

Town of Barre
Board Meeting
February 10, 2021

Present: Supervisor Sean Pogue
Councilman Lynn Hill
Councilman Tom McCabe
Councilman Kerri Richardson
Councilman Margaret Swan

Others present: Maureen Beach, Town Clerk; Gerald Menzie.
Others by Phone: Dale Brooks, Hwy Superintendent; Lance Mark,
Esq., Dwight Kanyuck.

Meeting was called to order at 7:03pm by Supervisor Pogue with
the salute to the flag.

Supervisor Pogue asked the Town Board members present and those
listening by phone to have a moment of silence for the passing
of Jerry Dale, (father of Code Enforcement Officer, Shellye Dale
Hall) and Ann Preston, (sister-in-law of Lee Preston)

Minutes

The minutes for the January, 2021 Town Board meetings were
submitted and approved.

SUPERVISOR'S FINANCIAL REPORT

REVENUES: Major receipts were:

Town Clerk Fees	919.00
Property Taxes	500,000.00
Justice Fees	3,547.00
Reimbursement/Herit Wind	19,451.02
TRC-Baird Solar Engineer	15,000.00
Traffic Diversion(4 th Qtr)	5,326.45
Capital #9 USDA Grant	4,244.12
Metered Sales	6,086.11
Maintenance Fees	2,191.21
Water Penalty Fees	37.00
Other Revenues	<u>2,666.65</u>

Total receipts for the month were: \$559,468.56

EXPENSES:

General Fund Townwide: Year to date expenses are \$47,937.13
Highway Townwide: Year to date expenses are \$65,608.47

HIGHWAY SUPERINTENDENT REPORT

Equipment repairs completed as needed, sign repairs completed, Water: samples and readings completed, flushed where needed. Stake outs completed as needed, stump grinding, shared services with Town of Oakfield. Snow and Ice control operations continues. Highway building was in COVID-19 protocol for 10 days, 2 tested positive, and 3 negative. Back to normal operations as of 1-26-21.

TOWN CLERK'S REPORT

The monthly report was submitted to Supervisor Pogue at the meeting, along with the check for the local share. All tax monies due to the Town of Barre have been paid over to the Supervisor, water bills are due Monday February 15, 2021.

ASSESSOR'S REPORT

The annual reassessment for the Town of Barre is almost done. I have finished the increases for the residential properties for 2021. I submitted the file to the state for review. I am still waiting for the utility values to come in from the state. Once they come in, I will be ready to mail out change notices. Notices should go out the first few weeks of March.

ZONING OFFICER'S REPORT

No Report

BILLS

General Funds	\$ 30,111.07
Highway - Town Wide	\$ 12,156.89
Capital Projects	\$ 70,280.87
Fire District	\$228,000.00
Special District-Water	<u>66,279.00</u>
Total Outflow	406,827.83

PAY BILLS

RESOLUTION #8 Pay Bills
Tom McCabe made a motion to approve and pay the bills, seconded

by Margaret Swan. Vote 5-0, passed.
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BOOKKEEPER'S REPORT

Account	Ending Balance
General Fund	\$270,305.75
Highway Fund	450,615.73
Highway Equip.	98,064.43
Water Dist. #1 Oper,	273,707.25
Water Dist. #2 Oper,	11,366.86
Water Dist. #3 Oper,	7,087.98
Water Dist. #4 Oper,	40,315.82
Water Dist. #5 Oper	23,843.64
Water Dist. #6 Oper.	17,781.98
Water Dist. #7 Oper.	14,077.34
Water Dist. #8 Oper.	10,170.05
Water Dist. #9 Oper.	9,222.18

OLD BUSINESS

RESOLUTION #9 WD #9 Approval/Contractors Payment
Lynn Hill made a motion to approve the payment #4 for Water District #9 to Sergi Construction, Inc. in the amount of \$47,033.23, seconded by Margaret Swan. Vote 5-0, passed.

NEW BUSINESS

RESOLUTION #9 WD #9 Budget Modification
Tom McCabe made a motion to pass the following resolution, seconded by Margaret Swan. Vote 5-0, passed.
Whereas, the Town of Barre developed the budget for the Water District No.9 project based an estimate for the Net Interest Expense, and Whereas, the actual cost was higher than this estimate, Be it resolved that the Town Board hereby authorizes an increase of \$5,403.35 in the budget line for the Net Interest Expense (from \$4,665.00 to \$10, 068.35), with a corresponding decrease in the Contingency.

Water District #10

Letters have been sent to the County and to the State Comptroller. Construction may begin by the end of this summer or

the beginning of the fall.

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Water District #11

Supervisor Pogue met with the MRB group to discuss one final water district, connecting the rest of the town. The MRB group is researching the areas.

Water Districts #2, 3, 4 - Refinancing

RESOLUTION #10 Refinancing WD #2, #3, #4

Kerri Richardson made a motion to sign the refinancing paperwork for the refinancing of Water Districts #2, #3 and #4, seconded by Tom McCabe. Vote 5-0, passed.

County Hazard Mitigation Plan - On February 17 from 6-7:30pm there will be a webinar to discuss the Orleans County Hazard Mitigation Plan. Information is on the County website.

Covid-19 Employee Sick Days

RESOLUTION #12 COVID-19/Sick day Policy

Tom McCabe made a motion to set up a policy regarding positive COVID-19 tests. If an employee tests positive for COVID-19, they will not have to use their "sick days" as long as they produce a letter from a health organization confirming the positive result. Lynn Hill seconded the motion. Vote 5-0, passed.

Orleans County Solar Project

RESOLUTION #13 Orleans County Solar Project

Lynn Hill made a motion that the Barre Town Board agree to the Orleans County Solar Project hiring Dan Spitzer from Hodgson Russ, LLP, once a waiver stating there will be no conflict of interest with the Town of Barre has been signed, the motion was seconded by Tom McCabe. Vote 5-0, passed.

COVA Update

Four towns in Orleans County have set up a committee to discuss the situation. They have met with COVA individuals, and are researching several options.

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County Approval of Zone Changes to Proposed Wind Law Changes

Councilwoman Kerri Richardson made a motion to not approve the Orleans County Planning Board's recommendation on the Zone changes to the Proposed Town of Barre Wind Law due to not knowing which version of the proposed Wind Law was reviewed by the Orleans County Planning Board; there was no second by the Town Board. Motion failed.

RESOLUTION #14 County Planning Bd/Approval/Wind Law Changes
Lynn Hill made a motion to approve the Orleans County Planning Board's recommendation on the Zone changes to the Proposed Town of Barre Wind Law, the motion was seconded by Margaret Swan.
Vote 4-1, (Richardson)

Emergency Plan - Water

RESOLUTION #15 Town of Barre Emergency Water Plan
Lynn Hill made a motion to accept the submission of the Town of Barre Emergency Plan by Highway Superintendent, Dale Brooks, seconded by Tom McCabe. Vote 5-0, passed.

Town of Barre Wind Law

The Town of Barre Town Board continued to review and discuss comments from residents and others submitted as part of the Public Hearing held on December 4, 2020 for the adoption of the proposed Local Law #1 of 2021, "to amend, repeal, and supplement the Wind Energy Law based on updated environmental protections and mitigation measures, evolving wind energy technology, infrastructure, and wind energy industry proposals".

SEQR Review/Wind Law

Councilwoman Kerri Richardson made a motion to adjourn the discussion of the SEQR review to another date due to the late hour, there was no seconded. Motion failed.

Councilwoman Kerri Richardson left the Town Board meeting at

10:15pm.

The Town Board reviewed and discussed Parts #2 and #3 of the SEQR review requirements for the proposed Wind Law changes.
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RESOLUTION #15 SEQR Review/Wind Law
Lynn Hill made a motion to accept the review of parts #2 and #3 of the SEQR review, and declare a negative declaration. This is an Unlisted Action under the State Environmental Quality Review Act, however it was treated as a Type I Action for the propose of environmental review. The motion was seconded by Tom McCabe. Vote 4-0, passed.

Local Law #1 2021/Wind Law

RESOLUTION #16 Local Law/Wind Energy Conversion Systems
Lynn Hill made a motion to approve the passing of the following Local Law, motion was seconded by Margaret Swan. Vote 3-1, (Supervisor Pogue abstains). Motion passed.

WHEREAS, the Town Board of the Town of Barre ("Town Board"), pursuant to Local Law No. 2 of 2008 (the "Wind Energy Law"), adopted Article XI of the Town of Barre Zoning Ordinance to allow the creation of Wind Energy Overlay Zones to regulate development of wind energy conversion projects in the Town of Barre (the "Town"); and **WHEREAS**, on October 14, 2020, the Town Board proposed Local Law No. 3 of 2020, which is now known as Local Law No. 1 of 2021 (the "Proposed Local Law") to amend, repeal, and supplement the Wind Energy Law based on updated environmental protections and mitigation measures, evolving wind energy technology, infrastructure, and wind energy industry proposals; and **WHEREAS**, the Proposed Local Law included revisions related to: Corrective actions for impacts to communication systems; Use of guy wires; Setback distances; Noise standards; Lighting standards; Maximum tip height; Shadow flicker; Acceptable construction hours; Decommissioning plans and related financial assurance; Agricultural protections; Use of environmental monitors to oversee compliance with approval requirement; and **WHEREAS**, the proposed revision to the Wind Energy Law is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA"), and the regulations promulgated thereunder; and

WHEREAS, on October 14, 2020, the Town Board adopted a properly completed Part 1 of a Full SEQRA Environmental Assessment Form for the Proposed Local Law; and **WHEREAS**, on October 14, 2020, the Town Board asserted lead agency for purposes of SEQRA because the Town Board was the only involved agency

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RESOLUTION #16 Local Law/Wind Energy Conversion Systems (Con't) with authority to implement the proposed action, which was the adoption of the Proposed Local Law; and **WHEREAS**, on October 14, 2020, the Town Board referred the Proposed Local Law to the Town Planning Board for an advisory report pursuant to Section 350-5(C) of the Town Zoning Ordinance; and **WHEREAS**, on November 9, 2020, the Town Planning Board adopted a resolution adopting the minutes of the November 4, 2020 Town Planning Board meeting to pass on its recommendation to the Town Board regarding the Proposed Local Law; and **WHEREAS**, the Town Board has duly considered the comments on the Proposed Local Law made in the Town Planning Board November 4, 2020 meeting minutes at its December 1, 2020 workshop; and **WHEREAS**, a Notice of a Public Hearing on the Proposed Local Law was published in the *Batavia Daily News*

on November 17, 2020, and the Town Clerk also caused a copy of that Notice to be posted on the sign board of the Town maintained pursuant to Town Law §30(6) on November 13, 2020 and on the Town website (along with the proposed text of the Proposed Local Law) on November 19, 2020; and **WHEREAS**, a public hearing was duly held on the Proposed Local Law on December 4, 2020 at 6:00 p.m. before the Town Board at the Barre Town Hall via audio, video, and chat on the Town's You Tube channel and via audio on the Town's telephone conference system, as permitted by Executive Order 202.1, as extended, and all persons desiring to comment on the Proposed Local Law were heard or were provided the opportunity to submit written comments until December 14, 2020; and **WHEREAS**, on January 13, 2021, the Proposed Local Law was referred to the Orleans County Planning Board for review pursuant to General Municipal Law § 239-m; and **WHEREAS**, by letter dated January 29, 2021, the Orleans County Planning Board recommended approval of the Proposed Local Law without revisions; and **WHEREAS**, based on the recommendation of the acoustical expert of the Town's environmental consultant,

LaBella Associates, Section 350-103(2)(a) of the Proposed Local Law, related to noise standards, was modified (the "Revised Proposed Local Law") to define the relevant time period for the "night" time period to be from 10:00 p.m. to 7:00 a.m. and that the "annual" element of the standard be eliminated to be more readily enforceable; and **WHEREAS**, no other revisions to the Proposed Local Law were made in response to comments from the public or the Town Planning Board; and **WHEREAS**, a draft Part 2 and Part 3 of a Full Environmental Assessment Form ("EAF"), with accompanying narrative,

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RESOLUTION #16 Local Law/Wind Energy Conversion Systems (Con't) was prepared for the Proposed Local Law, which the Town Board has reviewed; and **WHEREAS**, the environmental assessment reviews the potential adverse impacts associated with the proposed revisions to the Wind Energy Law, but does not, and is not required to, assess the potential adverse impacts of potential individual future projects to be considered under the revised Wind Energy Law because such projects would be individually subject to a full environmental review either pursuant to SEQRA or New York State renewable energy siting review processes; and **WHEREAS**, the Revised Proposed Local Law and draft EAF have been on the desks of all Town Board members since

February 3, 2021. **NOW THEREFORE, IT IS RESOLVED**, that the Town Board has considered the Revised Proposed Local Law and its potential for environmental impacts; reviewed and considered the EAF, the criteria contained in 6 N.Y.C.R.R. §617.7(c), and other supporting information to identify the relevant areas of environmental concern; and thoroughly analyzed the identified relevant areas of environmental concern to determine if the Revised Proposed Local Law may have a significant adverse impact on the environment, and finds that the Revised Proposed Local Law would not have a significant impact on the environment because of the reasons discussed in the narrative to the EAF, which is incorporated in full herein and attached hereto, and the Revised Proposed Local Law: Is consistent with the general purposes stated in the Comprehensive Plan of the Town, to accommodate the necessary infrastructure for the provision of commercial wind powered electricity generation facilities so that they may be developed

in a manner compatible with the general health, welfare and safety of the residents of the Town of Barre. Addresses the visual, aesthetic and the land use compatibility aspects of wind energy conversion systems; Encourages the location of wind energy conversion systems in areas where adverse impacts on the community are minimized. Encourages the co-location or shared use of proposed and existing wind energy conversion system sites. **IT IS FURTHER RESOLVED**, that pursuant to the State Environmental Quality Review Act, a Negative Declaration shall be made and duly filed, and an environmental impact statement need not be prepared; and it is **RESOLVED** that, pursuant to the Municipal Home Rule Law, proposed Local Law No. 1 of 2021 is hereby enacted, and shall be filed with the Secretary of State.

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Public Comment Period

Dr. George McKenna and Ms. Iva McKenna discussed the Wind Turbine project and the Local Law #1 of 2021.

Lynn Hill made a motion to adjourn the Town Board meeting, seconded by Tom McCabe.

Meeting Adjourned at 10:48pm

Respectfully submitted,

Maureen Beach, Town Clerk

