

**Town Board Meeting
Town of Bergen
Town Hall- 10 Hunter Street, Bergen New York**

September 24, 2019

Agenda

I. Call to Order: 7 pm

Prayer Almighty God, as we meet today to conduct matters of Town business, grant us the wisdom to remember as we work that we are servants of our constituency. Assist us to be sure our decisions should be in the best interests of the Town and its citizens, entirely unblemished by any thoughts of personal benefit. Amen.

Pledge to the flag

II. Privilege of the Floor-

IV. Approval of meeting Minutes for- September 11th, 2019- if available

V. Communications included with this agenda:

1. Mercy EMS summary report for August 2019
2. Final proposed Local Law No. 3 of 2019-law to repeal local law #1 of 2019, establishing moratorium on applications, approvals and/or construction or installation of commercial solar energy systems and /or solar farms and adopting a solar energy law known as solar Energy Law
3. Correspondence from Cornell Cooperative Extension regarding Leadership Genesee
4. Proposed Budget Transfers
5. Response to County Planning Department's recommendation for Solar Law
6. GAM meeting schedule
7. 9/9/19 -Letter from Senator Gaughran, Chair of NYS Senate Standing Committee on Local Government- announcement of roundtable meetings
8. 9/15/19 and 9/16/19 Correspondences from Charter regarding changes in service

VI. Board Members' items for addition to the agenda

VII. Reports:

- Supervisor
- Clerk- E-mail Accounts-upgrade
- Board Members
- Zoning / Code Enforcement
- Highway

Committees

- Building, Grounds, Facilities and Cemeteries-
- Parks- Park Renovations- Ribbon Cutting for Pavilion 9/28/19 @ 12:30pm
- Local History & Museum
- Policy and Personnel- Update on Handbook

VIII. Old Business:

- Water Benefit Improvement area #1 Update-
- Review comments from the Genesee County Planning Department regarding the proposed solar law and closing of the public hearing on solar law from meeting of 8/27

IX. New Business:

- Resolution to approve Final proposed Local Law No. 3 of 2019-law to repeal local law #1 of 2019, establishing moratorium on applications, approvals and/or construction or installation of commercial solar energy systems and /or solar farms and adopting a solar energy law known as solar Energy Law
- Filing of the Tentative 2020 Town Budget with the Clerk.
- Consideration of proposal for Architect services for development of bidding package for the replacement of Windows at the Historian's office.

X. Meeting and Other Upcoming Dates

- Ribbon Cutting for Pavilion at Robin's Brook Park- 9/28/19 @ 12:30 pm
- Next Town Board Meeting: Wednesday 10/8/19 @ 7 pm at town hall Audits of Bills at 6:45pm
- Budget Workshop 10/5/19- 9 is – Town Hall

XI. Adjournment

FD GEN BERGEN

Trip Date IS BETWEEN 08/01/2019 AND 08/31/2019; AND Call Types IS A-MEMS 911 Response 1st Unit OR A-MEMS Squad Resp 1st Unit; AND Initial Priorities IS 911 EMERGENCY

Response Time Minutes	Call Count	Cumulative Call Count	Percentage of Total Calls	Cumulative Percentage
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FD GEN BERGEN

Response Zone:GEN BERG 17

07:00 - 07:59	1	1	10%	10%
11:00 - 11:59	2	3	20%	30%
13:00 - 13:59	1	4	10%	40%
15:00 - 15:59	2	6	20%	60%
16:00 - 16:59	1	7	10%	70%
18:00 - 18:59	1	8	10%	80%
20:00 - 20:59	1	9	10%	90%
21:00 - 21:59	1	10	10%	100%
Total Calls:	10	10	100%	

Response Zone:GEN BERG 22

04:00 - 04:59	1	1	20%	20%
14:00 - 14:59	1	2	20%	40%
17:00 - 17:59	1	3	20%	60%
19:00 - 19:59	1	4	20%	80%
24:00 - 24:59	1	5	20%	100%
Total Calls:	5	5	100%	

Call Source Total Calls: 15

Town of Bergen, Genesee County, New York

Local Law No. 3 of 2019

A Local Law repealing, annulling and terminating Local Law #1 of 2019, establishing a Nine- Month Moratorium on Applications, Approvals, and/or Construction or Installation of Commercial Solar Energy Systems and/or Solar Farms and adopting a solar energy law known as Solar Energy Systems.

§ 475-60 Solar Energy Systems

[Adopted by the Town Board of the Town of Bergen 9-24-2019 by L.L. No. 3-2019]

A. Authority.

This solar energy law is adopted pursuant to §261-263 and 264 of the New York State Town Law, which authorizes the Town of Bergen to adopt zoning parameters that advance and protect the health, safety, and welfare of the community, and to make provisions for, so far as conditions, may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

B. Purpose & Legislative Intent.

The Town Board of the Town of Bergen states the following as its findings and legislative intent:

1. The Town Board of the Town of Bergen recognizes that solar energy is a clean, readily available and renewable energy source and the Town of Bergen intends to accommodate the use of solar energy systems.
2. In addition, the Town Board believes it to be necessary to regulate and govern the proper and timely removal of solar energy systems upon such systems becoming non-functional or when they are no longer being utilized.
3. Prior to the adoption of this Article, no specific procedures existed to address the regulation and siting of solar energy systems. Accordingly, the Town Board finds that the promulgation of this Article is necessary to direct the location, size and construction of these systems.

C. Definitions.

APPLICANT – The person or entity submitting an application and seeking approval under this Article; the owner of a Solar Energy System or a proposed Solar Energy System project; the operator of Solar Energy System or a proposed Solar Energy System project; any person acting on behalf of an Applicant, Solar Energy System or proposed Solar Energy System. Whenever the term “applicant” or “owner” or “operator” are used in this Article, said term shall include any person acting as an applicant, owner or operator.

BOND - Any form of security, including a cash deposit, surety bond, collateral, property, or letter of credit, in an amount acceptable to the Planning Board and from satisfactory to the Town Attorney. Wherever a bond is required by the Town Code, alternate forms of security shall be reviewed and may be approved by the Town Attorney and/or Town Engineer.

BUILDING-INTEGRATED SOLAR ENERGY 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.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM - Any Solar Energy System that is affixed to the side(s) or rear of a Building or other Structure either directly or by means of support structures or other mounting devices, but not including those mounted to the roof or top surface of a Building.

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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, which 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.

GLARE - The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, nuisance, or loss in visual performance and visibility in any material respects.

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 on-site consumption.

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, and located within Genesee County Agriculture District 4 as defined by New York State Department of Agriculture and Markets.

ROOF-MOUNTED SOLAR ENERGY SYSTEM – A Solar Energy System mounted on the roof of any legally permitted Building or Structure and wholly contained within the limits of the roof surface for the purpose of producing electricity for on-site consumption.

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

SOLAR ENERGY SYSTEM – An electrical generating system composed of a combination of either solar panels or solar energy equipment.

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

TYPES OF SOLAR ENERGY SYSTEMS:

SMALL - SCALE SOLAR ENERGY SYSTEM - A Solar Energy System that is ground-mounted or roof-mounted, produces energy primarily for the purpose of on-site use, and does not exceed 2,000 square feet based on the perimeter occupied by the solar panels and produces 25kW (kilowatt) or less. Building-integrated, building-mounted systems, roof-mounted systems that produce no less and no more than 25kW, shall be regulated as a small-scale solar energy system; however, ground-mounted systems that produce no less and no more than 25kW, shall be regulated as a large-scale solar energy system.

LARGE - SCALE SOLAR ENERGY SYSTEM – A Solar Energy System that is ground-mounted and greater than 1,000 square feet based on the perimeter occupied by the solar panels and produces greater than 25kW (kilowatt) principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid in order to sell electricity to or receive a credit from a public utility entity, but also may be for on-site use.

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D. New York State Unified Permit for all Small Scale Solar Projects for Residential and Small Business Owners.

1. The unified solar permitting process is available to all districts in the Town of Bergen for eligible solar photovoltaic (PV) installations that meet the following criteria:
 - a) Has a rate direct current capacity of 25kW (kilowatt) or less.
 - b) Does not require a zoning variance or special use permit, however, will require an approved building permit.
 - c) Is mounted on a permitted roof structure, on a legal accessory structure, or ground mounted on the applicant's property.
 - d) The solar installation contractor complies will all licensing and other requirements of the Town of Bergen and New York State.
 - e) If the structure is a sloped roof, solar panels are mounted parallel to the roof surface.
2. If an applicant cannot meet the criteria for a NYS Unified Permit, they must submit a site plan and special use permit provided through the Town of Bergen Code Enforcement Officer and subject to review by the Zoning Board of Appeals and/or Planning Board.

E. Small – Scale Solar Energy System.

1. Small-scale solar energy systems less than 2,000 square feet based on the perimeter occupied by the solar panels and less than 25kW.
2. Applicability
 - a) The requirements of this section shall apply to all solar energy systems modified or installed after its effective date. No solar energy system or device shall be installed or operated in the Town of Bergen except in compliance with this section.
 - b) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations, and standards of the Town of Bergen, and, where applicable, the State of New York.
 - c) Small-scale solar energy systems are permitted in all designated zoning districts within the Town of Bergen with an approved Building Permit.
3. Rooftop and building-mounted solar energy systems.
 - a) This subsection applies to the installation of solar panels for commercial buildings and residences for small rooftop or building-mounted solar systems that meet the definition of a small-scale solar energy system and that do not exceed 25 kW in size.
 - b) Building permits are required for the installation of all rooftop and building-mounted solar systems, and all building permit applications for the installation of rooftop or building-mounted solar systems on residential and commercial buildings shall be reviewed by the Town of Bergen's Code Enforcement Officer, who has the authority to grant or deny permits for such systems.

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- c) Rooftop and building-mounted solar systems: Rooftop and building-mounted solar systems that meet the definition of a small-scale solar energy system and that do not exceed 25 kW in size are permitted as an accessory use in all zoning districts in the Town of Bergen when attached to any lawfully existing and lawfully permitted building, subject to the following conditions:
 - 1) 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.
 - 2) Aesthetics: Rooftop mounted solar energy system installations shall incorporate, when feasible, the following design requirements:
 - [1] Solar energy systems shall be color-compatible with the primary structure.
 - [2] Panels facing the front yard must be mounted at the same angle as the roof's surface with a maximum distance of 18 inches between the roof and the highest edge of the system.
- 4. Ground-mounted and freestanding solar energy systems.
 - a) Ground-mounted and freestanding solar energy collectors are permitted as accessory structures in all zoning districts of the Town of Bergen, subject to the following conditions:
 - 1) Building permits and/or Unified Solar Permits are required for the installation of all ground-mounted solar collectors. All permits applications for the installation of ground-mounted solar collectors on residential and commercial property shall be reviewed by the Town of Bergen's Code Enforcement Officer, who has the authority to grant permits for such systems.
 - 2) The location of the solar collector meets all applicable setback requirements for accessory structures in the zoning district in which it is located. If said accessory structure exceeds 120 square feet, then the setback requirements for principal structures shall apply.
 - 3) The height of the solar collector and any part of the solar energy equipment/system shall not exceed ten (10) feet when oriented at maximum tilt.
 - 4) Solar collectors and other facilities shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties and roads.
 - 5) Lot coverage.
 - [a] Freestanding and ground-mounted solar energy systems shall not exceed 2,000 square feet based on the perimeter occupied by the solar panels without obtaining a special use permit as a large-scale solar energy system pursuant to Subsection 475-60(F) hereof.
 - [b] All such systems in residential or commercial zoning districts may be installed on all areas of a parcel in accordance with local planning and zoning regulations and lot coverage requirements.
 - [c] Freestanding and ground-mounted solar energy systems shall be screened

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when possible and practicable through the use of architectural features, earth berms, landscaping, or other screening which will harmonize with the character of the property and surrounding area and do not impact the effective amount of solar energy to be produced.

F. Large – Scale Solar Energy System

1. Large-scale solar energy systems greater than 1,000 square feet based on the perimeter occupied by the solar panels and greater than 25kW.
2. Permitting.
 - a) Large-scale solar energy systems are permitted through the issuance of a special use permit and permitted in the following zoning districts: Residential (R-30), Residential (RA-40), Land Conservation (LC), and Industrial (I) subject to the requirements set forth in this section, including site plan approval pursuant to Article VI of the Town Code and are allowed only after the issuance of a Special Use Permit pursuant to Article IV of the Town Code. Applications for the installation of Large-scale solar energy system shall be reviewed by the Code Enforcement Officer and referred, with comments to the Planning Board (Special Use Permit & Site Plan) for its review and action, which can include approval, approval with conditions, or denial.
 - b) Applications for large-scale solar energy systems that are subject to independent professional services for inspection, engineering and legal consultation will be the responsibility of the Applicant. If additional funds are needed in the fee account, the Planning Board will obtain an estimate from the consultant as to the amount necessary for completion of the remaining review(s). Said amount is to be paid by the Applicant to any further work being done by the consultant. Balance of the deposit will be returned upon completion of the project. The Planning Board will provide the Applicant in advance with established billing rates for engineering and legal services.
 - c) Areas of potential sensitivity:
 - 1) Land designated as “Farmland of Statewide Importance”.
 - 2) Land designated as “Prime Farmland”.
 - 3) Historic and/or culturally significant resources in an historic district.
 - 4) Within 100 feet landward of federal and state regulated freshwater wetlands.
 - 5) Bergen Industrial Park
 - d) Special Use Permit application requirements. For a Special Use Permit application, the Applicant shall submit the Site Plan application and any information required by Article VI and a Special Use Permit application and any information required by Article IV including the following information:
 - 1) If the property of the proposed project is to be leased, proof of 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.
 - 2) A letter providing proof of feasibility from the local utility company is to be provided as part of the application indicating that utility company can handle the demands of the proposed project.

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- 3) A boundary survey prepared by a New York State licensed professional is to be provided, including the metes and bounds, monumentation, tax map information, property acreage, and easements.
- 4) A schematic color rendering of the project site and proposed improvements.
- 5) Soil survey and mapping are to be provided in accordance with the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS)'s Soil Survey Geographic (SSURGO) Database on Web Soil Survey to assist the Planning Board in determining the impacts of the project.
- 6) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- 7) Plans and drawings for the Large-scale energy system signed by a Professional Engineer showing the proposed layout of the solar energy system along with providing a description of all components, existing vegetation, any proposed clearing and grading of the lot(s) involved, any anticipated or possible storm water mitigation measures, erosion disturbances and mitigation measures, and utility lines (both above and below ground), driveways, lighting, fencing, and landscaping on the site and adjacent to the site.
- 8) A detailed clearing, grading, storm water mitigation and erosion control plan. Applicant shall submit an engineered Storm Water and Erosion Control Plan to the Town of Bergen for its review and approval which shall demonstrate that post development runoff, storm drainage and erosion will not be negatively impacted by placement of the Large Scale Solar Energy System on the site.
- 9) Any such additional information as may be required by the Town' s professional engineer or consultant, Town of Bergen Planning Board, Town Attorney or Code Enforcement Officer.
- 10) A Property Operation and Maintenance Plan which describes all ongoing or periodic maintenance of the large-scale solar energy system and property upkeep, such as mowing, trimming, safety concerns, and access. The Property Operation and Maintenance Plan shall include details about the proposed use or uses of the remaining property not used for the large-scale solar energy systems, as well as ingress and egress to all portions of the property.
- 11) Decommissioning plan. To ensure the proper removal of a large-scale solar energy system, 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.

[A] Decommissioning Plan. To ensure the proper removal of Large Scale Solar Energy Systems after such improvements are no longer reasonably operable or have been abandoned, a Decommissioning Plan shall be submitted as part of the application. The Decommissioning Plan must specify that after the Large Scale Solar Energy System is no longer operational or has been abandoned, it shall be removed by the Applicant or any subsequent owner of the improvements. 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 state prior to construction. The plan shall also include an expected timeline for execution and a cost estimate detailing the projected cost of executing the Decommissioning Plan, which is to be prepared by a Professional Engineer and shall be stamped and certified. Cost estimations shall take into account inflation and shall be based on the operating life expectancy of the

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system. If the Large Scale Solar Energy System is not decommissioned after being considered abandoned, the Town of the Town's duly appointed representative or agent(s) may remove the system and restore the property and the Town may impose a lien on the property to cover these costs to the municipality, in addition to any other remedies available to the Town.

- [B] A cost estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer, stamped, signed and submitted as part of the application with the Town of Bergen as the designated assignee. A decommissioning surety bond (or other form of surety acceptable to the Town of Bergen at its discretion) shall be issued to the Town of Bergen in that amount and shall remain in effect for as long as the large-scale energy system is in existence. The bond amount shall equal the decommissioning and reclamation costs equal to 110% of the estimated removal cost for the entire system and be approved by the Planning Board. The cost estimations shall also take into account inflation. The bond must remain valid until the decommissioning obligations have been met. A 20-year bond will be required for all large-scale solar energy systems, which will require renewal after fifteen (15) years, for an additional twenty (20) years. The cost estimate shall be reviewed by the Town Engineer and approved by the Town Attorney.
- [C] The plan shall demonstrate how the removal of all infrastructure both above and below ground and the remediation of soil and vegetation shall be conducted to return the parcel to the condition the property was in prior to the installation of the large-scale solar energy system.
- [D] In the event that the owner or lessee of any large-scale solar energy system ceases for a period of six (6) months to use or operate the said system or in the event the said system fails to generate electrical energy, as supported by metered use thereof, or where the Special Use Permit or Site Plan approval has been revoked by the Town of Bergen Planning Board, or if the Solar Energy System has been deemed by the Code Enforcement Officer to be inoperative; the Lot shall be restored to its pre-development condition. All such costs of removal shall be the sole responsibility of the permit holder and/or owner of the Solar Energy System. If the owner or lessee does not dismantle the facility and remove all improvements associated with the Large Scale Solar Energy System from the site upon the occurrence of either event, the Code Enforcement Officer may recommend to the Town Board that the Town Board declare the system abandoned based on said events and the Town Board, upon receiving the recommendation of the Code Enforcement Officer and holding a hearing on due notice to the property owner and operator of the facility, may declare the system abandoned and order the dismantling and removal of the system by the owner and/or operator or, after the passing of 30 days from the date the Planning Board declares the facility abandoned, by Town staff or by a third party on contract with the Town.
- [E] Removal of all Large Scale Solar Energy Systems shall be in accordance with the Decommissioning Plan required by §475-16 (F)(2)(D)(11)(A). Failure to dismantle and remove a facility and restore the site to its natural state within 30 days after said facility has been declared abandoned by the Planning Board upon recommendation of the Code Enforcement Officer will result in forfeiture or the filing of a claim against

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the decommissioning surety bond posted by said owner or lessee of said facility. The Town may also impose a lien on the property to cover removal costs, plus a service charge of 25% thereof, to cover the cost of supervision and administration, to the Town, and such amount shall be assessed against the property on which the facility was situated. The amount so assessed shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town taxes and charges.

[F] Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan.

- 12) Construction schedule. Applicants must submit a proposed schedule for the completion of the project, including the proposed start date and proposed date of substantial completion, the expected date of connection to the power grid, and the expected date on which operation of the photovoltaic system shall commence.
- e) Special use permit standards. No special use permit for a large-scale solar energy system shall be issued unless the Planning Board specifically finds that the proposed project is in compliance with each of the following:
- 1) Setbacks. Large-scale solar energy systems shall be sited to create a front setback of no less than 200 feet from the right-of-way line of the road and setbacks of 100 feet from all side and rear property lines. In addition, no large-scale solar energy system shall be located closer than 500 feet from any residential structure located on another parcel.
 - 2) Height. No part of the large-scale solar energy systems shall exceed ten (10) feet in height when oriented at maximum tilt. At the Planning Board's discretion, a height waiver from this section may be requested on behalf of the Applicant.
 - 3) Lot coverage. A large-scale solar energy system that is ground mounted shall not exceed 50% of the lot on which it is installed. The entire surface area of the solar panels shall be included in the total area regardless of the method by which the panels are supported or attached to the ground, or the angle at which they are placed.
 - 4) Security. All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access, unless the Planning Board determines that fencing will cause environmental or ecological problems, or that such fencing is unnecessary. If the Planning Board makes such a determination, then the applicant must provide for other means, acceptable to the Planning Board, to prevent access to circuit conductors and other electrical components of the system. Warning signs with the property owner's contact information shall be placed on the entrance and perimeter of the property and of the solar energy system at locations acceptable to the Planning Board. Any fencing installed shall be acceptable to the Planning Board and shall include screening of said fencing as required by the Planning Board.
 - 5) Drainage. All large-scale solar energy systems shall include a drainage and stormwater management plan that is acceptable to the Planning Board. Any soil removed during construction must be stored on site and will be required to be seeded and/or mulched within 14 days of the last grading activity.

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- 6) Easements. All large-scale solar energy systems shall provide access, maintenance, and utility easements that are acceptable to the Planning Board. If the large-scale solar energy system will be operated by any entity other than the property owner, the Planning Board must approve the lease or contractual agreement between the property owner and the system operator.
- 7) The Planning Board must approve the decommissioning plan submitted by the applicant. The Planning Board shall require that the applicant or property owner post an automatically renewing security bond for construction, maintenance, and removal of solar energy systems.
- 8) The Planning Board must approve the property operation and maintenance plan submitted by the applicant.
- 9) All access roads and paths required for the project shall be integrated into other uses on the property, if possible. Access road siting and grading shall be designed to minimize any negative impacts from stormwater drainage.
- 10) All Large-Scale Solar Energy Systems shall be adequately screened, as determined by the Planning Board, to avoid adverse aesthetic impacts. A landscaped buffer shall be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads.
- 11) 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 Planning Board, are applicable to the system being proposed. If none of the site plan requirements are applicable, the Planning Board may waive the requirement for site plan review.
- 12) The Planning Board may impose conditions on the 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).
- 13) The development of large-scale solar energy systems shall not have a significant adverse impact of fish, wildlife or plant species or their critical habitats, or other significant habitats identified by the Town of Bergen or other federal or state regulatory agencies.
- 14) A special use permit shall expire 18 months from the date of issuance if the proposed activity has not been substantially implemented as determined by the Planning Board. One twelve-month extension may be granted by the Planning Board.

G. Inspection and Enforcement.

Any violation of this chapter shall be subject to the same civil and criminal penalties for in the Town of Bergen Town Code (including any applicable zoning regulations) and/or the laws of New York State.

1. The Code Enforcement Officer is hereby authorized to make inspections to determine compliance with the provisions of this chapter. When the Code Enforcement Officer determines that there is a violation, he shall cause a written notice thereof to be served upon the owner of the property in violation. Such notice shall include a statement of the conditions that violate the provision of this chapter and the action required to correct such violations.
2. The Code Enforcement Officer will specify the time and nature of work to be done to correct such

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violation.

3. Upon failure to comply with said notice, the Code Enforcement Officer may prepare an appearance ticket returnable to the Town of Bergen Court.
4. Whenever such notice has been legally served upon the owner of a noncompliant premises, and such owner shall neglect or fail to comply with the requirements of such notice within the time period provided therein, the Town Board may authorize the work to be done and pay the cost thereof out of general Town funds to be appropriated by the Town Board for such purposes.
5. The Town shall be reimbursed by the owner for the cost of work performed or services rendered. Said costs may be secured by a lien placed upon the premises.

F. Penalties for offenses.

1. Any person who violates or knowingly permits the violation of this chapter shall be deemed to have committed an offense against this chapter and shall be subject to the penalties provided in Chapter 1, General Provisions. Each separate violation shall constitute a separate additional offense. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors, and for such purpose only, all provisions of law relating to misdemeanors shall apply to such violations. Every day of such violation after the thirty-day period for compliance shall be deemed to constitute a separate additional offense. Notwithstanding the foregoing, any person violating any provision of this chapter or any article, section or subdivision thereof shall be subject to a civil penalty in the sum of \$350 for the first such violation, \$700 for the second such violation and \$1,000 for any subsequent violation, said penalties to be recoverable in a civil action in the name of the Town of Bergen.
2. Any person who violates this chapter may be enjoined from a continuing violation hereof in an action in any court of competent jurisdiction, and in the event that an injunction is granted enjoining said violation, the party seeking said injunction shall be entitled to recover the costs, disbursements and reasonable attorney fees incurred in connection with bringing and prosecuting said action.

G. Severability.

If any clause, sentence, paragraph, subsection, section or part of this chapter, or the application thereof to any person, individual, firm or corporation, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subsection, section or part of this chapter, or in its application to the person, individual, firm or corporation, or circumstance directly involved in the controversy in which said order or judgment shall be rendered.

Cornell Cooperative Extension Genesee County

420 East Main Street
Batavia, NY 14020-2599
Tel: 585.343.3040
Fax: 585.343.1275
E-Mail: mem77@cornell.edu
genesee.cce.cornell.edu/leadership-genesee



September 2019

Ernie Haywood
Town of Bergen
10 Hunter St
Bergen NY 14416

Dear Ernie,

"I feel stronger from my Leadership Genesee experience because my story has been heard and I've been accepted and supported. That's what I want to offer as I move forward: the heart that listens to the stories of others, and the strength to make changes to benefit our community....to be a servant leader."

*Meg Chilano, Leadership Genesee Class of 2018
Secretary, City of Batavia*

How many times in life can you say you felt the way Meg did when she completed her Leadership Genesee journey? The feeling of being heard, accepted and respected for your experience and talent is something all of us look for in our relationships.

Leadership Genesee builds relationships and works to ensure every opinion is heard when 30-35 adults, who are looking for networking, community education and action and leadership capacity building, come together in January. They spend the year learning about each other, the community and most importantly, themselves.

Leadership Genesee Class of 2020 is forming and we are inviting you to apply or sponsor one of your staff members for an educational experience unlike anything else in Genesee County.

Program highlights include:

- Participants attend 13 full program days meeting community leaders and exploring current issues related to topics such as servant leadership, economic development, arts and culture, diversity, health care, human services, agribusiness, tourism, life-long learning, and government/ the public sector.
- The program helps an individual assess their leadership style and learn ways to relate to others more effectively
- Each class has 32 – 35 individuals from all walks of life
- Admission is based on the application and an interview with Leadership Genesee Alumni
- Tuition is \$2,250 for the full year
- An applicant should have the full support of the organization who is sponsoring them (unless the applicant is applying privately and not as part of an organization or business)

Completed applications are due by **October 15, 2019**. Once the application is received, a selection committee reviews it and personal interviews are scheduled in October 2019 for those who match the criteria for admission. If you have any questions please feel free to contact me at 343-3040 x 118 or mem77@cornell.edu. Additional information is available at <http://genesee.cce.cornell.edu/leadership-genesee>. We look forward to hearing from you.

Sincerely,

Peggy Marone LG/02
Director, Leadership Genesee

Leadership Genesee - exploring the community and encouraging the leader within.

Building Strong and Vibrant New York Communities

Leadership Genesee 2020

Exploring the community & encouraging the leader within

facilitate effectively ▲ understand people & groups ▲ build collaborations

strive to be inclusive ▲ cultivate consensus ▲ have courageous conversations

JANUARY 22 & 23



**Opening Retreat...
the journey begins**

FEBRUARY 26



**Our Business,
Our Economics**

MARCH 25



**Understanding Diversity
& Exploring the Arts**

APRIL 22



**Community Health
Report**

MAY 27



Simulated Society

JUNE 24



Agribusiness

JULY 22



**Genesee County, A
Tourist Destination**

AUGUST 26



**Outdoor Leadership
Challenge**

SEPTEMBER 23



**Encouraging the
Leader Within**

OCTOBER 28



We the People

NOVEMBER 18



**Education & Lifelong
Learning**

DECEMBER 2



**Closing Retreat...
commitment to service**



**DECEMBER 3
Graduation Celebration!**

listen generously ▲ lead to a shared vision ▲ be a servant



LEADERSHIP GENESEE APPLICATION FOR ADMISSION

Name _____
Last First Middle
Home Address _____
City _____ State _____ Zip _____
Phone () _____ FAX _____
Home E-mail _____

"I've come to believe that each of us has a personal calling that's as unique as a fingerprint and that the best way to succeed is to discover what you love and then find a way to offer it to others in the form of service, working hard, and also allowing the energy of the universe lead you."

-Oprah Winfrey

LEADERSHIP GENESEE is a leadership development program for Genesee County. Our year-long educational programming focuses on building leadership skills while exposing participants to the necessary knowledge, experiences and people that make a community work. Sessions include community experts, tours, retreats and stimulating activities presented in an adult experiential learning environment around the topics of leadership capacity building, servant leadership, economic development, agriculture, health care, human services, arts & culture, diversity, education, tourism/visitor industry, and the public sector.

LEADERSHIP GENESEE seeks individuals representing a cross section of the Genesee County community, including business, labor, education, arts, religion, government, community-based, ethnic and minority groups. **LEADERSHIP GENESEE** unites leaders at all stages of their development in order to facilitate their understanding of community issues and operations, broaden their network, and inspire their decision to serve our community. Selection is based on demonstrated leadership abilities, interest in community affairs and a commitment to Genesee County's future.

Ideal candidates are individuals who have carefully considered participation in **LEADERSHIP GENESEE** as a means to be involved in and accept responsibility for our community's shared concerns. Candidates must have the full support of the business or organization they represent.

The **LEADERSHIP GENESEE** Selection Committee will choose participants based upon the information submitted in this application and a personal interview. Class size is limited. Graduates from the program are expected to use the network and knowledge gained through their participation to support **LEADERSHIP GENESEE** in its mission of *exploring the community and encouraging the leader within* because we care about where we live and work.

INSTRUCTIONS

Applications must be completed in full and signed by the applicant, employer, and financial sponsor (representative/s of organization/s paying tuition and or the applicant him/herself). Incomplete applications will be returned. All applications are held in confidence. Limit answers to the available space.

Deadline for applications is **5:00 p.m. on October 15** Send completed application and current resume to:

Leadership Genesee
c/o Cornell Cooperative Extension Genesee County
420 East Main St, Batavia, NY 14020

Received _____

References Sent _____

Contacted _____

Interview _____

**Town of Bergen
Accounting Adjustments/Corrections**

	<u>DEBIT</u>	<u>CREDIT</u>		<u>DEBIT</u>	<u>CREDIT</u>
A201		31,653.51	A5010.2		549.99
A3089	31,653.51		A5010.4	549.99	
HC201	31,653.51				
HC3097		31,653.51			
	63,307.02	63,307.02		549.99	549.99

To reclass Robins Brook Park Grant to Proper Fund

DB201	931.50	
DB5110.1		346.14
DB5142.1		461.52
DB5130.1		57.69
DB9030.8		66.15
A201		931.50
A5010.12	865.35	
A9030.8	66.15	
	1,863.00	1,863.00

To reclass Pocock Deputy Hwy Supt pay to proper account

To reclass Hwy Dues and office supplies to proper account

B201	13,129.00	
B7110.2		13,129.00
HC201		13,129.00
HC7110.2	13,129.00	
	26,258.00	26,258.00

To move Robins Brook Park expense to proper fund

Approved by: _____
Ernest Haywood, Supervisor

Date: _____



GENESEE COUNTY PLANNING BOARD REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID T-02-BER-9-19
Review Date 9/12/2019

Municipality BERGEN, T.
Board Name TOWN BOARD
Applicant's Name Bergen Town Board
Referral Type Zoning Text Amendments
Variance(s)
Description: Zoning Text Amendments to address solar energy uses.

Location Entire Town of Bergen
Zoning District Entire Town

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed Zoning Text Amendments are intended to protect the health, safety, and welfare of the Town and should pose no significant county-wide or inter-community impact. In order to minimize variance applications, it is recommended the Town consider changing the 10 acre maximum to 40 acres given that State incentives have increased from 2 MW to 5 MW facilities. On average 1 MW requires approximately 7 acres of land.

Director

September 12, 2019

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

As mandated by State Law, this form must be completed and filed within 30 days after Final Action by the local agency.



**-NOTICE OF FINAL ACTION-
ZONING REFERRALS**

PURSUANT TO SECTIONS 239 l, m and n OF GENERAL MUNICIPAL LAW

Date : 9/18/19

Reference : G.C.D.P. Referral Number : T-02-BER-9-19

Applicant : Bergen Town Board

- AGREEMENT with County Planning Board recommendations.
 OVERRULED County Planning Board recommendations.

Is a copy of the resolution attached? YES NO

If not, please list the substance of the resolution below.

At the Public Hearing for the Town of Bergen's proposed Solar law on 8/27/19,

The town board agreed to eliminate the 10 acre threshold and have no threshold.

[Signature]
Signature of the Referring Official

Town of Bergen
Representing Board

Article 12B, Sections 239 l, m and n of the General Municipal Law requires the County Planning Board to review all zoning matters as specified by that resolution. It also provides that a recommendation of the County Planning Board may be overruled by the local referring agency. The local referring agency must pass a resolution expressing the reason for such action by a majority plus one vote of its membership. Article 12B also requires that the local municipal agency file a report of its final action informing the County Planning Board of what action the local agency took.

Please return this form within 30 days of your final action to:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, New York 14020-9404

Genesee Association of Municipalities
2019 Meeting Schedule

January 17	Town of Pembroke
February 21	Town of Batavia
March 21	Town of Darien
April 18	Genesee County
May 16	Village of Elba
June 20	Town of Byron
July	No Meeting
August	No Meeting
September 19	Town of Oakfield
October 17	Town of Pavilion
November 21	Town of Stafford
December 19	Town of Bergen

CHAIR
LOCAL GOVERNMENT

COMMITTEES

ALCOHOLISM AND SUBSTANCE ABUSE
COMMERCE, ECONOMIC DEVELOPMENT
AND SMALL BUSINESS
HIGHER EDUCATION
RACING, GAMING AND WAGERING
WOMEN'S ISSUES

NEW YORK
STATE
SENATE



SENATOR JAMES F. GAUGHRAN
SENATOR, 5TH DISTRICT

DISTRICT OFFICE
485 UNDERHILL BLVD.
SUITE 102
SYOSSET, NY 11791
(516) 922-1811

ALBANY OFFICE
848 LEGISLATIVE OFFICE BLDG.
ALBANY, NY 12247
(518) 455-3250

GAUGHRAN@NYSENATE.GOV

September 9, 2019

Dear Elected Official:

As you may know, I serve as Chair of the NYS Senate Standing Committee on Local Government. In my capacity as Chair, I invite you to a roundtable discussion on key issues and critical legislative initiatives to our county, city, town and villages governments.

Since becoming Chair in January, I have heard from local elected officials on Long Island, and across the State, about the need to improve efficiencies for local governments, including cost saving ideas, mandate relief, mechanisms for addressing fiscal gaps that arise due to tax-exempt properties, and ethics laws that promote good government while protecting taxpayers.

My goal is to host roundtables on topics that have the greatest impact for your municipality and lead to productive conversation on legislative solutions.

The roundtable meetings will be held on:

September 25, 10am: Huntington Town Hall, 100 Main St, Huntington, NY 11743

October 1, 10am: Cheektowaga Town Hall, 3301 Broadway, Cheektowaga, NY 14227

October 3, 1pm: Adirondack Experience, the Museum on Blue Mountain Lake, 9097 NY-30, Blue Mountain Lake, NY 12812

I would greatly appreciate your feedback on your biggest legislative concerns and/or priorities. Please contact my office by email at gaughran@nysenate.gov if you wish to participate.

If you have any questions, please contact my Chief of Staff, Kevin Clemency at 516-922-1811.

Sincerely,

A handwritten signature in black ink that reads "James F. Gaughran".

James F. Gaughran
Chair, NYS Senate Standing Committee on Local Government
5th District, NYS Senate



September 15, 2019

Re: Charter Communications – Upcoming Changes

Dear Municipal Official:

Charter Communications, locally known as Spectrum, is making its customers aware of the following programming changes in the channel lineup serving your community.

On or around October 15, 2019, Fox College Sports will no longer be available on all service tiers.

On or around October 19, 2019, ESPN Classic will no longer be available on all service tiers.

To view a current channel lineup visit www.spectrum.com/channels.

If you have any questions about this change, please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer".

Mark Meyerhofer
Director, Government Affairs
Charter Communications



September 16, 2019

Re: Time Warner Cable Northeast LLC – Notice of Name Change

Dear Municipal Official:

Time Warner Cable Northeast LLC recently changed its name to Spectrum Northeast, LLC. As a result, Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter"), now holds the franchise to operate the cable system in your community. This was only a name change – there was no change of control of the franchise holder or transfer of the franchise. There will be no change in the service your community receives from Charter, and we look forward to continuing to serve your community.

If you have any questions about this change, please feel free to contact me at 716-686-4446 or via email at mark.meyerhofer@charter.com.

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer".

Mark Meyerhofer
Director, Government Affairs
Charter Communications