



The Town Board, Town of Charlotte held a regular Board Meeting on Wednesday, April 10, 2019 at 7:00 p.m. in the David Vern Luce Community Building Allen Chase, Supervisor presiding. Board members present were: Darren Carlstrom, Harold North, Henry Harper Jr. and Mark Abbey. Others present were: Jeff Crossley, Town Justice, Leah Grossman, Innogy, Earl & Joni Riggle, John & Jennifer Conway, Brad Gane, Bob Sharp, Marshall Greenstein, Mark Jaquith and Susan L. Peacock, Town Clerk.

The meeting was called to order.

Prayer was offered by Mark Abbey followed by the Pledge of Allegiance.

A public meeting was opened regarding Local Law No. 1 of 2019 amending Local Law No. 2 of 2005 entitled "A Local Law relating to the control of Dogs in the Town of Charlotte".

No one appeared in favor or against the local law and the meeting was closed.

The following resolution was offered by Mark Abbey, seconded by Darren Carlstrom and with none opposed it carried

**RESOLVE**, that the Town Board, Town of Charlotte hereby adopt the following Local Law No. 1 of 2019 entitled "A Local Law relating to the control of Dogs in the Town of Charlotte"

**BE IT ENACTED BY THE TOWN BOARD  
OF THE TOWN OF CHARLOTTE AS FOLLOWS:**

**SECTION 1. PURPOSE AND INTENT.** The purpose and intent of this local law is to amend the Town of Charlotte Local Law No. 2 of 2005.

**SECTION 2.** Section 4 Dangerous Dogs to read "The owner of any dog which has attached or injured another person or animal shall, pursuant to section 123 of the Agriculture and Markets Law of the State of New York, not there after permit such dog to be at any place other than securely confined to the premises of the owner, unless such dog is securely fitted with a properly-fitting muzzle of a type which shall not permit such dog to bite or threaten another person or animal."



### **SECTION 3. EFFECTIVE DATE**

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

Each board member had been given a copy of the minutes of the March 13th, 2019 board meeting. A motion was made by Darren Carlstrom, seconded by Mark Abbey and with none opposed it carried to accept the minutes as submitted.

A motion was made by Henry Harper Jr., seconded by Harold North and with none opposed it carried to draw warrants on the proper funds in payment of Highway Claims No. 51 to No. 70 in the amount of \$13739.76 which have been duly audited and to draw warrants on the proper funds in payment of General Fund Claims No. 89 to No. 108 in the amount of \$6441.89 which have been duly audited.

A motion was made by Mark Abbey, seconded by Harold North and with none opposed it carried to accept the March 2019 Financial Report prepared for the Town of Charlotte by Bahgat Laurito & Bahgat.

A motion was made by Henry Harper Jr., , seconded by Darren Carlstrom and with none opposed it carried to place a Help Wanted ad in the Jamestown Post Journal and our Town Website accepting applications for a full-time Highway Department position.

A motion was made by Mark Abbey, seconded by Henry Harper Jr., and with a roll call vote as follows: Harry North - YEA, Henry Harper Jr., - YEA, Darren Carlstrom - YEA, Mark Abbey - YEA and Allen Chase - YEA to pass the following RESOLUTION and allow Supervisor Chase to sign the document providing the decommissioning amount total \$3,438,495.00. This amount will be re-evaluated every 5 years after installation over the life of the turbines and does not include scrap value of the turbines and related equipment.

## **TOWN OF CHARLOTTE TOWN BOARD**

### **RESOLUTION APPROVING CASSADAGA WIND PROJECT DECOMMISSIONING AGREEMENT**

**WHEREAS**, Cassadaga Wind, LLC (the “Company”) has obtained a Certificate of Environmental Compatibility and Public Need (he “Certificate”) from the New York State Board on Electric Generation Siting and the Environment pursuant to Public Service Law Article 10 to



operate a wind energy generating facility in the Town of Charlotte including related collection and road access infrastructure in the Town (the “Project”); and

**WHEREAS**, under Section 11.1 of the Host Community Agreement between the Company and the Town dated December 28, 2016 (“HCA”), the Company was required to create a Decommissioning and Site Restoration Program (the “Decommissioning Plan”), and intended that compliance with the Decommissioning Plan would be a condition of the Certificate; and

**WHEREAS**, the Certificate does require the Company to file a final Decommissioning Plan with the Secretary to the Public Service Commission, Department of Public Service and required the Company to provide a letter of credit, for the benefit of the Town, that will provide suitable security for removal of specific Facility components as required by the Certificate; and

**WHEREAS** the Company has submitted the Decommissioning Plan to the Town which has been reviewed and approved by the Town’s independent engineers, GHD; and

**WHEREAS**, the Company submitted a form of Letter of Credit to be used as security for the Town, and the form of the Letter of Credit has been reviewed and approved by the Town’s legal counsel; and

**WHEREAS**, the wind farm itself together with its environmental impacts, are not subject to the State Environmental Quality Review Act (“SEQRA”) and the remaining aspects of this Agreement are a Type II action under SEQRA as they authorizes no new activity.

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Charlotte as follows:

1. The Cassadaga Wind Project Decommissioning Agreement between Cassadaga Wind LLC and the Town, including the Decommissioning Plan, the cost estimates to be used to determine the amount of the Letter of Credit, and the form of the Letter of Credit, are hereby approved and the Supervisor is directed to execute said Agreement on behalf of the Town.

2. Nothing in this Decommissioning Agreement amends any portion of the Host Community Agreement nor changes any obligation therein related to the use of Town roads.

3. This resolution shall be effective immediately.

Passed and adopted by the Town of Charlotte Town Board on the 10th day of April, 2019.

A motion was made by Darren Carlstrom seconded by Mark Abbey and with none opposed it carried to "Opt-In" LED Replacement Program to replace end of life National



Grid-owned HID Roadway Luminaries at the time of failure. The chosen bulb replacement is the comparable wattage LED choice given with no cost to the Town.

A motion was made by Henry Harper Jr., seconded by Harold North and with none opposed it carried to allow Town Clerk Susan L. Peacock to procure a Port-O-Let from Roger Gloss for the 2019 Summer season (May - October) for the Town Park.

Discussion was heard on the following:

1. **JUSTICE REPORT:** Due to technical difficulties no report could be accessed. The approved Grant money has still not been received. **CORRECTION: The approved Grant money HAS been received.**

2. **HIGHWAY REPORT:** Written Report:

See

replace with  
**LOGO**

Town of Charlotte Highway Report  
April 10, 2019

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1. Hauled our stone in for Chip and Sealing. 2. County installed 7-15" heavy angle irons to make a debris deflector on Harper Rd at the large cross pipe in hopes to keep the road from washing during large storms. They brought a crew, large excavator and hydraulic power unit in for the job yesterday. 3. County brought their stump grinder to the Evergreen Cemetery yesterday and ground 9 large stumps for them, we provide a tractor and two workers. 4. Started cutting trees on Harper Rd and Cleland Rd with the bucket truck. 5. Cleaned up the park. Should have a quote for canvas tops for the dugouts by weeks end from Jamestown Awning. 6. Made necessary repairs to #6, Freightliner. Pulled transmission and replaced 3<sup>rd</sup> gear, back and running. 7. Discuss possibility of selling #6 on an online auction with a reserve amount to be set. 8. The Extreme Winter Recovery money has been removed from the governors budget, Town of Charlotte losing about \$20,637 from their CHIPS Budget. 9. Andrew Abbey announced he will be retiring on his birthday next month on May 5<sup>th</sup>. 10. Would like to place an ad in the paper accepting applications for a Highway position.

Mark LeBaron  
Highway Superintendent

**TOWN OF CHARLOTTE  
COUNTY OF CHAUTAUQUA  
STATE OF NEW YORK**



3. **CLERK REPORT:** March scheduled hours were 41 with 52 hours actually worked leaving the total amount of 11 hours over the scheduled hours. The Town logo has been getting positive feedback and we are in the process of adding it to all Town documents and correspondence. Deputy Clerk Matthew Riggle attended the CCMCA March meeting representing the Town with guest speaker, Sherriff Jim Quattrone. The Town Clerk attended the NYMIR/NYSIR "Train the Trainer" Sexual Harassment Training on April 8th. The following report was presented:

04/03/2019

Town Clerk Monthly Report  
March 01, 2019 - March 31, 2019

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Account#	Account Description	Fee Description	Qty	Local Share
	Building fees	New Residential	1	100.00
		<b>Sub-Total:</b>		<b>\$100.00</b>
A2544	Dog Licensing	Female, Spayed	13	65.00
		Female, Unspayed	3	36.00
		Male, Neutered	8	40.00
		Male, Unneutered	1	12.00
	Senior Citizen Discount	Senior Citizen Discount	2	-4.00
		<b>Sub-Total:</b>		<b>\$149.00</b>
<b>Total Local Shares Remitted:</b>				<b>\$249.00</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				33.00
<b>Total State, County &amp; Local Revenues:</b>		<b>\$282.00</b>	<b>Total Non-Local Revenues:</b>	
			<b>\$33.00</b>	

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Susan Peacock, Town Clerk, Town of Charlotte during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

\_\_\_\_\_  
Supervisor Date Town Clerk Date

4. **TAX COLLECTOR:** March tax amount collected: \$116,701,77. A check was sent to Chautauqua County Tax Department in the amount of \$300,000.00 on March 11, 2019.



5. **ASSESSOR REPORT:** Written Assessor's Report:

Town of Charlotte

Assessors Report

April 2019

I am in the process of finishing up valuation on all new building construction, demolitions, and owner requests for review.

Gas well reports are not all in from the companies as of yet.

State land, Telecommunications, and special franchise valuation is complete.

The tentative roll will be filed May 1, 2019 and the appropriate legal notice will be posted in the paper.

Thank you.

6. **BUCKET TRUCK UPDATE:** Town Attorney Lundberg Price PC is currently working on drawing up contracts that will be forwarded to Towns that have decided to share this service. The Town of Pomfret will decide at their next Town Board Meeting if they are interested in joining in the shared service. Towns that decide to accept the contract should note *no Town can lend the Bucket Truck to a Town not included in the shared service contract without written permission from all Towns in the contracted shared*



service. The Town of Sheridan's payment has been received. **CORRECTION: This was for the dump truck that was sold to them and has nothing to do with the Bucket Truck.**

7. **WIND UPDATE:** Leah Grossmen from Innogy gave an update on decommissioning information and provided hard and digital copies of the Road Condition Report for the Cassadaga Wind Farm in Chautauqua County, NY.

8. **ISO REPORT:** A Town Resident contacted the Town Supervisor Allen Chase and the Town Code Enforcement Officer Alan Gustafson regarding an increased ISO score on their Homeowners Insurance. Both Officers acted immediately trying to get the information that was needed to respond to the Town Resident. Discussion was also heard on perhaps asking Town Residents that plan on putting in a pond, or currently have a pond - to install "dry hydrants" that would also help lower Town Resident's Homeowners Insurance. Information received from the Sinclairville Fire Chief regarding installation of "dry hydrants" will be put on the website.

9. A question on charges to the Town was raised in regards an unemployment claim that was received.

10. A Resume' for the Assessor position that is expiring September 30, 2019 was received. Mr. Kevin Okerlund has expressed his interest in serving another 6-year term.

11. Town Resident Earl Riggle raised questions and sighted complaints on the new LED lights that are replacing the existing street lights. Supervisor Chase advised that lower wattage LED bulbs can be requested if there are any problems.

12. Both Joni and Earl Riggle voiced concerns regarding the Wind Farm decommissioning process and dollar amounts.

A motion to adjourn was made by Darren Carlstrom, seconded by Henry Harper Jr. and with none opposed it carried. The next regular Town Board Meeting is scheduled for Wednesday, May 8th, 2019 at the David Vern Luce Building, 8 Lester St., Sinclairville, NY.

Respectfully submitted  
Susan L. Peacock  
Town Clerk/Tax Collector/Registrar