

Proposed Resolutions – 11/19/2020

1. 2021 Final Budget: Resolved, that the Ancram Town Board approves the 2021 Town Budget as presented.

2. LL#2 of 2020: Adopting Local Law No. 2 of 2020, a “Local Law Amending Miscellaneous Provisions of the Town of Ancram Zoning Law previously adopted on November 20, 2014, and as amended since, and Adding New Provisions.”

Whereas:

1. This resolution proposes new legislation in the form of a local law amending miscellaneous provisions of the Town of Ancram Zoning Law, previously adopted on November 20, 2014 and as amended since, and that also adds several new provisions.
2. The new Zoning Law is proposed in the form of a Local Law pursuant to the authority and power granted to the Town Board and the Town by Articles 2 and 3 of the New York State Municipal Home Rule Law and by Article 2 of the New York State Statute of Local Governments.
3. In 2019, pursuant to the authority granted in New York State Town Law § 272-a, the Town of Ancram adopted an updated Comprehensive Plan. That Plan sets forth Ancram’s vision for its future, and the blueprint for how the Town should grow and how Ancram should preserve the characteristics and qualities of the Town so valued by Town residents. The Comprehensive Plan consists of materials, written and/or graphic, including, but not limited to, maps, charts, elements, appendices and other descriptive material. Section 272-a (11) of the Town Law requires, in relevant part, that all town land use regulations must be in accordance with an adopted Comprehensive Plan.
4. It is our intention to adopt a Zoning Law which brings Ancram’s zoning law into accord with the 2019 Comprehensive Plan. Our existing Town Zoning Law was adopted in 2014 and amended several times since then to address issues as they have arisen. Since the adoption of the updated Comprehensive Plan, the Town recognized there is a need for the Zoning Law to address current land uses not previously addressed in the Town Zoning Law including short-term rentals, special event venues, and the spreading of biosolids on farmlands.
5. In addition to, and in confluence with the implementation of the goals of the Town’s Comprehensive Plan, it is also the purpose of the proposed Zoning Law to exercise our Town’s right to protect our citizens by controlling the use of land so as to broadly protect the public health, safety and general welfare and to carry out locally established goals and objectives in accordance with a comprehensive plan designed to preserve and protect, for the benefit of the town as a whole, the basically rural-agricultural character of the Town.
6. This proposed Zoning Law is the result of hours of work over at least a year by the Town’s Zoning Review Committee (ZRC). Throughout that time, the ZRC has been working with the benefit of professional assistance from Nan Stolzenburg, AICP, of Community Planning and Environmental Associates.

7. The Town Board reviewed the Environmental Assessment Form (EAF), Part 1, Part 2 and Part 3 pursuant to the State Environmental Quality Review Act (SEQRA).
8. The Town Board determined that no significant adverse environmental impacts would result from adoption of Local Law #2 of 2020 and issued a Negative Declaration pursuant to 6 NYCRR Part 617.
9. Pursuant to New York State Municipal Home Rule Law § 20, Local Law No. 2 of 2020 proposing updates to the Zoning Law for the Town of Ancram was received by each member of the Town Board prior to this meeting via email and that proposed Local Law shall be deemed to be on the desk of each member of the Town Board as of tonight's Town Board meeting.
10. Pursuant to New York State Municipal Home Rule Law § 20, and Article XII of the Town of Ancram Zoning Law, the Town Board hereby introduces a revised Proposed Local Law No. 2 of 2020, a "Local Law Amending Miscellaneous Provisions of the Town of Ancram Zoning Law previously adopted on November 20, 2014, and as amended since, and Adding New Provisions."
11. The Town Board directed that the proposed Local Law be referred to the Columbia County Planning Board for its review and for an advisory opinion pursuant to Section 239-m of the New York State General Municipal Law. The referral to the County was made in conformity with the applicable provisions of New York State General Municipal Law § 239-m and the County determined that adoption of this Local Law would not have any county-wide implications and thus approved the local law.
12. Town Board directed that the proposed Local Law be referred to the Town of Ancram Planning Board in accordance with Town of Ancram Zoning Law Article XII(B) for its review and for an advisory opinion and the Planning Board delivered in writing, its approval.
13. In accordance with New York State Municipal Home Rule Law § 20(5), the Town Board scheduled and held a properly noticed Public Hearing on the Proposed Local Law via Zoom and allowed for written public input subsequent to the hearing. The Town Board also posted a copy of the proposed Local Law on the Town's web site, and made a paper copy of the proposed Local Law available for review by the public at the Town of Ancram Town Hall, 1416 County Route 7, Ancram NY 12502.
14. Public comments were reviewed by the Town of Ancram Zoning Revision Committee and the Town Board and subsequently, the Town Board prepared a final version of the proposed zoning amendments, attached as Amendment A to this resolution.

NOW THEREFORE, BE IT RESOLVED,

- Section A. That the Town Board hereby adopts Local Law # 2.
- Section B. That the Town Board instructs the Town Clerk to file the ENB form as required by 6NYCRR Part 617.
- Section C. That the Town Board directs the Town Clerk to inform the Columbia County Planning Office of its decision on such form as may be prescribed by the Columbia County Planning Office.

- Section D. That the Town Board directs the Town Clerk to file Local Law #2, as adopted by the Town Board, with the New York State Department of State immediately.
- Section E. That the Town Board shall enter this law into the minutes of the Town Board and shall publish a summary or abstract of it once in the official newspaper of the Town.
- Section F. That the Town Board instructs the Town Clerk to maintain a file in her office in the Town Hall to contain all parts of this law and instructs the Town Clerk to ensure that all parts of the law be posted on the Town’s website and that the Town Board cause affidavits of the publication and posting of the amendments be filed with the Town Clerk.

On a motion by:

And Seconded by:

Roll Call Vote of Resolution:	Aye	Nay	Absent/Abstain
Arthur Bassin, Supervisor	_____	_____	_____
Hugh Clark	_____	_____	_____
David Boice	_____	_____	_____
Madeline Israel	_____	_____	_____
Bonnie Hundt	_____	_____	_____

This resolution was filed in the office of the Town of Ancram Town Clerk on the ____ of November, 2020 by Monica R. B. Cleveland, Town Clerk of the Town of Ancram.

 Monica R. B. Cleveland, Town Clerk of the Town of Ancram

Annexed Documents:

Exhibit A: Proposed Local Law No. 2 of 2020, a proposed “Local Law Amending Miscellaneous Provisions of the Town of Ancram Zoning Law previously adopted on November 20, 2014, and as amended since, and Adding New Provisions.”

3a) NYSEDA Solar Resolution: Supporting Ancram’s Community Solar Campaign

WHEREAS, Solarize is a short term, local effort administered by Ancram’s Climate Smart Task Force that brings together groups of potential community solar customers through widespread outreach and education, and

WHEREAS, this model helps customers choose a community solar company that is offering competitive, transparent pricing, and

WHEREAS, community solar typically offers up to 10% savings on residents' electric bills, and

WHEREAS, residents and businesses who sign up for community solar by a specific deadline will be able to support local solar energy generation and

WHEREAS, the Town of Ancram shall also be able to take advantage of community solar and receive up to a 10% discount on municipal electric accounts and

WHEREAS, the New York State Energy Research and Development Authority (NYSERDA) provides technical assistance and other tools and resources to communities in support of Solarize campaigns.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Ancram supports, endorses, and is committed to participate in a community solar campaign.

BE IT FURTHER RESOLVED, that the Town of Ancram stands ready to assist with community outreach and education in support of a community solar campaign.

3b) Solstice Community Solar Program: RESOLVED, that the Town Board of the Town of Ancram hereby supports the Solstice Power Technologies Partnership Model as indicated in the terms and conditions outlined below

The objective of this partnership model is to offer community solar to residents of the town of Ancram, on community solar farms managed by Solstice Power Technologies in the Central Hudson utility load zones. Solstice will offer subscriptions to the appropriate community solar farm for eligible residents, small businesses, and municipality buildings. For every meter subscribed by residents of the town of Ancram, Solstice Power Technologies will donate \$100 towards ZZZ. The Town Board of Ancram will work with Solstice to promote the benefits of joining Solstice's local solar farms. These promotion efforts will be coordinated between the Town Board and a representative of Solstice (e.g. direct mail, promotion on the town website, etc.)

Solstice will ensure that all enrolled members of the solar farm will receive solar credits through their subscription, and a 10% discount on the cost of those solar credits as laid out in the Solstice customer agreement.

The Town Board of Ancram will agree to enroll any eligible meters paid with municipal funds, barring extenuating circumstances (e.g. building that already has agreed-upon plans to install solar panels). Solstice will make the same \$100 donation toward the town of Ancram's fund for ZZZ for each of these meters.

This partnership agreement will remain in effect until either xx xx, 20xx or the completed subscription of the two projects currently available for subscription in Central Hudson utility load zones. Solstice Power Technologies and the Town Board of Ancram will have the option to renew this agreement with the consent of both parties should there be subscriptions available to new solar farms after one of the above parameters has been met.

The Town Board of Ancram reserves the right to repurpose the funds as per a town resolution, but must inform Solstice if it should choose to do so. Should sufficient funds be raised to cover the entire cost of the initiative, the Town Board of Ancram will inform Solstice of how the additional funds will be used.

Ancram residents will be permitted to combine this with Solstice “enrollment bonuses” but no other third-party referral donations or bonuses. Solstice agrees to keep the Town Board of Ancram informed of any changes to existing enrollment bonuses - which are \$100 per meter at the time of this partnership agreement.

4) Copake Solar Project - Opposing the Construction of the Shepherd’s Run Solar Project in the Town of Copake:

WHEREAS, on August 5, 2020, Hecate Energy Columbia County 1 LLC filed a Preliminary Scoping Statement pursuant to Article 10 of the New York State Public Service Law, by which Hecate detailed its plans to construct Shepherd’s Run Solar Facility, a utility scale solar plant capable of generating 60 megawatts of energy to be sited on private property in the Town of Copake, to wit: on farmland in the hamlet of Craryville; and

WHEREAS, the project area proposed by Hecate is according to project maps 2,452 acres which would include up to 500 acres—nearly one square mile—of solar arrays; and

WHEREAS, Shepherd’s Run, once constructed, would provide only two jobs, and would in no way benefit the Copake economy which relies on agriculture and tourism; and

WHEREAS, among the long-term, adverse impacts of Shepherd’s Run on the rural Roe Jan community would be loss of prime farmland and natural resources, including the Copake Lake Watershed, Taghkanic Creek and protected wetlands; displacement of native and endangered wildlife and birds; degradation of rural viewsheds and a major thoroughfare to the Taconic State Park, Catamount Mountain Resort, the hamlets of Hillsdale, Copake and neighboring Berkshires; and

WHEREAS, that the installation of Shepherd’s Run would destroy the property values of homes situated adjacent to the installation as well as those which would overlook the installation; and

WHEREAS, local attractions such as the Harlem Valley Rail Trail, the Taconic State Park, Catamount Mountain Resort and local campgrounds and hospitality venues attract visitors to visit Copake and the Roeliff Jansen community to experience outdoor activities and opportunities; and

WHEREAS, over the past 10 years the Town of Copake has engaged in thoughtful planning which promoted green energy provided that it did not have negative environmental and scenic impacts”; and

WHEREAS, in 2017, the Town of Copake adopted a Solar Law which recognized that solar energy is a clean, readily available, and renewable energy source and provided for solar panel facilities throughout the Town but sought to limit the size of solar installations in the Town of Copake by limiting installations of utility scale projects to 10 acres; and

WHEREAS, the Town of Ancram opposes Article 10 and Section 94-c in that these laws trample on Home Rule and deprive local jurisdictions from determining what is appropriate growth in their Town;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Ancram hereby opposes the development and installation of Shepherd's Run; and it is further

RESOLVED that the Town Board of the Town of Ancram urges the New York State Board on Electric Generation Siting to deny the application of Hecate Energy Columbia County 1, LLC, should one be submitted; and it is further

RESOLVED, that the Town Board of the Town of Ancram urges the Columbia County Board of Supervisors to pass a Resolution opposing the development and installation of Shepherd's Run, and urges further, that the Board of Supervisors 'opt out' of the Real Property Tax Law Section 487 exemption, and it is further

RESOLVED, that the Town of Ancram urges Governor Andrew Cuomo, Governor of the State of New York; the New York State Senate and the New York State Assembly to adopt legislation which would meet the challenges of climate change without violating Home Rule and local zoning powers and which would more fairly distribute the responsibility of confronting Climate Change among all communities throughout the State instead of placing the entire burden on small rural communities.

5) Radar speed sign installation permits: Resolved, that the Ancram Town Supervisor is authorized to apply to the NYS Department of Transportation for permits to install radar speed signs on state roads in the Town of Ancram.

6) Retiree health insurance eligibility: Resolved, that Town of Ancram employees who retire after January 1, 2021 and at the time of their retirement are eligible for and enrolled in Medicare and are also eligible for Town health insurance, will be eligible for Town paid retiree health insurance based on their number of years of continuous service as follows: for at least 10 years of continuous service, the town will pay 50% of a Medicare Advantage Plan premium with a maximum of \$200 per month, for between 10 years and 25 years of continuous service, the town will pay 75% of a Medicare Advantage Plan premium with a maximum of \$300 per month and for over 25 years of continuous service, the town will pay 100% of a Medicare Advantage Plan premium with a maximum of \$400 per month; and be it further **Resolved** that an eligible employee's spouse will also be covered by this retirement health benefit, and be it further **Resolved** that this retiree health benefit for an eligible employee's spouse shall continue for the spouse following the death of the eligible employee, and be it further **Resolved** that the amount of the monthly premiums payable under this program shall be reviewed and adjusted by the Town Board annually as part of the budget process.

7) CDL Drug Prevention Policy - Resolved, that the Ancram Town Board approves and adopts the Commercial Driver's License (CDL) Drug and Alcohol Testing Plan and Policy dated October 19, 2020.