**REGULAR MONTHLY MEETING**

August 12, 2021

The regular monthly meeting was opened at 7:00 pm August 12, 2021 with the pledge of allegiance led by Supervisor Acton.

All Board members were present. Others in attendance included Kathleen Connolly of Bergmann Architects representing DRS Solar, Daniel Comptello, Local Developer for DRS and Cathy Spencer (Zoom) of LaBella, Bill Dailey, Kenn Burdick, Shawn Gasby, Robert Baker, Benjamin Knopf and wife, and representing the Village of Alfred, Jim Ninos. Attending via Zoom were John Shnapp- Delaware River Solar, Dave Plante of Bergmann Architects, C. Centola, Fred Sinclair, Kristen Poppos, Mark Klingensmith, Katherine Klingensmith, and Christel and Jason Rodd. Also present was Town Clerk Janice Burdick. Dwight Kanyuck joined ZOOM later in the meeting.

**Guests**: Benjamin Knopf – recently purchased Hamilton Hill Equestrian Center. Concerned that his assessment will be raised due to the fact that he paid more for it than it is assessed for. Was referred to the Town Assessor.

Kristen Poppos – reported that the Solar company was in Town contacting property owners surrounding her (Northland Power Project). Concerned with PILOT negotiations, heard Town will get the least amount. Would like Town to opt out of PILOT with the IDA. Expressed concerns with extensive wetlands on the property, setbacks and fencing. Supervisor Acton stated that it is very early in the process and all concerns will be taken into consideration. Fred Sinclair added that a recent lawsuit against the Article 10 citing may set things back.

Kasey Klingensmith – asked if the Town is using oil and gas brine for salt and stabilization on Town roads. Mr. Acton informed her the Town is using brine from Greenwood.

**Approval of Minutes**: The minutes of the July 8, 2021 meeting were approved with a motion by Fion MacCrea, seconded by Dan Acton and carried 5-0.

**Police Report –** no report this month.

**Code Enforcement’s Monthly Report –** reviewed submitted report.

**Supervisor’s Monthly Financial Report –** received and reviewed new report format from BBS. Received $50766.94 from ARPA. Believe it can be used for the new equipment for ZOOM meetings.

**Correspondence –** Information from Allegany County Alcohol and Substance Abuse encouraging Town to opt out of marijuana sales and lounges. Matthew Snyder stated that he would like to have a public meeting to hear how the residents feel about it. Jason Rodd stated that the Town would receive a portion of the 4% sales tax. If both the Village and Town opt in they will split the sales tax by agreement. If Town opts out and Village opts in, Village will get all the sales tax allotment. A public information meeting will be held prior to the September board meeting to hear input from the community.

**General Abstract #8-2021-** Vouchers #64-68 in the amount of $2976.35 in the General A Fund; Voucher #11 in the amount of $3328.16 in the B Fund, #8 in the SF Fund in the amount of $3511.33 approved with a motion by Bill Cleveland, seconded by Matthew Snyder and carried 5-0.

**Highway Abstract #8 -2021** Vouchers #75-83 in the DA Highway Fund in the amount of 9700.55 and #23-29 in the DB Fund in the amount of $111,655.84 were approved with a motion by Matthew Snyder, seconded by Bill Cleveland and carried 5-0.

**Highway Report:** The written Highway report was reviewed. Received new pickup, 2010 Mack repairs, fixed washed out roads, mowed and did CHIPS projects.

**Supervisor’s Report:**

Kathy Spencer – DRS. LaBella received several packets of information from DRS and have been reviewing them. Feel application is complete and will be putting formal comments together. Town can schedule a public hearing once all materials they need are complete. They have a storm water document to review and need the visual assessment from Bergmann. Kathleen Connelly was present with sketches of what was submitted. All simulations were done with leaf coverage. Matthew Snyder asked if one could be done without leaves and was told they can’t do it until the leaves are off. Chris Centola of Bergman stated you can see a gap through the residential neighborhood along the north area. Kathy Spencer of LaBella stated that there is no landscaping proposed for this project. LaBella’s looks carefully at the proposal to make sure it is adequate. Properties to the north will be looking at the rear of the panels so there will be no glare. Completed the consultation with Historic Preservation – was concern with visual of AU President’s house on Pine Hill Drive. Will have no effect. Chris Centola stated they are looking for areas that may have impact and looking closer due to no landscape plan. Matthew Snyder stated that he feels it would be wise to do a non-leave visual but doesn’t want to hold up the project. Shawn Gasby stated that as the project moves forward a conditional approval for a Special Use Permit with a stipulation that concerns about visual be addressed with a possible barrier. John Schnapp stated that DRS would have no problem committing to a landscape plan to keep the project moving forward.

Kathy Spencer noted that the next step is finishing the SEQR review and they will be doing that for the Town. Questions raised were the number of trees to be removed – 10-12 acres. Town Solar Law says removal of trees should be minimal and would like some sort of justification of why removing that many trees. John Schnapp stated that was the landowner’s choice so he would have a flow for his cattle. Kathy Spencer added that under SEQR have to look at the impact regardless of what the owner wants. Public safety of high voltage and how it will affect Town residents and people traveling through that area. Would like DRS to provide LaBella’s electricians information for them to review. Fred Sinclair asked if there is a crowded situation on the grid and producing at the maximum level, where is the extra going? Kathleen Connolly stated that all equipment meets all regulations and requirement with some being more stringent that electronics in your home. Kathy Spencer would like a written summary so LaBella can look it over and put in the narrative in Part III of the SEQR. Ms. Spencer added that in general the application looks good and will look at the storm water closer. LaBella will have a roll is helping through the 94C process and the PILOT discussion.

Attorney Kanyuck stated that it appears Northland Power is a few months away from filing their application. Several things to be done before application is submitted.

Jason Rodd stated that he feels the Town should be reaching out to the County, feels solar free for all in Allegany County due to being one of the poorest in the state. County is being solar strip mined. Towns should be talking to Albany for more financial benefit.

A motion was made by Dan Acton to declare the application by Delaware Solar to be complete. Seconded by Bill Cleveland and carried 5-0. This will now be forwarded to the ZBA and a public hearing will be scheduled and referral to the County Planning Board.

Kenn Burdick asked Kathleen Connolly if a there was any chance of leaving a strip of trees to visually alleviate the view from Snyder Road. Ms. Connolly stated that they have to be 90’ away due to shading.

Motion by Dan Acton to post position of part-time Codes Enforcement Officer (for Solar Projects) seconded by Matthew Snyder and carried 5-0.

Beiler Special Use Permit Application -Part I and II of the SEQR are completed therefore a motion was made by Dan Acton to declare the application complete, seconded by Fion MacCrea and carried 5-0. Will now go to the ZBA and a completed referral to the County Planning Board.

Supervisor Acton reported that Attorney Kanyuck suggested moving approval of Special Use Permits to the Town Board from the ZBA.

Attorney Kanyuck has drafted a Battery Energy Storage law that states the Town Board will do review the site plan. Also amend the current Solar Law to make approvals all consistent. Mr. Acton explained that it has been hard to get a full ZBA Board so this was one reason to transfer it to the Town Board. After further discussion a motion was made to adopt the resolution modifying the current Zoning law that all Special Use Permits will go to the Town Board, seconded by Matthew Snyder and carried 5-0.

Supervisor Acton gave an update on the sidewalk project. DOT has completed the storm water design. Will have another walk about, then put together some visual that property owners can look at and then get feed back from them. Hopefully will start next year.

Discussion for improving sound for ZOOM meetings. Fion MacCrea has been in touch with Armstrong and will come up with something

The meeting was adjourned at 9:00 pm with a motion by Matthew Snyder, seconded by Fion MacCrea and carried 5-0.

Respectfully submitted,

Janice L. Burdick

Town Clerk