



Town of Nanticoke

Board Meeting February 9, 2021

The Town of Nanticoke held the Town Board Meeting and Public Hearings for the Solar Energy Law, and the Local Law to Opt-Out of Section 487 NYS Real Property Tax Law on Tuesday, February 09, 2021. The meeting was at 7:00 p.m. at the Glen Aubrey Fire Company, 32 Octagon Rd., Glen Aubrey, NY.

Present:

Scott Whittaker	Town Councilman
Dan Baker	Town Councilman
Michael Holden	Town Councilman
Jacob Slack	Highway Superintendent
Robert McKertich	Town Attorney
Renny Zanker	Town Clerk
Mark See	Code Enforcer
Jacob Slack	Highway Superintendent

Absent: Roy Willis, Town Supervisor, Ron Zielewicz, Town Councilman.

Guests: Nathan Vander Wall (Nixon & Peabody LLP), Robert Wilson (Pyramid Network Services), Austin Feltrinelli (Pyramid Network Services), Andy Jackson, Robert Hodges, Jody Hodges, Heather Hodges, Kodie Yurkosmith, Lewis Jackson, James Lamb, Richard Gummoe, Curt Zanker.

Meeting was opened at 7:00 p.m. by Councilman Scott Whittaker. All joined in by the Pledge of Allegiance.

Councilman Dan Baker made the motion to open the Public Hearing at 7:01 p.m. for Local Law No#1-2021 ‘Solar Energy Law’

Seconded by: Councilman Holden

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye motion carried.

Town Attorney Robert McKertich explained how it would amend the law by increasing the permit application fee from \$100.00 to \$1,000.00 encloses an escrow deposit of \$5,000.00 for large solar systems and the aspects of the new law.

Resident Andy Jackson questioned if this would be taxable. Attorney McKertich explained this law addresses the fees so this amendment does not. This would be taxable by the Town Assessor.

Councilman Dan Baker made a motion at 7:10 p.m. to close the Public Hearing for the Solar Energy Law.

Seconded By: Councilman Holden

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

Councilman Dan Baker made a motion at 7:11 p.m. to approve the Resolution Approving Local Law NO# 1-2021.

Seconded by: Councilman Holden

Roll call vote: D. Baker: aye, M. Holden: aye, S. Whittaker: aye, motion carried.

Reports from Department Heads, Highway Superintendent Jake Slack, Code Enforcer Mark See, and Dog Control Officer Bill Holmes.

Councilman Baker made a motion to approve the minutes from the last meeting.

Seconded by: Mike Holden

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

Councilman Holden made a motion to approve the supervisors report.

Seconded by: D. Baker

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

Councilman Baker made a motion to pay the bills as audited.

Seconded by: Mike Holden

Roll call vote: D. Baker: aye, M. Holden: aye, S. Whittaker: aye, motion carried.

General (A) Fund... Vouchers 10-30 in the amount of \$57,800.42.

Highway (DA) Fund... Vouchers 9-19 in the amount of \$7,922.62.

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

At 7:15 p.m. motion was made to open the Public Hearing for Local NO.2 of 2021 entitle, which is the law to opt out of tax exemption for solar, wind and farm waste energy systems.

Motion made by: Mike Holden

Seconded by: Dan Baker

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

Town Attorney Robert McKertich explained the Local NO. 2 of 2021 law to everyone present.

Motion was made to close the Public Hearing for Local Law to OPT-OUT of Section 487 for solar, wind and farm waste energy systems.

At 7:23 p.m. Councilman Baker made a motion to close the Public Hearing.

Seconded by: M. Holden

Roll call vote: D. Baker: aye, M. Holden: aye, S. Whittaker: aye, motion carried.

This will be tabled until the next meeting on March 9, 2021.

At 7:15 p.m. Councilman Whittaker asked if there was any discussion regarding the Verizon Cell Tower Resolution Approving a Cell Tower Special Use Permit for 350 Rabbit Path Road.

Nathan Vander Wall from Nixon & Peabody LLP (Verizon Representative) discussed all that had led up to this point and asked if anyone had any further questions he could answer.

In response to moving the tower it was the land owners view it would not be an option due to it affecting use of the campgrounds and golf course. Verizon representatives agreed this is still the best site for the tower.

Attorney McKertich aided the board members with completing part 2 and 3 of the SEQR Forms for environmental review, with all board responses indicating no moderate/large environmental impacts.

Motion for a negative declaration under SEQR with regard to the cell tower special use permit and to check Box A on the part 3 SEQR Form.

Motion made by: Mike Holden

Seconded by: D. Baker

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

At 8:20 p.m. motion was made for the Resolution Approving A Cell Tower Special Use Permit with waivers.

Motion made by: Councilman Holden

Seconded by: D. Baker

Roll call vote: M. Holden: aye, D. Baker: aye, S. Whittaker: aye, motion carried.

At 8:30 a motion was made by Councilman Baker to adjourn:

Seconded by: M. Holden

Roll call vote: D. Baker: aye, M. Holden: aye, S. Whittaker: aye, motion carried.

The next Nanticoke Town Board Meeting will be held on March 9, 2021 at 7:00 p.m. at the Nanticoke Town Hall at 755 Cherry Valley Hill Road.

Respectfully Submitted,

Dated: February 9, 2021

Renny Zanker, Town Clerk