Present: David DiSalvo, Town Supervisor; Don Huff, Deputy Town Supervisor; Nate Guzzardi, Councilmember; Jeff Coniglio, Councilmember; Joseph Rawleigh, Councilmember; and Kaylee Leone, Deputy Town Clerk

Also Present: Sam Cipriano, Town Highway Superintendent; and Veronica DeVries, Associate Council with Hodgson Russ LLP

Others Present: Community members Crik Christophel, Steve Zoller, Pete DiSalvo, Matt Scully, Patricia Scully, Chad Woodworth, Johnna Schrier, Karl Schrier, Gretchen Saunders, Wade Snyder, and Tim Bryant

CALL TO ORDER AND REVIEWAL OF MINUTES

The meeting was called to order by Town Supervisor David DiSalvo at 5:59pm. Supervisor DiSalvo led the Pledge of Allegiance.

A motion to approve the May 16th, 2024, Regular Town Board meeting minutes as written was introduced by Councilmember Joseph Rawleigh and seconded by Deputy Supervisor Don Huff, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

LOCAL LAW NUMBER 1 OF THE YEAR 2024

Town Supervisor David DiSavlo began discussion of proposed Local Law Number 1 of the Year 2024: A Local Law to Impose a Moratorium on the Creation of New Solar Farms and Battery Energy Storage Systems in the Town of Mount Morris. Supervisor DiSalvo stated that this proposed moratorium would be in effect for six months and would expire on December 20th, 2024.

A motion to approve Local Law Number 1 of the Year 2024: A Local Law to Impose a Moratorium on the Creation of New Solar Farms and Battery Energy Storage Systems in the Town of Mount Morris was introduced by Councilmember Nate Guzzardi and seconded by Councilmember Joseph Rawleigh.

TOWN OF MOUNT MORRIS Local Law No. 1 of the Year 2024

A Local Law to Impose a Moratorium on the Creation of New Solar Farms and New Battery Energy Storage Systems in the Town of Mount Morris.

Be it enacted by the Town Board of the Town of Mount Morris as follows:

Title.

This Local Law shall be known as the "Moratorium on New Solar Farms and New Battery Energy Storage Systems."

Authority and Purpose.

Authority and Intent. This Local Law is intended to be consistent with and is adopted pursuant to the authority to enact zoning laws granted to the Town under the New York State Constitution, and the laws of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, § 2(c)(ii)(10); Municipal Home Rule Law § 10; and Statute of Local Governments § 10.

Purpose. In 2016, the Town of Mount Morris adopted Chapter 48-44.3 of its Code entitled "Solar Farm Law" to set forth development standards for creation of Solar Farms within the Town and adopted Chapter 15 of its Code entitled "Battery Energy Storage Systems" in 2020 to set forth development standards for creation of Battery Energy Storage Systems within the Town. Since that time, unanticipated and significant Solar Farms development has permeated the Town, including in locations in which such Solar Farms may have a disproportionate impact on surrounding land uses. This has been true of Battery Energy Storage Systems as well. This Moratorium is necessary to temporarily restrict the development of New Solar Farms and New Battery Energy Storage Systems so that the Town Board may consider creating subsequent zoning regulations to encourage appropriate Solar Farm and Battery Energy Storage System development. The Town Board has determined that this would best enhance and protect the health, safety, and welfare of the citizens of the Town of Mount Morris.

Definitions.

For purposes of this Local Law, the following terms shall have the meanings set forth below:

a) "Solar Farm" shall have the same definition as it has in Section 48-44.3(A) of the Town of Mount Morris Code.

b) "Battery Energy Storage System" shall have the same definition as it has in Section 15-3 of the Town of Mount Morris Code.

c) "Solar Collector" shall have the same definition as it has in Section 48-44.3(A) of the Town of Mount Morris Code.

d) "New Solar Farm(s)" shall mean any Solar Farm which is not currently the subject of any pending Special Use Permit Application and for which no Special Use Permit has ever been obtained.

e) "Town" shall mean the Town of Mount Morris, in Livingston County, New York.

f) "New Battery Energy Storage Systems" shall mean any Battery Energy Storage System which is not currently the subject of any pending Permit Application and for which no Permit has ever been obtained.

Moratorium and Prohibition.

The Town Board hereby imposes a Moratorium on applying for, the processing of applications for, and/or constructing any New Solar Farms or New Battery Energy Storage Systems in the Town of Mount Morris for a three (6) month period commencing on the effective date of this Local Law and continuing until December 20, 2024, and further provides that no application for a building permit, variance, special use permit, or approval of any kind will be accepted for review by the Town Code Enforcement Officer, Town Planning Board, or Town Zoning Board of Appeals during this period.

The Town Board hereby imposes a Moratorium on applying for and/or constructing any New Solar Farms or New Battery Energy Storage Systems in the Town of Mount Morris for a period commencing on the effective date of this Local Law and continuing until December 20, 2024, and further provides that no application for a Building Permit, Variance, or Special Use Permit will be accepted for review by the Town Code Enforcement Officer, Town Planning Board or Town Zoning Board of Appeals during this period. This moratorium shall apply to all zoning districts and all real property within the Town.

Variances.

The Town Board shall have the power, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the

variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purposes and intent of this Local Law. Any request for a variance shall be in writing and filed with the Town Clerk. The Town Board shall conduct a Public Hearing on the application on not less than five (5) days' public notice and shall make its decision within thirty (30) days after the close of the Public Hearing.

Extensions.

This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety, and welfare of the citizens of the Town and accomplish the stated purposes and intent of this Local Law.

Termination.

This Moratorium may be terminated earlier than December 20, 2024, upon enactment of local legislation regulating development of New Solar Farms and New Battery Energy Storage Systems within the Town.

Penalties and Enforcement.

Building Inspector. The provisions of this Local Law shall be administered and enforced by the Code Enforcement Officer.

Any person, firm or corporation that shall establish, place alter, enlarge or erect or modify any sign or billboard on any structure or freestanding, 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:

Injunctive relief in favor of the Town of Mount Morris to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction which may have taken place in violation of this Local Law; and

A fine not to exceed ONE THOUSAND AND 00/1000 DOLLARS (\$1,000) for each violation. Each day a violation continues shall be considered a new and separate violation.

Costs and Attorneys' Fees. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all necessary costs incurred by the Town relative to such action, including attorneys' fees, and such amount shall be determined and assessed by the Court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property or properties within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

Superseding Intent and Effect.

This Local Law shall supersede any inconsistent provisions of the Town Code, or all other local ordinances, laws, or resolutions of the Town of Mount Morris.

Hardship.

Should any owner of property affected by this Local Law suffer any extraordinary hardship in carrying out the strict letter of this Local Law, then the owner of the said property may apply to the Town Board of the Town of Mount Morris in writing for a variance from strict compliance with this Local Law upon submission of evidence of such extraordinary hardship. For the purposes of this Local Law, extraordinary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for any permit or approval of any kind whatsoever during the period imposed by the moratorium set forth in this Local Law.

An application requesting a variance based upon extraordinary hardship shall be filed with the Town Clerk, including a fee of \$250 to cover processing and advertising costs by the landowner,

or the applicant with consent of the landowner. The application shall provide a recitation of the specific facts that are alleged to support the claim of extraordinary hardship and shall contain such other information as the Town Supervisor or his or her designee shall prescribe as necessary for the Town Board to be fully informed with respect to the application.

Upon submission of the aforementioned written application to the Town Clerk, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing to consider whether an extraordinary hardship is present A public hearing on any request for an exception for extraordinary hardship shall be held by the Town Board at the first regular meeting of the Town Board that occurs after the expiration of the publication of notice of the request for a waiver. The notice shall be advertised in the Town's designated newspaper at least ten (10) days prior to the date of the public hearing. Notice shall also be given, by regular mail, to abutting property owners at the addresses on the tax rolls. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision, either granting or denying the application for variation from the strict requirements of this Local Law.

If the Town Board determines that a property owner will suffer extraordinary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary strict compliance with this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with the Local Law.

Termination.

This Moratorium may be terminated earlier than December 20, 2024 with the enactment of local legislation regulating development of New Solar Farms and New Battery Energy Storage Systems within the Town.

Severability.

If any provision of this Local Law is determined to be unconstitutional or invalid, the validity and enforceability of the remainder shall not be affected.

Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.

The roll was called as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

SUPERVISOR'S REPORT

A motion to approve the Supervisor's Report for May 2024 was introduced by Deputy Supervisor Don Huff and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

AMBULANCE REPORT

98 – Statused	34 – ALS Transport
14 – Unstatused	33 – BLS Transport
6 – Inmate Transfers	

Supervisor David DiSalvo stated that the ambulance will be staffing additional crews on standby for the Many on the Genny Race in Letchworth State Park on July 20th. Supervisor DiSalvo stated that he hadn't heard of any recent developments regarding solar projects and asked community member and EDF Renewables Community Liaison Gretchen Saunders if local solar staffing has reached 500 employees. Ms. Saunders confirmed that staffing has reached 500 employees and that work will soon increase from six to seven days per week. Supervisor DiSalvo added that an incident occurred several weeks prior involving an employee suffering a heart attack, but the employee has since recovered.

Deputy Supervisor Don Huff inquired about a recent ambulance bill being paid without board approval to cover costs associated with a flycar and stated that he didn't believe that any of the council members were made aware of the bill or what it was meant to cover. Deputy Supervisor Huff stated that he would like the board to be made aware prior to any future payments being sent so that the council members can offer their input. Councilmember Jeff Coniglio stated that he was under the impression that everything was previously agreed upon, to which Supervisor DiSalvo stated that prices have increased and the costs have exceeded what had previously been approved.

Deputy Supervisor Huff added that substantial damage has occurred to Scipio Road, Townline Road, and Wildcat Road. Supervisor DiSalvo asked if the county had given word on whether or not FEMA could provide any assistance, to which Deputy Supervisor Huff stated that he wasn't sure as he hadn't received updates from the county.

CEMETERIES

Councilmember Nate Guzzardi stated that a tree recently came down in the cemetery but didn't cause damage to any headstones. Councilmember Guzzardi added that he hadn't received word from the contractor who is supposed to reset the headstones. Supervisor DiSalvo reminded Councilmember Guzzardi to document the costs associated with the cleanup of the tree and to take pictures along the way so that cemetery-related grant funds could be used to cover the costs. Supervisor DiSalvo added to get multiple quotes. Councilmember Guzzardi stated that a contractor had already been through to look at the headstones and would begin by resetting and repairing the stones that require the most work first.

Councilmember Joseph Rawleigh stated that he'd recently seen social media posts from within the community that said that grass clippings from the cemeteries had been blown out into the roads, including out onto Route 408. Supervisor DiSalvo stated that additional laborers have been brought in to catch up on the remaining work by the end of the weekend.

Supervisor DiSalvo and Councilmember Guzzardi discussed the need for workmen's compensation insurance for the work required to install the salt shed roof. Supervisor DiSalvo asked if the contractors would have any issues obtaining the necessary coverage and whether this might increase the estimate. Councilmember Guzzardi and Associate Council Veronica DeVries discussed a possible exemption form.

PARKS

Councilmember Coniglio stated that the concert previously scheduled for July 12th in Tusky Park had been double-booked and that the date needed to be moved. Councilmember Coniglio added that a vendor previously booked to supply sound would not likely be able to be rebooked as his schedule has since filled up. As a result, The Groove Brothers would likely be the only band performing. Councilmember Coniglio stated that the band has already been paid and confirmed with Supervisor DiSalvo that the best way to move forward would be to book another date rather than request the funds back from the band. Councilmember Coniglio stated that he would schedule another date for the event to take place and would try to move everything that had

previously been booked/reserved, but he doubted that the new event would be exactly the same as what had previously been planned.

Deputy Supervisor Huff stated that he'd reached out to Councilmember Coniglio several times regarding the grant the Town had received for Tusky Park. Councilmember Coniglio stated that he was under the impression that the board had approved how the grant funds were going to be spent last year and that the Town was still waiting for the funds to be received. Supervisor DiSalvo stated that the funds have been received. Councilmember Coniglio inquired as to whether or not Town employees would complete the work, to which Deputy Supervisor Huff replied that he'd found volunteers to complete the necessary labor. Deputy Supervisor Huff thanked Supervisor DiSalvo and his wife for planting the flowers in the flower beds. Councilmember Coniglio asked what the board would consider changing if the previously quoted prices have increased, to which Deputy Supervisor Huff replied that an additional \$1,000.00 has not yet been earmarked and can be used in the case of a price increase if needed.

PLANNING AND ZONING

Councilmember Rawleigh stated that he'd checked in with the Town Code Enforcement Officer on Monday to come up with a resolution for zoning issues that have come up on the Mount Morris – Geneseo Road portion of 408. Councilmember Rawleigh explained that several residential properties within a mixed-use zone have run into issues trying to make changes to their properties as many changes would cause their structures to become more non-conforming according to the zoning codes.

Community member Crik Christophel asked if these issues should be addressed with the committee that will be looking at zoning changes and land use plan, to which Supervisor DiSalvo stated that the Town wasn't planning to look at Town-wide zoning changes and instead wanted to focus on this specific area. Community member Chad Woodworth stated that this area had been previously discussed when the Comprehensive Committee met to create the Comprehensive Plan and that the committee wanted to leave the zoning in this particular area as is due to only several homes existing in a largely agricultural and commercial area. Mr. Woodworth added that he believed that it would be highly beneficial for the Town to restart the committee back up and running to work on these issues. Ms. Christophel added that these issues should be addressed by an appointed advisory committee that should be tasked with reviewing zoning changes stated within the new comprehensive plan. Supervisor DiSalvo agreed.

Councilmember Rawleigh stated that the county is working with the Department of Health regarding ongoing issues with occupants of an apartment above the former Ridge Restaurant. Several residents living nearby inquired about the process of eviction as trash and human waste are being dumped on the property, and large rats are being drawn to the property. Associate Council DeVries and Supervisor DiSalvo provided an overview of the eviction processes between Code Enforcement, Department of Health, and law enforcement.

HIGHWAY SUPERINTENDENT'S REPORT

Town Highway Superintendent Sam Cipriano stated that new contractors Tim and Jason Bryant have caught up with cemetery mowing and stated that some pay is sourced from Town payroll as some work is completed using the Town's equipment, and some pay will be vouchered as other work is completed using their own equipment. Highway Superintendent Cipriano stated that going forward, Tim and Jason Bryant could mow the Chapel Street Cemetery for \$120.00 per mow. Highway Superintendent Cipriano added that he believes it would be less costly for the Town to have mowing performed this way as it would be cheaper in the long run rather than paying several Town workers hourly to perform the same task.

A motion to contract Tim and Jason Bryant to complete the mowing of the Chapel Street cemetery grounds at a rate of \$120.00 per completed mowing from June 20th, 2024, through December

31st, 2024, was introduced by Councilmember Nate Guzzardi and seconded by Deputy Supervisor Don Huff, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

Highway Superintendent Cipriano gave an overview of recent repairs to Highway Department trucks, including \$2,100.00 for radiator repair to Truck #2. He had questions related to a wastewater management plan required in the code, to which Associate Council DeVries stated that communication regarding code requirements was sent via email to him and his secretary. Associate Council DeVries said she would resend the communication for Highway Superintendent Cipriano's review.

Tim Bryant entered at 6:52pm, at which time Highway Superintendent Cipriano and Supervisor DiSalvo reviewed previously submitted vouchers for Tim and Jason Bryant's mowing work at various cemeteries within the town. One of the previously submitted vouchers reflected an overpayment, and Mr. Bryant clarified that the amount vouchered should have been listed as \$450.00 but had been listed as \$586.00. Mr. Bryant made corrections to the voucher and provided copies to Deputy Town Clerk Kaylee Leone to ensure proper changes before payment.

Highway Superintendent Cipriano and Supervisor DiSalvo discussed the need for a zero-turn mower for cemetery work. Councilmember Nate Guzzardi asked if the Town is liable for replacing footings for cemetery stones if they were improperly installed before the Town took over the cemetery. Highway Superintendent Cipriano stated that the work needed to repair/replace footings and headstones, coupled with the work needed for tree removal services, will exceed the amount of the grant the Town has been endowed with.

Highway Superintendent Cipriano stated that he believed the Town had reached a saturation point regarding solar developments.

Councilmember Joseph Rawleigh asked if there has been a follow-up with the insurance company to ensure that blown insulation would be permitted within the policy under new roofing on municipal buildings. Supervisor DiSalvo stated that the insurance company allows blown insulation and has even provided a list of recommended contractors to complete the work.

Highway Superintendent Cipriano questioned whether the remaining budget allocation for cemetery work would be sufficient to pay for all the mowing for the rest of the year. Supervisor DiSalvo added that additional funds from CDs could be used to supplement the cemetery if needed. Highway Superintendent Cipriano and Joseph Rawleigh stated that they would not want to dip into CDs unless an emergency necessitated it.

Highway Superintendent Cipriano added that the new fuel system is running well and that some glitches are being worked out.

CLERK'S REPORT

A motion to approve the Clerk's Report for May 2024 was introduced by Deputy Supervisor Don Huff and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

OTHER BUSINESS

Supervisor DiSalvo stated that an influx of mattresses have come to the transfer station following a number of Village citations. Supervisor DiSalvo stated that the Transfer Station Manager, Kitt Ceronie, is looking into replacing the control box for one of the pieces of machinery at the Transfer Station. Supervisor DiSalvo also stated that some welding work will be completed to the trash compactor a the Transfer Station as well.

VOUCHERS/AUDIT OF CLAIMS

The board began review of Abstract 6 for the Year 2024.

A motion to adjust voucher 145 to reflect the payment amount of \$450.00 to Tim Bryant, to create an additional voucher from the General A abstract in the amount of \$3,980.00 to Jason Bryant, and to approve Vouchers 142-144 and 146-170 on the General A abstract in the amount of \$25,319.74 was introduced by Councilmember Joseph Rawleigh and seconded by Councilmember Nate Guzzardi, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

A motion to approve Vouchers 33-37 on the General B Abstract in the amount of \$2,121.11 was introduced by Deputy Supervisor Don Huff and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

A motion to approve Vouchers 47-57 on the DA Abstract in the amount of \$14,805.92 was introduced by Councilmember Nate Guzzardi and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

A motion to approve Vouchers 6-10 on the DB Abstract in the amount of \$111,629.09 was introduced by Councilmember Nate Guzzardi and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

A motion to approve Vouchers 16-18 on the SR Abstract in the amount of \$2,199.79 was introduced by Councilmember Joseph Rawleigh and seconded by Councilmember Nate Guzzardi, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

A motion to approve Voucher 20 on the SS Abstract in the amount of \$194.90 was introduced by Deputy Supervisor Don Huff and seconded by Councilmember Joseph Rawleigh, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh)

No: 0 Abstain: 0 The motion was carried.

A motion to approve Vouchers 15 and 16 on the SW Abstract in the amount of \$504.60 was introduced by Councilmember Joseph Rawleigh and seconded by Councilmember Nate Guzzardi, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried.

PUBLIC COMMENT

Community member Crik Christophel was given written answers from Toma to previously submitted questions. Associate Council DeVries

Ms. Christophel stated that it appeared, based on the timeline given by Toma, that only two Comprehensive Plan Committee Meetings were held and that minutes were available for only one of those meetings. Community member Chad Woodworth stated there were more than just two meetings. Ms. Christophel added that she'd like to point out a discrepancy in the January 21st, 2021, meeting minutes that stated that Ms. Christophel had provided all of her comments in previous meetings despite Ms. Christophel not attending any meetings before that date. Ms. Christophel said she would review the answers provided and follow up if needed. Ms. Christophel asked Supervisor DiSalvo when an advisory committee would be assigned to review the zoning regarding the comprehensive land use plan. Supervisor DiSalvo stated that an advertisement would need to be placed in the shopper and that if positions are filled in July the committee would commence in August or September.

Community member Steve Zoller expressed his displeasure with the missing meeting minutes regarding the Comprehensive Plan Committee and what he believes has been a lack of commitment from the Town to investigate the discrepancies between the committee's recommendations and the final Comprehensive Plan. Community member Crik Christophel stated that she thinks that follow-up after each meeting should occur to ensure that proper minutes are recorded.

Crik Christophel added that complaints within the Town do not appear to be handled timely, if at all, and that community members are often afraid to come forward with complaints because their identities as complainants are not always kept confidential.

Community member Matt Scully inquired about well drilling for solar farms, and whether or not water would be brought up through the Town as had previously been discussed. Supervisor DiSalvo stated that taking water throughout much of the Town was originally planned but that the plans were set aside when the estimated project cost was over \$35 million. Supervisor DiSalvo added that taking water up to the water tower alongside Route 408 has also been discussed, as that cost is estimated at \$12 million.

ADJOURNMENT

A motion to adjourn was introduced by Deputy Supervisor Huff and seconded Councilmember Nate Guzzardi, and was voted on by members as follows:

Aye: 5 (DiSalvo, Huff, Guzzardi, Coniglio, Rawleigh) No: 0 Abstain: 0 The motion was carried, and the meeting was adjourned at 7:14pm.

Respectfully submitted,

Kaylee R. Leone Deputy Town Clerk