

May 18, 2016

REGULAR MEETING

PUBLIC HEARING ON SOLAR LAW

The regular meeting of the Martinsburg Town Board was held Wednesday, May 18, 2016 at the Municipal Offices and called to order at 7:00 pm. Present were: Supervisor Terrence Thisse; Councilmen Douglas Dietrich, Janusz Karelus, E. Frank Kogut and Michael McGrath; Town Clerk Mary Kelley; Attorney Mark Gebo; CTHC Circuit Rider Elizabeth Steria; Deb Kogut; County Legislator Greg Kulzer; Town Justice Kevin McArdle. Absent: Highway Superintendent Tyler Jones.

MINUTES

Mr. Dietrich made a motion, seconded by Mr. Kogut accepting the minutes of the last meeting as presented. All were in favor. Motion carried.

BILLS	Abstract 05-2016		
	General:	Voucher #113-138	\$14,726.00
	Highway:	Voucher #84-100	\$60,418.46
	Glenfield Sewer:	Voucher #16-17	\$ 597.11
	Glenfield Water:	Voucher #24-28	\$ 660.50
	Martinsburg Water #1:	Voucher #28-34	\$ 984.85
	Martinsburg Water #2:	Voucher #1	\$ 1,687.03
	Street Lighting:	Voucher #7-8	\$ 736.61
	Whitaker Park:	Voucher #6-19	\$ 3,314.72

After some discussion, Mr. Kogut made a motion, seconded by Mr. Karelus, approving payment of the bills as presented. All were in favor. Motion carried.

PRIVILEGE OF THE FLOOR

Kevin McArdle was present to request a new position of Deputy Court Clerk be approved. It would be part-time and exempt from Civil Service testing. Mr. Kogut made a motion, seconded by Mr. Karelus, approving the new position of part-time Deputy Court Clerk, subject to filing paperwork with Civil Service and their approval. All were in favor. Motion carried.

Mr. Dietrich made a motion, seconded by Mr. Karelus setting the salary for Deputy Justice Court Clerk at \$13.50 per hour. All were in favor. Motion carried.

Mr. Dietrich made a motion, seconded by Mr. Karelus, to appoint Lacey Northrup to the position of Deputy Justice Court Clerk, on the recommendation of Justice Keven McArdle. All were in favor. Motion carried.

7:15 pm Mr. Thisse opened a public hearing to hear comments on a Local Law amending the Zoning Law to establish and impose regulations relative to solar energy facilities. There being no public comment at this time, Mr. Thisse held the hearing open and went on to other business for the regular meeting.

TOWN CLERK REPORT

Mr. Karelus made a motion, seconded by Mr. Kogut, to accept the Town Clerk report for April as presented. All were in favor. Motion carried.

COOPERATIVE TUG HILL COMMISSION

Ms. Steria reported that the Tug Hill Commission will provide training on GIS mapping. She also reported on various grants that are available.

COUNTY LEGISLATOR REPORT

Mr. Kulzer reported that starting this summer municipalities will no longer be able to charge gas at the County pumps. A credit card based system will be set up with a local gas station. He also reported that the recycling program is working out and they are seeing a reduction in the amount of garbage be trucked to landfill.

7:25 pm Councilman Michael McGrath arrived.

Mr. Kogut made a motion, seconded by Mr. Karelus to close the Public Hearing at 7:25 pm. All were in favor. Motion carried.

Mr. Kogut made a motion, seconded by Mr. Karelus to adopt the following amendment to the Development Law:

A local law to amend Chapter 240-7 of the Town of Martinsburg Code with respect to solar energy.

*Article 3. – Enactment. The Town Board of the Town of Martinsburg hereby amends Chapter 240 of the Town of Martinsburg Code as the same relates to Solar Energy as follows:*

1. *Section 240-7 of the Town of Martinsburg Code is hereby amended to include the following definitions:*

**Ground Mounted (Free Standing):** *A solar energy system that is directly installed in the ground and not attached or affixed to an existing structure. Each contiguous structure is considered an accessory structure within this ordinance.*

**Photovoltaic Systems:** *A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.*

**Solar Collector:** *A solar photovoltaic cell, panel, array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.*

**Solar Energy Equipment:** *Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic, and passive solar.*

**Solar Storage Battery:** *A device that stores energy from the sun and makes it available in an electrical form.*

**Solar Farm (Solar Energy Production Facility):** *An area of land or other area used for solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to a public utility entity.*

2. *Create a new §240-40.1. Solar Collectors and Installation*

A. *A land use permit is required. Roof top and building mounted solar collectors are permitted in all Zoning Districts in the Town of Martinsburg. Building permits shall be required for installation of **all** solar collectors. Solar collectors will not extend above the ridge and shall be setback from all roof edges a minimum of eighteen (18) inches. Shall extend no more than twelve (12) inches above the roof surface to which it is affixed except in the case of flat roofs which will be reviewed on a case by case basis.*

B. *Ground mounted and free standing solar collectors are permitted as accessory structures in all zoning districts in the Town, subject to the following requirements:*

- a. *The location of the solar collector meets all applicable setback requirements of the zone in which it is located.*
- b. *The height of the solar collector and any mounts shall not exceed twenty (20) feet when oriented at maximum tilt.*
- c. *A building permit has been obtained for the solar collector.*
- d. *All electrical wiring from the array is to be underground as per the Code.*

C. *The applicant shall demonstrate that the solar collection system will be minimally visually intrusive to surround properties, buildings, roads, aviation, etc. The equipment shall use, to the extent practical, materials,*



Councilman Dietrich: aye  
Councilman Karelus: aye  
Councilman McGrath: aye

Motion carried.

Mr. Thisse made a motion, seconded by Mr. McGrath to approve the following resolution in support of minimum maintenance road legislation:

WHEREAS, It is estimated that upgrading all of the State's 90,000 miles of county and town roads to meet the American Association of State Highway and Transportation Officials (ASSHTO) minimum standards would cost well over ten billion dollars; and

WHEREAS, There is only about \$85 million annually available to all municipalities for all purposes in the NY State Transportation Improvement Fund and a State imposed tax cap is designed to limit locally financed expenditures on roads and public improvements; and

WHEREAS, There are many rural and remote areas of the State which can be adequately and safely served with minimal road maintenance; and

WHEREAS, Local governments are best able to make determinations about local road maintenance needs and priorities, be it

RESOLVED, That the Town of Martinsburg supports the adoption of state legislation allowing town and county legislative bodies to designate minimum maintenance roads and provide appropriate maintenance to such designated roads as provided for in bills S02265/A01837. All were in favor. Motion carried.

#### NATURE CONSERVANCY PILOT

Mr. Karelus made a motion, seconded by Mr. Dietrich, to accept the PILOT payment of \$2.24 from the Nature Conservancy. All were in favor. Motion carried.

#### WHITAKER PARK

Discussion was held on the purchase of a mower for Whitaker Park. Mr. Thisse received a quote for a Ferris mower from White's for \$7300.00 He is still waiting for a quote from Clinton Tractor. Mr. McGrath made a motion, seconded by Mr. Karelus authorizing the purchase of a mower for Whitaker Park, pending the quote from Clinton Tractor, taking the lowest quote. All were in favor. Motion carried.

Discussion was held on purchasing a new generator for Whitaker Park. A larger one is needed. Mr. Thisse has a quote of \$3080.00 for a Honda EU7000 watt. Mr. Kogut thinks there is no need for such a large generator at the Park. A Honda EU5000 watt might be enough but this generator is noisier.

Mr. Karelus made a motion, seconded by Mr. Dietrich to purchase the Honda EU7000 for \$3080.00. Roll call vote:

Supervisor Thisse: aye  
Councilman Kogut: nay  
Councilman Dietrich: aye  
Councilman Karelus: aye  
Councilman McGrath: aye

Motion carried

Mr. McGrath made a motion, seconded by Mr. Kogut to purchase two antique round oak stoves for upstairs in the old town hall for \$500 each, one from Jimmy Waligory and one from Doug Rook. All were in favor. Motion carried.

Mr. Thisse reported that the roof of the old town hall is showing signs of rust. He will call Engineer Randy Crawford to see how to handle this since the building has been designated on the State and National Register as an historic building.

Discussion was held on the vacant town owned property in the hamlet of Martinsburg on State Route 26. There was some discussion on whether to get a realtor involved in selling the property.

The Supervisor reported on a request from "Park to Brew" relay foot race. They have asked to use the municipal parking lot August 13 for a period in the early morning as a base staging area. They would have to produce a certificate of insurance.

There has been another request from NYS Mesonet Weather Observing Network for a potential site for a weather station in the Town of Martinsburg. Mr. Thisse will contact the 3-G Volunteer Fire Department to see if they have an available site.

Discussed refinishing of antique benches at the old town hall. Need to contact Black River Furnishings to see if they are still going to do the work.

Mr. Kogut reported that he is still working with Katie Malinowski and Mickey Dietrich, from the Tug Hill Commission, on the grant for a walking trail.

Mr. McGrath and Mr. Karelus audited the tax accountants bank statements for February and March.

Mr. Dietrich made a motion, seconded by Mr. McGrath to go into executive session at 8:26 pm to discuss negotiations where publicity would substantially affect of the value thereof and the employment history of a certain employee. All were in favor. Motion carried.

Mr. Dietrich made a motion, seconded by Mr. Karelus to leave executive session at 9:07 pm and to adjourn. All were in favor. Motion carried.

Respectfully submitted,

Mary Kelley, Town Clerk