

TOWN OF LINCOLN
6886 Tuttle Road Canastota, NY 13032
Town Board Meeting
Wednesday November 13, 2024

Call to Order: 7:02pm

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

Others in Attendance: Amanda Spendley, David Sadler, Joshua Oliver, and Mat Spendley.

Pledge of Allegiance

Public Hearing continuation:

Public hearing reopened for the Preliminary Budget at 7:04pm. Peggy LeClair asked about the numbers changing for GLAS. Supervisor Pinard reached out to Melissa During in regards to the GLAS tax increasing. Per the contract that was written and signed between the Town of Lincoln, Lenox and GLAS the amount requested cannot increase. Melissa During stated Mike from GLAS gave the incident numbers for the Town of Lincoln being 109 in 2023 and 112 incidents thus far in 2024. Melissa During presented a summary of Elected and Appointed Officials salary increases along with an Annual Raise Policy for elected and appointed officials including post-election salary protection clause. The town board is to review this before the Organizational meeting in January. No other questions or comments made by the board and or public. Public hearing closed at 7:12pm. The Preliminary Budget was adopted by the Town Board and moved to the Adopted 2025 Annual Budget.

Resolution 109-2024: Motion to resume the public hearing for the Preliminary Budget made by Doug Holdridge, 2nd Jayne Black, carried unanimously.

Resolution 110-2024: Motion to close the public hearing at 7:12pm made by Doug Holdridge, 2nd Jayne Black, carried unanimously.

Resolution 111-2024: Motion to move the Preliminary Budget to the Annual 2025 adopted budget made by Doug Holdridge, 2nd Jayne Black carried unanimously.

October Regular meeting minutes, October Special Meeting Minutes, and November Special Meeting minutes approved with no corrections.

Financial Report: Provided and no questions or comments from the board.

Correspondence: Madison County Photo Contest winners (Logan Mills, Town of Lincoln), Madison County Official's Alert Raise in Pertussis, Edmunds Gov tec flyer, Wanderers Rest Dog

Control Policy Changes, Square flyer, Mercedes-Benz Flyer, National Grid Smart Meter Notification, Dougherty's Pharmacy Flyer.

Supervisors Announcements and Updates:

Madison County is hosting a 2-day retreat to bring the board and department heads together.

Madison County Landfill punch cards will be increasing to \$25 on January 1, 2025. The Madison County Landfill passed a policy that all vendors will be prepaying for the punch cards. Amanda Spendley did ask to confirm with the Town Attorney to be sure tax payer dollars can be spent in advance for them. Melissa During is to reach out to Johnathan Karp to before we agree to the contract.

In continuation from October 2024 Town Board meeting the board agreed to sign the income survey for \$5,990 + postage and \$500 for the Low/Moderate income report for the proposed water district.

Resolution 112-2024: Motion to allow Melissa During to sign the Water District income survey and report made by Jayne Black, 2nd Doug Holdridge, carried unanimously.

GML for Local Law 2-2024 for the moratorium stating there was no county wide impact.

Mathias Spendley was retro appointed as Acting Assessor from 9/8/2024-3/8/2025 for the 6-month term until he completes his certification.

Resolution 113-2024: Motion to appoint Mathias Spendley as Acting Assessor from 9/8/2024-3/8/2025 made by Jayne Black, 2nd Doug Holdridge, carried unanimously.

Town Clerk provided a list of Currently Open positions and Positions expiring at the end of December to the board. Melissa During listed the open positions as follows:

- 1 BOAR Secretary
- 2 BOAR members
- ZBA member
- Planning Board member

Expiring Positions 12/31/2024 are as follows:

- Court Clerk
- Dog Control Officer
- Historian
- Attorney
- Planning Board secretary
- Planning Board member
- ZBA secretary
- ZBA member

Melissa During requested the Town Clerk send out notification to all the expiring appointments and request a response for the December 11, 2024 Town Board meeting so they can further discuss appointed positions.

Village of Hamilton Salt Brine Contract reviewed and a board approved Melissa During to sign the contract.

Resolution 114-2024: Motion to approve the Village of Hamilton Salt Brine contract made by Doug Holdridge, 2nd Jayne Black, carried unanimously.

Public Hearing resume of LL2-2024 Town of Lincoln Temporary Wind Energy Conversion Systems Moratorium at 7:32pm. No public questions and comments, no board questions, or comments. Public Hearing closed at 7:33pm. LL 2-2024 Adopted as follows:

LOCAL LAW NUMBER 2 OF THE YEAR 2024

A LOCAL LAW OF THE TOWN OF LINCOLN, also known as “The Town of Lincoln Temporary Wind Energy Conversion System Moratorium,” in relation to the creation of a temporary moratorium on wind energy conversion 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 ____ of the year 2024 entitled “Temporary Moratorium for Wind Energy Conversion Systems” is hereby adopted to enact a one (1) year moratorium prohibiting the consideration, approval, and/or development of any new wind energy conversion 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.

Said Local Law reads as follows:

SECTION 1. Statutory Authority

- A. New York State Constitution Article IX §2(c)(6) and §2(c)(10);
- B. Statute of Local Governments §10(1), §10(6), and §10(7);
- C. Municipal Home Rule Law §10(1)(i), §10(1)(ii), §10(1)(ii)(a)(6), §10(1)(ii)(a)(11), §10(1)(ii)(a)(12), and §10(1)(ii)(a)(14);
- D. Town Law Article 16;
- E. Town Law §130(1), §130(3), §130(5), §130(7), §130(7-a), §130(11), §130(15), §130(15-a), §130(16), §130(19), and §130(25);
- F. Town Law §64(17-a) and §64(23);
- G. The Town of Lincoln’s inherent police powers; and

H. The laws of the State of New York.

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 specified types of wind energy conversion system installations to give the Board an adequate opportunity to study the matter of Town policy and codes, the potential environmental impact of wind energy conversion systems, and to develop and pass legislation regulating wind energy conversion systems in accordance with the Town of Lincoln Comprehensive Plan.

SECTION 3. Definitions

LARGE WIND ENERGY CONVERSION SYSTEM: A Wind Energy Conversion System consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity greater than 150 kilowatts and is intended to supply some portion of its produced electrical power for sale to a power grid.

SMALL WIND ENERGY CONVERSION SYSTEM: A Wind Energy Conversion System consisting of one wind turbine, one tower, and associated control or conversion electronics which has a rated capacity of greater than 15 kilowatts but not more than 150 kilowatts and a total height of greater than 50 feet.

VERY SMALL WIND ENERGY CONVERSION SYSTEM: A Wind Energy Conversion System consisting of one wind turbine, one tower (or other mounting system), and associated control or conversion electronics which is smaller than the minimum size or rated capacity limits for Small Wind Energy Conversion Systems.

WIND ENERGY CONVERSION SYSTEM: A machine that converts the kinetic energy of the wind into a usable form (commonly known as a “wind turbine” or “windmill”). A Wind Energy Conversion System may be commercial or non-commercial and may include one or more wind turbines, towers, associated control or conversion electronics, transformers, and/or maintenance and control facilities or other components used in the system. The turbine or windmill may be on a horizontal or vertical axis, utilizing a rotor or propeller.

WIND ENERGY FACILITY: A Wind Energy Conversion System or array of Wind Energy Conversion Systems on a single parcel or on multiple parcels under common ownership, control, and/or management designed to deliver electricity to the power grid for sale with a combined production capacity of more than 150 kilowatts, including all related infrastructure, electrical collection and distribution lines and substations, access roads and accessory structures, including accessory facilities or equipment.

SECTION 4. 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 Small Wind Energy Conversion Systems, Large Wind Energy Conversion Systems, and/or Wind Energy Facilities within the Town of Lincoln.

SECTION 5. No Conflict with State Law

This local law is not intended to and shall not be construed to conflict with the provisions of Article 10 of the New York State Public Service Law, which preempts local regulation of certain Wind Energy Conversion Systems.

SECTION 6. 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 Wind Energy Conversion 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 Wind Energy Conversion System will not harm or endanger the environment or public health, safety, and/or welfare, and the proposed Wind Energy Conversion 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 7. Penalties

Any person, firm or corporation that shall establish, place, construct, enlarge and/or erect any Wind Energy Conversion System in violation of the provisions of this Local Law, or shall otherwise violate any of the provisions of this Local Law, shall be subject to:

- a. A fine not to exceed \$1,000.00 or imprisonment for a term not to exceed 15 days, or both. Each day a violation continues shall be considered a new offense; and
- 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 by-products which may have taken place in violation of this Local Law.

SECTION 8. Enforcement

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

SECTION 9. 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 10. 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 11. Termination Date

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

Resolution 115-2024: motion to resume public hearing at 7:32pm for LL 2-2024 made by Peggy LeClair, 2nd Jayne Black, carried unanimously.

Resolution 116-2024: motion to close public hearing at 7:33pm for LL 2-2024 made by Jayne Black, 2nd Doug Holdridge, carried unanimously.

Resolution 117-2024: motion to adopt LL 2-2024 The Town of Lincoln Temporary Wind Energy Conversion System Moratorium made by Doug Holdridge, 2nd Peggy LeClair, carried unanimously.

Broad Band Reconnect map shared via email. Madison County is installing broad band for residents in the Town of Lincoln that currently do not have access to internet at a cost of roughly \$50/month. Typically for County projects being installed the town has not charged to obtain a roadside work permit. The county is looking for a waiver of fees permit fees to serve our residents with internet. Melissa During would like to adopt a policy starting in 2025 to exclude/waive payments for permits for county projects. A stop work order was issued to Syracuse utilities by Highway Superintendent Anthony Domenicone because permits were not issued/applied for through the town. Anthony Domenicone requires permits be issued for all roadside work; however, the fees are not required and subject to board approval. No permit applications have been presented to the Town Clerk for filing. Tony Domenicone to send the applications to the Town Clerk and be numbered 3-6.

Resolution 118-2024: Motion to waive the fees for permits for Madison County roadside work number 3-6 made by Peggy LeClair, 2nd Doug Holdridge, carried unanimously.

Follow-up from last month regarding cemeteries. Melissa During spoke with Matt Camp and he is unable to provided maintenance for them. He is willing to provide help when the town does clean up if he is available at the time. Melissa During is to put some additional calls out to prospective people for annual maintenance. Historian David Sadler notified the board 14 abandon cemeteries within the Town of Lincoln.

Resident Joshua Oliver on Old County Rd is requesting a tree be removed that is in the right of way. Anthony Domenicone is requesting board approval to allow him to contact the Tree Service and hire to remove the dead tree by the end of the year.

Resolution 119-2024: Motion to allow Anthony Domenicone to hire a tree service to remove a tree from resident Joshua Olivers property that is in the right of way made by Doug Holdridge, 2nd Peggy LeClair, carried unanimously.

Deputy Supervisor Updates and Announcements:

The Fire Department is hosting a Tree Lighting December 7th at 6pm. Anthony Domenicone is to pick the tree up and move it to the Fire House. The fire department asked the town to provide candy canes and hot cocoa. The fire department in also sending out a flyer for families to bring an ornament to hang annually for display. The weekend after Thanksgiving they will also have a mailbox for letters to Santa.

Clerks Report approved and on file. Town Clerk Amanda Spendley shared the safe is opened and working and now being utilized. Miscellaneous Revenue amounted to \$657.00, \$300 was a Highway Permit fee for Verizon Wireless, \$350 was fall fest applications, and \$7 was a check overage. Book keeper Brynly Wilcox is to be notified. Amanda Spendley asked about refund from the clerks account and the board gave their consensus to send a refund.

Resolution 120-2024: Motion to approve clerks report made by Doug Holdridge, 2nd Jayne Black, carried unanimously.

No Dog Control Report submitted.

Codes, Historian, and Assessor Report submitted and on file.

Anthony Domenicone shared they have put away all the summer equipment. The 10-wheeler is ready. The highway crew has replaced 10+ signs. The board discussed the highway voucher for the new lawn mower and what fund appropriations were being used to pay for the remainder the grant did not cover.

Old Business:

Peggy LeClair asked about the County Providing free well testing to residents in the new proposed Water District. The county is to meet with B&L to find which wells need to be tested and how to execute the testing.

Emails for .gov is still on hold awaiting godaddy approval.

Payment of Claims: approved with not changes.

Resolution 121-2024: motion to approve payment of claims made by Doug Holdridge, 2nd Peggy LeClair, carried unanimously.

Public Comment:

Mat Spendley asked about a no solicitation law. The Town does not currently have a no solicitation law. Currently there are people circulating the town asking residents to buy into solar energy to reduce their bills.

Resolution 122-2024: Motion to adjourn at 8:27pm made by Peggy Le Clair, 2nd by Jayne Black, carried unanimously.