

Town of Tully

February 8, 2023

7:00PM

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 1 OF 2023,
A LOCAL LAW IMPOSING A NINE-MONTH MORATORIUM
ON ALL ACTIVITIES RELATED TO COMMERCIAL
SOLAR ENERGY SYSTEMS (TIER 3)
WITHIN THE TOWN OF TULLY, NEW YORK**

Supervisor Masters declared the public hearing open at 7:00pm.

Notice of said Public Hearing was published in the Post-Standard on January 25, 2023 and posted on the sign boards in the town hall, posted at the Tully Post Office and on the Town's website.

Mr. Masters called for comments from the floor.

Resident David Brown had questions including the amount of acreage the Town plans to designate for these solar projects. Supervisor Masters and Town Attorney Robert DeMore explained how it would work. Mr. DeMore also advised that he had taken notice of local laws passed in other towns requiring solar overlay districts which would provide further protection for the residents of the town in siting of Tier 3 solar projects. Discussion followed including additional questions and comments by David Brown, Mary Ellen Inman and Matthew Vidler.

Resolution 8-23

Motion to close the public hearing on Proposed Local Law No. 1 of 2023 was made by Councilor Snavlin, seconded by Councilor Speziale. Motion carried 5 ayes (Masters, Chapman, Snavlin, Goodwin, Speziale) 0 nays.

**REGULAR TOWN BOARD MEETING
TOWN OF TULLY
TOWN HALL
5833 MEETING HOUSE RD TULLY NY**

Members Present: Supervisor John Masters
Councilor Catherine Goodwin
Councilor John Snavlin
Councilor Christopher Chapman
Councilor Frank Speziale

Town Clerk Susan Vaccaro, RMC

Others present: Town Attorney Robert S. DeMore, Financial Officer Thomas Chartrand, Highway Superintendent John Herold, Parks & Recreation Director Sarah Panzarella, Fire Captain Chad Wakula, Fire Commissioner Dan Cooter, Code Enforcement Officer Ralph Lamson, *The Tully News* editor Ben Bibik, representatives from Clear Path Energy Sean Reardon and Greg Hering, Chris Lawton from Barton & Loguidice and residents David Brown, Mary Ellen Inman and Matthew Vidler

7:30PM Town Supervisor John Masters called meeting to order and led in Pledge of Allegiance.

MOTION TO APPROVE THE MINUTES OF THE 1/11/2023 MEETING. Motion by Councilor Snavlin. Second by Councilor Goodwin. Motion carried 5 ayes (Masters, Snavlin, Speziale, Chapman, Goodwin) 0 nays.

MOTION TO APPROVE THE VOUCHERS. Motion by Councilor Speziale. Second by Councilor Chapman. Motion carried 5 ayes (Masters, Chapman, Snavlin, Speziale, Goodwin) 0 nays.

Financial Report

Tom Chartrand advised the board that he had both the December and the January reports to review. He first asked the board for a motion to accept the bank reconciliations for December and January if everyone had reviewed them.

RESOLUTION 9-23

MOTION TO APPROVE THE DECEMBER & JANUARY BANK RECONCILIATIONS.

Motion by Supervisor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 nays.

(Continuing) Next, Tom referred the board to his December report, our general fund, for which he reported that we had a very high mortgage tax that came in as well as a PILOT payment, so we're up about \$75,000 in the carry forward. Brief discussion ensued. Tom reported that we ended the year in very good shape.

RESOLUTION 10-23

MOTION TO ACCEPT THE DECEMBER 2022 REPORT. Motion by Supervisor Masters. Second by Councilor Goodwin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Tom reviewed the receipts and disbursements for January after which came the following motion:

RESOLUTION 11-23

MOTION TO ACCEPT THE JANUARY 2023 REPORT. Motion by Councilor Snavlin. Second by Councilor Speziale. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Tom also referred to a transfer sheet for January which is included as follows:

TOWN OF TULLY

Date: February 8, 2023

To: Town Board

From: Tom Chartrand

Re: Budget Transfers

GENERAL	Town wide		
From:			
A599	Surplus	Closing Balance 2022	\$75,000.00
A1990.4	Contingent	Contractual	3,000.00
		Total	<u>\$78,000.00</u>
			=====
To:			
A1910.4	Unallocated Insurance	Contractual	\$3,000.00
A9950.9	Transfer to Reserve	Interfund Transfer	75,000.00
		Total	<u>\$78,000.00</u>
			=====
AMBULANCE			
From:			
SM599	Surplus	New York State Grant	\$10,500.00
To:			
SM4542.1	Ambulance (State Bonus)	Personal Services	\$10,500.00
HIGHWAY	Outside Village		
From:			
DR599	Surplus	Closing Balance 2022	\$65,000.00
To:			
DR5110.4	General Repairs	Contractual	\$65,000.00

RESOLUTION 12-23

MOTION TO APPROVE THE FEBRUARY TRANSFERS. Motion by Supervisor Masters. Second by Councilor Chapman. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Presentation by Sean Reardon and Greg Hering from Clear Path Energy

Sean Reardon from the engineering firm working with Clear Path Energy described the procedures for future construction and discussed locations for the two solar farms they are proposing. Both Mr. Reardon and Greg Hering, owner of Clear Path, fielded questions from board members and residents regarding the current projects as well as those already in place.

Highway

John Herold reported on the following:

- Pretty busy month; plows were out 23 times sanding and plowing in January and 5 times so far in February
- One repair on the building, an overhead door (cont'd on next page)

- John had the 284 Agreement in hand which he asked the board to sign and which they did
- Still working with FEMA on a couple of projects
- Last month, we formed the building committee and plan to get together to determine what actions to take regarding the highway building. The committee consists of Frank Speziale, Chris Chapman, TJ Shaw and John himself.

RESOLUTION 13-23

MOTION TO ACCEPT THE 284 AGREEMENT WHICH ALLOWS THE HIGHWAY SUPERINTENDENT TO SPEND CHIPS MONEY AND THE MONEY IN THE BUDGET. Motion by Councilor Speziale. Second by Councilor Goodwin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Ambulance

Fire Captain Chad Wakula reported on the following ambulance activities:

1. Number of EMS calls for January was 50.
2. Contracts for Fabius and Pompey Hill have been sent.
3. A2 got four new tires.
4. A1, A2 and MC1 have all been serviced.
5. I am canvassing the last three score groups on the Civil Service list. New Firefighter/EMT test is later this month. New list should be established by April.

Mr. Chartrand also commented that it was a banner month for ambulance recoveries at over \$30,000.

Parks & Recreation

Supervisor Masters started off by discussing the swim program for this summer. Tully will be providing swim lessons for Fabius, Lafayette and Pompey with certain limits. We would need to hire a swim director or increase Sarah's salary for overseeing that and also add some additional lifeguards. We would have to charge \$100 per student per town to cover the cost of the extra students involved in the swim program which could be approximately 100 extra students. Mr. Masters felt the need to support these neighboring communities as did the other board members. After some discussion and questions by board members came the following motion:

RESOLUTION 13a-23

MOTION AUTHORIZING THE TOWN SUPERVISOR TO PURSUE THIS SWIM PROGRAM WITH THE AFOREMENTIONED COMMUNITIES. Motion by Supervisor Masters. Second by Councilor Speziale. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Parks & Rec Director Sarah Panzarella reported on the regular activities of the program this time of the year including basketball which is ongoing now in Cortland; the Apple Valley baseball league will be starting soon; the Moo Run is scheduled for June 17th. Sarah reported that Jim Paccia is retiring this year so the Moo Run will be in his honor.

Fire

Fire Commissioner Dan Cooter reported briefly on fire station activities including submitting a grant to FEMA. Brief discussion.

Updates

Water District Activities: Mr. Masters reported that the board would have to do a SEQR for the actual construction on the Rt.11A water district. He also talked about approval of a Quail Ridge survey project to see how many residents might be interested in hooking up to this water project, if any. One of the possibilities we've talked about is bringing in water from the village. We've also been working with Honeywell who is working with the Onondaga Nation to provide the maintenance and construction easements for running the lines. Mr. Masters also wanted to make clear the need for easements on private property. Brief discussion.

RESOLUTION 14-23

MOTION TO MAKE THE TOWN BOARD LEAD AGENCY ON THE CONSTRUCTION ACTIVITY. Motion by Councilor Snavlin. Second by Councilor Goodwin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.
(The full text of the resolution can be found at the end of these minutes.)

Supervisor Masters proceeded to read the Short Environmental Assessment Form (which is included at the end of these minutes) and checked the answers as appropriate. The document was signed and dated and the following motion was passed:

RESOLUTION 15-23

MOTION TO ACCEPT THAT THE PROPOSED ACTION WILL NOT RESULT IN ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS. Motion by Supervisor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Next, Supervisor Masters made a resolution as follows:

RESOLUTION 16-23

MOTION TO ALLOW THE BOARD TO PURSUE THE QUAIL RIDGE SURVEY. Motion by Councilor Snavlin. Second by Councilor Speziale. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

NYSERDA GRANT: Councilor Goodwin advised that the town had received the \$5,000 check. She asked for the board’s approval for Supervisor Masters to sign the Terms and Conditions document. Brief discussion ensued with questions by board members after which came the following motion:

RESOLUTION 17-23

MOTION TO APPROVE SUPERVISOR MASTERS SIGNING THE NATIONAL GRID TERMS AND CONDITIONS AND AGREEING TO PAY THE CONTRACTOR \$1935.00. Motion by Councilor Goodwin. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 naves.

Input from the Floor

There was no input from the floor. However, Councilor Speziale advised the board that he and Ben Bibik had attended a seminar at the Cicero Fire Station several weeks ago, and one of the topics was about the Marcellus fireman who had collapsed a year ago and still has unpaid bills. Discussion followed regarding our Town insurance policy. Supervisor Masters advised that he would check with our insurance agent and follow up at the next meeting.

Code Enforcement Officer Ralph Lamson was asked recently if the town has in place an emergency preparedness plan. Discussion followed with input from the town attorney, the town clerk and several others. Follow-up will be at our March meeting.

Legal

Town Attorney Robert DeMore handed our Town Supervisor a copy of the resolution regarding Local Law No. 1 of 2023 which he read as follows:

RESOLUTION 18-23

“I move for the adoption of Local Law No. 1, 2023, imposing a nine-month moratorium on all activities related to commercial solar energy systems, (tier 3), within the Town of Tully. . . the local law was referred to County Planning who took no position on it . . . all neighboring Towns, the Village of Tully and the Cortland County Legislature were notified of the public hearing . . . Also, a committee has been established to update the Town Comprehensive Plan and to review commercial solar projects within the town.”

Any discussion? There was no discussion. Therefore, Supervisor Masters moved for adoption of Local Law No. 1 of 2023 and called for a vote:

Supervisor Masters	aye
Councilor Goodwin	aye
Councilor Speziale	aye
Councilor Chapman	aye
Councilor Snavlin	aye

RESOLUTION 19-23

MOTION TO SCHEDULE A PUBLIC HEARING ON MARCH 8TH AT 7PM ON LOCAL LAW NO. 2 OF 2023 AMENDING THE TOWN OF TULLY CODE, THAT HEARING TAKING PLACE JUST PRIOR TO OUR REGULAR TOWN BOARD MEETING AT 7:30PM. THIS LOCAL LAW WOULD BE AMENDING THE TOWN OF TULLY CODE BY CREATING TIER 3 SOLAR ENERGY SYSTEMS OVERLAY ZONING DISTRICTS. Motion by Supervisor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Chapman, Speziale, Goodwin, Snavlin) 0 naves.

Next, there was a brief discussion involving the cleaning service we contract with and also the possibility of a trash collection at the town hall and at Green Lake Beach. Supervisor Masters said he would call Dependable and see what, if any, agreement could be worked out with them.

MOTION TO MOVE INTO EXECUTIVE SESSION AT 9:15PM ON A PENDING LEGAL MATTER. Motion by Supervisor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Chapman, Speziale, Goodwin, Snavlin) 0 nays.

MOTION TO MOVE OUT OF EXECUTIVE SESSION AT 9:20PM WITH NO ACTION TAKEN. Motion by Supervisor Masters. Second by Councilor Speziale. Motion carried 5 ayes (Masters, Chapman, Speziale, Goodwin, Snavlin) 0 nays.

Next, there was discussion involving the Rt. 81 lawsuit. All board members agreed to wait until the judge's decision to discuss it again.

RESOLUTION 20-23

MOTION TO STAY INVOLVED IN THE RT. 81 LAWSUIT UNTIL SUCH TIME AS THE JUDGE HANDS DOWN A DECISION AFTER WHICH THE BOARD WOULD REVISIT THE ISSUE. Motion by Supervisor Masters. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Chapman, Speziale, Goodwin, Snavlin) 0 nays.

Finally, Supervisor Masters advised that there is a proposed tax exemption for seniors, but it's basically shifting the tax burden to the non-senior taxpayers in the town. Discussion followed after which it was decided to hold off till next year to decide on whether to adopt the proposed tax exemption.

MOTION TO ADJOURN THE MEETING AT 9:25PM. Motion by Councilor Speziale. Second by Councilor Snavlin. Motion carried 5 ayes (Masters, Snavlin, Chapman, Speziale, Goodwin) 0 nays.

Respectfully submitted,

Susan Vaccaro, Town Clerk