

VILLAGE OF MOUNT MORRIS
REGULAR BOARD MEETING
January 23, 2023

The Regular Meeting of the Village Board of the Village of Mount Morris, County of Livingston and the State of New York on January 23, 2023, and held at the Village Hall 117 Main Street at 5:30 PM.

PRESENT:

Joel Mike	Mayor
Joe Rawleigh	Trustee
William Manthey	Trustee
Tim Bryant	Trustee
Lisa Torcello	Village Clerk/Treasurer
Jeff Wiedrick	Police Chief
Chris Young	Public Works Superintendent

ALSO PRESENT:

Louise Wadworth, William Bacon, Ann Hunt, Cathy Gehrig, Melody Gates, Mark Mullkin, Mark Gardner, Alex manning, Michaela Vanzile- Partridge, Payton Bownds, Navier Ford, Ben Bacon, Matt Hartigan, Jack Lonsberry, Izaiah Martinez-Serrant, Corbin Gaddy, Cameron Hotchkiss, Gabe Gross

Mayor Mike opened the Public Hearing on Proposed Solar Law and Proposed Law Establishing a Joint Zoning Board of Appeals between the Town of Mount Morris and the Village of Mount Morris.

Mayor Mike invited anybody to speak Mrs. Cathy Gehrig resident spoke on the proposed law on solar.

Mrs. Gehrig comments are as followed:

Construction of a local law requires time, commitment, expertise and the ability to represent the community this board been elected to protect. Solar energy is a fast moving, complicated field that rules, regulations, and laws. Each of you are aware of my interest concerning solar, dating back almost 2 years.

Key to the success of a solar law is the organization and coordination of solar with the local code. Knowing this, NYS has provided a model governments to utilize when drafting their own laws and regulations for solar development.

I was unable to follow the outline of this proposal using either the model NYS solar or laws from other Livingston County municipalities. In the past, I have provided the mayor with examples of these existing laws and have 2 examples for you tonight to review, along with the model law, as I touch on obvious, critical elements, which are missing, vague or incomplete. I have been purposefully brief since I have provided these samples.

The first thing is lacking is a statement of purpose and intent, which is most important for legal reasons.

Since there is not a single mention of “solar” in our present Zoning Code the necessary vocabulary and their definitions are missing for the least 13+ of the most important words in a solar law, such as solar panel, prime farmland, solar energy system, etc.

Applicability is lacking in that it talks about Tier 1 and 2 Solar Energy Systems w/o defining or naming them and w/o a review of the Village’s present zoning code for conflicts, of which there are many. In addition, the “solar farm” is obsolete.

General requirements for Tier 1 Solar Energy Systems i.e., roof mounted panels, is nonexistent yet is referenced in ‘applicability “paragraph. No limit on number of “solar collectors on a roof top?! Roof top mounted system not defined.

General requirements for Tier 2 Solar energy Systems, such as screening, buffering, glare, setbacks, is nonexistent. Where are they permitted, defined, etc.

General requirements for Tier 3 Solar Energy System (which is referred to as a “solar farm” in your document) are vague, unorganized and incomplete. Standards such as lot size, setbacks, lot coverage, fencing, buffering are very important aspects of this type of solar energy and are missing. There are no tables for different zone requirements.(one of the proposed solar energy developments in the Village is scheduled for a zone where it is not currently allowed?!.)

Decommissioning is also vague and incomplete. It is mentioned but there are no specifics such as panels, underground mounting etc. One particularly disturbing statement concerns the Village entering the property and “decommissioning.”(G-5) but later “removal states that the property owner is liable. (h) The first statement makes the Village liable and second makes the property owner. Both have huge ramifications especially if there legal agreements that state otherwise, which I am confident would occur. Who would want to pay for this?

Legal language is non-existent. Future liability issues of a serious nature exist.

No “site plan” guidance for anything. None in present Village code to utilize either.....

Agricultural resources are vague and scattered throughout the document and such import items such as the percentage of land to be used are missing.it lacks specific concerning plants, pollinators, grazers etc. and their definitions, even though mentioned. How can soils be “restored” when there are no standards listed?

Lacks a defined safety and security plan, References are also scattered throughout, but should be in an organized, rational manner for reference and enforcement. County EMS, Ambulance not referenced. Site access and snow removal not mentioned.

Permit time frame and Abandonment/decommission time frames should all be included and correlated. References to 150 days and 365 days for abandonments but are they one in the same? No time frame for “ completions?

Lacks’ Severability. “Local laws typically have provisions that “save” the entire law for legal invalidation if 1 section is deemed invalid, hence the need for legal counsel.

It speaks of credit and other forms of security. Lacks specifics. Who is paying for oversight costs i.e. inspects, engineering, required health, buffering, inspections, legal costs, in terms of an necessary enactment should the applicant fail to meet required standards and what are they? Who will pay to have these standards set?

Given the many local law and resources that I have provided to the mayor and I am sure he has shared with this board, as well as the availability of technical assistance at many levels such as County Planning, MRB, etc. and the need for legal review, I would recommend that this proposal be withdrawn and overhauled to reflect the most common and recent solar regulations and a

moratorium, instituted to allow time for this to occur. This will allow the Village to attain the same high standards as every other municipality in Livingston County concerning this topic as exemplified by the examples I have provided.

It should be noted the Town of Mt. Morris has recognized the need for revisions to its own solar law and imposed a moratorium to utilize the above reference and resources, resulting in changes to its current law.

There was no other comments from the public on either of the proposed Local Laws.

Comments from the board. Mayor Mike stated that he spoke to Mary Underhill at the Livingston County Planning and Development and her recommendation is to have a moratorium on solar.

Mayor Mike left public hearing opened.

Mayor Mike called the meeting to order and welcomed everyone.

RESOLUTION 1.23

APPROVAL OF ABSTRACT

On a motion from Trustee Rawleigh second by Trustee Bryant the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

ABSTRACT # 16

FUND	AMOUNT	VOUCHER
General	\$56,562.01	356-374
Water	\$22,333.56	205-222
Sewer	\$25,883.55	175-193

ABSTRACT # 17

FUND	AMOUNT	VOUCHER
General	\$27,389.95	375-386
Sewer	\$4473.51	194-200
Water	\$12,175.84	223-233

ABSTRACT #18

FUND	AMOUNT	VOUCHER
Water	\$6747.91	234

ABSTRACT # 19

FUND	AMOUNT	VOUCHER
General	\$16,757.01	387-414

Water	\$14,432.90	235-248
Sewer	\$24,203.96	201-210
Rec.	\$35.00	35

RESOLUTION 2.23

APPROVAL OF MINUTES

On a motion from Trustee Bryant second by Trustee Rawleigh the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to approve the minutes of December 19,2022

RESOLUTION 3.23

APPROVAL OF CONTRACT

On a motion from Trustee Manthey second by Trustee Rawleigh the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to allow Mayor Mike or Clerk Torcello to sign the contract with Xerox Business Solutions for the copier for five years.

RESOLUTION 4.23

APPROVAL OF CONTRACT

On a motion from Trustee Manthey second by Trustee Rawleigh the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to allow Mayor Mike to sign the contract with the Livingston County Highway Department for the 2023 Inter-municipal agreement extension from January 1, 2023 to December 31, 2023.

RESOLUTION 5.23

APPROVAL OF INCREASE OF MINIMUM WAGE

On a motion from Trustee Rawleigh second by Trustee Byrant the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to increase John Croston and Brendan Kaczmarek to minimum wage of \$14.20/hour.

Code/Zoning

RESOLUTION 6.23

APPROVAL OF AMENDEND MOTION NUMBER #173.22

On a motion from Trustee Manthley second by Trustee Byrant the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to amended motion number #173.22 hiring of a full- time Code Officer Mark Mulkin to include the following:

- An additional \$500.00 per year stipend for call out.
- Health insurance as offered to all full- time employees at the rates and deductibles currently offered:
 - Guardian single plan: \$51.29- per month- 10% of the cost
 - Excellus single plan: \$873.24- per month- 15% of the cost
- Office hours to public shall remain as by appointment and to be set by the official.
- Attendance to monthly board meeting for village board if requested by the mayor or elected board
- Attendance to monthly planning and zoning board meeting are only required when village business is on the agendas. required.
- Mileage for any training shall be billed to the village as per employee agreement.

The board is aware that employment with the neighboring municipalities shall remain with the required hours in Mount Morris. The existing agreement for the cell phone use through the town of West Sparta shall remain in effect as well as the cost split of any training

RESOLUTION 7.23

APPROVAL OF CLOSING PUBLIC HEARING

On a motion from Trustee Rawleigh second by Trustee Bryant the following resolution was

ADOPTED Ayes 4 Mike, Manthey, Rawleigh, Bryant

Resolved to close the Public Hearing on Proposed Local Law Establishing of a Joint Board of Appeals between the Town of Mount Morris and the Village of Mount Morris.

Mayor Mike presented the Village Board with the proposed Local Law on Establishing land use moratorium prohibiting large scale solar and battery installation within the Village of Mount Morris.

RESOLUTION 8.23

APPROVAL OF LOCAL LAW

On a motion from Trustee Bryant second by Trustee Manthey the following resolution was

ADOPTED 4 Mike, Bryant, Manthey, Rawleigh

Resolved to approve the proposed Local Law on moratorium of large scale solar and battery installation.

RESOLUTION 9.23

APPROVAL SETTING A PUBLIC HEARING

On a motion from Trustee Bryant second by Trustee Manthey the following resolution was

ADOPTED 4 Mike, Bryant, Manthey, Rawleigh

Resolved to set a public hearing on February 27, 2023, at 5:30 PM, on proposed local law proposed Local Law on moratorium of large scale solar and battery installation.

Louise Wadsworth and William Bacon from Economic Development gave a presentation.

Code Officer Mark Mulkin spoke after about the Landlord registration.

RESOLUTION #10.23

APPROVAL OF EXECUTIVE SESSION

On a motion from Trustee Manthey second by Trustee Bryant the following resolution was

ADOPTED 4 Mike, Bryant, Manthey, Rawleigh

Resolved to go into executive session to discuss the medical, financial credit or employment history of a person or corporation, or matters leading to the appointment, promotion, demotion, discipline, suspension, dismissal or removal of a person or corporation.

RESOLUTION #11.23

APPROVAL OF EXECUTIVE SESSION

On a motion from Trustee Manthey second by Trustee Bryant the following resolution was

ADOPTED 4 Mike, Bryant, Manthey, Rawleigh

With no further business on a motion from Trustee Manthey and second by Trustee Bryant to adjoin.

Lisa J Torcello
Village Clerk

Joel Mike
Mayor- Executive minutes