

TOWN OF LEICESTER
REGULAR BOARD MEETING
PUBLIC HEARING ON LOCAL LAW #2 OF 2018, TAX ABATEMENT
PUBLIC HEARING ON LOCAL LAW #1 OF 2019, TEMPORARY LAND
USE MORATORIUM
DECEMBER 18, 2018 AT 7:00PM

The Regular Meeting and the Public Hearing for the Local Law #2, Tax Abatement was held on Tuesday, December 18, 2018 at 7:00 p.m. at the Leicester Town Hall.

Present: Dave Fanaro, Town Supervisor; Karen Roffe, Matt Durbin, Jerry Hull, Joni Santucci, Council People; Russ Page, Highway Superintendent; Jim Campbell, Town Attorney; Amy Neumann, Town Clerk; Shawn Grasby, Code Enforcement Officer.

Others: Renee Fanaro, Toni Teresa, Craig Donnon, Louise Wadsworth, Rhonda Leonard, Thomas House, Linda House, James Kane, Donald Kane, Ram Shrivastava (Lawsen Engineers).

The meeting was called to order. The Pledge to the Flag was led by Supervisor Fanaro. The Public Hearing for the Town of Leicester Local Law # 2 of the year 2018, Tax Abatement was opened at 7:03pm along with Town of Leicester Local Law # 1 of 2019 Temporary Land Use Moratorium. The Supervisor asked if there were any questions and there were none at that time. Supervisor Fanaro turned the explanation of the Local Law # 2 of 2018-Tax Abatement over to Louise Wadsworth. Louise explained that this was generated due to the \$250,000.00 Improvement Grant of mixed use in business district that was just given to the businesses in the Village of Leicester.

A Local law amending Code of the (Town) of Leicester to add Article entitled “Commercial-Residential Real Property Tax Exemptions” to allow a partial exemption from taxation by the (Town) for certain qualifying commercial or residential real property pursuant to New York State Real Property Tax Law Section 485-n.

Comments:

- Donald Kane disagrees with the Local Law because when you make improvements to businesses they get a tax break however, when you make improvements to residential you don't get a tax break.
- Jerry Hull, Councilman; Does it freeze the value of the property? Example: Purchase for \$100,000.00, then you invest \$100,000.00, is this frozen for the 12 years and continued improvements on property, is the assessment frozen for the term of 12 years?
- Jim Campbell, Town Attorney discussed the local law doesn't have an expiration, however at the State level it may.
- \$250,000.00 Grant money has been divided between 4 buildings already all have been allocated.
- Jerry Hull, Councilman; Encouraging to others to possibly invest in downtown area.

- Jim Campbell, Town Attorney; confident that this is a good local law. If this doesn't get approved tonight we can revisit in January.
- Louis Wadsworth stated the Village meetings impression was Local Law was tied to Grant Money for Downtown Improvements.
- Dave Fanaro, Town Supervisor, tabled for now while Jim Campbell researched a little for later discussion.

Supervisor Fanaro asked Attorney, Jim Campbell to explain Town of Leicester Local Law # 1 of 2019 to our audience. Jim Campbell explained this is for Larger Commercial Solar for land use one year Moratorium. For 12 months the Town will not be authorized to accept applications for Large scale commercial solar projects. This one year moratorium will allow the Town time on educating ourselves on what exactly the town is looking for with the large scale solar. Currently there is no provisions in our code at this moment concerning Large Scale solar. This is intended to give the Town a chance to figure out what's best for our Town and Ag community.

Comments:

- Supervisor Fanaro states our Town of Leicester Comp. plan is in the beginning stages.
- Resident, Thomas House is against solar farms. He lives in Leicester because it's the country.
- Councilman, Jerry Hull is in favor of the moratorium because it gives us time to educate ourselves. Caledonia is one of the largest projects in the area. 12,000 acres.
- Residents, Thomas and Linda House asked the question what is the smallest acres that a solar farm would be interested in? Attorney, Jim Campbell said there is language they will put in place to determine the need and want for the town in regards to the amount of acres. He also states this is very important and needs to be in place so the Town is not vulnerable.
- Code Enforcement Officer, Shawn Grasby states that Article 10 takes Solar to the state level, however will follow what the Town has in place, but if the Town has a moratorium in place, Article 10 won't allow any applications for the year.
- Attorney, Jim Campbell suggesting again that the Town has a committee for the solar moratorium.
- Lawsen Engineers, Ron Shrivastava introduced himself to the Town Board. Stated that in Richland, NY they have community Solar. Like a cooperative solar, which makes it cheaper. Meant to make power for the community. Solar panels work better in colder weather which is optimal conditions. If limiting he suggested limiting to 30 acres. 2 to 5 megawatts. (2 megawatts = 400 homes) Ron offered to do a presentation for small projects and large projects. Saves money and helps low income families and makes solar power for the communities.
- Resident, Donald Kane; is in favor of establishing the moratorium.
- Attorney, Jim Campbell advised the board to continue the opened public hearing for January 15, 2019. This will be distributed to all surrounding towns.
- Craig Donnon wanted copies that were given to him at the meeting and also to anyone in attendance.

Supervisor Fanaro advised that the public hearing on Local Law # 1 of 2019 establishing land Use Moratorium will be kept open for the meeting on January 15, 2019.

Attorney, Jim Campbell wanted to comment on the Local Law # 2 of 2018, Tax Abatement. No expiration date found for the local law. If we have to we can undo a local law by another local law.

Supervisor Fanaro asked if there were any more questions concerning the Local Law # 2 of 2018, tax abatement. There were none. Supervisor Fanaro closed the Public Hearing for Local Law # 2 of 2018 – tax abatement at 8:15pm.

A Motion to approve the Town of Leicester Local Law # 2 of 2018-tax abatement was made by Dave Fanaro and Seconded Jerry Hull.

VOTE OF THE BOARD

Dave Fanaro – yes

Jerry Hull – yes

Marr Durbin – yes

Joni Santucci – abstained

Karen Roffe – no

Motion carried. Ayes 3, Noes 0.

Discussion continued about the Local Law # 1 of 2019.

- Attorney, Jim Campbell wants to include Community Solar in the verbiage. He explained that when the solar panels output decreases in production the cost increases to the customer. Solar panels life and efficiency is about 20 years. He feels this needs to be considered.
- Councilman, Jerry Hull. Comments on the non-ability for Town to tax the Solar Company. They use the town roads and use we have to maintain and fix our roads, what if the solar company goes bankrupt, then we are also stuck with the panels and efficiency has decreased.
- Code Enforcement Officer, Shawn Grasby is willing to be on the committee.

Privilege of the Floor: Toni Teresa was supposed to speak on a complaint she had. She left meeting at 7:43 p.m. Supervisor Fanaro, asked Code Enforcement Officer, Shawn Grasby to explain what the complaint was about. Shawn Grasby explained to the board that there was a complaint about neighbor's chickens and dead chickens on Toni Teresa's lawn. Shawn visited with Katie from the Health Department unannounced to the Neighbors that Toni Teresa had the complaint about. The Buildings looked like they were housing chickens under the house. An interpreter was provided because the neighbor didn't speak English. She was a cooperative person. There was some garbage but assured Shawn it would be taken care of. Shawn Grasby will give full report. We are a right to farm community and the neighbor has chickens for purpose of feeding her family. Shawn Grasby will also obtain and show the board the Health Department report. For the Record the complaint was addressed. Shaw Grasby is also looking at complaints from Argenna Park.

Minutes: A Motion to adopt the minutes from October 16, 2018, Regular Board Meeting, November 13, 2018 Work Meeting was made by Karen Roffe, and Seconded by Matt Durbin. Motion carried. Ayes 5, Noes 0.

Highway Superintendent Report:

HIGHWAY SUPT. REPORT

DEC. 2018

- Finished leaf and brush pickups for the Village and at the cemetery.
- Replaced the security light on the back of the Town Hall.
- Eight days out of the past thirty four had some level of snow and ice removal.
- Hauled some salt.
- Hauled in some ice control sand.
- Some equipment repair and maintenance.
- Ordered the new 10 wheel truck.
- The four of us attended a “Dig Safe” training program, required by New York State, to be “certified excavators”.
- Cleaned a portion of ditch on Clapp Road.
- Mowed some of the back slopes, behind ditches that couldn’t be done this fall.
- Made a pass on all the gravel roads filling the potholes that could be filled.
- Picked up a few piles of leaves in the Village.
- Took down two pine trees and installed two “Village of Leicester Business District” signs for the Village.

“WATER BUSINESS”

- Repaired a fire hydrant in front of McCleans (#233 Main St.) for the Village.
- Finished some electrical updates in the meter pit and control house at the water tank.
- Repaired a broken fire hydrant between # 2706 and # 2714 Cuylerville Road.
- The guys attended a water class put on by the Livingston County Health Department.

Merry Christmas Happy New Year.

Old Business:

Route 36 Water update Supervisor Fanaro did the RD Apply update on computer today.

Supervisor Fanaro update on Route 36 and Perry Road, the Livingston County Traffic safety Board and NYSDOT will not proceed to change anything about the signage on those two Roads. Town of Leicester has no jurisdiction. Supervisor Fanaro will call Ms. Kathy O’Hara to inform her of what he has found out. Councilman, Jerry Hull stated that he would like to see something else added but nothing else can be done.

Supervisor Fanaro update on Comp Plan-Home Rule and article 10. Ag protection plan.

RESOLUTION NO. 6 OF 2018

Authorizing submission of a New York State Agriculture and Markets Grant

A Resolution authorizing the Town of Leicester Supervisor to sign and submit a grant application with the New York State Department of Agriculture and Markets for the development of an Agriculture and Farmland Protection Plan.

WHEREAS, the New York State Department of Agriculture and Markets provides grants for the preparation of Agriculture and Farmland Protection Plans for the benefit of protecting and encouraging agriculture in communities such as Leicester; and

WHEREAS, the Town of Leicester has no long-range planning and development in place to protect farmlands or identify avenues for improving the local agriculture economy; and

WHEREAS, this grant presents an affordable opportunity for the community to develop long-range planning beginning with agriculture as the largest and most prominent feature in the Town; and

WHEREAS, the Town of Leicester Town Board supports the submission of this application consisting of securing \$25,000 in State funds to hire a consultant to assist the Town in preparing an Agriculture and Farmland protection Plan;

WHEREAS, the Town of Leicester is committed to fund the local cash match portion of the grant application for \$1,667 with in-kind services of \$6,666 provided by Livingston County Department of Planning and Development.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Leicester, New hereby authorizes the Supervisor to sign and submit an application to the New York State Department of Agriculture and Markets for the preparation of an Agriculture and Farmland Protection Plan.

A motion approving the resolution was made by Karen Roffe and seconded by Matt Durbin. Motion carried. Ayes 5, Noes 0.

New Business:

Independent Planning Board. Supervisor Fanaro wants to advertise to get a Independent Planning Board and will work with Board on what they can do to get a board put together. Independent Planning Boards work on subdivision and site plans. Board of Zoning Appeals deals with variances and violations, to change legislation that Town Board put in place. We will be looking for 5 people for the Planning Board members. Attorney, Jim Campbell suggests this should be a paid position. We also need to advertise for a solar committee, which Shawn Grasby has already volunteered to be a part of.

Board Appointment: A Motion was made by Matt Durbin and Seconded by Jerry Hull to appoint Jason Yasso as Town of Leicester Representative for County Traffic Safety Board and Russ Page as the alternate. Motion carried. Ayes 5, Noes 0.

A motion to accept Donald Kane's Appointment for the Town of Leicester Representative for the County Planning Board was made by Jerry Hull, and seconded by Karen Roffe. Motion carried. Ayes 5, Noes 0. Congratulations to Donald Kane.

Zoning Ordinance Update: Attorney Jim Campbell and Karen Roffe have worked on updating Town of Leicester Zoning Ordinance. Attorney Jim Campbell passed out a copy to each Board member to review before January 15, 2019 Regular Board Meeting. A discussion will take place at that meeting with what the Town Board has reviewed. There is no solar included in the Zoning Ordinance at this moment.

End of Year Transfers:

GENERAL FUND-TOWNWIDE

Transfer From:

<i>A8810.4</i>	<i>Cemetery Contr.</i>	<i>\$ <u>6,243.00</u></i>
	<i>TOTAL:</i>	<i>\$ <u>6,243.00</u></i>

Transfer To:

<i>A1110.4A</i>	<i>Justice Grant</i>	<i>\$ 417.00</i>
<i>A1110.4B</i>	<i>Court Security</i>	<i>\$ 1,110.00</i>
<i>A1355.4</i>	<i>Assessor Contr.</i>	<i>\$ 491.00</i>
<i>A1420.4</i>	<i>Attorney Contr.</i>	<i>\$ 2,180.00</i>
<i>A1440.4</i>	<i>Engineering Contr.</i>	<i>\$ 535.00</i>
<i>A1920.2</i>	<i>Dues</i>	<i>\$ 1,000.00</i>
<i>A5010.4</i>	<i>Highway Supt. Contr.</i>	<i>\$ 94.00</i>
<i>A7550.4</i>	<i>Celebrations Contr.</i>	<i>\$ 70.00</i>
<i>A8160.4</i>	<i>Refuse & Garbage Contr.</i>	<i>\$ 244.00</i>
<i>A9050.4</i>	<i>Unemployment Ins.</i>	<i>\$ <u>102.00</u></i>
	<i>TOTAL:</i>	<i>\$ <u>6,243.00</u></i>

GENERAL FUND-OUTSIDE VILLAGE

Transfer From:

UNANTICIPATED REVENUE

<i>B1120</i>	<i>Sales Tax</i>	<u>\$ 2,961.00</u>
	TOTAL:	<u>\$ 2,961.00</u>

Transfer To:

<i>B8010.1</i>	<i>Zoning Services</i>	\$ 2,448.00
<i>B9030.8</i>	<i>Social Security</i>	<u>\$ 513.00</u>
	TOTAL:	<u>\$ 2,961.00</u>

HIGHWAY FUND-OUTSIDE VILLAGE

Transfer From:

<i>DB5110.4A</i>	<i>Road Imp</i>	\$ 18,000.00
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UNANTICIPATED REVENUE

<i>DB3501</i>	<i>Chips</i>	<u>\$ 35,529.00</u>
	TOTAL:	<u>\$ 53,529.00</u>

Transfer To:

<i>DB5112.2</i>	<i>Chips</i>	\$ 53,529.00
	TOTAL:	<u>\$ 53,529.00</u>

WATER DISTRICT

Transfer From:

<i>SW8320.4</i>	<i>Source of Supply Contr.</i>	<i>\$ 1,144.00</i>
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Transfer To:

<i>SW8320.4A</i>	<i>Highway Water Services</i>	<i><u>\$ 1,144.00</u></i>
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TOTAL: *\$ 1,144.00*

Organizational Meeting: A Motion was made by Jerry Hull and Seconded by Matt Durbin to hold the Organizational Meeting for the Leicester Town Board on January 2, 2019 at 8 a.m. at the Leicester Town Hall. Motion carried. Ayes 5, Noes 0.

Financial Report: A Motion was made by Karen Roffe and Seconded by Matt Durbin to approve. Motion Carried. Ayes 5, Noes 0.

Audit Bills: A Motion was made by Joni Santucci, and Seconded by Jerry Hull to pay the following bills as audited;

General Fund A	Claim #280 - 315	\$ 51,150.29
General Fund B	Claim # 22 - 23	\$ 257.60
Highway Town Wide Fund DA	Claim # 130 - 141	\$ 19,527.26
Highway Part Town Fund DB	Claim # 79 - 86	\$ 4,702.41
Street Lighting 1	Claim # 12	\$ 167.86
Street Lighting 2	Claim # 12	\$ 303.01
OLCWD Fund	Claim # 93 - 103	\$ 4,768.43
Total		<u>\$ 80,876.86</u>

Motion Carried. Ayes 5, Noe 0.

Union Contract: A Motion was made to have Attorney Jim Campbell implement all the changes discussed to the Union Contract, and authorization to have the Supervisor sign Union Contract by Matt Durbin, and Seconded by Karen Roffe. Motion carried. Ayes 5, Noes 0.

Toshiba e-STUDIO2515AC Printer: A Motion was made by Karen Roffe, and Seconded by Matt Durbin to have the Town of Leicester purchase a New Toshiba e-STUDIO2515AC. Motion Carried. Ayes 5, Noes 0.

Executive Session: A Motion was made at 9:02 p.m. to go into Executive Session to discuss Employment of an individual by Karen Roffe and Seconded by Joni Santucci. Motion carried. Ayes 5, Noes 0.

Regular Session: A Motion was made at 9:55 p.m. to return to Regular session by Karen Roffe and Seconded by Joni Santucci. Motion carried. Ayes 5, Noes 0.

Adjournment: A Motion was made at 9:57 p.m. by Joni Santucci, and Seconded by Karen Roffe to adjourn the meeting. Motion carried. Ayes 5, Noes 0.

Respectfully Submitted by

Amy Neumann, Town Clerk

