

A Special Meeting of the Board of Trustees of the Village of Albion was held Monday, November 23, 2020 at 6:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Eileen S Banker, Trustees Christopher Barry, Stan Farone and Gary Katsanis. Attorney John C Gavenda was present by phone. There were two residents present.

Mayor Banker opened the meeting with the pledge of allegiance at 6:00 PM

**PUBLIC HEARING – 6:00 PM**

Mayor Banker opened the Public Hearing to hear comments regarding Imposing a Six-Month Moratorium on Solar Power Farms/Commercial Solar Power Projects in the Village of Albion.

Nobody present wished to speak.

**CLOSED PUBLIC HEARING**

Moved by Trustee Katsanis and seconded by Trustee Barry that in as much as nobody present wished to speak regarding Imposing a Six-Month Moratorium on Solar Power Farms/Commercial Solar Power Projects in the Village of Albion, the Public Hearing closed at 6:03 PM.

CARRIED

4 Ayes

0 Nays

**ADOPTED LOCAL LAW #4, 2020**

The following resolution 2020-18, Local Law #4, 2020 was proposed by Trustee Katsanis who moved its adoption and seconded by Trustee Farone approving to Imposing a Six-Month Moratorium on Solar Power Farms/Commercial Solar Power Projects in the Village of Albion:

WHEREAS, a proposed Local Law #4 of the year 2020 for the purpose of making appropriate changes in the Village Code Book was presented to the Village of Albion Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Board Meeting of said Board held on Wednesday October 14, 2020 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 6:00 PM on November 23, 2020, at 35 East Bank Street, Albion New York and that said notice thereof be published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion at least seven days before November 23, 2020, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on November 10, 2020 and

WHEREAS, a Public Hearing on said proposed Local Law was held by the Board of Trustees, at 35 East Bank Street, Albion, New York at 6:00 PM on November 23, 2020 at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law #4, 2020 be hereby made part of the code of the Village of Albion, New York:

Local Law No. 4 of the year 2020  
Village of Albion, Orleans County

**A LOCAL LAW IMPOSING SIX (6) MONTH MORATORIUM ON SOLAR POWER FARMS/COMMERCIAL SOLAR POWER PROJECTS IN THE VILLAGE OF ALBION**

Be it enacted by the Albion Village Board, County of Orleans, State of New York (hereinafter referred to as the Board), as follows:

**SECTION 1. TITLE**

This Local Law shall be referred to as the “Local Law Imposing a Six (6) Month Moratorium on Solar Power Farms/Commercial Solar Power Projects in the Village of Albion”.

**SECTION 2. PURPOSE AND INTENT**

Pursuant to the statutory powers vested in the Village of Albion (hereinafter referred to as the Village) to regulate and control land use and to protect the health, safety and welfare of its residents, the Board hereby declares a six (6) month moratorium on the establishment, placement, construction, erection and/or implementation of solar farms and/or commercial solar power projects. It is the further purpose of this Local Law to enable to the Village to prevent the construction or erection of solar power farms and/or commercial solar power projects for a reasonable period of time to allow the Board to contemplate and/or enact Local Laws regulating same in the Village. The Board is desirous of

addressing, in a carefully contemplated manner, the establishment, placement, construction, erection and/or implementation of same on a comprehensive village wide basis, rather than on an ad hoc basis, and to adopt relevant regulations and/or provisions relating to same.

### SECTION 3. SCOPE OF CONTROLS

During the effective period of this Local Law:

1. The Board of the Village shall not grant any approvals that would have as the result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar power projects within the Village.
2. The Village of Albion Planning Board shall not grant any preliminary or final approval to a subdivision plat, site plan, special use permit or other permit that would have as a result the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar projects within the Village.
3. The Village of Albion Zoning Board of Appeals shall not grant any variance or other permit for any use that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar projects within the Village.
4. The Building Inspector/Code Enforcement Officer of the Village shall not issue any permit that would result in the establishment, placement, construction, erection and/or implementation of solar power farms and/or commercial solar projects within the Village. The Board reserves the right to direct the Village Building Inspector/Code Enforcement Officer to revoke or rescind any building permits or certificates of occupancy issued in violation of this Local Law.

### SECTION 4. NO CONSIDERATION OF NEW APPLICATIONS

No application affected by this Local Law and/or for approvals for a site plan, subdivision, variance, special use permit or other permit shall be considered by any Board Officer or agency of the Village while the moratorium imposed by this Local Law is in effect.

### SECTION 5. TERM

The moratorium imposed by this Local Law shall be in effect for a period of six (6) months from the effective date of this Local Law. This Local Law shall expire six (6) months from the effective date of this Local law as more specifically discussed hereinbelow. Provision is made in this Local Law to allow for extension of the six (6) month moratorium if necessary. This moratorium shall only apply to solar power farms and/or commercial solar power projects of an industrial scale encompassing more than one fourth (1/4) acre of land area and is not intended to apply to residential scale installations on or around homes designed to offset energy demands from the premises on which same is installed.

### SECTION 6. PENALITIES

Any person, firm or corporation that shall establish, place, construct, enlarge or erect any solar power farms and/or commercial solar power projects in violation of the provisions of this Local Law or in violation of the provisions of this Local Law shall be subject to:

- A. All penalties as may otherwise be provided by applicable local laws, ordinances, rules, regulations of the Village of Albion for violations; and
- B. Injunctive relief in favor of the Village 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 7. VALIDITY

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

### SECTION 8. HARDSHIP

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 Board of the Village in writing for a variation from strict compliance with this Local Law upon submission of proof of said unnecessary hardship. For the purpose of the Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for decision on the application for a variance, special permit or other permit during the period of the moratorium imposed by this Local law.

Procedure. Upon submission of a written application to the Albion Village Clerk by the property owner seeking a variation of this Local law, the Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon a five (5) day written notice in the official newspaper of the Village. At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and

the 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. In the event that the Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the 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 9. 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 Municipal Home Rule Law §27.

#### CARRIED

4 Ayes

0 Nays

#### **APPROVED UNPAID TAX BILLS TO COUNTY**

Moved by Trustee Farone and seconded by Trustee Katsanis approving the following unpaid tax bills for June 1, 2020 through May 31, 2021 be sent to Orleans County to be added to the January 2021

Town/County tax bills:

TAX MAP #	LOCATION	OWNER	AMOUNT
62.18-2-69	210 North Main Street	Andrews, Larry	1,542.46
62.18-3-39	154 Caroline Street	Coville, Susan	906.07
62.18-3-56	147 Caroline Street	Knights, Christopher	644.15
62.18-3-57	145 Caroline Street	Avino, Eugene	1,158.31
62.19-2-5	229 Caroline Street	Allen, Alvin	814.87
62.19-2-7	237 Caroline Street	Turner, Robert L	717.86
62.19-2-17	333 Caroline Street	Henderson, Barbara J	1,270.64
62.19-2-19	341 Caroline Street	Glena, John	442.37
62.19-2-35	332 Wood Street	Westphal, James	679.07
62.19-3-7	501 Moore Street	Hicks, David	904.12
62.19-3-21.11	Moore Street	Monnier, James R	236.70
62.19-3-24.2	575 Moore Street	Ebbs, Andrew G	1,724.83
62.20-2-10	109 Knapp Street	Hackenburg, Eric	1,053.54
62.20-2-18	620 Moore Street	Riley, Salome Lee	894.44
62.20-2-30	Joseph Street	Hinton, Timothy	13.57
62.20-2-35	Joseph Street	Lamarre, Vladimir	9.70
62.20-2-49.1	136 Knapp Street	Reigle, Michael J	811.00
73.5-2-58	347 West State Street	GMAP Properties LLC	1,332.92
73.5-3-19	312 West Park Street	Golisano, Vickie	1,301.89
73.5-3-23	112 West Academy Street	Stratton, Jay	1,534.70
73.5-3-50	231 Washington Street	Dillenbeck, William J	723.70
73.5-3-58	259 Washington Street	Smithey, Johnny	968.18
73.5-4-24.2	West State Street	DeCarlo, Dominic	1.92
73.5-4-38	317 West Park Street	Aponte, Juan	1,245.59
73.5-4-56	10 King Street	Klien, Nancy	1,003.08
73.5-4-57	14 King Street	Geisler, Jeremy S	892.50
73.6-2-4	114 West Bank Street	Davis, Leona	624.74
73.6-2-32	21 West Park Street	Furness Properties LLC	1,315.46
73.6-2-53	12 North Liberty Street	Pulley, Henri M	572.36
73.6-2-54.1	109 West State Street	Verhagen, Donna	690.72
73.6-2-54.2	111 West State Street	Duncan, Lydia	585.95
73.6-2-56	123 West State Street	Nottingham, William	1,047.70
73.6-2-63	41 North Clinton Street	Rivera, Jorge	1,096.22
73.6-2-65	42 North Liberty Street	Thomas, Peggy	1,032.19
73.6-2-70	18 North Liberty Street	Pulley, Henri Mae	1,071.00
73.6-3-19	251 East Bank Street	Mack, Michael J	194.02
73.6-3-20	255 East Bank Street	Fitzak, John M	729.51
73.6-3-40	219 East State Street	Hess, Jean	803.22
73.6-3-60	35 North Main Street	GTS Property Management	2,260.34
73.6-3-63	59 North Main Street	Black, Corey	1,358.14
73.6-3-64	12 East Bank Street	Park Place Development	787.73
73.6-3-84	222 East Bank Street	Dumont, Christine M	413.26
73.6-3-90	244 East Bank Street	Borrero, Patricia	995.32
73.6-4-11	204 East State Street	Big R Properties, LLC	906.07

TAX MAP #	LOCATION	OWNER	AMOUNT
73.6-4-18	232 East State Street	Nayman, Kathleen	1,342.60
73.6-4-24	250 East State Street	Boyle, Brooks F	1,831.76
73.6-4-27	260 East State Street	Gurney, John	1,705.42
73.6-4-34	257 East Park Street	Junot, Allan R	1,080.68
73.6-4-35	East Park Street	Junot, Allan R	71.79
73.6-5-4	226 East Park Street	Platek, Conrad	2,017.70
73.6-5-11	252 East Park Street	Warney, Jacob	867.28
73.6-5-14	262 East Park Street	Bukowski, Jacob	677.15
73.6-5-24	128 McKinstry Street	Whittier, Geoffrey L	1,146.66
73.6-5-25	132 McKinstry Street	Kinsey, David	972.02
73.6-5-32	226 Chamberlain Street	Lusk, Tia	607.28
73.6-5-34	214 Chamberlain Street	Whittier, Rene	659.66
73.6-5-36	204 Chamberlain Street	Hamilton, Patricia	706.21
73.6-5-44	115 Temperance Street	Sokol, Jeanette	702.37
73.6-5-46	109 Temperance Street	Allen, Edwin Sr	717.86
73.6-5-55	105 Reynolds Street	Greer, Andrea	917.72
73.6-5-56	Reynolds Street	Dames, Charles	60.14
73.6-5-68	235 Chamberlain Street	Drought, Tisha	797.43
73.6-6-41	125 Platt Street	Thom, Clifford	1,164.12
73.6-6-50	122 Platt Street	Ham, Kyle	828.46
73.6-7-25	126 South Main Street	Trapiss, Donald	1,100.09
73.6-7-35	135 South Clinton Street	Thomas Mwangi Cacanja	692.64
73.6-7-45	127 Washington Street	Rodgers, James	388.04
73.6-7-51	117 West Academy Street	Depoty, Deana	754.73
73.6-7-55	105 West Academy Street	Summers, June	797.43
73.6-7-67	228 West Park Street	Gaines, Lucas R	1,098.14
73.6-7-74	109 Beaver Street	Schmidt, Angel	537.43
73.6-7-85	110 Beaver Street	Pulley, Henri	696.53
73.7-1-2.1	306 East State Street	Passarelli, Adolph	1,623.95
73.7-1-36	330 East Park Street	Walker, Michael	886.66
73.7-2-3	331 East State Street	Olivo, Juan L	908.01
73.7-2-11	443 East State Street	Roach, Carl H II	706.21
73.7-2-26	523 East State Street	Croft, Ronald L	741.16
73.7-2-27	525 East State Street	Salvatore, Helen	1,045.76
73.7-2-40	518 East State Street	Clarke, Michelle	793.54
73.7-2-46	9 Goodrich Street	Ryan, Tabitha	481.16
73.7-2-56	115 Clarendon Street	Mammarello, Richard	370.58
73.7-2-62.2	East State Street	Walls, Jerry	71.79
73.7-2-63	428 East State Street	Walls, Jerry	1,300.73
73.8-1-17	669 East State Street	Boyle, Brooks F	975.91
73.8-1-22.412	640 East State Street	Jones, Toja R	1,532.75
73.9-1-17.111	158 Hamilton Street	Zaragoza Family Trust	1,695.74
73.9-1-38.111	446 West Avenue	Herring Enterprises, LLC	5,587.79
73.9-2-12	West Academy Street	Savage, David A	256.11
73.9-2-29	228 South Clinton Street	Freeman, Amy L	1,466.80
73.9-2-38	201 West Avenue	Rivera, Virginia	1,060.23
73.9-2-43	158 West Academy Street	Albion Grain Mill, LLC	320.14
73.11-1-13	405 East Avenue	Scharping, Jason B	875.01
73.11-1-33	Clarendon Street	Passarelli, Dean	389.96
73.11-1-41	426 East Avenue	Parker, Lyle	1,299.92
73.12-1-1.11	557 East Avenue	Johnson, Decarra	1,071.00
73.13-1-1.11	Allen Road	Herring, James	463.70
73.13-2-2.1	302 West Academy Street	McMurray, Scott A	1,338.73
73.13-2-21	346 South Clinton Street	Walton, Mary	1,794.70
73.13-2-27	349 West Academy Street	Rivera, Jorge Jr	485.05
73.13-2-38	326 West Academy Street	Heard, Rochelle	966.21
73.23-1-6	128 North Main Street	Pulley, Henri Mae	679.07
73.23-1-7	126 North Main Street	Pulley, Henri Mae	776.08
62.15-1-2	23 Lydun Drive	Wilkins, Jamie R	1,162.20
62.15-1-7	3 Lydun Drive	Lipscomb, Rodney D	1,387.25
62.18-1-17	306 Ingersoll Street	Jurs, Janna	1,753.94
62.18-1-31	Linwood Avenue	Shay, William Jr	139.69

TAX MAP #	LOCATION	OWNER	AMOUNT
62.18-1-32	Linwood Avenue	Shay, William Jr	314.33
62.18-1-38.12	Linwood Avenue	Whittier, Scott A	27.14
62.18-1-40	108 Linwood Avenue	Jubenville, Diana L	1,507.53
62.18-1-62	7 Linwood Avenue	Schultz, Gerri C	2,314.67
62.19-1-34	Linwood Avenue	Celmer, John M	139.69
62.19-1-35	322 Linwood Avenue	Celmer, John M	1,200.99
			\$106,163.35

CARRIED  
4 Ayes                      0 Nays

**TABLED APPROVAL OF ENGINEERING PROPOSAL**

The Board of Trustees tabled approving the bid of \$36,588 from MRB for engineering services for repair of the main air line for the aeration tank. The pollution Control Plant Chief Operator Aric Albright would like to look into a couple of things first.

**MEETING ADJOURNED**

Moved by Trustee Katsanis and seconded by Trustee Farone that there being no further business, meeting is hereby adjourned at 6:16 PM.

CARRIED  
4 Ayes                      0 Nays

Respectfully submitted,

Linda K Babcock  
Clerk-Treasurer