

**Regular Monthly Meeting  
Caledonia Town Board  
March 12, 2020**

The Regular Monthly Meeting of the Town Board of the Town of Caledonia was held March 12, 2020 at 7:00 P.M., at the Town Hall, 3109 Main Street, Caledonia, NY.

Supervisor Pangrazio called the meeting to order and led in the Pledge of Allegiance.

**PRESENT:**

Supervisor	Daniel Pangrazio
Councilman	Mark Rothrock
Councilwoman	Pam Rychlicki
Councilman	Todd Bickford
Councilman	Tim Anderson
Town Clerk	Laurie Sattora

**ATTORNEYS:** Dwight Kanyuck.

**ABSENT:** No One.

**OTHERS:** Highway Superintendent Mark Schroeder.

**ATTENDEES FROM SIGN IN SHEET:** Seth Graham, Megan Kellen, Keith Stein, Fred Webb, and Dustin Preston.

**RESOLUTION 62– 2020**

**FEBRUARY 13, 2020 MINUTES**

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was

ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford                      Absent –0                      Nay-0

RESOLVED, that the minutes of February 13, 2020 be approved as presented.

**OPEN FORUM**

No one requested to speak for open forum.

**ANNOUNCEMENTS/COMMUNICATIONS**

Supervisor Pangrazio reviewed the following announcements and communications with the Board:

- The list of the Livingston County 2020 Teen Recognition Nominations. For 2020 Ninety-three teens were nominated and Fourteen of those teens were from Caledonia.
- Notice from the DEC for improvements to the Genesee Valley Greenway Trail. The applicant is proposing to resurface approximately 17-miles of the Greenway Trail from Ballantyne Road to Caledonia Avon Road.
- COVID-19 update from Livingston County Department of Health Director Jennifer Rodriguez. Currently the County has zero confirmed cases.
- Livingston County Department of Health Talking points and frequently asked questions on the COVID-19 virus.
- NYS Department of Health Handout on protecting yourself from COVID-19 and how to stop the spread of germs.

**DEPARTMENTS/COMMITTEES**

**ATTORNEY-DWIGHT KANYUCK-ARTICLE 10 PROPOSED CHANGES IN UPCOMING 2020-2021 NEW YORK STATE BUDGET BILL**

Attorney Dwight Kanyuck updated the Board that as part of the proposed NYS 2020-2021 Budget the governor is proposing the Accelerated Renewable Energy Growth and Community Benefit Act as Part of 2020-2021 New York State Budget. This proposal

will create an entirely new permitting process and dramatically speed up the siting and construction of clean energy projects to combat climate change for Renewable Energy Projects. Attorney Kanyuck said that this proposal is basically the Article 10 process on steroids to ensure that projects are approved in a quicker stream-lined process. Currently all projects with a MW of 25MW or higher go through the Article 10 process through the Department of Public Service. If this new change is approved as part of the upcoming Budget, this process which has been known as the Article 10 process of Public Service Law, will now be streamlined and fall under Article 23 of the Economic Development Law and run by a newly created office within Department of Economic Development. The MW threshold for State approval will be lowered from 25 MWs to 10 MWs. Municipalities and IDA'S will be required to work with NYSERDA in setting up payment in lieu of taxes ( PILOT) amounts and provide a more uniform property assessment for all solar and wind projects.

**SUPERVISOR PANGRAZIO** stated that he and five other Town Supervisor's had a conference call last week with Senator Gallivan on this proposed change to the Article 10 process and he is not happy. Supervisor Pangrazio stated that this budget proposal is flawed. With the current Article 10 Project we have no local representation on the Siting Board and our local taxpayers have been shorted on Intervenor Funds. If this is approved as part of the NYS Budget, our residents will totally lose their voice and say in projects that currently have fallen under the Article 10 process. Our Governor does not care, and this is backroom politics throwing this in the Budget. Economic Development out of Albany does not know the concerns of our communities and the residents who live here. Our residents need to know that we as Town representatives are doing our job to try and protect their interests by expressing our concerns with Albany.

**COUNCILMAN ROTHROCK** asked if our representatives from the Association of Towns would be able to assist with expressing local communities concern the Governor about the State coming in and taking over and not listening to municipalities concerns and ignoring Home Rule and our right to have a say in these Article 10 projects.

**ATTORNEY KANYUCK** stated that the Town will be passing a resolution and sending it to the Governor, Legislature, and other representatives stating it is in Opposition to the Accelerated Renewable Growth and Community Benefit Act as part of NYS 2020-21 Budget.

#### **ZONING -CODE ENFORCEMENT OFFICER TOM PERKINS**

Code Enforcement Officer Perkins was not required to attend tonight's meeting.

#### **PLANNING BOARD -COUNCILWOMAN RYCHLICKI**

Councilwoman Rychlicki stated that no Planning Board meeting was held for February.

#### **BUILDINGS/GROUNDS- CEMETERY- COUNCILWOMAN RYCHLICKI**

Councilwoman Rychlicki stated that she contacted Derrick Monument and they no longer do any headstone repair. Councilwoman Rychlicki stated that Derrick Monument suggested that the Town contact Genesee Valley Cemetery which is run by Mr. Larry Rath or to contact Gibney Monument. Councilman Rothrock also stated that he drives by a company in the Village of Victor and stated he would contact them to see if they also do headstone repair.

#### **HIGHWAY SUPERINTENDENT – MARK SCHROEDER**

Highway Superintendent Mark Schroeder updated the Board on projects that the Highway Department has been involved in.

- The Salt barn is filled and ready for next year.
- The Highway Department has been working on painting the frames on two of the trucks.
- The Highway Department has been cleaning up the Ash trees on Sand Hill and McCorkindale Road that National Grid cut.
- Attended Advocacy Day in Albany. Only Five out of Seventeen Towns attended.
- Still have not received any word on when we would receive the grant money that was approved last year.
- Received quotes on recycling the electronics. The existing pricing for recycling we currently pay is still cheaper than any new quote that we received. Superintendent Schroeder stated that the Town will now have to pay for all flat screens so at some point we will have to start charging the residents for this.
- The Highway Department has been working on Cider Street getting ready to pave it later this year.

## **LAURIE SATTORA TOWN CLERK'S MONTHLY REPORT – FEBRUARY 2020**

<b>Account#</b>	<b>Account Description</b>	<b>Fee Description</b>	<b>Qty</b>	<b>Local Share</b>
A1255	Geanealogy Search and Certification	Genealogy Search and Certification	1	22.00
	MISCELLANEOUS	Marriage Certificate	2	20.00
	MISCELLANEOUS CASH	Return Check Fee	2	40.00
		<b>Sub-Total:</b>		<b>\$82.00</b>
A1603	MISCELLANEOUS CASH	Death Certificates	15	150.00
		<b>Sub-Total:</b>		<b>\$150.00</b>
A2130	MISCELLANEOUS CASH	Landfill - \$10.00	84	840.00
		<b>Sub-Total:</b>		<b>\$840.00</b>
A2544	Dog Licensing	Female, Spayed	15	90.00
		Male, Neutered	19	114.00
		Male, Unneutered	4	48.00
	Late Fee	Late Fee	2	10.00
		<b>Sub-Total:</b>		<b>\$262.00</b>
B2110	PLANNING/ZONING	Building Permits	1	200.00
		<b>Sub-Total:</b>		<b>\$200.00</b>

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**Total Local Shares Remitted to Town Supervisor:** **\$1,534.00**

**Total Amount paid to NYS Ag. & Markets Animal Population Control Fund:** **46.00**

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**Total State, County & Local Revenues:** **\$1,580.00**      **Total Non-Local Revenues:** **\$46.00**

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### **RESOLUTION 63-2020**

#### **CLERK'S REPORT**

On motion of Councilwoman Rychlicki seconded by Councilman Anderson the following resolution was ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford      Absent –0      Nay-0  
RESOLVED, that the Clerk's monthly report is approved as presented.

#### **OLD BUSINESS**

##### **2020 CEMETERY CLEANUP**

Waiting to hear from SUNY Geneseo students on a date for cleaning up the cemetery. Supervisor Pangrazio stated that during our last meeting resident Don McKay brought to the Boards attention that the sign in the cemetery was fading and in need of repair. The original sign was completed by the Highschool Technology class and maybe they would be interested in working on another project for the Town. Councilwoman Rychlicki stated that she and Highway Superintendent Schroeder would walk through the cemetery in the next few weeks to see what stones need to be repaired.

##### **2020 CAPITAL IMPROVEMENT PROJECTS**

Supervisor Pangrazio and the Board reviewed the 2020 CIP sheet. For 2020 the outside basement walls at the Town Hall will need to be repaired, the parking area behind the Town Hall will be stone and oiled and the Town Hall carpets will be cleaned over the summer. These items are basic building maintenance. In 2019 we had to fix the upstairs windows in the room that the Boy scouts use.

#### **NEW BUSINESS**

## **RESOLUTION 64-2020**

### **EXTENSION OF STATE SNOW & ICE**

On motion of Councilman Bickford seconded by Councilwoman Rychlicki the following resolution was

ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford Absent –0 Nay-0

RESOLVED, that pursuant to Highway Law Section 12 providing for snow and ice control on State highways within the Town/Village, the Supervisor and the Town/Village Highway Superintendent is hereby directed to execute a contract with the County Highway Superintendent of the County of Livingston for the Town/Village to undertake and perform snow and ice control on State highways located in the Town/Village for the period beginning July 1, 2019 and ending June 30, 2024 at the rates therein provided.

## **2019 AUDIT -COUNCILWOMAN RYCHLICKI**

Councilwoman Rychlicki reported on the 2019 Audit of the Financial Records for the Town:

- Chief Fiscal Officer's Financial Records
- Supervisor Clerk Financial Records

All ledgers, cash sheets, monthly reports, checkbooks and bank statements were thoroughly examined, with no discrepancies to report. All bank accounts are reconciled and reviewed and signed by the Town Supervisor. All deposits were made in a timely manner and accurately recorded. Councilwoman Rychlicki suggested that Supervisor Clerk Graham make some improvements to the Highway Sheets. All moneys collected were remitted to the appropriate parties. Copies of Councilwoman Rychlicki's reports are on file in the Town Office. Councilwoman Rychlicki used The Local Government Management Guide "Fiscal Oversight Responsibilities of the Governing Board" Record Requirements for the Supervisor's Clerk/Chief Fiscal Officers, for the year ending December 31, 2019.

## **RESOLUTION 65-2020**

### **2019 AUDIT OF CHIEF FISCAL OFFICER'S FINANCIAL RECORDS AND SUPERVISOR'S CLERK'S FINANCIAL RECORD**

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was

ADOPTED- Aye- Pangrazio, Rothrock, Anderson, Bickford Absent –0 Nay-0 Abstain-Rychlicki

RESOLVED, that the Town Board accepts Councilwoman Rychlicki's audit report of the books for the Town of Caledonia Chief Fiscal Officer's Records and the Supervisor's Clerk's Financial Records for the year 2019.

## **RESOLUTION 66-2020**

### **RESOLUTION IN OPPOSITION TO THE ACCELERATED RENEWABLE ENERGY GROWTH AND COMMUNITY BENEFIT ACT**

On motion of Councilman Rothrock seconded by Councilman Bickford the following resolution was

ADOPTED- Aye- Pangrazio, Rychlicki, Rothrock, Anderson, Bickford Absent –0 Nay-0

WHEREAS, Governor Cuomo's Budget Bill (Senate Bill S7508A, Assembly Bill A9508A) includes as Part JJJ the Accelerated Renewable Energy Growth and Community Benefit Act (hereinafter, the "Act");

WHEREAS, the Act provides for revisions to the public service law, economic development law, and other laws intended to accelerate the approvals of large renewable energy projects within the State;

WHEREAS, the Act would replace the existing the approval process for siting large renewable energy projects, referred to as Article 10 of the Public Service Law;

WHEREAS, the Act replaces the oversight of the Public Service Commission over the approval of large renewable energy projects and places the approval authority in the hands of the Commissioner of the State Department of Economic Development, which has little to no institutional knowledge of the siting of energy projects;

WHEREAS, Article 10 and local land use approval processes include rigorous public involvement and environmental review scoping, which results in improved projects that limit adverse impacts to host communities;

WHEREAS, the Act eliminates these public involvement and scoping processes and instead places the review of the contents of renewable energy project applications solely in the hands of the Department of Economic Development;

WHEREAS, under Article 10, local municipalities have approval authority over renewable energy projects up to 25 megawatts in capacity;

WHEREAS, the Act would usurp existing local approval authority for any renewable energy project greater than 10 megawatts in capacity, further expanding the substitution of the judgment of the State over local residents with respect to local land use;

WHEREAS, under Article 10 a local zoning law can be superseded only if the renewable energy project developer demonstrates that the local law is “unreasonably burdensome in view of the existing technology or the needs of or costs to ratepayers whether located inside or outside of such municipality”;

WHEREAS, the Act greatly expands the power of the State to supersede local zoning laws by allowing the Department of Economic Development to do so “if it finds that it is unreasonably burdensome in view of the State’s renewable energy targets and the environmental benefits of the proposed major renewable energy facility,” which is a vague and arbitrary standard;

WHEREAS, the Act greatly expands the powers of the State over local property tax decisions by giving the New York State Energy Research and Development Authority (NYSERDA) authority to define the assessment methodology required for valuing renewable energy projects for tax assessment purposes and requiring consultation with NYSERDA in any negotiations for payments-in-lieu-of-taxes (PILOT) agreements between developers and local taxing authorities;

WHEREAS, the Act greatly expands the powers of the State, through NYSERDA, to take local property by eminent domain if it deems it suitable for the development of large renewable energy projects;

WHEREAS, large renewable energy project approvals are often delayed under Article 10 because of the availability of qualified staff from the involved state agencies;

WHEREAS, the Act provides for automatic large renewable energy project approvals if a decision is not made on an application within 12 months, meaning that if the State continues to insufficiently resource application reviews, projects will automatically be approved even if they are wholly incompatible with host communities;

WHEREAS, by expanding State control over local land use, expanding the authority of the State to supersede local zoning laws in an arbitrary manner, inserting the State into negotiations over and determination of local tax rates, limiting public participation in environmental review and land use decisions, and allowing large renewable energy projects to be approved because of insufficient staffing, the Act is in contravention of the home rule provisions of Article IX New York State Constitution because it infringes upon the Town’s rights to ensure the safety, health and well-being of persons or property within the Town and the Town’s powers related to the levy, collection and administration of local taxes.

NOW, on Motion duly made and seconded, it is

RESOLVED, that the Town Board of the Town of Caledonia opposes the Act and urges that the Act be withdrawn from the Budget Bill.

RESOLVED, that a copy of this Resolution be forwarded to the Town’s representatives in the Legislature, the Governor, the President Pro Tempore of the Senate, the Speaker of the Assembly, Assemblyperson Michael Cusick, the Chair of the Assembly Standing Committee on Energy, Senator Kevin S. Parker, the Chair of the Senate Energy and Telecommunications Committee, the Livingston County County Administrator, the Association of Towns, and the New York State Association of Counties.

## **RESOLUTION 67-2020**

### **DECLARING 1998 LAND PRIDE MOWER AS SURPLUS**

On motion of Councilman Rothrock seconded by Councilwoman Rychlicki the following resolution was

ADOPTED- Aye- Pangrazio, Anderson, Rothrock, Rychlicki, Bickford      Nay- 0      Absent-0

RESOLVED, that the 1998 Land Pride\_Mower is declared surplus so that Highway Superintendent Schroeder can sell it in the on-line auction.

## **AUDIT OF ABSTRACT OF PAID VOUCHERS AND TRIAL BALANCES**

The Board audited the Abstract of paid Vouchers and trial balances.

**RESOLUTION 68-2020**

**PAYMENT OF BILLS**

On motion of Councilman Rothrock seconded by Councilwoman Rychlicki the following resolution was

ADOPTED- Aye- Pangrazio, Anderson, Rothrock, Rychlicki, Bickford Nay- 0 Absent-0

RESOLVED, that the bills be paid in the following amounts:

GENERAL FUND A – Voucher #'s 63-71,73-74, 76-79, 82-100	\$ 13,509.61
GENERAL FUND B – Voucher # 72,75,80,81	\$ 1,784.90
HIGHWAY FUND DB – Voucher #'s 24-35	\$ 70,366.81
GRAND TOTALS	\$ 85,661.32

On motion to adjourn by Councilman Rothrock seconded by Councilman Bickford and carried by all, the board meeting was adjourned.

Respectfully Submitted,

Laurie Sattora  
Town Clerk