

MINUTES

Regular Town Council Meeting, Town of Massena
Date/Time: Wednesday September 16, 2020 at 5:30 PM
Location: Massena Town Hall

ATTENDANCE:

MEMBER	PRESENT	ABSENT
Supervisor Steve O'Shaughnessy	X	
Councilman Albert Nicola	X	
Councilman Robert Elsner	X	
Councilman Samuel Carbone, Jr.	X	
Councilwoman Susan Bellor	X	

ALSO PRESENT:

Jeannine Brouse, Town Clerk; Brenda Mossow, Secretary/Bookkeeper; James Murphy, BDC; Donald Meissner; John Condino, Barton & Loguidice; Members of the Media; Members of the Public

The Supervisor opened the meeting with the **Pledge of Allegiance**.

The Supervisor continued the meeting with a **15-Minute Public Comment Period**.

Public Hearing

Announcements / Notifications

Presentations / Discussions

Don Meissner reported on The Big Bass Blowout. It will take place on October 3rd to October 4th. The hours will be from 9AM and will run for 6 hours. All Social distancing and COVID rules will be strictly enforced. Only anglers from New York State will be eligible to enter this time due to COVID precautions from out of state anglers. The entrance fee is \$200.00

Jim Murphy from The BDC met with the Head of the Chamber of Commerce. He feels it will be very beneficial to both parties to work together for the good of the community.

Resolutions:

Resolution #		131 - 2020			
Authorizing The Town Supervisor to sign an Agreement with Barton & Loguidice to prepare a USDA Rural Development Grant Application (Relating to Potential Water Districts in the Town of Massena), said agreement not to exceed \$1,5000.00.					
Motion by:	Councilwoman Bellor	Vote:			
Second by:	Councilman Carbone	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 132 - 2020					
Determining that the Action to Execute the Town of Massena Solar Energy Facilities Local Law is an Unlisted Action and Will Not Have a Significant Adverse Impact on the Environment					
<p>WHEREAS, the Town of Massena Town Board (the “Town Board”) is reviewing issuance of a proposed Town of Massena Solar Energy Facilities Local Law (the “Action”) which will regulate solar energy facilities within the Town of Massena; and</p> <p>WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (“SEQRA”) and the implementing regulations at 6 NYCRR Part 617 (the “Regulations”), the Town Board desires to comply with SEQRA and the Regulations; and</p> <p>WHEREAS, the Town of Massena Town Board is identified as the agency directly undertaking the proposed action, and the Town Board is completing an uncoordinated review of the Action under the SEQRA Regulations; and</p> <p>WHEREAS, pursuant to the Regulations, the Town Board has considered the significance of the potential impacts of the Action by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the Full Environmental Assessment Form (“FEAF”) for the Action, including the facts and conclusions of Parts 1, 2 and 3 of the FEAF, together with other available supporting information, to identify and thoroughly analyze the relevant areas of environmental concern; and</p> <p>WHEREAS, the proposed adoption of the Town of Massena Solar Energy Facilities Local Law is an Unlisted Action, as defined by 6 NYCRR Section 617.2(al);</p> <p>WHEREAS, there is no other involved Agency in connection with the issuance of the Town of Massena Solar Energy Facilities Local Law, as that term is defined in 6 NYCRR Section 617.2(t) and, as such, no notification to other agencies is required;</p> <p>NOW, THEREFORE, BE IT RESOLVED, pursuant to and in accordance with the uncoordinated review requirements for Unlisted Actions in the SEQRA Regulations, the Town of Massena Town Board hereby confirms that the proposed Action meets the criteria for classification as an Unlisted Action; and</p> <p>BE IT FURTHER RESOLVED that based upon an examination of the FEAF and other available supporting information, and considering both the magnitude and importance of each relevant area of environmental concern, the Town Board makes the following findings and determinations:</p> <ul style="list-style-type: none"> • No significant adverse environmental impacts are noted in the FEAF or corresponding narrative for the Action and none are known to the Town Board; and • All future solar energy system projects proposed within the Town will be subject to their own approvals and review under the SEQRA (6 NYCRR Part 617), during which the potential environmental impacts specific to each project will be reviewed in detail. If any adverse environmental impacts are identified during such a review, the appropriate minimization and mitigation measures will be required to ensure that such impacts are avoided and/or reduced; and • The Action will not have a significant adverse environmental impact and will not require the preparation of a Draft Environmental Impact Statement (DEIS) with respect to the Action; and <p>BE IT FURTHER RESOLVED that as a consequence of such determination and in compliance with the requirements of SEQRA and the Regulations, the Town Board directs the Town Supervisor to sign and complete Parts 1 and 3 of the FEAF for the Action, in accordance with the Regulations; and</p> <p>BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.</p>					
Motion by:	Councilman Elsner	Vote:			
Second by:	Councilman Carbone	Aye	Nay	Abstain	Absent
	Steve O’Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution #	133	- 2020
Town of Massena Local Law No. ____ of 2020		
A Local Law to regulate Solar Energy Facilities in the Town		
Be it hereby enacted by the Town Board of the Town of Massena as follows:		
SECTION 1: Chapter _____ of the Town Code of the Town of Massena is amended to add the following section:		
Solar Energy Facilities		
A: PURPOSE		
1. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefore, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing; ground or pole mounted and roof mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.		
B: DEFINITIONS		
ALTERNATIVE ENERGY SYSTEMS: Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.		
BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV): The incorporation of photovoltaic (PV) material into a building’s envelope. Technologies include PV shingles or tiles, PV laminates, and PV glass. Examples of placement include vertical facades, semi-transparent skylights, awnings, fixed awnings, and roofs.		
COLLECTIVE SOLAR: Installations of Solar Energy Systems that are owned collectively through a homeowner’s association, community or municipal system, “adopt-a-solar-panel” programs, or other similar arrangements.		
GLARE: A continuous source of excessive brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.		
GLINT: A momentary flash of light that may be produced as a direct reflection of the sun on a solar collection system.		
GROUND-MOUNTED SYSTEM: A solar energy system that is anchored to the ground and attached to a pole or similar mounting system, detached from any other structure.		
MAJOR SOLAR COLLECTION SYSTEM: An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy to transfer to the public electric grid but also may be for on-site use and is intended to be used for any purpose, other than private, or residential, or agricultural use, including community based systems. Major solar collection systems consist of one or more freestanding GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. Major solar systems are those systems which generate more than 110% of the energy demand for onsite use. Major Solar Collection Systems do not include any type of energy storage system such as battery banks or compressed air. Any energy storage system would require additional review and approval.		
MINOR OR ACCESSORY SOLAR COLLECTION SYSTEM: A solar photovoltaic cell, panel, array, solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat, secondary to the use of the premises for other lawful purposes, Minor solar collection systems may consist of BUILDING-INTEGRATED PHOTOVOLTAICS, GROUND-MOUNTED or ROOF-MOUNTED solar collector devices. Minor or accessory solar collection systems that do not generate more than 110% of the energy demand of a farm operation in an agricultural district shall be considered as farm equipment under New York State Agriculture and Markets Law §301.		
ROOF-MOUNTED SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for onsite or offsite consumption.		
SOLAR ACCESS: Space that is open to the sun and clear of overhangs or shade. Structures constructed on private property will not infringe on the rights of adjacent properties.		
SOLAR ENERGY EQUIPMENT: Electrical material, hardware, inverters, conduit, storage devices, or other electrical and photovoltaic equipment associated with the production of energy.		
SOLAR PANEL: A device capable of collecting and converting solar energy into electrical energy.		
C: APPLICABILITY		
1. The requirements of this section shall apply to all solar energy systems installed or modified after the effective date of this ordinance, excluding general maintenance and repair.		

2. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements herein.

3. Nothing contained in this provision shall be construed to prohibit “Collective Solar” installations or the sale of excess power through a “net billing” or “net metering” arrangement in accordance with New York State Public Service Law § 66-j or similar New York State or federal law or regulation.

D: GENERAL REQUIREMENTS

1. All solar energy systems shall be designed, erected, and installed in accordance with all applicable electrical and building codes, the manufacturer’s installation instructions, regulations, and industry standards, as referenced in the New York State Uniform Fire Prevention and Building Code Act and the Town Code. Prior to operation the electrical connections must be inspected by the Code Enforcement Officer or by an appropriate electrical inspection person or agency, as determined by the Town. In addition, any connection to the public utility grid must be inspected by the appropriate public utility.

2. All solar collection systems shall require a building permit.

3. All solar collection systems shall not obstruct solar access to adjacent properties.

4. All solar collectors and other facilities shall be designed and located in order to minimize reflective glare and/or glint toward any inhabited buildings on adjacent properties and roads.

E: SOLAR COLLECTORS AND INSTALLATIONS FOR MINOR SYSTEMS

1. Roof-mounted systems are permitted as accessory uses in all zoning districts, subject to the following requirements:

a. The distance between the roof and highest edge or point of the system shall be in accordance with the New York State Uniform Fire Prevention and Building Code.

2. Ground-mounted and freestanding solar collectors are permitted as accessory structures in all zoning districts, subject to the following requirements:

a. The location of the solar collectors meets all applicable setback requirements of the zone in which they are located.

b. The height of the solar collectors and any mounts shall not exceed the height restrictions of the zone when oriented at maximum tilt.

c. The solar collectors may not be located closer to a front lot line than the principal building on a property. If the side or rear yard is visible from adjacent properties and roads, a solid fence, berm, or vegetative screening that conforms to local requirements may be installed along shared lot lines to minimize visual impact to neighboring properties.

3. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Uniform Fire Prevention and Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of St. Lawrence County and other applicable laws and regulations.

4. Decommissioning. Minor or Accessory Solar Collection Systems. Decommissioning Requirements for Small Scale Minor or Accessory Solar Energy Systems and Solar Energy Systems Designed for Subdivision Use Using Free-Standing or Ground Mounted Solar Collectors. If a Free-Standing or Ground Mounted solar collector(s) ceases to perform its originally intended function for more than twelve (12) consecutive months, the property owner shall remove the collector, mount, and associated equipment by no later than ninety (90) days after the end

of the twelve-month period. In the event that the property owner fails to remove the aforesaid non-functioning system within the time prescribed herein, the Town may enter upon the land where such system has been installed and remove same. All expenses incurred by the Town in connection with the removal of the non-functioning system shall be assessed against the land on which such free-standing or Ground Mounted solar collector(s) is located and shall be levied and collected in the same manner as provided in Article 15 of the N.Y. Town Law for the levy and collection of a special ad valorem levy.

F: MAJOR SOLAR SYSTEMS

1. **Major Solar Systems** are permitted through the issuance of a special use permit within the General-Industrial and Residential-Agricultural zoning districts in the Town, and subject to site plan review in accordance with the following criteria set forth in this Section.

a. Height and setback restrictions:

i. The maximum height for freestanding solar panels located on the ground or attached to a framework located on the ground shall not exceed 20 feet in height above the ground.

ii. The minimum setback from property lines shall be 25 feet, unless adjacent to residential neighbor. The setback for residential neighbors shall be 100 feet.

iii. Fencing may be provided around all equipment and solar collectors to provide screening from adjacent residential properties and roads. Fencing shall not be barbed wire. When fencing will enclose the perimeter of the site or facility, wildlife friendly fencing that allows the passage of small mammals and reptiles and is designed to minimize wildlife injury and death due to entanglement or strangulation shall be used on sites having a solar facility footprint greater than 5 acres. Exceptions can be made by the planning Board for sites that have limited surrounding wildlife habitat.

b. Design standards:

i. For adjoining arrays, the number of features installed for the facility should be consolidated and kept to a minimum, such as the use of shared access roads and fencing.

ii. Removal of trees and other existing vegetation should be minimized or offset with planting elsewhere on the property.

iii. To the extent practicable, Major Solar Systems located in Prime Farmland or Farmland of Statewide importance, shall be constructed in accordance with the sola construction mitigation requirements of the New York State Department of Agriculture and Markets.

iv. Proposed major solar collection systems shall minimize the displacement of prime soils that are in active agricultural production. The site plan shall depict the location and extent of prime soils, prime soils if drained, soils of statewide importance, and indicate whether the parcel(s) is/are receiving an agricultural valuation. The site plan shall also depict the location and extent of current agricultural uses on the land (e.g. rotational crops, hay land, un/improved pasture, support lands, and fallow lands) the location of diversions and ditches, and areas where tile drainage has been installed. Prime soils, prime if drained, and soils of statewide importance that are in agricultural production are a valuable and finite resource. The site plan should include a cross section of any subsurface foundations that will be used for the solar array. In the event the array utilizes at-grade ballast footers, the underlayment should include a bed of crushed stone atop monofilament woven geotextile fabric so that the stone can be readily removed from the site when the facility is decommissioned. A plan for clearing and/or grading the site and Stormwater Pollution Prevention Plan (SWPPP) for the site must be included.

v. Roadways within the site shall be built along field edges and along elevation contours where practical, constructed at grade and have a maximum width of 16 feet. Roadways shall not be constructed of impervious materials and shall be designed to minimize the extent of roadways constructed and soil compaction.

vi. All on-site utility and transmission lines shall, to the extent feasible, be placed underground. Any above ground

transmission lines that are used to accommodate the facility shall require utility poles that are tall enough and installed at widths able to accommodate farm machinery and equipment. The installation of guy wires to utility poles is discouraged.

vii. All mechanical equipment, including any structure for batteries or storage cells, shall be enclosed by a minimum 7-foot-high fence, as required by National Electric Code (NEC), with a self-locking gate to prevent unauthorized access.

viii. Any exterior lighting installed within the facility shall be downcast and dark sky compliant with recessed bulbs and full cut off shields.

c. Signs:

i. A sign not to exceed twelve square feet shall be displayed on or near the main access point and shall list the facility name, owner and phone number.

ii. As required by NEC, disconnect and other emergency shutoff information shall be clearly displayed on a light reflective surface. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations not to exceed four square feet.

d. Safety:

i. The owner/operator shall provide evidence that a copy of the site plan application has been submitted to the Fire Chief of the Massena Fire Department. All means of shutting down the photovoltaic solar energy system shall be clearly marked on the site plan and building permit applications.

ii. The owner/operator shall provide evidence detailing how the solar installation will be protected against cybersecurity threats when connecting to the grid.

2. Decommissioning. Prior to removal of a Major Solar Collection System, a demolition permit for removal activities shall be obtained from the Town of Massena.

a. Decommissioning Bond:

i. Prior to issuance of a building permit for a Major Solar Collection System, the owner or operator of the Solar Energy System shall post a surety in an amount and form acceptable to the Town for the purposes of removal in the event the Major Solar Collection System is abandoned. The amount of the surety required under this section shall be 125% of the projected cost of removal of the Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. Acceptable forms shall include, in order of preference: cash; irrevocable letter of credit; or a bond that cannot expire; or a combination thereof. Such surety will be used to guarantee removal of the Major Solar Collection System should the system be abandoned. In such case, the Town Building Inspector/Code Enforcement Officer shall then provide written notice to the owner or operator to remove the Major Solar Collection System, and the owner or operator shall have one (1) year from written notice to remove the Solar Energy System including any associated accessory structures and/or equipment, and restore the site to a condition approved by the Planning Board. If the owner, operator applicant or lessee fails to remove any associated structures or restore the site to the condition approved by the Board, all costs of the Town incurred to enforce or comply with this condition shall be paid using the surety provided by the applicant.

b. Decommissioning Plan. An application for a Major Solar Collection System shall include a Decommissioning Plan. Removal of a Major Solar Collection System must be completed in accordance with the Decommissioning Plan. The Decommissioning Plan shall:

i. Specify that after the Major Solar Collection System will no longer be used, it shall be removed by the owner and/or operator or any subsequent owner/operator and shall include a signed statement from the applicant acknowledging such responsibility. The application shall disclose the lease

start date, length of the original lease, and number of options and timeframes if the lease is renewed.

ii. Demonstrate how the removal of all infrastructures (including but not limited to aboveground and below ground equipment, structures and foundations) and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction. In areas where agricultural production will resume, re-vegetation shall include native plants and seed mixes and exclude any invasive species. The reclamation of land when the Major Solar Collection System is decommissioned shall include the removal of rock, construction materials and debris to a depth of 4 feet, the decompaction of soils to a depth of 18 to 24 inches, regrading and reseeding the site to its original condition prior to the project construction.

iii. Include photographs or archival color images of the proposed site plan area for Major Solar Collection System. Such information must, in aggregate, adequately portray the entire property for the purpose of future reference when soil and vegetation remediation of the property occurs.

iv. State that disposal of all solid and hazardous waste shall be in accordance with local, state and federal waste disposal regulations.

v. Provide an expected timeline for decommissioning within the three-hundred-sixty-five-day (365) period set forth below.

vi. Provide a cost estimate detailing the projected cost of executing the Decommissioning Plan, subject to 3rd party verification at the developer's expense, if required by the town.

vii. Within 30 days of changing ownership, notice shall be provided to the Town with the name of the new owner and contact information.

3. Abandonment and Removal:

a. A Major Solar Collection System shall be deemed to be abandoned after it has ceased operating for a continuous one (1) year period.

b. Upon cessation of operations of a Major Solar Collection System for a period of one (1) year, the Town may notify the owner and/or operator of the facility to implement the Decommissioning Plan. Within one-hundred and eighty (180) days of notice being served, the owner and/or operator can either restore operation equal to 80% of approved capacity or implement the Decommissioning Plan.

c. In the event that construction of the Major Solar Collection System has been started but is not completed and functioning within eighteen (18) months of the issuance of the final Site Plan, the Town may notify the operator and/or the owner to complete construction and installation of the facility within three-hundred and sixty-five (365) days. If the owner and/or operator fail to perform, the Town may require the owner and/or operator to implement the Decommissioning Plan. The decommissioning plan must be completed within one-hundred and eighty (180) days of notification by the Town to implement the Decommissioning Plan.

d. Applications for extensions of the time periods set forth in this subsection of no greater than one-hundred and eighty (180) days shall be reviewed by the Town Board.

e. Upon recommendation of the Building Inspector/Code Enforcement Officer, the Town Board may waive or defer the requirement that a Major Solar Collection System be removed if it determines that retention of such facility is in the best interest of the Town.

f. If the owner and/or operator fails to fully implement the Decommissioning Plan within the prescribed time period and restore the site as required, the Town may use the financial surety posted by the owner and/or operator to decommission the site, or it may proceed with decommissioning at its own expense and recover all expenses incurred for such activities from the defaulted owner and/or operator. Any costs incurred by the Town shall be

assessed against the property, shall become a lien and tax upon said property, shall be added to and become a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officer and in the same manner as other taxes.

G: SPECIAL USE PERMIT REQUIREMENTS

1. In addition to the special use permit requirements of the Town Code, the following shall be provided to the Town:

a. Verification of utility notification. Any foreseeable infrastructure upgrades shall be documented and submitted. Off-grid systems are exempt from this requirement.

b. Name, address, and contact information of the applicant, property owner(s), and agent submitting the project. In the event ownership of the facility changes hands, or if the lease is terminated, notification shall be sent to the Town within thirty days of the transfer or termination date. The notice shall include the name and contact information of the new owner(s). The new owner shall then be bound by the terms of the original agreement.

2. 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.

3. If the array will be sited on farmland located in an Agricultural District, an Agricultural Data Statement shall be completed.

4. Site Plan: Site plan approval is required.

5. Blueprints signed by a Professional Engineer or Registered Architect of the solar installation showing the layout of the system.

6. Property Operation and Maintenance Plan: A property operation and maintenance plan is required, describing continuing photovoltaic maintenance and property upkeep, such as mowing, trimming, etc. Any such plan shall propose that the property maintain a neat and orderly appearance consistent with surrounding properties. The property shall always be maintained in a manner consistent with all properties within the Town of Massena.

7. The Town of Massena has established that there shall be a Community Benefit to maximize the benefits of a solar project to the Town of Massena and its residents. The benefit shall be determined via an agreement negotiated between the Town and the developer/owner.

H. FEES

1. The fees for a Special Use Permit, Site Plan Review, and Zoning Permit for a Solar Energy System shall be set from time to time by Town Board resolution.

2. The Applicant for either state or local siting approval shall deliver to the Town Board, along with its application if local approval is sought, and concurrent with the filing of an application through a State-level permitting process, if applicable, an amount equal to one percent (1%) of the estimated cost of the project (the "Initial Deposit"). This sum shall be held by the Town in a non-interest-bearing account, and these funds shall be available to the Town to pay consultants and attorneys engaged the Town to assist in application review if a local permit is sought, and to pay consultants and attorneys engaged by the Town to assist in review of an application through a State-level permitting process should awarded intervenor funds be insufficient to fully participate in the State-level review process or should intervenor funds be otherwise exhausted. Following the grant or denial of the state or local application, the Town shall return to the Applicant any excess remaining in escrow. If the escrow account has been depleted prior to grant or denial of the application, the Applicant shall deposit such funds necessary for the Town to pay any outstanding fees to said consultants.

SECTION 2: SEVERABILITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and

shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Massena hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 3: REPEAL

All ordinances, local laws, and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 4: EFFECTIVE DATE

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Motion by: Councilman Elsner	Vote:			
Second by: Councilman Nicola	Aye	Nay	Abstain	Absent
Steve O'Shaughnessy	X			
Albert Nicola	X			
Susan Bellor	X			
Samuel Carbone, Jr.	X			
Robert Elsner	X			
Motion is Carried.				

Resolution # 134 - 2020				
Rescheduling a Public Hearing to October 21, 2020 at 5:30 PM for the following project: Annual Increase Proposals for Senior Exemption and Disability/Limited Income Exemptions.				
Motion by: Councilman Carbone	Vote:			
Second by: Councilman Nicola	Aye	Nay	Abstain	Absent
Steve O'Shaughnessy	X			
Albert Nicola	X			
Susan Bellor	X			
Samuel Carbone, Jr.	X			
Robert Elsner	X			
Motion is Carried.				

Resolution # 135 - 2020				
Authorizing the Town Supervisor to sign a One Year Service Renewal Agreement (Beginning August 1, 2020) with Trane US, INC. for Inspection and Maintenance Services (Boiler at Massena Public Library) in the amount of \$2,832.00.				
Motion by: Councilwoman Bellor	Vote:			
Second by: Councilman Elsner	Aye	Nay	Abstain	Absent
Steve O'Shaughnessy	X			
Albert Nicola	X			
Susan Bellor	X			
Samuel Carbone, Jr.	X			
Robert Elsner	X			
Motion is Carried.				

Resolution # 136 - 2020				
Authorizing the Town Supervisor to sign a One Year Service Renewal Agreement (Beginning August 1, 2020) with Trane US, INC. for Inspection and Maintenance Services (Boiler at The Town Hall) in the amount of \$2,986.00.				
Motion by: Councilman Nicola	Vote:			
Second by: Councilman Carbone	Aye	Nay	Abstain	Absent
Steve O'Shaughnessy	X			
Albert Nicola	X			
Susan Bellor	X			
Samuel Carbone, Jr.	X			
Robert Elsner	X			
Motion is Carried.				

Resolution # 137 - 2020					
Authorizing the Town Supervisor to sign a Three Year Service Renewal Agreement (Beginning September 1, 2020) with Trane US, INC. (HVAC System at Massena Airport, Massena Museum, Massena Public Library and Massena Town Hall), Amounts Due as Follows: Year 1- \$12,159.00, Year 2- \$12,159.00, Year 3- \$2,051.00.					
Motion by:	Councilwoman Bellor	Vote:			
Second by:	Councilman Elsner	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 138 - 2020					
Authorizing the Town Supervisor to sign a Three Year Service Agreement (Beginning September 1, 2020) with Trane US, INC. (HVAC System at Massena Volunteer Emergency Unit), Amounts Due as follows: Year 1- \$2,011.00, Year 2- \$2,011.00, Year 3- \$2,051.00.					
Motion by:	Councilman Carbone	Vote:			
Second by:	Councilman Nicola	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 139 - 2020					
To Reappoint Lisa Tyo to The Board of Assessment Review for a 5-Year Term Effective October 1, 2020 to September 30, 2025.					
Motion by:	Councilman Nicola	Vote:			
Second by:	Councilman Carbone	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 140 - 2020					
To Authorize engaging Peggy Mousaw to assist the Town with the 2019 audit at a cost not exceed \$1,500.00					
Motion by:	Councilwoman Bellor	Vote:			
Second by:	Councilman Carbone	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 141 - 2020					
To Authorize The Town Supervisor to sign the Cost plus Fixed fee Consultant Agreement for the Construction Observation and Administration of the General Aviation Rehabilitation Project. (FAA AIP No. 3-36-0054-88-20 & NYSDOT No. 7902.					
Motion by:	Councilman Carbone	Vote:			
Second by:	Councilman Nicola	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 142 - 2020**Accepting Budget & Cash Transfers and Amendments****CASH TRANSFER:**

TRANSFER \$11,078.62 from NBT Bank A/C#****9438 Town of Massena - MMH Retirees Health Insurance Account to NBT Bank A/C#****8489 – Town of Massena General Fund (This transfer will cover the employer and employee share of the St. Lawrence County Chamber of Commerce – Health Plan for the hospital retirees for October 2020.)

TRANSFER \$1,500.00 from NBT Bank A/C#****8489 Town of Massena General Fund to NBT A/C#****8599 Pre-Medicare retiree Pamela Catanzarite (This transfer will establish the insurance debit card account for retiree effective 09/01/2020.)

TRANSFER \$11,179.16 from Town of Massena – Brasher Branch Library A/C#****1460 to Town of Massena General A/C#****8489 at NBT Bank.(This transfer will reimburse the Town of Massena for 4th Qtr. 2019 expenses for the Massena Public Library – Brasher Branch expenses.)

TRANSFER \$729.85 from Town of Massena-Pre-Medicare retiree Nancy Fregoe A/C#****8130 to Town of Massena General A/C#****8489 at NBT Bank (This transfer will reimburse unused funds back to the Town. Retiree is now under the United Health Care Plan.)

TRANSFER \$1,052.09 from Town of Massena Pre-Medicare retiree James Beckstead A/C#****7595 to Town of Massena General A/C#****8489 at NBT Bank (This transfer will reimburse unused funds back to the Town. Retiree is now under the United Health Care Plan).

REQUEST PERMISSION TO:

OPEN A NEW CHECKING ACCOUNT at NBT Bank A/C#****8599 Town of Massena-Pamela Catanzarite (This will create a new insurance debit card account for Pamela Catanzarite effective 9/1/2020.)

CLOSE THE FOLLOWING ACCOUNTS AT NBT BANK AS THEY ARE NOW INACTIVE:

A/C#****8130 Nancy Fregoe HRA Checking Account
A/C#****7595 James Beckstead HRA Checking Account

CREATE NEW SAVINGS ACCOUNT

REQUEST PERMISSION to create a new savings account with MBIA/CLASS titled “Barnhardt Estate” and transfer \$50,000.00 from the Town of Massena Barnhart Estate Income Account at NBT Bank A/C#****8771.(These funds are being moved from a CD that has come up for renewal from NBT Bank to a higher yield savings account at MBIA/CLASS.)

BUDGET TRANSFERS:

TRANSFER \$3,453.49 from Contingent Account A/C# A.1990.000 to Town Hall Personal Service A/C# A.1620.110 (This transfer will cover the over-run in this general ledger account.)

TRANSFER \$6,926.49 from Airport Contractual A/C# A.5610.400 to the following:

Airport Contractual.Communications & Utilities A/C# A.5610.400.0401	\$1,192.57
Airport Contractual.Supplies & Materials A/C# A.5610.400.0402	\$989.42
Airport Contractual.Repairs & Maintenance A/C# A.5610.400.0407	\$4,744.50

(These transfers will cover the over-runs in these general ledger’s accounts.)

TRANSFER \$1,549.00 from Library Personal. Service A/C# L.7410.100 to Brasher Library Personal Service A/C#L.7410.100.7411(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$2,172.26 from Library Equipment A/C#L.7410.200 to Library Equipment Massena Library A/C#L.7410.200.7410(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$1,299.42 from Library Books and Periodicals A/C# L.7410.410 to Library Books and Periodicals Massena Library A/C# L.7410.410.7410(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$824.93 from Library Maintenance A/C# L.7410.420 to Library Maintenance Massena Library A/C# L.7410.420.7410(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$477.51 from Library Supplies A/C# L.7410.440 to Library Supplies Massena Library A/C# L.7410.440.7410(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$1,222.90 from Library Brasher Branch Expenditures A/C# L.7410.460 to Brasher Library Expenditures A/C# L.7410.460.7411(This transfer will cover the over-run in this general ledger account.)

TRANSFER \$1,441.65 from Library. Personal Service A/C#L.7410.100 to Unemployment Insurance A/C#L.9050.800(This transfer will cover the over-run in this general ledger account.)					
Motion by:	Councilwoman Bellor	Vote:			
Second by:	Councilman Nicola	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Resolution # 143 - 2020					
To Approve Warrant #9					
FUND	DESCRIPTION			AMOUNT	
A	GENERAL			\$138,747.75	
B	GENERAL OUTSIDE			1,656.00	
DA	HIGHWAY			26,558.77	
DB	HIGHWAY OUTSIDE			27,143.33	
HFI	T HALL FAÇADE & HWY GARAGE & LIBR LIFT			12,131.00	
HFT	FUEL TRUCK			180,000.00	
HTA	TERMINAL APRON REHAB DESIGN			20,000.00	
L	LIBRARY			18,274.80	
SWA	E MASSENA CONSOLIDATED WATER DISTRICT			4,355.15	
	TOTAL			\$428,866.80	
	WARRANT #9 CHECK #S 47484-47553			\$117,615.86	
	MANUAL CHECKS			311,250.94	
	TOTAL			\$428,866.80	
Motion by:	Councilwoman Bellor	Vote:			
Second by:	Councilman Nicola	Aye	Nay	Abstain	Absent
	Steve O'Shaughnessy	X			
	Albert Nicola	X			
	Susan Bellor	X			
	Samuel Carbone, Jr.	X			
	Robert Elsner	X			
Motion is Carried.					

Committee Reports:Report Submitted by Frank Diagostino:**Highway Department**

Started Mowing roadsides on September 14, 2020.

Mowed cemetery's, bridges, rescue squad etc.

Sand blasted and painted plows.

Replaced both clutch's disc on woods mower.

Replaced driveway culvert pipes on Leslie and Larue roads.

Replaced side boards on units #47 & #50.

Repaired a roof leak at the Town of Massena Library.

Repaired unit #47 dump, patched holes in dump box.

Hauled sand for village. Sand is used for repair of waterline breaks in the town of Massena.

Repaired waterline damage on N.Raquette and SH 420 (3 total).

Started digging trench for new internet cable at the Massena Airport on September 15, 2020.

Started replacing roof on Massena Airport field house garage on September 14, 2020.

Massena Airport

Boutique Air numbers for August 2020

Enplaned 179, Deplaned 185, Total 364

Cancelled for weather 0, Cancelled other 2, Total cancelled flights 2.

August 2020 landings for Boutique Air at the Massena Airport 93.

Received notice to proceed from the NYSDOT on parking lot project at the Massena Airport. Pre-construction meeting will take place on September 18, 2020 at 11am at the Massena Airport ARFF building.

Received notice to proceed from the FAA on the fence project at the Massena Airport.

The new ARFF truck will ship around September 14, 2020.

Massena Library (Closed)

Massena Museum (Closed)

Massena Town Hall (Massena Town Hall open.)

Massena Rescue Squad (No issues.)

Report Submitted by Susan Bellor

1. Rescue Squad:

The board met via zoom on Wednesday September 9th. Bills have been submitted to Town with August bills totaling \$32, 209.85.

Members accumulated 1612 hours of donated service at value of \$38,849.20. Calls were reported for advanced life and basic life support with or without transport totaling 204, and 1113 for the year, with transported calls down by 1 compared to 2019. Calls to other hospitals showed 5.6% to cph.

Bob and I(Sue) met with Roger and Lenore of the Rescue Squad to try to come to a comprehensible solution of the recent Facebook posts directed negatively to the Town Board by a member of the volunteer unit. Discussion and questions ensued about the current Memorandum of Understanding with the Massena Volunteer emergency Unit, their Bylaws and the Massena Rescue Squad Constitution. I (Sue) sent to Roger and Lenore a copy of the constitution which is on file in the Town Clerk's office after their meeting.

Lenore has resigned from the board after 17 years and I thank her for her long- time commitment.

At the monthly board meeting, there was discussion about the status of the MVEU as a 501 c-3 since the annual 990 had not been filed since 2015. It was explained to us that they hired an attorney to file a 1023 form to bring it up to date as a tax- exempt entity.

I (Sue) sent the Constitution to all members of the board and also to the president of the MVEU after the meeting for their awareness.

The next meeting is Wednesday October 14th.

<p>2. Library: The library board met on September 8th by ZOOM. Monthly business agenda items were completed as usual. They reopened to the public on Tuesday September 8th following their Pandemic policies, and cutting back from 56 hrs. to 47 hrs. per week, closed on Tuesday and Thursday evenings and open on Saturdays 9-1pm. They are working on their 2021 budget but do not know yet the amounts from NYS or North Country Library System for grant aide. Director Elaine is working on virtual programs and book groups. The next scheduled meeting is October 13th</p> <p>3. The Chamber of Commerce: Chamber President Eowyn Hewey and board are grateful to all devoted members who have continued to pay their dues during this trying time. They are actively trying to find ways to generate some income, while being safe. They meet the third Thursday noon via zoom. Their next meeting is tomorrow September 17th via zoom.</p> <p>4. The BDC continues to work on small business grants, a strategic plan and has prepared a draft budget for 2021. They will have their monthly meeting tomorrow.</p>
Old Business
New Business
Next Scheduled Meeting (October 21, 2020 at 5:30 PM)
Closing 15-Minute Comment Period
<p>Closing Remarks</p> <p>Mr. Diagostino reported on The Highway department Shift change hours for the winter. The hours will be from 12 Noon to 8:30 PM , with 4 hours of overtime if needed, and from 12 midnight to 8:30 AM with 4 hours of overtime if needed. Mr. Diagostino wanted to make the Board aware. No motion was needed as it is in the contract.</p> <p>Mr. O’Shaughnessy noted that budget reviews will begin next month. The Town Clerk will present the Budget to the Board on September 30th. This will mark the date of the first budget work session. Additional budget sessions will be held every Wednesday in October at 4:00 PM. The budget work schedule will be finalized at that time.</p>
<p>Executive Session Motion by Councilwoman Bellor, Second by Councilman Elsner to conduct an Executive Session to discuss the hiring of a particular individual. Motion carried unanimously. The Board went into Executive Session at 7:35 PM.</p> <p>Returned to Open Session at 8:35 PM</p>

Resolution # 144 - 2020				
Authorizing the Town Supervisor to Sign a Contract for Bond Counsel with Rick Cook of Hancock Estabrook Relating to Debt Incurred from the Sale of Massena Hospital.				
Motion by:	Vote:			
Second by:	Aye	Nay	Abstain	Absent
Steve O’Shaughnessy	X			
Albert Nicola	X			
Susan Bellor	X			
Samuel Carbone, Jr.	X			
Robert Elsner	X			
Motion is Carried.				

Adjourned at 8:40 PM by Unanimous Consent.

Respectfully Submitted,
Jeannine L. Brouse