

**Meeting Minutes
Town of Morristown
August 8, 2017**

Present: Gary Turner, David VanArnam, Chris Coffin, Shawn Macaulay, Frank Putman
Also Present: Chris Sherwin (Code Officer), Thomas Bell III, Richard Johnson, Joe Lightfoot, James Snyder (Assessor)

Pledge of Allegiance

Public Hearing: Local Law #2 of 2017 Land Use Code Amendment (Photovoltaic)
Supervisor Putman opened the hearing at 7 PM. He explained that the purpose of the hearing was to take comments for or against Local Law #2 of 2017, a local law to amend the Land Use Code to address the issue of the placement of utility scale photovoltaic facilities in the Town of Morristown. No comments were received and the hearing was closed.

Supervisor Putman opened the meeting at 7:02 PM

Approval of Minutes: A motion was made by Councilman Coffin and seconded by Councilman VanArnam, to approve the minutes of July 11, 2017 as presented.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

Correspondence No Correspondence was reviewed

Public Comment 1 -No public comment received

Old Business

- 1. Sewer Districts Update:** Held to end of Meeting.
- 2. County Route 6 Speed Zone Reduction:** Nothing to report at this time.
- 3. Local Law #2 of 2017 Land Use Code Amendment (Photovoltaic):** The Board agreed they were ready to move forward with the approval. A motion was made by Councilman Macaulay, and seconded by Councilman VanArnam to approve Local Law #2 of 2017 as follows:

Local Law #2 of 2017

A Local Law to amend Local Law #3 of 2017 Land Use Law and Regulations for the Town of Morristown

Intent: to regulate the siting and construction of photovoltaic systems in the Town of Morristown.

Add under Article III-Definitions

Alternative Energy Systems Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to other equipment or a stand-alone system.

Building-Integrated Photovoltaic Systems A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

Flush Mounted Solar Panel Photovoltaic panels and tiles that are installed flush to the surface of the roof and which cannot be angled or raised.

Freestanding or Ground-Mounted Solar Energy System A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure.

Net-Metering A billing arrangement that allows solar customers to receive a credit for excess electricity that they generate and deliver to the power grid, so that they only pay for their net electricity usage at the end of a given month.

Permit Granting Authority The Town authority charged with granting permits for the operation of solar energy systems.

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

Qualified Solar Installer A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on a list of qualified photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as solar installers by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition.

Persons not on either of these lists may be deemed to be qualified solar installers if the Town's Code Enforcement Officer determines that such persons have had adequate training to determine the degree and extent of the hazards and personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the use of special precautionary techniques and personal protective equipment as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

Rooftop or Building Mounted Solar Systems A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush mounted system or as modules fixed to a frame which can be tilted toward the south at an optimal angle.

Small-Scale Solar Photovoltaic systems that produce up to ten (10) kilowatts (kw) per hour of energy, or solar thermal systems which serve the buildings to which they are attached, and do not provide energy for other buildings.

Solar Access Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

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

Solar Energy Equipment/System 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 concentrated solar.

Solar Panel A device for the direct conversion of solar energy into electricity.

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

Solar-Thermal Systems Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water.

Utility-Scale Photovoltaic System A commercial solar collection system that produces a minimum of one (1) megawatt (MW) per hour of energy to sale on the power grid.

Add as Article X and move Administration to Article XI

ARTICLE X – Solar Energy Systems

A. PURPOSE AND INTENT

Solar Energy is a renewable and non-polluting energy resource that can prevent fuel emissions and reduce the Town of Morristown energy load. Energy generated from solar energy systems can be used to offset energy demand on the New York State power grid when excess solar power is generated.

1. This section aims to promote the accommodation of solar energy system equipment and the provision for adequate sunlight and the convenience of access necessary thereof.

B. APPLICABILITY TO SOLAR ENERGY SYSTEMS

1. The requirements of this section shall apply to solar energy systems modified or installed after the effective date of this ordinance.
2. Solar energy systems for which a valid permit has been properly issued or for which installation has commenced prior to the effective date of this article shall not be required to meet the requirements of this Local Law.
3. All solar energy systems shall be designed, erected and installed in accordance with all applicable federal, state, local and industry codes, regulations and standards.
4. Solar energy collectors shall be permitted to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing in this provision shall be construed to prohibit the sale of excess power through a “net billing” or “net -metering” arrangement in accordance with New York Public Service Law or similar federal or state statute.
5. Utility-scale solar energy collectors, properly permitted by the Town of Morristown, may be erected for the express purpose of generating electricity for sale as a commercial enterprise.

C. PERMITTING SOLAR ENERGY SYSTEMS

1. No solar energy system or device shall be installed or operated in the Town of Morristown except in compliance with this article.
2. To the extent practicable, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the Town Code.
3. Rooftop and building-mounted solar collectors are permitted in all zoning districts in the Town of Morristown, subject to the following conditions:
 - a. Building permits shall be required for the installation of all rooftop and building mounted solar collectors.
 - b. The installation of rooftop and building mounted solar collectors shall be a standard use in all zoning districts, subject to building height restriction for the zoning district.
 - c. The installation of rooftop and building mounted solar collectors shall be a standard use provided that the panels do not extend horizontally past the

roofline. The installation of such systems on buildings listed on National or New York State Register of Historic Places is prohibited.

4. Solar thermal systems shall be a standard use subject to site plan review in all zoning districts. The installation of such systems on buildings listed on National or New York State Register of Historic Places is prohibited.
5. To enable ingress or egress in the event of fire or other emergency, for example, solar panels or collectors may not be installed in front of a window or door.
6. Utility-scale photovoltaic collectors shall conform to the seismic standards of the NYS Uniform Fire Prevention and Building Code.
7. Utility-scale solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to site plan review and a special use permit.
8. Ground-mounted and free standing solar collectors are permitted within the Residential-Agricultural (R-A) District, subject to the following conditions:
 - a. Building permits shall be required for the installation of all ground-mounted solar collectors.
 - b. The location of the solar collector meets all applicable set-back requirements.
 - c. The height of the solar collector and any mounts shall not exceed 20 feet from finished grade when oriented at maximum tilt.
 - d. Solar energy collectors and equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of properties to the north, while still providing adequate solar access for the collectors.

D. SAFETY

1. All solar collector installations shall be performed by a qualified solar installer.
2. Prior to operation, electrical connections must be inspected and approved by a qualified third Party electrical inspector as determined by the Code Enforcement Officer.
3. Any connection to the public utility grid must be inspected and approved by the appropriate public utility.

4. Rooftop and building mounted solar collectors shall meet the requirements of the New York's Uniform Fire Prevention and Building Code
5. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Morristown and any applicable federal, state, county or regional laws or regulations.
6. If a solar collector ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mounts and associated equipment and return the site or building to its original condition no later than ninety (90) days after the end of the twelve (12) month period.

E. DECOMMISSIONING PLAN FOR UTILITY SCALE PHOTOVOLTAIC SYSTEMS

All decommissioning funding requirements shall be met prior to commencement of construction. Any applicant proposing a utility-scale photovoltaic system shall submit a decommissioning plan, which shall include:

1. The anticipated life of the utility-scale photovoltaic system;
2. The estimated decommissioning costs in current dollars;
3. How said estimate was determined;
4. The method of ensuring that funds will be available for decommission and restoration;
5. The method, such as by annual re-estimate by a licensed engineer, that the decommissioning cost will be kept current; and
6. The manner in which the utility-scale photovoltaic system will be decommissioned and the Site restored, which shall include removal of all roads, structures and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner.

F. DECOMMISSIONING PROCESS REQUIREMENTS

Operators of a permitted utility scale photovoltaic system shall follow the rules for maintaining the Decommissioning Fund Bond and for following the Decommissioning Plan procedures and timeline.

1. The Facility Owner or Operator shall post and maintain Decommissioning Fund Bond in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Fund Bond be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and continuously and uninterruptedly maintained with a bonding company chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within NYS and is approved by the Town of Morristown. Should the decommissioning bond lapse, the Utility Scale Photovoltaic Facility permit will be suspended and the facility not permitted to operate until the bond is reinstated.
2. If the Facility Owner or Operator fails to complete decommissioning within twelve (12) months, the landowner shall have six (6) months to complete decommissioning.
3. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed, then the Town of Morristown may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Town of Morristown shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Town of Morristown may take such action as necessary to implement the decommissioning plan.
4. The escrow agent shall release the Decommissioning funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.
5. The manner in which the Utility Scale Photovoltaic Facility will be decommissioned and the Site restored shall include reclamation of all roads, removal of structures and debris to a depth of disturbance or minimum of 4 feet, restoration of the soil, and restoration of vegetation (consistent and compatible with surrounding vegetation), less any fencing or residual minor improvements requested by the landowner in writing and shall include removal of all solar arrays,

buildings, cabling, electrical components and any other associated facilities as directed by the Town of Morristown.

6. **Decommissioning Bond** The applicant, or successors, shall continuously maintain a bond payable to the Town for the removal of non-functional solar arrays and appurtenant facilities in an amount to be determined by the Town for the period of the life of the facility. The decommission costs shall be reviewed at minimum once every two years. All costs of the financial security shall be borne by the applicant. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than 100% (one hundred percent) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company is authorized to conduct such business within NYS and is approved by the Town of Morristown.

Effective Date. This Local Law shall take effect immediately upon filing with the New York Secretary of State and publication of an abstract in the official newspaper of the Town of Morristown

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

4.Other Old Business: Resolution #9- Capital Transfer: Councilman Coffin moved Resolution # 9 as follows: Resolution #9 of 2017 Transfer from Capital Building Savings Account Resolved, permission is given to transfer \$23,700 from the Capital Building Savings Account to the Capital Checking Account to pay for necessary repairs to the Town Highway Barn roof. The resolution was seconded by Councilman Macaulay.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

5.Other Old Business: Code Officer Chris Sherwin discussed the NYMIR Safety Inspection and the Town Office building in regard to deficiencies found. Exit signs have been purchased, Fire extinguishers need to be procured and inspected and put in place, and wiring deficiencies in the cellar will need to be addressed. Councilman VanArnam will review the wiring with the code officer.

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New Business

1. **2018 Fuel Bid Authorization:** A motion was made by Councilman Turner and seconded by Councilman VanArnam, to authorize the advertisement for fuel oil for the 2017-2018 heating season.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

2. **LED Street Lights:** The Town Clerk will participate in a webinar on municipal adoption of LED Street Lighting.

3. **Resolution #7 Sea Grant:** Councilman VanArnam moved Resolution Number 7 of 2017, with a second by Councilman Turner as follows:

Whereas, the Town of Morristown is located on the shore of the St. Lawrence River, in St. Lawrence County, within the Great Lakes Basin, and

Whereas, the spring and summer of 2017 have brought extreme high water along the shoreline of our community, which has persisted and is expected to continue into the fall, and

Whereas, the **New York Sea Grant Great Lakes Basin – Small Grants Program** is requesting proposals for projects that serve to benefit the environment and economy of New York’s Great Lakes Basin by demonstrating the application of ecosystem-based management to local watershed challenges, and

Whereas, the St. Lawrence County Planning Office will prepare an application for the Sea Grant Small Grants Program, which will involve all interested shoreline communities outside of the NYPA project area,

Now Therefore, Be It Resolved that the Town of Morristown supports the County’s application to the **New York Sea Grant Great Lakes Basin – Small Grants Program**, and **Be It Further Resolved** that the Town of Morristown will work with other interested communities and with the County to meet the Program goals, namely to “enhance community resiliency and ecosystem integrity through restoration, protection and improved resource management”, and

Be It Further Resolved that, while the Town of Morristown will not be liable for any financial outlays, either for the grant application or for the conduct of activities under the grant, the Town of Morristown will provide meeting spaces as needed, will communicate with residents as appropriate concerning activities under the grant, and will promote public participation in the project as may be appropriate.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

4. **Resolution #8 Point Comfort Agreement:** Councilman VanArnam moved Resolution Number 7 of 2017, with a second by Councilman Turner as follows: Resolution #8 of 2017 **WHEREAS**, an agreement has been reached between the Assessor and the Board of Assessment Review of the Town of Morristown (Respondents), and Belle Gale Chevigny (Petitioner), in the matter of the assessed value of 24 Point Comfort Road, and

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WHEREAS, the Petitioner and Respondents have fully resolved their differences, and agreed to the terms of the Stipulation and Consent Order,

NOW, THEREFORE BE IT RESOLVED that we, the Town Board of the Town of Morristown fully approve the terms of the Stipulation and Consent Order as entered into between the Petitioner and the Respondents.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye

- 5. Proposed Exemptions:** Assessor James Snyder provided the Board with information on exemptions he recommends the Board institute. He proposes increasing the capital improvement exemption limit from 24,000 to 50,000. He also proposes adopting a local law to create an exemption for people with disabilities. That exemption would be based on a sliding scale for income. The Board will revisit this in September.

Department Reports

- 1. Highway Department:** A written report was provided to the Board. The Board also approved the Highway Superintendents request for attendance at a workshop in Lake George.
- 2. Code Enforcement Office:** A written Monthly report was provided to the Board. The Board discussed grass height in the property maintenance code and settled on 10 inches. The Code Officer questioned the nature of calls made by the Board to other Towns concerning Code Officer's salaries and workloads. Councilman Macaulay stated that it was budgetary information purposes.
- 3. Other:** County Legislator Joe Lightfoot Mr. Lightfoot informed the wireless tax was defeated, the county financial condition is improving. Fund balance is at 4.8 million. The DEC has presented the county with a draft solid waste management policy. The county grant writer has secured a new grant to continue remediation at the J&L site.

Public Comment 2 No public comment

Councilman VanArnam made a motion to enter executive session to discuss matters relating to potential litigation against North Country Contractors. The motion was seconded by Councilman Coffin.

Vote: Gary Turner-Aye, David VanArnam-Aye, Chris Coffin-Aye, Shawn Macaulay-Aye, Frank Putman-Aye The Board entered executive session at 7:57 PM

The Board left executive session at 8:07 PM. Supervisor Putman reported that no action was taken while in executive session.

The meeting was adjourned upon motion at 8:10 PM

Meeting minutes prepared and respectfully submitted by David Murray, Town Clerk