REGULAR MEETING – August 28, 2023
of the
TOWN BOARD OF HANOVER – 7:30PM

Present: Todd H. Johnson, Supervisor — Louis F. Pelletter, Deputy Supervisor
Timothy B. Crino, Town Clerk — Bernard Feldmann, Jr., Councilperson
Edward Schintzius, Councilperson — Wayne L. Ashley, Councilperson
Also: Highway Superintendent P. Pelletter, Bookkeeper E. Kiefer, Town Attorney J. Passafaro and approximately ____ other interested people

The meeting opened with the Pledge of Allegiance.

Floor opened to the public.

Monthly reports of the Department heads were submitted and received.

Upon a motion by Mr. _____, seconded by Mr. _____ and unanimously carried, the minutes of the August 14, 2023 meeting were approved as presented.

7:35PM – Public Hearing for the purpose of hearing public comments on the application for the proposed construction of a Solar Generation Plant. NY Hanover I, LLC has submitted a revised application for a Special Use Permit and Site Plan Approval, under Local Law # 1 of 2020, Regulating Solar Systems in the Town of Hanover, for a proposed solar development project of a 2.7 MW AC solar farm, on an approximately 13.98-acre portion of a 61.30-acre parcel of agricultural land and young growth forest, located at 12171 Hanover Road, Silver Creek, NY, in the Town of Hanover (Parcel ID: 49.00-1-44). Town Clerk Crino certified that the Notice of Public Hearing was posted on the bulletin board and was duly published. Upon a motion by Mr. _____, seconded by Mr. _____ and unanimously carried, the Town Board approved to recess the regular meeting and open the Public Hearing. (Public discussion)

Clerk Crino reminded the Board that the Town declared itself lead agent under SEQR for purposes of the application. Town Attorney Passafaro filed the 239 Planning/Zoning Referral Form with the Chautauqua County Division of Planning and Community Development. Jennifer Grawin, Colliers Engineering & Design sent Lead Agency Intent Notices to all Interested and Involved Agencies on August 17, 2023. These Agencies are allowed 30 days to respond/object after the Notices were mailed. Consequently, this Public Hearing can be closed or held open, but no action can be taken, by this Board, on this application, until after the Town has become Lead Agent.

With everyone wishing to be heard and having been heard, Mr. _____ moved to declare the Public Hearing closed/held open and approved to re-enter into regular session. The motion was seconded by Mr. _____ with a roll call vote as follows:
Spvsr. Johnson - ___ Mr. Ashley - ___ Mr. Feldmann - ___
Mr. Pelletter - ___ Mr. Schintzius - ___
Resolution duly/not adopted.

Upon a motion by Mr. _____, seconded by Mr. _____ and unanimously carried, the Town Board retroactively approved the installation of a metal roof on the east side of the salt barn, by Bender's Home Improvements LLC, Sherman, NY, at a cost of $4,450.00.

WHEREAS, a Local Law to override the tax levy limit established in General Municipal Law 3-c, a copy of which is attached hereto, is being introduced at this regular meeting of the Town Board of the Town of Hanover, and
WHEREAS, the Board desires to hold a public hearing with respect to the adoption of said Local Law,
NOW THEREFORE, on a motion by Mr. _____, seconded by Mr. _____ and unanimously carried, it is
RESOLVED that a public hearing be held by the Town Board of the Town of Hanover with respect to the adoption of the aforesaid Local Law on the September 11, 2023, at 7:35 P.M., at the Town Hall, 68 Hanover Street, Silver Creek, New York, and it is further
RESOLVED that the Town Clerk is hereby authorized and directed to cause public notice of said hearing to be given as provided by Law.

Upon a motion by Mr. _____, seconded by Mr. _____ and unanimously carried, the Town Board approved of advising the NYS Liquor Authority, in writing, that the Board has no objection to the Authority allowing Sunset Bay Waves LLC, dba Cabana Sam's Sunset Bay Grill, 1028 South Shore Drive, Irving, NY to sell alcoholic beverages on their premises on Sunday, October 8, 2023, between the hours of 8:00 am to 10:00 am.

Upon a motion by Mr. _____ seconded by Mr. _____ and unanimously carried, the Town Board approved to waive the thirty (30) day "advanced notice to a local municipality for Sunday on-premise sales" of liquor, wine, beer and cider, for Sunday, October 8, 2023, for Sunset Bay Waves LLC, dba Cabana Sam's Sunset Bay Grill, 1028 South Shore Drive, Irving, NY.

Correspondence from:
None

Meeting adjourned at _____PM.

Respectfully submitted,

Town Clerk

APPROVED:
_____, Spvsr. _____, Cnclmn.

_____, Cnclmn. _____, Cnclmn.

_____, Cnclmn.

Town of HANOVER
Local Law No. ___ **of the year** 2023.

A local law to override the tax levy limit established in General Municipal Law 3-c.
Be it enacted by the Town Board of the Town of Hanover

Section One – **Purpose:** It is the purpose of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of
Hanover, County of Chautauqua, pursuant to General Municipal Law, Section 3-c, and allow the Town of Hanover, County of Chautauqua, to adopt a budget for general town purposes, fire protection districts, and any other special or improvement district governed by the Town Board for the fiscal year 2024 that requires a real property tax levy in excess of the tax levy limit as defined in General Municipal Law, Section 3-c.

Section Two – **Authority:** This Local Law is adopted pursuant to subdivision five of General Municipal Law, Section 3-c, which authorizes the Town Board to override the tax levy limit set forth in the statute by adoption of a local law approved by a vote of sixty (60%) percent of the Town Board, adopted prior to the adoption of the budget by the Town Board.

Section Three – **Override:** The Town Board of the Town of Hanover, County of Chautauqua, is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law, Section 3-c. That said override applies to all special districts in the Town of Hanover, for which the Town Board is the governing body, as the same has been interpreted and determined by the Office of the State Comptroller of the State of New York.

Section Four – **Severability:** If any clause, sentence, paragraph, subdivision, or part of this Local Law, and the application thereof, to any person, firm, corporation, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or its application directly involved in the controversy in which such judgment or order shall be rendered by a court of competent jurisdiction.

Section Five – **Effective Date:** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.