

**VICTOR TOWN BOARD MEETING
MONDAY, NOVEMBER 26, 2018
DRAFT RESOLUTION PACKET**

*“Town Board Draft Resolutions are in **draft** form and are subject to change prior to or during the public meeting.”*

PUBLIC HEARINGS start at 7:00 PM

- A. PUBLIC HEARING - REGARDING UNSAFE STRUCTURE AT 1244 HEATHER LANE
- B. PUBLIC HEARING -LOCAL LAW NO.___-2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS

REGULAR MEETING starts at 7:00 PM

7) BUSINESS

- A. AUTHORIZATION TO ENTER INTO AGREEMENT WITH JIM'S PRO SHOP, INC.
(Brian Emelson)
- B. REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS (Brian Emelson)
- C. AUTHORIZATION TO ENTER INTO AGREEMENT WITH RICHARD STEIN FOR A MAGIC SHOW (Brian Emelson)
- D. AUTHORIZATION TO ACCEPT SPECIAL EVENTS SPONSORSHIP DONATIONS
(Brian Emelson)
- E. AUTHORIZATION FOR CANANDAIGUA NATIONAL BANK TO ACT AS AGENT FOR THE TOWN OF VICTOR TO ACCEPT 2019 TOWN AND COUNTY TAX BILLS (Karen Bodine)
- F. SEQRA NOTICE OF COMPLETION OF A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN
(Jack Marren)
- G. TERMINATION OF ENGBRECHT CONSERVATION EASEMENT - TAX MAP #5.00-1-86.200 - MAIN STREET FISHERS - (16.5 ACRES) (Wayne Pickering)
- H. REALLOCATION OF UNAPPROPRIATED FUND BALANCE TO CAPITAL RESERVE R1 BUILDINGS AND LAND (Barb Cole)
- I. AMMEND RESOLUTION #515-17 ALLOCATION OF FUNDS FOR GILLIS ROAD RECONSTRUCTION PROJECT FROM TYPE CAPITAL RESERVE FUND FOR HIGHWAY CONSTRUCTION AND RECONSTRUCTION (Barb Cole)

- J. ACKNOWLEDGEMENT OF THE RESIGNATION OF WAYNE PICKERING AS SOLE ASSESSOR FOR THE TOWN OF VICTOR (Tina Kolaczyk)

- K. AUTHORIZATION TOWN SUPERVISOR TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH 7200 RAWSON ROAD LLC FOR THE PURCHASE OF A PORTION OF REAL PROPERTY LOCATED AT 7200 RAWSON ROAD (Jack Marren)

- L. AUTHORIZATION FOR SUPERVISOR TO ENTER INTO REAL PROPERTY APPRAISAL SERVICES AGREEMENT WITH BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES (Jack Marren)

- M. SET PUBLIC HEARING - COLYER TERM CONSERVATION EASEMENT- TAX MAP #15.00-1-17.000, 15.00-1-55.000, AND 15.00-1-71.200 (CORK ROAD@ ROUTE 251) (Wayne Pickering)

- N. AFTER PH LOCAL LAW NO. ____-2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS (Kim Kinsella)

PH A

LEGAL NOTICE – PUBLIC HEARING - TOWN OF VICTOR – PUBLIC HEARING REGARDING UNSAFE STRUCTURE AT 1244 HEATHER LANE

PLEASE TAKE NOTICE as required by Town Code, Chapter 83 “Construction Codes, Uniform” Section 83-9 “Unsafe Buildings and Structures,” the Code Enforcement Officer has submitted a report finding that the property at 1244 Heather Lane, Victor, NY 14564 (the “Property”), is a danger and unsafe to the public.

PLEASE TAKE FURTHER NOTICE that given the state of structural damage to the Property, the Town Board has found that this Property is dangerous and unsafe and needs immediate repair.

Therefore, the Town Board has ORDERED, that the owner, executor, administrator, mortgagee, lessee or any other person who may have a recorded vested or recorded contingent interest in the unsafe Property, secure the Property and to obtain all permits necessary, at the owners expense, in order to repair the structure; and it further

ORDERED, that the Code Enforcement Officer is to install the unsafe structure placards as provided by law; and it further

ORDERED, that the Property be fully repaired by the property owners to commence within THIRTY (30) days after service of notice and to be complete within SIXTY (60) days at the owners’ expense; and it further

ORDERED, that a public hearing will be held before the Town Board of the Town of Victor on November 26, 2018 at 7:00 PM at the Victor Town Hall, 85 East Main Street, Victor, New York, to determine whether this order shall be affirmed, modified, or vacated and also at which time the owners or occupants, or other persons having an interest in said Property shall have the right to contest this Order of the Town Board. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:30 PM on the 26th day of November, 2018; and it further

ORDERED that in the event such owners, executor, administrator, mortgagee, lessee or other persons who may have a recorded vested or recorded contingent interest in said Property shall fail to contest such order, and fail to comply with the same, that the Town Board will order the repair of such Property by the Town and that the Town will assess all costs and expenses incurred against the land on which such Property is located.

DATED:

Karen C. Bodine, Town Clerk

PH B

TOWN OF VICTOR - NOTICE OF PUBLIC HEARING - LOCAL LAW NO. ____ -
2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I,
SOLAR PHOTOVOLTAIC SYSTEMS

PLEASE TAKE NOTICE that a draft Local Law has been introduced to the Town Board of the Town of Victor, New York, on November 13, 2018, designated as Local Law No. ____-2018 to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor.

PLEASE TAKE FURTHER NOTICE that said Local Law is on file in the Victor Town Clerk's Office located at 85 East Main Street, Victor, New York, where it is available for public inspection during regular business hours.

PLEASE TAKE FURTHER NOTICE that said Local Law would encourage and promote safe, effective, and efficient use of installed solar photovoltaic (PV) systems which reduce on-site consumption of utility-supplied energy and to protect the health, safety and welfare of adjacent and surrounding land uses and properties.

PLEASE TAKE FURTHER NOTICE, that a Public Hearing upon said Local Law has been scheduled for the 26th day of November, 2018, at 7:30 PM, to be held by the Victor Town Board at the Victor Town Hall, 85 East Main Street, Victor, New York. An opportunity to be heard in regard thereto will then and there be given. Written comments may also be directed to the Victor Town Clerk, Victor Town Hall, 85 East Main Street, Victor, New York 14564, on or before 4:30 PM on the 26th day of November, 2018. The Victor Town Hall has barrier-free access for the physically handicapped, and any such handicapped person seeking transportation to said Public Hearing may contact the Victor Town Clerk during regular business hours.

Dated: November 14, 2018

Karen C. Bodine, Town Clerk

7A

RESOLUTION

AUTHORIZATION TO ENTER INTO AGREEMENT - JIM'S PRO SHOP, INC.

WHEREAS, the Department of Parks and Recreation seeks to offer instruction in archery for youth and adults in their recreation program; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Jim's Pro Shop to provide instructional staff, equipment and facility time for youth and adult archery instruction to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds; and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Jim's Pro Shop to provide instructional staff, equipment and facility time for youth and adult archery instruction to be held at a date and time that is mutually agreed upon by the contractor and recreation program coordinator for Seventy Percent (70%) of the program registration net funds with the Town taking Thirty Percent (30%) of the program registration net funds, said funds are included and available in the 2019 Operating Budget line item A7020.4 Recreation Programs; and further

RESOLVED, that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Christine Winter, Recreation Supervisor; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and James Crane, Jim's Pro Shop.

7B

RESOLUTION #
REQUEST FOR CERTIFICATE OF LIABILITY INSURANCE WAIVERS

WHEREAS, the Town Board adopted the Resolution # 234 - Town of Victor Contract Procedures on June 13, 2016; and

WHEREAS, per the Contract Process, contractors and vendors who cannot obtain a Certificate of Liability Insurance which is in accordance with the Town's insurance requirements in order to perform their contracted service for the Town of Victor may appeal to the Victor Town Board for a Waiver of the Certificate of Liability Insurance; and

WHEREAS, the Town wishes services to be provided by the following vendors, who are requesting the waiver of providing a Certificate of Liability Insurance to the Town of Victor:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Richard Stein	Magic Show	7891 Lehigh Crossing	\$250.00	November 26, 2019	Insufficient Coverage

Now, therefore be it

RESOLVED that the Town Board grants the Certificate of Liability Waivers for the following service provider:

<u>Vendor</u>	<u>Event</u>	<u>Location of Event</u>	<u>Amount of Contract</u>	<u>Duration of Contract</u>	<u>Reason for Exemption</u>
Richard Stein	Magic Show	7891 Lehigh Crossing	\$250.00	November 26, 2019	Insufficient Coverage

And be it further

RESOLVED that a copy of this resolution be sent to Brian Emelson, Director of Parks and Recreation; Karen Bodine, Town Clerk; Barb Cole, and Richard Stein.

7C

RESOLUTION #

AUTHORIZATION TO ENTER INTO AGREEMENT - RICHARD STEIN FOR A MAGIC SHOW

WHEREAS, the Department of Parks and Recreation seeks to offer a magic show during the Christmas event; and

WHEREAS, it is the intention of the Department of Parks and Recreation to enter into agreement with Richard Stein to provide a magic show during the Christmas in the Village event for an amount not to exceed Two Hundred Fifty Dollars (\$250.00); and

WHEREAS, the Contractor has provided the Town with all the appropriate documents to support the proposed service agreement; and

WHEREAS, funds are included and available in the 2018 Operating Budget line item A7550.4 Celebrations Contractual; now, therefore, be it

RESOLVED that this resolution is conditioned upon receiving approvals from the Town's Insurance Broker, or an insurance waiver from the Town Board, and the Attorney for the Town; and further

RESOLVED, that the Town Board authorizes the Town Supervisor and the Director of Parks and Recreation to enter into agreement with Richard Stein to provide a magic show during the Christmas in the Village event for Two Hundred Fifty Dollars (\$250.00), said funds are included and available in the 2018 Operating Budget line item A7550.4 Celebrations Contractual; and further

RESOLVED, that a copy of this resolution be forwarded to Mike Stockman, Assistant Director of Recreation and Parks; Brian Emelson, Director of Parks and Recreation; Barb Cole, Finance Director; Karen Bodine, Town Clerk; and Richard Stein.

7D

RESOLUTION #
AUTHORIZATION TO ACCEPT SPECIAL EVENTS SPONSORSHIP DONATIONS

WHEREAS, the Department of Parks and Recreation organizes a variety of seasonal and community-wide special events; and

WHEREAS, the activities have realized recent donations from 2018 sponsors and partners in the amount of Two Thousand Three Hundred and Seventy dollars (\$2,370.00) as follow from:

Reidman Custom Homes dba @home Builders LLC	\$500.00
Mobile Graphics dba East Graphics	\$250.00
Athleta	\$500.00
O'Sullivan & Sons dba Marty's Meats	\$120.00
LL Bean	\$1,000.00

And

WHEREAS, the Director of Parks and Recreation recommends that we accept and deposit these donations in support of these community events which will incur costs and require expenditures within Budget Line A7550.4 Celebrations Contractual; now, therefore be it

RESOLVED that the Town Board accepts the above sponsorship donations in the amount of Two Thousand Three Hundred and Seventy dollars (\$2,370.00) and authorizes the Director of Finance to increase the revenue line A2705 Gifts and Donations by Two Thousand Three Hundred and Seventy dollars (\$2,370.00) in the 2018 Budget in addition to an offsetting increase in the expense line A7550.4 Celebrations Contractual of Two Thousand Three Hundred and Seventy dollars (\$2,370.00). All budget entries to be done upon board approval; and further

RESOLVED that a copy of this resolution be forwarded to Brian Emelson, Director of Parks and Recreation; Barbara Cole, Director of Finance; Peg Beaulieu, Finance Clerk; and Karen Bodine, Town Clerk.

7E

RESOLUTION #

AUTHORIZATION FOR CANANDAIGUA NATIONAL BANK TO ACT AS AGENT FOR THE TOWN OF VICTOR TO ACCEPT 2019 TOWN AND COUNTY TAX BILLS

WHEREAS, the Town Board requests Canandaigua National Bank to act as an agent for the Town of Victor and collect Town and County Taxes for the year 2019 during the month of January; and

WHEREAS, the Canandaigua National Bank will accept tax bills from January 1st through January 31st full payments only (no installment payments) and will deposit these payments to the Town of Victor Tax Account on the following business day and notify the collector with an itemized listing of taxes received; and

WHEREAS, there will be no charge to the Town for this service; and

WHEREAS, the Victor Town Tax Receiver will be responsible for any check that is returned for any reason; now, therefore, be it

RESOLVED that Canandaigua National Bank will act as an agent for the Town of Victor and will accept tax bills for the Town of Victor during the month of January 2019 with no expense to the Town; and, be it further

RESOLVED that these monies will be deposited in the Town of Victor Tax Receiver's checking account with no expense to the Town and the bank will notify the Town the following day with an itemized listing; and, be it further

RESOLVED that a copy of this resolution be forwarded to Canandaigua National Bank and the Tax Receiver.

RESOLUTION #
SEQRA NOTICE OF COMPLETION OF A FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT FOR THE ADOPTION AND IMPLEMENTATION OF THE ROUTE 96 TRANSFORMATIVE CORRIDOR STRATEGIC INFRASTRUCTURE PLAN

WHEREAS, the Town Board has been presented with the “Route 96 Transformative Corridor Strategic Infrastructure Plan” (“the Plan”) which the Town will now consider both adopting and implementing; and

WHEREAS, the Plan calls for the development of six “High Priority Projects” (“the Projects”) as well as the potential establishment of a Transportation Development District (“the TD District”, a type of Development Facilitation Improvement District under NYS law), and the Town Board is therefore considering undertaking, funding and/or approving the Projects and establishment of the TD District in addition to formal adoption of the Plan; and

WHEREAS, in order to comply with the NY State Environmental Quality Review Act and its regulations promulgated at 6 N.Y.C.R.C. Part 617 (collectively referred to as “SEQRA”), the Town Board has initiated an environmental review of a proposed action (“the proposed Action”) that includes all of the foregoing components, namely, 1) formal adoption of the Plan, 2) approving, undertaking and/or funding of the Projects, and 3) establishment of the TD District; and

WHEREAS, construction of the Projects would likely require approval, undertaking and/or funding from other local, regional and state government agencies needing to comply with SEQRA, including the Village of Victor, the County of Ontario, the New York State Department of Transportation (NYS DOT), and the New York State Department of Environmental Conservation (NYS DEC), and

WHEREAS, on June 4, 2018 (Resolution No. 233), the Town Board accepted the Part 1 Environmental Assessment of the proposed Action, prepared by LaBella Associates, and determined that the proposed Action is a Type I action as defined under SEQRA; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the Town Board was established as the SEQR Lead Agency empowered to conduct a coordinated environmental review of the proposed Action under SEQRA; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the proposed Action may result in one or more significant adverse impacts on the environment, as described in the Environmental Assessment Parts 2 and 3 prepared by LaBella Associates, and that an environmental impact statement must therefore be prepared to further assess the impacts and possible mitigation and to explore alternatives to avoid or reduce those impacts, and that a Positive Declaration would therefore be issued; and

WHEREAS, on July 9, 2018 (Resolution No. 408), the Town Board determined that, in accordance with New York’s SEQRA regulations, the environmental impact statement to be prepared would be a “Generic” environmental impact statement, as defined under SEQRA; and

WHEREAS, on August 13, 2018 (Resolution No. 435), the Town Board accepted, in accordance with New York’s SEQRA regulations, the proposed Draft Generic Environmental Impact Statement (“DGEIS”) prepared by LaBella Associates and CPL as adequate with respect to its scope and content for the purpose of commencing public review: and

WHEREAS, following the Town Board's August 13, 2018 adoption of Resolution No. 435 the Town Clerk, assisted by the Town Engineer, filed, on behalf of the Town Board and in accordance with New York's SEQRA regulations, a SEQR Notice of Completion of the DGEIS; and

WHEREAS, both Town Board Resolution No. 435 and the SEQR Notice of Completion of the DGEIS filed on the Town Board's behalf indicated: 1) that the period during which comments on the DGEIS would be accepted by the Town Board would commence immediately upon the adoption of Town Board Resolution No. 435; 2) that a Public Hearing to receive comments on the DGEIS would be held on September 10 at 7:30 pm EDT at the Town of Victor Town Hall; and, 3) that the period during which comments on the DGEIS would be accepted by the Town Board would cease at 5:00 pm EDT on September 20, 2018; and,

WHEREAS, as some Involved Agencies were not properly notified of the initial comment period which period began with the acceptance of the DGEIS on August 13, 2018 and ended on September 20, 2018, the Town Board subsequently, on October 9, 2018, established a second period for the receipt of additional comments on the DGEIS (Town Board Resolution No. 497) and had filed on its behalf a second SEQR Notice of Completion of the DGEIS; and

WHEREAS, both Town Board Resolution No. 497 and the second SEQR Notice of Completion of the DGEIS filed on the Town Board's behalf indicated: 1) that the period during which additional comments on the DGEIS would be accepted by the Town Board would commence immediately upon the adoption of Town Board Resolution No. 497 on October 9, 2018; and, 2) that the period during which additional comments on the DGEIS would be accepted by the Town Board would cease at 5:00 pm EDT on November 9, 2018; and

WHEREAS, the initial period designated in Town Board Resolution No. 435 for the receipt of comments on the DGEIS has since expired, the Public Hearing called for in Town Board Resolution No. 435 has since been held and duly closed, and the second period designated in Town Board Resolution No. 497 for the receipt of additional comments on the DGEIS has also since expired; and

WHEREAS, LaBella Associates, the Town Engineer, in conjunction with CPL, the Town Traffic Engineer, has now prepared and submitted a proposed Final Generic Environmental Impact Statement ("FGEIS") for consideration by the Town Board; and

WHEREAS, the Town Board has now reviewed the FGEIS prepared by LaBella Associates and CPL; now, therefore, be it

RESOLVED, that the Town Board hereby accepts, in accordance with New York's SEQRA regulations, the FGEIS prepared by LaBella Associates and CPL; and, be it

FURTHER RESOLVED, that the Town Clerk shall, on the Town Board's behalf and assisted by the Town Engineer, prepare, in accordance with New York's SEQRA regulations, a Notice of Completion of the Final Generic Environmental Impact Statement ("Notice of Completion") prepared in accordance with Article 8 of the Environmental Conservation Law; and, be it

FURTHER RESOLVED, that the Notice of Completion shall further indicate that copies of the FGEIS can be obtained at the office of the Town of Victor Town Clerk at the Victor Town Hall located at 85 E. Main Street, Victor, NY; and, be it

FURTHER RESOLVED, that the Notice of Completion shall include the name and address of the lead agency; the name, address and telephone number of a person who can provide additional information; a brief description of the action; the SEQR classification; and, the location of the action, as the same were included and described in the SEQR Positive

7F

Declaration filed relative to this Action pursuant to Town Board Resolution No. 408, adopted July 9, 2018; and, be it

FURTHER RESOLVED, that the Town Clerk, assisted by the Town Engineer, shall file, in accordance with New York's SEQRA regulations, the prepared Notice of Completion: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) with the Environmental Notice Bulletin at <http://www.dec.ny.gov/enb/enb.html>; and, be it

FURTHER RESOLVED, that the Town Clerk, assisted by the Town Engineer, shall, in accordance with New York's SEQRA regulations, publish the FGEIS and file it: 1) with the Chief Executive Officer of any political subdivision within which the proposed Action would be principally located; 2) with other involved agencies; and, 3) as otherwise required by Section 617.12 of New York's SEQRA regulations; and, be it

FURTHER RESOLVED, that copies of this resolution be forwarded to LaBella Associates, Clark Patterson Lee, and the Town Clerk

7G

RESOLUTION #

TERMINATION OF ENGEBRECHT CONSERVATION EASEMENT - TAX MAP

#5.00-1-86.200 - MAIN STREET FISHERS - (16.5 ACRES)

WHEREAS, on November 24, 2008 the Town Board approved Resolution # 404 - Acceptance of Engebrecht Conservation Easement - Tax Map #5.00-1-86.200 – Main Street Fishers - (16.5 Acres); and

WHEREAS, the Term Conservation Easement (“Easement”) between the Town of Victor and Patricia A. Engebrecht was for a period of 20 years upon the filing and recording of the easement, said easement was filed on January 27, 2009; and

WHEREAS, the current owners, Jeff Engebrecht and Jodi Engebrecht (“Owners”), have submitted a petition to cancel as required by Town Code, Chapter 16 Conservation Easements, Term; and

WHEREAS, the Owners are requesting the cancellation of the Term Conservation Easement in order to receive Planning Board approval to enlarge an existing pond located within the Easement; and

WHEREAS, the Owners agree to pay penalties determined by the Town Assessor, in an amount equivalent to the abatement granted pursuant to the conservation easement agreement, plus a penalty assessed on the basis of the cumulative taking into consideration a multiplication factor as reasonably determined by the Town Assessor as required in Town Code Section 16-8; and

WHEREAS, the penalties will be payable by the Owners to the Town upon demand; now, therefore, be it

RESOLVED that the Town Board approves the cancellation of the Term Conservation Easement between the Town of Victor and the current owners, Jeff Engebrecht and Jodi Engebrecht, conditioned upon the receipt of payment of all penalties as required in Town Code Section 16-6F in the amount determined by the Assessor per Town Code Section 16-8; and further be it

RESOLVED that the copies of this resolution be forwarded to the applicant, Assessor, Conservation Board, and the Town Clerk.

7H

RESOLUTION #
REALLOCATION OF UNAPPROPRIATED FUND BALANCE TO CAPITAL RESERVE R1 BUILDINGS AND LAND

WHEREAS, in the 2018 Budget Seven Hundred Fifty Thousand Dollars (\$750,000.00) was appropriated to the A Fund Contingent Account.Contractual line (A.1990.400); and

WHEREAS, it is anticipated that the majority of these funds will not be needed for contingency purposes in 2018 resulting in a budgetary surplus; and

WHEREAS, the Town has a "type" Capital Reserve account established for purchase and construction of buildings and land, Capital Reserve-R1 Buildings and Land (A.0878.001); and

WHEREAS, the Town Board anticipates the future purchase of land and construction of a new Town Highway facility; now, therefore, be it

RESOLVED that upon Town Board approval the Finance Director shall be authorized to complete all entries to reallocate Five Hundred Seventy Five Thousand Dollars (\$575,000.00) from Unassigned Fund Balance (A.0917.000) to the A Fund Capital Reserve-R1 Buildings and Land (A.0878.001) for the future purchase or construction of Buildings and Land as follows:

TO:			FROM:		
ACCOUNT NO.	DESCRIPTION	AMOUNT	ACCOUNT NO.	DESCRIPTION	AMOUNT
A.0878.001	Capital Reserve-R1 Buildings and Land	\$575,000.00	A.0917.000	Unassigned Fund Balance	\$575,000.00

and

RESOLVED that a copy of this Resolution be forwarded to Karen Bodine Town Clerk and Barbara Cole Finance Director.

RESOLUTION #

AMMEND RESOLUTION #515-17 ALLOCATION OF FUNDS FOR GILLIS ROAD
RECONSTRUCTION PROJECT FROM TYPE CAPITAL RESERVE FUND FOR HIGHWAY
CONSTRUCTION AND RECONSTRUCTION

WHEREAS, Resolution 515-17 dated December 11, 2017, was approved by the Town Board to allocate funds for the Gillis Road Reconstruction Project from type Capital Reserve Fund for Highway Construction and Reconstruction; and

WHEREAS, the cost of the project has increased due to increased blacktop prices from Three Hundred Five Thousand Nine Hundred Thirty Six dollars (\$305,936.00) to Three Hundred Sixteen Thousand One Hundred Eighty Six dollars (\$316,186.00); now, therefore, be it

RESOLVED, that the commitment of funds from the type Capital Reserve Fund for highway construction and reconstruction be amended to reflect the cost increase to Three Hundred Sixteen Thousand One Hundred Eighty Six dollars (\$316,186.00); and

RESOLVED, that a copy of this Resolution be provided to Dormitory Authority of the State of New York, Highway Superintendent Mark Years, Town Clerk Karen Bodine, and Finance Director Barbara Cole.

RESOLUTION #

ACKNOWLEDGEMENT OF THE RESIGNATION OF WAYNE PICKERING AS SOLE ASSESSOR FOR THE TOWN OF VICTOR

WHEREAS, Wayne Pickering submitted a letter of resignation from his position as Sole Assessor for the Town of Victor on November 15, 2018, with an effective date of December 3, 2018; now, therefore be it

RESOLVED that the Town Board acknowledges the resignation of Wayne Pickering, and thanks Wayne for his hard work and dedication to the employees and residents of the Town of Victor for the past 16 years; and be it further

RESOLVED that a copy of this resolution be forwarded to Wayne Pickering, Human Resources, Finance Department, and Ontario County Human Resources.

8K

RESOLUTION #
AUTHORIZATION TOWN SUPERVISOR TO EXECUTE A PURCHASE AND SALE
AGREEMENT WITH 7200 RAWSON ROAD LLC FOR THE PURCHASE OF A PORTION OF
REAL PROPERTY LOCATED AT 7200 RAWSON ROAD

Waiting on addition information.

8L

RESOLUTION #
AUTHORIZATION FOR SUPERVISOR TO ENTER INTO REAL PROPERTY APPRAISAL
SERVICES AGREEMENT WITH BRUCKNER, TILLET, ROSSI, CAHILL & ASSOCIATES

Waiting on addition information.

7M

RESOLUTION #

SET PUBLIC HEARING - COLYER TERM CONSERVATION EASEMENT- TAX MAP #15.00-1-17.000, 15.00-1-55.000, AND 15.00-1-71.200 (CORK ROAD@ ROUTE 251)

WHEREAS, Jerry L. and Gudmunda J. Colyer submitted an application for a Term Conservation Easement for properties located at Cork Road @ Route 251, further identified as Tax Map #'s 15.00-1-17.200, 15.00-1-55.200, and 15.00-1-71.200, pursuant to Chapter 16, Term Conservation Easement Law of the Town of Victor; and

WHEREAS, the purpose of Chapter 16 is to provide for the acquisition of interests or rights in real property for the preservation of open space; and,

WHEREAS, the Town of Victor has authority to acquire such interests or rights in land pursuant to § 247 of the General Municipal Law of the State of New York; and,

WHEREAS, Jerry L. and Gudmunda J. Colyer submitted a proposal to the Conservation Board of the Town for the granting of temporary interests or rights in 37.85 acres of real property for the preservation of open spaces or areas for a twenty (20) year period. The proposal includes a map, description of the proposed area, and indicates the duration of easement proposed; and,

WHEREAS, the Conservation Board has investigated the area to determine if the proposal would benefit the people of the Town of Victor and on November 5, 2018 a recommendation for the acceptance of the Colyer Term Conservation Easement was received; and

WHEREAS, the Conservation Board has determined that it is in the public interest to accept the proposed conservation easement and also recommend to the Town Board that it hold a public hearing; and,

WHEREAS, the Town Assessor has provided anticipated revised assessment levies to the Town Board; now, therefore, be it

RESOLVED that the Town Board orders a public hearing on the Colyer Conservation Easement application to be held on the 10th day of December, 2018 at 7:00 P.M. at the Victor Town Hall, 85 East Main Street, Victor, New York; and, further

RESOLVED that the Town Clerk forward the anticipated revised assessment levies amount to the property owner(s); and further

RESOLVED that the Town Clerk shall publish in a paper of general circulation at least 10 days notice of the time and place of such hearing and provide a written notice of such proposal to all adjacent property owners and to any municipality whose boundaries are within 1000 feet of the boundaries of said proposed area; and, further

RESOLVED that a copy of this resolution be forwarded to the applicant, Assessor, Town Clerk, and Conservation Board.

7N

RESOLUTION #

AFTER PUBLIC HEARING – ADOPT LOCAL LAW NO. ____ -2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Victor on the 13th day of November, 2018 calling for a Public Hearing to be held by the Town Board of the Town of Victor on the 26th day of November, 2018 at the Victor Town Hall, 85 East Main Street, at 7:00 PM, to hear all interested parties on a proposed Local Law to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor; and

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

WHEREAS, said Public Hearing was duly held at the Victor Town Hall on the 26th day of November, 2018 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, the Town Board of the Town of Victor, after due deliberation, finds it in the best interest of the Town to adopt said Local Law amendment; now, therefore, be it

RESOLVED by the Town Board of the Town of Victor that the Town Board hereby adopts said Local Law No. __ -2018 to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor as follows:

LOCAL LAW NO. ____ -2018 TO IMPLEMENT CHAPTER 103 ENERGY SYSTEMS, ARTICLE I, SOLAR PHOTOVOLTAIC SYSTEMS

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

Section I. Authorization

This Local Law is adopted pursuant to the authority granted to the Town of Victor at Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. __ -2018 to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems of the Town of Victor. The purpose of this Local Law is to implement Chapter 103 Energy Systems, Article I, Solar Photovoltaic Systems in order to encourage and promote safe, effective, and efficient use of installed solar photovoltaic (PV) systems which reduce on-site consumption of utility-supplied energy and to protect the health, safety and welfare of adjacent and surrounding land uses and properties.

Section III. Intent

A. Meet goals of Town Comprehensive Plan to: enhance agricultural viability; preserve productive agricultural land resources; and, provide public utilities, facilities and services; and

B. Support green economy innovations; and

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C. Support New York State in meeting renewable energy goals established by the 2015 New York State Energy Plan.

Section IV. Applicability

A. Roof-mounted, building-integrated and ground-mounted solar PV systems installed/constructed after the effective date of this Code.

B. Any upgrade, modification or structural change that alters physical size, generation capacity, location or placement of existing PV system.

C. Non-conforming PV systems. Non-conforming PV systems existing on the effective date of this Code may be altered or expanded provided alteration or expansion does not increase the extent of non-conformity.

D. Properties with approved site-plan. Notwithstanding requirements of §211-9, and §211-31, for any lot or parcel that has an approved site plan, the installation of “by-right” PV system on the lot shall not be considered a change to the approved site plan.

E. Prohibition. In order to reduce nuisance reflection and glare, solar PV systems attached vertically to the side of a building are prohibited unless they are designed as a building-integrated system.

Section V. Definitions

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

AGRICULTURAL LAND, PRIME OR IMPORTANT

Three (3) acres or more of Prime Farmland, Farmland of Statewide Importance or soils classified as Class 1 through 4 as documented in the Soil Group Worksheets prepared by the Ontario County Soil and Water Conservation District and used by the Town Assessor in calculation of agricultural use exemption values, that has been used for agricultural production during the past five years and/or is suitable for use in agricultural production.

BUILDING-INTEGRATED SOLAR PV SYSTEM

A solar PV system that is designed and constructed as an integral part of a principal or accessory structure. Components of a building-integrated system are designed to replace or substitute for architectural or structural elements of a building and generally complement, blend with or form part of a structure’s architectural appearance. Such components will generally maintain a uniform plane with and/or form a part of the walls, window openings, roofing and/or other building elements into which they are integrated. A building-integrated system may occur: within vertical façades; replacing view-glass, spandrel glass or other façade material; within semitransparent skylight systems; within roofing systems, replacing traditional roofing materials; or within other building envelope systems.

ENVIRONMENTAL MANAGER (EM)

An individual possessing the skills and knowledge to effectively develop a site for use as a solar PV system and then reclaim the site restoring it, to the greatest extent practical, to its original use.

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FARMLAND OF STATEWIDE IMPORTANCE

Land, designated as “Farmland of Statewide Importance” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey based on soil characteristics that is of state wide importance for the production of food, feed, fiber, forage, and oilseed crops as determined by the appropriate state agency or agencies. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by state law.

GROUND-MOUNTED SOLAR PV SYSTEM

A solar PV System, including its specialized racking or other mounting system(s), which is installed on the ground and not attached to any other structure.

GROUND-MOUNTED SOLAR PV SYSTEM, LARGE-SCALE

A ground-mounted solar PV system that has a system capacity greater than 25 kilowatts (kW) and/or generates more than 110% of kilowatt-hours (kWh) of electricity consumed over previous 12-month period by land use(s) existing on the lot or parcel of land where system is located. In applying this standard, electricity consumption shall be determined by submission of utility bills showing electrical usage over said 12-month period, or by another means deemed acceptable by the Code Enforcement Officer.

GROUND-MOUNTED SOLAR PV SYSTEM, SMALL-SCALE

A ground-mounted solar PV system that is limited to a system capacity of 25kW and/or generated no more than 110% of the kWh’s of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel of land where system is located. In applying this standard, electricity consumption shall be determined by submission of utility bills showing electrical usage over said 12-month period, or by another means deemed acceptable by the Code Enforcement Officer.

NET METER

A meter used to measure the flow of electricity from the solar PV system to the electric utility grid for the purpose of net metering.

ON-SITE NET ENERGY METERING

An arrangement accepted by the public utility whereby a customer-sited renewable energy system is connected to the utility grid through a customer’s utility meter (“behind-the-meter generation.”) At any given moment, if the site is using more electricity than the system is producing, all the electricity produced by the system is used on-site and the site’s electricity needs are supplemented from the grid. If the site is using less electricity than the system is producing, the excess electricity is exported to the grid and the customer receives a credit.

PRIME FARMLAND

Land, designated as “Prime Farmland” in the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)’s Soil Survey Geographic (SSURGO) Database on Web Soil Survey based on soil characteristics that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these land uses.

PV SYSTEM COVERAGE

The entire surface area covered by a solar panel, or physically connected group of panels, regardless of the method by which the panels are supported or attached to the ground, as measured on a horizontal plane projected from the perimeter of said panel, or group of panels,

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vertically to the ground. For tilting panels, PV system coverage shall be determined by the tilt angle producing the greatest PV system coverage.

REMOTE NET METERING

An arrangement with public utility that allows for the kilowatt-hours (kWh) generated from a solar PV system located at a specific site to be credited towards kWh of consumption at a different location.

ROOF-MOUNTED SOLAR PV SYSTEM

A solar PV system that is attached to the roof of a building.

SOLAR ARRAY

Any number of electrically connected solar photovoltaic (PV) panels that are connected to the same inverter.

SOLAR PANEL

A device containing photovoltaic cells capable of collecting and converting solar energy into electrical energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM

A solar energy collection system consisting of solar photovoltaic cells, panels and/or arrays, and other related equipment, which rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system may be building-mounted, ground-mounted or building-integrated.

Section VI. Solar PV Systems Permitted by Right

A. By-right Solar PV Systems. The following systems shall be permitted by right in any zoning district in the Town, provided the system is generating electricity primarily for the land use(s) located on the same lot as the system, and the system meets the standards for by-right systems identified below. By-right systems shall require a building permit.

- (1) Building-integrated PV systems. Permitted to face any rear, side and/or front yard area.
- (2) Roof-mounted PV systems. Permitted to face any rear, side and/or front yard area.
- (3) Small Scale Ground-mounted PV Systems.

B. Standards for by-right systems.

- (1) Accessory use. Roof-mounted by-right PV systems shall be considered an accessory use.
- (2) Only small-scale ground-mounted PV systems shall be considered as by-right systems. Such by-right systems shall be limited to a capacity of 25 kW or less and generate no more than 110% of the kWh's of electricity consumed over the previous 12-month period by land use(s) existing on the lot or parcel where the system is located.
- (3) By-right facilities shall comply with all applicable New York State Uniform Fire Prevention and Building Codes.

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(4) In no event shall the combined total of PV system coverage and building coverage exceed forty percent (40%) of the total lot area.

C. Roof-mounted PV Systems

(1) Roof-mounted PV system installed on a sloped roof:

(a) Highest point of system shall not exceed the highest point of the roof to which it is attached.

(b) Solar panels shall be parallel to the roof surface or tilted with no more than 18" gap between the module frame and the roof surface. This measurement shall not be taken from any parapet which might be considered part of a roof.

(2) Roof-mounted PV system installed on a flat roof:

(a) Shall not extend more than 5 feet above the height of the roof.

Section VII. Solar PV Systems Requiring a Special Use Permit

A. Except for by-right PV systems described above, no other type of ground-mounted PV system shall be constructed without obtaining a special use permit and site plan approval from the Planning Board pursuant to § 211-9. Solar PV systems requiring a Special Use Permit shall be permitted in all zoning districts except the Limited Development District. All ground-mounted PV systems shall require a Building Permit. Solar PV systems requiring a special use permit and site plan approval shall include:

(1) Large-scale ground-mounted PV systems

(2) Roof-mounted and building-integrated PV systems having a system capacity greater than 25 kW and/or generating more than 110% of the kWh's of electricity consumed over a 12-month period by land use(s) existing on the lot or parcel.

(3) PV systems, regardless of size, generating and providing electricity through a remote net metering agreement or other arrangement to an off-site user.

(4) PV systems, regardless of size, mounted on carports or canopy structures covering parking facilities.

B. Classifications: PV systems requiring a special use permit and site plan approval may be classified as either an accessory use or a principal use as set forth:

(1) Principal Use – PV system constructed on a lot or parcel providing electricity to an off-site user through remote net metering agreement (large-scale PV system) shall be considered a principal use. All ground-mounted PV systems classified as a principal use shall adhere to the area and height requirements of the zoning district in which the system is located, unless modified herein.

(2) Accessory Use/Accessory Structure – PV system generating electricity for the sole consumption of a principal use or building(s) located on the same lot or parcel as the system shall be considered an accessory use/accessory structure.

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VIII. Standards for Facilities Requiring a Special Use Permit

A. Setbacks. Subject to the minimum yard and setback requirements for the zoning district in which the system is located. No part of a ground-mounted systems shall extend into the required yards and/or setbacks due to a tracking system or seasonal adjustment in the location, position or orientation of solar PV related equipment or parts.

(1) Setbacks in Residential Districts. Location of large-scale ground-mounted solar collectors shall meet all applicable setbacks for accessory structures in the zoning district in which the project is located, but not less than 25 feet from any public highway right-of-way or utility easement. Natural vegetation shall be preserved within this 25 foot buffer and if possible augmented.

(2) Screening. The setback is intended to provide a visual buffer between the PV system and adjacent dwellings. Plantings within this area are to be at a height so as to provide, as much as practicable, a visual screen of the large-scale ground-mounted system from residential uses. The species, type, location and height of such landscaping shall be consistent with the Town of Victor Native Plant Manual and subject to the approval of the Planning Board.

B. Utility Connections. Utility lines from large-scale ground-mounted PV system shall be installed underground unless determined otherwise by the Planning Board for: poor soil conditions, topography, or requirements of utility provider. Transformers for interconnection may be above ground if required by the utility provider.

C. Fences. Fences not exceeding 8' in height shall be permitted for the purpose of screening or enclosing a large-scale ground-mounted PV system regardless of the zoning district in which the system is located, provided the system is classified as a principle use

D. Barbed Wire. Fences intended to enclose a large-scale ground-mounted PV system may contain barbed wire canted out.

E. Height. Large-scale ground mounted PV systems may not exceed 12 feet in height.

F. Minimum Lot Size. Large-scale ground-mounted PV systems shall adhere to the minimum lot size requirements for the zoning district in which the system is located. Except for residential districts, the minimum lot size shall be one acre.

G. Lot Coverage. Large-scale ground-mounted PV systems shall adhere to maximum lot coverage requirements for principal uses within the zoning district in which they are located.

H. Signs. Large-scale ground-mounted PV systems classified as a principal use shall adhere to the sign requirements for the zoning district in which they are located, in addition to the following specific requirements:

(1) No signage or graphic content shall be displayed on the Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information.

(2) As required by National Electric Code (NEC), disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning

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sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

I. Location in front yard. Notwithstanding the requirements regulating location of accessory structures found in the Zoning Chapter, large-scale ground-mounted PV systems classified as an accessory use shall be prohibited in a front yard, including any front yard of a corner lot.

J. Tree cutting. Removal of existing trees larger than [6] inches in diameter should be minimized to the extent possible.

K. Farmland Protection. Large-scale ground-mounted solar PV systems proposed upon prime or important agricultural land as defined herein shall be allowed if the Planning Board determines there are no feasible alternative locations for PV system siting on the lot in question.

L. The following standards are to apply to the construction, restoration, and follow-up monitoring of solar energy projects impacting prime or important agricultural land. An Environmental Monitor (EM) shall be hired by the applicant to oversee construction, restoration and follow-up monitoring.

(1) For projects involving less than 10 acres of prime or important agricultural land, the Construction Manager or some other on-site personnel may serve as the EM. The EM must be on site whenever construction or restoration work is occurring on agricultural land.

(2) For projects involving 10 acres or more of prime or important agricultural land the EM shall be on site whenever construction or restoration work is occurring on agricultural land and shall coordinate with the New York State Department of Agriculture and Markets, Division of Land and Water Resources to develop an appropriate schedule for project inspections.

(3) The EM shall contact the New York State Department of Agriculture and Markets, Division of Land and Water Resources, if farm resource concerns or management matters pertinent to the agricultural operation and site-specific implementation conditions found below cannot be resolved.

(a) Construction Requirements:

[1] The surface of access roads constructed through agricultural fields shall be level with the adjacent field surface.

[2] Access roads shall be located along the edge of agricultural areas, in areas next to hedgerows and field boundaries, and in nonagricultural areas of the site to the greatest extent practicable.

[3] The width of access roads across or along agricultural fields shall be no wider than 20 feet so as to minimize the loss of agricultural lands while maintaining compliance with New York State Uniform Fire Prevention and Building Codes for emergency vehicle access.

[4] Culverts and waterbars shall be installed, where necessary, to maintain natural drainage patterns.

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[5] All topsoil from agricultural areas used for vehicle and equipment traffic, parking, and equipment laydown and storage areas shall be stripped and stockpiled. All vehicle and equipment traffic and parking shall be limited to the access road and/or designated work areas, such as laydown areas. Vehicles and equipment shall not be allowed outside the work area without prior approval from the landowner and, when applicable, the Environmental Monitor.

[6] Topsoil stripped from work areas (parking areas, electric cable trenches, along access roads) shall be stockpiled separately from other excavated material (rock and/or subsoil). A minimum of 50 feet of temporary workspace shall be provided along "open-cut" electric cable trenches for proper topsoil segregation. All topsoil shall be stockpiled immediately adjacent to the area where stripped/removed and shall be used for restoration on that particular site. Topsoil stockpile areas shall be clearly designated in the field and on construction drawings.

[7] Electric interconnect cables and transmission lines installed above ground can create long term interference with mechanized farming on agricultural land. Therefore, interconnect cables shall be buried in agricultural fields wherever practicable. Interconnect cables and transmission lines installed above ground shall be located outside field boundaries wherever possible. When above ground cables and transmission lines must cross farmland, minimize agricultural impacts by using taller structures that provide longer spanning distances and locate poles on field edges to the greatest extent practicable.

[8] All buried electric cables in cropland, hayland and improved pasture, shall have a minimum depth of forty-eight inches of cover. In unimproved grazing areas and land permanently devoted to pasture, the minimum depth of cover shall be thirty-six inches. In areas where the depth of soil over bedrock ranges from zero to forty-eight inches, the electric cables shall be buried entirely below the top of the bedrock or at the depth specified for the particular land use, whichever is less. At no time shall the depth of cover be less than twenty-four inches below the soil surface.

[9] When buried electric cables alter the natural stratification of soil horizons and natural soil drainage patterns the effects shall be rectified with measures such as subsurface intercept drain lines. Ontario County Soil and Water Conservation District shall be consulted concerning the type of intercept drain lines to be installed to prevent surface seeps and the seasonally prolonged saturation of the cable installation zone and adjacent areas. All drain lines shall be installed in accordance with Natural Resource Conservation Service standards and specifications. Drain tile shall meet or exceed the AASHTO M252 specifications.

[10] Existing drainage and erosion control structures, such as diversions, ditches, and drain tile shall remain undamaged and protected. Where existing drainage and erosion control infrastructure must be removed, appropriate measures shall be taken to maintain the design and effectiveness of the originally installed structures. Drainage and erosion control structures disturbed during construction shall be repaired or replaced to as close to original condition as possible, unless said structures are to be eliminated based upon the large-scale ground-mounted solar PV system site plan approval.

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[11] All excess subsoil and rock shall be removed from the site. On-site disposal of such material shall only be allowed if approved by the landowner, with appropriate consideration given to any possible agricultural or environmental impacts. Any permits necessary for disposal under local, State and/or federal laws and regulations shall be obtained by the contractor, with the cooperation of the landowner when required.

[12] All pieces of unused wire, bolts, and other metal objects shall be removed and properly disposed of as soon as practical to prevent mixing with any topsoil.

[13] Excess concrete shall not be buried or left on the surface in active agricultural areas. Concrete trucks shall be required to use designated washout stations located outside of agricultural areas.

[14] In pasture areas, it may be necessary to construct temporary or permanent fences around work areas to prevent livestock access, consistent with landowner agreements.

(b) Restoration Requirements – All agricultural areas temporarily disturbed by construction shall:

[1] Be decompacted to a depth of 18 inches with a deep ripper or heavy-duty chisel plow. Soil compaction results should be no more than 250 pounds per square inch (PSI) as measured with a soil penetrometer. In areas where the topsoil was stripped, soil decompaction should be conducted prior to topsoil replacement. Following decompaction, remove all rocks four inches and larger in size from the surface of the subsoil prior to replacement of topsoil. Replace the topsoil to original depth and reestablish original contours where possible. Remove all rocks four inches and larger from the surface of the topsoil. Subsoil decompaction and topsoil replacement shall be avoided between the months of October and May unless favorable soil moisture conditions exist.

[2] Regrade all access roads to allow for farm equipment crossing and to restore original surface drainage patterns, or other drainage pattern incorporated into site plan design, approved by the Planning Board.

[3] Seed all restored agricultural areas with the seed mix specified by the landowner, in order to maintain consistency with the surrounding areas.

[4] All surface or subsurface drainage structures damaged during construction shall be repaired to as close to preconstruction conditions as possible, unless said structures are to be removed as part of the site plan approval. All surface or subsurface drainage problems resulting from construction of the large-scale ground-mounted solar PV system shall be corrected with the appropriate mitigation as determined by the EM, Ontario County Soil and Water Conservation District and the landowner.

[5] Restoration practices shall be postponed until favorable (workable, relatively dry) topsoil/subsoil conditions exist. Restoration is not to be conducted while soils are in a wet or plastic state. Stockpiled topsoil shall not be regraded and subsoil shall not be decompacted until plasticity, as determined by the Atterberg field test, is adequately

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reduced. No project restoration activities shall occur in agricultural fields between the months of October and May unless favorable soil moisture conditions exist.

[6] Following site restoration, all construction debris shall be removed from the site.

(c) Monitoring and Remediation Requirement – Immediately following site restoration, the applicant shall provide a monitoring and remediation period of no less than two years. The monitoring and remediation period allows for the effects of climatic cycles such as frost action, precipitation and growing seasons to occur, from which various monitoring determinations can be made. The monitoring and remediation phase is used to identify any remaining agricultural impacts associated with construction that may be in need of mitigation and to implement the follow-up restoration.

[1] General conditions to be monitored shall include topsoil thickness, relative content of rock and large stones, trench settling, crop production, drainage and repair of severed subsurface drain lines, fences, and any other conditions the Planning Board shall deem appropriate.

[2] Topsoil deficiency and trench settling shall be mitigated with imported topsoil that is consistent with the quality of topsoil on the affected site. All excess rocks and large stones are to be removed from the site.

(d) Decommissioning – If the use of the solar arrays is discontinued:

[1] All aboveground solar array structures shall be removed and all areas previously used for agricultural production shall be restored to conditions accepted by the landowner, the Ontario County Soil and Water Conservation District and the State Department of Agriculture and Markets.

[2] All concrete piers, footers, or other supports shall be removed to a depth of 48 inches below the soil surface. Underground electric lines shall be abandoned in place. Access roads in agricultural areas shall be removed, unless otherwise specified by the landowner.

IX. Placement on Non-conforming Buildings

Notwithstanding the area, lot and bulk requirements of the Zoning Chapter, roof-mounted and building-integrated PV systems may be installed on non-conforming buildings as follows:

A. On the roof of a non-conforming building that exceeds the maximum height restriction. System may not extend above the peak of highest point of the roof to which it is mounted.

B. On a building that does not meet the minimum setback or yard requirements, provided there is not increase in the extent or degree of non-conformity.

C. On a building that exceeds the maximum lot coverage requirements, provided there is no increase in the extent or degree of non-conformity.

X. Abandonment and Decommissioning

A. Applicability and Purpose – This section shall apply to large-scale ground-mounted PV systems with a rated capacity of 25 kW or more. The purpose of this section is to provide for the

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safety, health, protection and general welfare of persons and property in the Town by requiring abandoned large-scale PV systems to be removed pursuant to a decommissioning plan. The anticipated useful life of such systems, as well as the volatility of the recently emerging solar industry, where multiple solar companies have filed for bankruptcy, closed or been acquired creates an environment for systems to be abandoned, creating a negative visual and environmental impact on the Town. Abandoned large-scale PV systems may become unsafe by reason of their energy-producing capabilities and may become an “attractive nuisance.”

B. Abandonment. A large-scale ground-mounted PV system shall be deemed abandoned if the system fails to generate and transmit electricity at a rate of more than 10% of its rated capacity over a continuous period of 12-months. A large-scale PV system shall be deemed abandoned if following site plan approval, initial construction of the system has been commenced and is not completed within 18 months of issuance of the first building permit.

C. Extension of time. The time at which the large-scale PV system shall be deemed abandoned may be extended by the Planning Board for one additional period of one year, provided the system owner presents to the Board a viable plan outlining steps and schedules for placing the system in service or back in service within the time period of the extension. Application for and extension of time shall be made to the Planning Board by the PV system owner prior to abandonment.

D. Removal required. A large-scale PV system which has been abandoned shall be decommissioned and removed. The PV owner and/or owner of the land upon which the system is located shall be held responsible to remove all components of the system within one year of abandonment. Removal of the PV system shall be in accordance with the decommissioning plan approved by the Planning Board.

E. Decommissioning and Removal

(1) Decommissioning Plan. All applications for large-scale PV systems shall be accompanied by a decommissioning plan. The decommissioning plan shall address the following items.

(2) Decommissioning and removal of a large-scale PV system shall consist of:

(a) Physical removal of all aboveground and below-ground equipment, structures and foundations. (Solar arrays, buildings, security barriers, fences, electric transmission lines and components, roadways, other physical improvements to the site)

(b) Disposal of all solid and hazardous waste in accordance with local, State and Federal waste disposal regulations.

(c) Restoration of the ground surface and soil to conditions existing prior to the PV system installation.

(d) Stabilization and revegetation of the site with native seed mixes and/or plant species, consistent with the Town of Victor Native Plant Manual, to minimize erosion.

(3) The Planning Board may permit the system owner to leave certain underground or aboveground improvements in place provided the owner can show that such improvements

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are part of a plan to redevelop the site and are non-detrimental to redevelopment and have no adverse effect to community character or the environment.

F. Special Use Permit Conditions. The following conditions shall apply to all special use permits issued for a large-scale ground-mounted PV system. No special use permit shall be issued unless the Planning Board finds that the conditions have been or will be met.

- (1) A licensed Engineer's estimate of the anticipated operational life of the system.
- (2) Identification of the party responsible for decommissioning.
- (3) Descriptions of any agreement regarding decommissioning between the responsible party and the land owner.
- (4) A schedule showing the time frame over which decommissioning will occur and for completion of site restoration work.
- (5) A cost estimate prepared by a licensed Engineer estimating the full cost of decommissioning and removal of the PV system.
- (6) A financial plan to ensure that financial resources will be available to fully decommission the site.
- (7) An acceptable form of surety to be approved by the Town Engineer, accepted by the Town Board, and filed with the Town Clerk in an amount specified in the above referenced financial plan. Surety is to remain in effect for the above referenced anticipated operational life of the system. If the anticipated operational life of the system is amended, then a revised acceptable form of surety is to be approved by the Town Engineer, accepted by the Town Board and filed with the Town Clerk.
- (8) Financial surety. Prior to the issuance of a building permit and every three years thereafter, the large-scale PV system owner and/or landowner shall file with the Town Clerk evidence of financial surety to provide for the full cost of decommissioning and removal of the PV system in the event the system is not removed by the system owner and/or landowner. Evidence of financial surety shall be in effect throughout the life of the system and shall be in the form of an irrevocable acceptable form of surety or other form of surety acceptable to and approved by the Town Board. The Town shall be entitled to draw upon the acceptable form of surety in the event that the large-scale PV system owner and/or landowner is unable or unwilling to commence decommissioning activities within the time periods specified herein. No other parties, including the owner and/or landowner, shall have the ability to demand payment under the letter of credit. Upon completion of decommissioning, the owner and/or landowner may petition the Town Board to terminate the acceptable form of surety. In the event ownership of the system is transferred to another party, the new owner shall file evidence of financial surety with the Town Board at the time of transfer, and every three years thereafter, as provided herein.
- (9) Amount. The amount of the surety shall be determined by the Town Engineer based upon a current estimate of decommissioning and removal costs as provided in the decommissioning plan and subsequent annual reports. After review of an annual report the Town Board may adjust the amount of the surety to reflect any changes in the estimated

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cost of decommissioning and removal. Any revised surety is to be filed with the Town Clerk's office.

(10) Annual report. The large-scale PV system owner shall, on a yearly basis from the Certificate of Compliance issued by the Code Enforcement Officer, provide the Town Code Enforcement Officer a written report showing the rated capacity of the system and the amount of electricity that was generated by the system and transmitted to the grid over the most recent twelve-month period. The report shall also identify any change of ownership of the solar PV system and/or the land upon which the system is located and shall identify any change in the party responsible for decommissioning and removal of the system upon its abandonment. The actual report shall be submitted no later than 45 days after the end of the calendar year. Every third year, to coincide with the filing of evidence of financial surety, the annual report shall also include a recalculation of the estimated full cost of decommissioning and removal of the large-scale solar PV system. The Town Board may require an adjustment in the amount of the surety to reflect any changes in the estimated cost of decommissioning and removal. Failure to submit a report as required herein shall be considered a violation subject to the penalties this chapter.

(11) Decommissioning and removal by Town. If the large-scale PV system owner and/or landowner fails to decommission and remove an abandoned facility in accordance with the requirements of this section, the Town may enter upon the property to decommission and remove the system.

G. Determination of abandonment. Upon a determination by the Code Enforcement Officer that a large-scale solar PV system has been abandoned, the Code Enforcement Officer shall notify the system owner, landowner and permittee by certified mail:

(1) In the case of a facility under construction, to complete construction and installation of the facility within 180 days; or

(2) In the case of a fully constructed facility that is operating at a rate of less than 10% of its rated capacity, to restore operation of the facility to no less than 80% of rated capacity within 180 days, or the Town will deem the system abandoned and commence action to revoke the special use permit and require removal of the system.

H. Failure to perform notification. If deemed abandoned, and if either the system owner, landowner and/or permittee fails to perform as directed by the Code Enforcement Officer within the 180 day period, the Code Enforcement Officer shall notify the system owner, landowner and permittee, by certified mail, that the solar PV system has been deemed abandoned and the Town intends to revoke the special use permit within 60 days of mailing said notice. The notice shall also state that the permittee may appeal the Code Enforcement Officer's determination to the Planning Board and request a public hearing upon the matter.

(1) Said appeal and request for hearing must be made and received by the Planning Board within 30 days of mailing notice. Failure by the permittee to submit an appeal and request for hearing within the 30 day period will result in the special use permit being deemed revoked as stated herein.

(2) In the event the permittee appeals the determination of the Code Enforcement Officer and requests a hearing, the Planning Board shall schedule and conduct said hearing within 60 days of receiving the appeal and request. In the event a hearing is held, the Planning

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Board shall determine whether the solar PV system has been abandoned, whether to continue the special use permit with conditions as may be appropriate to the facts and circumstances presented to the Board or whether to revoke the special use permit and order removal of the solar PV system.

(3) Upon a determination of abandonment by the Code Enforcement Officer and the subsequent revocation of the Special Use Permit by the Planning Board, the decommissioning plan must be implemented and the system removed within one year of having been deemed abandoned or the Town Board may cause the removal at the owner's and/or landowner's expense. If the owner and/or landowner fails to fully implement the decommissioning plan within one year of abandonment, the Town Board may collect the required surety and use said funds to implement the decommissioning plan.

(4) Removal by Town and reimbursement of Town expenses. Any costs and expenses incurred by the Town in connection with any proceeding or work performed by the Town or its representatives to decommission and remove a large-scale PV system, including legal costs and expenses, shall be reimbursed from the surety posted by the system owner or landowner as provided herein. Any costs incurred by the Town for decommissioning and removal that are not paid for or covered by the required 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.

XI. Enforcement; penalties for offenses.

A. Enforcement official. It shall be the duty of the Code Enforcement Officer to enforce this chapter and to bring to the attention of the Town Board any violations or lack of compliance herewith.

B. Enforcement of open space, natural resource and landscaping requirements. All open space, natural resource and landscaping requirements, including conservation easements and deed restrictions required by the Town, are enforceable by the Town Code Enforcement Officer. Failure to comply with said requirements shall be a violation of this chapter, subject to penalties as set forth herein.

C. Violations. Any person, firm or corporation who or which fails to comply with or violates any of the provisions of this chapter shall be guilty of an offense and subject to the penalties for that offense or offenses.

D. Penalties. For each violation, any person, firm, company or corporation who or which neglects or refuses to do any act required by this chapter shall be guilty of an offense and shall be punishable as follows:

(1) For the first offense, for each violation: a fine of up to \$500 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

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(2) For the second offense within five years, for each violation: a fine of \$500 to \$1,000 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

(3) For the third and subsequent offense(s) within five years, for each violation: a fine of \$1,000 to \$2,000 or imprisonment for up to six months, or both. Each day that a violation continues shall constitute a separate offense punishable by the foregoing fine.

E. Civil enforcement. Appropriate actions and proceedings may be taken by law or in equity proceedings to prevent any violation of this chapter, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building, structure or premises. These remedies shall be in addition to the penalties described above. Consequently, the Town Board may institute any appropriate action or proceeding to prevent and to restrain, correct or abate such violation or to prevent any illegal act, conduct, business or use in and about such premises.

RESOLVED that the Town Clerk of the Town of Victor 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 Laws to the Secretary of State of the State of New York.