

The Livingston Town Board held a public hearing on the proposed moratorium for free standing solar panel installations at 6:45 pm on April 9<sup>th</sup> 2015 prior to the regular town board meeting.

Present:

Supervisor James Guzzi

Councilperson Kelly McDonald

Councilperson William Bender

Councilperson Phil Massaro

Absent: Deputy Supervisor Will Yandik

It was advertised in the public notices in the official town newspapers and on the town website.

It will be Local Law # 1 of 2015- to establish and impose a temporary 3 month moratorium on free standing solar panel installations within the Town of Livingston. After some public comment, the hearing was closed at 7:05 pm.

A regular meeting of the Town Board of the town of Livingston, County of Columbia, and the State of New York was held at the town hall, 119 County Route 19, Livingston, NY on the 9<sup>th</sup> day of April, 2015.

Supervisor Guzzi opened the meeting with a moment of silence, and the pledge to the flag at 7:06 p.m.

Resolution # 53

Motion to approve monthly minutes

A motion was made by Councilperson McDonald, seconded by Councilperson Bender to approve the minutes of the March 12th meeting.

Votes 4 Ayes

Communications:

Town Clerk Tammy Molinski read a letter from the Hudson City School district requesting use of the town hall facilities for their school board election on May 19<sup>th</sup>, 2015.

Resolution # 54

Motion to grant use of the town hall to the HCSD on May 19<sup>th</sup> 2015

A motion was made by Councilperson Bender, seconded by Councilperson Massaro to grant usage of the town hall facilities to the Hudson City School District on May 19<sup>th</sup> 2015, for their school board election.

Votes 4 Ayes

Abstain-Councilperson McDonald

Town Clerk Tammy Molinski read a letter from the Livingston Free Library Book Club thanking the town for letting them use the town hall to meet, and that they had made room at the library and would no longer need use of the town facilities.

Town Clerk Tammy Molinski read a letter from the Roe Jan Boat Club about an upcoming canoe and kayak race on the Roe Jan Creek on Sunday, May 17<sup>th</sup>. It is a Fundraiser for the American Cancer Society. The information will be posted in the Town Hall lobby.

Supervisor Guzzi read a letter from secretary to the building dept-Angela Guzzi, resigning from the position effective April 21, 2015.

#### Monthly Town Reports

The following reports were read:

Town Supervisor

Town Clerk- Total local share remitted to town of \$1776.53 for March

Highway- Cut dead trees, painted wings and plows, started sweeping roads, patched up dirt roads, and grinded stumps

Building Dept- reports for February and March were read

Dog Control- reports for February and March were read

#### Resolution # 55

#### Motion to approve the monthly reports as read

A motion was made by Councilperson McDonald, seconded by Councilperson Bender to approve the monthly reports as read.

Votes 4 Ayes

#### Old Business

The bus bids were opened. There was only one bid-from Pat Zanchelli Inc. The town board decided to hold the bid for clarification on the bids numbers in it.

#### New Business

The town is looking to purchase a tandem plow truck for the highway department. There are town funds available so that no bonding is needed. The state bid price is \$226,183. There is no need for the purchase of an extended warranty for it as the mileage does not warrant it. Delivery would be in Oct/Nov.

Resolution # 56

Motion to purchase tandem plow truck for the highway dept. for \$226,183.

A motion was made by Councilperson McDonald, seconded by Councilperson Massaro to have the town purchase a new plow truck for the highway dept for a price of \$226,183.

Votes 4 Ayes

The board discussed the employee handbook for the highway dept employees, and the revisions that were made to it, including that new employees will now be contributing to their health insurance. They also cleaned up some language issues in it.

Resolution # 57

Motion to adopt the Employee Handbook for the employees of the Town of Livingston Highway Dept as revised.

A motion was made by Councilperson McDonald, seconded by Councilperson Bender to adopt the employee handbook for the employees of the Town of Livingston Highway dept as revised. A roll call vote was taken. The resolution is attached to the minutes herein.

Votes Aye

Supervisor Guzzi

Councilperson Bender

Councilperson McDonald

Councilperson Massaro

The board discussed the CHIPS Funding for road work. It was budgeted on the high side. The town is getting more this year than previously-\$124,000. They also discussed the Extreme Winter Recovery money. That brought in another \$18,483 for the highway dept.

An update on the repair work to the Rec Park was given.

Robert Moore of B and K electric is contributing his work and has done an updating on electrical work that was needed

The furnace was serviced, it was cleaned and is up and running. The oil tank needs to be replaced. The highway dept will be removing it at no charge and a new one will be installed. Shooting for an end of April completion date for all work. The town will be purchasing new



windows for the main building. The new siding installation is almost complete. The interior of the modular building was painted and the old carpeting was removed. New carpeting will be installed, as well as new blinds. New picnic tables were made as well. The highway dept is fixing the flag pole. Painting of the soffits and fascia of the old building and cleaning up the grounds will also be done. Prices are being checked into for the roofs to be painted. The pricing for resurfacing of the tennis courts is being looked into as well. The town is looking into any grant money that could be utilized for it.

The registration dates for the summer program should be finalized and ready for the next meeting.

#### Resolution #58

#### Motion to establish and impose a temporary three(3) month moratorium on free standing solar panel installations within the Town of Livingston

A motion was made by Councilperson McDonald, seconded by Councilperson Massaro to establish and impose a 3 month moratorium on free standing solar panel installations within the Town of Livingston.

Ayes 4

A copy of the local law attached to the minutes herein.

The board discussed an accident by the Pine Tree Mobile Home Park on Rt 9H that did significant damage to a few mobile homes that the vehicle hit when it left the road. Guardrails at that area would contribute to the safety of the mobile home park homes and residents.

#### Resolution # 59

#### Motion to send letters to the NYS Traffic Safety Board and NYS DOT Region 8 for guard rails to be installed in front of Pine Tree Mobile Home Park.

A motion was made by Councilperson Bender, seconded by Councilperson McDonald, to support guardrails being installed in front of Pine Tree Mobile Home Park on Rt 9H

Supervisor Guzzi also spoke on the speed reduction requests that had been sent in a while back, DOT is looking into them.

The board discussed doing a simple 1 page town newsletter for residents. The town does not want to spend town money on postage to send it. Town Bookkeeper, Donna Campion and Deputy Supervisor Yandik worked on a grant and the town was awarded \$500 towards it.

There is a need for a new building dept secretary and the position will be advertised for the next couple of weeks.

## Committee Reports

Buildings- covered under Rec park update

Citizens Advisory- no report

Senior Council- no report

Planning and zoning- no report

Ethics- no report

Highway- as stated in Supervisor's report

Communications- no report

Office Support- no report

Historian- no report

Special Projects- no report.

County Environmental Management Council: Representative Michael Hamilton asked for the information in support of the cleanup of the Hudson River by GE to be put on the town website. Pam Kline and her group, Farmers and Families for Livingston and Will Yandik were both nominated for the Good Earth award. He also gave an update on the single stream recycling program. The County was in a 20 year program for dual stream recycling which is now considered obsolete, and has now switched to the single stream process. It has reduced transportation costs and also increased household practice of recycling.

Supervisor Guzzi briefly gave a report on the tax cap that was discussed at the county level and that the county advised towns to just be aware of their numbers and to keep shared services in mind to reduce costs. Both the county and the town of Livingston look like they will be able to meet the cap.

Audit Committee:

### Resolution # 60

### Motion to pay bills

A motion was made by Councilperson Bender, seconded by Councilperson Massaro, to pay the bills as presented.

# 36-48 Highway

# 79-106 General

Vote 4 Ayes

Public Comment

Resident Gerald Couse spoke of vehicle impact protection in light of the trailer park accident at Pine Tree Mobile Home Park and having the building inspector check into any regulations and codes that may be in place on it. He also spoke on the minutes of the boards being put on the Town web site in a timely manner per the Foil laws and that agendas for the meetings be posted there as well.

Resolution # 61

Motion to Adjourn

A motion was made by Councilperson Bender, seconded by Councilperson Massaro, to adjourn the meeting.

Votes 4 Ayes

The meeting was adjourned at 8:03 pm.

Respectfully Submitted,

Tammy Molinski

Town Clerk

**TOWN OF LIVINGSTON  
COLUMBIA COUNTY, NEW YORK**

RESOLUTION NO. 57

At a meeting of the Town Board of the Town of Livingston, Columbia County, New York, duly held on the 9 day of April, 2015, at the Livingston Town Hall, 119 County Route 19, Livingston, New York, the following Resolution was proposed and seconded:

Resolution by: Kelly McDonald;

Seconded by: Bill Bender.

**WHEREAS**, the Town of Livingston has in effect an Employee Handbook for employees of the Town of Livingston Highway Department, which sets forth general information on benefits, policies and practices of the town; and

**WHEREAS**, the Town of Livingston has determined to review and revise said policy in efforts to better serve the Town, the employees and the residents of the town; and

**WHEREAS**, said revisions have been reviewed by the Town and the current employees of the highway department, and all parties being agreeable to the revisions contained therein, and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Livingston the Employee Handbook of the Town of Livingston Highway Department attached hereto and made part hereof is adopted.



Upon question of the foregoing Resolution, the following Livingston Town Board members voted "Aye" in favor of the Resolution:

Bill Bender ;  
Kelly McDonald ;  
James Guzzi ;  
Phil Massaro ; and  
\_\_\_\_\_

The following Livingston Town Board Members voted "No" in opposition, thereto: \_\_\_\_\_ ; and  
\_\_\_\_\_

The Resolution having been approved by a majority of the Town Board, the same was declared duly adopted by the Supervisor of the Town of Livingston.

Dated: April 9, 2015

T. Molinski  
Tammy Molinski, Town Clerk  
Town of Livingston

[SEAL]



## Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  
City of Livingston  
Town  
Village

Local Law No. 1 of the year 2015

A local law to establish and impose a temporary three (3) month moratorium on free standing solar panel installations within the Town of Livingston

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  
City of Livingston as follows:  
Town  
Village

Section 1. TITLE. This local law shall be known as Local Law No. 1 of the Year 2015, a local law imposing a three (3) month moratorium on free standing solar panel installations within the Town of Livingston.

Section 2. LEGISLATIVE INTENT.

The Town of Livingston presently has in effect a Town Zoning Law which has established regulations for building, construction and allowable uses within the town. The Town Board is of the opinion that a period of time is necessary to adequately review the current regulations concerning free standing solar panel installations, and to determine whether additional local regulations are necessary in order to preserve and protect the health, safety and welfare of its residents. Such free standing solar panel installations can be both residential, commercial, large, obtrusive, and can and may pose a hazard and danger to residents by distraction, obstruction, and the power supply systems involved with such installations that may pose a risk. This moratorium will enable town officials to review and comprehensively address the issues involved with free standing solar panel installations that are becoming increasingly popular in our rural community. The town recognizes the potential

benefits and desirability of solar power and renewal energy sources, but determines time and research is necessary to determine how to properly regulate the installations. The Supervisor and Town Board deem this moratorium emergent and immediately necessary for the Town.

Section 3. DEFINITIONS.

Free Standing Solar Panels: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy. Such devices or installations may be free standing or pole mounted.

Section 4. MORATORIUM

A. The Town Board hereby enacts a moratorium which shall prohibit Free Standing Solar Panels anywhere within the Town.

B. This moratorium shall be in effect for a period of three (3) months from the effective date of this local law and shall expire on the earlier of (i) the date three (3) months from said effective date, 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 districts and all real property within the Town.

D. Pursuant to this moratorium, applications that have been submitted to the Town through the planning board / code enforcement officer / zoning enforcement officer shall continue to be processed for free standing solar panels, after enactment, the Town shall not accept any applications for free standing solar panels, nor shall it grant any preliminary or final approval for any site plan or special use permit which includes a free standing solar panel installation as part of the application.

E. Free Standing Solar Panels that have been previously approved are expressly excluded from this moratorium.

Section 5. RELIEF FROM PROVISIONS OF THIS LOCAL LAW.

A. If any owner of property within the Town seeks relief from this moratorium to enable such owner to apply for or seek continued review of, activities otherwise prohibited under this moratorium, such owner shall make application to the Zoning Board.

B. It shall be the burden of the owner for such relief to demonstrate to the satisfaction of the Zoning Board, upon clear and convincing evidence, that an unjust result and extraordinary financial hardship will occur to the property owner if such relief is not granted, and such showing must demonstrate that the proposed activity for which relief is sought shall be consistent with the reasonable and orderly development of the Town.

C. Such relief shall be the subject of a public hearing before said Zoning Board.



D. It shall be within the discretion of the Zoning Board to grant, in whole or in part, or deny, the application for such relief from the terms of this moratorium.

Section 6. PENALTIES.

Any person, partnership, association, corporation, landowner, lessee or licensee which shall construct, reconstruct, relocate, enlarge or modify any site to be used for a free standing solar panel 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) per individual and not exceeding Five Thousand and 00/100 Dollars (\$5,000.00) as to a corporation, partnership, or association, or imprisonment for a term not to exceed thirty (30) days, or both;

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 7. ENFORCEMENT.

This local law shall be enforced by the Zoning Enforcement Officer of the Town of Livingston 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 8. 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 effect of any other section of this local law.

Section 9. EFFECTIVE DATE.

This local law shall take effect immediately upon passage and thereafter filed with the New York State Department of State and shall remain in force and effect for a period of three (3) months from the date of passage.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2015 of the Town of Livingston was duly passed by the Town Board on \_\_\_\_\_, in  
(Name of Legislative Body)  
accordance with the applicable provisions of law.

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer.\*)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_ (Elective Chief Executive Officer\*) in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County) (City) (Town) (Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.

~~4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, and (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, 20\_\_\_\_, in accordance with the applicable provisions of law.~~

\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.



5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_, \_\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, 20 \_\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

\_\_\_\_\_  
Tammy Molinski, Town Clerk

(Seal)

Date:

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature

Title: Counsel

County  
City of Livingston  
Town  
Village

Date:

**NOTICE OF PUBLIC HEARING**

**Town of Livingston**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Livingston will hold a public hearing on April 9, 2015 at 6:45 p.m. at the Livingston Town Hall, 119 County Route 19, Livingston, New York, to hear all interested persons on proposed Local Law No. 1 of the year 2015 entitled, "A local law to establish and impose a temporary three (3) month moratorium on free standing solar panel installations within the Town of Livingston."

All persons interested are invited to attend.

A complete copy of the text of the proposed local law is available at the office of the Livingston Town Clerk during normal business hours.

DATED: \_\_\_\_\_

s/ Tammy Molinski  
Livingston Town Clerk

## Solar Panel info from Town of Claverack

### DEFINITION:

**ACCESSORY SOLAR PANELS:** A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

### USE TABLE:

Accessory Solar Panels; use by residences and business / Pole Mounted / Free Standing, shall be allowable as a Special Exception Use in all districts.

Accessory Solar Panels; use by residences and business / Roof Mounted, shall be a permitted use without the requirement for site plan approval.

## SUPPLEMENTAL REGULATIONS

### § 15.3.21 Solar Panels, Accessory

#### A. Requirements for Roof Mounted System:

- i. An engineer or architect report verifying roof will support the system load.
- ii. Electrical schematic showing main system components and where they are physically located.
- iii. Description of cable routing from the solar array to the DC disconnect.
- iv. Simple plot plan showing which building on the property is being used.

#### B. Requirements for Pole Mount or Remote Mount System:

- i. Electrical schematic showing main system components and where they are physically located, including batteries (if included in the installation).
- ii. DC disconnect to be located externally (and labeled) as near the utility meter as possible.
- iii. If DC disconnect cannot be located within six feet of the utility meter, a label at the meter will indicate the location of the external disconnect, which shall also be labeled.
- iv. Remote arrays should also have a DC disconnect at the location of the array. Some remote arrays may be roof mounted on a different building than the one using the power from the array.