

**Urbana Town Board Meeting
Regular Board Meeting
April 16, 2019**

The Urbana Town Board held its regular meeting on Tuesday April 16, 2019, 2018 at 6:30 pm at the Town Hall, 8014 Pleasant Valley Road, Bath, New York

PRESENT:	Alzina Turner	Councilwoman
	David Shaw	Deputy Supervisor
	Edward Stull	Councilman
	Jim Presley	Councilman
	John Webster	Supervisor
	Deanna Tompkins	Town Clerk

Others Present: David Oliver, Ray Zaun

Supervisor Webster called the meeting to order at 6:31 pm

Pledge of Allegiance

Public Hearing

Supervisor Webster opened the Public Hearing on Solar Energy Local Law 2 of 2019 at 6:32 pm

Comments: Ray Zaun spoke about how he wants to use solar panels on his property.

On a motion made by Councilwoman Turner, seconded by Councilman Presley and carried, all voting Aye to close the Public Hearing at 6:35 pm

Dump Trailer and Lawn Mowing Bids

There were no bids for the dump trailer.

There were two bids for lawn mowing.

Richard Campbell: Total cost for spring cleanup on all 6 cemeteries: \$800

Cost for one Mowing and trimming (weed whipping) of each cemetery:

Chestnut Grove:	\$125
Free Baptist:	\$ 50
Depew-Wixom:	\$ 85
Mount Washington:	\$100
North Urbana Baptist:	\$ 40
North Urbana:	\$100

Deforest Lawn- Wendy Veley

Total cost for spring cleanup on all 6 cemeteries: \$315

Cost for one Mowing and trimming (weed whipping) of each cemetery:

Chestnut Grove:	\$ 70
Free Baptist:	\$ 50
Depew-Wixom:	\$135
Mount Washington:	\$ 90
North Urbana Baptist:	\$ 25
North Urbana:	\$ 90

On a motion made by Councilman Presley, seconded by Deputy Supervisor Shaw and carried, all voting Aye to hire Deforest Lawn-Wendy and Doug Veley to mow the Towns Cemeteries.

Minutes

On a motion made by Councilwoman Turner, seconded by Councilman Presley and carried, all voting Aye to approve the March 19, 2019 minutes.

Abstract

On a motion made by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to approve Abstract 4 of 2019.

On a motion made by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to approve the following Accounting Transfer:

A Fund

From: A599	Fund Balance	\$1600.00
To: A1010.400	Town Board Contractual	\$1600.00

On a motion made by Councilwoman Turner, seconded by Deputy Supervisor Shaw and carried, all voting Aye to accept the Department Reports.

Public Input on Non Agenda Items

None

Old Business

Pier Project Update

Meetings were held last week with the stakeholders. The contract is in place.

Bridge Project Update

There is not a signed contract yet, it was sent to the Department of State. There were 10-12 items that needed more detail. On May 23 there will be a public meeting at 6:00 pm. There will be 3 proposals for a pier look and 3 for a bridge look for the public to look at. A teleconference will be held on April 24 at 1:00 pm.

Water District Project Update

Waiting to find out from the Department of Health if they have a water study that can talk about the quality of water and will demonstrate that the quality of water is poor in Water District 2.

Smoking Policy

On a motion mad by Councilman Presley, seconded by Deputy Supervisor Shaw and carried, all voting Aye to approve the following Tobacco and Vapor Product Policy:

SMOKING: TOBACCO AND “VAPOR” (E-CIGARETTE) PRODUCT POLICY

1. Whether by use of a tobacco or a “Vapor” product, smoking is prohibited in all buildings owned by the Town of Urbana including but not limited to the:
 - (A) Municipal Hall located at 8014 Peasant Valley Road, Bath, NY.
 - (B) Town Highway Garage located on the Back Valley Road, South of New York State Route 54.
 - (C) Salt Storage Facility located on the Back Valley Road adjacent to the Town Highway Garage site.
 - (D) Depot Building located on Water Street in the Village of Hammondsport.
 - (E) Two-story Frame Building located at 45-47 Shethar Street in the Village of Hammondsport.
 - (F) All other buildings and/or structures owned by the Town of Urbana unless specifically permitted by the Town Board as an exception.
2. Smoking whether by use of a tobacco or a “vapor” product is prohibited in all Town parks and all other lands owned by the Town unless specifically permitted by the Town Board as an exception.
3. Smoking is prohibited while operating highway equipment normally considered as “heavy equipment” (e.g. bulldozer, grader, backhoe, wood chipper, highway roller, etc.).

4. Smoking is prohibited in all Town owned and leased vehicles.
5. This use of smokeless tobacco, dip, snuff and chew products is prohibited in all Town buildings, in Town owned and leased vehicles and on all lands owned by the Town unless specifically permitted by the Town Board as an exception.
6. Complaints regarding violations of this Smoking Policy should be registered with the Town Enforcement Officer herein designated as the Town Highway Superintendent or the Town Supervisor.
7. Individuals found to be in violation of this Smoking Policy may be subject to penalty prescribed by the NYS Commissioner of Health.
8. The Town Supervisor or Highway Superintendent shall be designed as agent to assist in the enforcement of this policy by notifying individuals who are in violation.
9. A copy of this Smoking Policy shall be posted in each building owned by the Town of Urbana and in any building in which Town of Urbana employees work.

Restroom Privacy Panels

Waiting on prices for the panels.

Solar Energy Local Law No. 2 of 2019

Supervisor Webster answered no to all the questions on the SEQRA.

On a motion made by Councilman Presley, seconded by Councilwoman Turner and carried, all voting Aye to direct Supervisor Webster to check the box that says if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant environmental impacts and to sign the SEQRA, with the following roll call vote:

Town Supervisor Webster	Aye
Deputy Supervisor Shaw	Aye
Councilman Presley	Aye
Councilman Stull	Aye
Councilwoman Turner	Aye

On a motion made by Deputy Supervisor Shaw, seconded by Councilwoman Turner and carried, all voting Aye to adopt Solar Energy Local Law No. 2 of 2019 with the following roll call vote:

Town Supervisor Webster	Aye
Deputy Supervisor Shaw	Aye
Councilman Presley	Aye
Councilman Stull	Aye
Councilwoman Turner	Aye

Solar Energy Local Law No. 2 of 2019

as enacted by the Town Board of
the Town of Urbana, New York

1. Authority

This Solar Energy Local Law is adopted pursuant to sections 261-263 of the Town Law and section 20 of the Municipal Home Rule Law of the State of New York, which authorize the Town of Urbana to adopt zoning provisions that advance and protect the health, safety and welfare of the community, and, in accordance with the Town Law of New York State, “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”

2. Statement of Purpose

A. This Solar Energy Local Law is adopted to advance and protect the public health, safety, and welfare of the Town of Urbana by creating regulations for the installation and use of solar energy generating systems and equipment in accordance with the solar addendum to the Town's Comprehensive Plan:

When the Comprehensive Plan for the Town of Urbana was adopted in 2004, solar energy was not considered. On November 17, 2017, the Town adopted an addendum to the Town's Comprehensive Plan to address issues raised by solar energy systems.

The Town believes that solar energy installations in the Town for residential, agricultural, and business purposes are all viable and desirable. Industrial solar systems developed to export power in order to generate profit are less desirable.

Any solar energy system within the Town shall be designed and installed to meet all current applicable codes. The Town needs to ensure that the development of solar energy is done in a careful and responsible manner that does not disproportionately affect residents and takes into consideration Keuka Lake and the landscape of the Town of Urbana.

3. Definitions

BUILDING-INTEGRATED SOLAR ENERGY SYSTEM: A Solar Energy System that is integrated into any building envelope system such as vertical facades, semitransparent skylight systems, roofing materials, or shading over windows, which produces energy for onsite consumption.

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 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 ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates energy for onsite or offsite consumption.

NATIVE PERENNIAL VEGETATION: native wildflowers, forbs, and grasses that serve as habitat, forage, and migratory way stations for pollinators and shall not include any prohibited or regulated invasive species as determined by the New York State Department of Environmental Conservation.

POLLINATOR: bees, birds, bats, and other insects or wildlife that pollinate flowering plants, and includes both wild and managed insects.

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, 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.

ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces energy for onsite or offsite consumption.

SOLAR ACCESS: Space open to the sun and clear of overhangs or shade so as to permit the use of active and/or passive Solar Energy Systems on individual properties.

SOLAR ENERGY EQUIPMENT: Solar photovoltaic and solar thermal equipment associated with the production of electric or thermal energy.

SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land

inside the perimeter of the Solar Energy System, which extends to any interconnection equipment. A Solar Energy System is classified as a Tier 1, Tier 2, or Tier 3 Solar Energy System as follows.

A. Tier 1 Solar Energy Systems include the following:

- a. Roof-Mounted Solar Energy Systems
- b. Building-Integrated Solar Energy Systems

B. Tier 2 Solar Energy Systems include Ground-Mounted Solar Energy Systems with system capacity up to 25 kW AC or the equivalent energy units (ie. 85,000 BTUs) and that generate no more than 110% of the energy consumed on the site over the previous 12 months.

C. Tier 3 Solar Energy Systems are systems that produce electricity and are not included in the list for Tier 1 and Tier 2 Solar Energy Systems.

SOLAR PANEL: A photovoltaic or thermal device capable of collecting and converting solar energy into electricity and/or heat.

STORAGE BATTERY: A device that stores energy and makes it available in an electrical form.

THERMAL STORAGE: A device that stores energy and makes it available in the form of heat.

4. Applicability

A. The requirements of this Local Law shall apply to all Solar Energy Systems permitted, installed, or modified in the Town of Urbana after the effective date of this Local Law, excluding general maintenance and repair.

B. Solar Energy Systems constructed or installed prior to the effective date of this Local Law shall not be required to meet the requirements of this Local Law.

C. Modifications to an existing Solar Energy System that increase the Solar Energy System area by more than 5% of the original area of the Solar Energy System (exclusive of moving any fencing) shall be subject to this Local Law.

D. All Solar Energy Systems shall be designed, erected, and installed in accordance with all applicable codes, regulations, and industry standards as referenced in the NYS Uniform Fire Prevention and Building Code ("Building Code"), the NYS Energy Conservation Code ("Energy Code"), and the Town of Urbana Code.

5. General Requirements

A. A building permit shall be required for installation of all Solar Energy Systems except for:

1. Non-grid connected solar panels under four (4) sq. ft.,
2. Systems consisting of one or more panels under four (4) sq. ft., not exceeding more than sixteen (16) sq. ft. of lot or roof coverage,
3. Any device with a solar panel under thirty-six (36) sq. inches.

B. Town of Urbana Planning Board is encouraged to condition their approval of proposed developments on sites adjacent to Solar Energy Systems so as to protect their access to sufficient sunlight to remain economically feasible over time.

C. Issuance of permits and approvals by the Planning Board shall include review pursuant to the State Environmental Quality Review Act ECL Article 8 and its implementing regulations at 6 NYCRR Part 617 ("SEQRA").

6. Permitting Requirements for Tier 1 Solar Energy Systems

All Tier 1 Solar Energy Systems shall be permitted in all zoning districts and shall be exempt from site plan review under the local zoning code or other land use regulation, subject to the following conditions for each type of Solar Energy Systems:

A. Roof-Mounted Solar Energy Systems

- 1) Roof-Mounted Solar Energy Systems shall incorporate, when feasible, the following design requirements:
 - a. Solar Panels on pitched roofs shall be mounted with a maximum distance of 8 inches between the roof surface and the highest edge of the system.
 - b. Solar Panels on pitched roofs shall be installed parallel to the roof surface on which they are mounted or attached.
 - c. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - d. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than 24 inches above the flat surface of the roof, whichever is higher.
 - e. There will be no exposed conduit between Solar Panels on pitched roofs.
- 2) Glare: All Solar Panels shall have anti-reflective coating(s) and be manufactured within the last five (5) years.
- 3) Height: All Roof-Mounted Solar Energy Systems shall be subject to the maximum height regulations specified for principal and accessory buildings within the underlying zoning district.
- 4) Solar Energy System equipment, such as invertors or utility meters, are not permissible in the front yard and must be located in the side or rear yard.

B. Building-Integrated Solar Energy Systems shall be shown on the plans submitted for the building permit application for the building containing the system.

7. Permitting Requirements for Tier 2 Solar Energy Systems

Any Tier 2 Solar Energy Systems located in the Keuka Lake View Corridor requires planning board approval.

Tier 2 Solar Energy System are not permitted in Business or Flood Districts. Tier 2 Solar Energy Systems are permitted in Residential Zones with a special use permit and subject to a site plan application.

Tier 2 Solar Energy Systems shall be permitted in Agricultural and Industrial Zoning Districts as accessory structures and shall be exempt from site plan review under the local zoning code or other land use regulations, subject to the following conditions:

A. Glare: Tier 2 Solar Energy System Solar Panels shall have anti-reflective coating(s) and be manufactured within the last five (5) years.

B. Setbacks: Tier 2 Solar Energy Systems shall be setback 20 feet from lot lines and principal buildings. All Ground-Mounted Solar Energy Systems shall only be installed in the rear yards.

C. Height: Tier 2 Solar Energy Systems shall be subject to a 15-foot height limitation.

D. Screening and Visibility.

- 1) Tier 2 Solar Energy Systems shall have views minimized from adjacent properties to the extent reasonably practicable.
- 2) Tier 2 Solar Energy Equipment shall be located in a manner to reasonably avoid and/or minimize blockage of views from adjacent properties and shading of property to the north, while still providing adequate solar access.
- 3) No Tier 2 Solar Energy System Equipment is permissible in the front yard in any districts.

E. Lot Size: Tier 2 Solar Energy Systems shall comply with the existing lot size requirement specified for accessory structures within the underlying zoning district or 500 sq. ft., whichever is more restrictive.

8. Permitting requirements for Tier 3 Solar Energy Systems

Tier 3 Solar Energy Systems up to 100 kW are permitted through the issuance of a special use permit only within Agricultural Zoning Districts on County Route 113, Reservoir Hill Rd., and North of Van Ness Rd. and subject to site plan application requirements set forth in this Section. Subdivision for the purpose of creating multiple Tier 3 Solar Energy Systems is prohibited.

A. Applications for the installation of Tier 3 Solar Energy System shall be:

- 1) Reviewed by the Code Enforcement/Zoning Enforcement for completeness. Applicants shall be advised within 30 business days of the completeness of their application or any deficiencies that must be addressed prior to substantive review.
- 2) Subject to a public hearing to hear all comments for and against the application. The Planning Board of the Town of Urbana shall have a notice printed in a newspaper of general circulation in the Town at least 10 days in advance of such hearing. Applicants shall have delivered the notice by first class mail to adjoining landowners and landowners within 200 feet of the property at least 10 days prior to such a hearing. Proof of mailing shall be provided to the Planning Board at the public hearing.
- 3) Referred to the Steuben County Planning Department pursuant to General Municipal Law § 239-m if required.
- 4) Upon closing of the public hearing, the Planning Board shall take action on the application within 62 days of the public hearing, which can include approval, approval with conditions, or denial. The 62-day period may be extended upon consent by both the Planning Board and applicant.

B. Underground Requirements. All on-site utility lines shall be placed underground to the extent feasible and as permitted by the serving utility, with the exception of the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation any poles, with new easements and right-of-way.

C. Vehicular Paths. Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction.

D. Signage.

- 1) No signage or graphic content shall be displayed on the Tier 3 Solar Energy Systems except the manufacturer's name, equipment specification information, safety information, and 24-hour emergency contact information. Said information shall be depicted within an area no more than 8 square feet.
- 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 sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.

E. Glare. All Solar Panels shall have anti-reflective coating(s) and be manufactured within the last five (5) years.

F. Lighting. Lighting of the Tier 3 Solar Energy Systems shall be limited to that minimally required for safety and operational purposes and shall be reasonably shielded and downcast from abutting properties.

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

H. Decommissioning.

1) Tier 3 Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Urbana as set forth in Sub-paragraph 3 herein below.

2) A decommissioning plan (see Appendix A) signed by the owner and/or operator of the Tier 3 Solar Energy System shall be submitted by the applicant, addressing the following:

- a. The cost of removing the Solar Energy System.
- b. The time required to decommission and remove the Solar Energy System any ancillary structures.
- c. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.

3) Security.

- a. The deposit, executions, or filing with the Town of Urbana Clerk a bond, or other form of security reasonably acceptable to the Town of Urbana attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125 % of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by the amount of the estimated salvage value of the Solar Energy System.
- b. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the bond, or security shall be forfeited to the Town of Urbana, which shall be entitled to maintain an action thereon. The bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- c. In the event of default or abandonment of the Solar Energy System, the system shall be decommissioned as set forth in Section 10 (b) and (c).

I. Site plan application. For any Tier 3 Solar Energy System requiring a Special Use Permit, site plan approval shall be required. Any site plan application shall include the following information:

- 1) Property lines and physical features, including roads, for the project site
- 2) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, and screening vegetation or structures
- 3) A one- or three-line electrical diagram detailing the Tier 3 Solar Energy System layout, solar collector installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and over current devices.
- 4) A preliminary equipment specification sheet that documents all proposed solar panels, significant components, mounting systems, and inverters that are to be installed. A final equipment specification sheet shall be submitted prior to the issuance of building permit.
- 5) Name, address, and contact information of proposed or potential system installer and the owner and/or operator of the Tier 3 Solar Energy System. Such information of the final system installer shall be submitted prior to the issuance of building permit.
- 6) Name, address, phone number, and signature of the project applicant, as well as all the property owners, demonstrating their consent to the application and the use of the property for the Tier 3 Solar Energy System.

- 7) Zoning district designation for the parcel(s) of land comprising the project site.
- 8) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - a. Failure to adhere to the approved Property Operation and Maintenance Plan may trigger the decommissioning plan and the process should be laid out in the official Property Operation and Maintenance Plan.
- 9) Erosion and sediment control and storm water management plans prepared to New York State Department of Environmental Conservation standards, if applicable, and to such standards as may be established by the Planning Board.
- 10) Prior to the issuance of the building permit or final approval by the Planning Board, but not required as part of the application, engineering documents must be signed and sealed by a New York State (NYS) Licensed Professional Engineer or NYS Registered Architect.

J. Special Use Permit Standards.

- 1) Lot size: The property on which the Tier 3 Solar Energy System is placed shall meet the lot size requirements of the underlying zoning district.
- 2) Setbacks: The Tier 3 Solar Energy Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- 3) Height: The Tier 3 Solar Energy Systems shall comply with a 15-foot height limitations.
- 4) Lot coverage
 - a. The following components of a Tier 3 Solar Energy System shall be considered included in the calculations for lot coverage requirements:
 - I. Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
 - II. All mechanical equipment of the Solar Energy System, including any pad mounted structure for batteries, switchboard, transformers, or storage cells.
 - III. Paved access roads servicing the Solar Energy System.
 - b. Lot coverage of the Tier 3 Solar Energy System, as defined above, shall not exceed the maximum lot coverage requirement of the underlying zoning district.
- 5) Fencing Requirements. All mechanical equipment, including any structure for storage batteries, shall be enclosed by a 7-foot-high fence with a self-locking gate to prevent unauthorized access.
- 6) Screening and Visibility. The Tier 3 Solar Energy System shall be required to:
 - a. Conduct a visual assessment of the visual impacts of the Tier 3 Solar Energy System on public roadways and adjacent properties. At a minimum, a line-of-sight profile analysis shall be provided. Depending upon the scope and potential significance of the visual impacts, additional impact analyses, including for example a digital viewshed report, shall be required to be submitted by the applicant.
 - b. Submit a screening & landscaping plan to show adequate measures to screen through landscaping, grading, or other means so that views of Solar Panels and Solar Energy Equipment including fencing shall be minimized as reasonably practical from public roadways and adjacent properties to the extent feasible.

- c. The screening & landscaping plan shall specify the locations, elevations, height, deer-resistant plant species, and/or materials that will comprise the structures, landscaping, and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system, following the applicable rules and standards established by the Town of Urbana.

7) Agricultural Resources. For projects located on agricultural lands:

- a. Any Tier 3 Solar Energy System located in the areas specified in paragraph 8 above, and on the areas that consist of Prime Farmland or Farmland of Statewide Importance shall not exceed 20% of the area of Prime Farmland or Farmland of Statewide Importance on the parcel.

And

Tier 3 Solar Energy Systems on Prime Farmland or Farmland of Statewide Importance shall be required to seed 20% of the total surface area of all solar panels on the lot with native perennial vegetation designed to attract pollinators.

- b. To the maximum extent practicable, Tier 3 Solar Energy Systems located on Prime Farmland shall be constructed in accordance with the construction requirements of the New York State Department of Agriculture and Markets.
- c. Tier 3 Solar Energy System owners shall develop, implement, and maintain native vegetation to the extent practicable pursuant to a vegetation management plan by providing native perennial vegetation and foraging habitat beneficial to game birds, songbirds, and pollinators. To the extent practicable, when establishing perennial vegetation and beneficial foraging habitat, the owners shall use native plant species and seed mixes.

K. Ownership Changes. If the owner or operator of the Solar Energy System changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning plan. A new owner or operator of the Solar Energy System shall notify the zoning enforcement officer of such change in ownership or operator within 10 business days of the ownership change.

9. Safety

A. Solar Energy Systems and Solar Energy Equipment shall be certified under the applicable electrical and/or building codes as required.

B. Solar Energy Systems shall be maintained in good working order and in accordance with industry standards and standards set by the Town. Site access shall be maintained, including snow removal at a level acceptable to the local fire department and, if the Tier 3 Solar Energy System is located in an ambulance district, the local ambulance corps.

C. If Storage Batteries or thermal storage are included as part of the Solar Energy System, they shall meet the requirements of any applicable 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 Urbana and any applicable federal, state, or county laws or regulations.

10. Permit Time Frame and Abandonment

- A. The Special Use Permit and site plan approval for a Solar Energy System shall be valid for a period of 18 months, following the issuance of the site plan approval or the Special Use Permit, whichever occurs last. In the event construction is not completed in accordance with the final site plan, as may have been amended and approved, as required by the Planning Board, within 18 months after approval, the Town Planning Board may extend the time to complete construction for 180 days. If

the owner and/or operator fails to perform substantial construction after 24 months, the approvals shall expire.

- B. Upon cessation of energy generation of 50% or less of the installed capacity for the permitted use of the Solar Energy System on a continuous basis for 6 months, the owner and/or operator of the Solar Energy System must notify the Town of Urbana. Every month thereafter, the owner and/or operator must notify the Town whether the Solar Energy System produced energy on a continuous basis for that month until the Solar Energy System has generated solar energy for 3 continuous months.
- a. If, or upon the cessation of energy generation of a Tier 1 or Tier 2 Solar Energy System on a continuous basis for 12 months, the Town of Urbana may notify and instruct the owner and/or operator of the Solar Energy System to remove the system. The removal of the system must be started within 6 months after notification by the Town and be completed within 12 months of notification.
 - b. If, or upon the cessation of energy generation of a Tier 3 Solar Energy System on a continuous basis for 12 months, the Town of Urbana may notify and instruct the owner and/or operator of the Solar Energy System to implement the decommissioning plan. The decommissioning plan must be started within 3 months of notification by the Town and must be completed within 12 months of notification.
- C. If the owner and/or operator fails to comply with decommissioning notification from the Town, the Town may, at its discretion, utilize the bond and/or security for the removal of the Tier 3 Solar Energy System and restoration of the site in accordance with the decommissioning plan.

11. Enforcement

Any violation of this Solar Energy Law shall be subject to the same enforcement requirements, including the civil and criminal penalties, provided for in the zoning or land use regulations of Town of Urbana.

12. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

APPENDIX A: EXAMPLE DECOMMISSIONING PLAN for Tier 3 Systems

Date: [Date]

Decommissioning Plan for [Solar Project Name], located at:
[Solar Project Address]

Prepared and Submitted by [Solar Developer Name], the owner of [Solar Farm Name]

As required by [Town/Village/City], [Solar Developer Name] presents this decommissioning plan for [Solar Project Name] (the "Facility").

1. Decommissioning will occur as a result of any of the following conditions:
 - a. The land lease, if any, ends
 - b. The system does not produce power for [12] months
 - c. The system is damaged and will not be repaired or replaced
2. The owner of the Facility, as provided for in its lease with the landowner, shall restore the property to its condition as it existed before the Facility was installed, pursuant to which may include the following:
 - a. Removal of all operator-owned equipment, concrete, conduits, structures, fencing, and foundations to a depth of 36 inches below the soil surface.

- b. Removal of any solid and hazardous waste caused by the Facility in accordance with local, state and federal waste disposal regulations.
- c. Removal of all graveled areas and access roads unless the landowner requests in writing for it to remain.

3. All said removal and decommissioning shall begin on the first day immediately following the occurrence of one or more of the conditions set forth in section one herein above, and all such work must be completed within 12 months of the commencement of such work.

The owner of the Facility, currently [Solar Developer Name], is responsible for this decommissioning.

Facility Owner Signature: _____ Date: _____

Town Hall Walkway

There was a discussion about how to fix the walkway.

J. O’Connell Bridge Contract

On a motion made by Deputy Supervisor Shaw, seconded Councilman Stull and carried, with the following roll call vote, to rescind the approval of J. O’Connell’s contract for Grant Administrator for the Bridge Project:

Town Supervisor Webster	Aye
Deputy Supervisor Shaw	Aye
Councilman Presley	Aye
Councilman Stull	Aye
Councilwoman Turner	Nay

On a motion made by Councilman Stull, seconded by Deputy Supervisor Shaw and carried, with the following roll call vote, to appoint David Oliver as the bridge contract administrator without any compensation:

Town Supervisor Webster	Aye
Deputy Supervisor Shaw	Aye
Councilman Presley	Aye
Councilman Stull	Aye
Councilwoman Turner	Nay

New Business

Conference Attendance

On a motion made by Councilman Stull, seconded by Councilman Presley and carried, all voting Aye to approve attendance the following conferences:

- June 18, 2019- Doug Robinson and Lucas Calafiore attend a conference for \$75 pp
- June 3-5, 2019- Doug Robinson, Lucas Calafiore and Paul Venema attend Highway School for \$110 pp
- May 2, 2019- All Highway Employees- Highway Conference- \$0

On a motion made by Deputy Supervisor Shaw, seconded by Councilman Presley and carried all voting aye to approve the Court Clerk Conference in September for Kim Cruse and Tammy Catherman - \$775 pp (includes meals).

On a motion made by Deputy Supervisor Shaw, Seconded by Councilwoman Turner and carried, with the following roll call vote, to approve a donation of \$175 to the Chamber of Commerce for Music in the Park:

Town Supervisor Webster	Aye
Deputy Supervisor Shaw	Aye
Councilman Presley	Recuse
Councilman Stull	Aye
Councilwoman Turner	Aye

Rails To Trails

On a motion made by Councilman Presley, Seconded by Deputy Supervisor Shaw and carried, all voting Aye to approve asking the IDA to transfer ownership of the railroad lines from Main Street to Pleasant Valley.

Planning Board Alternate

On motion made by Councilman Stull, seconded by Councilwoman Turner and carried all voting Aye to appoint Theresa Stopka as an alternate to the Planning Board.

Public Input on Non Agenda Items

Deputy Supervisor Shaw noticed that there was discrepancy in the dog park rules, it should say no one under the age of 7 years old can enter the dog park.

Executive Session- Personnel

On a motion made by Councilman Stull, seconded by Deputy Supervisor Shaw and carried, all voting Aye to go into Executive Session for Personnel Matters at 7:44 pm.

On a motion made by Councilman Presley, seconded by Councilman Stull and carried, all voting Aye to come out of Executive Session at 7:57 pm.

With no further business, on a motion made by Councilwoman Turner, seconded by Deputy Supervisor Shaw and carried, all voting Aye to adjourn the meeting at 7:57 pm.

Respectfully Submitted,

**Deanna Tompkins,
Town Clerk**