

**MINUTES – TOWN OF ALLEGANY
REGULAR BOARD MEETING
TUESDAY, APRIL 26, 2022 7:00 PM TOWN HALL**

PRESENT:

Supervisor Higgins	Town Clerk D. Pinney
Councilman Cooper	Councilwoman Martin
Councilman Maguire	Comptroller D. Piccioli
Councilman Nazemetz	Attorney Tuttle
Hwy. Superintendent Moshier	

ABSENT:

ALSO PRESENT:

John Krist (CEO), Stephanie Guthrie, Pete Hellier, Janet Hellier, Grif Jones & Hyde Clarke with Young/Sommer LLC, Sarah Matasich, April Rahmadhan (RRC)

Public Hearing – Proposed Town of Allegany Solar Law #2 Of 2022

1. Supervisor Higgins - opened the Public Hearing on proposed Solar Law #2 of 2022.
2. Hyde Clark - referenced a comment letter they had previously sent asking the Board to consider an overlay zone or allowing solar in residential-zoned districts. He stated they did do a review of overall the number of residential parcels that would be capable of having solar projects very limited & did go back and review in the town the wind overlay zoning and why it's appropriate & similar to wind community solar & utility scale solar is very location specific. It can't just be located out in an open field, it has to be close to internet connection, has to be cost effective to get into the grid. You want to take into consideration environmental factors, landscaping and screening. The overlay zone allows instead of just setting out to the planning board and saying here are the districts that solar would be permitted it brings that power back to the Town Board to have the applicant look & say why the solar has to be at this parcel and show those factors, show the connection, community impacts, and environmental screening. Again, because solar is so location specific that then forces the applicant to come into the town Board and show us why it has to be located here. And, so I think because I was not at the Planning Board some of the comments were possibly not consistent with the Comprehensive Plan & zoning law and not consistent with how the Town currently treats utility scale wind. Wind has those same site constraints.
3. Supervisor Higgins - stated that we received your letters and we have reviewed and are reviewing them and were waiting to hear your comments tonight. We will reply to your letters at some point. He said I guess for me we have set up the zoning and we have this proposed solar law and that's going to work for us at least from my perspective going forward, so I don't see us going down the avenue of overlay district of changing the R1 zoning to allow Tier 3 but we will review that further after tonight. We were kind of waiting for tonight to see what else we might hear and we'll review that.

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4. Hyde Clark - said he appreciated that & wanted to bring up in the letter there were comments it would be inconsistent but really I do have that other overlay zones exist.
5. Attorney Tuttle - responded that is true & we did discuss that when we you brought it up it & we will consider all those points that were brought up in your letter & also the Town Board may have some questions about the points that were raised so if you do you should ask those now.
6. Attorney Tuttle - had a question – What would be the reason for an overlay with different parcels not being amenable as to the existing grid infrastructure. Do we have an idea of what & where the existing grid infrastructure is?
7. Grif Jones - from Clean Choice energy stated on e of the reasons the parcel was originally looked at was that 3-phase power runs right along the side of the side that we need 3 phase power but it's not there. Is it theoretically possible to connect to the grid? Yes. Estimates from million to 2 million a mile to put in 3 phase and clearly on a smaller scale project there's not an extra million or 2 million dollars in a slush fund there. But that's not the case. So basically, we don't look at anything that does not have 3-phase power, and it comes up that way & heads north on Five Mile Road, I think it's called. That is the main backbone of the 3-phase power.
8. Attorney Tuttle - stated we do have various districts out there that would allow these projects though I think there's certainly the end forest districts at least 500 ft. from the roadway or they may be an R-1 out there of C-1 or C-2. The Planning Board could look at where these areas lay and believe that they would be sufficient to allow the interconnection. I think they have looked at it but we can talk about that more.
9. Grif Jones - said That is the reason why I know it's rough mountain.
10. Hyde Clark - said I just think the challenge a lot of C-1 and industrial districts may already be developed or they are geared towards business or they are smaller so you need a certain lot size & you know we don't want to go in and clear trees, is it already clear what's the lot size, what is the land used for now. That's just the factors that we look at. Substation capacity. You not only have to have 3-phase. The parcel we are looking at is ½ R-1 & 1/2 Ag Forrest. We don't believe it makes any sense to knock down 50 acres of trees to put in 50 acres of panels. It's contradictory to everything we are try to do. Green energy to bulldoze trees?

Grif Jones - on overlay zoning wanted to talk through the SEQR. So there's two parts that proposal talk about it being type one action and there's one section that says that a environmental impact statement is mandatory and so I did provide commentary on that certainly town has the ability to add anything to a type unless there's a an established type unless there are certain thresholds but as a type one action that then causes the need for a lead agency there has to be an evaluation of that specific project applicant has to bring in a full environmental assessment form you would go through and actually identify what areas are of potential environmental concern that would then allow the

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town to make a written determination of the environmental impact statement so you know I just wanted to bring that up I don't know if there's any questions on that point.

11. Supervisor Higgins - We appreciate that comment that that is something that we will very likely address.
12. Attorney Tuttle - I think we will be addressing it. I agree that we can designate all these projects as type one or we can't circumvent the process we were just going to refer to the fact that they have SEQR review will be pursuant to USEC similar CRR part 617 so I do believe that they determine they want designated as a type 1.
13. Hyde Clark - platform OK thank you yeah and then on the on the set and again you know I haven't I sent out of it but I haven't had any comments back so I'm on the setbacks the there's set back requirement of the think 200 feet from the access Rd has to be 200 ft. from the road, and then again just saw me their removal and decommissioning in terms of cost there are a number of municipalities that allow you to take in salvage and recycle value certainly it's not something that's required of you but I think you know as these technologies developed as we have more and more projects you know hopefully we're going to have those systems in place that allow for re-cycling and management of that and again looking at every five years as opposed to the to the annual escalator actually allows us to get it what's the real cost and it could be more you know it's our could be to our detriment to have that so it's just kind of like a nice reset to look at OK what's actually in a cost.
14. Councilwoman Martin – I have a question with regard to that your suggestion of the update every five years who would be responsible for that update?
15. Hyde Clark - We have to add that in but certainly it would be the project owner that would pay for the costs of that. What we normally see is that the facility owner would provide who their third-party engineer is going to be and potentially the town would be able to say can we look at the resume and make sure we agree that this is somebody that that should be doing this estimate, agree to it and then allow the third party person.
16. Supervisor Higgins - again we appreciate those comments and we are actively reviewing those then will act on them some of them anyway.
17. Hyde Clark - yeah so I didn't have any additional comments that just wanted to add that, so the comment about this I think this whole asses a glare tree analysis I'll let Grif talk a little bit more about some of the programs are in place allowing for determining.
18. Grif Jones - the only thing I would suggest there really is there are programs out there which is used by the FAA about municipality accounting like that they are industry standard programs they are very adaptable to every situation they will adapt to orientation to angle to anything you want and I would

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encourage the Township to use the program something like that which if you look it up if it's industry standard across the country it's just it gives a repeatable accurate and mathematically accurate reflection of what's actually going on it will take into account type of panel it will take into account how it's inclined where it is everything like that with residences are so true 3D model there and we very much encourage you something like that it's something it's defensible for developer and the Township so in New York Town not a Township

19. Supervisor Higgins - So I guess one struggle I have is putting in a brand name like that do you have like some generic language that we're trying to find some generic language.
20. Grif Jones - I simply picked that one up because that's the one I've seen every report I've seen I could certainly provide hybrid we could find some generic language certainly yes but the comment is more about using an industry standard package it makes no difference but something is reliable repeatable and it defends the developer and also defends the Town and I think that's important.
21. Hyde Clark – to your point Supervisor but in the event that that company didn't exist then you want to happen right make sure we get industry standard is used across the industry it's accepted by the FAA expected here some of the people whose most important they're happy with it. Yeah that's what that but also provide some generic language for that.
22. OK thank you so appreciate fact that that role taking this into consideration and reports & responses and I guess the final question is gas it been sent to the county yet or hasn't been sent yet but it hasn't come back?
23. Supervisor Higgins - It has been sent to the County but if we have changes will probably have to send it back again so depending on how it goes, the County Planning Board meeting isn't till later this month, whenever it is so it might be another month we will do this quick as we can. Well thank you for your time thank you guys any other comments any more questions from the board here all right we will close the public hearing and open our regular meeting.

Salute to the Flag opened the meeting at 7:15

#89-MOTION TO ACCEPT MINUTES FROM THE APRIL 12, 2022 REGULAR BOARD MEETING

Motion by Councilman Cooper to accept the minutes from the April 12, 2022 Regular Board Meeting as written. 2nd by Councilman Maguire. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-absent. CARRIED:

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CORRESPONDENCE

1. Towns & Topics magazine
2. Sarah Matasich/Joette Morgan complaints 1555 Four Mile Road
3. Young/Sommer – Solar Law Revision suggestions – 4/19/2022
4. Grant opportunities - Senator George Borrello

NEW BUSINESS

1. Four Mile traffic complaints – discussion
*Sarah Matasich spoke about the traffic & speed of trucks, tankers & machinery on the Four Mile Road as well as her concerns for her children & other children on the road. She asked what the Town could do to assist in this matter. Highway Superintendent Moshier stated he had spoken to the oil company & reminded them of the speed limit on the road. The Sheriffs Dept. has stated that they will do patrols on the road. Supervisor Higgins stated her will contact the Village & ask them to patrol the Road as well.
*
2. Building & Zoning fees – tabled until next meeting
3. Review Part 1 & Complete Part 2 & 3 FEAF (Full Environmental Assessment Form) -tabled
4. Approve Summer meeting schedule

#90-MOTION TO APPROVE THE SUMMER MEETING SCHEDULE FOR 2022

Motion by Supervisor Higgins to approve the summer meeting schedule for 2022 as the 2nd Tuesday of the month in May, June, July & August, resuming to the regular schedule in September. 2nd by Councilman Nazemetz. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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5. Appoint Laurie Dumas as Deputy Clerk replacing Carole Sandburg

#91-MOTION TO APPOINT DEPUTY TOWN CLERK

Motion by Supervisor Higgins to appoint Laurie Dumas as part-time Deputy Town Clerk to replace Carole Sandburg effective 4/19/2022 at a rate of \$15.00 hr., with a probationary period of 6 mos. 2nd by Councilwoman Martin. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

6. Appoint Spencer Pinney to the Planning Board

#92-MOTION TO APPOINT PLANNING BOARD MEMBER

Motion by Councilwoman Martin to appoint Planning Board member Spencer Pinney to replace Joe Chamberlain for the remainder of the 5-yr. term (4/26/22-12/31/25). 2nd by Councilman Cooper. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

OLD BUSINESS

1. Purchase drinking fountain for the River Valley trail

#93-MOTION TO PURCHASE A DRINKING FOUNTAIN

Motion by Councilman Maguire to purchase a drinking fountain with a dog watering station for the River Valley Trail at a cost of \$2,715.46 pending review by John Moshier. 2nd by Supervisor Higgins. Higgins-aye, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

OTHER BUSINESS

1. Community Bulletin Board will be ordered & installed

COMMITTEE REPORT

1. Union Negotiation – Mike & Kathy
 - David Koebelin will assist with negotiations
2. Personnel – Alex & Craig
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3. Highway – Mike & Andy
 - John Moshier stated the highway trucks ordered in 2020 have been pushed back again

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4. Recreation – Alex & Andy
 - Supervisor Higgins is working on the 4th & Maple Lease Agreement

5. Building/Grounds & Safety – Kathy & Mike
 - List reviewed to finish Town Hall Renovation

6. Water/Sewer – Kathy & Craig
 - Supervisor Higgins is waiting on an update from CPL for Allegany Crossings / Sewer Line Extension

7. Technology – Craig & Andy
 - Clerk Pinney reported that the Website is up and running
 - Councilman Maguire is meeting with Databranch

8. Parks & Cemetery – Kathy & Alex met with Stephanie & reported the following:
 - Need for equipment mats for lawn preservation
 - Need for a casket carriage
 - Discussed need for replacing Excavator
 - Discussed Gazebo for Town Hall side yard
 - Discussed water line needs for the cemetery
 - Discussed damaged fence replacement at cemetery
 - Discussed hiring a Summer worker for the 5 Mile cemetery
 - Discussed possible legal action for survey flags removed from the cemetery
 - Discussed the need for Cemetery worker job descriptions
 - Discussed the need for a Tick policy for outdoor workers

FROM THE FLOOR - none

Executive session – personnel

#94-MOTION TO ADJOURN TO EXECUTIVE SESSION FOR PERSONNEL

REASONS.

Motion by Supervisor Higgins to adjourn to executive session at 8:49 pm for personnel reasons. 2nd by Councilwoman Martin. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

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#95- MOTION TO RETURN TO REGULAR SESSION.

Motion by Councilman Maguire to return to regular session at 8:49 pm. 2nd by Councilman Nazemetz. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

#96- MOTION TO ADJOURN THE MEETING

Motion by Councilman Cooper to adjourn the entire meeting at 8:50 pm. 2nd by Councilwoman Martin. Higgins-absent, Martin- aye, Cooper-aye, Maguire-aye, Nazemetz-aye. CARRIED:

Respectfully submitted,

Deryle L. Pinney, Town Clerk
4/26/2022