

**Public Hearing for Local Law #2 of 2023 Providing for a (1) One Year
Moratorium on Solar Projects over 50 kw within the town OF Russell
@ 5:30 PM REGULAR BOARD MEETING Will Follow
@ The Russell Town Hall @ 6:00 PM
07/18/2023**

PRESENT:

Supervisor White
Councilor Burnham
Councilor Beachard
Town Clerk -Tess Eells
Councilor Kerr
Councilor -vacant
Highway Superintendent Meilleur

GUESTS:

Bobby Knox
Tina Dafoe
Mark Smith
Trudy Hendrickson
John Stransky
Sally Finnerty
Danielle Larue
Tammy Campbell
Brad Griffin
Penny Griffin

PLEDGE:

The Public Hearing meeting was called to order at 5:30 pm by Supervisor White

Supervisor White explained what the Moratorium was being adopted for. He said the State will eventually remove pilots and the Town will only get what the building permit is now which is \$200.00 for commercial permits. The Town will do a local law to raise the building permits for solar projects 50kw or larger to \$10,000 – 15,000 per kw. Other towns did this also.

The towns solar panels only benefit the town it keeps electric bills lower, we have one behind town barn and on back of court roof.

Tina Dafoe stated they approached them and other neighbors wanting 800 acres for a solar project.

Trudy Hendrickson asked if from those solar projects does the electricity go to Long Island. Tim stated no the Utica/Albany area.

There were no more questions.

RESOLUTION # 42 Adopting Local Law #2 of 2023 Providing For A (1) One year Moratorium On Solar Projects Over 50 kw Within the Town Of Russell:

Motion was made by Councilor Beachard and seconded by Councilor Kerr,

Therefore, the Town Board of the Town of Russell will adopt Local law #2 of 2023 Providing For a One (1) Year Moratorium on Solar Projects Over 50 kw within the Town of Russell.

Ayes – 4 Beachard, White, Burnham, Kerr

Nays – 0 Motion carried Local Law #2 of 2023 was adopted.

Exit Public Hearing and enter Regular meetings at 5:56 PM

PUBLIC DISCUSSION:

Tina Dafoe: The Free Table Committee presented this to the board:
The Free Table Committee goal is to help community members in need.

We have had a lot of feedback from the community (ex. phone calls, facebook messages, letters and personal comments).

Attached are samples of the comments.

We have three options to consider:

Enclosing one side of the porte-cochere-forming shelves and cubbies. The reverse side could showcase local art.

1. Using pavilion but that was produced by efforts of three entities: the Methodist Church, the museum, and the library. Thus, anytime the pavilion was going to be used for an event it would need to be cleared. Not feasible.
2. Purchasing a building at no cost to the town.
 - a. Metal-a floor would need to be built in. Condensation in the winter would be very bad for contents.
 - b. Amish-built-would be more satisfactory. Could be located between the library and Griffin's toward the road a little under the trees.

We will have volunteers monitoring and cleaning the table as well as a list of rules for table use and a list of rules for the volunteers managing the table. **Absolutely no garbage is to be put in the town garbage.**

We will do fundraising for the building. We will have volunteers run it and keep it in order. Councilor Burnham stated volunteers do not always work out and what about heat and electricity, we will work on that. Superintendent Meilleur stated he is not against helping the community but what about insurance and plowing, mowing etc.

Board asked where would it go? Tina stated beside the library the building would have tin roof and be vented. The committee will paint it.

Supervisor White stated it should be in the library during library hours. I am not against a table for donated things, but it should be inside the library.

Councilor Burnham stated other town libraries do not have tables outside and they look nice. People were dropping off all kinds of trash.

It was brought up about who will watch the building to keep certain bad people from going in it? The committee discussed the homeless. It would have to be kept locked when no one was watching it.

The committee will meet again and discuss what was said and come back with a plan.

The board does not want it outside the library like it was.

ACCEPTANCE OF THE MINUTES:

A motion was made by Councilor Burnham and seconded by Councilor Beachard to accept the minutes from 06/20/2023 as presented by the Town Clerk.

Ayes-4 Beachard, White, Burnham, Kerr

Nays-0 motion carried

TOWN CLERK REPORT: 07/18/2023

June 2023 Report:

13 dog licenses	64.00
Hunting licenses commission	14.08
1 Marriage License Comm.	7.50
10 Certified copies	100.00
6 Building permits	325.00
0 impoundment fee	.00
0 donations	.00

Fax & copy money	.00
<u>Revenue to supervisor:</u>	\$ 510.58
<u>Disbursed amounts:</u>	
Ag & Market (spay, neuter program)	17.00
NYS Department of Health	22.50
Decals	\$240.92
Total Disbursed	\$791.00

A motion was made by Councilor Beachard
 Seconded by Councilor Burnham
 To accept the clerk Report as presented
 Ayes-4 Beachard, Burnham, White, Kerr
 Nays-0 motion carried

BALLFIELD COMMITTEE REPORT:

- Supervisor White asked if he could get a load of topsoil down at the fields. Superintendent Meilleur stated he has some will deliver it.
- Supervisor White asked Highway Superintendent if they could take the old backstop out at main field.
- Councilor Beachard asked if the cement can be ordered yet; Supervisor stated no still waiting. Can someone else do it all cement places are backed up at this time.
- Councilor Beachard asked if the waterlines and septic be done now. Yes, the Highway Department can dig the trenches for waterline just put cones and safety tape around them.

SUPERVISOR REPORT: Timothy White

1. Financial Report

- Details of all income and expense transactions have been filed with the Town Clerk. Account balances as of July 18, 2023, for the general fund, highway fund, capital improvement fund, and streetlight fund have been filed with the Town Clerk.
- I finished the energy audit report and will get that over to the auditors ASAP. It is the last thing they need to file our annual audit with the comptroller's office.

A motion was made by Councilor Kerr and seconded by Councilor Beachard to accept the supervisor report as presented.

Ayes – 4 Beachard, Burnham, White, Kerr
 Nays – 0 Motion carried

LEGISLATURE REPORT: Larry Denesha

No Report.

A motion was made by Councilor _____ and seconded by Councilor _____ to accept the Legislature report as presented.

Ayes-

Nays -

FIRE DEPARTMENT REPORT:

- Bobby Knox stated they will have a Election Day dinner November 7, 2023.
- Councilor Burnham asked about the girl scouts painting Muriel on pump house, Tess stated they still want to simply hard getting the girls all together because of summer being busy. The town workers (summer youth) will paint the pump house white or light gray so it will look better.
- The pump house could not be pumped out so the town will have to get a mudsucker. John Stranski said Hermon FD has one but it hasn't been used in years so we would have to get it running and if we break it we have to fix it. Supervisor White stated we will rent one.
- Councilor Burnham stated Greg given is looking into having a cooling station at FD.
- The Fire whistle needs to be repaired.

JOHN STRANSKY: Hermon Fire and Rescue

- John stated is the Town of Russell going to help with funding. I have to know by July 29th to do my report. We got the department of Health involved. Supervisor White stated we do not have to contract with you we are under the Town of Canton certificate of need. John stated Hermon Rescue should be a Primary. He stated Tim had signed a letter with the county stating Hermon is the Primary for Russell and Tim stated he never signed a letter, only the contract our Town lawyer drew up in 2022. John said the certificate of need is for Town of Russell, Town of Hermon and Town of Dekalb. John stated they need a letter from the Town stating the town is removing Hermon as primary. John stated it cost \$110,000.00 for 2 full time EMT's. Tim will check on the things John is saying with County and Town lawyer. John asked if there was money in the budget for Hermon Rescue? Tim stated no. Councilor Burnham asked why when Hermon had an accident in Russell why did Russell FD have to pay for it.
- This discussion is tabled until it can be checked into, and we can call a special meeting if needed.

A motion was made by Councilor Burnham and seconded by Councilor Beachard to accept FD reports as presented.

Ayes 4 Beachard, Burnham, White, Kerr

Nays 0 Motion carried

HIGHWAY SUPERINTENDENT REPORT: Richard Meilleur

We have been busy cutting shoulder's and putting stone down on the Mackin, Silver Hill and Cook roads. We also had a few washouts from all the rain that we had to repair.

We installed 1 new driveway culvert on the Belleville Road and finished cleaning ditches on the Belleville Road.

We have started mowing roadsides this week for the second time.

Our chipper is fixed' Stickney's in Potsdam did a rebuild on the engine and it is working well. The cost to rebuild the chipper motor was \$4,827.62.

All our trucks are up and running with no major issues.

I talked to Kevin Burke on Monday, and he thinks he will be paving for us within the next 3 to 4 weeks.

Also, we have been cutting brush on Lazy River, Russell Pyrites, Silver Hill and Hewlett roads.

We sold 1 36" x 20 ' culvert to Larry Trombly on Pestle Street property at cost of \$740.60 and check was handed in to Tess.

Jefferson Concrete got back to me on the precast steps; they do not recommend using what they make as they are hollow. I have got the same response from Camp Precast. My suggestion is to put it out to bid for a poured in place set of steps that will last and be what the board is looking for.

I would like to thank the men for another safe and productive month.

Supervisor White asked if HWY could do the steps. Superintendent Meilleur stated he is not good at cement work and the town needs steps that will last. We need to advertise that we do prevailing wages.

RESOLUTION # 43 Advertisement for work replacing town hall steps

A Motion was made by Councilor Burnham and seconded by Councilor Kerr **Therefore**, the Town Board of Russell authorizes to advertise to take bids for replacing the steps leading up to the Town Hall using prevailing wages.

Ayes – 4 Beachard, White, Burnham, Kerr

Nays – 0 Motion carried

HIGHWAY COMMITTEE REPORT:

A motion was made by Councilor Kerr and Seconded by Councilor Beachard to accept the highway and highway committee reports as presented:

Ayes – 4 Beachard, Burnham, White, Kerr

Nays – 0 Motion carried

RESOLUTION # 44* Audit Report-Timothy White & Sandy Burnham

A motion was made by Councilor Kerr and seconded by Councilor Beachard to authorize paying the following bills.

July 18, 2023

Fund	Vouchers	Total
General	175 - 202	\$15,189.50
Highway	108 - 125	\$43,695.89
Capital Improvements	2-3	\$ 5,778.02
Fire Protection -		0.00
Street Lights	7	716.99
Total:		

Ayes-4 Beachard, Burnham, White, Kerr

Nays-0 Motion carried

OLD BUSINESS:

Councilor Beachard asked if Richard Anson got back to us yet on repairing the chimney. Supervisor stated not yet.

Councilor Burnham asked what steps must be done to change Town Clerk and Highway Superintendent back to 4-year terms instead of 2- year terms. A Local Law has to be done and we need to check and see if it has to go on the ballot.

NEW BUSINESS:

A motion was made by Councilor Kerr and seconded by Councilor Beachard to adjourn the meeting at 6:50 PM all were in favor.

Respectfully submitted by
Tess Eells, Russell Town Clerk

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, New York 12231

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.

Town of Russell

Local Law No. 2 of the year 2023

A local law Providing For a One (1) Year Moratorium on Solar Projects Over 50 kw
 Within the Town of Russell

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

Town of Russell as follows:

Article 1. Authority. The Town Board of the Town of Russell, pursuant to the authority granted under Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. Statement of Purpose and Findings.

WHEREAS, the Town of Russell periodically reviews its Planning and Building Code to ensure proper land use plan and land use regulation, business licensing and development; and

WHEREAS, a review of the Planning and Building Code of the Town of Russell demonstrates that there is no specific and/or inadequate regulation of commercial solar projects, including but not limited to solar energy systems and solar collection systems; and

WHEREAS, more specific regulation controlling the establishment, location and operation of solar projects within the Town of Russell is desired, so as to preserve the character and quality of life in the Town’s neighborhoods and business areas and to maintain the general welfare and safety for the Town and its residents and further to avoid potential negative secondary impacts to the community; and

WHEREAS, a moratorium on the acceptance by the Town of Russell of applications for the establishment, location and operation of solar projects for a minimal period of time, being one (1) year from the enactment of this law, will allow the Town to properly review, investigate, and if necessary, to adopt said regulations.

Article 3. Enactment. The Town Board of the Town of Russell hereby enacts as follows:

Section 1: Upon the date of the filing of this Local Law with the Secretary of State:

There is hereby enacted a one (1) year moratorium on the acceptance by the Town of Russell of applications for the establishment, location and operation of commercial solar projects, solar energy systems, and solar collection systems, in excess of 50 kw, or the construction of same.

Solar energy system shall mean an electrical generating system composed of a combination of both solar panels and solar energy equipment. A solar panel is a photovoltaic device capable of collecting and converting solar energy into electrical energy. Solar energy equipment shall mean electrical energy storage devices, material, hardware, inverters or other electrical equipment and conduit of photovoltaic devices associated with the production and/or transmission of electrical energy. Nothing herein shall prevent solar panel and solar energy equipment located on the roof of or within any legally permitted building or structure for the purpose of producing electricity primarily of on-site consumption. Further, nothing herein shall prohibit licensed load serving entities from conducting its regular and usual business of providing electrical distribution within its service territory as defined by its tariff with the New York State Department of Public Service.

Section 2: This local law shall take effect immediately upon filing with the Office of the Secretary of State.

(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. 2 of 2023 of the Town of Russell was duly passed by the Town Board on July 18, 2023, in 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 disapproved)(repassed after disapproval) by the _____ and _____ (Elective Chief Executive Officer*) was deemed duly adopted on _____, 20___, 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 disapproved)(repassed after disapproval) by the _____ on _____ (Elective Chief Executive Officer*) _____, 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 was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ (Elective Chief Executive Officer*) _____, 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 _____, 20__, 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 of 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.

(Seal)

Teresa L. Eells

Clerk of the County legislative body, City, Town or Village
Clerk or officer designated by local legislative body.

Teresa L. Eells

Date: July 18, 2023

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

STATE OF NEW YORK)
).ss
COUNTY OF ST. LAWRENCE)

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.

Henry J. Leader, Esq.
Town Attorney

Town of Russell

Date: _____, 2023

AFFIDAVIT OF PUBLICATION

North Country This Week

State of New York,

County of, Saint Lawrence,

The undersigned is the authorized designee of **North Country This Week**, a **Weekly** Newspaper published in **Saint Lawrence** County, **New York**. I certify that the public notice, a printed copy of which is attached hereto, was printed and published in this newspaper on the following dates:

July 07, 2023

This newspaper has been designated by the County Clerk of **Saint Lawrence** County, as a newspaper of record in this county, and as such, is eligible to publish such notices.

Christina Henke Rea

Signature

Christina Henke Rea

Printed Name

Subscribed and sworn to before me,

This 13 day of July 2023

Douglas W. Rea

Notary Signature

Notary Public Stamp



Town of Russell Town Clerk

AFFIDAVIT OF PUBLICATION

North Country This Week

RUSSELL

LOCAL LAW

The Town of Russell
Town Board will hold a
Public Hearing for a Local
Law #2 of 2023 Providing
For A One (1) Year
Moratorium On Solar
Projects Over 50 kw
Within The Town of
Russell on July 18, 2023
at 5:30 PM all interested
parties are encouraged to
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The Regular Board
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