

**REGULAR MONTHLY MEETING
PUBLIC HEARING
November 11, 2021**

The Public Hearing for the 2022 Budget was opened at 7:00 pm with the pledge to the Flag. Board members present in person were: Supervisor Dan Acton, Fion MacCrea, Bill Cleveland and Matthew Snyder. Attending via ZOOM was Wendy Dailey. Others attending in person were: Dwight Kanyuck, Kenn Burdick, Town Clerk Janice Burdick and Highway Superintendent Bob Halsey.

Attending via ZOOM: Kathy Spencer of LaBella, Shawn Gasby, David Comptello, Kathleen Connolly, Fred Sinclair, David Jensen, Johnny M., Keith Gregory, Bill Dailey, Dale and Linda Butts, K. Klingensmith and Mark Klingensmith,

Public Hearing- 2022 Budget. Since there were no comments the Public Hearing was closed at 7:02 with a motion by Dan Acton, seconded by Bill Cleveland and carried 5-0. The regular monthly meeting was then opened with the same people present.

Adoption of 2022 Budget as presented: A motion was made by Supervisor Acton, seconded by Matthew Snyder and carried 5-0 to adopt the 2022 Budget.

Guests: Dale Butts stated that 5 or more months ago concerns were expressed on the trailer park on Waterwells Road. He is now requesting an update. Supervisor Acton stated that 3-4 months ago the Town received a letter from the Attorney representing the owners of the trailer park requesting a Certificate of Occupancy for the property. This was directed to the Town Attorney requesting he send a letter to their attorney stating that that was a non-conforming use. There has been no further correspondence at this time.

Police Report – Reviewed the written report submitted by Chief of Police Griffiths.

Code Enforcement's Monthly Report – Reviewed written report.

Solar Updates: Kathy Spencer of LaBella was able to supply the Town with the Draft 2 + 3 of SEQR for the Delaware River Solar project. The Town is the lead agency and asked the Town to look it over. LaBella filled out the Part 2 + 3. Discussion was does the Town close it out or declare a Positive Declaration. If there is significant potential for environment impact and want an Environmental Impact Statement then would have to wait, LaBella went through Part II checklist which is a 10 page form. Also, the Part III Narrative which undertakes an analysis on how significant are those environmental impacts. Ms. Spencer went on to state there was a potential for land surface water and there were 7 topics described in larger detail. The environmental analysis and electrical portion were reviewed by the LaBella Engineers. Supervisor Acton asked if LaBella was prepared to have the Town issue a negative declaration? Ms. Spencer stated that she believes all issues have been addressed and this project will not result in an environmental problem and therefore can make a negative declaration and close this tonight. Mr. Acton stated that the Planning Board reviewed the documents and had several concerns. Bill Dailey stated that he had looked over Parts 2 +3 and requested more specifics on the dirty electricity. Also questioned if anything had been received from NYSEG as to if they can carry this electricity down to their substation without any harm to any residents. Kathleen Connolly of Bergman representing DRS stated that she had prolonged conversations with LaBella's Electrical Engineers and stray electrical issues are not a concern due to National Compliance Codes. If it complies with those codes, not a problem. Also, this is reviewed in the Building permit process where compliance is required. She added that stray electricity is not a concern in Solar farms. Also, these issues are not a SEQR level issue. Their Senior Electrical Engineer did not identify any concerns with this project as designed. Also, NYSERDA has to issue an Interconnection agreement. They are not tying into a transmission line, tying into the

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distribution line. Have gone through that with NYSEG and it meets codes. Have the interconnection agreement with NYSEG and that was obtained before presenting to the Town. Other issue presented was Storm Water runoff. Cathy Spencer stated that was discussed with the Civil Engineer and is not usually typically attached to SEQR. Usually part of the site plan review. The Civil Engineer is preparing questions for Bergmann. Kathleen Connolly stated that the runoff is equal to or less than current peak runoff. Peak flow rate has to be equal or less than current – farmland, etc. The road may have to be gravel. Fred Sinclair stated that he hasn't seen any stormwater calculations, there are variable conditions plus when the ground is frozen. Concerned that they are missing somethings and no way in his mind that he can accept that water run off isn't going to be a problem. Concerned that the run off is going into a closed system into the Village. Kathleen Connelly stated that the glass panels are raised off the ground. Even if had to put concrete under every panel it still meets code.

David Comptello stated that in regard to the stormwater runoff, using State guidelines and SEQR review, has to be signed off by DEC prior to issuing the Building Permit (SWPP). Panels are elevated and tilted. Most of the water actually hits the ground, there is no drip edge along panels so no rutting, actually reduces the velocity of rain drops hitting the ground. DEC considers solar farms comparable to a meadow effect. There are also weekly inspections monitored by the DEC and inspected by Shawn Grasby. It will be monitored over the life of the project. This is a Statewide process that happens all over the state. Fred Sinclair asked if there is any analysis of the channel an Ms. Connolly stated that the analysis shows no problem. Dan Acton asked if those calculations could be made available and Kathy Spencer stated once they have them yes but doesn't feel it will answer Mr. Sinclair's concerns. Kathleen Connolly stated that they have done calculations and they show it meets DEC requirements. Dwight Kanyuck stated that the Town's CEO checks on compliance with runoff along with DEC's oversight. CEO would review unless he feels he needs input from LaBella. After further discussion Supervisor Acton stated that it comes down to is the level of comfort the Board has with what has been presented and are they ready to sign off on the SEQR? It was noted that the SWPP would answer any question on stormwater. Matthew Snyder stated that he has been on a solar farm when it is raining and feels it is a concern. Fion MacCrea stated that the volume of water is not going to be any different than current volume. Dwight Kanyuck stated that a negative declaration can be made so things can move forward. Doesn't mean continued review and questions can't happen. Also, the site plan review and building permit process would also address this plus landscaping and ongoing compliance. Fion MacCrea stated that he likes that concerns are addressed through SEQR and the SWPP process allows the Town to change something that they may be concerned with. Wendy Dailey stated that she feels it is premature to issue a negative declaration due to there being unanswered questions. Shawn Grasby added that DEC says developers can be less but not more restrictive. Once the project starts there will be weekly inspections. If issues arise, he can put a stop work order and DEC would be contacted. Fion MacCrea asked about beyond construction and Mr. Grasby stated that the developer has to prove that there isn't any more water. Also, a Building Permit won't be issued until they provide paperwork from DEC. Mr. Acton stated that he would feels a decision should not be made tonight until some of the concerns are answered. Would like a little more time. Kathy Spencer stated that she will contact their engineer and get the information requested.

Supervisor's Monthly Financial Report – reviewed with no concerns.

Correspondence – Aged Exemption – no change.

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Open Meetings Law – new regulations. All documents that are going to be discussed at a public meeting must be posted on the website at least 24 hours prior to the meeting to the best of the Town's ability.

Delaware River Solar – A motion was made by Matthew Snyder to extend the Statuary 62-day clock under SEQR until the December meeting. Seconded by Dan Acton and carried 6-0. A motion to extend the site plan review until January 13, 2022 was made by Dan Acton, seconded by Matthew Snyder and carried 5-0.

General Abstract #11-2021- Vouchers #89-97 in the amount of \$1313.55 in the General A Fund; Voucher #14 in the amount of \$3328.16 in the B Fund, #11 in the SF Fund in the amount of \$3511.33 approved with a motion by Matthew Snyder, seconded by Dan Acton and carried 5-0.

Highway Abstract #11 -2021 Vouchers #98-105 in the DA Highway Fund in the amount of \$6822.09 were approved with a motion by Fion MacCrea, seconded by Bill Cleveland and carried 5-0.

Solar Escrow Account Abstract #3, Vouchers #4-6 in the amount of \$9412.87 were approved with a motion by Fion MacCrea, seconded by Matthew Snyder and carried 5-0.

Highway Report: The written Highway report was reviewed. Dan Acton asked what is happening with the use of Brine? Mr. Halsey stated they haven't heard anything. If signed in January, will no longer be able to use after 90 days from date signed.

Mutual Aid Agreement Between the Municipalities of Allegany County was approved with a motion by Fion MacCrea, seconded by Matthew Snyder and carried 5-0.

Supervisor's Report:

A Resolution to accept a Negative Declaration to changes in the Zoning Law and Battery Storage Law was adopted with a motion by Dan Acton, seconded by Wendy Dailey and carried 5-0.

Public Hearing for opt In on Cannabis Law will be held at the December 9, 2022 meeting.

Sidewalk Updates- Supervisor Acton reported that he had met with members of the Planning Board and Clark Patterson Engineering. The project was delayed due to COVID. Mr. Acton sent a letter to all property owners asking for their input and letting them know that there are visuals on the Town's website. Mr. Acton stated that one of the concerns that was made in the meeting with the Planning Board was the use of the Village of Alfred to plow the sidewalks. ½ of the new sidewalk is in front of buildings owned by SUNY at Alfred – ask them to plow that section. Mr. Acton added that the Town of Almond contracts to have their sidewalks done, suggest the Town do the same. Bob Halsey stated that the Village of Almond owns the machine and they contract the labor and the original plan was for the Village to do it. Matthew Snyder added that he likes the idea of Alfred State doing the academic buildings but feels the Village should do the rest since that was part of the original agreement. Mr. Acton's concern was that the Village may not get around to doing it in a timely manner.

Discussion on carpeting the Board room to cut down on noise during Zoom meetings. Mullen's Carpeting will be contacted for a quote. Matthew Snyder stated that acoustic tiles may also help and Kenn Burdick suggested the corners have something built into them to trap the noise.

Appointment to Board of Assessment Review – A motion was made by Bill Cleveland, seconded by Fion MacCrea to reappoint Brad Burdick to the BAR. This was carried 5-0.

Solar Concerns: Dan Acton asked Mr. Kanyuck when the PILOT starts being negotiated? Mr. Kanyuck replied after the commercial project starts. Once they are working they will negotiate with the IDA. Also looking at a 50-50 split between the Host Community and the PILOT. Host Community Agreement usually starts negotiating once the Site Plan is approved.

Other Discussion – Wendy Dailey has started a Facebook page for the Town. Johnny from Alfred University was there to continue communication between the Town and Alfred

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University. He then introduced David Jensen who is in the early planning stages of the 50th Anniversary of Hot Dog Day. If Town has any concerns or suggestions he would like to be contacted.

Kenn Burdick – Reported that Alfred-Almond Central School had just posted a position for a School Security Officer. Expressed concerns on this and the reporting procedure.

Town Clerk – Noted that in the 2022 Budget 4 hours have been added for office hours due to taxes.

A motion was made to go into Executive Session to discuss personnel by Dan Acton at 9:00 pm. Seconded by Bill Cleveland and carried 5-0. Executive Session ended at 9:10 with a motion by Dan Acton, seconded by Matthew Snyder and carried 5-0.

Bank Statements- A motion to approve the bank statements was made by Fion MacCrea, seconded by Matthew Snyder and carried 5-0.

The meeting was adjourned at 9:15 pm with a motion by Matthew Snyder, seconded by Fion MacCrea and carried 5-0.

Respectfully submitted,
Janice L. Burdick
Town Clerk