

Machias Town Board Meeting Minutes

April 17, 2023

The Board Meeting was called to order at 7:04 pm. The pledge of allegiance was said by all in attendance. Attending were Supervisor Stephen Cornwall; Councilmen Robert Shenk, Robert Green, and Tom Reese via Zoom videoconference; Code Enforcement Officer Scott Ludtka; and Town Clerk Rebecca Grimmelt. Also in attendance were Youth Board members Cathy Snayczuk, Jenna Hehl, and Karen Insley; Peter Sorgi; Josh and Jen Dusterhus; Rick Myers; Jim Insley; Henry Zomerfeld; Rafael Tudela; Christine Burton; Vicky and Rachel Conner; David Zilker; Joyce Hackett; Nick Glasner; Brian and Cheryl Keesler; Mark Foster; Josh and Dawn Burch; and Brenda Hanson. Councilman Frank Bork was excused.

Supervisor Cornwall read Resolution 27 "Resolution for procedures for member and public attendance at meetings conducted via videoconferencing." In February, the Board passed a law allowing videoconferencing for Board Members who were unable to attend in person. The supervisor explained that this was just a required breakdown of the rules that would apply to that law. Robert Shenk made a motion to approve the resolution and Steve Cornwall seconded. All were in favor and the resolution was approved.

Robert Shenk made a motion to accept the minutes of the March 20, 2023, Board Meeting. Tom Reese seconded. All were in favor and the motion carried.

Karen Insley reported for the Youth Commission. She said that they are expecting the new playground to be installed in May but don't have a definite date yet. They are interviewing REC staff tomorrow and still need lifeguards. The basketball court at the park will be filled, sealed, and lined by Bennett Sealing. The annual Memorial Day Chicken BBQ will be held after the parade at a location to be determined. They hope to have it at the park with a ribbon cutting for the new playground but if the playground hasn't been installed yet, they will hold it at the Fire Hall.

Steve Cornwall said that the Town has two prices for opening the pool this year. Beauty Pools is about \$800, and we have had to call them back in the past to have them come back and "do it right". There is also a price from a company in Springville for \$700. Tim Byroads met with the owner and spent over an hour going over everything at the pool with him and felt very comfortable. The Youth Commission and Board decided to try the Springville company this year.

Jen Dusterhus asked what the total cost of the playground was. Karen Insley said the playground cost \$73,000 with the Youth Commission putting in \$25,000 of funds that

they had raised. Developers have talked about making a Host Community Agreement to pay for the playground. The funds won't be available until the solar projects are online but can be used for any discretionary purpose by the Town, not just the playground. Jen said the Host Community Agreement isn't for the whole community. Steve said yes, it is. Jenna Hehl asked how is it not for the community. They have been working on the playground for years. Who is it excluding? Jen Dusterhus said that there is already money for the playground, and we don't need to take money from the developers. She thinks there is more going on than meets the eye; the County Planning Board is supposed to be voting on the exemption to the solar moratorium tomorrow, but the Town is voting on it tonight. Also, the logging has been done on Felton Hill site which needed to be done by March 31st because of the Northern long-eared bat. They have been up there working. Mark Foster said a survey has been done and this entire project looks like a lot of back-door deals are going on; the appearance of this project is ugly. It makes the townspeople suspicious of the Town Board and the solar companies. Tom Reese and Bob Shenk said they take offense to that comment. Tom said that the residents weren't around when the solar projects started, and they put the Solar Law together. If there wasn't a Solar Law, the developers would have only needed a building permit and the projects would be up and running already. Is our law the best, maybe not, but we can add to it. The Board was looking out for the Town. Tom doesn't like them insinuating that they are making backroom deals. Mark Foster said that is his opinion and the residents are entitled to theirs.

Josh Dusterhus asked if he could read a brief statement regarding the exemption vote. He said that he doesn't think the Town Board should vote tonight. Whether 30 days have passed or not is irrelevant since the County Planning Board is meeting tomorrow night to consider this law and make a recommendation to the Town. If the Town Board acts tonight, it will be acting recklessly and improperly. They will be acting to support private developers and in a way that will harm members of this community. They will be acting irresponsibly if they push ahead with a vote tonight knowing that the County Planning Board will be voting on this tomorrow. If there is such a rush to act, the Board should schedule a special meeting later this week after they have the County's recommendation.

Steve Cornwall responded that the 30 days had passed. The County received the referral form on March 14th. Bob Green asked if the members of the Planning Board had seen it then? Steve replied that regulations require that they must receive it, but they don't actually have to look at it. Bob thought we should wait to vote until after tomorrow. Henry Zomerfeld said that the Planning Board had an opportunity to vote at their last meeting but tabled the referral. They had their opportunity and didn't act. Rafael Tudela said that he thinks the Town should wait to vote until the County shares their opinion; Mark Foster seconded his request. Peter Sorgi asked to speak. He said

that the Planning Board had the referral on their big screen at the last meeting and discussed it for 20 minutes. The one thing the County said they wanted was the minutes from the Public Hearing, which hadn't happened yet when the referral was sent. Peter said he went through the last year of the County's Planning Board records. There have been twenty-three non-solar zoning application referrals submitted and nineteen were approved; there were eight for solar and none were approved. There were twenty-one referrals submitted for local laws and they approved all of them, until tomorrow night when they give a negative referral on the amendment to the solar moratorium. Peter said he went through the last five years of minutes for the County Planning Board, and they haven't had a single special meeting. Why are they having one for this? They have a very clear bias against solar. The law clearly states that they have 30 days from receipt of the referral and after that they have lost their opportunity to issue a legal opinion. Peter said that they have followed the rules and done everything required of them. They have offered \$37,500 in a Host Community Agreement because they have sat at the Town Board meetings and listened to people ask what is in it for the Town? What are they going to do for the Town?

Mark Foster asked what are they going to do for adjoining landowners. Henry Zomerfeld said that he has resolved those issues with the neighbors of the RIC project (Rt. 16 and 242). None of them are here complaining. Mark Foster said that they haven't done anything for Felton Hill residents. Josh Dusterhus said that there must be a reason that the County is holding a special meeting; they have concerns about the way that the law was written. Steve Cornwall was invited and said he would attend. Why aren't we waiting to vote? It makes no sense to Josh.

Peter Sorgi said what the residents are asking is to let Ginger Schroder run the whole town; let her make every decision. The Board can be pushed around by the County. Mark Foster said they are being pushed around by the solar companies now. The Town Clerk said that legally the moratorium is only allowed to be put in place to edit the Solar Law that is there. Bob Green said we didn't need to give any exemptions. The Town Clerk replied that RIC and GSPP didn't have to abide by any changes to the Solar Law because they were grandfathered into the original law. The residents asked who said this? The Clerk replied that multiple lawyers had agreed that the two developers would be grandfathered because their applications were already in process under the original law.

The Code Enforcement Officer, Scott Ludtka, asked to address the situation with the Solar Farms. We have a project that isn't very popular and there is cutting and clearing going on off of plans created for a project. He said he didn't issue a stop order although he probably could have. How do we proceed with this issue? Are you going to continue working on a project that you don't have a permit for? This is not to detract from the

landowner's rights. He can cut trees and have his property surveyed. The problem is that there were tens of thousands of dollars spent on engineering documents and those documents are being used to determine which trees are being cut. The company is putting the Town Board in a horrible position. A decision is going to have to be made on whether you are operating without a permit or challenge the fact that the landowner can do what he pleases. It is sending a bad message from a Code Enforcement position.

Some of the residents asked who did the survey. Who had the trees cut? Jen Dusterhus said it was the developer. Mark Foster asked why we even have a moratorium. Steve Cornwall said it is because we have other solar projects waiting in the wings and the moratorium precludes them from going forward. Bernie Horschel, the landowner, said that he paid for the survey and the tree removal. Code Enforcement said it just gives a very ugly perception and the developers need to decide whether to continue. Peter Sorgi called the developer and asked him to commit to not doing anything else at the Horschel property. They have agreed to do nothing else before a permit is issued. Mark Foster asked if Mr. Horschel was going to be reimbursed for the survey and tree removal? Peter Sorgi responded that he didn't know, and it wasn't anyone's business. Who has more rights – the property owner or a neighbor?

Resolution 28 "Resolution to adopt Local Law 2 of 2023" was read by the Supervisor. Steve Cornwall made a motion to approve the resolution; Tom Reese seconded. Cornwall, Reese and Shenk were in favor; Green was opposed. The resolution was approved.

Scott Ludtka gave his report as CEO. He has completed the Universal Code survey that is required each year. We were a little past due, but it is done. Most questions relate to the Energy Code. He is working on formatting his records to simplify the process moving forward. Steve Cornwall said he has been doing a great job and has been sending letters addressing eyesores and code violations within the Town. They will be resolved, or the owner will go before the judge. Five letters have been sent and have had an affirmative response from two already.

Steve Cornwall said he had the proposal from Valley Fab Truck that relates to the purchase of the F550 that they approved a resolution on last month. He signed the proposal on behalf of the Town.

There is a request from a resident that would like to purchase a parcel of land that the Town owns at the old gravel pit. They need to clarify about a right of way and flood control dam with the County. If they decide to sell, it would have to be by auction.

Resolution 29, "Audit of claims for April 2023" was read by the Supervisor. Steve Cornwall made a motion to approve the resolution; Robert Shenk seconded. All were in favor and the resolution was approved.

The water meter replacement project is under way and they are changing about eight meters per day. All Town properties have been scheduled for meter replacement.

Steve asked if there was any input on zoning. Tom Reese said that he thinks a committee should be formed to look at zoning. He thinks people are realizing that we need to have some rules; not looking to make our Town like Amherst, but it could stop some of the issues we are having right now from occurring in the future. Bob Shenk agreed. Tom said he would be willing to sit with residents to hear their thoughts. Chris Lexer gave Steve the name of a zoning consultant that has worked with other Towns to set-up zoning. Steve will invite her to our next meeting so she can tell us what to expect.

Christine Burton asked about her job as water meter reader. She said that she has been walking and reading the meters for many years. She makes about \$800 per year. With the new drive-by system, she doesn't want to only be paid for an hour each time. She did the job when no one else would. She asked the Board to make it a salaried position. Robert Shenk made a motion to make the meter reader position a salaried position at \$800 per year. Tom Reese seconded. All were in favor and the motion carried.

Robert Shenk made a motion to adjourn the meeting. Robert Green seconded, and all were in favor. The meeting was adjourned at 7:50 pm.

Respectfully submitted,

Rebecca Grimmelt, Town Clerk

April 2023 Vouchers

GENERAL	\$	8,518.63
YOUTH	\$	1,169.54
HIGHWAY	\$	38,582.47
STREET LIGHTING	\$	1,167.44
WATER	\$	3,197.61
LIME LAKE SEWER DISTRICT	\$	5,826.48
LIME LAKE SEWER DISTRICT CAPITAL	\$	0.00