madison County, New York, as follows: That Town of Lincoln Local Law Number 5 of the year 2023 entitled “Temporary Moratorium for Battery Energy Storage Systems” is hereby adopted to enact a one (1) year moratorium prohibiting the consideration, approval, and/or development of any new commercial battery energy storage system installations within the Town of Lincoln.

This temporary moratorium may be further extended or terminated by the Town Board. This law does not apply to existing permitted uses but does apply to pending applications. Moreover, it does not apply to residential battery energy storage systems that serve one (1) single family residence.

Said Local Law reads as follows:

SECTION 1. Statutory Authority

This Local Law is adopted pursuant to §10 of the Municipal Home Rule Law.

SECTION 2. Purpose and Legislative Intent

The purpose of this Local Law is to provide a temporary one (1) year moratorium on the application, consideration, and/or approval of commercial battery energy storage system installations to give the Board an adequate opportunity to study the matter of Town policy and codes, the potential environmental impact of battery energy storage systems, and to develop and pass legislation regulating battery energy storage systems in accordance with the Town of Lincoln Comprehensive Plan.

SECTION 3. Time Period and Prohibition

As of the effective date of this Local Law, there shall be a one (1) year moratorium on the consideration, approval, and/or development of any new commercial battery energy storage installations within the Town of Lincoln.

SECTION 4. Relief from Moratorium.

The Town Board may waive strict compliance with the terms of this moratorium upon the application of an owner of property upon which a proposed battery energy storage system would have been permitted in the absence of this moratorium, provided that the applicant can demonstrate, and the Town Board finds, based upon competent evidence, that the application of the moratorium to the applicant's property will cause the applicant substantial economic hardship, the proposed battery energy storage system will not harm or endanger the public health, safety, and welfare, and the proposed battery energy storage system is consistent with and compatible with the surrounding land uses.

Application for such relief shall be filed with the Town Code Enforcement Officer, together with a filing fee of \$250.00. Such application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought, and the reasons for which the relief should be granted. Any costs, including expert consulting fees or attorneys' fees which are 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 Town Law §267-b(2) in reviewing any application for relief.

The Town Board shall conduct a public hearing on any request for relief within 45 days of receipt of an application and filing fee by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within 30 days from the date of such public hearing.

In enacting this provision, it is the intent of the Town of Lincoln to use its supersession power pursuant to Municipal Home Rule Law §10(1)(ii)(d)(3) to supersede the grant of use variance power to the Zoning Board of Appeals set forth in Town Law §267-b(2).

SECTION 5. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which the Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

SECTION 6. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State pursuant to §27 of the Municipal Home Rule Law.

SECTION 7. Termination Date

This Local Law shall become null and void one (1) year after filing, unless extended or terminated by the Town Board.

Resolution 142-2023: Motion to open the public hearing for Local Law 5-2023 at 7:15pm made by Doug Fusillo, 2nd by Jayne Black, carried unanimously.

Resolution 143-2023: Motion to close the public hearing for Local Law 5-2023 at 7:24pm made by Doug Holdridge, 2nd by Peggy LeClair, carried unanimously.

Resolution 144-2023: Motion to accept SEQR for Local Law 5-2023 made by Peggy LeClair, 2nd by Jayne Black, carried unanimously.

Resolution 145-2023: Motion to enact Local Law 5-2023 made by Doug Fusillo, 2nd by Doug Holdridge, carried unanimously.

Clerks report given and approved. Report is on file.

Resolution 146-2023: Motion to approve clerks report made by Doug Holdridge, 2nd by Doug Fusillo, carried unanimously.

Copies of Animal control, codes report, historian and Assessor reports handed out and on file.

Public Comments:

Resident Ed Mills commented that he was at the last stakeholders meeting for the Madison County solid waste department and feels that the decision has been made at a county level. Melissa During stated that the county has not made a decision. The final stakeholders meeting is scheduled for December 18th, 2023 at 7pm with Casella for any question the Town of Lincoln stakeholders may have. There will be a public hearing December 19th, 2023 at 6pm at the Madison County Wampsville office.

Resident John Schoeck suggested everyone look at the Corner Stone Report. John asked about the terms of the contract. Does the county get to set the terms or does the town of Lincoln have a say in the terms. He feels that the town should have a lot of say in the proposed contract. John feels that within the next 30 years the landfill will be needing to change their permitting with the extra solid waste we will be taking in and we should be looking into the extra traffic coming in and out of the town.

Melissa During stated that a few of the Madison County Supervisors that were against the lease of the landfill had changed their minds due to a trip that the County Supervisors took Casella's transfer stations to see what they had to offer. Casella out beat the other companies with their proposal.

Doug Holdridge Jr stated he used to work up at the Landfill for 20 years. The last 3 years he worked under Amy Miller and could no longer work there with the way the landfill was being run. He shared what the county bought in a year and half span which he feels is more than what any county would do as if it was a lot of money.

William Jarvis stated that if and when Casella comes in, they are going to have to bring in a lot of solid waste and increase the tipping fees to make up the loss that they are coming in to.

The Town Board and Residents are all concerned about the creek that runs through the landfill and all the extra tonnage of solid waste that Casella will be bringing in will shut down that landfill soon. 25 years is felt to not be long enough when there was a 100 year plan the county had developed previously. The SEQR for the proposed transfer of operations from Madison County to New England Waste Services of NY Inc also known as Casella showed there will be no negative impact on the environment. The board was provided a copy of the SEQR.

Highway report was given as Anthony Domenicone was able to attend the meeting after plowing. He stated that he has been transferring information from the old computer over to Williamson Law. Anthony Domenicone asked when Center State was coming to hook up the propane to the generator. Peggy LeClair is to reach out and get back with Tony Domenicone for specifics.

Melissa During presented a letter that was written to the town residents to add with the tax bills explaining the error with the fire departments budget for 2023 and why the increase in taxes shows a higher percentage than it should. The board discussed what to put in the letter and take out of the letter to be sent out.

Resolution 147-2023: Motion to accept payment of claims made by Peggy LeClair, 2nd by Jayne Black, carried unanimously.

Resolution 148-2023: Motion to adjourn at 8:35pm made by Doug Fusillo, 2nd by Doug Holdridge, carried unanimously.