

**MARCH 30, 2021**  
**TOWN OF PIERREPONT**  
**PUBLIC HEARING: Local Law #1-2021: Imposing a Six (6) month Moratorium on**  
**Building, Development, and Construction of Solar Energy Systems**  
**PUBLIC HEARING: Local Law #2: Imposing a Six (6) month Moratorium on**  
**Building, Development and Construction of Wind Energy Facilities or Windmills**  
**REGULAR MEETING**

<b>Present:</b>	<b>Supervisor</b>	<b>Jane Powers</b>
	<b>Councilman</b>	<b>Roger Murray</b>
		<b>John Glasgow</b>
		<b>Dan Huntley</b>
		<b>Dahl McCormick</b>
	<b>Town Clerk</b>	<b>Melanie Thomas</b>
	<b>Deputy Town Clerk</b>	<b>Julian Filiatrault</b>
	<b>Town Attorney</b>	<b>Colin Loomis</b>
	<b>Laurie Hance</b>	<b>Adm. Assistant</b>
	<b>Highway Superintendent</b>	<b>Shawn Spellacy</b>

**Residents & Public:**

<b>William Enslow</b>	<b>Hannawa Falls, NY (ZBA Chair)</b>
<b>Pierre Pomainville</b>	<b>Pierrepont, NY (Planning Bd Chair)</b>
<b>Clay Streit</b>	<b>Pierrepont, NY (Code Enf Officer)</b>
<b>Chris Wright</b>	<b>Pierrepont, NY</b>
<b>Jason Wright</b>	<b>Pierrepont, NY</b>
<b>Jody Wenzel</b>	<b>SLC Risk Manager</b>

The Town Board of the Town of Pierrepont held a Public Hearing for Local Law #1-2021 and Local Law #2-2021 and their Regular Meeting on Tuesday, March 30, 2021 at the Pierrepont Town Hall, commencing at 6:45 PM.

Supervisor Powers called the Public Hearing for Local Law #1-2021 to order at 6:45PM. Town Attorney Colin Loomis stated all members have received the proposed law prior to the hearing. No SEQR hearing is required (only a type 2 action needs a SEQRhearing). William Enslow asked does this apply to a company or an individual? He sees a lot of them across the town. Councilman stated this is just a six (6) month moratorium, but it applies to both companies and individuals. If someone has a hardship they can apply to the Town Board for a variation from strict compliance.

**Motion** by Roger Murray, seconded by Dahl McCormick, all in favor, to adjourn the hearing. The hearing was adjourned at 7:00PM.

Supervisor Powers called the Public Hearing for Local Law #2-2021 to order at 7:00PM. Town Attorney Colin Loomis stated all members have received the proposed law prior to the hearing and a SEQR hearing is not needed. There were no public comments.

**Motion** by Dahl McCormick, seconded by John Glasgow, all in favor, to adjourn the hearing. The hearing was adjourned at 7:15PM.

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Supervisor Powers called the regular meeting to order at 7:15 PM.

Councilman McCormick led us in the Pledge of Allegiance.

**Motion** by Roger Murray, seconded by Dan Huntley, to accept the minutes of the February 23, 2021 Regular Meeting as submitted, all in favor.

**Motion** by Dahl McCormick, seconded by Dan Huntley, to accept the Supervisor's Report for the month of February 2021, as submitted, all in favor.

**Motion** by John Glasgow, seconded by Roger Murray, to accept the Town Clerk's Report for the month of February 2021 as submitted, all in favor.

**Motion** by Dan Huntley, seconded by Roger Murray, to accept the Justice's Report for the month of February 2021 as submitted, all in favor.

**Motion** by John Glasgow, seconded by Dahl McCormick, to accept the Code Enforcement Officer's Report for Permits #01-21 to #05-21 as submitted, all in favor.

**Motion** by Dahl McCormick, seconded by Dan Huntley, to accept the Assessor's Report for the month of February 2021 as submitted, all in favor.

## **CORRESPONDENCE**

**Letter** from the NYS Assessor's Association regarding the valuation of solar and wind energy systems.

**Letter** to the Town of Pierrepont, from NYS Department of Environmental Conservation, regarding the petroleum bulk storage tank at the highway garage (satisfactory).

We have had a plaque made to honor the Vebbers and the Harringtons for their donations to the numerous organizations of the Town of Pierrepont. It will be on display in the town hall.

Councilman Glasgow said that he was contacted by someone concerning the open

position at the highway garage. They were wondering if it will be advertised. Also, do they have to be a resident of the town?

Highway Superintendent Shawn Spellacy stated that there is no opening yet. An employee has applied to retire, but has not retired at this time. When there is an opening, we do not have to advertise. We do take applications that Laurie keeps here in the office and Shawn keeps a copy. We recommend keeping your application updated. Also they do not have to be a resident of the town, but it is preferred.

Supervisor Powers introduced Jody Wenzel, St. Lawrence County Risk manager. He will be overseeing the worker's compensation program for the county. He stated that he has been recently appointed and he just wanted to introduce himself. He will be stopping in sometime in the near future to do some safety assessments of the town facilities. He said that he could also do OSHA training.

## **NEW BUSINESS**

**Motion by Roger Murray, seconded by John Glasgow, to adopt Local Law #1-2021: Imposing a Six-Month Moratorium on Building, Development, and Construction of Solar Energy Systems.**

**Roll Call Vote:**      **Roger Murray: yes**  
                                 **Dahl McCormick: yes**  
                                 **John Glasgow: yes**  
                                 **Dan Huntley: yes**  
                                 **Jane Powers: yes**

**5 yes, 0 no, carried (Local Law #1-2021 is adopted).**

**Motion by Dahl McCormick, seconded by Dan Huntley, to adopt Local Law #2-2021: Imposing a Six-Month Moratorium on Building, Development, and Construction of Wind Energy Facilities or Windmills.**

**Roll Call Vote:**      **Roger Murray: yes**  
                                 **Dahl McCormick: yes**  
                                 **John Glasgow: yes**  
                                 **Dan Huntley: yes**  
                                 **Jane Powers: yes**

**5 yes, 0 no, carried (Local Law #2-2021 is adopted).**

## **Hazard Mitigation Plan Update:**

Supervisor Powers stated that she and Councilman Murray had attended a zoom meeting concerning the St. Lawrence County hazard mitigation plan. They were told they should form a committee to work on the plan for the town, so a committee has been formed. A meeting will be held on May 19<sup>th</sup> at 2:00 PM.

2021 Peterbilt Truck will be purchased. A down payment of \$75,000.00 will be paid. The balance is \$145,573.00. We need to set up a payment schedule for either 3,4,or 5 years. Highway Superintendent Shawn Spellacy stated that we have 6 trucks. We keep them about 18 years. So every 3 years, we need to think about replacing a truck. Rust is the biggest problem. We don't like to have more than one payment at a time, so if we set a payment plan for 5 years, it will be hard to pay for.

Supervisor Powers stated that she recommends a 4-year payment plan.

**Motion** by Roger Murray, Dahl McCormick, all in favor, to approve a 4-year plan to pay for the 2021 Peterbilt Truck.

**Time-Warner Cable Television Franchise agreement:** It is time to renew the 10-year agreement. We would like our attorney, Colin Loomis to look it over. We will need to have a public hearing before approving it.

## **NO OLD BUSINESS**

### **Transfers:**

**Motion** by John Glasgow, seconded by Dan Huntley, all in favor, to make the following transfer:

Contingency A1990.4	into	Retirement A9010.8	\$250.00
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**Motion** by Roger Murray, seconded by Dahl McCormick, all in favor, to make the following transfer:

Contingency A1990.4	into	Planning Board A8020.4	\$2,500.00
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**Motion** by John Glasgow, seconded by Roger Murray, all in favor, to authorize payment of **General Fund Abstract #3, Vouchers #57-84, Total \$10,385.91.**

**Motion** by Dan Huntley, seconded by Dahl McCormick, all in favor, to authorize payment of **Highway Fund Abstract #3, Vouchers #61-94, Total \$112,358.50.**

## **COURTESY OF THE FLOOR: No public comments.**

**Motion** by Dahl McCormick, seconded by Roger Murray, all in favor, to adjourn.

The meeting was adjourned at 8:00 PM.

Respectfully Submitted,  
Melanie J. Thomas  
Town Clerk

MJT



Local Law Filing

New York State Department of State  
41 State Street, Albany, NY 12242

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Town of Pierrepont

Local Law No. 1 of the year 2021

A Local Law Imposing a Six (6) Month Moratorium on Building, Development, and Construction of Solar Energy Systems

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

#### SECTION 1. TITLE.

This Local Law shall be referred to as a local law imposing a six (6) month moratorium on building, development, and construction of solar energy systems.

#### SECTION 2. PURPOSE AND INTENT.

Pursuant to the statutory authorities vested in the Town of Pierrepont, County of St. Lawrence, State of New York, to regulate and control land use and to protect the health, safety, and welfare of its residents, the Town Board of the Town of Pierrepont hereby declares a six (6) month moratorium on the establishment, placement, construction, enlargement, and erection of solar energy systems within the Town of Pierrepont.

There are currently no zoning regulations relating to solar energy systems in the Town of Pierrepont, but the Town Board believes the regulations can be duly considered and adopted within six (6) months of the date hereof.

#### SECTION 3. DEFINITIONS.

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. This includes one or more solar panels or solar energy equipment and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and/or facilities.

#### SECTION 4. SCOPE OF CONTROLS.

A. During the effective period of this Local Law:

(1) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any approvals that would result in the establishment, placement, construction, enlargement or erection of a solar energy system.

(2) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any preliminary or final approval to any subdivision plat, site plan, special use permit, or other permit, that would have as a result the establishment, placement, construction, enlargement or erection of a solar energy system within the Town of Pierrepont.

(3) The Town of Pierrepont Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a solar energy system within the Town of Pierrepont.

B. The Town Board of the Town of Pierrepont reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permits issued in violation of this Local Law.

#### SECTION 5. NO CONSIDERATION OF NEW APPLICATIONS.

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, special use permit or other permits shall be considered by any Board officer or agency of the Town of Pierrepont while the moratorium imposed by this Local Law is in effect.

#### SECTION 6. TERM.

The moratorium imposed by this Local Law shall be in effect until September 30, 2021.

#### SECTION 7. PENALTIES.

Any person, firm, or corporation that shall establish, place, construct, enlarge, or erect any solar energy system in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. A mandatory municipal fine in the amount of \$250.00 per day, which fine shall be paid directly to the municipality and cannot be waived by any Court, and

B. Injunctive relief in favor of the Town of Pierrepont to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

## SECTION 8. VALIDITY.

The invalidity of any provision of this Local Law shall not affect the validity of any provision of this Local Law that can be given effect without such invalid provision.

## SECTION 9. HARDSHIP.

A. Should any owner of property affected by this Local Law suffer an unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Pierrepont in writing for a variation from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a variance, special permit, site plan, subdivision, or other permit during the period of the moratorium imposed by this Local Law.

B. Procedure. Upon submission of a written application to the Town of Pierrepont Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town of Pierrepont. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have any opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

## SECTION 10. STATE ENVIRONMENTAL QUALITY REVIEW ACT.

The enactment of a moratorium is a Type II action not subject to the State Environmental Quality Review Act (SEQR) pursuant to 6 CRR-NY 617.5(c)(36).

## SECTION 11. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York State Secretary of State.

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2021, of the Town of Pierrepont was duly passed by the Town Board on March 30, 2021, in accordance with the applicable provisions of law.

Melanie J. Thomas  
Melanie J. Thomas, Clerk  
Town of Pierrepont

(Seal)

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.

Colin S. Loomis, Esq.  
Colin S. Loomis, Esq.  
Town of Attorney  
Town of Pierrepont

Dated: March 30, 2021



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Town of Pierrepont

Local Law No. 2 of the year 2021

A Local Law Imposing a Six (6) Month Moratorium on Building, Development, and Construction of Wind Energy Facilities or Windmills

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

SECTION 1. TITLE.

This Local Law shall be referred to as a local law imposing a six (6) month moratorium on building, development, and construction of wind energy facilities or windmills.

SECTION 2. PURPOSE AND INTENT.

Pursuant to the statutory authorities vested in the Town of Pierrepont, County of St. Lawrence, State of New York, to regulate and control land use and to protect the health, safety, and welfare of its residents, the Town Board of the Town of Pierrepont hereby declares a six (6) month moratorium on the establishment, placement, construction, enlargement, and erection of wind energy facilities or windmills within the Town of Pierrepont.

There are currently no zoning regulations relating to wind energy facilities in the Town of Pierrepont, but the Town Board believes the regulations can be duly considered and adopted within six (6) months of the date hereof.

SECTION 3. DEFINITIONS.

Wind energy facility shall mean an electricity-generating facility, whose primary purpose is to supply electricity. This consists of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and/or facilities. Wind energy shall mean wind turbines converting the kinetic energy of moving air (wind) into mechanical power. Note that the term "wind energy" is more technically correct than simply "wind power." Windmill is a marketing term for a wind turbine. Wind turbine is a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. Such a system

might include a nacelle, rotor, tower, pad transformer, and other appurtenant structures and/or facilities.

#### SECTION 4. SCOPE OF CONTROLS.

A. During the effective period of this Local Law:

(1) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any approvals that would result in the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill.

(2) The Town Board of the Town of Pierrepont, or the Planning Board of the Town of Pierrepont, shall not grant any preliminary or final approval to any subdivision plat, site plan, special use permit, or other permit, that would have as a result the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill within the Town of Pierrepont.

(3) The Town of Pierrepont Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, enlargement or erection of a wind energy facility or windmill within the Town of Pierrepont.

B. The Town Board of the Town of Pierrepont reserves the right to direct the Town Code Enforcement Officer to revoke or rescind any building permits issued in violation of this Local Law.

#### SECTION 5. NO CONSIDERATION OF NEW APPLICATIONS.

No applications for construction affected by this Local Law or for approvals for a site plan, subdivision, special use permit or other permits shall be considered by any Board officer or agency of the Town of Pierrepont while the moratorium imposed by this Local Law is in effect.

#### SECTION 6. TERM.

The moratorium imposed by this Local Law shall be in effect until September 30, 2021.

#### SECTION 7. PENALTIES.

Any person, firm, or corporation that shall establish, place, construct, enlarge, or erect any wind energy facility or windmill in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be subject to:

A. A mandatory municipal fine in the amount of \$250.00 per day, which fine shall be paid directly to the municipality and cannot be waived by any Court, and

B. Injunctive relief in favor of the Town of Pierrepont to cease any and all such actions which conflict with this Local Law and, if necessary, to remove any construction that may have taken place in violation of this Local Law.

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The invalidity of any provision of this Local Law shall not affect the validity of any provision of this Local Law that can be given effect without such invalid provision.

#### SECTION 9. HARDSHIP.

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B. Procedure. Upon submission of a written application to the Town of Pierrepont Clerk by the property owner seeking a variation of this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a public hearing on said application upon five (5) days' written notice in the official newspaper of the Town of Pierrepont. At said public hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have any opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said public hearing, render its decision either granting or denying the application for a variation from the strict requirements of this Local Law. If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall vary the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

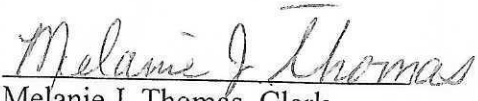
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#### SECTION 11. EFFECTIVE DATE.

This Local Law shall take effect upon its filing with the New York State Secretary of State.

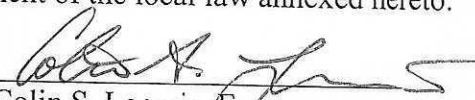
I hereby certify that the Local Law annexed hereto, designated as Local Law No. 2 of 2021, of the Town of Pierrepont was duly passed by the Town Board on March 30, 2021, in accordance with the applicable provisions of law.

  
Melanie J. Thomas, Clerk  
Town of Pierrepont

(Seal)

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.

  
Colin S. Loomis, Esq.  
Town of Attorney  
Town of Pierrepont

Dated: March 30, 2021