

**TOWN OF COLUMBIA  
REGULAR TOWN BOARD MEETING  
APRIL 13, 2023**

The Town of Columbia Town Board held a regular monthly meeting April 13, 2023, at the town building

MEMBERS PRESENT: Supervisor Weiss, Councilmen Cotton,  
Learned and Reed

MEMBERS ABSENT: Councilman Doremus

OTHERS PRESENT: Pat Woytowich, Clerk; Mark Buddle, Highway Supt.;  
12 people from public

Supervisor Weiss called the meeting to order at 7:00 P.M.  
Pledge of Allegiance and prayer

Meeting was turned over to Councilman/Deputy Supervisor Reed.  
Councilman Reed stated that the Public Hearing on Local Law #2023-01 from February is now closed after being reviewed by the Herkimer Oneida County Planning Board.

**TOWN OF COLUMBIA  
RESOLUTION NO. \_5\_ of 2023**

RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF COLUMBIA LOCAL LAW 1 OF 2023 ENTITLED ONE YEAR MORATORIUM ON SOLAR ENERGY DEVELOPMENT IN THE TOWN OF COLUMBIA

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Columbia introducing a proposed Local Law 1 of 2023 entitled, "One Year Moratorium on Solar Energy Development in the Town of Columbia"; designating said law a Type II Action not requiring any additional environmental impact review pursuant to SEQRA; and opening a public hearing to be held by said Town Board on February 9, 2023, at 7:00 PM at the Columbia Town Building, 147 Columbia Center Rd., Ilion, NY 13357, to hear all interested parties on said law; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Town of Columbia, in January of 2023, and other notices required to be given by law were

properly served, posted or given; and

WHEREAS, said public hearing was duly held on February 9, 2023, at the Columbia Town Building, 147 Columbia Center Rd., Ilion, NY 13357, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and all written comments received prior to the public hearing were reviewed by the Town Board; and

WHEREAS, on February 9, 2023, a resolution was duly adopted by the Town Board of the Town of Columbia authorizing and requiring referral of the proposed moratorium law to the Herkimer and Oneida County Department of Planning for review pursuant to Section 239-m of the General Municipal Law, which referral was completed on February 10, and 13, 2023; and

WHEREAS, having not received feedback from the county planning agency within 30 days of the referral, the Town of Columbia is authorized to take final action on the proposed moratorium law pursuant to Section 239-m (4)(b); and

WHEREAS, the Town Board of the Town of Columbia, after due deliberation, finds it in the best interest of the Town of Columbia to adopt said Local Law.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Columbia, New York, hereby adopts said Local Law 1 of 2023, entitled “One-Year Moratorium on Consideration, Approval, and Construction of Large Solar Energy Systems in the Town of Columbia”, a copy of which is attached hereto and made part of this resolution.

BE IT FINALLY RESOLVED, that the Town Clerk with the assistance of special legal counsel is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Columbia; and to give due notice of the adoption of said local law to the Secretary of State of New York.

I, H. Ed Reed, Deputy Supervisor of the Town of Columbia, do hereby certify that the aforementioned resolution was passed by the Town Board of the Town of Columbia on April

13, 2023, by the following vote:

Town Board Member:	Yes	No	Abstain
Supervisor Weiss	<input type="checkbox"/>	<input type="checkbox"/>	X
Council Member Doremus (ABSENT)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Cotton	x	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Learned	x	<input type="checkbox"/>	<input type="checkbox"/>
Council Member Reed	x	<input type="checkbox"/>	<input type="checkbox"/>

Dated: April 13, 2023

Columbia, New York

By order of the Town Board of the Town of Columbia, New York.

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H. Ed Reed, Deputy Town Supervisor

STATE OF NEW YORK

HERKIMER COUNTY

This is to certify that I, Patricia Woytowich, Town Clerk of the Town of Columbia, in the said County of Herkimer, has compared the foregoing copy of Resolution No. 5 of 2023, "RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF COLUMBIA LOCAL LAW 1 OF 2023 ENTITLED ONE YEAR MORATORIUM ON SOLAR ENERGY DEVELOPMENT IN THE TOWN OF COLUMBIA", with the original now on file in this office, and that the same is a correct and true transcript of said originals and the whole thereof.

TOWN OF COLUMBIA

In Witness Whereof, I have hereunto set my hand and  
affixed the seal of said Town this 13th day of April,2023

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Patricia Woytowich

Columbia Town Clerk — Herkimer County

TOWN OF COLUMBIA

LOCAL LAW 1 OF 2023

ONE-YEAR MORATORIUM ON CONSIDERATION, APPROVAL, AND  
CONSTRUCTION OF LARGE SOLAR SYSTEMS IN THE TOWN OF COLUMBIA

BE IT ENACTED by the Town Board of the Town of Columbia, New York as follows:

SECTION 1. TITLE.

This Local Law shall be known as Local Law No. 1 2023 and entitled “One-Year  
Moratorium on Consideration, Approval, and Construction of Large Solar Energy Systems in  
the Town of Columbia.”

SECTION 2. PURPOSE AND INTENT

Pursuant to the statutory and State Constitutional powers vested in the Town of Columbia to regulate and control land use and to protect the health, safety and welfare of its residents, the Town Board of the Town of Columbia, New York finds that it is necessary to temporarily suspend the acceptance of applications and the review of approvals for new solar energy facilities, and the construction of solar energy facilities, in order to review and consider changes to the Town of Columbia's Solar Energy Facilities Local Law No. 1 of 2020. The potential integration of solar energy facilities alongside the Town’s existing land uses, and recent proposals for large scale facilities within the town, require the Town Board of the Town of Columbia to carefully consider the substantive and procedural provisions of the Solar Energy Facilities Local Law, and to consider adopting changes to the law necessary to

encourage appropriate development, protect community character, and protect the health, safety, and welfare of citizens.

### SECTION 3. SCOPE OF MORATORIUM

For the purpose of review and consideration of changes to the Town of Columbia's Solar Energy Facilities Local Law No. 1 of 2020, the Town Board hereby declares a moratorium on the acceptance of applications, the review of approvals, and the construction of, any new solar energy system for one (1) year from the effective date of this Local Law.

### SECTION 4. EXCEPTIONS

This moratorium shall not apply to applications, approval, or construction of: (a) Solar energy systems which have already obtained site plan approval or other necessary approvals or permits; (b) residential Solar Panel installations, regardless of whether or not the panels are ground-mounted, so long as the total Solar Panel installation on a single residential tax map parcel is designed to generate no more than 110% of the electricity consumed over the previous twelve-month period for the existing parcel (for new construction that does not have a twelve-month log of electricity use, a projection of electricity use over the first 12 months shall be used).

### SECTION 5. TERM

The moratorium imposed by this Local Law shall be in effect for a period of one year from the effective date of this Local Law.

SECTION 6. EXTENSIONS This Moratorium may be extended for such additional periods as the Town Board may determine to be necessary to protect the public health, safety and welfare of the citizens of the Town of Columbia and accomplish the stated purposes and intent of this Local Law.

### SECTION 7. SEVERABILITY

If any section, sentence, clause, or phrase of this Local Law is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Local Law, but this

Local Law shall be construed and enforced as if the invalid or unconstitutional section, sentence, clause or phrase had not been included.

#### SECTION 8. EFFECTIVE DATE

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

Resolution Local Law#1-2023 was read by Councilman Read. A motion was made by Councilman Cotton, seconded Councilman Learned to adopt.

VOTE: Cotton, aye; Learned, aye, Reed, aye. Doremus, absent; Supervisor Weiss, abstain.

Meeting resumed by Supervisor Weiss.

A **motion** was made by Councilman Reed, seconded by Councilman Cotton, to accept the minutes of 3/09/2023

**VOTE:** All members present voted aye.

A **motion** was made by Councilman Learned, seconded by Councilman Reed, to accept the Supervisor and Town Clerk monthly reports.

**VOTE:** All members present voted aye.

#### **DEPARTMENT REPORTS:**

**-HIGHWAY:** Mark reported/discussed the following  
Chimney / Boiler / sewer piping

Cabinet is built for Smart Board

Clean up - sweeping - potholing

Roadside pick up of Garbage + Deer Carcasses and tires also

Trash Day May 6<sup>th</sup>

Huxtable - Finger-Lake Roads - Rototilling - cold paving

Mark commented that last year material costs were up 22 percent over previous year - this year looking to follow that trend.

Trucks pickup - 550- tandem

Mack should be by end of summer (approx. \$175,000.)

A **motion** was made by Councilman Learned, seconded by Councilman

Cotton, for Highway Supt. to explore possible purchase of a new 10 Wheeler.

**VOTE**: All members present voted aye.

-**PLANNING BOARD**: The Clerk read e-mail from Ron Bayzon stating that Deb Kidder has agreed to continue Paul's work on the Planning Board.

A **motion** was made by Supervisor Weiss, seconded by Councilman Learned, to appoint Deb Kidder to the Planning Board thru 12/31/2023 to fill vacancy of Paul Kidder.

**VOTE**: All members present voted aye.

**CORRESPONDENCE/DISCUSSION**:

- E-mail from Mark OSullivan (Town of Litchfield) reaching out to other towns regarding a local law for real property tax exemptions for active first responders. Councilman Reed will contact Mr. OSullivan.
- Herkimer County IDA amendment to Uniform Tax Exemption Policy "UTEP" can be viewed on the agency's website at <http://www.herkimercountyida.org>.
- Councilman Learned spoke requesting funds from the Town to help maintain cemetery on Jordanville Road. There will be a Cemetery Association meeting on April 25<sup>th</sup> for anyone interested.

**NEW BUSINESS**:

A **motion** was made by Councilman Cotton, seconded by Councilman Reed, wishing to acknowledge the highway employees for their essential work during the 2 years of COVID each full time employee (3) will receive \$2000.00 and the part time (2) will receive \$500.00 from the SLFRF funds received from the federal government.

**VOTE**: Councilmen Cotton, aye; Learned, aye; Reed, aye  
Supervisor Weiss, aye  
Councilman Doremus, absent

**BILLS**: The Board audited the monthly bills. A **motion** was made by Councilman Learned, seconded by Councilman Cotton, to accept the following bills:

General Fund, #55 - #74 for \$6,258.03  
Trust & Agency, #4 for \$342.80  
Highway, Item 3, #35 - #45 for \$4,012.42  
Highway, Item 4, #26 - #32 for \$28,449.71

**VOTE**: All members present voted aye.

**INPUT**: The Board received input from those attending. Columbia Solar Project survey so far has a return of 43 percent.

EDF will be holding a public meeting at Francesca's Banquets in Ilion on May 9<sup>th</sup>

Open House, 5-6/Presentation and Q+A 6-7/open house or questions 7-8

Next meeting will be May 11<sup>th</sup>

A **motion** was made by Councilman Cotton, seconded by Councilman Reed, to adjourn. The meeting was adjourned at 8:40 P.M.

Respectfully submitted,

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Supervisor

\_\_\_\_\_  
Town Clerk

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Councilman

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Councilman

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Councilman

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Councilman