

A Regular Town Board meeting was held on September 21, 2023, at Lysander Town Hall, 8220 Loop Road, Baldwinsville, New York.

MEMBERS PRESENT:

Robert A. Wicks, Supervisor
Jeffrey Kudarauskas, Councilor
Kevin Rode, Councilor
Peter Moore, Councilor
Robert Geraci, Councilor

MEMBERS ABSENT: None

OTHERS PRESENT: Dina Falcone, Town Clerk, Kevin Merrill, Parks and Recreation Director, Anthony Rivizzigno, Town Attorney, Al Yager, Town Engineer, and several guests and residents.

Supervisor Wicks called the meeting to order at 6:30 PM with the Pledge to the Flag.

Adoption of September 7, 2023 Minutes

RES#162/2023

Motion by Councilor Moore seconded by Councilor Rode to adopt the September 7, 2023 Town Board Meeting minutes.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

MOTION TO OPEN THE PUBLIC HEARING
BATTERY STORAGE UNDER CHAPTER 102 OF THE TOWN CODE

RES#163/2023

Motion made by Councilor Geraci seconded by Councilor Kudarauskas to open the public hearing at 6:31 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

(Some comments have been edited as they were unintelligible).

Fred Burtch: *Any battery storage?*

Supervisor Wicks: *It's in our code.*

Fred Burtch: *So that just for an example, an individual just wanted to get a singular solar panel and hook it up to their hot water heater and have a battery backup on it. That's not going to be a goal.*

Supervisor Wicks: *I don't know if it's a battery storage or not.*

Fred Burtch: *Now what about properties that have existing battery storage now or they may get grandfathered in and they're not going to have to worry about it. Getting any permits in the future - I'm not you know, against what you guys are doing. I'm just trying to get a little bit better clarification and then also you know, for people that are considering that in the future, now, would a business potentially be able to approach Town Hall about the possibility of getting a permit during the moratorium? That's why it's more targeted when?*

Supervisor Wicks: *We're putting it on pause. And then there's a lot of issues with it that we aren't experts in enough so we have to wait. We'll probably revisit it again. And it depends on what the state's going to do. They're reviewing this now and they're going to come up with criteria.*

Fred Burtch: *I know my personal opinion probably doesn't matter to the Board but my personal opinion regarding that says, if you have an industrial setup, where there's a storage and it's not being monitored by somebody on site - I am totally against that because that's a potential for hazard. If there's a homeowner setup, and it's small, and it's safe and there's somebody that's monitoring it on a daily basis, and other ones are not they're like just once every six months or something. I think those are safe enough and small enough that I'm going to be able to entertain with something like that and a few others.*

Ed Schmitt: *I'm here to voice my concern about this moratorium. Specifically, batteries - those kinds of batteries and lithium ion batteries and all kinds of things - our electric cars and our hybrids and our camera tools that we have and there's problems with those as well. But yeah, you're not going to tell people you can't get an electric car. And you know, there's a bunch of them out there. They're ready to get people charging in their garages right now. A Nissan LEAF for example has a 40-kilowatt system in it, that people charge it and you don't hear about these things - reminders and getting the practical things. They need even things like laptops, your laptop batteries, your cordless vacuum, and then hopefully so either they'll have batteries, or all of those, it's crazy.*

Supervisor Wicks: *It's a storage system in the state and it is the one that we're concerned with is this, because where people don't have the equipment to take care of them. And it's been a problem. So, the state is saying, let us look at this. That's what we're doing. The state's going to dictate a lot of what you're talking.*

Ed Schmitt: *But yeah, bottom line is you're putting in this blanket rule that you're throwing out the baby with the bathwater, right? You got a small system in someone's home, because it's very little risk. And they're out there. They're being used today. You know, I hear you talk about all the time about how you can keep taxes down and when its budget things are so hard. And this is something that can actually help homeowners and you're in your house and I'm like, Well, why would you want to do that? Like I said, ... The great big solar farms. ...the small home systems it seems unreasonably burdensome to the taxpayers and by understanding that, saying that homeowners the home systems will use a battery system to ... It goes directly into the grid. It doesn't. Again, there's no battery and there's no batteries involved. It depends on the time, but you know, if you want to use your solar at night or whenever you're going to have a battery system and the Tesla system with a big wall of batteries in the garage that now stores it in there. And generally needed as you take it in, you put it into a barrier and then you run it through an inverter and that thing goes into the system. So, you would store batteries regardless. Just feed it there because you've got to make sure you've got enough power. So, you're not going to be feeding power into the system - it's too low or it's not in range of frequency things like that so that you're going to get hit in the...*

Mr. Yager: *Battery energy storage - this is tier one is 600 kilowatt hours, which would be as a home system. Tier Two is anything larger, than 600 kilowatts. The systems that have been in the news that have had problems obviously would be commercial type systems that are the concern - so the Board does have the option if you wanted to do a moratorium on both or just tier two.*

Supervisor Wicks: *With that being said from a fire training and fire prevention standpoint and preparedness for a battery fire, that's something that we should probably talk to our local fire companies about and ask if they are comfortable or trying to get some feedback before the public hearing. Hey, are you guys comfortable if there's a fire in a home with a small battery energy storage system? Are you comfortable fighting that fire to that specifically? I was at a public safety meeting the other night with the local but the local fire departments that were represented there and not all of them were there that night. And they knew that we were putting a moratorium on notice - not one of them had a problem with the moratorium. In fact, I think they were in favor of and from the indications I can tell, because they don't want to save money or they're not in a position to save money and they're like...*

Ed Schmitt: *I don't know fire I think because they're ... how you handle but when you brought up home storage, if we make a moratorium on this, somebody has a home storage system for electric cars we're preventing that?*

Mr. Yager: *No. No. Electric car is not covered by this, so the way that local law reads is one or more devices assembled together, capable of storing energy in order to supply electrical energy at a future time not to include standalone 12-volt car batteries or an electric motor vehicle. A battery energy storage system is classified as tier one or tier two energy storage systems. And I just gave you the definition of tier one and tier two. So, somebody stored their Tesla in their garage. It's not an issue with this moratorium,*

Ed Schmitt: *Or what if somebody has a battery system? I mean, I don't know anything about electric cars. I don't have one. What if they have a storage system then they can install one to feed their car if the power...*

Mr. Yager: *That that would be a tier one system from that - a tier one system. So right now, the solar panel that was charging a battery that you're using the power to charge your electric car that would be a tier one.*

Mr. Schmitt: *Solar, right. But if we went through with this moratorium the way it's written now, when we prevent somebody from putting that in their house now...*

Mr. Yager: *Yes, because it'd be a tier one system if you do the blanket moratorium on all battery energy storage systems by definition the small systems would have a moratorium on them as well. Same thing for all panels...*

Ed Schmitt...*Okay, I got four batteries... Okay. Are they for batteries? There are 12 old car batteries. Solar, marine batteries.*

Mr. Yager: *They will be exempt. That'd be exempt.*

Mr. Schmitt: *So, then the other thing is for this public hearing, they're supposed to be posting on the website 24 hours in advance... even today, it wasn't there. You know, your...*

Supervisor Wicks: *The clerk isn't here so she can't answer to them because she's the one that takes care of that, but we pay attention to them and I believe that this would have been out around two o'clock yesterday. But like with any computer-generated media, that there could have been a situation I don't know.*

Ms. Falcone: *Our agenda and the advertisement for the public hearing were published. This is the reason I wanted to talk to you today.*

Supervisor Wicks: *About from two o'clock in the afternoon?*

Ms. Falcone: *Well, we were having problems with the website again, it was showing error so I was working on that but I had posted it but it didn't go through. I guess certain...so it didn't get posted on the website until the website uploaded it. I'm going to be talking to the Board about our website needs. It needs to be updated.*

Councilor Rode: *If you go to the website... It's really an error. It'll stop you have to refresh it to see the object. I've had an issue where I'm like, it's not there. But it was there.*

Supervisor Wicks: *Wasn't it posted on our board?*

Ms. Falcone: *Always.*

Mr. Wicks: *Good. Okay. So, the answer to your question is we have to - if we have access to the internet, we should put it on there. If we don't have access to it, then it's up on the board. And that's the official posting so it was up there and like the gentleman [in the audience said] it was in the Messenger. So, we met the criteria for one of them.*

Ed. Schmitt: *And actually, it says, ...if the agency in which a public body function blah, blah blah, they tend to regularly... we do the updated website and utilize what has been in scope to discuss shall be posted on the website at least 24 hours...*

Ms. Falcone: *If possible.*

Supervisor Wicks: *Well you can roll your eyes, but if we have a problem and if we trying to answer you're a question, - if we have a problem with our internet went down here...*

Ed Schmitt: *No, I understand that, it just seems to be before every meeting. This is the problem that you very rarely ever get these out in 24 hours...*

Ms. Falcone: *That's not true.*

Mr. Schmitt: *Well they don't come through my house. Thank you.*

Fred Burtch: *Again, a follow up. I don't come up here to waste your time. I got actually got a little tiny bit of experience in the stuff that we've been talking about with solar panels. I went to school. And Mr. Schmitt is right. In one aspect. There are two title systems. And Mr. Geraci [ref to Geraci] there's a system that feeds directly into the grid. You don't get any money for that. New York State back feeds every electricity minus three they get paid for because you've built it up over time. That's one side a different way of doing it is with battery storage. And it's illegal to put the batteries in the house in New York state*

when you have a backup battery system and has to be in a shed a certain amount of feet away from your home or the building. You have to have a certain amount of acreage based on the size of your system. I don't have a permanent system. I have a portable system. It's a three kilowatt with backup batteries and it's just a marine battery. In the solar feeds the marine battery, the battery hooked up to an inverter. You plug into the inverter. You got electricity. I use the solar panel to charge my marine battery that's in my truck now. I got signage hooked up to it that runs off the battery to help the solar panel onto again and... I've had that so this doesn't fall over in 13 years. I was just trying to come up to fix it. Now there are situations where people have a system where that feeds the grid but also has a battery backup. And in that situation, they have a special device that when that battery power kicks in, it automatically pulls off the mains from their house. Because you don't want to be operating with battery power to go into your mains and then handle at work or out on the line because of the length down. So, in those situations, they can't use battery backup but you have an aspect of expensive devices that automatically cuts your mains so they cannot send power back out to the grid like you normally would when you're back feeding. So, I know there's people that have those systems. I know there's one in the Town of Van Buren that has it - I'm not sure if Lysander does, but I know there's individual homeowners that have a setup like that. And I think if you have the money, that's the preferred setup, so that you can actually have backup power when your power is dying. Otherwise you're just reducing your electricity bill a little bit more - you're not protecting yourself for when the power is out. And if you've got the money to buy, you know solar or wind or something like that you know, I'm not sure - backup generators or something like that, but they're probably more expensive than the battery. But anyways, none of them are allowed to be in the house. They have to be in what's called a storage shed in a certain amount of distance away from the home. So, in the event that there is a fire, you're not losing your house. You're just you know - that that battery bank.

MOTION TO CLOSE THE PUBLIC HEARING
BATTERY STORAGE UNDER CHAPTER 102 OF THE TOWN CODE

RES#164/2023

Hearing all comments, motion made by Councilor Kudarauskas seconded by Councilor Rode to close public hearing at 6:51 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

Citizens Comments

Fred Burtch asked where surplus items go after they have been declared surplus. It was noted that they go to the HW Department for recycling if they no longer work.

Town Board Comments

The Councilors thanked everyone for attending and chose to move on to the agenda. **Councilor Rode** mentioned that he attended the Pickleball tournament and there was a great turnout. He also mentioned Taste of Baldwinville and what a wonderful event that is as well.

Supervisor's Comments

Supervisor Wicks attended the Meals on Wheels event at Canton Woods, and they need additional money for their operations. He encouraged all to donate to them as they help the people in our community. He volunteered at the \$100 with 100 women to benefit Maureen's Hope. The proceeds go to those affected by cancer.

Department Head Reports

Kevin Merrill, Parks and Recreation Director mentioned that the pickleball tournament is not sponsored by the Town of Lysander, it is mainly the facility that is being used for the tournament. The spray park will be closed this week, and they have hired a contractor to close it. Other issues related to Parks and Recreation can be found on the website.

Al Yager mentioned that there will be lane closures on West Entry Road scheduled October 2, as the lids on the manholes will be raised.

Dina Falcone, Town Clerk said she sent out RFPs to snowplow companies for bids for plowing the Trooper's Barracks. The deadline is October 5, 2023.

Regular Agenda Items

MOTION TO ADOPT LOCAL LAW NO. 8 OF 2023 TO ESTABLISH A MORATORIUM UNDER SECTION 102 OF TOL CODE – BATTERY STORAGE FOR SOLAR PROJECTS

RES#165/2023

Motion made by Councilor Geraci seconded by Councilor Moore to adopt Local Law Number 8 of 2023 to establish a moratorium under Section 102 of Town of Lysander Code, on tier two battery energy storage systems.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

MOTION TO HOLD AND ADVERTISE FOR A PUBLIC HEARING TO ADOPT A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GML 3-C

RES#166/2023

Motion made by Councilor Moore seconded by Councilor Rode to hold a public hearing to adopt a local law to override the tax levy limit established in General Municipal Law 3-c, on Thursday, October 5, 2023 at 6:30 PM in Lysander Town Hall. This resolution shall authorize the Town Clerk to advertise for same.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

TABLED

Motion made by _____ seconded by _____ to authorize the Budget Modification Form submitted by the Town Comptroller for completion of sealing of the parking lot and curb repair at the Trooper's Barracks, and the addition of the Commercial Cyber Insurance Policy for TOL.

MOTION TO DECLARE PLANAR MONITOR SURPLUS

RES#167/2023

Motion made by Councilor Geraci seconded by Councilor Rode to declare the following item from the Town Clerk's Office surplus: Planar Monitor Serial No. PLL2410W.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

ADJOURNMENT

Motion made by Councilor Kudarauskas and seconded by Councilor Rode to adjourn the Town Board Meeting at 7:08 PM.

Supervisor Wicks	Aye	Councilor Kudarauskas	Aye	Councilor Geraci	Aye
Councilor Moore	Aye	Councilor Rode	Aye		

All ayes, motion carried and adopted

This is a true and complete recording of the action taken at this meeting.

Dina Falcone, Town Clerk