

June 12, 2017

Board of Trustees

Proceedings by Authority

State of New York
Village of Celoron
Community Center

ss:

A regular meeting of the Board of Trustees of the Village of Celoron, New York was held on Monday, June 12, 2017 at 6:30 P.M.

Members Present: Mayor Schrecengost, Trustees Keeney, Moss, Shanahan and Young

Others Present: Village Clerk-Treasurer Shirley A. Sanfilippo, MMC/CMFO, Village Attorney John D. Vanstrom, Code Enforcement Officer Robert Burkholder and one member of the public (arrived at 6:40 pm)

Mayor Schrecengost called the meeting to order, asked the Clerk to call the roll and led the Pledge of Allegiance.

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Trustee Keeney motioned, seconded by Trustee Young to approve the minutes of the Public Hearings and Regular Meeting of May 8, 2017.

Carried: 5 ayes

COMMITTEE REPORTS

PUBLIC SAFETY – Trustee Shanahan and the Board reviewed the report from the Code Enforcement Officer.

ANIMAL CONTROL – Trustee Young and the Board discussed at length limiting the number of dogs permitted per residence. The consensus of the Board was to take no action.

PARKS – Trustee Young advised that she had contacted Kevin Salisbury about making the necessary repairs to the concession stand and was advised that he was no longer the contact person.

The Board discussed an amendment to the Greenman-Pedersen, Inc. agreement. A resolution will be presented later in the meeting.

HIGHWAY AND EQUIPMENT – Trustee Moss and the Board discussed going out to bid for a 1 ton plow truck with a dump body.

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Trustee Moss moved, seconded by Trustee Shanahan to advertise for bids for a 1 ton plow truck with a dump body.

Carried: 5 ayes

PLANNING – Trustee Shanahan reported that the micro cell wireless telecommunications facility had been approved by the Planning Board at their last meeting.

SANITATION – Trustee Moss – none

CORRESPONDENCE – Clerk Sanfilippo reviewed the following correspondence:

1. Request from the Girl Scouts to share a free children's activity with children during the Summer Concerts held in Lucille Ball Memorial Park. Information will also be available about the Girl Scouts of Western New York.

Trustee Young moved, seconded by Trustee Moss to allow the Girl Scouts of Western New York to bring a 10'x10' canopy booth, table and chairs to Lucille Ball Memorial Park during the Summer Concert Series.

Carried: 5 ayes

FINANCE – Entire Board/Clerk

Clerk-Treasurer Sanfilippo asked for approval of Abstract #24 in the amount of \$33,049.99, check #3322 thru 3335 dated May 9-31, 2017; Abstract #1 in the amount of \$6,993.16, check #3336 thru 3355, dated June 1-12, 2017; and Trust & Agency Abstract #12 in the amount of \$3,880.33, Check #5147 thru 5151, dated May 30, 2017.

Trustee Shanahan moved, seconded by Trustee Young to approve payment of the abstracts.

Carried: 5 ayes

The Board reviewed two quotes to replace the handicap door opener at Village Hall.

Trustee Keeney moved, seconded by Trustee Shanahan to approve the purchase of a handicap door opener from Universal Design Specialties in the amount of \$1,598.00, this being the lowest of two quotes received.

Carried: 5 ayes

The Board discussed an agreement with LaBella to provide preliminary design drawings and preliminary cost estimates for the construction of a new restroom facility.

Trustee Keeney moved, seconded by Trustee Moss that it was not in the best interests of the Village to seek other proposals and moved to authorize an agreement with LaBella Associates to provide preliminary design drawings and preliminary cost estimates for the construction of a new restroom facility in the amount of \$3,900.00 to be used for the submission of a Consolidated Funding Application.

Carried: 5 ayes

AUDIT – Trustee Moss – none

INSURANCE – Trustee Young – none

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BUILDING – Trustee Moss – none

RECREATION – Trustee Keeney – none

SPECIAL EVENTS – Trustee Keeney and the Board discussed scheduling a Community Picnic on August 19, 2017 beginning at noon.

Trustee Young moved, seconded by Trustee Moss to hold a Community Picnic on Saturday, August 19, 2017.

Carried: 5 ayes

Trustee Shanahan moved, seconded by Trustee Keeney to set the dates of July 7, 8 & 9, 2017 for Village wide lawn sales.

Carried: 5 ayes

ZONING – Trustee Shanahan stated that the Zoning Board of Appeals will be meeting on June 19, 2107 regarding the placement of a shed on the rear property line at 15 Melvin Avenue.

OLD BUSINESS

None

NEW BUSINESS

None

RESOLUTIONS:

Resolution #22 – 2016-17

WHEREAS, the Village of Celoron applied for and received a \$400,000 Community Development Block Grant known as the Celoron Village Rehab Program, and

WHEREAS, a public hearing was held in the Village of Celoron, New York on May 8, 2017 to provide further information about the progress of the ongoing CDBG project and to receive comments related to the effectiveness of administration of the project, and

WHEREAS, eleven (11) homes have been rehabilitated under the project, and

WHEREAS, a second public hearing was held following the aforesaid public hearing to seek input on the proposed submission of a second application, and

WHEREAS, there is currently a waiting list of approximately thirty (30) resident property owners;

NOW, THEREFORE,

BE IT RESOLVED, That the Board of Trustees of the Village of Celoron authorizes an application for Community Development Block Grant funding through New York State Homes and Community Renewal's Office of Community Renewal under the 2017 Unified Funding Round.

Trustee Shanahan moved, seconded by Trustee Moss to approve the resolution.

Carried: 5 ayes

Resolution #23 - 2016-17

WHEREAS, buildings are the single largest user of energy in the State of New York. The poorest performing buildings typically use several times the energy of the highest performing buildings—for the exact same building use; and

WHEREAS, collecting, reporting, and sharing building energy data on a regular basis allows municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide, and equipped with this information the Village of Celoron New York is able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement; and

WHEREAS, the Board of Trustees of the Village of Celoron, New York desires to use Building Energy Benchmarking - a process of measuring a building's energy use, tracking that use over time, and comparing performance to similar buildings - to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Village of Celoron, New York and

WHEREAS, the Board of Trustees of the Village of Celoron, New York desires to establish procedure or guideline for Village staff to conduct such Building Energy Benchmarking; and

NOW THEREFORE, IT IS HEREBY RESOLVED AND DETERMINED, that the following specific policies and procedures are hereby adopted;

BUILDING ENERGY BENCHMARKING POLICY/PROCEDURES

§1. DEFINITIONS

(A) "Benchmarking Information" shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) "Building Energy Benchmarking" shall mean the process of measuring a building's Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) "Commissioner" shall mean the head of the Department.

(4) "Covered Municipal Building" shall mean a building or facility that is owned or occupied by the Village of Celoron that is 1,000 square feet or larger in size.

(5) "Department" shall mean the Mayor.

(6) "Energy" shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) "Energy Performance Score" shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) "Energy Use Intensity (EUI)" shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) "Gross Floor Area" shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) "Portfolio Manager" shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) "Utility" shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) "Weather Normalized Site EUI" shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations.

§2. APPLICABILITY

(1) This policy is applicable to all Covered Municipal Buildings as defined in Section 2 of this policy.

(2) The Commissioner may exempt a particular Covered Municipal Building from the benchmarking requirement if the Commissioner determines that it has characteristics that make benchmarking impractical.

§3. BENCHMARKING REQUIRED FOR COVERED MUNICIPAL BUILDINGS

(1) No later than May 1, 2017, and no later than May 1 every year thereafter, the Commissioner or his or her designee from the Department shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year.

(2) For new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Commissioner or his or her designee from the Department shall begin inputting data in the following year.

§4. DISCLOSURE AND PUBLICATION OF BENCHMARKING INFORMATION

(1) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

(a) no later than September 1, 2017 and by September 1 of each year thereafter for Covered Municipal Buildings; and

(2) The Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

(a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and

(b) For each Covered Municipal Building individually:

(i) The status of compliance with the requirements of this Policy; and

(ii) The building address, primary use type, and gross floor area; and

(iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and

(iv) A comparison of the annual summary statistics (as required by Section 5(2)(b)(iii) of this Policy) across calendar years for all years since annual reporting under this Policy has been required for said building.

§5. MAINTENANCE OF RECORDS

The Department shall maintain records as necessary for carrying out the purposes of this Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years.

§6. ENFORCEMENT AND ADMINISTRATION

(1) The Commissioner or his or her designee from the Department shall be the Chief Enforcement Officer of this Policy.

(2) The Chief Enforcement Officer of this Policy may promulgate regulations necessary for the administration of the requirements of this Policy.

(3) Within thirty days after each anniversary date of the effective date of this Policy, the Chief Enforcement Officer shall submit a report to the Board of Trustees including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Commissioner determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Policy.

§7. EFFECTIVE DATE

This policy shall be effective immediately upon passage.

§8. 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

Trustee Young moved, seconded by Trustee Moss to approve the resolution.

Carried: 5 ayes

Resolution #24 – 2016-17

RESOLVED, That the Clerk Treasurer be and she hereby is authorized to make the following amendments to the 2016-2017 Budget:

DECREASE:	Account A1010.1, Legislative, Personal Services	\$ 400.00
	Account A1410.4, Staff, Contractural	\$1,400.00
	Account A1990.4, Contingent	\$4,000.00
	Account A3510.4, Control of Animals, Contractural	\$.05
	Account A8160.4, Refuse & Garbage, Contractural	<u>\$2,884.00</u>
	Total	<u>\$8,684.05</u>

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INCREASE:	Account A1410.1, Staff, Personal Services	\$1,800.00
	Account A3510.1, Control of Animals, Personal Services	\$.05
	Account A5110.1, Transportation, Personal Services	\$2,661.00
	Account A5110.4, Street, Contractural	\$4,000.00
	Account A9030.8, Social Security, Employer	<u>\$ 223.00</u>
	Total	\$8,684.05

Trustee Keeney moved, seconded by Trustee Moss to approve the resolution.

Carried: 5 ayes

Resolution #25 – 2016-17

RESOLVED, That the following Village of Celoron Language Assistance Plan be and hereby is adopted:

Subject: Limited English Proficiency

Per the LEP webinar and documents provided by the USDA Rural Development local office, the Village of Celoron has applied the four part analysis for determination of Language English Proficiency and possible resources for those that need translations.

Part A: Self Assessment

#1 Demography, Identification of LEP Persons i.e. number of people who speak NO English or speak English Less than "Very Well."

The Village of Celoron population is about 1,133 (993 over the age of 5) According to the Census data (attached), of the 993, 984 speak only English, (99.1%), of the remaining 9, 3 speak English less than "Very Well." This is approximately 0.3% of the population.

It is unknown exactly how many citizens the Village is trying to reach with its public announcements but most services include the local population.

#2 Language Assistance Measures, Frequency of Contact

Based on staff members' recollection, the number of requests for translations has been 0 over the past year. The Village's request for translation is considered infrequent and unpredictable.

#3 Staff Training

Village staff reviewed the LEP documents provided. Those that are frequent contact with the general public are aware of possible resources available.

#4 Notices to identified LEP persons or populations

Given the limited number of people who speak English less than very well, the staff will offer the resources when the individual desires assistance.

#5 Resources for Vital Document Translations

The Village identified the following resources which could offer translations:

Staff at Empire State College

Staff at Southwestern Central School District

Computer software such as www.freetranslations.com

The Village plans to use the attached flyer to identify what language needs to be interpreted and utilize the above listed resources for interpretation.

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Part B: Language Assistance Plan

#6 The Village's Language Assistance Plan includes the following:

Review census data periodically to identify increases in number of citizens that speak English less than "Very Well."

Inform Staff Members of resources available and evaluate and revise the LEP plan when necessary.

Any questions or comments regarding this plan can be directed to the Village Clerk at 716-487-4175.

Trustee Keeney moved, seconded by Mayor Schrecengost to approve the resolution.

Carried: 5 ayes

Resolution #26 – 2016-17

BOND RESOLUTION DATED JUNE 12, 2017.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF A SNOW PLOW TRUCK FOR MAINTENANCE PURPOSES, FOR THE VILLAGE OF CELORON, CHAUTAUQUA COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$62,000 AND AUTHORIZING THE ISSUANCE OF \$62,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project; NOW, THEREFORE

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Celoron, Chautauqua County, New York, as follows:

Section 1. The purchase of a snow plow truck for maintenance purposes, for the Village of Celoron, Chautauqua County, New York, including original equipment and incidental expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$62,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$62,000 of serial bonds of the Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Celoron, Chautauqua County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
 - 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,
- and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

Trustee Moss moved, seconded by Trustee Shanahan to approve the resolution.

Carried: 5 ayes

Resolution # 27 - 2016-17

WHEREAS, the Village of Celoron entered into an agreement with Greenman-Pedersen, Inc. to provide engineering services for the replacement of the sea wall, construction of a handicapped accessible kayak/canoe launch and construction of a boardwalk along the waterfront in Lucille Ball Memorial Park; and

WHEREAS, the project went out to bid and the bids received were in excess of the funds available for the project; and

WHEREAS, the Village of Celoron subsequently applied for and received a Consolidated Funding grant to cover the increased costs of the project; and

WHEREAS, the remaining balance from the original contract, in the amount of Two Thousand Sixty-Three Dollars and 11/100 Dollars (\$2,063.00) shall be retained by the Village of Celoron as a

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credit for work not yet performed by Greenman-Pederson, Inc. but re-defined both in cost and scope by this amendment; and

WHEREAS, it is in the best interests of the Village of Celoron to amend its current agreement with Greenman-Pedersen, Inc. to re-design, re-bid the project and oversee the construction, and

WHEREAS, there are several items identified in the proposed amendment that the Board of Trustees wishes to have deleted from the final agreement. Said deletions shall be negotiated by the Mayor and Village Attorney,

now, therefore, be it,

RESOLVED, That the following two change orders be approved to the contract with Greenman-Pedersen, Inc. for improvements to Lucille Ball Memorial Park:

Change Order Number 1: Add \$2,460 for revision of final design drawings.

Change Order Number 2: Add an amount not to exceed \$56,200.00 for design services, general services during construction, and resident inspection services.

Trustee Shanahan moved, seconded by Trustee Keeney to approve the resolution.

Carried: 5 ayes

LOCAL LAW TO BE PRESENTED:

LOCAL LAW NO. 1 OF 2017

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF CELORON, NEW YORK TO ADD THERETO A SOLAR ENERGY SECTION TO CHAPTER 210, ZONING

BE IT ENACTED by the Village Board of the Village of Celoron, New York, pursuant to the authority and provisions of §10 of the Municipal Home Rule Law and §7-700 through 7-704 and 7-725A of the New York State Village Law, as follows:

1. **Legislative Intent.** It is the intent of this local law to allow the Village of Celoron, New York to add a new solar energy section to the Code of the Village of Celoron, New York.
2. **Authority.** This Zoning for Solar Energy Law is adopted pursuant to sections 7-700 through 7-704 and 7-725A of the Village Law of the State of New York, which authorize the Village of Celoron to adopt zoning provisions that advance and protect the health, safety, and welfare of the community, and “to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.”
3. **Applicability.** The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair and Building-Integrated Photovoltaic Systems.
4. **Amendment 1.** Section 210—6. Definitions be and hereby is amended to add the following definitions:

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM – A combination of photovoltaic building components integrated into any building envelope system such

as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

GROUND-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System that is anchored to the ground and attached to a pole or other mounting system, detached from any other structure for the primary purpose of producing electricity for onsite consumption.

LARGE-SCALE SOLAR ENERGY SYSTEM – A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite sale or consumption.

ROOF-MOUNTED SOLAR ENERGY SYSTEM – A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.

SOLAR ENERGY EQUIPMENT – Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

SOLAR ENERGY SYSTEM – An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

SOLAR PANEL – A photovoltaic device capable of collecting and converting solar energy into electrical energy.

5. **Amendment 2.** Section 210-15.C. is amended to add thereto: Large-Scale Solar Energy Systems.

6. **Amendment 3.** A new Section 210-51.1. is hereby added to the Zoning Chapter of the Code of the Village of Celoron, New York to read as follows:

A. **Statement of Purpose.** This Zoning for Solar Energy Law is adopted to advance and protect the public health, safety, and welfare of the Village of Celoron, New York including:

1. Taking advantage of a safe, abundant, renewable, and non-polluting energy resource;
2. Decreasing the cost of energy to the owners of commercial and residential properties, including single-family houses; and
3. Increasing employment and business development in the region by furthering the installation of Solar Energy Systems.

B. **Solar as an Accessory Use or Structure**

1. Roof-Mounted Solar Energy Systems

- a. Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- b. Height. Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to building-mounted mechanical devices or equipment.
- c. Aesthetics. Roof Mounted Solar Energy System installations shall incorporate, when feasible, the following design requirements:
- d. Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of eighteen (18) inches between the roof and highest edge of the system.
- e. Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations.

2. Ground Mounted Solar Energy Systems.

- a. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all Zoning Districts.
- b. Height and Setback. Ground-Mounted Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
- c. Lot Coverage. Systems are limited to twenty percent (20%). The surface area covered by Ground-Mounted Solar Panels shall be included in total lot coverage.
- d. All such Systems in residential districts shall be installed in the side or rear yards.
- e. Ground-Mounted Solar Energy Systems that use the electricity primarily onsite shall be exempt from site plan review under the local zoning code of other land use regulations.

C. Approval Standards for Large-Scale Solar Systems as a Special Use

1. Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within the Industrial District, subject to the requirements set forth in this Section, including site plan approval. Applications for the installation of a Large-Scale Solar Energy System shall be reviewed by the Code Enforcement Officer and referred, with comments, to the Planning Board and Board of Trustees for their respective site plan and special use permit review and action, which can include approval, approval on conditions, and denial.
2. Special Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions:
 - (a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use (s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - (b) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
 - (c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
 - (d) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - (e) Decommissioning Plan. To ensure the proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original stage prior to construction. The plan shall also include an expected timeline for execution. A cost estimate detailing the projected cost of executing the Decommissioning Plan shall be prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation. Removal of Large-Scale Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Large-Scale Solar Energy System is not decommissioned after being considered abandoned, the municipality may remove the system and restore the property and impose a lien on the property to cover these costs to the municipality.

D. Special Use Permit Standards.

1. Height and Setback. Large-Scale Solar Energy Systems shall adhere to the height and setback requirements of the underlying zoning district.
2. Lot Size. Large-Scale Energy Systems shall be located on lots with a minimum lot size of 20,000 square feet.
3. Lot Coverage. A Large-Scale Solar Energy System that is ground-mounted shall not exceed forty (40 %) of the lot on which it is installed. the surface area covered by Solar Panels shall be included in total lot coverage.

4. All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
5. Any application under this Section shall meet any substantive provisions contained in local site plan requirements in the zoning code that, in the judgment of the Code Enforcement Officer, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Code Enforcement Officer may waive the requirement for site plan review.
6. The Board of Trustees may impose conditions on its approval of any special use permit under this Section in order to enforce the standards referred to in this Section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA).

E. Abandonment and Decommissioning. Solar Energy Systems are considered abandoned after one (1) year without electrical energy generation and must be removed from the property. Applications for extensions are reviewed by the Board of Trustees for a period of six (6) months.

F. Fees. The fees for all permits are found in Chapter 98, Fees, of the Code of the Village of Celoron.

G. Enforcement. Any violation of this Solar Energy Law shall be subject to the same civil and criminal penalties provided for in the zoning regulations of the Village of Celoron, New York.

7. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

8. Effective Date. This local law shall become effective immediately upon filing with the New York State Secretary of State.

Trustee Shanahan moved, seconded by Trustee Young to table the local law and hold a public hearing on Monday, July 10, 2017 at 5:50 p.m.

Carried: 5 ayes

MAYOR'S COMMENTS:

None

OPPORTUNITY FOR PUBLIC COMMENT:

Pam Piazza, 218 N. Allegheny Ave., suggested using signs similar to those used by the Rib-Fest to advertise the Village Lawn Sale Days.

Trustee Young motioned to adjourn the meeting. Trustee Moss seconded the motion.

Carried: 5 ayes

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The meeting was adjourned at 7:40 p.m.

Shirley A. Sanfilippo, MMC/CMFO
Village Clerk-Treasurer