

Town of Pine Plains Town Board Meeting

October 20, 2022

The Town of Pine Plains Town Board convened for a regular schedule meeting at the Town Hall on the above date at 7 pm. Supervisor Walsh, Councilman Ambrose, Councilman Bartles, and Councilwoman Jones. Councilman Zick was present via Zoom. Also in attendance were Attorney to the Town Warren Replansky, PPWIA Ray Jurkowski, OIC John Hughes, Sargent Michael Beliveau, and Recreation Director Michael Cooper. Taylor Young planner from BFJ was present via Zoom. Along with ten members of public.

Supervisor Walsh called meeting to order, and the Pledge of Allegiance was done.

Approval of the September 15, 2022, minutes and the acceptance September 2022 Town Clerk's report was motioned by Councilman Ambrose, second by Councilman Bartles 4-0 Passed.

Approval of General Bills # 19628-19657, Highway Bills # 19658-19669 and PPWIA # 3154-3158 was motioned by Councilwoman Jones to pay said bills, second by Ambrose 4-0 Passed.

Supervisor Walsh read statement. (On file).

Public Comment- Lisa Ferguson spoke about her resignation. Also, that she would not be excepting the position if elected.

Attorney to the Town Warren Replansky discussed the Part I and II of the EAFs for the Solar Law. Jones motioned to close Public Hearing, second by Ambrose 4-0 passed.

Planner BFJ Taylor Young presented the Part III of the EAF. (On file). Young explained the Project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared.

Warren Replansky explained to Board would have to accept a negative SEQRA declaration. Roll Call was taken 4-0 Passed.

Resolution Adopting Local Law No. 3 of 2022 entitled: A Local Law Amending Certain Portions of 275 of the Town Code with Regard to the Regulation of Solar Installations. Resolution was read aloud. Motioned by Ambrose, second by Bartles, Roll call was taken 4-Aye 0-Nay. Passed.

Resolution adopting Local Law No. 4 of the Year 2022 Entitled: "Adoption of Amended Zoning Maps of the Town of Pine Plains in Accordance with the Requirements of Section 275-5 of the Town Code and Section 265(2) of the Town Law. Attorney to the Town Warren Replansky discussed with the Board that Planners from BFJ and Dutchess County Planners worked together to get the Amended Maps made. Motion to adopt said Local Law was made by Bartles, seconded by Jones, 4-0 Roll call was take 4-Aye, 0-Nay. Passed.

The Attorney discussed with the Town Board a Resolution Commencing the Local Law Adoption Process for Local Law No. 5 of the Year 2022 Amending Chapter 235 (Taxation) to Add a New Article VII Entitled: "Pilot Program for Tier Three Large-Scale Solar Installation" Replansky explained this would be Payment in Lieu of Taxes for a period of 15 years. Motioned to set Public Hearing on said Proposed Local Law No. 5 of 2022 on November 17 at 7:05 PM by Jones, Second by Bartles 4-0 Passed.

Attorney to the Town also wanted to discuss Tax Certiorari in executive session, and property 41 Hoffman Rd.

Jones motioned to move into executive session to discuss legal matters, seconded by Ambrose 4-0 Passed.

Jones motioned to move into regular session, second by Bartles 4-0 Passed.

Department Reports- Highway -On file.

Building Inspector Report- On file.

PPWIA- Ray Jurkowski read his report (on file). Jurkowski also presented Resolution Authorizing the Re-Levy of Unpaid and Delinquent Water Use Charges of the Pine Plains Water Improvement Area on the 2023 Property Tax Bills. Motion to pass Resolution Bartles, seconded by Ambrose 4-0 Passed.

Engineering- Ray Jurkowski discussed that the softball dugouts drawing has been finished and project will need to go out to bid. Jurkowski is also assisting the Highway Departments with the CHIPS funds.

Jones wanted to read the homes to date for the year of 2022 was 38, and the total permits issues for 2022 is 104, compared to 70 for the year 2021.

Recreation Director- Michael Cooper asked the Board to purchase a new ice rink liner for under \$3,000. Motion to purchase liner was made by Jones, seconded by Bartles 4-0 Passed.

Animal Control- Report on file.

Police- Office in Charge John Hughes read report on file. OIC Hughes also wanted to give recognition to Officer Mark Perrotta for outstanding performance. Within three months Perrotta has issued tickets for un-registered, un-inspected, un-licensed driver, switched plates, driver with controlled substance and DWAI.

Old Business- Acceptance of Lisa Ferguson resignation motioned by Ambrose, second by Jones 4-0 Passed.

New Business- Ambrose motioned to make Tentative Budget the Preliminary Budget seconded by Bartles. 4-0 Passed. Jones motioned to set Public Hearing on Preliminary Budget for November 17 at 7:15 p.m. seconded by Ambrose 4-0 Passed.

Ambrose motioned to increase David Prentice pay \$1/hr. seconded by Jones 4-0 Passed.

Motioned by Bartles to HMEO position to accumulate 120 hrs. of comp time, seconded by Ambrose 4-0 Passed.

Motioned by Ambrose to go into executive session to discuss Personal and Salaries seconded by Jones 4-0 Passed.

Motioned by Jones to return to regular schedule meeting, seconded by Bartles 4-0 Passed.

Motioned by Ambrose to increase the Court Clerk Robert Harpp Jr. salary to \$13,000, seconded by Jones 4-0 Passed.

Motioned by Jones to adjourn, seconded by Ambrose 4-0 Passed.

Supervisor Walsh

Town Clerk

Councilman Ambrose

Councilman Bartles

Councilwoman Jones

Councilman Zick

TOWN BOARD OF THE TOWN OF PINE PLAINS**RESOLUTION ADOPTING LOCAL LAW NO. 3 OF 2022 ENTITLED: A LOCAL LAW AMENDING CERTAIN PORTIONS OF §275 OF THE TOWN CODE WITH REGARD TO THE REGULATION OF SOLAR INSTALLATIONS**

WHEREAS, the Town of Pine Plains has recognized that solar photovoltaic (PV) installations are now considered normal and customary accessory and principal uses to residences, commercial buildings, vacant property and farms; and

WHEREAS, the Town had adopted, by Local Law No. 1 of the Year 2019, an amendment to the Zoning Code to provide for §275-24 entitled: "Accessory Solar Installations" to permit the installation of such facilities in all Town zoning districts as accessory uses pursuant to the Town of Pine Plains New York State Unified Solar Permit Process by the Code Enforcement Officer; and

WHEREAS, the Town Board has recognized the demand by private property owners and developers to install larger solar installations in the Town of Pine Plains; and

WHEREAS, the Town Board had requested the Town's Zoning Review Committee to work with the Town's Consultant Planner, BFJ Planning, to create a proposed local law amending the Town Code to regulate accessory and primary use solar installations; and

WHEREAS, the Town's Consultant Planner has provided to the Town Attorney a proposed text for the local law amending §275-24 of the Code to regulate solar installations in three tiers, *to wit*: Tier 1, which regulates accessory solar installations that are mounted on the roof of the principal structure; Tier 2, which regulates ground mounted accessory solar installations; and Tier 3, which regulates larger solar facilities through a special use permit and site plan process; and

WHEREAS, those recommended amendments have been provided to the Attorney for the Town who has drafted a proposed local law amending the Town Code to provide for the three tier system of regulation of solar facilities, which local law, in relevant part, supersedes the current §275-24 of the Town Code; and

WHEREAS, the Town Board had been provided with a copy of the proposed local law by the Attorney to the Town, which the Town Board members had reviewed said proposed Local Law and determined the same to be acceptable in form and content for purposes of commencing the local law adoption process; and

WHEREAS, the Town's Consulting Planner BFJ Planning has prepared a Full Environmental Assessment Form Part 1 for the said local law and submitted the same to the Town Board for its review and approval; and

WHEREAS, the Town Board has determined that this action constitutes a Type I action under SEQRA and that the Town Board is the only involved agency in the local law adoption process; and

WHEREAS, the Town Board accepted the proposed Local Law No. __ of the Year 2022 entitled: "A Local Law Amending Certain Portions of Chapter 275 of the Town Code with regard to the Regulation of Solar Installations" for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board hereby declared itself to be lead agency with regard to the SEQRA review of this action and adopted the Full Environmental Assessment Form Part 1; and

WHEREAS, the Town Board scheduled a public hearing on proposed Local Law No. __ of the Year 2022 entitled: "A Local Law Amending Certain Portions of Chapter 275 of the Town Code with regard to the Regulation of Solar Installations" for September 15, 2022 at 7:15 in the afternoon at the Pine Plains Town Hall; and

WHEREAS, the Town Clerk was directed to duly post notice of the public hearing and to provide notice of said public hearing to all adjoining municipalities, as required by law; and

WHEREAS, that the Town Clerk was directed to post a copy of the proposed Local Law and Part 1 of the Full Environmental Assessment Form on the Town's website and provide a copy of said proposed Local Law and the Part 1 of the Full EAF for review by members of the public at the Town Clerk's office during normal business hours; and

WHEREAS, that the Town Clerk was directed to provide copies of the said proposed Local Law and Part 1 of the Full Environmental Assessment Form to the Town of Pine Plains Public Library to be made available for review by members of the public; and

WHEREAS, that the Town Clerk was directed to publish notice of said public hearing in the Town's official newspaper; and

WHEREAS, the Town Clerk was directed to send a copy of the said proposed Local Law and Part 1 of the Full Environmental Assessment Form to Dutchess County Planning and Development, in accordance with the requirements of General Municipal Law §239-m and to the Town Planning Board for its review in accordance with the requirements of the Town's Zoning Code; and

WHEREAS, the Town Board duly opened the public hearing on September 15, 2022 and adjourned the public hearing to October 20, 2022; and

WHEREAS, the Town Board, at its October 20, 2022 meeting, closed the public hearing and reviewed Part 2 of the Full Environmental Assessment Form prepared by its Consulting Planners and determined that this action did not have the potential for significant environmental impacts and, as a result, that a Draft Environmental Impact Statement need not be prepared; and

WHEREAS, the Town Board received a comment from Dutchess County Department of Planning and Development which determined that the passage of said Local Law was a matter of "local concern"; and

WHEREAS, the Town Board has received comments on the said Local Law from the Town's Planning Board, which recommended adoption of said Local Law; and

WHEREAS, the Town Board has determined that the adoption of said Local Law is in the best interests of the Town and its citizens.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby adopts Local Law No. 3 of 2022 entitled: "A Local Law Amending Certain Portions of §275 of the Town Code with regard to the Regulation of Solar Installations"; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to forward a copy of the negative SEQRA declaration to the Environmental Notice Bulletin for publication, as required by DEC rules and regulations; and be it further

RESOLVED, that the Town Clerk is hereby directed to post notice of the adoption of the said Local Law on the Town's official website and forward a copy of said Local Law to the New York State Department of State for filing, as required by law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on Oct 20 2022 which resulted as follows:

Supervisor Walsh

Aye

Councilman Ambrose

Aye

Councilman Bartles

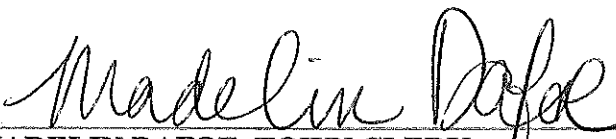
Aye

Councilwoman Jones

Aye

Councilman Zick

The Resolution was thereupon declared duly adopted.


MADELIN DAFOE, TOWN CLERK

TOWN OF PINE PLAINS

LOCAL LAW NO. 3 OF THE YEAR 2022

A LOCAL LAW AMENDING CERTAIN PORTIONS OF CHAPTER 275 OF THE TOWN CODE WITH REGARD TO THE REGULATION OF SOLAR INSTALLATIONS

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1: TITLE.

This Local Law shall be entitled: “A Local Law Amending Certain Portions of Chapter 275 of the Town Code with regard to the Regulation of Solar Installations”.

SECTION 2: LEGISLATIVE INTENT.

The Town of Pine Zoning Law was adopted by Local Law No. 2 of 2009 in October of 2009. This Local Law has been amended in certain respects pursuant to Local Laws adopted by the Town Board of the Town of Pine Plains since that date. The Zoning Law has now been codified as Chapter 275 of the Town Code. The Town Board has recently adopted an amendment to its Comprehensive Plan and appointed a Zoning Review Committee to work with BFJ Planning to adopt a series of amendments to the Zoning Law to address certain issues identified as having required amendment, correction or change since the Zoning Code was first adopted in 2009. The Town of Pine Plains has recognized that solar photovoltaic (PV) installations are now considered normal and customary accessory uses to residences, commercial buildings and farms and by adoption of Local Law No. 1 of the Year 2019, the Town Board amended its Zoning Code to provide for §275-24 entitled: “Accessory Solar Installations” to permit the installation of such facilities in all Town zoning districts as accessory uses pursuant to the Town of Pine Plains New York State Unified Solar Permit process by the Code Enforcement Officer. Since that date, the Town Board has requested the Town’s Zoning Review Committee to work with the Town’s Consultant Planner, BFJ Planning, to create a proposed Local Law amending the Town Code to regulate accessory solar installations and primary use solar installations. The Town’s Consultant Planner has provided to the Town Attorney a proposed text of a Local Law amending §275-24 of the Code to regulate solar installations in three tiers, *to wit*: Tier One, which regulates accessory solar installations that are mounted on the roof of a principal structure; Tier Two, which regulates ground mounted accessory solar installations; and Tier Three, which regulates larger solar facilities through a special use permit and site plan review process. Those amendments have been provided to the Attorney to the Town, who has drafted a proposed Local Law amending the Town Code to provide for the three tier system of regulation of solar facilities. This Local Law will supersede the current §275-24, which currently permits, as accessory uses to residents, commercial buildings and farms, solar installations pursuant to the New York State Unified Solar Permit process by the Code Enforcement Officer.

SECTION 3: STATEMENT OF AUTHORITY.

This Local Law is enacted pursuant to the authority of General Municipal Law §10; New York State Town Law and in accordance with Article XVII of the Town Code. To the extent the provisions of this Local Law are in conflict with §278 of the New York State Town Law, the Town Board asserts its intention to supersede §278 pursuant to the authority granted in Municipal Home Rule Law, §1(ii)(b)(3). In accordance with §22(1) of the MHRL, this Local Law supersedes §§267-a, 267-b, 274-a, 274-b, 276, 277 and 278 of the New York State Town Law.

SECTION 4: REVISIONS TO THE TOWN CODE.

- A. The current §275-24 of the Town Code is hereby rescinded in its entirety.
- B. A new §275-24 of the Town Code is hereby adopted, which shall read as follows:
 - (A) Purpose. The Town of Pine Plains hereby recognizes that solar photovoltaic (PV) installations are now considered normal and customary accessory uses to residences, commercial buildings and farms. Installation of such facilities in all Town zoning districts shall be permitted pursuant to a three-tiered system. Tier 1 is for accessory roof-mounted solar PV installations, Tier 2 is for accessory ground-mounted solar PV installations, and Tier 3 is for large-scale solar installations. Tier 3 is not considered a customary accessory use, as they generate power for off-property use.
 - (B) Tier 1: Roof mounted Solar PV installations.
 - (1) Tier 1 applies to roof-mounted and Solar PV installations that are accessories to principal uses. The installation of roof-mount Solar PV installations is permitted as an accessory use to residences, pursuant to the Town of Pine Plains NYS Unified Solar Permit Process by the Town Code Enforcement Officer.
 - (2) In order to qualify as an accessory use permitted pursuant to the Town of Pine Plains NYS Unified Solar Permit, the following criteria must be met by the applicant:
 - a. The facility must have a rated DEC capacity of 25kW or less;
 - b. The Solar PV installation may generate up to 110 percent of the existing or potential energy demand for on-site uses. The installation may not generate energy for off-site uses.
 - c. The facility must be mounted on a permitted roof structure or on a legal accessory structure such as garage or shed roof;

- d. The facility must be installed by a solar installation contractor in compliance with all licensing and other requirements of the Town of Pine Plains and the state;
 - e. Glare: All Solar Panels shall have anti-reflective coating(s).
 - f. If the structure on which the facility is installed is a sloped roof, the solar panels must be mounted parallel to the roof's surface.
 - i. The Zoning Enforcement Officer may permit solar installations that vary slightly from being parallel to the roof's surface if there is a significant reason to do so.
 - ii. Solar Panels on pitched roofs shall be mounted with a maximum distance of [8] inches between the roof surface the highest edge of the system.
 - iii. Solar Panels on pitched roofs shall not extend higher than the highest point of the roof surface on which they are mounted or attached.
 - g. Solar Panels on flat roofs shall not extend above the top of the surrounding parapet, or more than [24] inches above the flat surface of the roof, whichever is higher.
- (3) The applicant must utilize the Town of Pine Plains NYS Unified Solar Permit which may be obtained from the Town Clerk or the Town Code Enforcement Officer during regular business hours. The application process shall be a unified permit streamlined process approved by the Town Code Enforcement Officer with the submission of the permit and all required application material as identified in the Town of Pine Plains NYS Unified Solar Permit. Permits will be issued within 21 calendar days upon receipt of complete and accurate applications. The Code Enforcement Officer will provide feedback within 14 calendar days of receiving incomplete or inaccurate applications.
- (C) Tier 2. Ground-mounted Solar PV installations
- (1) Tier 2 applies to any ground-mounted Solar PV installations that are an accessory to the primary use on a parcel. The Solar PV installation may generate up to 110 percent of the existing or potential energy demand for on-site uses. The installation may not generate energy for off-site uses.
 - (2) For installaltions within the Hamlet Zoning Districts (H-BUS, H-MS, H-CR, H-R, H-PC, H-B, and LI) Zoning Districts.
 - a. Site Plan Review is required for Tier 2 Solar PV installations in the Hamlet and LI zoning districts.
 - b. Within the Hamlet and LI zoning districts, the Planning Board shall consider opportunities to minimize visual impact to neighbors and public

- space and right-of-way. In reviewing an application, the Planning Board may impose conditions to minimize visual impacts including, but not limited to, screening and additional setbacks.
- c. Glare: All Solar Panels shall have anti-reflective coating(s).
 - d. Required Setbacks
 - i. Installations are prohibited in front yards.
 - ii. Rear yard and side yard setbacks shall be the same as for accessory structures in each zoning district.
 - e. Height: The maximum height for Tier 2 solar installations shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking system, whichever is greater.
- (3) For installations within the R & WP Zoning Districts. The Planning Board shall consider opportunities to minimize visual impact to neighbors and public space and right-of-way. In reviewing an application, the Planning Board may require conditions to minimize visual impacts, including, but not limited to, screening of solar installations, and additional setbacks from parcel boundaries.
- a. Site Plan Review is required for Tier 2 Solar PV installations in R and WP zoning districts.
 - b. Lots less than or equal to two acres.
 - i. Installations are prohibited in front yards.
 - ii. Rear yard and side yard setbacks shall be the same as for accessory structures in each zoning district.
 - c. Glare: All Solar Panels shall have anti-reflective coating(s).
 - d. Height: The maximum height for Tier 2 solar installations on lots that are less than or equal to 2 acres shall not exceed 12 feet in height above the ground measured from the ground under the solar panel to the highest point of the solar panel or racking system, whichever is greater.
 - e. Lots greater than two acres.
 - i. Solar PV installations may be in the front, side, and rear yards.
 - ii. A setback of 10 feet is required from the parcel boundary. A larger setback may be required by the planning board for safety and to minimize visual impacts.
 - iii. A setback of 25 feet is required from any public roadway.
 - iv. A preapplication conference with the Building Inspector is recommended.
 - v. Glare: All Solar Panels shall have anti-reflective coating(s).
 - vi. Height: The maximum height for Tier 2 solar installations on lots greater than two acres but less than five acres shall not exceed 12 feet in height. The maximum height for Tier 2 solar installations on lots with an area of five acres or more shall not exceed 15 feet

in height. Tier 2 solar installation height shall be measured from the ground under the solar panel to the highest point of the solar panel or racking system, whichever is greater.

- (D) Tier 3. Large-Scale Solar Installations, Solar Farms, and Solar Installations that produce greater than 110% of on-site energy demand.
- (1) A special use permit, public hearing, and site plan review is required. The general requirements of special use permits in Section 275-55 of this code need to be met as well as the specific requirements listed in subsection (5) below.
- (2) Tier 3 applies to any solar installation for off-property use or for a Solar PV installation that generates in excess of 110 percent of existing or potential demand.
- (3) Purpose. Tier 3 regulations seek to preserve large parcels of land in Pine Plains and carefully regulate large-scale solar farms that generate energy for areas outside of the Town.
- (4) Pre-Application Meeting Required.
 - a. A pre-application conference with the Planning Board is required for all Tier 3 installations. The applicant shall discuss the project with the Planning Board and should present a visual impact study and a sketch plan of the installation.
- (5) Special Permit and Site Plan Approval is required for all Tier 3 installations.
 - a. During Site Plan Approval, the Planning Board shall review the application and visual impact study for proposed lighting, site security, grading and clearing of vegetation, and for impacts to rural character, farms, farm structures, and ridgelines. The Planning Board may require the installation to be screened when viewed from roads, parks, or public spaces, and may require that utilities be buried underground or otherwise hidden from view.
 - b. Applicants must submit a property operation and maintenance plan during site plan approval. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
 - c. Preservation of agricultural lands and natural vegetation and habitat. The Applicant must show how agricultural lands, prime agricultural soils, natural vegetation and habitat are preserved to the greatest extent possible. Solar installation impacts to these resources should be minimized.
 - d. Pine Plains recognizes that solar energy systems can be designed and installed in a manner that allows the land underneath solar panels and near the solar installations to be used for agricultural purposes. The Planning Board may grant greater flexibility to

Applicants who propose installations where agricultural operations would occur jointly with the production of solar energy.

- e. The Planning Board may retain one or more consultant to assist with the review of the application, consistent with Section 275-105 of the Zoning Code.
- (6) Maximum Lot Coverage.
 - i. Parcels with an area less than 70 acres have a maximum lot coverage of 20 percent.
 - ii. Parcels with an area 70 acres or greater have a maximum lot coverage of 30 percent.
- (7) Glare: All Solar Panels shall have anti-reflective coating(s).
- (8) Catastrophic Weather Events
 - a. In the event of a catastrophic weather event, the Planning Board may review an in-kind reconstruction of the solar energy system in an expedited manner.
- (9) Decommissioning.
 - a. Solar Energy Systems that have been abandoned and/or not producing electricity for a period of 1 year shall be removed at the Owner and/or Operators expense, which at the Owner's option may come from any security made with the Town of Pine Plains as set forth in Section 8(c) herein.
 - b. A decommissioning plan signed by the owner and/or operator of the Solar Energy System shall be submitted by the applicant, addressing the following:
 - i. The cost of removing the Solar Energy System.
 - ii. The time required to decommission and remove the Solar Energy System any ancillary structures.
 - iii. The time required to repair any damage caused to the property by the installation and removal of the Solar Energy System.
 - c. Security.
 - i. The deposit, executions, or filing with the Town Clerk of cash, bond, or other form of security reasonably acceptable to the Town attorney and/or engineer, shall be in an amount sufficient to ensure the good faith performance of the terms and conditions of the permit issued pursuant hereto and to provide for the removal and restorations of the site subsequent to removal. The amount of the bond or security shall be 125% of the cost of removal of the Tier 3 Solar Energy System and restoration of the property with an escalator of 2% annually for the life of the Solar Energy System. The decommissioning amount shall be reduced by

the amount of the estimated salvage value of the Solar Energy System.

- ii. In the event of default upon performance of such conditions, after proper notice and expiration of any cure periods, the cash deposit, bond, or security shall be forfeited to the Town of Pine Plains, which shall be entitled to utilize the cash deposit, or bond or other security. The cash deposit, bond, or security shall remain in full force and effect until restoration of the property as set forth in the decommissioning plan is completed.
- iii. In lieu of a removal bond, the Town Board, in its discretion, may permit the owner and/or operator to enter into a decommissioning agreement with the Town which provides, in relevant part, that if the decommissioning of the site is not completed within six months of the time period specified in Section 275-24 D.8.a. above, the Town may, at its own expense, enter the property and remove or provide for the removal of the structures and equipment and/or the restoration of the site, as the case may be, in accordance with the decommissioning plan. Such agreement shall provide, in relevant part, that the Town may recover all expenses incurred for such activities from the defaulting property owner and/or operator. The cost incurred by the Town shall be assessed against the property and shall become a lien and tax upon said property and shall be added to and assessed as part of the taxes to be levied and assessed thereon and enforced and collected with interest in the same manner as other taxes. If such decommissioning agreement is made, it shall be recorded by the landowner with the land records of Dutchess County and shall be an agreement which binds subsequent owners of the site. A copy showing the stamp of the recorder of deeds shall be given by the landowner to the Town Clerk. This provision shall not preclude the Town from collecting such costs and expenses by any other manner by action in law or in equity. In the event of any such legal proceedings, the owner and/or operator, as the case may be, shall be liable for all legal expenses, costs and disbursements in connection with said litigation, as awarded by a court of competent jurisdiction.

(E) Section 275-116 “Terms Defined” of the Town Code is hereby amended to add the following conditions in proper alphabetical order.

- “a. GLARE: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.
- b. GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground via a pole or other mounting system, detached from any other structure, that generates electricity for onsite or offsite consumption.
- c. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System located on the roof of any legally permitted building or structure that produces electricity for onsite or offsite consumption.
- i. SOLAR ENERGY SYSTEM: The components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, Solar Panels and Solar Energy Equipment. The area of a Solar Energy System includes all the land inside the perimeter of the Solar Energy System, which extends to any interconnection equipment.
- ii. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electricity.”

(F) Section 271, Attachment 1, Table A, “Schedule of User Regulations is hereby amended in the following respects:

- (a) The following “symbol” is added to the Schedule, which shall read as follows:

“USP denotes a use that is permitted pursuant to the Town of Pine Plains NYS Unified Solar Permit Process by the Town Code Enforcement Officer.”

- (b) The following is added to the Schedule under “Uses Accessory to Residential Uses”:

	H-BUS	H-MS	H-CR	H-R	H-B	H-PC	R	WP	LI
Tier 1 Roof Mounted Solar PV Installations [275-24(B)]	USP	USP	USP	USP	USP	USP	USP	USP	USP

- (b) The following is added to the Schedule under “Non-Residential Uses”:

	H-BUS	H-MS	H-CR	H-R	H-B	H-PC	R	WP	LI
Tier 2 Ground Mounted Installations accessory to the primary use on a parcel [§275-24(C)]	SP	SP	SP	SP	SP	SP	X	X	SP
Tier 3 Large Scale Solar Installations [§275-24(D)]	X	X	X	X	X	X	SU	SU	X

- (G) 275 Attachment 2, Table B, Schedule of Bulk Regulations is hereby amended to add the following Note 6 which shall read as follows:

“Note 6: For Tier 1, 2, and 3 Solar Installations established pursuant to §275-24 of the Town Code, the Bulk Regulations as set forth in that section of the Code, as established and/or modified by the Planning Board during the site plan and/or special use permit process shall apply.”

SECTION 5. SEVERABILITY.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which shall be given effect without such part or parts.

SECTION 6: EFFECTIVE DATE.

This local law shall take effect immediately after its filing with the State Secretary of State as provided in §27 of the Municipal Home Rule Law.

TOWN BOARD OF THE TOWN OF PINE PLAINS**RESOLUTION ADOPTING LOCAL LAW NO. 4 OF THE YEAR 2022
ENTITLED: "ADOPTION OF AMENDED ZONING MAPS OF THE TOWN OF
PINE PLAINS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
275-5 OF THE TOWN CODE AND SECTION 265(2) OF THE TOWN LAW"**

WHEREAS, the Town Board recently adopted Local Law No. 1 of the Year 2022 which amended the boundaries of certain Town of Pine Plains zoning districts as established by Article XI of the Town of Pine Plains Code and the Town of Pine Plains Zoning Map pursuant to 275.5 of the Town Code; and

WHEREAS, the Town Board has requested the Dutchess County Department of Planning and Development to create updated Zoning District and the other maps which accurately reflect the current boundaries of all of the Town's zoning districts, including those districts that were changed pursuant to Local Law No. 1 of the Year 2022; and

WHEREAS, the Attorney to the Town has prepared a Local Law adopting the revised and amended Zoning District and other maps included in Attachment 5 of Chapter 275 of the Town Code in lieu of the existing maps; and

WHEREAS, the said Local Law and amended Zoning Map had been reviewed and approved by the Town Board and the Town's Consulting Planner and the Town Board had determined that the said Local Law was acceptable for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board determined that this is a Type II action under SEQRA and does not require environmental review; and

WHEREAS, the Town Board scheduled a public hearing on the adoption of the said Local Law on September 15, 2022 at 7:20 p.m. at the Town of Pine Plains Town Hall; and be it further

WHEREAS, the Town Clerk was directed to post notice of said Local Law and to provide notice to adjoining municipalities in accordance with the procedures prescribed by law; and

WHEREAS, the Town Clerk was further directed to refer said Local Law to the Dutchess County Department of Planning and Development and the Pine Plains Planning Board for their review and comment; and

WHEREAS, the Town Board opened the public hearing on September 15, 2022, and closed the said public hearing on that same date; and

WHEREAS, the Town Board determined that the adoption of said local law was in the best interests of the Town of Pine Plains and its citizens.

NOW, THEREFORE, be it

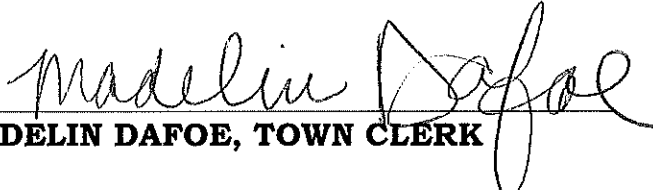
RESOLVED, that the Town Board hereby adopts Local Law No. 4 of the Year 2022 entitled: "Adoption of Amended Zoning Map of the Town of Pine Plains in accordance with the Requirements of Section 275-5 of the Town Code and Section 265(2) of the Town Law"; and be it further

RESOLVED, that the Town Board directs the Town Clerk to forward this Local Law and said maps to General Code Publishers for inclusion in the E-Code Library of the Town of Pine Plains and further directs that the Town Clerk forward a copy of said local law and this Resolution to the Dutchess County Department of Planning and Development and to forward a copy of said Local Law to the New York State Department of State, as required by law, for filing and post a copy of the said Local Law as adopted on the Town's official website.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on Oct 20 2022 which resulted as follows:

Supervisor Walsh	<u>Aye</u>
Councilman Ambrose	<u>Aye</u>
Councilman Bartles	<u>Aye</u>
Councilwoman Jones	<u>Aye</u>
Councilman Zick	<u> </u>

The Resolution was thereupon declared duly adopted.


MADELIN DAFOE, TOWN CLERK

TOWN OF PINE PLAINS

LOCAL LAW NO. 4 OF THE YEAR 2022

A LOCAL LAW ADOPTING AMENDED ZONING MAPS OF THE TOWN OF PINE PLAINS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 275-5 OF THE TOWN CODE AND SECTION 265(2) OF THE TOWN LAW

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: “Adoption of Amended Zoning Maps of the Town of Pine Plains in accordance with the requirements of Section 275-5 of the Town Code and Section 265(2) of the Town Law.”.

SECTION 2. PURPOSE AND INTENT.

The Town Board recently adopted Local Law No. 1 of the Year 2022 amending the boundaries of certain Town of Pine Plains Zoning Districts, as established by Article XI of the Town of Pine Plains Code and the Town of Pine Plains Zoning Map pursuant to §275-5 of the Town Code, in addition to the amendment of certain other portions of the Town Code. The Town Board has requested the Dutchess County Department of Planning and Development to create updated Zoning Maps which accurately reflect the current boundaries of all of the Town’s zoning districts, including those districts that were changed pursuant to Local Law No. 1 of the Year 2020, and the other zoning maps which are annexed to the Town Code as Attachment 5 to Chapter 275 of the Town Code.

SECTION 3. AMENDMENT TO CHAPTER 275.

Chapter 275 of the Town Code is hereby amended to remove the current Zoning District and other zoning maps included as Attachment 5 and substitute in its place the new zoning District and other zoning maps prepared by the Dutchess County Department of Planning and Development, dated May 2022, copies of which are annexed to this Local Law.

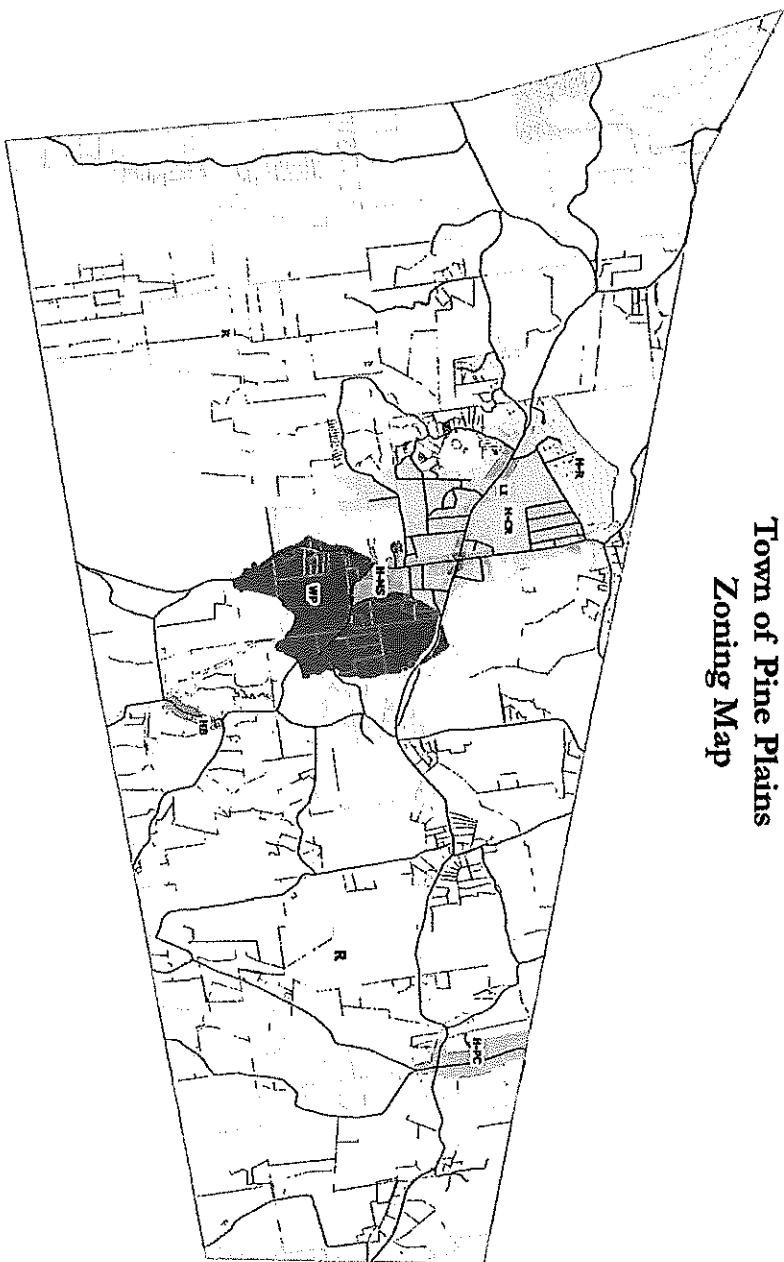
SECTION 4. SUPERSESSION

This local law is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments and Section 108-3.2 of the Town Code and Section 265(2) of the Town Law. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this Local Law.

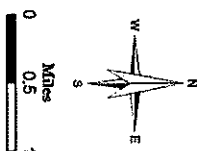
SECTION 5. EFFECTIVE DATE.

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.

Town of Pine Plains Zoning Map



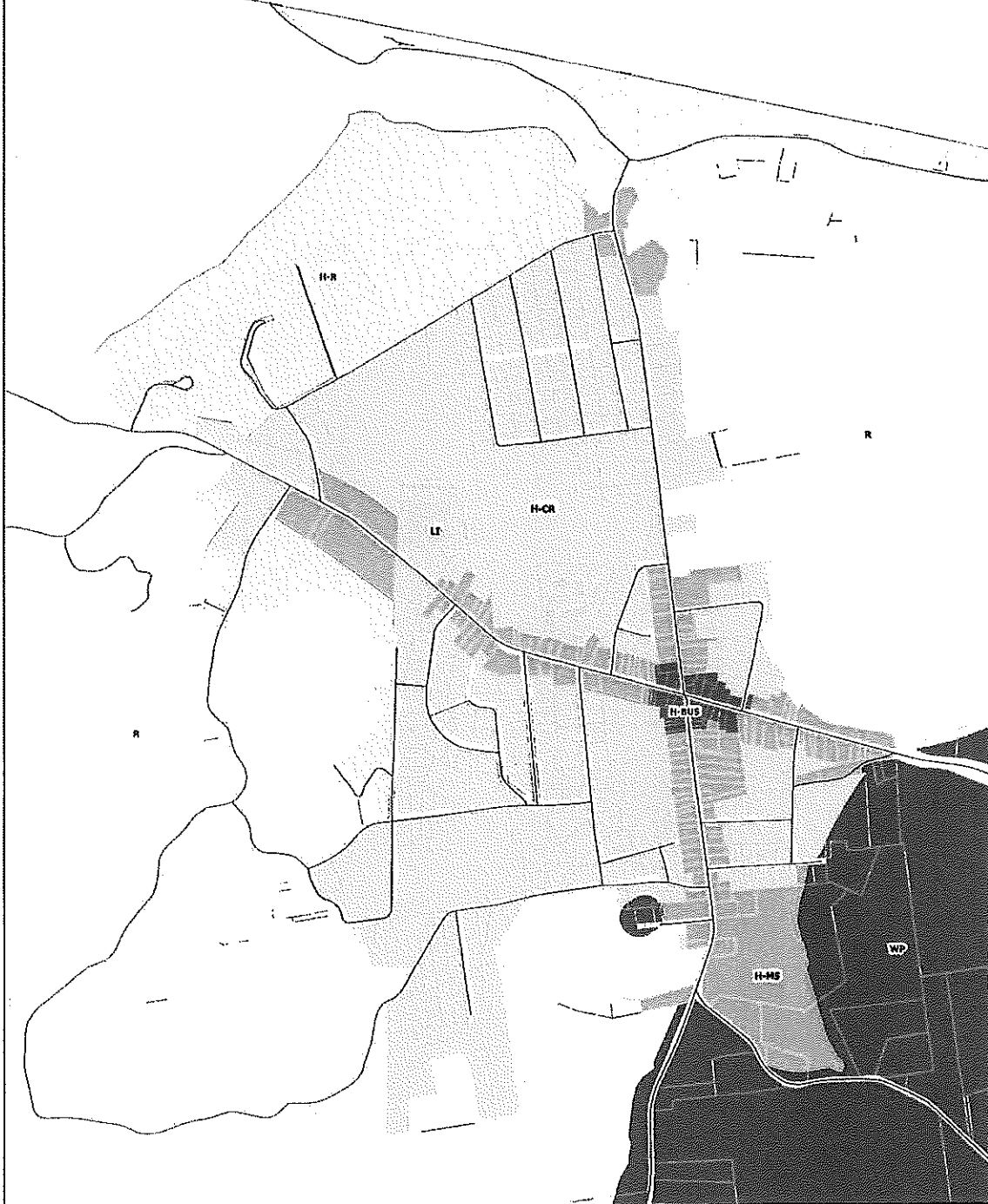
- Zoning Districts**
- Hamlet - Business (H-Bus)
 - Hamlet - Main Street (H-M5)
 - Hamlet - Center Residential (H-CR)
 - Hamlet - Residential (H-R)
 - Light Industrial (LI)
 - Parcels
 - Hamlet - Puffers Corners (H-PC)
 - Hamlet - Bethel (H-B)
 - Rural (R)
 - Wellhead Protection (WP)



Map Prepared By Dutchess County
Department of Planning and Development
Issued May 2022

Zoning District boundaries are derived by the
Municipalities. These maps are based on
information supplied by the Municipalities,
per agreement with Dutchess County Department of
Planning and Development. Zoning district lines
are updated at the pleasure of the Municipality.
Check with local municipal officials for most
recent boundary adjustments.

Town of Pine Plains Zoning Map 2 - Hamlet



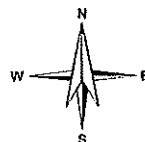
Parcels

Hamlet Zoning Districts

- Hamlet - Business (H-Bus)
- Hamlet - Main Street (H-MS)
- Hamlet - Center Residential (H-CR)
- Hamlet - Residential (H-R)
- Light Industrial (LI)
- Rural (R)
- Wellhead Protection (WP)



0 0.25 0.5
Miles














Map Prepared By Dutchess County
Department of Planning and Development
Issued: May 2022

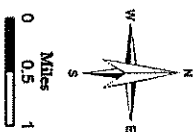
Zoning District boundaries are enacted by the Municipalities. These maps are based on information supplied by the Municipalities, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for most recent boundary delineations.

**Town of Pine Plains
Zoning Map 3 - Agricultural Overlay**

The map displays a complex network of agricultural overlay zones, each designated by a unique alphanumeric code. These zones are distributed across the town's geography, often following specific land use patterns or geographical features. The map is a technical drawing with clear lines and labels, providing a comprehensive overview of the town's agricultural zoning structure.

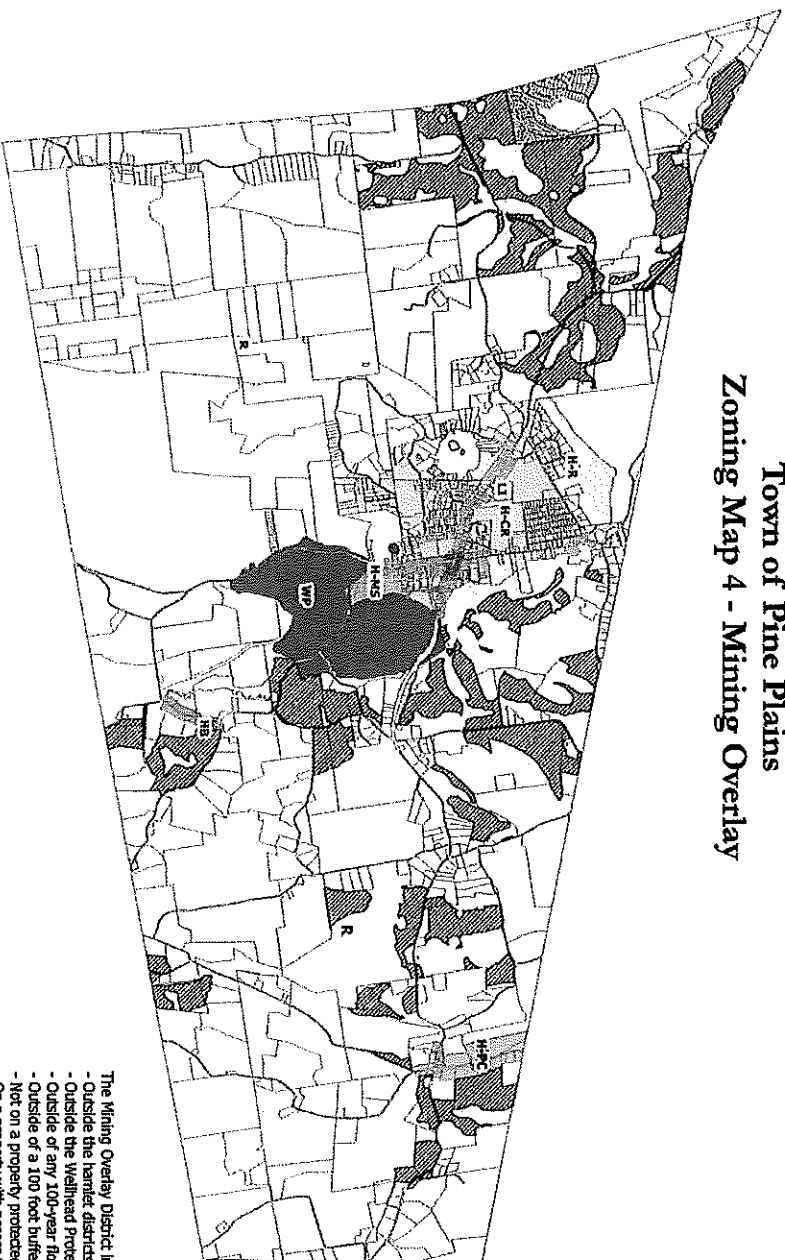
Zoning Districts

	Parcels		Agricultural Overlay
	Hamlet - Business (H-Bus)		Hamlet - Pulvers Corners (H-PC)
	Hamlet - Main Street (H-MS)		Hamlet - Bethel (HB)
	Hamlet - Center Residential (H-CR)		Rural (R)
	Hamlet - Residential (H-R)		Wellhead Protection (WP)
	Light Industrial (LI)		



Map Prepared By: Dutchess County
Department of Planning and Development
Issued: May 2022

Town of Pine Plains Zoning Map 4 - Mining Overlay

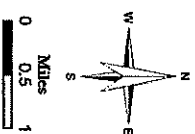


The Mining Overlay District includes all mineable soils that are:

- Outside the hamlet districts
- Outside the Wellhead Protection Overlay District
- Outside of any 100-year flood hazard area
- Outside of a 100 foot buffer from a lake or wetland
- Not on a property protected by a conservation easement
- On a property with access from a State or County road

Along with existing mines that do not meet all of these criteria.

- Zoning Districts**
- Parcel
 - Mining Overlay
 - Hamlet - Business (H-Bus)
 - Hamlet - Main Street (H-MS)
 - Hamlet - Center Residential (H-CR)
 - Hamlet - Residential (H-R)
 - Light Industrial (LI)
 - Hamlet - Putters Corners (H-PC)
 - Hamlet - Bethel (HB)
 - Rural (R)
 - Wellhead Protection (WP)

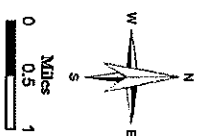


Map Prepared by Dutchess County
Department of Planning and Development
Issued May 2022

Zoning District boundaries are created by the
Municipalities. These maps are based on
information supplied by the Municipality,
per agreement with Dutchess County Department of
Planning and Development. Zoning district lines
are updated at the pleasure of the Municipality.
Check with local municipal officials for most
recent boundary delineations.

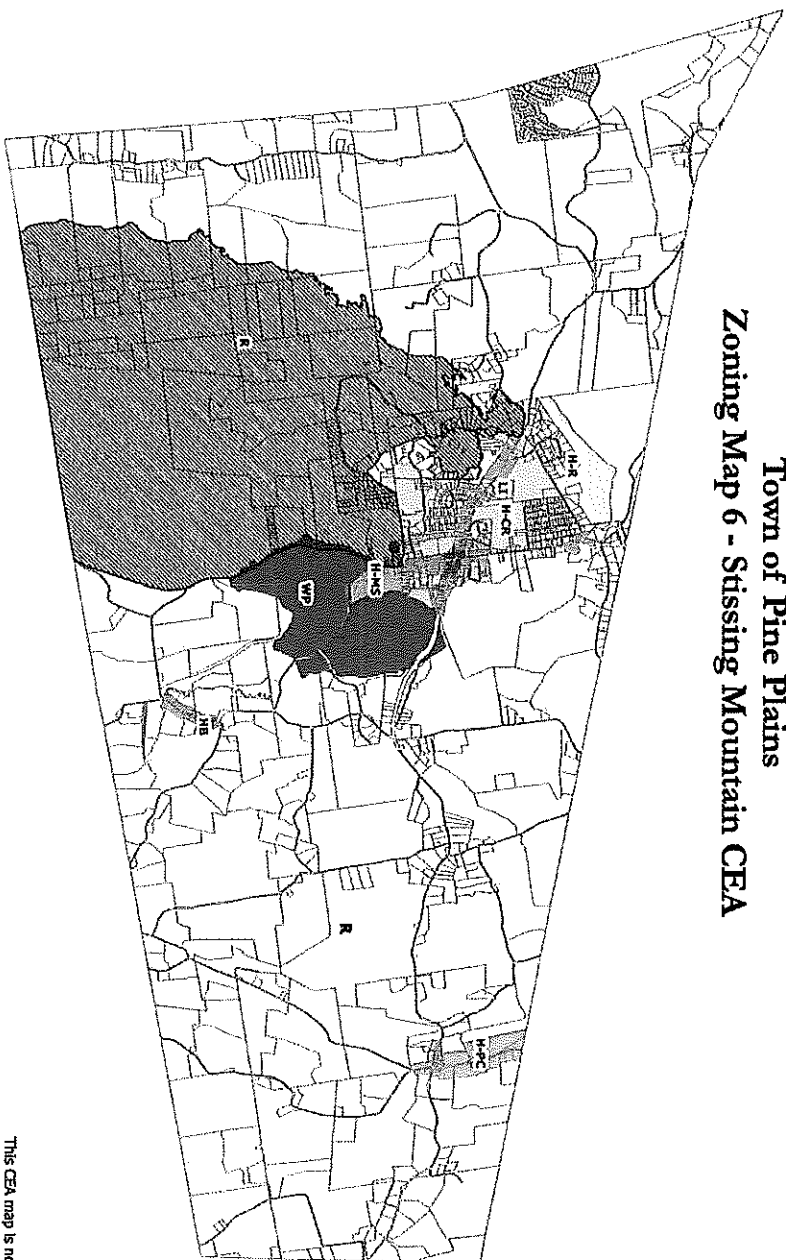
**Town of Pine Plains
Zoning Map 5 - Agricultural and Mining Overlays**

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Map Prepared by Dutchess County
Department of Planning and Development
Issued: May 2022

Town of Pine Plains Zoning Map 6 - Stissing Mountain CEA



This CEA map is not an official zoning map. It is for reference purposes only.

- Parcels**
- Stissing Mountain Critical Environmental Area
- Zoning Districts**
- Hamlet - Business (H-Bus)
 - Hamlet - Main Street (H-MS)
 - Hamlet - Center Residential (H-CR)
 - Hamlet - Residential (H-R)
 - Light Industrial (LI)
 - Hamlet - Pulvers Corners (H-PC)
 - Hamlet - Bethel (HB)
 - Rural (R)
 - Wellhead Protection (WP)



Map Prepared By: Dutchess County
Department of Planning and Development
Issued: May 2022

Zoning District boundaries are created by the Municipality. These maps are based on information supplied by the Municipality, per agreement with Dutchess County Department of Planning and Development. Zoning district lines are updated at the pleasure of the Municipality. Check with local municipal officials for more recent boundary distinctions.

24-22

TOWN BOARD OF THE TOWN OF PINE PLAINS

**RESOLUTION COMMENCING THE LOCAL LAW ADOPTION PROCESS FOR
LOCAL LAW NO. 5 OF THE YEAR 2022 AMENDING CHAPTER 235 (TAXATION)
TO ADD A NEW ARTICLE VII ENTITLED: "PILOT PROGRAM FOR TIER THREE
LARGE-SCALE SOLAR INSTALLATION"**

WHEREAS, the Town of Pine Plains enacted Local Law No. 5 of the Year 2022 entitled: "A Local Law Amending Certain Portions of the Town Code with regard to the Regulation of Solar Installations"; and

WHEREAS, Section 487(2) of the Real Property Tax Law (RPTL) provides, in relevant part, that real property which includes a solar energy system in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar system for a period of fifteen (15) years; and

WHEREAS, RPTL §487(6) provides, in relevant part, that such exemption shall be granted only upon the application by the owner of real property on a form prescribed and made available by the Commissioner in cooperation with the New York State Energy Research and Development Authority; and

WHEREAS, RPTL §487(8)(a) provides, in relevant part, that a Town may by resolution or local law provide that no exemption under this section of the law shall be applicable within its jurisdiction with respect to any solar energy system which began construction subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later.

WHEREAS, the Town of Pine Plains has not, to date, adopted such a local law, or resolution; and

WHEREAS, RPTL §487(9)(a) provides, in relevant part, that a Town which has not acted to remove the exemption under said section may require the owner of a property which includes a solar system which meets the requirement of RPTL §487 to enter into a Contract for Payments in Lieu of Taxes (PILOT); and

WHEREAS, said section also provides, in relevant part, that such contract may require payment of annual amounts in amounts not to exceed the amounts which would otherwise be payable but for the exemption under this section; and

WHEREAS, in addition, RPTL §487(9)(a) provides that if the owner or developer of such a system provides written notification to the Town Assessor of its intent to construct such a system, then in order to require the owner or developer of such system to enter into a contract for Payments in Lieu of Taxes (PILOT), such taxing jurisdiction must notify such owner or developer of its intent to require contract for payment in lieu of taxes within sixty (60) days of receiving the written notification; and

WHEREAS, the Town Attorney has prepared a proposed Local Law amending Chapter 235 (Taxation) to add a new Article VII entitled: "PILOT Program for Tier Three Large-Scale Solar Installations" which sets forth PILOT Agreement procedure for such solar installations constructed pursuant to the provisions of Chapter 275 of the Town Code; and

WHEREAS, the Town Board has determined that the said Local Law is acceptable in form and content for purposes of commencing the local law adoption process; and

WHEREAS, the Town Board has determined that this is a Type II action under the State Environmental Quality Review Act (SEQRA), which does not require environmental review; and

WHEREAS, the Town Board has determined that the passage of this Local Law would be in the best interests of the Town of Pine Plains and its citizens.

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby accepts proposed Local Law No. 5 of the Year 2022 entitled: "A Local Law Amending Chapter 235 (Taxation) of the Town Code to Provide for a PILOT Program for Tier Three Large-Scale Solar Installations"; and be it further

RESOLVED, that the Town Board directs the Town Clerk to forward a copy of said Local Law to the Dutchess County Department of Planning and Development in accordance with the requirements of General Municipal Law §239-m and to the Town Planning Board for its review in accordance with the requirements of the Zoning Code; and be it further

RESOLVED, that the Town Clerk is hereby directed to post a copy of the proposed Local Law on the Town's website and provide a copy of said Local Law for review by members of the public at the Town Clerk's office during normal business hours; and be it further

RESOLVED, that the Town Clerk is hereby directed to provide copies of said Local Law to the Town of Pine Plains Public Library to be available for review by the public; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish notice of said Local Law in the Town's official newspaper.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call on Oct 20 2022 which resulted as follows:

Supervisor Walsh

Aye

Councilman Ambrose

Aye

Councilman Bartles

Aye

Councilwoman Jones

Aye

Councilman Zick

The Resolution was thereupon declared duly adopted.

Madelin Dafoe
MADELIN DAFOE, TOWN CLERK

TOWN OF PINE PLAINS

LOCAL LAW NO. 5 OF THE YEAR 2022

**A LOCAL LAW AMENDING CHAPTER 235 (TAXATION) OF THE TOWN CODE
WITH REGARD TO A PILOT PROGRAM FOR TIER 3 LARGE-SCALE SOLAR
INSTALLATIONS**

BE IT ENACTED by the Town Board of the Town of Pine Plains as follows:

SECTION 1. TITLE.

This Local Law shall be entitled: "A Local Law Amending Chapter 235 (Taxation) of the Town Code with regard to the Requirement of a PILOT Program for Tier 3 Large Scale Solar Installations".

SECTION 2. PURPOSE AND INTENT.

§235-1

A. The Town of Pine Plains enacted Local Law No. 5 of the Year 2022 entitled: "A Local Law Amending Certain Portions of the Town Code with regard to the Regulation of Solar Installations".

B. Section 487(2) of the Real Property Tax Law (RPTL) provides, in relevant part, that real property which includes a solar energy system in accordance with the provisions of said section, shall be exempt from taxation to the extent of any increase in the value thereof by reason of the inclusion of such solar system for a period of fifteen (15) years. RPTL §487(6) provides, in relevant part, that such exemption shall be granted only upon the application by the owner of real property on a form prescribed and made available by the Commissioner in cooperation with the New York State Energy Research and Development Authority.

C. RPTL §487(8)(a) provides, in relevant part, that a Town may by resolution or local law provide that no exemption under this section of the law shall be applicable within its jurisdiction with respect to any solar energy system which began construction subsequent to January 1, 1991 or the effective date of such local law, ordinance or resolution, whichever is later. The Town of Pine Plains has not, to date, adopted such a local law, or resolution. RPTL §487(9)(a) provides, in relevant part, that a Town which has not acted to remove the exemption under said section may require the owner of a property which includes a solar system which meets the requirement of RPTL §487 to enter into a Contract for Payments in Lieu of Taxes (PILOT). Said section also provides, in relevant part, that such contract may require payment of annual amounts in amounts not to exceed the amounts which would otherwise be payable but for the exemption under this section. In addition, RPTL §487(9)(a) provides that if the owner or developer of such a system provides written notification to the Town Assessor of its intent to

construct such a system, then in order to require the owner or developer of such system to enter into a contract for Payments in Lieu of Taxes (PILOT), such taxing jurisdiction must notify such owner or developer of its intent to require contract for payment in lieu of taxes within sixty (60) days of receiving the written notification.

D. The Town Board has determined that it would be in the best interests of the Town and its citizens to require the owner of a property which includes a "tier 3 large-scale solar installation", as that term is defined in the Town Code, and permitted pursuant to the provisions of §275-D of the Town Code, to enter into such a PILOT Agreement.

§235-2 PILOT Agreement Procedure

The Town of Pine Plains, and its Assessor, upon receipt of a notification to the Town Assessor of a property owner's or developer's intent to construct a tier 3 large-scale solar installation pursuant to the provisions of Chapter 275 of the Town Code shall be required to enter into a contract for Payments in Lieu of Taxes (PILOT) would have been paid had the property not been entitled to an exemption pursuant to the provisions of RPTL §487. The Assessor shall notify the property owner of its intent to require a contract for payment in lieu of taxes within sixty (60) days of receiving the written notification. The terms of such PILOT agreement shall be determined by the Town and its Assessor in the exercise of their sound discretion and shall require annual payments in an amount not to exceed the amounts which would otherwise be payable but for the exemption provided pursuant to RPTL §487 for a period of not more than fifteen (15) years commencing from the date on which the benefits of such exemption first becomes available and effective.

SECTION 3. SUPERSESSION

This local law is hereby adopted pursuant to the provisions of the RPTL §487; §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board to supersede any provisions of the New York State Law to the extent that they may be inconsistent with the provisions of this article.

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.

PINE PLAINS TOWN BOARD

NOTICE OF PUBLIC HEARING

**PROPOSED LOCAL LAW AMENDING CHAPTER 235 (TAXATION) TO ADD
A NEW ARTICLE VII ENTITLED: "PILOT PROGRAM FOR TIER THREE
LARGE-SCALE SOLAR INSTALLATIONS"**

PLEASE TAKE NOTICE that the Pine Plains Town Board shall hold a public holding on November 17, 2022 at 7:05 p.m. at the Pine Plains Town Hall, located at 3284 Route 199, Pine Plains, New York, on a proposed Local Law amending Chapter 235 (Taxation) to add a new Article VII entitled: "PILOT Program for Tier Three Large-Scale Solar Installations". The said Local Law will require and owner or developer of a solar facility to enter into an agreement with the Town for Payment in Lieu of Taxes (PILOT) in accordance with the provisions of §487 of the New York State Real Property Tax Law. Any person wishing to be heard on said Local Law shall be given an opportunity to do so at said public hearing. A copy of the proposed Local Law will be available for inspection on the Town's official website and at the Town Clerk's office at regular business hours.

BY ORDER OF THE PINE PLAINS TOWN BOARD.

Dated: October 20, 2022



MADELIN DAFOE, Town Clerk

Resolution No. 25 of 2022

**RESOLUTION AUTHORIZING THE RE-LEVY OF UNPAID AND DELINQUENT WATER USE CHARGES OF THE
PINE PLAINS WATER IMPROVEMENT AREA ON THE 2023 PROPERTY TAX BILLS**

WHEREAS, The Pine Plains Water Improvement Area has delinquent water accounts remaining unpaid, including late fees and charges, from the 3rd Quarter 2022 Water Billing(s), and;

WHEREAS, it is necessary for the PPWIA to re-levy the 2022 unpaid Water user charges to ensure payment of the same; now, therefore, be it

RESOLVED: That no further payments on delinquent accounts will be accepted after November 1, 2022; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the PPWIA to submit a re-levy report to the Dutchess County Real Property Office of delinquent accounts to re-levy that amount on the property owners' 2023 Tax bills; and

BE IT FURTHER RESOLVED, that all proceeds be returned in 2023 to the Pine Plains Water Improvement Area.

Motion: Bartles

Second: Ambrose

This Motion was carried by a 4 - 0 vote of the Town Board members on October 20, 2022.

Madelin Dafoe
Madelin Dafoe, TOWN CLERK