

Town Board Minutes
Local Law-01-18 Solar Regulations
September 11, 2018

The monthly meeting of the Torrey Town Board was held on Tuesday September 11, 2018 at 56 Geneva St. Dresden NY and called to order by Supervisor Flynn at 7:30PM.

Present: Supervisor Patrick Flynn, Lawrence Martin, Colby Petersen, Peter Martini

Excused: Grant Downs

Others: George Thompson, Jim Riesenberger, Dan Hoover, Robert Miller, John Ghidui

Mr. Flynn led the pledge of allegiance.

Mr. Flynn opened the public hearing on Local Law 1-18 entitled Solar Energy System Regulations. No one spoke in opposition or support, went into regular business.

Mr. Flynn presented the abstract of vouchers for review.

Motion by Mr. Martini 2nd Mr. Petersen, that the bills on the General A & B accounts in the amount of \$ 7,906.39 be paid, carried.

Motion by Mr. Petersen, 2nd Mr. Martini that the bills on the Highway DA & DB accounts, in the amount of \$ 102,161.85 be paid, carried by all.

Discussion on 2019 Budget workshop. Mr. Flynn set Wednesday October 3, 2018 at 7:30 in the Town meeting room. Public hearing on 2019 tentative budget will be October 9, 2018 at 7:30 in the town meeting room. Motion by Mr. Petersen, 2nd Mr. Martin, to approve these dates, carried by all.

Stork Insurance presented the 2018-2019 Insurance Proposal. There will be an increase when the 2006 Excavator and 2018 Dump truck are added. Motion by Mr. Martini, 2nd Mr. Petersen, to accept the proposal of \$ 18,219.17 carried by all.

Motion by Mr. Flynn, 2nd Mr. Petersen, declaring the Gradall as surplus equipment and place up for sale on Auctions International, carried by all.

Last meeting, Mr. Chambers introduced a **Workplace Violence Prevention Policy** that Yates County has in place. He would like the Town to adopt this policy.

Motion by Mr. Flynn 2nd Mr. Martini to adopt "Workplace Violence Prevention Policy" with noted corrections, carried by all.

WORKPLACE VIOLENCE PREVENTION POLICY

TOWN OF TORREY desires to maintain a safe and secure workplace for all Town employees, customers, contractors, vendors and the general public. TOWN OF TORREY is committed to a zero tolerance for workplace violence maintaining an environment free of violence, threats of violence, harassment, intimidation and other disruptive behavior.

Workplace Violence is defined as any physical assault, threatening behavior or verbal abuse occurring in the workplace by employees of TOWN OF TORREY, the general public, contractors, vendors and customers. It includes but is not limited to, beating, stabbing, shooting, rape, psychological trauma such as threats, obscene phone calls and harassment of any nature such as stalking, shouting or swearing.

A. GOALS AND OBJECTIVES:

The objectives of this policy are as follows:

1. Reduce the potential for violence in and around the workplace.
2. Encourage and foster a work environment that is characterized by respect and healthy conflict resolution.
3. Mitigate the negative consequences for employees who experience or encounter violence while at work.
4. Protect employees or citizens who are working on Town property and who may be experiencing threats of violence from anyone, either an employee or a non-employee; and protect employees who are working off Town property or in non-Town facilities.

B. DEFINITIONS:

Prohibited acts of workplace violence include threats, intimidation, physical attack or property damage.

- A threat is the expression of intent to cause physical or mental harm. Such an expression constitutes a threat without regard to whether the person communicating the threat has the ability to carry it out, and without regard to whether the threat is made on a present, conditional or future basis. In determining whether the conduct constitutes a threat, including whether the action was intended as a threat, the totality of the circumstances will be considered.
- A physical attack is unwanted or hostile physical contact such as hitting, pushing, kicking, shoving, throwing of objects or fighting. It includes but is not limited to beating, stabbing, shooting, rape, psychological trauma such as threats, obscene phone calls, harassing communications, both oral, written or electronic and harassment of any nature such as stalking, shouting or swearing.
- Intimidation includes but is not limited to stalking or engaging in actions intended to frighten, coerce or induce stress.
- Property Damage is intentional damage to property owned by the Town, its employees, vendors or visitors to a Town operated worksite, campus or facility.
- A weapon is any object used to attack or intimidate another person.

C. TOWN OF TORREY PROHIBITS THE FOLLOWING:

- Possession, sale or use of any weapon while in a Town owned or leased building. This shall not apply to police or peace officers, charged with the execution of the laws of the state, when acting in the discharge of their official duties if authorized by the law or the Sheriff. This policy prohibits any individual from bearing or having in his or her possession either

openly or concealed, any firearm, gun, explosive device or substance, lethal or debilitating chemical or gas, or any dangerous or deadly weapon or instrument of any description, including, but not limited to a handgun, pistol, revolver, rifle, shotgun, switchblade, gravity knife, pilum ballistic knife, metal knuckle knife, dagger, Taser or imitation pistol.

- Any act or threat of violence made directly or indirectly which endangers or threatens the safety of employees, customers, contractors, vendors and the general public. This includes but is not limited to injuring another person physically, threatening a person or engaging in behavior that creates a reasonable fear of injury to another person.
- Any act which intentionally damages Town owned property. This includes but is not limited to equipment, Town owned vehicles and structures.

D. EMPLOYEES

- All employees are encouraged to be alert to the possibility of violence on the part of employees, former employees, customers and strangers. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis.
- Employees who act in good faith by reporting real or implied violent behavior or violations of this policy will not be retaliated against or subjected to harassment.
- Deliberately false or misleading reports of violence under this policy will be handled as incidents of unacceptable personal conduct and the employee making such false or misleading reports will be subject to disciplinary action.
- Any employee who determines or suspects another employee of carrying a weapon should notify his/her supervisor immediately. An employee who determines or suspects a supervisor/department head of carrying a weapon should notify the Town Supervisor immediately. Any person experiencing or witnessing imminent danger or actual violence involving weapons or personal injury shall call 911 immediately.
- All reports will be investigated. Employees are required to call 911 or activate their duress alarms if they suspect that their safety or the safety of the public and/or their fellow employees is in question.
- Any employee found to be in violation of this policy will be subject to disciplinary action.
- Employees are responsible for notifying their department supervisor of any threats which they have witnessed or received. In all situations, if violence appears to be imminent, employees should take precautions necessary to assure their own safety and the safety of others.
- When applicable, the Town and its employees shall fully cooperate with the sheriff's office and other law enforcement officials in the investigation and possible prosecution of individuals who violate this policy.
- The Town, when appropriate may pursue a Temporary Order of Protection or Restraining Order as an injunction against any person who disrupts the workplace through the harassment of an employee.

- Any employee who receives a protective or restraining order which lists county-owned or county work premises as a protected area is required to provide their department head with a copy of such order.

E. SUPERVISION

Department Heads and supervisors are responsible for assessing potentially violent situations, responding appropriately and communicating information regarding the situation to the appropriate authority (the department head and/or the Town Supervisor).

- Any report of violence will be evaluated immediately and confidentially by management and appropriate action will be taken in order to protect employees.
- Appropriate disciplinary action will be taken when it is determined that a TOWN OF TORREY employee has committed an act of violence.
- Where issues of employee safety are of a concern, managers and supervisors should evaluate the workplace and take appropriate steps, if any, to eliminate the potential for workplace violence.

F. TRAINING

All employees will be required to attend training regarding security in the workplace, specifically:

- Supervisors and managers in recognizing conditions that might contribute to workplace violence and to properly address and respond to these situations.
- Provide training to employees about recognizing and responding to potential violence or violent situations in the workplace.
- In establishing relationships with appropriate supportive services that may need to be contacted in response to workplace violence.
- To be provided information about resources and services available to them in response to workplace violence and the potential for domestic violence entering the workplace.

G. CONFIDENTIALITY

Employees shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Town will act on the basis of anonymous complaints where it has a reasonable basis to believe there has been a violation of this policy and that the safety and well-being of employees would be served by an investigation.

H. RETALIATION

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

Motion by Mr. Martini 2nd Mr. Petersen to approve the August minutes with noted changes carried by all.

Guy Christiansen Dairy Farm has requested a letter of support from the town for his application to the Farmland Protection Implementation Program.

In the Town of Torrey Comprehensive Plan, it states the Town will implement land use policies that protect and enhance its natural resources, safeguard the water quality of Keuka Outlet and Seneca Lake, promote viable agriculture and viniculture, support economic development initiatives and ensure new development is carefully integrated into the Towns rural agrarian landscape, therefore, the following resolution was introduced by Mr. Flynn,

WHEREAS, New York State provides 87.5% funding for the protection of valuable farmland through the NYS Dept. of Agriculture and Markets Farmland Protection Implementation Program and,

WHEREAS, two farms in the Town of Milo and the Wilson Farm in the Town of Torrey have been awarded grants in the last ten years for the protection of over 1100 acres and,

WHEREAS, the Guy Christiansen Dairy Farm in the Town of Torrey has applied to Yates County to participate in the program through the Yates County Ag and Farmland Protection Board and,

WHEREAS, the Guy Christiansen Dairy Farm was selected through a competitive selection process by the Yates County Ag and Farmland Protection Board to apply to the state program and,

WHEREAS, the Finger Lakes Land Trust has agreed to hold, monitor and enforce the conservation easement should the project be funded, and,

WHEREAS, Mr. Christiansen has agreed to pay for 12.5% of the cost share of the project and,

WHEREAS, the Town of Torrey values the contributions and protection of the agriculture in the town and recognizes the important opportunity the NYS Farmland Protection Implementation Program provides for farmers across the state, and recognize the estate planning taken by the family, to ensure successful transition to the next generations.

THEREFORE BE IT RESOLVED, the Town of Torrey supports the application of Guy Christiansen Dairy Farm for the NYS Farmland Protection Implementation Program.
Motion by Mr. Martini 2nd Mr. Petersen to send this resolution in a letter of support carried.

Eileen Moreland appeared to speak on her frustration and disappointment with her elected representatives. She is disappointed with the Town Board lack of response to her letter presented to the board in July. Her letter stated the concern of the outcome of the Village of Penn Yan Water Treatment Plant's, SPDES renewal permit at NYS DEC. The SPDES program is the state's method of permitting discharges in cases where the

DEC has jurisdiction, namely in cases where the discharge is to surface water, not groundwater. Lake water is included in the surface water definition.

Another view of the Department of Health is— recommends against the use of untreated surface water for consumption.

In the renewal application, the PYWTP would like to increase its outfall into the Keuka Outlet. She noted, in August 2017, thousands of gallons of untreated sewage was released into the outlet by employee error at the plant.

She questioned if there are alarms now in place to prevent this from occurring again. With the addition of higher volume of wastewater from new Hotels and Manufacturing, there is greater concern on the potential negative impact to Keuka Outlet and Seneca Lake.

Mrs. Moreland also stated her concern with the Greenidge Power Plant Lockwood Site. There are sediment ponds that remediation was agreed upon between the plant and DEC. What stage or progress has been achieved with the land remediation on this site.

Discussion on recent news article, on Penn Yan Water Treatment Plant.

Mr. Flynn stated in the newspaper on a review of the PYWTP, an engineer determined the plant was adequate.

Following a lengthy discussion, Mr. Martini volunteered to draft a letter to send to the DEC on behalf of the Town Board.

Discussion: Ongoing water testing of Keuka Outlet and Seneca Lake, no action.

Code Report submitted. 1 C of O, 2 Area Variance app, 1 sub division app, 1 site visits, 13 Building progress insp., 1 short term rental insp. 11 meetings, 162 Miles.

Perry Point Water District- Contract for water supply from Village of Dresden, no action taken.

Mr. Flynn closed the public hearing on the Solar Energy System Regulations.

Mr. Flynn read the SEQR Resolution:

WHEREAS, the Town of Torrey Town Board, hereinafter referred to as Town Board, has determined Local Law No 1 of 2018 to be a Type I action under the State Environmental Quality Review (SEQR) Regulations, and,

WHEREAS, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

WHEREAS, the Town Board has considered the potential impacts associated with said action.

NOW, THEREFORE, BE IT RESOLVED THAT the Town Board makes this Determination of Non-Significance based upon: the Long Form Environmental Assessment Form, Parts 1 and 2, prepared for this action, Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

BE IT FURTHER RESOLVED THAT, the Town Board makes this Determination of

Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

Adopted by roll call vote- Flynn Aye, Petersen Aye, Martini Aye, Martin Aye 4 Aye 0 Nays
Councilman Downs absent.

Mr. Flynn presented the following resolution to adopt **Local Law 1-2018**,

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Torrey for a public hearing to be held by said Town Board on August 14, 2018, at 7:30 p.m. at Torrey Town Hall, 56 Geneva Street, Dresden, New York, to hear all interested parties on a proposed Local Law entitled, “A Local Law to Amend the Town of Torrey Zoning Local Law to Add Regulations Pertaining to Solar Energy Systems” and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Torrey, on August 28 and September 5, 2018 and other notices required to be given by law were properly served, posted or given; and

WHEREAS, said public hearing was duly held on September 11, 2018, at 7:30 p.m. at the Torrey Town Hall, 56 Geneva Street, Dresden, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interest of the Town of Torrey to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Torrey hereby adopts said Local Law No. 1 of 2018, entitled “A Local Law to Amend the Town of Torrey Zoning Local Law to Add Regulations Pertaining to Solar Energy Systems”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the Local Law Book of the Town of Torrey, to give due notice of the adoption of said local law to the Secretary of State of New York, to publish an abstract of this local law in the Town’s official newspaper and to post a copy of this local law conspicuously at or near the main entrance to the office of the Town Clerk.

**Adopted by roll call vote- Flynn - Aye, Petersen- Aye, Martini - Aye, Martin - Aye
(4 Aye 0 Nays)** Councilman Downs absent.

LOCAL LAW 1-18

Section 1. Section 98.98 of the Town of Torrey Zoning Law is hereby repealed and a new Section 98.98 is hereby inserted in its place to read as follows:

Section 98.98 Solar Energy System Regulations

A. Purpose.

The purpose of this chapter is to facilitate the development and operation of renewable energy systems based on solar energy. Solar energy systems are appropriate in all zoning districts when measures are taken, as provided in this chapter, to minimize adverse impacts on neighboring properties and protect the public health, safety and welfare.

B. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, for the collection of solar energy for electricity generation or transfer of stored heat where the electrical energy generated is not more than twice the electrical energy used on site.

MAJOR SOLAR COLLECTION SYSTEM OR SOLAR FARM - A solar collection system, other than a minor or accessory solar collection system, used to capture solar energy and convert it to electrical energy in which at least 50% of the electrical energy generated will be transferred to the public electric grid in order to sell electricity to a public utility entity. Solar farm facilities consist of one or more freestanding ground or roof-mounted solar collector devices, related equipment and other accessory structures and buildings, including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

C. Solar Collectors and Installations for Minor Systems.

1. Rooftop and building-mounted solar collectors that meet the definition of a minor or accessory solar collection system are permitted in all zoning districts in the Town as accessory structures.

- a. Building permits shall be required for installation of rooftop and building-mounted solar collectors.
- b. Solar energy systems shall not exceed the height restrictions for the zoning district within which they are located.

2. Ground-mounted and freestanding solar collectors that meet the definition of a minor or accessory solar collection system are permitted as accessory structures in all zoning districts of the Town, subject to the following requirements:

- a. The total surface area of all solar collectors, when combined with all other buildings and structures on the lot, shall not exceed lot coverage.
- b. A building permit shall be obtained for the solar collectors.

c. The solar collectors shall be located in a side or rear yard and shall meet the setback and height requirements for accessory structures.

d. Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.

3. Where site plan approval is required elsewhere in the regulations of the Town for a development or activity, the site plan review shall include review of the adequacy, location, arrangement, size, design, and general site compatibility of proposed solar collectors.

4. All solar collector installations must be performed in accordance with applicable electrical and building codes, the manufacturer's installation instructions, and industry standards. Prior to operation, the electrical connections must be inspected by the Town Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

5. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with current laws.

6. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment and facilities no later than 90 days after the end of the twelve-month period.

D. Solar Collectors and Installations for Major Systems or Solar Farms.

1. Where applicable, and unless more restrictive regulations also apply, the requirements of this chapter shall apply to major solar collection systems or solar farms.

2. A major solar collection system or solar farm shall be constructed pursuant to Site Plan approval from the Town Planning Board and issuance of a Special Use Permit from the town Zoning Board of Appeals.

3. Areas of potential sensitivity:

- a. Historic and/or culturally significant resources.
- b. Within 100 feet of a freshwater wetland.
- c. The view shed of Seneca Lake.
- d. Public roads.

4. A major solar collection system or solar farm may be permitted in all zoning districts in the Town subject to the following terms and conditions.

a. The total coverage of all buildings and structures on a lot, including freestanding solar panels, shall not exceed limits for the zoning district.

- b. Height and setback restrictions.

- (1) The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 15 feet in height above the ground.
- (2) The minimum setback from property lines shall meet the requirements of the zoning district for primary structures.
- (3) A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.

c. Design standards.

- (1) Removal of trees and other existing vegetation shall be minimized or offset with planting elsewhere on the property.
- (2) Roadways within the site shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.
- (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
- (4) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
- (5) All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum six-foot-high fence with a self-locking gate, and provided with landscape screening.
- (6) A solar farm to be connected to the utility grid shall provide a "proof of concept" letter from the utility company acknowledging the solar farm will be connected to the utility grid in order to sell electricity to the public utility.
- (7) Each solar system or farm shall be designed to minimize the total acreage of land to be developed.
- (8) Each major solar collection system or solar farm site plan and storm water management plan shall be reviewed by Yates County Soil and Water District prior to final site plan approval.
- (9) For major solar collection systems or solar farms impacting agricultural land, the "Guidelines for Agricultural Mitigation for Solar Energy Projects" prepared by the New York State Department of Agriculture and Markets shall be taken into consideration by the Planning Board and the Zoning Board of Appeals.
- (10) Panels that are a part of a major solar collection system or solar farm must be mounted in such a way that they protect the View shed of Seneca Lake.
- (11) Major solar collection systems or solar farms must be situated to minimize the visual impact from public roads.

d. Signs.

- (1) A sign not to exceed eight square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.
- (2) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.

e. Abandonment.

- (1) All applications for a major solar collection system or solar farm shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of the facility.
- (2) If the applicant begins but does not complete construction of the project within 18 months after receiving final site plan approval, this may be deemed abandonment of the project and require implementation of the decommissioning plan to the extent applicable.
- (3) The decommissioning plan must ensure the site will be restored to a useful, nonhazardous condition without delay, including, but not limited to, the following:
 - (a) Removal of aboveground and below-ground equipment, structures and foundations.
 - (b) Restoration of the surface grade and soil after removal of equipment.
 - (c) Re-vegetation of restored soil areas with native seed mixes, excluding any invasive species.
 - (d) The plan shall include a time frame for the completion of site restoration work.
- (4) In the event the facility is not completed and functioning within 18 months of the issuance of the final site plan approval, the Town may notify the operator and/or the owner to complete construction and installation of the facility within 180 days. If the owner and/or operator fail to perform, the Town may notify the owner and/or operator to implement the decommissioning plan. The decommissioning plan must be completed within 180 days of notification by the Town.
- (5) Upon cessation of activity of a constructed facility for a period of one year, the Town may notify the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the decommissioning plan.
- (6) If the owner and/or operator fails to fully implement the decommissioning plan within the one-hundred-eighty-day time period, the Town may, at its discretion, provide for the restoration of the site in accordance with the decommissioning plan and may recover all expenses incurred for such activities from the defaulted owner and/or operator. The cost incurred by the Town shall be assessed against the property, shall become a lien and tax upon the property, and shall be enforced and collected with interest by the same officer and in the same manner as other taxes.

(7) The site developer shall purchase a bond equal to 20% of the project installation cost prior to permits being issued for any solar project. The bond shall be in place for the life of the facility and shall be used to fund the de-commissioning of the facility in the event it is abandoned.

Section 2. Severability

If any clause, sentence, paragraph, section or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this local law or in its application to the person, individual, firm or corporation or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

There being no further business before the board,

Motion Mr. Flynn 2nd Mr. Martin, to adjourn, carried at 8:45pm

Respectfully submitted,

Betty M Daggett
Town Clerk