

Minutes of the Town of Sennett Town Board Meeting Held on Thursday, October 21, 2023, at 6:31 PM at the Sennett Town Office Building.

Members Present: Richard Gagliardi, Councilman
Michael Wellauer, Councilman
Edward Rizzo, Councilman
Robert Edmunds, Councilman (Attending Remotely)
Thomas Blair, Supervisor

Also Present: Kristopher LaPointe, Highway Superintendent
Kristopher LaPointe, Water & Sewer Superintendent
Cheri Major, Bookkeeper
Harold Gilfus, Code Enforcement Officer
Kathleen Salisbury, Town Clerk
Residents: Lee Fordock, Joe Kahler, Joseph Blumrick, Kelly & Ed
Lauckern, Laura McBride, Debbie Chase, Angie & Bill Short, Bill
Feocco, Jim Vivenzio, Ed Magdziak, Dave Butera, Aileen McNabb-
Coleman
Roger Brandt, Debbie Parent - Rochester Cornerstone Group/Sennett
Meadows
Nina Lutz, Sara Douglas - Arise
Brenda Brown - Interpreter

Remotely: Rich Andino (Atty), Emilio Moran, Val Castiglia, Manette Becker

CALL TO ORDER - The meeting is called to Order at 6:32 p.m. by Supervisor Blair.

PLEDGE OF ALLEGIENCE - The meeting is opened with the pledge to the flag, followed by a prayer by Supervisor Blair.

ROLL CALL - Town Clerk Salisbury opens the meeting with a Roll Call, Councilman Gagliardi, Councilman Wellauer, Councilman Rizzo, and Councilman Edmunds, and Supervisor Blair are present.

APPROVAL OF MEETING MINUTES - Meeting Minutes for September 21, 2023 are reviewed and approved by the Board, motion made by Councilman Rizzo and seconded by Councilman Wellauer; 5 ayes 0 nays 0 absent. Carried.

PUBLIC HEARING - N/A

SCHEDULED SPEAKERS

MRB - The report from MRB was in the Board's packet. Emilio advises the only remaining work to be completed on the WD1&3 project is the water tank demolition and the project is currently under budget.

Roger Brandt from Cornerstone Group/Sennett Meadows

Roger Brandt is present with Arise to go over concerns from Sennett Meadows residents. Mr. Brandt went over steps taken since concerns have arisen. They have had workshops with the Town Board and also met with tenants relative to same. He asks the residents to bring their concerns to the property manager so they can address their concerns and not to the Town Board. The Board Members do not have any questions. Mr. Brandt advises the residents that the contractor and architect will be doing a one-year warranty walk around the site and going over lighting concerns.

Supervisor Blair advises the Town Board does not have jurisdiction over private properties in the Town and does not administer the real property law of NYS. The Board is happy to listen to our residents, but the Board does not have any jurisdiction over where you live unless it is a town run facility.

Q&A for Roger Brandt from Sennett Meadows Residents - 6:45 p.m.

Laura McBride - spoke regarding concerns for safety issues and ADA compliant doorbell that she did not have. Codes Officer Gilfus assisted her with this issue after he was apprised of the matter. She wants to be sure the residents' concerns are being passed on to Mr. Brandt's office.

Lee Fordock - spoke regarding concerns of last minute notice for meetings and more notice should be given to tenants, sprinkler issues, parking needs better light and trimmed shrubbery for better visibility, landscaping ponds and insects, they advise Debbie of issues and want to be sure she is passing along the residents' concerns.

Joe Kahler - spoke concerning lack of hot water, lack of response to complaints and people bothering residents, minimum requirements initially set to live there.

Kelly Lauckern - neighbor of Sennett Meadows - spoke concerning an incident at their home from a person or visitor of Sennett Meadows knocking on their door. She contacted management and Arise at Sennett Meadows, but did not receive a response.

Angie Short - neighbor of Sennett Meadows - spoke concerning police sirens heard on a regular basis and potential safety issues.

Supervisor Blair advises the Board has been working with management at Cornerstone, been in touch with police, fire and tenants and regular tenant meetings will be held and to attend and voice concerns with Debbie. The Board is happy to hear from residents. Facility specific issues need to be addressed to the facility property management.

PUBLIC BE HEARD - Motion is made by Councilman Wellauer to open the Public Be Heard Period, seconded by Councilman Rizzo. All in favor. 5 ayes 0 nays 0 absent. Carried. 7:07 p.m.

Debbie Chase - neighbor of Sennett Meadows - spoke concerning application of Sennett Meadows. Supervisor Blair advises the current Board is active and addressing issues.

William Short - neighbor of Sennett Meadows - spoke concerning previous Board meetings concerning application. The tree line cut down for water lines is open and people are cutting through to their neighborhood. Concerned with safety of turning into Sennett Meadows and Barrington Way. People are walking the neighborhood at all hours of the night.

Laura McBride - tenant of Sennett Meadows - people smoking in community room, bothering residents and knocking on doors.

David Butera - neighbor of Sennett Meadows - spoke concerning unknown residents in their neighborhood at all hours of the night, safety is a large concern.

Attorney Andino advises that Cornerstone has provided information the need to follow in State and Federal restrictions and Mr. Andino continues to review the information.

Joe Blumerick - spoke requesting an update on Water District #8. Water Superintendent advises there is no status and the District is not being pursued. Supervisor Blair advises the residents would need to submit a petition to the Town Board with specific details. Attorney Andino advises that there was not enough interest from the residents to do WD#8. A map plan report was done by MRB. 50% of the assessed value must agree to express interest. It was less than 50% so the project could not move forward.

Lee Fordock - spoke concerning vehicles speeding on Route 20 and incoming residents were not told about Arise being a part of the residency. Supervisor Blair advises a request for speed reduction on Route 20 was sent to NYS and was denied. The Town has purchased 4 traffic control devices. Two mobile devices will be placed on Franklin Street Road, a permanent on Route 20 near the restaurant, and a permanent near the 5 way intersection on County Line Road.

Ed Lauckern - neighbor of Sennett Meadows - spoke concerning the safety of his neighborhood as someone from Sennett Meadows was knocking on his door.

Debbie Chase - neighbor of Sennett Meadows - can a turning lane be put in by Barrington Way and Sennett Meadows? Supervisor Blair advises Route 20 is a State road

not a Town road. The NYS DOT was consulted about the project and had no comments about sidelines or turning lanes.

Supervisor Blair thanks all the residents and neighbors for their input and the Town Board is following up on issues and items.

Councilman Gagliardi asks Cornerstone and Arise for closing thoughts.

Nina Lutz - Arise representative - They provide supportive services to 18 residents with a disability at Sennett Meadows.

Roger Brandt - thanks the residents and neighbors for their comments and suggestions and will look at open area for a fence or reforestation.

Supervisor Blair closes the public be heard session stating personal and public safety is always number one for a municipality and implores management to follow up with the safety concerns and get back to the Board.

With no further public comments, a motion to close is made by Councilman Gagliardi and seconded by Councilman Rizzo. All in favor. 5 ayes 0 nays 0 absent. Carried. 7:46pm

DEPARTMENT REPORTS

- a. **Attorney** - Attorney Andino presents Local Law E-2023, A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett in the Town of Sennett .

Solar Overlay District Local Law - This is a complex law and is still being developed and worked on.

Small Cell wireless updates to Telecomm. Law - no activity.

Sennett Meadows Release of letter of credit - this was taken care of at last month's Board meeting.

Cold War Exemption Local Law - Supervisor Blair advises this local law is for review and will be discussed at a later date.

- b. **Bookkeeper** - Bookkeeper Major provides the Board with a sheet for budget adjustments and ARPA funds. ARPA fund need to be allocated by end of 2024 and completed by end of 2026. The health insurance budget item has been increased to 8%.

Budget workshop is scheduled for October 30th at 6pm.

- c. **Planning Board** - No report is available. The County Line subdivision is on the calendar for November, there are a couple of projects on Grant Avenue and there is the issue of well water and zoning code updates for subdivision laws and referring to County Planning for review.
- d. **Codes/Fire Marshal** - Code Enforcement Officer Gilfus advised his report was in the Board's packet. Issued 11 permits, 80 year to date through end of September. 10 inquiries. 10 Certificate of Occupancy. He has been following up on previously issued permits. Has done 4 fire/safety inspections. 1 violation corrected.
- e. **Zoning Enforcement Officer** - Councilman Wellauer read the report of Zoning Officer VeVone who has been working on self-storage on Grant Ave., County Digester, sign for Clark Spray Foam, 346 Grant Ave site plan, Pizza Hut preliminary plans, Vitale agreements, tennis court on County Line, subdivision and many phone calls on zoning districts and allowable uses.
- f. **Assessor** - No report available.
- g. **Fire Dept.** - Supervisor Blair read the report of the Fire Department that was in the Board's packet. 368 alarms year to date; 36 for the month.
- h. **Highway Dept.** - Highway Superintendent Kristopher L. LaPointe advised his report was in the Board's packet. The trusses for the salt shed will arrive soon. When the new truck comes in, he would like the old 550 deemed as surplus and sell at Auctions International. He thanks the Board for him attending the Superintendent's school. Six applications have been received for the MEO opening. Supervisor Blair advises the position has been posted on the County Civil Service website. Two speed signs have been put up and are working well.

A motion is made by Councilman Wellauer, seconded by Councilman Gagliardi to authorize Highway Superintendent LaPointe to deem the 2019 Ford 550 as surplus and sold on Auction International once the new vehicle is in service:

Roll call vote:

Councilman Gagliardi Yes
Councilman Wellauer Yes
Councilman Rizzo Yes
Councilman Edmunds Yes
Supervisor Blair Yes
Motion carried 5 Ayes 0 Nays 0 Absent

Supervisor Blair thanks everyone in the Highway Department for all their hard work.

- i. **Water Dept.** – Water Superintendent Kristopher L. LaPointe’s report was in the Board’s meeting packet for their review. The new meterheads have been delivered. Mike Ward passed his water class. Working on the Vitale water service on Wegman Street.

Supervisor Blair thanks the Water Department for all their hard work.

- j. **Local Emergency Planning Committee** – No report.
- k. **Town Clerk** – Town Clerk Salisbury advised the September 2023 monthly report was in the Board’s meeting packet for their review. Fees of \$2,003.00 received and \$1,189.81 were disbursed to the Supervisor, \$801.19 for Decals and \$12.00 to NYS Animal Population Control.
- l. **Dog Control Officer** – Councilman Edmunds continues to work with Mr. Collier about finding a replacement. We have received one application for the position.

m. Committees

- *Parks & Rec* – Councilman Rizzo advises the Park has their master plan completed and the committee will meet to discuss equipment and dog park.
- *Veteran Affairs* – Ed Magdziak advised an Air Force veteran has provided a proposed mural for the Town Hall meeting room wall and has been given to the Board for review. Supervisor Blair advises work continues with the architects regarding the Veterans Memorial Park. Revisions include removing pavers, highway doing some work, bringing the cost under budgeted amount. With this reduction, Supervisor Blair proposes that the cost for the mural be taken from the Memorial Park budget. The mural cost is \$4,800.

A motion is made by Councilman Gagliardi, seconded by Councilman Rizzo to authorize and award the Veterans Memorial Park project to Watson Farms and to award the mural bid to Anthony Clubine, at a cost not to exceed Fifty-Five Thousand Dollars (\$55,000.). No further discussion.

Roll call vote:

Councilman Gagliardi Yes
Councilman Wellauer Yes
Councilman Rizzo Yes
Councilman Edmunds Yes
Supervisor Blair Yes
Motion carried 5 Ayes 0 Nays 0 Absent

Thank you to Tim Major, a Navy Veteran and member of the Committee, who has volunteered his time for the landscaping and plantings at the memorial park.

- *Sennett Seniors* - Kathy Gray provided a report that the membership is now 135 members. 92 members were at the October lunch.

OLD BUSINESS

- E-Code 360 codification project status (just beginning) - continue to work on.
- Veteran Affairs/Historian Office project update (a desk is available and will be moved in late November). Adam Jenks is the Veterans Service Officer.
- Water & Sewer Rate studies (Tabled)
- Animal Control - Looking for replacement - discussed earlier
- Salt Barn insurance settlement (construction contract is signed) - discussed earlier
- Town Hall capital needs (ongoing - Ed Rizzo) - Councilman Rizzo will update as needed.
- Town branding & marketing project - will review
- Town Employee Handbook review (Rick Gagliardi) - Councilman Gagliardi advises the revisions have been sent to the Board for review. Will discuss at 10/30 meeting.
- Vehicle and Traffic Safety Signs status - discussed earlier
- Out of district Water and Sewer User Agreement - Vitale - discussed earlier
- Local Law re: First Responders (status of filing) - State has not confirmed filing.
- MVA lawsuit County Line & NYS Route 20 - the attorneys continue to work through process and there are no immediate concerns.

NEW BUSINESS

- Possible updates to subdivision law re: public water/wells - discussed earlier
- Civil Service updates - Mike Wellauer - in progress, positions need to be added
- Town records digitization - scanner has been purchased and is ready for the Town to digitize their records. The Board has authorized a clerk position to do the digitization work, the position is on the County Civil Service website.

SUPERVISOR CORRESPONDENCE/REPORT - Health Insurance - we have been notified by Tompkins County Consortium that premiums have increased 8% and Cheri will update the budget accordingly. We have petitioned the County to lower speed limit on Franklin Street Road.

EXECUTIVE SESSION - for personnel matter

Motion by Councilman Gagliardi, seconded by Councilman Rizzo to enter into Executive Session at 8:39 p.m.

Motion by Councilman Rizzo, seconded by Councilman Wellauer to return from Executive Session at 9:08 p.m. No action was taken by the Board.

Councilman Edmunds did not return from Executive Session.

PAYMENT OF MONTHLY BILLS - Vouchers - Motion by Councilman Rizzo, seconded by Councilman Wellauer to pay the vouchers with three or more signatures. With no further discussion, a roll call vote is taken:

Roll call vote:

- | | |
|----------------------|--------|
| Councilman Gagliardi | Yes |
| Councilman Wellauer | Yes |
| Councilman Rizzo | Yes |
| Councilman Edmunds | Absent |
| Supervisor Blair | Yes |

Motion carried. 4 ayes 0 nays 1 absent

MOTION TO ADJOURN MEETING - Motion to adjourn was made by Councilman Gagliardi, seconded by Councilman Rizzo. All in favor. 9:09 p.m.

Respectfully submitted,

Kathleen Salisbury, Town Clerk
Town of Sennett

TOWN OF SENNETT
TOWN BOARD RESOLUTION

October 20, 2023

TOWN OF SENNETT LOCAL LAW NO. E-2023

("A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett")

Councilor Rizzo introduced proposed Local Law No. E-2023, titled "A Local Law Imposing a Six (6) Month Moratorium on Commercial Free-Standing Solar Photovoltaic (PV) Systems within the Town of Sennett," and made the following motion, which was seconded by Councilor Gagliardi:

WHEREAS, proposed Local Law No. E-2023 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law; and

WHEREAS, the Town of Sennett has recently seen an increase in applications for commercial sized solar farm uses within the Town; and

WHEREAS, such proliferation has caused the Town to determine to assess the state of its laws and regulations concerning such uses; and

WHEREAS, this moratorium will enable the Town of Sennett to undertake a review to comprehensively address the issues involved with commercial free-standing solar photovoltaic (PV) systems within the Town of Sennett; and

WHEREAS, the Town recognizes the potential benefits and desirability of renewable forms of energy, including commercial free-standing solar photovoltaic (PV) systems, but has determined that time and research are necessary to determine how to properly regulate such systems; and

WHEREAS, the Town Board has deemed this moratorium urgent and immediately necessary in order to preserve the status quo while this issue is examined by the Town; and

WHEREAS, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of a local law in the Town of Sennett, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law; and

WHEREAS, the adoption of said Local Law is a Type II action for purposes of environmental review under SEQRA thus concluding the environmental review process.

NOW, THEREFORE, it is

RESOLVED, that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. E-2023 at the Town Hall located at 6931 Cherry Street Road, Auburn, New York 13021 on November 16, 2023 at 6:30 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and it is further

RESOLVED AND DETERMINED that pending action of this Local Law, the Town of Sennett will neither accept nor process any application pertaining to commercial free-standing solar photovoltaic (PV) systems.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

Thomas Blair	Supervisor	Voted	Yes
Rick Gagliardi	Councilor	Voted	Yes
Robert Edmunds	Councilor	Voted	Yes
Michael Wellauer	Councilor	Voted	Yes
Edward Rizzo	Councilor	Voted	Yes

The foregoing resolution was thereupon declared duly adopted.

DATED: October 20, 2023

**TOWN OF SENNETT
LOCAL LAW NO. E-2023**

**A LOCAL LAW IMPOSING A SIX (6) MONTH MORATORIUM
ON COMMERCIAL FREE-STANDING SOLAR PHOTOVOLTAIC (PV)
SYSTEMS WITHIN THE TOWN OF SENNETT**

Be it enacted by the Town of Sennett Town Board, as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2. INTENT.

It is the intent of the Town Board of the Town of Sennett to impose a six (6) month moratorium on commercial free-standing solar photovoltaic (PV) systems within the Town of Sennett.

SECTION 3. LEGISLATIVE PURPOSE.

In recent months, the Town has become aware of increasing interest by developers of larger scale solar energy system applications in the Town and surrounding areas, such that solar energy uses are becoming increasingly prevalent in the Town of Sennett at a commercial scale. Based upon this, the Town Board is of the opinion that a period of time is necessary to determine whether regulation of commercial freestanding solar power energy systems is necessary in order to preserve and protect the health, safety and welfare of its residents. Commercial free-standing solar power energy are generally larger, more obtrusive and can pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations may pose a risk. This moratorium will enable town officials to review and comprehensively address the various issues involved with these commercial level systems.

The Town recognizes the potential benefits and desirability of solar power and renewable energy sources but determines that time and study is necessary in order to determine if and how to properly regulate such installations. The Town Board deems this moratorium emergent and immediately necessary for the Town.

SECTION 4. DEFINITIONS.

COMMERCIAL FREE STANDING SOLAR PHOTOVOLTAIC (PV) SYSTEMS

A free standing solar photovoltaic (PV) system and area of land principally used to convert solar energy to electricity with the primary purpose of supplying

electricity to a utility grid for wholesale or retail sales of electricity to the general public or utility provider.

PERSON

The term person shall include any individual, partnership, association, corporation, landowner, lessee or licensee.

SECTION 5. MORATORIUM.

- A. The Town Board hereby enacts a moratorium which shall prohibit the placement, construction or erection of a commercial free standing solar photovoltaic (PV) system within the Town of Sennett and/or the processing or further processing of such applications.
- B. This moratorium shall be in effect for a period of six (6) months from the effective date of this Local Law and shall expire on the earlier of: (i) the date six (6) months from said effective date of this local law, unless renewed; or (ii) the enactment by the Town Board of a resolution indicating the Town Board is satisfied that the need for the moratorium no longer exists.
- C. This moratorium shall apply to all zoning/land use districts and all real property within the Town.
- D. Commercial free-standing solar photovoltaic (PV) systems which have previously been approved or are located on Town-owned property are hereby expressly excluded from this moratorium. Those applications for such uses which have not received appropriate approvals from the Town's Zoning or Planning Boards are included in the moratorium.

SECTION 6. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

- A. The Town Board reserves to itself the power to vary or adapt the strict application of the requirements of this Local Law in the case of unusual hardship which would deprive the owner of all reasonable use of the lands involved.
- B. Application for relief shall be filed in triplicate with the Town Code Enforcement Officer together with a filing fee of \$250.00. The application shall specifically identify the property involved, recite the circumstances pursuant to which the relief is sought and the reasons for which the relief is claimed. Any costs, including expert consulting fees or attorney's fees, incurred by the Town, shall be reimbursed to the Town by the Applicant. The Town Board shall apply Use Variance criteria as set forth in the New York State Town Law, Section 267-b (2) in reviewing any application for relief.
- C. The Town Board may refer any applications for relief herein to the Town Planning Board for its advice and recommendations, but all decisions on granting or denying such relief shall be made solely by the Town Board after determining whether or not the requested relief is compatible with any contemplated amendments to the Town of Sennett Zoning Law. Unless completely satisfied that the proposed relief is compatible, the Town Board shall deny the application.
- D. The Town Board shall conduct a public hearing on any request for relief within forty-five (45) days of receipt by the Town Code Enforcement Officer and shall issue its final decision on requests for relief within thirty (30) days from the date of the public hearing.

SECTION 7. PENALTIES.

Any person, who shall construct, reconstruct, relocate, enlarge or modify any site to be used for a commercial free-standing solar photovoltaic system in violation of the provisions of this Local Law, shall be subject to:

- A. A fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisonment for a term not to exceed fifteen (15) days, or both. Each day a violation continues shall be considered a new violation.
- B. A civil action inclusive of injunctive relief in favor of the Town to cease any and all such actions which conflict with this local law and, if necessary, to remove any constructions, improvements, or related items or byproducts which may have taken place in violation of this Local Law.

SECTION 8. ENFORCEMENT.

This local law shall be enforced by the Code Enforcement Office of the Town of Sennett or such other zoning enforcement individual(s) as designated by the Town Board. It shall be the duty of the enforcement individual(s) to advise the Town Board of all matters pertaining to the enforcement of this Local Law.

SECTION 9. VALIDITY & SEVERABILITY.

If any section or part of this Local Law is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or affect any other section of this Local Law.

SECTION 10. EFFECTIVE DATE.

This Local Law shall take effect immediately upon passage and thereafter shall be filed with the New York State Department of State and shall remain in force and effect for a period of six (6) months from the date of passage.