

-Public Notice Ad Proof-

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TOWN OF GALWAY
Saratoga County
Notice of Special Meeting and Public Hearing regarding establishment of Local Law Imposing a moratorium on large solar energy systems
NOTICE IS HEREBY GIVEN that the Town Board of the Town of Galway will hold a Special Meeting and Public Hearing at Town Hall, 5901 Sacandaga Road, Galway, NY 12074 on January 11, 2022 at 6:45 p.m. to discuss and take public input on a proposed Moratorium on Large Solar Energy Systems in the Town.
Colleen Forneris
Town Clerk
12/29/21
1/1 2455434

<p>Date: 01/11/22</p> <p>Account #: 90010 Company Name: TOWN OF GALWAY</p> <p>Address: 5910 SACANDAGA RD. GALWAY</p> <p>Telephone: (518) 882-6070 Fax:</p>	<p>Publications: THE DAILY GAZETTE, Online Advertising</p>
<p>Ad ID: 2455434 Copy Line: Notice of Special Meeting</p> <p>PO Number: Start: 01/01/22 Stop: Total Cost: \$13.88 # of Lines: 25 Total Depth: 2.25 # of Inserts: 2 Ad Class: 101</p>	

REGULAR MEETING
 JANUARY 11, 2022
 GALWAY TOWN HALL

Supervisor Michael Smith called the Meeting to order at 7:03 p.m. The same Town Board Members were present.

OTHERS PRESENT: R. Daino, Chair Planning; T. Gilday, Building Administrator; D. Sowle, Youth Chair; T. O'Brien, Dog Control Officer; P. Flinton & M. DeFoe, Town Clerk.

Pledge to the Flag

A motion was made by Councilmember Fred Arnold, seconded by Councilmember JoAnne Grant to approve the minutes of the December 14, 2021 Regular Meeting & the January 4, 2022 Organizational Meeting as submitted.

All ayes.

MOTION CARRIED

Communications – Town Clerk stated that the following correspondence was received: Notification was received from Association of Town regarding 2022 Training School & Annual Meeting of Association to be held 2/20-2/23/22, Certificate of Designation needs to be completed regarding meeting; Assessor Report for January 2022; November & December Dog Control Log along with Shelter Report for November; December Highway Report with Schedule for January & Budget Amendment. Supervisor Smith stated that he got a thank you letter and plaque from Heather Tillson & the Galway Jr. Trap Team.

COMMITTEE/LIAISON/DEPARTMENT HEAD REPORTS: Youth Commission – Donna Sowle, Youth Chair advised that Youth Basketball began in November on Saturdays for grades 3-6, ending on December 18th. 1st & 2nd grade started basketball after that. Karate started back at school in December, they meet on Tuesday's & Thursday's currently he has 9 students. Junior Riffle Club meets on Wednesday's. Kyle has one group of 8 that are return shooters and one group of 6 that are beginners. Pee Wee Wrestling has begun. Supervisor Smith stated that he would like to invite Sharon Ryan to next Youth Commission Meeting to connect with them on Town Facebook usage. Donna would like to have Sharon keep people up on events and programs on Facebook page. Ski tickets will be picked up this weekend and then available at Town Hall.

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the December 2021 Pre Pays General Abstract of Vouchers (A) for a total of \$6,386.52.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the December 2021 Pre Pays General Abstract of Vouchers (B) for a total of \$214.63.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to approve the December 2021 Pre Pays Highway Abstract of Vouchers (DA) for a total of \$1,440.60.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the December 2021 General Abstract of Vouchers (A) for a total of \$20,506.35.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the December 2021 General Abstract of Vouchers (B) for a total of \$7,630.45.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to approve the December 2021 Highway Abstract of Vouchers (DA) for a total of \$55,929.94.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the December 2021 Highway Abstract of Vouchers (DB) for a total of \$29,299.47.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the December 2021 Special Lighting District Abstract of Vouchers (SL) for a total of \$201.63.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to approve the January 2022 General Abstract of Vouchers (A) for a total of \$38,341.92.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the January 2022 General Abstract of Vouchers (B) for a total of \$2,362.94.

All ayes.

MOTION CARRIED

Councilmember J.D. Arnold made a motion, seconded by Councilmember JoAnne Grant to approve the January 2022 Highway Abstract of Vouchers (DA) for a total of \$33,087.04.

All ayes.

MOTION CARRIED

Councilmember JoAnne Grant made a motion, seconded by Councilmember Fred Arnold to approve the January 2022 Highway Abstract of Vouchers (DB) for a total of \$31,019.10.

All ayes.

MOTION CARRIED

Councilmember Fred Arnold made a motion, seconded by Councilmember J.D. Arnold to approve the January 2022 Tri-Town Abstract of Vouchers (TT) for a total of \$423.64.

All ayes.

MOTION CARRIED

Supervisor Smith advised that there was no Supervisor's Report for this evening.

RESOLUTION #: 2-2022 – Budget Amendments. Supervisor stated that \$140,000.00 was already received. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED:

AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the following Budget Amendment:

Decrease	DB3501	CHIPS/PAVE NY/EWR	\$ 80,020.67
Increase	DB5110.4	Road Repairs	\$ 80,020.67

All ayes.

MOTION CARRIED

RESOLUTION #: 3-2022 – Authorization to approve insurance package. Councilmember Fred Arnold questioned if we had pricing for changing the deductibles to \$5,000. Supervisor Smith stated that Dave didn't get back to him with figures. Board went into discussion regarding deductibles and decided to approve with the understanding that deductible would be changed to \$5,000 and premium would be reduced. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED BY ROLL CALL VOTE:

Supervisor Michael Smith – AYE

Councilmember Fred Arnold – AYE

Councilmember JoAnne Grant – AYE

Councilmember J.D. Arnold – AYE

RESOLVED that the Galway Town Board approve the Insurance package provided by Amsure Insurance with New York Municipal Insurance Reciprocal in an amount not to exceed \$41,858.30. With the understanding that deductibles will be increased to \$5,000 which will result in a lower overall premium.

4 – AYES 0 -NAYS

MOTION CARRIED

RESOLUTION #: 4-2022 – Authorization for Supervisor to be a voting delegate at the Association of Town's Meeting. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D. Arnold the following resolution was ADOPTED: AYES – 4 NAYS – 0

RESOLVED that the Galway Town Board authorize the Supervisor to be voting delegate and Councilmember Ryan Flinton the Alternate for Town of Galway at the Association of Town's Meeting in February.

All ayes.

MOTION CARRIED

RESOLUTION #: 5-2022 – Local Law No. 1-2022. Impose a 6-month moratorium on large solar energy systems. On a motion of Councilmember Fred Arnold, seconded by Councilmember J.D.

Arnold the following Resolution was adopted by ROLL CALL VOTE:

Supervisor Michael Smith – AYE

Councilmember Fred Arnold – AYE

Councilmember JoAnne Grant – AYE

Councilmember J.D. Arnold – AYE

TOWN OF GALWAY

2022 RESOLUTION NO. 5

**A Resolution Adopting Local Law No. 1 of 2022,
A Local Law Imposing a Moratorium on Large Solar Energy Systems**

Introduced by: Supervisor Michael Smith

WHEREAS, Local Law No. 1 of 2022, attached hereto, proposes to impose a 6-month moratorium on large solar energy systems; and

WHEREAS, the moratorium is necessary to allow the Town Board to consider and implement a solar energy local law; and

WHEREAS, a public hearing was held regarding the proposed moratorium in a duly noticed Public Hearing on the proposed Local Law by the Town Board on January 11, 2022; and

WHEREAS, pursuant to 6 NYCRR §617.5 (a) and (c)(30), the Town Board's consideration and adoption of a moratorium on land development is a Type II Action and is not subject to review under SEQRA;

Now, therefore, be it

RESOLVED, that pursuant to the Town Board's authority under NYS Town Law §261-C and Municipal Home Rule Law §10, the proposed Local Law No.1 of 2022, imposing a Moratorium on Large Solar Energy Systems, is hereby adopted; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a descriptive notice of the adoption of the Local Law No. 1 of 2022 within 5 days of its adoption by the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a Certified Copy of Local Law No.1 of 2022 with the New York State Department of State no later than 20 days of the date of its adoption by the Town Board; and be it further

RESOLVED, that the Director of the Department of Building and Planning shall file a copy of the Local Law No. 1 of 2022 with the Town and County Planning Boards; and be it further

RESOLVED, that the Town Clerk shall attach a copy of Local Law No. 1 of 2022 to the minutes of this Town Board meeting.

TOWN OF GALWAY
LOCAL LAW NO.1 OF 2022
A LOCAL LAW ESTABLISHING A TEMPORARY LAND USE
MORATORIUM PROHIBITING LARGE SCALE
SOLAR INSTALLATIONS WITHIN THE TOWN OF GALWAY

Be it enacted by the Town Board of the Town of Galway as follows:

SECTION 1. TITLE

This Local Law shall be known as the “Moratorium on and Prohibition of Large Scale Solar Installations Within the Town of Galway”.

SECTION 2. STATUTORY AUTHORITY; PURPOSE AND INTENT.

This Local Law is intended to be consistent with and is adopted pursuant to the authority granted to the Town Board of the Town of Galway under the New York State Constitution, and the Law of the State of New York, including but not limited to the following authorities: New York State Constitution Article IX, Section 2 (c)(ii)(6), (10); Municipal Home Rule Law § 10(1); Municipal Home Rule Law § 10(1)(ii)(a)(6), (11), (12), and (14); Municipal Home Rule Law § 10(1)(ii)(d)(3); Municipal Home Rule Law §10(2); Municipal Home Rule Law § 10(3); Municipal Home Rule Law § 10(4)(a), and (b); Statue of Local Governments § 10(1), (6), and (7); Town Law § 64 (17-a); Town Law § 130(3) and (15); Town Law §135; Town Law Article 16 (Zoning & Planning) inclusive; Environmental Conservation Law §3-0301(1)(b), 3-0301(2)(m) and 8-0113 and 6 NYCRR Part 617, also known as the State Environmental Quality Review Act, as it pertains to applications that are neither excluded nor exempt from this local law.

This Local Law is a land use regulation. This Local Law is intended and is hereby declared to address matters of local concern, and it is declared that it is not the intention of the Town to address matters of statewide concern. This Local Law is intended to act as and is hereby declared to exercise the permissive “incidental control” of a zoning law and land use law that is concerned with the broad area of land use planning and the physical use of land and property within Town, including the physical externalities associated with certain land uses, such as potential negative impacts of such uses on a community.

This Local Law shall supersede and suspend those provisions of the Zoning Local Law the Town of Galway and New York State Law which require the Planning Board and/or the Town Code Enforcement officer to accept, process, and approve land use applications within certain statutory time periods.

This Local Law is intended to temporarily prohibit the creation or siting of large scale solar power installations (as herein later defined) and solar energy systems within the Town of Galway for a period of up to six (6) months, pending the development and adoption of local laws designed to regulate and govern such installations.

The Town Board recognizes and acknowledges that the Town needs to study and analyze many considerations that affect the preparation of local legislation to regulate the future creation and siting of large scale solar installations. The Town Board has formally requested the Planning and Zoning Attorney of the Town of Galway to identify and review local laws from other jurisdictions, and related information and source materials, in order to assist in developing the parameters of a local law to regulate large scale solar installations.

The Town Board also recognizes the need to review and examine its existing ordinances, local laws and Zoning Code provisions insofar as they may be affected by adoption of such local law(s) regulating the creation and/or siting of large scale solar power installations. It is deemed necessary to enact this moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium in order to permit the Town adequate time in which to draft suitable legislation for this purpose. During the term of the moratorium the Town of Galway shall work to prepare and eventually adopt new land use regulations to incorporate into the Town's existing Zoning Local Law.

During the pendency of the moratorium, the Town Board will consider how best to permit such installations so as to harmoniously integrate such installations with the existing agricultural community and landscape. At present, the Zoning Code of the Town of Galway may not adequately regulate such land use. If the community allows such development during that time, the goals of the Town Comprehensive Plan and its related legislation favoring the successful continuity of agricultural operations could be undermined or damaged. Moratoria are useful in controlling or temporarily inhibiting development until satisfactory final regulations are adopted.

For these reasons, the Town Board finds that temporary moratorium legislation is both advisable and necessary for a reasonable and defined period of time in order to develop and adopt necessary zoning and land use changes to the Zoning Code of the Town of Galway, thus protecting and furthering the public interest, health and safety.

SECTION 3. DEFINITIONS.

For the purpose of this Local Law, the following terms shall have the meanings respectively set forth below:

Large Scale Solar Installations(s) – Any installation of solar energy systems, panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun and converting such power into electricity for resale to or by a third party (which does not include any individual that directs such produced energy back into the public grid solely to off-set their own energy consumption). Large Scale Solar Installations specifically do not include any solar panel collection system or array undertaken by individual landowners, householders or farmers for their own person use.

SECTION 4. TEMPORARY MORATORIUM and PROHIBITION.

- A. Unless permitted pursuant to Section 5 hereafter, from and after the date this Local Law is adopted by the Town Board, no application for permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval of any nature shall be accepted, processed, entertained, approved, approved conditionally, or issued by any board, employee, official or agent of the Town of Galway, for the construction, establishment, or use or

- operation of any land, body of water, building, or other structure located within the Town of Galway for an Large Scale Solar Installation, as defined above.
- B. Unless permitted pursuant to Section 5 hereafter, from and after the date this Local Law is adopted by the Town Board, no Person shall use, cause, or permit to be used, any land, body of water, building, or other structure located within the Town of Galway for any Large Scale Solar Installation, as defined above.
 - C. The prohibitions set forth above in Clauses A. and B. of this Section 4. are not intended, and shall not be construed, to prevent or prohibit the use and development of solar panel arrays or collection systems for an personal or individual use on or about any residence, or any family farm, so long as such use does not produce energy for the purpose of use by or resale to or by any third party. The term "use by or resale to or by any third party" as used immediately above shall not be construed to include any individual that directs such produced energy back into the public grid solely to offset their own energy consumption.
 - D. This moratorium and prohibition shall be in effect immediately upon its adoption and subsequent filing with Secretary of State and shall expire on the earlier of (i) that date which his six (6) months after said effective date; or (ii) the effective date of a Town Board resolution affirmatively stating the Town Board has determined that the need for this moratorium and prohibition no longer exists.
 - E. This moratorium and prohibition shall apply to all real property within the Town of Galway and all land use applications for the siting or creation of Large Scale Solar Installations within the Town of Galway.
 - F. Under no circumstances shall the failure of the Town Board of the Town of Galway, the Zoning Board of Appeals of the Town of Galway the Planning Board of the Town of Galway, or the Code Enforcement Officer of the Town of Galway to take any action upon any application for a permit, zoning permit, special permit, zoning variance, building permit, operating permit, site plan approval, subdivision approval, certificate of occupancy, certificate of compliance, temporary certificate, or other Town-level approval constitute an approval by default or an approval by virtue of expiration of time to respond to such application.

SECTION 5. HARDSHIP VARIANCE RELIEF FROM APPLICABILITY OF MORATORIUM.

Applications for land use otherwise subject to this moratorium may be exempted from the provisions of this local law following a noticed public hearing before the Town Board, at which hearing the Town Board may consider:

- A. The proximity of applicant's premises or the subject of applicant's request for relief to natural resources, including but not limited to prime agricultural soils, wetland areas, conservation districts and other environmental concerns.

- B. The impact of the proposed application on the applicant's premises and upon the surrounding area.
- C. Compatibility of the proposed application with the existing land use and character of the area in general proximity to the subject of the application, and its effect upon aesthetic resources of the community.
- D. Compatibility of the proposed application with the recommendations of any administrative body charged with such review by the Town of Galway.
- E. The written opinion of the Town of Galway Planning Board and the Town of Galway Code Enforcement Officer that such application may be jeopardize or made impractical by waiting until the moratorium is expired.
- F. Such other reasonable considerations and issues as may be raised by the Town Board.

In making a determination concerning a proposed exemption or grant of relief from application of the moratorium, the Town Board may obtain and consider reports and information from any source it deems to be consistent with review of said application. A grant of relief from application of the moratorium shall include a determination of unreasonable hardship upon the property owner which is unique to the property owner, and a finding that the grant of any exemption will be in harmony with, and will be consistent with the recommendations of the Comprehensive Plan.

An application for relief of application of the moratorium shall be accompanied by a fee of \$500, together with the applicant's written undertaking, in a form to be approved by an Attorney for the Town, to pay all of the expenses of the Town Board and any agent or consultant retained by the Town Board to evaluate and consider the merits of such application, including but not limited to any fees incurred by the Town for services provided by an Attorney for the Town.

SECTION 6. PENALTIES.

- A. Failure to comply with any of the provisions of this Local Law shall be an unclassified misdemeanor as contemplated by Article 10 and Section 80.05 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500) or imprisonment for not more than ten (10) days, or both for the first offense. Any subsequent offense within a three-month period shall be punishable by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500) or imprisonment for a period of not more than 30 days, or both. For purposes of this Clause A., each day that a violation of this Local Law exists shall constitute a separate and distinct offense.
- B. Compliance with this Local Law may also be compelled, and violations restrained by order or by injunction of a court of competent jurisdiction, in an action brought on behalf of the Town by the Town Board.

- C. In the event the Town is required to take legal action to enforce this Local Law, the violator will be responsible for any and all costs incurred by the Town relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the propert(ies) within the Town on which the violation occurred, by including such expense in the next annual Town tax levy against such property, and such expense shall be a lien upon such property until paid.

SECTION 7. CONFLICTS.

For and during the stated term of this legislation, unless the stated term thereof shall be modified or abridged by the Town Board, this moratorium shall take precedence over and shall control over any contradictory local law, ordinance, regulation or Code provision.

SECTION 8. SEVERABILITY.

If any word, phrase, sentence, part, section, subsection, or other portion of this Local Law, or the application thereof to any person or to any circumstance, is adjudged or declared invalid or unenforceable by a court or other tribunal of competent jurisdiction, then, and in such event, such judgment or declaration shall be confined in its interpretation and operation only to the provision of this Local Law that is directly involved in the controversy in which such judgment or declaration is rendered, and such judgment or declaration of invalidity or unenforceability shall not affect or impair the validity or enforceability of the remainder of this Local Law or the application hereof to any other persons or circumstances. If necessary as to such person or circumstances, such invalid or unenforceable provision shall be and be deemed severed here from, and the Town Board of the Town hereby declares that it would have enacted this Local Law, or the remainder thereof, even if, as to particular provisions and person or circumstances, a portion hereof is severed or declared invalid or unenforceable.

SECTION 9. EFFECTIVE DATE.

The effect date of this Local Law shall be immediately upon its adoption by the Town Board and its subsequent filing with the Secretary of State and shall be immediately effective upon a person or business individually served with a copy thereof before its filing with the Secretary of State.

5- AYES 0 – NAYS

MOTION CARRIED

Supervisor Michael Smith gave all Board Members a copy of the NYS Department of the Treasury Overview Packet of the Final Rules on Coronavirus State & Local Fiscal Recovery Funds Spending.

Supervisor Smith stated that he received a letter from the Highway Superintendent advising that he appointed Ronald Spraker his Deputy Highway Superintendent. Supervisor Smith stated that since this was already indicated in the Town Policy & Procedures Manuel, he didn't feel that a resolution was needed.

Other Business - Donna Sowle stated that the first batch of ski passes would be 58 passes. Samantha would be picking them up this coming weekend. This was out of 2021 funding. They will be having more as season progresses.

Supervisor Michael Smith stated that they have had between 5-15 Seniors daily for the meal program.

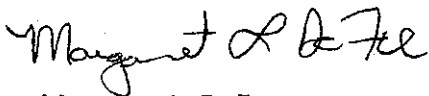
Privilege of Floor – None

On a motion of Councilmember JoAnne Grant, seconded by Councilmember Fred Arnold the meeting was adjourned at 7:31 p.m.

All ayes.

MOTION CARRIED

Respectfully submitted,



Margaret L. DeFoe
Town Clerk