

TOWN OF CLARKSON
TOWN BOARD MEETING
February 12, 2019

The Town Board of the Town of Clarkson held their regular meeting on Tuesday, February 12, 2019 at the Clarkson Town Hall, 3710 Lake Road, Clarkson, NY at 6:00 PM.

PRESENT:

Christa Filipowicz	Supervisor
Allan Hoy	Councilperson
Patrick Didas	Councilperson
** Jackie Smith	Councilperson
Leslie Zink	Councilperson
Sharon Mattison	Town Clerk
Robert Viscardi	Highway Supt.
Richard Olson	Attorney for the Town

ALSO:

Elizabeth Spencer	Assessor
**excused	

Supervisor Filipowicz opened the meeting. Sharon Mattison, Town Clerk led all those present in the Pledge of Allegiance. A moment of silence was observed for those serving in the military and our First Responders.

OPEN FORUM

Wayne Ward questioned the status of the proposed Sweden Walker Road water district. Sheila Maynard asked if the open seat on the Conservation Board had been filled. Theresa Alano shared an article from Westside News Inc. Martha Clasquin spoke on the reduction in State Aid to Towns and Villages.

SOLAR COMMITTEE PRESENTATION

Councilperson Zink shared a document prepared by the Solar Committee (report attached). P. Dittman, Chairperson of the Solar Committee, named committee members, which included Conrad Ziarniak, Leslie Zink, Harold Mundy, Lisa Rivera-French, Sean Lessord (solar expert), Marilyn Brown, and Peter Selig. He explained that the committee used the Wind Tower Local Law as a template. He added that as a group, approximately 30 hours were consumed in the development of this report. In addition, Mr. Dittman stated that Clarkson is a solar-friendly town and the committee strived to protect both the Town and its citizens. Councilperson Hoy commented that the report appears to be very thorough. Board members thanked the committee for their efforts. Supervisor Filipowicz stated that there will be a public hearing before establishing the committee's findings as new Local Law. R. Olson explained the Local Law process. The Town Board will need to determine where and how the solar law fits in the Town of Clarkson, particularly within the different zoning districts and overlay districts. Discussion took place regarding the best location for solar farms. Proximity to transmission lines will determine where solar installment would be possible. Another possibility would be incentive zoning. In summary, after review by the Town Board, we need SEQRA, County review, and Planning Board review. At that point, perhaps by late Spring, a public hearing would be scheduled.

RESOLUTION #81

MERIT INCREASE-DEPUTY TOWN CLERK

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

Motion to approve a merit increase for Deputy Town Clerk, Katharine Kemp upon the recommendation of the Town Clerk. A performance review was done and submitted to the Board for their review. The merit increase to step-14, \$19.36 will take effect immediately.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

02.12.19

BICENTENNIAL CELEBRATION UPDATE

Supervisor Filipowicz reported that the committee has had two official meetings. Bicentennial banners have been mounted on poles throughout the town. Other events being discussed include:

- Proclamation and reading of the very first Town Board meeting minutes at our first April Town Board meeting. The Town was formed in 1819, but the first official meeting was not until April 2, 1820. A suggestion was made to try and re-create that first meeting, including the presence of some children.
- Creation of a time capsule.
- Memorial Day – working with the Vet’s Club to include our Bicentennial information at their Memorial Day event.
- Purchase of a monument for the Veteran’s Memorial Park.
- In July, dedication of the trees sponsored by community members at Kimball Park.
- The main Bicentennial Celebration will be part of the annual Good Neighbor Day event. It has been proposed to make this an all-day celebration on Saturday, August 24th beginning with the 5K Race, pancake breakfast, field day events to include a pickle ball tournament, corn hole tournament, frog jumping contest, antique car show, historical walking tour, and a display by NYS Police of an old troop car. As far as entertainment, Josie Waverly is unable to perform this year, so we are looking at alternatives. We will have the children’s movie after dark with the usual fireworks display.
- Bicentennial cookbook.
- Closing ceremony for the Bicentennial would be in December at the Umpteenth Children’s Christmas Party. We propose the addition of a tree lighting ceremony beforehand as well as sleigh rides around Hafner Park along with ice skating.

RESOLUTION #82

APPOINTMENT - CLERK TO JUSTICES

Introduced by Councilperson Didas

Seconded by Councilperson Zink

That Kellie Mesler, 3613 Redman Road, Town of Clarkson, New York, be and is hereby appointed as Clerk to assist the Town Justices, effective immediately and ending December 31, 2019.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

RESOLUTION #83

APPOINTMENT - CLERK TO JUSTICES

Introduced by Councilperson Didas

Seconded by Councilperson Zink

That Patricia Preston, 1258 Drake Road, Town of Clarkson, New York, be and is hereby appointed as Clerk to assist the Town Justices, effective immediately and ending December 31, 2019.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

SUPERVISOR REPORTS

Supervisor Filipowicz reported that she recently met with R. Olson, JP Schepp, and J. Grasso to discuss the water districts in town. Previous to 2018 we had the Roosevelt Hwy. water district in process. This process was halted in favor of doing an income survey of those residents in town that had no water service, either because of high cost to residents, or because the residents do not want water as this increases the chance of the area being further developed. The process for creating water districts is set forth in NYS Town Law and a public hearing is always held. The Town obtains cost estimates from an engineer.

02.12.19

The State Comptroller's Officer has a threshold, and if the cost estimates are over that threshold, separate approval is required from the State. This extends the process further.

In our favor, the Clarkson Highway Department is able to perform most of the work involved in the installation of water districts. It has been decided to proceed with the proposed Roosevelt Highway water district and not include this in the income survey. The engineer is currently compiling cost estimates. It is hoped that our Highway Department may be able to begin work on the Roosevelt Highway water district sometime this spring. Of note, we will be working with the Town of Hamlin who is the other side of the road, also involved in this water district.

Supervisor Filipowicz also reported that collection of data for the Seymour Library study with Bonadio began today.

Councilperson Zink reported on behalf of Councilperson Smith regarding Recreation Center participation. Of 2,673 participants in the programs at the Rec Center, 745 were listed as Clarkson residents. There is an ongoing concern that many people list themselves as Brockport residents since that is their mailing address, when in fact they may be Clarkson or Sweden residents. Residency information cannot be tracked at all events, such as Halloween, Christmas and Easter parties, fireworks, etc.

ASSESSOR REPORTS

L. Spencer reported that she is winding down with the property re-assessment project.

HIGHWAY SUPERINTENDENT REPORTS

R. Viscardi reported that his department is busy with winter road maintenance. He will provide salt usage data at the next meeting.

RESOLUTION #84**MINUTES**

Introduced by Councilperson Didas

Seconded by Councilperson Zink

To approve January 22, 2019 minutes.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

RESOLUTION #85**AUDIT—2-01-2019**

Introduced by Councilperson Hoy

Seconded by Councilperson Didas

To authorize payment of audit 2-01-2019 to include the following:

Vouchers 20181319-20181387; Total \$330,594.50 Gen. \$283,027.56; Hwy. \$42,336.77; H \$4680.06; SS \$164.42; SL \$385.69

For distribution checks from 34103 - 34159

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

RESOLUTION #86**EXECUTIVE SESSION**

Motion by Councilperson Didas

Seconded by Councilperson Hoy

To enter executive session at 6:35 P.M. to discuss a personnel matter.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink

NAYS: None

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RESOLUTION #87
RETURN TO REGULAR SESSION

Motion by Councilperson Didas
Seconded by Councilperson Hoy
To return to regular session at 7:45 P.M.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink
NAYS: None

RESOLUTION #88
ADJOURNMENT

Introduced by Councilperson Didas
Seconded by Councilperson Hoy
To adjourn the Town Board meeting at 7:46 P.M.

VOTE OF THE BOARD

AYES: Supervisor Filipowicz, Councilpersons Hoy, Didas and Zink
NAYS: None

Respectfully submitted,

Sharon S. Mattison

Town Clerk

Approved 02-26-2019

Chapter 137

SOLAR**§ 137-1 Title****§ 137-2 Findings****§ 137-3 Purpose****§ 137-4 Authority****§ 137-5 Definitions; word usage; interpretation****§ 137-6 Applicability****§ 137-7 Application and Approval****§ 137-8 Abandonment and Decommissioning****§ 137-9 Enforcement****§ 137-10 Effective Date****§ 137-1 Title**

This chapter may be cited as "Local Law No. 1-2XXX" or "Solar Energy Facilities Law of the Town of Clarkson."

§137-2 Findings

Based on the recommendations of the Solar Committee, a committee created by Local Law No. 1-XXX, as revised by Local Law No. X-XXX, the Town Board finds that:

- A. Solar energy is an abundant, renewable, and non-polluting energy resource of the Town of Clarkson and its conversion to electricity will reduce dependence on nonrenewable energy sources and decrease the air and water pollution that results from the use of conventional energy sources.
- B. The generation of electricity from properly sited solar arrays has the potential to tie into existing power distribution systems, allowing for the transmission of electricity from solar arrays to utilities or other users, or alternatively may be used to reduce or eliminate on-site consumption of energy.
- C. Regulation of the siting and installation of solar arrays is necessary for the purpose of protecting the health, safety, and welfare of neighboring property owners, the environment, and the general public. Solar energy conversion systems need to be consistent with the Town of Clarkson Zoning Code and the Town of Clarkson Comprehensive Plan.
- D. Solar energy conversion systems may represent significant potential issues because of their size, environmental impacts, and safety effects. The installation of solar energy systems changes the landscape and appearance of the Town of Clarkson.

- E. Solar energy conversion systems may present risks to the property values of adjoining property owners.

§ 137-3 Purpose

The purpose of this chapter is to promote the effective and efficient use of the Town's solar energy resources through solar energy conversion systems, and to regulate the construction, placement, operation and decommissioning of such systems so that the public health, safety, and welfare will not be jeopardized.

§ 137-4 Authority

The Town Board of the Town of Clarkson adopts this chapter under the authority granted by:

- A. Article IX of the New York State Constitution, § 2(c)(6) and (10)
- B. New York Statute of Local Governments, § 10, Subdivisions 1, 6, and 7.
- C. New York Municipal Home Rule Law, § 10, Subdivision 1(i) and (ii) and Subdivision 1(a)(6), (11), (12), and (14).
- D. The supersession authority of New York Municipal Home Rule Law, § 10, Subdivision 2(d)(3).
- E. New York Town Law, Article 16 (Land Use).
- F. New York Town Law § 130, Subdivisions 1 (Building code), 3 (Electrical code), 5 (Fire prevention), 7 (Use of streets and highways), 7-a (Location of driveways), 11 (Peace, good order and safety), 15 (Promotion of public welfare), 15-a (Excavated lands), 16 (Unsafe buildings), 19 (Trespass), and 25 (Building lines).
- G. New York Town Law § 64, Subdivisions 17-a (Protection of aesthetic interests) and 23 (General powers).

§ 137-5 Definitions; word usage; interpretation

- A. The following rules of construction of language shall apply to the text of this chapter:
- 1) Words used in the present tense include the future tense.
 - 2) Words used in the singular include the plural, and words used in the plural include the singular.
 - 3) The word "person" includes an individual, firm or corporation.
 - 4) The word "shall" is always mandatory; the word "may" is always permissive.
- B. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.
- C. In cases where words or phrases are not defined in this chapter but are defined elsewhere in the Clarkson Code, the words or phrases shall have the meaning set forth elsewhere in the Code.
- D. In the event of a conflict, the definitions in this chapter shall prevail.
- E. When used in this chapter the following terms shall have the respective meanings set forth herein, except where the context shows otherwise:

ANGLED ROOF: A roof with a slope greater than 2:12

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM: A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semi-transparent skylight systems, roofing materials, and shading over windows for producing electricity for onsite consumption.

COMMERCIAL/INDUSTRIAL/AGRICULTURAL/MUNICIPAL (C/I/A/M) GROUND MOUNTED ARRAYS: Less than or equal to net zero energy consumer. The solar panels for this type of array are typically mounted on racking. The arrays may have multiple rows of solar panels. The power generated by this type of system may be distributed to locations other than that where the array is located but they must all be owned by the same metered entity. Remote net metering is used to measure the electricity distribution in this type of system.

COMMERCIAL/INDUSTRIAL/AGRICULTURAL/MUNICIPAL(C/I/A/M) ROOF MOUNTED ARRAYS: Less than or equal to net zero energy consumer. The power generated by this type of system may be distributed to locations other than that where the array is located but they must all be owned by the same metered entity. Remote net metering is used to measure the electricity distribution in this type of system.

COMMUNITY SOLAR GROUND MOUNTED ARRAY (CSA): Less than or equal to 25mW AC capacity. This category includes solar arrays which provide electricity to the power grid for sale to the community. Residents of the Town shall have priority in purchasing power from this type of installation.

GLARE: The effects of reflected light with intensity sufficient to cause annoyance, discomfort, or visual impairment

LOW SLOPE ROOF: A roof with a slope that is equal to or less than 2:12

NET ZERO: The total amount of energy used by the customer is roughly equal to the amount of solar energy generated on site.

PHOTOVOLTAIC SOLAR CELL: The basic building block of a Photovoltaic solar generation system. The cells are designed to directly convert light into electricity.

PHOTOVOLTAIC SOLAR PANELS: A panel made up of a structure to support photovoltaic cells, provide protection for the circuits to interconnect the individual cells and panels.

RESIDENTIAL GROUND MOUNTED ARRAY: 0-25kW AC capacity. A photovoltaic array mounted on a free-standing engineered or NRTL (nationally recognized testing laboratory) listed system used to support solar panels.

RESIDENTIAL ROOF MOUNTED ARRAY: 0-25kW AC capacity. These are solar photovoltaic array installations for residential use. They are mounted parallel to the roof structure using NRTL listed or engineered racking to attach the solar panels to the roof. These systems are designed to meet the electricity needs of the residence.

PV SOLAR ENERGY EQUIPMENT OR BALANCE OF SYSTEM (BOS): Electrical energy storage devices, material, racking hardware, inverters, Kwh meters or other electrical equipment used to assemble a solar energy system.

PHOTOVOLTAIC SOLAR ENERGY SYSTEM: An electrical generating system composed of solar panels and solar energy equipment required to convert solar energy to electrical energy suitable for use and distribution. The area of the solar energy system includes all the land inside the access perimeter fencing, site barriers and any hardware required to connect to the power grid.

§ 137-6 Applicability

The requirements of this Chapter shall apply to all solar energy systems and/or solar energy farms proposed, installed, operated, maintained, modified or constructed in any Clarkson district after the effective date, excluding general maintenance and repair and/or building-integrated photovoltaic systems, with the proviso that same conforms regulations contained in Clarkson Town Code §1xx.

§ 137-7 Application and Approval

- A. ROOF-MOUNTED SOLAR ENERGY SYSTEMS/BUILDING INTEGRATED PHOTO VOLTAIC SYSTEM (All Zoning Districts)
- 1) Roof-mounted solar energy systems that provide electricity onsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure. A Building Permit shall be required for installation of all roof mounted systems. Systems shall be exempt from site plan review under the local zoning code or other land use regulations subject to the requirements set forth in this section.
 - 2) Height. Solar energy systems shall not exceed the maximum height restrictions of the zoning district within which they are located.
 - 3) Solar panels on low-slope roofs shall not be angled more than 10 degrees above the angle of the roof.
- B. RESIDENTIAL GROUND-MOUNTED SOLAR ENERGY SYSTEMS.
- 1) Ground-mounted solar energy systems that provide electricity onsite are permitted in all zoning districts. A Site Plan review by the Planning Board shall be required as well as a Building Permit.
 - 2) Height and Setback. Ground-mounted solar energy systems shall adhere to the height and setback requirements for accessory structures set forth in each zoning district. All ground-mounted panels shall not exceed 12 feet in height.
 - 3) Lot Coverage restrictions for each zoning district shall apply
 - 4) All such systems shall be installed behind the front setback of the primary use structure and in compliance with set backs appropriate for the zoning district.
 - 5) Buffering is required and is subject to the discretion of the Planning Board. i.e. fence, shrubbery, berm

C. COMMERCIAL/INDUSTRIAL/AGRICULTURAL/MUNICIPAL (C/I/A/M)
GROUND MOUNT SOLAR ARRAY

- 1) C/I/A/M Ground Mount Solar Array are permitted through approval by the Clarkson Planning Board, subject to the requirements set forth in this Section. Any request to install a ground-mounted solar array on property zoned Residential, commercial or industrial must be done by site plan approval by the Clarkson Planning Board.
- 2) Application Requirements shall include the following:
 - a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
 - b) Site plan showing the layout of the solar energy system signed by a professional engineer or other licensed professional shall be required.
 - c) Documentation of the major system components to be used, including the PV panels, mounting system, foundation, and inverters, etc. shall be provided. Manufacturer's data sheets/brochures may be used to meet this requirement.
 - d) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation.
 - e) Plans to control noise and glare of solar panels including potential impacts to abutters.
- 3) APPLICATION STANDARDS
 - a) C/I/A/M Ground Mount Solar Array shall adhere to the height and setback requirements of the underlying zoning district except as follows herein; any C/I/A/M Ground Mount Solar Array shall not exceed a height of 12 feet. The height of the solar array shall be calculated when the array panels are at maximum tilt. For C/I/A/M Ground Mount Solar Array located on a property that abuts a property zoned RS-10, RS-20, mobile home or planned unit development the front setback shall be 100 feet and side and rear setbacks shall be 75 feet. For other cases the front setback shall be 75 feet and side and rear setbacks shall be 75 feet.
 - b) C/I/A/M Ground Mount Solar Array shall be protected by fencing to prevent unauthorized access. Warning signs with the owner's contact information, including an emergency phone number, shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Clarkson Planning Board. The fencing and the system shall be further screened by landscaping as determined necessary by the Planning Board to mitigate adverse aesthetic impacts.
 - c) All applications shall meet any substantive provisions contained in local site plan requirements and the zoning code that, in the judgment of the Clarkson Planning Board, are applicable to the system being proposed.

- d) A Building permit shall be required for all C/I/A/M Ground Mount Solar Array before construction begins.

D. COMMUNITY SOLAR ARRAYS

- 1) The requirements of this Section are established for the purpose of allowing the development of community solar arrays in Clarkson and to provide standards for the placement, design, construction, operation, monitoring, modification and removal of these systems.
- 2) Community solar arrays are permitted through application and approval by the Clarkson Planning Board pursuant to the applicable provisions of the Clarkson Town Code subject to the requirements set forth in this Section. Thereafter, after appropriate review by said Board, appropriate review action, approval, conditional approval and/or denial can be made.
- 3) Application Requirements:
 - a) Drawings of the solar photovoltaic installation stamped and signed by a licensed professional engineer showing the proposed layout of the system and any potential shading from nearby structures.
 - b) Proposed changes to the landscape of site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures.
 - c) A description of the solar facility and the technical, economic and other justification for the proposed location and design shall be signed by a professional engineer or other licensed professional. This description shall demonstrate the array meets Federal and State laws and Clarkson code.
 - d) Documentation of the major system components to be used, including the PV panels, mounting system, foundation, and inverters, etc. shall be provided. Manufacturer's data sheets/brochures may be used to meet this requirement.
 - e) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, stormwater controls, and general procedures for operational maintenance of the installation.
 - f) Plans to control noise and glare of solar panels including potential impacts to abutters.
 - g) If the property of the proposed project is to be leased, documented legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements, leases and other agreements shall be submitted.
 - h) A Dun & Bradstreet or equivalent credit report.
- 4) In addition to any site plan approval required by the Clarkson Planning Board herein, a Special Use Permit is required for community solar arrays. The development shall conform to the following standards which shall be regarded as minimum requirements.
 - a) Community solar arrays shall adhere to the height and setback requirements of the underlying zoning district except as follows herein; any community solar arrays that are ground-mounted shall not exceed a height of 12 feet. The height of the solar array shall

be calculated when the array panels are at maximum tilt. For community solar arrays located on a property that abuts a property zoned RS-10, RS-20, mobile home or planned unit development the front setback shall be 100 feet and side and rear setbacks shall be 75 feet. For other cases the front setback shall be 75 feet and side and rear setbacks shall be 75 feet.

- b) All mechanical equipment on a community solar array, including any structure for batteries or storage cells, are completely enclosed by a minimum 6-foot-high fence with a self-locking gate.
 - c) The installation of a vegetated perimeter buffer to provide year round screening of the system and fence from adjacent properties.
 - d) Because of neighborhood characteristics and topography, the Clarkson Planning Board shall examine the proposed location, ensuring that the potential impact to its residents, business or traffic is not a detriment.
 - e) All solar energy production systems shall be made of anti-reflective material in order to prevent a driving hazard or unwanted glare.
 - f) All onsite utility and transmission lines shall be, to the extent feasible, placed underground.
 - g) Solar modular panels shall not release hazardous materials.
 - h) All structures including but not limited to equipment shelters, storage facilities, transformers and substations shall be architecturally compatible with each other and shall be screened from the view of persons not on the parcel.
 - i) Lighting of community solar arrays shall be consistent with all State and Federal laws and Clarkson Town code. Lighting of structures shall be limited to that required for safety and operational purposes and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - j) All signs must conform to the National Electrical Code as adopted by NYS. There shall be no signs except "no trespassing" signs or any signs required to warn of danger. In addition, a sign is required that identifies the owner/ operator with an emergency telephone number where they can be reached on a 24-hour basis.
 - k) There shall be a designated parking space to be used in connection with the maintenance of the solar photovoltaic facility and the site. However, it shall not be used for the permanent storage of vehicles.
 - l) A Building Permit shall be required for all community solar arrays before construction begins.
- 5) The following additional conditions shall apply to community solar arrays:
- a) The community solar array owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the Building Inspector. Upon request, the owner or operator shall cooperate with all local emergency services in developing an

emergency response plan. All means of shutting down the community solar array facility shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries through the life of the installation and maintain current contact information for this person on a sign at the site. The owner shall provide emergency contact information to the Clarkson fire marshal and local emergency services (sheriff's office, fire district and ambulance service).

- b) No community solar arrays shall be approved or constructed until satisfactory evidence has been provided that the utility company operating the electrical grid where the installation is to be located has provided preliminary approval to connect to the power grid.
- c) A community solar array owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable to the Building Inspector and local emergency services. The owner or operator shall be responsible for the cost of maintaining the community solar array and any access road(s).

§ 137-8 Abandonment and Decommissioning

- A. Any C/I/A/M or community solar arrays shall be considered abandoned after 6 months without electrical energy generation and must be removed from the property. Applications for extensions subsequent to such an abandonment can be reviewed by the Clarkson Planning Board for a period of up to 6 months after such abandonment.
- B. All applications for any C/I/A/M or community solar array shall include and be accompanied by a decommissioning plan to be implemented upon abandonment and/or in conjunction with the removal and shall:
 - 1) Include an affirmative obligation and acknowledgement that after any C/I/A/M or community solar array can no longer be used it shall be removed by the applicant and/or any subsequent owner.
 - 2) Demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.
 - 3) Include an expected timeline for execution and completion.
 - 4) Include a cost estimate detailing the projected expense of executing the decommissioning plan signed by a professional engineer.
 - 5) Obligate the owner, operator and/or successors in interest to remove any ground mounted solar collector structures, equipment, security barriers and transmission lines which have reached the end of their useful life or have been abandoned, to physically remove the installation no more than 6 months after the date of discontinued operations and also notify the Clarkson Building Department by certified mail of the proposed date of discontinued operations and the plans for removal.
 - 6) Include an obligation to dispose of all solid and hazardous waste in accordance with local, state and federal waste disposal regulations.
- C. Absent notice of a proposed date of decommissioning and written notice of extenuating circumstances, any C/I/A/M or community solar arrays shall be considered abandoned when it fails to operate (as set forth in X9.XA. of this

Section) for more than 6 months without the written consent of the Clarkson Planning Board. If the owner or operator of any C/I/A/M or community solar arrays fails to remove the installation in accordance with the requirements of this Section within 6 months of abandonment or the proposed date of decommissioning, Clarkson may enter the property and physically remove the installation upon application to a Court of appropriate jurisdiction to obtain access to said property for that purpose.

- D. In the event that an application is approved for a C/I/A/M or community solar array, The Town of Clarkson shall require that the applicant and/or property owner provide or establish a bond, surety bond, financial deposit, undertaking, financial escrow and/or other financial security, the amount, substance and character of which is to be determined by and at the sole discretion of Town Board, the spirit and intent of same being to ensure that sufficient funds are available to remove the installation and restore landscaping consistent with the best interests of the landowner and/or Clarkson in the event the applicant fails to comply with its decommissioning obligations with same to be annually reviewed for financial sufficiency (with any decision relating to continued financial sufficiency also to be in the sole discretion of the Town Board). Clarkson reserves the right to request reasonable access to the property upon notice and consent.

§ 137-9 Enforcement

- A. Any violation of this Local Law shall be subject to the same civil and criminal penalties provided for in the Clarkson Town Code (including any applicable zoning regulations) and/or the Laws of the State of New York.
- B. If any clause, sentence, paragraph, subdivision, section or part of this Local Law, or the application thereof to any person, individual, firm or corporation, or circumstance, shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which said order or judgment shall be rendered.

137-10 Effective Date

This Local Law shall take effect upon the date it is filed in the Office of the New York State Secretary of State in accordance with the Municipal Home Rule Law §27.

Dated: Clarkson, New York
_____, 2019