

**HEARING AND REGULAR MEETING OF THE TOWN BOARD
Palmyra Town Hall
December 29, 2020**

The following legal notice was prepared, posted at the Town Hall and published in the Town's official newspaper:

**LEGAL NOTICE
TOWN OF PALMYRA
NOTICE OF PUBLIC HEARING**

**LOCAL LAW # 2-2020 FOR THE TOWN OF PALMYRA TO ADOPT A
LOCAL LAW ESTABLISHING ZONING REQUIREMENTS FOR SOLAR ENERGY SYSTEMS**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board, of the Town of Palmyra NY, on the 29th day of December, 2020 at 7:00 p.m. at the Palmyra Town Hall, 1180 Canandaigua Rd, Palmyra New York to hear and consider comments from the public with regards to the proposed "Local Law # 2-2020 For The Town Of Palmyra To Adopt A Local Law Establishing Zoning Requirements for Solar Energy Systems"

Copies of the entire proposed Local Law #2-2020 are available for review at the Town Clerk's Office during regular business hours.

*BY ORDER OF THE TOWN BOARD
OF THE TOWN OF Palmyra
Irene Unterborn, Town Clerk
Dated: November 25, 2020*

AGENDA FOR HEARING:

Supervisor Miller led those present in the Pledge of Allegiance to the Flag.

Upon roll call, the following Board members were present:

Kenneth Miller, Supervisor
James Welch, Deputy Supervisor
Todd Pipitone, Councilman
Bradley Cook, Councilman

ATTENDANCE

Also attending was: Frank Vascuknyas, Marc Carrier, Don Wilkins, Highway Superintendent Mike Boesel, Mike Catalano, Premyslovsky Family, CEO Pat Sheridan, and Doug DeRue.

Open Public Hearing

At 7:01 PM, the public hearing for Local Law #2-2020, For The Town Of Palmyra To Adopt A Local Law Establishing Zoning Requirements For Solar Energy Systems was opened, and Supervisor Miller asked that the reading of the legal notices is waved. Todd Pipitone made that motion.

Second: Jim Welch

Vote: 3 Ayes. Carried

**LOCAL LAW #2- 2020 TO ADOPT A LOCAL LAW ESTABLISHING
ZONING REQUIREMENTS FOR SOLAR ENERGY SYSTEMS.**

BE IT ENACTED, by the Town Board of the Town of Palmyra, Wayne County, State of New York, as follows:

Section A. Authorization

This local law is enacted pursuant to the authority granted by New York State Town Law § 263 and Municipal Home Rule Law § 10, which authorize the Town to adopt local laws to provide for the government, protection, order, conduct, safety, health and well-being of the persons and property in the Town of Palmyra.

Section B. Legislative Findings and Purpose

The Town Board hereby finds the Town Zoning Code should be amended to establish zoning requirements for solar energy systems where none previously existed, that such zoning requirements would be in the best interest of the public health, safety, and well-being, and that such zoning requirements are consistent with the Town's current comprehensive plan.

Section C. Amendment

Article II, Section 210 of the Town Zoning Regulations entitled "Definitions" shall be amended to insert and include the following definitions in alphabetical order:

BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) — The incorporation of photovoltaic (PV) material into a building's envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.

GROUND-MOUNTED SYSTEM — A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.

PRINCIPAL USE SYSTEM — Solar energy systems located on land primarily used to convert solar energy into electricity for offsite energy consumption.

ROOF-MOUNTED SYSTEM — A solar panel located on a roof of a permitted principal use or accessory structure.

SOLAR ENERGY EQUIPMENT — Energy storage devices, material, hardware, or electrical equipment and conduit associated with the production of electrical energy.

SOLAR ENERGY SYSTEM — A combination of both solar panels and solar energy equipment.

SOLAR PANEL — A device capable of collecting and converting solar energy into electrical energy.

A new Article VI, Section 699 shall be added to read as follows:

§ 699 Solar Energy Systems as Accessory Use / Structure.

- A. *Roof-Mounted Systems. Roof-mounted systems are permitted as an accessory use in all zoning districts when attached to lawfully permitted principal uses and accessory structures, subject to the following requirements:*
 - (1) *Height. Solar energy systems shall not exceed maximum height restrictions within any zoning district.*
 - (2) *Setback. Solar energy systems are subject to the setback requirements of the underlying zoning district.*
 - (3) *Aesthetics. Solar installations shall incorporate the following design requirements:*
 - a. *Solar energy equipment shall be installed inside walls and attic spaces to reduce their visual impact.*
 - b. *Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and highest edge of the system.*
 - c. *Solar panels affixed to a flat roof shall be placed below the line of sight from a public right of way.*
- B. *Ground-Mounted Systems. Ground-mounted solar energy systems are permitted as an accessory structure in all zoning districts, subject to the following requirements:*
 - (1) *All ground-mounted solar panels in residential districts shall be installed in the side yard or rear yard.*

(2) *Lot size. Ground-mounted solar panels are only permitted on lots of 1 acre or greater.*

(3) *Setback. Ground-mounted solar panels are subject to setback requirements of the underlying zoning district.*

(4) *Height. Solar panels are restricted to the following heights when located at the following setbacks:*

<i>Ground-mounted Height and Setback Requirements</i>	
<i>Setback</i>	<i>Permissible Height</i>
<i>6-10 feet</i>	<i>6 feet</i>
<i>>10-15 feet</i>	<i>12 feet</i>
<i>>15 feet</i>	<i>15 feet</i>

All height measurements are to be calculated when the solar energy system is oriented at maximum tilt.

(5) *Lot Coverage. The surface area of ground-mounted solar panels shall be included in lot coverage calculations.*

C. *Building Integrated Photovoltaic (BIPV). BIPV materials shall be permitted in all zoning districts.*

A new Article VI, Section 795 shall be added to read as follows:

§ 795 Solar Energy Systems as a Principal Use.

Principal Use Systems are permitted through the issuance of a special-use permit within the AR- Agricultural/Residential, HC-Highway Commercial, LI Industrial, R-1, R-2 Residential, RR- Rural Residential and PDD-Planned Development Overlay subject to the following requirements:

- A. *Height and setback. Principal Use Systems shall adhere to the height and setback requirements of the underlying zoning district. Additional special-use permit process.*
- B. *Principal Use Systems shall be located on lots with a minimum lot size of 10 acres.*
- C. *All Principal Use Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The height and type of fencing shall be determined by the special-use permit process.*
- D. *On-site electrical interconnection lines and distribution lines shall be placed underground, unless otherwise required by the utility.*

- E. *The removal of existing vegetation is limited to the extent necessary for the construction and maintenance of the solar installation.*
- F. *No Principal Use System shall be installed within 1,000 feet of a state road.*
- G. *No Principal Use System shall be installed within 1000 feet from a dwelling on the same property, or within 1000 feet from a neighboring dwelling unit, or within 1000 feet of the front setback of the property, or within 100 feet of the side and rear setback of the property.*
- H. *Additional special-use permit requirements. Principal Use System special-use permits shall not be approved unless the applicant provides the following:*
 - (1) *Verification of utility notification. Foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.*
 - (2) *Name, address, and contact information of the applicant, property owner(s), and agent submitting the proposed project.*
 - (3) *If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.*
 - (4) *Site Plan. Site plan approval is required by Town Planning Board. In addition to the requirements set forth in Article X, a site plan application shall address and include the following:*
 - a. *All access roads and paths required for the project are integrated into other uses on the property, if possible, and are not constructed with impervious materials.*
 - b. *Screening. The Solar Energy System shall be adequately screened to mitigate avoid adverse aesthetic impacts.*
 - c. *A soil erosion/drainage plan showing existing and finished grades and stormwater management plan approved by the Town Engineer.*
 - (5) *Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.*
 - (6) *The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant*

components, mounting systems, and invertors that are to be installed.

(7) Property Operation and Maintenance Plan. A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc.

(8) Decommissioning Plan.

a. To ensure the proper removal of Principal Use Systems, a decommissioning plan shall be required. The plan shall include the removal of all infrastructures and the remediation of soil and vegetation back to its original state prior to construction, unless otherwise permitted. A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a Professional Engineer or contractor. Cost estimations shall take into account inflation. Such plan shall be implemented upon abandonment, cessation of activity, or in conjunction with removal of the Solar Energy System. Compliance with this plan shall be made a condition of special use permit, site plan, and building permit approval. Said plan shall address the following:

[1] The plan must provide that after the Solar Energy System is no longer in use as originally approved or is inadequately maintained, the Solar Energy System shall be removed, whether above or below ground, including fencing, infrastructure, pre-construction foundations, and piers, footers or other supports to be removed to a depth of forty-eight inches below the soil surface. The plan shall also address the disposition of underground electric lines, and provide for the restoration of grade, soil, and vegetation, to return the parcel to its original state.

[2] The plan shall identify the parties responsible for implementing the plan, including but not limited to the property owner, the applicant/permittee, or any subsequent owner of the Solar Energy System.

[3] The plan shall include an expected timeline for completion of removal of the Solar Energy System that shall be no longer than 180 days.

[4] A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer and shall be approved by the Town's engineer. Cost estimations shall take inflation into account.

- [5] *The plan shall provide for the periodic reevaluation of decommissioning costs during the Solar Energy System's lifetime by the applicant's engineer, and the plan shall allow for any corresponding increases or decreases in any surety in accordance therewith, as may be approved by the Town engineer.*
- [6] *The plan shall provide that if the Solar Energy System is not decommissioned upon discontinuance or abandonment, the Town or the Town's duly appointed representative or agent(s) may enter onto the property to remove the system and restore the property, and the Town may claim against the surety and/or assess and impose a lien against on the property to cover all costs incurred by the Town and its consultants in connection with any work or proceeding relating to such decommissioning, removal or restoration, in addition to any other remedies available to the Town.*
- [7] *The plan shall include the energy generating capacity of the Solar Energy System on an annual basis together with a provision that annually, on or before January 30th of each year, a report shall be furnished to the Town Code Enforcement Officer reporting the amount of energy generated by the Solar Energy System.*
- [8] *The plan shall be in a form of a recorded instrument legally binding on the owner of the Solar Energy System and to the real property on which it is installed and shall also include the requirement that it shall be binding on any subsequent transferees, successors, grantees, or assigns of the applicant and property owner. Proof of filing with the Wayne County Register of Deeds shall be provided to the Town.*
- b. *Surety. To protect the Town from the expense of removing the Principal Use System should the system be abandoned before being properly decommissioned in accordance with the decommissioning plan, the applicant shall be required to execute and file with the Town a bond or other form of surety that shall renew every three years in a form acceptable to the Town attorney and/or engineer, in an amount sufficient to ensure the good faith performance of the terms and conditions of the special use permit, site plan, the decommissioning plan and the Town's consultant fees. The amount of the surety shall be no less than 125% of the cost of the removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. In the event of abandonment, default or violation of the terms of the special use permit, its conditions, or the decommissioning plan, after thirty (30) days prior written notice and expiration of any applicable cure*

periods, the surety shall be forfeited to the Town, which shall be entitled to maintain an action thereon. The surety shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed. Any lapse or non-renewal of the surety or other failure to keep such surety in full force and effect shall entitle the Zoning Board of Appeals to revoke the special use permit granted hereunder, if such failure is not fully cured within thirty (30) days written notice to the applicant and owner of record. In the event ownership of the Solar Energy System is transferred to another party, the new owner shall file evidence of financial surety with the Town at the time of transfer, and every three years thereafter, as provided herein.

- I. Lot coverage. Principal Use Systems shall be limited to 35% lot coverage. The surface area of solar panels shall be included in lot coverage calculations. For the purposes of this Section only, a lot shall be defined as the lesser of the entire property or any leased portion thereof.*
- J. Construction schedule. The applicant must submit a proposed schedule for the completion of the project, including the proposed start date and the proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.*
- K. The Planning Board may waive, in its discretion and when reasonable, any requirements for site plan permit approval, and the Zoning Board of Appeals may waive, in its discretion and when reasonable, any requirements for a special-use permit, upon finding that such waived requirements are not necessary in the interest of the public health, safety, and general welfare, or unnecessary or inapplicable given the circumstances of the proposed project.*
- L. Abandonment and decommissioning.*
 - (1) Applicability and purpose. The purpose of this section is to provide for the safety, health, protection and general welfare of persons and property in the Town by requiring abandoned Solar Energy Systems to be removed pursuant to a decommissioning plan. The anticipated useful life of such systems, as well as the potential for solar companies to become insolvent and/or property owners being left with adequate resources to remove Solar Energy Systems creates an environment for Solar Energy Systems to be abandoned, creating a negative visual and environmental impact on the Town. Abandoned Solar Energy*

Systems may become unsafe by reason of their energy-producing capabilities and may become an attractive nuisance.

- (2) *Solar Energy Systems shall be deemed abandoned if construction is not completed after twelve (12) months of receiving all final approvals from the Town, or if the Solar Energy System at any time fails to generate and transmit electricity at a rate of more than ten percent (10%) of its rated capacity over a continuous period of twelve months. An abandoned Solar Energy System shall be decommissioned and removed pursuant to the approved decommissioning plan. Applications for extensions can be made to the Zoning Board of Appeals, which shall have authority to grant six-month extensions.*

- (3) *Notice of Abandonment. The Code Enforcement Officer shall notify the permit holder and property owner, by certified mail, that the Solar Energy System has been deemed abandoned and the Town intends to revoke the special use permit within sixty (60) days of mailing said notice. The notice shall also state that the permittee and/or property owner may appeal the Code Enforcement Officer's determination within thirty (30) days to the Zoning Board of Appeals.*
 - a. *In the event the permittee appeals the determination of the Code Enforcement Officer, the Zoning Board of Appeals shall schedule and conduct a public hearing within sixty (60) days. At such public hearing the Zoning Board of Appeals shall determine whether the Solar Energy System has been abandoned, whether to continue the special use permit with conditions, if any, or whether to revoke the special use permit and order removal of the Solar Energy System.*
 - b. *Upon revocation of the special use permit by the Zoning Board of Appeals, the decommissioning plan shall be implemented, and the system removed. If the permittee and/or property owner fails to fully implement the decommissioning plan, the Town Board may collect the required surety and use said funds to implement the decommissioning plan.*

- (4) *If the property owner and/or operator of the Solar Energy System fails to fully implement the decommissioning plan within the time set forth therein, the Town, upon thirty (30) days' written notice to the applicant and property owner, may maintain an action against the surety to provide for the restoration of the site in accordance with the decommissioning plan. All costs and expenses incurred by the Town in connection with any proceeding or work performed by the Town or its consultants to decommission and remove a Solar System,*

including legal costs and expenses, shall be reimbursed from the surety. Any costs incurred by the Town for decommissioning and removal that are not paid for or covered by the surety, including legal costs, shall be assessed against the property, shall become a lien and tax upon said property, shall be added to and become part of the taxes to be levied and assessed thereon and shall be enforced and collected, with interest, by the same officer and in the same manner, by the same proceedings, at the same time and with the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town.

M. Additional Regulations.

- (1) No Solar Energy Systems shall be located within the following:*
- a. One-hundred-year flood hazard zones considered a V or AE Zone on the FEMA Flood Maps.*
 - b. Historic and/or culturally significant resources in an historic district or historic district transition zone.*
 - c. Within 100 feet of a freshwater wetland.*
- (2) Upon transfer of ownership of the Solar Energy System or the property, the new operator and/or property owner shall provide written notice of such transfer to the Town within thirty days of such transfer, and the new operator and/or property owner shall provide updated contact information to the Town and update all on-site signage. All requirements of this Article shall apply and be enforceable against the new operator and/or property owner.*

- N. Enforcement. Any violation of this Section shall be subject to the same civil and criminal penalties as provided for in Article I. In addition, the Town Board may maintain an action or proceeding at law or equity in a court of competent jurisdiction to compel compliance with the terms of this chapter, to restrain by injunction, or to prevent or abate any violation or illegal act, conduct, business or use in violation of this Chapter.*

Section D. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section E. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Palmyra which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section F. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

Supervisor Miller invited Mr. Don Wilkins to speak with regards to the proposed Local Law #2-2020. He provided the following comments:

PUBLIC COMMENT local law #2-2020

Zoning for Solar energy systems

1. Solar energy Equipment - Energy Storage Devices

The proposed law contains no regulations for energy storage systems for principal use systems. The solar industry uses BESS systems which stands for Battery Energy Storage Systems. These are cargo containers that are filled with lithium batteries and when linked together can store megawatts of electric power. Due to their past track record from around the world they should not be allowed in the Town of Palmyra with principal use systems. A condition called Thermal Expansion sometimes occurs and the lithium batteries overheat and causes a runaway condition which causes fires and the batteries to explode. They can emit toxic hydrogen fluoride gas, which causes blindness, fluid buildup in the lungs, heart damage and or death. This gas can spread 1 to 2 miles. The only way to combat these fires is with foam. This foam contains toxins and causes cancer. Once this foam is released it migrates from surface soils to groundwater. There have been court cases where these toxins have gotten into wells for large towns and have contaminated them. Along with the highly toxic lithium migration this would contaminate ground water, aquifers, and rural residents wells, their only source of water. This could harm town residents health and is a known cause of cancer Local fire departments do not have the training or equipment for these types of hazardous conditions and puts them at extreme risks. Batteries are not prudent and create unacceptable risks. This is a top priority for the protection, safety, health, welfare, property and well being of the people of the town of Palmyra.

2. SIDE and REAR SETBACKS for PRINCIPAL USE SYSTEMS

Side and rear setbacks should be at least 250 feet from all side and 250 feet from all rear setbacks for all principal use systems. When fencing is added, barriers, and landscape buffering it is too close to property lines. There is a huge glare factor, noise from possible rotator motors, ruin scenic vistas, and devalue surrounding property values. This also should include the side and rear setbacks for wetlands and be extended to 250 feet. These wetlands contain Canadian and white geese, different species of ducks, hawks, bald eagles, blue herons, deer fox and many other species of wildlife. The glare factor along with the proven elevated temperatures from the solar panels which is 15 to 20 degrees higher than their surface temperatures and will do damage to eco systems. The panels also produce electric and magnetic fields which is from studies from current solar farms in other states. Solar farms in other states have at least 250 foot set backs for side and rear lines. This falls under the protection, order, conduct, safety, property, and well being of Town of Palmyra residents.

3. LOT COVERAGE

Should revise lot coverage from 35 to 30 percent of the total lot area of principal use systems. It should be measured at the exterior perimeter of the fence of the solar installation. This would be in line with towns bordering Palmyra. The height of the solar panels should also be lowered from 15 feet to 12 feet and would also be in line with towns bordering Palmyra.

4. LANDSCAPE BUFFERING

Modify landscape buffering to protect scenic views and vistas from adjacent residents and property and views from town, county and state roads that it borders. For Principal Uses Systems Only.

5. LIMIT SIZE OF PRINCIPAL USE SOLAR SYSTEMS

There is currently 16,167 acres in the Agriculture District in the Town of Palmyra. The town is approximately 38.5 square miles. The town has high value agriculture land. The Town of Palmyra Comprehensive Plan states that this high value soil should be the priority use for agriculture. These Prime Agriculture Soils should be protected. There is currently a severe shortage of farmland in the town and some farmers have to travel over 10 miles to work land for crops and feed. According to the Wayne County USDA office it is going to be an ongoing problem. No Principal use Solar System should be placed on soil groups 1-4 which is prime farmland and all organic soil groups. There is a United States Federal Standard for important farmlands 7CFR 6057.5 which protects farmland. Farmers have to grow crops to feed people and we all have to eat. No more than 1/25 th of the agriculture district should be used for Principal Use Solar. If a spot is selected it cannot be prime farmland. No two or more parcels, whether one or multiple owners may support one solar system installation. All this is to protect the safety, health, and property and the well being of town residents.

6. DRAINAGE IN PRINCIPAL USE SOLAR

There are potential problems for drainage on principal use solar farms. Typical solar panels are 21.45 square feet and roughly contain 2030 panels per acre. A solar farm can contain tens of thousands of panels. Rain and snow melt have to have a place to go. This runoff will migrate into the ground. Solar panels contain cadmium and lead. If solar panels are broken from wind, heavy snow or any kind of natural disaster the cadmium will turn into cadmium telluride and along with the lead and other toxic even carcinogenic chemicals will migrate into the soil and water table and contaminate the aquifers. This in turn will poison town residents wells, their only source of water. This is the same situation as the lithium battery storage. This is already a problem in some southern states. Some studies have suggest that a certain amount of rainfall will wash out cadmium and toxics out of the fragments of solar modules over time. The USDA and the Wayne County Soil and Water should be involved in all drainage projects so that there is no water problems. Some current solar farms in southern states have the panel frames wash out and is an ongoing problem. Limit the amount of trees and vegetation to be disrupted and no vegetation should be removed around a natural or man made water source. This falls under the protection, order, conduct, safety, health, property and well being of town residents.

7. WAIVE REQUIREMENTS FOR SOLAR

Absolutely remove the clause where the planning board and zoning board waive requirements for a site plan permit and special use permit. There has to be full transparency for any PRINCIPAL USE SOLAR for all aspects of the zoning law. Town residents livelihood is on the line and their right for a safe environment and clean water and secure property is at stake. It will look like a solar company is trying to circumvent the zoning process. The actions of the planning board and the zoning board are supposed to protect the safety, health, property, and well being of the Town of Palmyra Residents!

8. RE-EVALUATE PROPOSED SOLAR LAW

Please DO NOT approve the current proposed local law #2-2020 tonight December 29, 2020. Investigate and revise again the proposed local law #2. It does not expire until February 26, 2020. The Palmyra Town Board is putting residents at risk with their health, safety, and clean water with the current proposals. Solar companies receive 30-40 percent NYSERDA SUBSIDIES that is taxpayer funded. Solar Panels generate 300 times more toxic waste per unit than nuclear power. The now defunct bankrupted Solyndra a solar panel manufacturer used 535 million in federal dollars to generate 12.5 million pounds of hazardous waste, much of which was carcinogenic cadmium contaminated waste during its four years of production. What happens if the Town Of Palmyra is burdened with a bankruptcy or cleanup of a solar farm in 20 years? The recycling and possible pollution costs will be astronomical. If you think the old Palmyra Landfill is bad it will be pale in comparison to solar cleanup. Any reasonable person can see that good planning is the only way to deal with this issue.

Don Wilkins
2758 Newark-Marion Road
Palmyra, N.Y.

Supervisor Miller verified the following points to review with the board and our legal counsel:

Battery storage, setbacks, “cosmetics” (view), tillable farmland, drainage & runoff, materials they are made of, negative impact on trees, lot coverage, clause to bypass zoning board, toxic waste and pollution, and decommissioning of equipment.

CEO Sheridan explained this would be for commercial use only, that it does not use batteries to store power, but sends it right to the grid. He also stated that all these possible proposed projects would be reviewed before approved. It was also stated that this solar conversion technology is constantly changing, and therefore would have to go before planning and zoning.

Lisa Premyslovsky asked where power would be stored; it was clarified that it would be pushed to the grid.

Frank Vascuyknas questioned if this technology was even worth it with the potential for pollution, and what benefits there were for our community.

Marc Carrier stated that the regulations seem far reaching, and that he was glad the board was taking a closer look at the law.

After hearing the public comments, Supervisor Miller recommended that the board table the vote.

CLOSE PUBLIC HEARING

Mr. Miller then again asked if there was anyone else that would like to speak. Without any further questions or comments from those in attendance, Jim Welch made the motion to close the public hearing at 7:25 PM.

Second: Brad Cook

Vote: 3 Ayes. Carried

OPEN REGULAR MEETING

At 7:26 p.m., Supervisor Kenneth Miller called to order the Town Board meeting, scheduled for Tuesday December 29, 2020, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York.

AGENDA: TOWN BOARD MEETING

Motion was made by Todd Pipitone to approve the minutes of the regular Town Board meeting which took place November 24, 2020.

Second: Brad Cook

Vote: 3 Ayes. Carried

COMMUNICATIONS

Supervisor Miller shared a letter from the Village of Palmyra stating that the Village Buildings and Grounds will no longer be able to salt and shovel the sidewalks at the Town Hall. This change will take place beginning January 1st, 2021, and that the Supervisor is looking for a replacement.

SPEAKER None this evening

PUBLIC INPUT * None at this time

Board note - the following will now appear on all agendas.

**If you are attending a Town Board Meeting have not signed up for Public Participation Section of the Town Board Meeting pursuant to the rules which have been established (24 hrs prior to start of meeting), then you will not be able to express your opinion. As a courtesy to those who attend the Board Meeting, you are requested not to interrupt the meeting, and refrain from conversation that would interfere with those attending being able to hear the Board transact its business. If in fact someone interferes with the meeting or the conversation with other spectators should require a warning and if it is ignored, the person could be charged with Disorderly Conduct. For public hearings, speaking will be limited to topics on the agenda.*

REPORTS OF STANDING COMMITTEES

**Supervision---Animal Control, Historian, Finance: Kenneth Miller,
Chairman**

1. The CDBG Economic Development Grant: The CDBG Economic Development Grant and the Small business applications will be combined into one Consolidated Fund Application (CFA).

2. Privacy and Security Liability: There was a brief discussion regarding additional liability for cybersecurity in the Town of Palmyra that is recommended by NYMIR. Mr. Miller will contact our representative to get an outline of the coverage, and to find out what the deductible is.

3. Historians Report:

Historian’s Report, July-December, 2020

COVID-19

Due to Covid-19 restrictions, the Historian’s Office was only reopened during the last half of 2020. I keep office hours during the times the Board meets in Palmyra. Any other times are made by appointment. All Covid safety precautions are followed.

FACEBOOK

In January, 2020 the Palmyra, NY Historian’s Facebook page was created. The page currently has 537 followers, an increase of 233, with more being added regularly. It is a community resource that builds our history both ways. Those that follow learn and contribute which serves to enhance the historian and community’s knowledge of their town. I am also able to easily share photographs that spark conversation. Please see some separate statistics regarding Facebook below.

Facebook Posts

The most popular Facebook post was about Margaret Stevens, the first woman to legally vote in Palmyra, with a reach of 904. In addition, I shared two videos about Margaret Stevens and her grave on Election Day. Those each had a reach of 153 and 140, respectively.

NOTE: With regards to my research on Margaret Stevens, the research started in the beginning of 2020. I would like to thank the Town Clerk and her staff for making documents available to me to research. Also, Gary Hopkins was instrumental in finding and labeling Margaret’s grave in the cemetery. His assistance is appreciated.

TOTALS Posts	Reach	Insights: Clicks	Post	Insights: Reactions, Comments, Shares
16	3603	587		307

ARTICLES

Articles published in *The Times of Wayne County* include:

The Most Popular Teacher Contest (published in July)

Orators, Spellbinders and the Palmyra Flagpole (published in September)

Only Eleven Women Voted (published in October)

The Man With the Violin (published in December)

Research is currently in process for several articles.

IN PARTNERSHIP WITH THE PALMYRA COMMUNITY LIBRARY

House Histories. I created a booklet for the library on how to document your house's history, a popular request. The document is also available electronically on the Palmyra Community Library website. The document was emailed to the Wayne Historian's Organization for distribution as they saw fit. This was completed in February but I didn't include this in my first report. I also held a separate library program for people to attend to learn how to document their house's history.

Several Facebook Live events were held, called Facebook Live @ Lunch where I went live on Facebook to discuss something from the Library's Local History Room. Often, the town's records and records from Historic Palmyra were also commented on to add to the presentation. Though I have now retired from the Library, I have been asked to continue this series and will do so, now fully as Palmyra Historian instead of in partnership with my duties in the library. Live events included (views are as of today):

Major John Gilbert was the First Typesetter for the Book of Mormon: 214 views (published in November) Note: Gary Hopkins also marked his grave for me.

Margaret Stevens Grave: Election Day: 538 views (published in November)

The First Palmyra Woman to Vote: 433 views (published in October)

Meet Margaret Stevens the First Palmyra Woman to Vote & Learn a Bit More About Her: 737 views (published in October)

Prospect Hill and Park: 265 views (published in September)

Palmyra's Steel Flagpole: 537 views (published in August)

A Brief History of the Hotel Sellen & Abner Lakey: 321 views (published in August)

The Palmyra Fair: 252 views (published in August)

The Williamson Cigar Factory: 484 views (published in August)

DONATIONS

A small ceramic commemorative plate depicting the Palmyra Union School from the Smith and Ziegler Company (local jeweler) was received and has been added to the Town's archive inventory. Received from Sue Cook of Fairport.

MISCELLANEOUS REQUESTS

I have answered some email that have been sent to the historian's email account but as I cannot access that account from home, there is often a delay. I continue to research other requests as time permits.

I occasionally am asked questions outright and answer them as I am able. Responses to my articles has been quite favorable.

WHO (WAYNE HISTORIAN'S ORGANIATION) & The Bicentennial Committee

I have received more emails than I can easily count from the organization or a representative of the organization, mostly about the Bicentennial. Most are looking for some type of action on my part. I am unable to always accommodate due to time constraints and other duties. One of the last emails had 14 requests for information. All require research on my part.

BOARD REQUEST

Would it be possible to establish Election Day, going forward, also as Margaret Stevens Day?

Margaret, being the first woman to legally vote in Palmyra could be a catalyst to encourage more community spirit and interest in local history and voting in general. In 2020 we were able to identify not only Margaret herself, but also her grave. With assistance from Gary Hopkins, her grave was marked and we encouraged voters to place their voting stickers on her grave, much like what is done for Susan B. Anthony's grave.

I/we can publicize it. I can continue to learn what I can about Margaret and near election time, I can talk about her again and encourage people to place their voting stickers on her grave.

Thank you for your support of the Historian's position. If you have any questions regarding the items in this report, please contact me.

The Town Clerk and her staff have been very helpful with all questions I have had regarding Palmyra's history, as has the Assessor, Joan Gates, especially with regards to properties in the town.

Respectfully submitted,



Betsy Lewis, Historian

**Human Services: Town Clerk, Archives, and Town Hall Facility -
Councilman Bradley Cook**

1. Town Clerk Report for December:

Town Clerk Office
December 2020

December was the perfect month to begin preparing all of our year end financials, and also get ready for Town and County tax collection. Legal notices (below) were sent to the newspaper as I already received the warrant and taxes from the county; any contracts that were previously approved have been sent out awaiting additional signatures where appropriate.

The taxes have been separated and processed, and will be mailed out to home owners and banks on December 31st. Collection begins when we return after the New Year.

Through dog licensing in November we sold 50 licenses totaling \$435.00, misc. sales, including marriages licenses, hunting/fishing, vital record requests, Bingo proceeds, EZ Passes \$425.00, Zoning, etc – added an additional \$2,417.00. Total check disbursements for the month of November totaled \$3,287.50.

With the toll booths closing, I did have to order EZ Passes we ran out once again this month!

Thank you Heidi and Sheelah (and Brad Cook as our liaison) for making 2020 a fantastic and productive year in the Town Clerk's office! (Even during this pandemic our world has been living thru!)

**LEGAL NOTICE
TOWN OF PALMYRA
NOTICE OF RECEIPT OF
TAX ROLL AND WARRANT FOR 2021**

TAKE NOTICE that I, Irene Unterborn, the undersigned Tax Collector for the Town of Palmyra, County of Wayne and State of New York, have duly received the tax roll and warrant for the collection of Town and County taxes within the Town of Palmyra of the year 2021, and that same can be paid by mail or at the Town Clerk's Office, Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, 14522, during business hours of 9:00 a.m. through 5:00 p.m. Monday through Friday. Due to COVID-19, hours are subject to change, but there is a drop box located on the front of the building. No cash in box please!

TAKE FURTHER NOTICE that taxes may be paid on or before February 5, 2021 without charge or interest. On all taxes received after such date, there shall be added interest of 1% if paid on or before March 5, 2021, and an additional 2% on or after March 6, 2021. The last day of Town/County tax collection will be March 31, 2021.

TAKE FURTHER NOTICE that Town/County taxes may be paid in two installments, with the first half paid on or before February 5, 2021 without charge or interest. If the second installment is paid between February 6 and March 5, 2021, there shall be added interest of 1% on the remaining amount. If the second installment is paid between March 6 and March 31, 2021, there shall be added interest of 2% on the remaining amount.

FURTHER NOTICE IS GIVEN that there will be a \$20.00 fee for all returned checks.

TAKE FURTHER NOTICE that pursuant to the provisions of law, the tax rolls of the Town of Palmyra will be returned to the County Treasurer of the County of Wayne on the first day of April, 2021.

DATED: December 21, 2020

2. Building Update: Security cameras in the building have been installed, all heating units have been cleaned and the new air conditioner unit for Archive Room A was installed up on the building so it cannot be damaged again. Building is now closed until January 4, 2021. Public may call if appointments are necessary.

**Public Works: Highway Department, Equipment and Facilities -
Councilman James Welch**

1. Highway Report for December:

**HIGHWAY SUPERINTENDENT REPORT
FOR TOWN BOARD MEETING
12/29/20**

Since the 11/24/20 Town Board meeting we have completed the following work:

- **Plowing/Sanding** –To date this winter season we have made a total of 17 trips out of the barn.
 - A comparison to this point of the past 5 winter seasons is below:
 - December 2019 - 32 trips.
 - December 2018 - 31 trips.
 - December 2017 - 33 trips.
 - December 2016 - 30 trips.
 - December 2015 - 5 trips.

Other miscellaneous items include:

- **Salt Orders** – So far for the month of December we have ordered 200 tons of salt. For the winter season we have received 501 tons of our 2600-ton allotment, or approximately 19% of our allotment.
- **Training** - On 12/17, the entire Hwy Crew took part in a free refresher course regarding the Dig Safe Certified Excavator Program. We held this refresher course in our shop. This training class was signed into law a few years ago for all excavators and their hired contractors.
- **Snow Fence** – On 12/4 and 12/8, we were finally able to install most of our snow fence. We may try to finish a couple more sections as time and weather permits.
- **Fleet Maintenance** – Over the past 30 days of snow plowing we have worked the bugs out of much of the truck fleet and we continue with general maintenance on the entire fleet after each plow run. We will soon start to bring in various 'summer'-related pieces of equipment for their annual servicing and maintenance work.

- **Tree/Brush Work** – The Emerald Ash Borer is an increasing problem for us and the trees along our highways. On 12/16 and 12/18, we took down approximately 27 dead trees in our ROW, many of which were ash trees infested with the disease. These were on the following roads: Cambier, Hogback, Galloway, Trolley, Goldsmith, Cole, Division. We also started brush mowing our roadsides again and recently completed some work on Stafford, Quaker and Division. We intend to continue as time and weather permit.

Any questions, comments or concerns I will be glad to answer.

Mr. Boesel informed the board that the Port Gibson Bridge was slightly behind schedule, and that they were thinking March would be the possible opening. The state has contracted the work through April.

Town Development: IT & Phones, Fire Protection Contracts, and Strategic Plans
- Councilman Todd Pipitone

There is nothing to report this evening.

Government Operations: Assessor, Youth & Aging, Code Enforcement/Planning Board, and Justices - Councilman Todd Pipitone

1. Assessor's Office Report for December:

**REPORT TO THE TOWN BOARD
FROM THE ASSESSOR'S OFFICE
DECEMBER 21, 2020**

We have sent out the requested Senior STAR Renewals. With the law changing in 2018 seniors do not need to renew the Enhanced STAR exemption every year. They sign up for it one time only and then the State takes over verification. Only those that currently have the Basic STAR can sign up with our office for the Enhanced STAR.

Before the end of the year all the Agricultural, Clergy and non-profit exemption forms will be mailed out to be returned before March 1, 2021.

The Governor passed an Executive order, see attached, so our senior citizen and low income disability exemption will not need to be renewed this year due to Covid-19. This is by local option and there will be a resolution for you to pass this evening so that these tax payers do no need to come into the office this year.

Usually at this time I have a Continuing Education Status Report that I receive for the State. I have not received this information as of today. I know that I am up to date at with my credits at this time, and will need 12 more credits in the coming year. I will attach the report from the state to the next Board report, if I have received it.

If you have any questions or concerns, I am in the office most of the time.

2. CEO Report for December: The Code Enforcement Officer Pat Sheridan had submitted a report to the Board Members that included a list of building permits and certificates of compliance, for November 19, 2020 thru December 22, 2020.

3. Minutes from Zoning Board Meeting from December: None this month.

4. Minutes from Planning Board Meeting from December: None this month.

INFORMATIONAL ITEMS

No additional at this time.

AGENDA ITEMS

1. Approve: Supervisor Miller asked for a motion to table the vote for Local Law #2-2020 until the January 28, 2021 town board meeting ; Todd Pipitone made that motion.

Second: Brad Cook

Vote: 3 Ayes. Carried

TABLED: Motion to approve Resolution #15-2020 to Adopt Local Law # 2-2020 For The Town Of Palmyra To Adopt A Local Law Establishing Zoning Requirements For Solar Energy Systems, as written below:

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Palmyra on the 24th day of November, 2020, calling for a Public Hearing to be held by the Palmyra Town Board on the 29th day of December, 2020, at the Palmyra Town Hall, 1180 Canandaigua Road, Palmyra, New York, at 7:00 PM, to hear all interested parties on a proposed local law, "Local Law #2-2020 To Adopt A Local Law Establishing Zoning Requirements For Solar Energy Systems"; and

WHEREAS, notice of said Public Hearing was duly advertised in accordance with law; and

WHEREAS, said Public Hearing was duly held at the Palmyra Town Hall on the 29th day of December, 2020, at 7:00 PM, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any parts thereof; and

WHEREAS, said proposed local law was referred to the Wayne County Planning

HEARING & REGULAR TOWN BOARD MEETING December 29, 2020
Board pursuant to N.Y. General Municipal Law 239-m, which board returned the referral with comments dated December 11, 2020; and

WHEREAS, the Town Board of the Town of Palmyra, after due deliberation, finds it in the best interest of the Town to adopt said local law and that such new regulations will provide for and protect the safety, health and well-being of the persons and property in the Town of Palmyra; now, therefore, be it

RESOLVED, that the adoption of the local law constitutes an unlisted action pursuant to the New York State Environmental Quality Review Act, 6 N.Y.C.R.R. § 617.2, for which a long environmental assessment form was prepared and the

Town Board has issued a negative declaration of environmental significance; and it is further

RESOLVED, by the Town Board of the Town of Palmyra that the Town Board hereby adopts said Local Law #2-2020, to; as set forth in the attached Local Law, "Local Law #2-2020 To Adopt A Local Law Establishing Zoning Requirements For Solar Energy Systems", which is incorporated herein and made a part hereof; and be it further

RESOLVED, that the Town Clerk of the Town of Palmyra be and hereby is directed to enter said Local Law into the minutes of this meeting and to give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

2. Approve: Hosting Agreement with Integrated System: Todd Pipitone made the motion to approve the Supervisor to sign hosting of server and service specifications from December 2020 thru November 30, 2023, for a total of \$517.00 per month.

Second: Brad Cook Vote: 3 Ayes. Carried

3. Approve: James Hodock to continue on the Palmyra Town Planning Board: Todd Pipitone made the motion to approve James Hodock to continue on the Palmyra Town Planning Board for another 5 year term, beginning January 1, 2021, and ending December 31, 2025.

Second: Jim Welch Vote: 3 Ayes. Carried

4. Approve: Resolution #16-2020 RESOLUTION #16-2020 Approving Executive Order Granting Exemptions without Applications: Todd Pipitone made the motion to adopt NYS Executive Order Number 202.83 which suspends the filing of renewal applications and documentation for Low Income Senior Citizens (RP467), and Low-Income Disabled Citizens (RP459c), to the Palmyra Assessor until January 1, 2022, as written:

**RESOLUTION #16-2020 Approving Executive Order Granting
Exemptions without Applications**

I. WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York, and

II. WHEREAS, on December 18, 2020 said declaration was extended to include: Subdivisions 7, 7-a and 8 of section 459-c of the Real Property Tax Law, and subdivisions 5, 5-a, 5-b, 5-c and 6 of section 467 of the Real Property Tax Law, which permits the governing body of an assessing unit to adopt a resolution directing the assessor to grant exemptions pursuant to such section on the 2021 assessment roll to all property owners who received that exemption on the 2020 assessment roll, thereby dispensing with the need for renewal applications from such persons, and further dispensing with the requirement for assessors to mail renewal applications to such persons, and

III. WHEREAS, the Town is desirous in adopting such resolution while also allowing the assessor to require a renewal application to be filed when he or she has reason to believe that an owner who qualified for the exemption on the 2020 assessment roll may have since changed his or her primary residence, added another owner to the deed, transferred the property to a new owner, or died, now, therefore, be it

IV. RESOLVED, that the Town Board is authorized to pass such resolution, and that the assessor is instructed to take any such necessary actions in the above-described directives.

By Order of the Town Board at a Meeting on December 29, 2020

5. Approve: Approve Date for Organizational Meeting in 2021: Todd Pipitone made the motion to approve Thursday January 7, 2021, 7 PM, at the Palmyra Town Hall, for the 2021 Organizational Meeting.

Second: Brad Cook

Vote: 3 Ayes. Carried

6. Approve: Resolution #17-2020: Authorize Budgetary Journal Entries to close the 2020 Fiscal Year: Todd Pipitone made the motion to approve the Town Bookkeeper to make any necessary adjusting and budgetary journal entries in closing the 2020 fiscal year.

Second: Brad Cook

Vote: 3 Ayes. Carried

**RESOLUTION #17-2020 AUTHORIZE BUDGETARY ADJUSTMENTS
TO CLOSE 2020 FISCAL YEAR- TOWN OF PALMYRA
WAYNE COUNTY, New York State**

BE IT RESOLVED, that the Town Board of the Town of Palmyra authorizes the Town Bookkeeper to make any necessary budgetary journal entries in closing the 2020 fiscal year.

Adopted this 29th day of December, 2020, at the regular meeting of the Palmyra Town Board.

Motion to approve claims and expenditures: Todd Pipitone made the motion to approve claims and expenditures for the month of December 2020 – Vouchers #1097 thru #1223 totaling \$110,873.86.

Second: Brad Cook Vote: 3 Ayes. Carried

Motion to Adjourn Meeting: At 7:41 PM, Todd Pipitone made the motion to adjourn the meeting.

Second: Jim Welch Vote: 3 Ayes. Carried

Respectfully submitted,

Irene Unterborn
Town Clerk

**Palmyra Town Organizational Meeting
Thursday January 7, 2021 at 7PM
At the Palmyra Town Hall**

