**Town of Burns Norbut Solar Public Hearing**

**October 12, 2022 7pm**

**Persons Present:** Supervisor Dianne Freiner, Councilman Richard Butler, Councilman William Mammosser, Councilman Daniel Duthoy, Councilman Jeramie Hurlbut, Clerk Stephanie Miller, Highway Superintendent Glenn Odell, Attorney Dwight Kanyuck, Solar Coordinator Shawn Grasby, DCO John Owens, David Norbut, Leonardo Norbut, Caitlin Graff, Mary Hejna, Attorney Jessica, Carrie Granger, Michelle Swain, Leath DeRitter, Carol, Zimberlin, Joe Faragiano, Heather Cronotti, Jim Neary, Joe Miller, Terry Gordon

**Call to Order: 6:56pm**

**Pledge to the Flag**

Attorney Dwight Kanyuck began the hearing with a statement explaining the Town’s role in the project. He stated the Town is more like a planning board-it enforces the law that is in place. Any comments are being recorded as part of the permanent record.

Joe Faragiano: Does the project automatically happen, or can it be shut down?

Dwight Kanyuck: There is a vote as to whether the project complies with the local law.

Joe Faragiano: Concerned with the panels having to be cleaned with toxic chemicals every 6 months, and that they can leak chemicals into the ground where his well is located. The project can take up to 2 years to construct and will interrupt their lives.

David Norbut: There are no batteries in the panels to leak, and they do not need to be cleaned very frequently like in other locations such as the desert.

Heather Cronotti: Will there be lead testing done?

David Norbut: We use galvanized screws so there is no need to test. They will be screwed into the ground rather than pounded in. The decibel levels will be minimal.

Heather Cronotti: When does this get decided?

Supervisor Freiner: We are voting on it tonight.

Leath DeRitter: How many more projects are allowed to come into the area?

Supervisor Freiner: It goes by now much NYSEG can handle.

Shawn Grasby: Unless there are upgrades done, no more can come in.

Leath DeRitter: Does it have to be so close to homes?

Dwight Kanyuck: It is within the parameters of the law.

Joe Faragiano: Concerned about seeing the panels, trees won’t cover them.

David Norbut: We have come up with creative solutions in the past.

Joe Faragiano: The Town is more concerned with the law then the people.

Heather Cronotti: The law is supposed to protect us.

Supervisor Freiner: It has to do with environmental issues, that is what the board focuses on.

John Owens: Are the projects related to the mandate Cuomo put in place?

Dwight Kanyuck: There is a goal in NY for 70% of energy to be solar by 2023.

Councilman Mammosser: If everything went as you hope, when would construction start?

David Norbut: 2024.

Jim Neary: When will the vote to approve it take place?

Dwight Kanyuck: You can vote on SEQR and the Resolution at the same time, now, or table the Resolution.

Shawn Grasby: There are 2 permits, as there is no zoning in the Town. 1.) The Solar Permit that has 30 conditions Norbut has to meet. 2.) After the first permit is satisfied they come to the Town for a building permit.

Joe Miller: You are voting based on whether they meet the law, not on feelings, correct?

Councilman Mammosser: Yes, most of this Board is new. We are trying to figure this out. We are doing the best we can.

Councilman Hurlbut: We didn’t adopt this law, but we have to uphold it. This Board decided to take on this project to protect the townspeople. The EDF project is a 94c and the state controls it. Norbut has provided more information to the board than EDF has.

Councilman Mammosser: What happens if there is a violation?

Shawn Grasby: Construction will stop, and the DEC will be notified with the Notice of Intent.

**Vote on SERQ Part 3 and the Resolution to issue Solar Permit**

**Motion: Councilman Butler Second: Councilman Mammosser**

**Nay: Coouncilman Duthoy Nay: Councilman Hurlbut**

**Supervisor Freiner: Aye Carried**

**Town of Burns Public Hearing on Proposed Local Law No. 4 for the Administration and Enforcement Of The NYS Uniform Code & Energy Code and the SEQRA review**

**October 12, 2022**

Dwight Kanyuck: In 2021 NYS updated Code Enforcement regulations for towns to comply with new energy code matters. The revisions are to comply with these regulations and has to be done before the end of the year.

Councilman Butler: This states an architect, does that mean for home repairs one must be hired?

Shawn Grasby: There are residential exemptions.

John Owens: Do remote inspections include drones?

Shawn Grasby: Discretion of the CEO, probably not.

Councilman Mammosser: Need more time to read through the Law before it can be voted on.

Supervisor Freiner tabled the Law until the November meeting.

**Town of Burns Regular Meeting**

**October 12, 2022**

**EDF Bull and Moraine Roads Presentation to approve waiver**

Attorney Jessica gave the Board an update on the application. The application was completed in September, the draft should be completed by November, with a Public Hearing following in January. The waivers they are seeking are for foliage inside the fence to exceed 24 inches, and portions of Moraine and Bull Rd screening plan. ORES reviews, after 30 days it will either go before a judge or a permit will be issued from the State.

Dwight Kanyuck and TYLIN will be reviewing any issues if the law is not followed.

Drazen showed the Board slides of the proposed buffer seed mix and lay out of trees to be planted. Councilman Hurlbut showed concern over an invasive weed in the location called Mare’s Tail that if left over the 24 inch height may impact to area negatively. Attorney Jessica assured the Board there is an invasive species control plan that EDF must meet in order to stay in compliance.

The board was concerned over the Bull Rd having to be plowed, as that would change it’s use from a Seasonal Road to a Regular Road. EDF assured they would help with the cost of road maintenance.

**Waiver #1 of the year-round screening requirements contained in Section 9(iii) Approval Requirements of the Town of Burns’ Local Law for Solar Energy System Facility Regulation (Local Law 3 of 2022) to allow for the planting of Planting Module 4, the Seasonal Road Pollinator Buffer described as identified in ‘Planting Module 4: Seasonal Road Pollinator Buffer’ as presented on October 12, 2022 to the Town Board and as reflected in Appendix 08-B, Attachment 1 – Landscape Mitigation Planting Plan – Revision 1 of MSEC’s 94-c Application, which is attached as Exhibit B, as alternative screening with respect to the following locations where existing vegetative screening is not currently provided:**

1. **Bull Road**
2. **Moraine Road**

**Motion: Councilman Hurlbut Second: Councilman Mammosser**

**Aye: Councilman Butler Aye: Councilman Duthoy Carried**

**Waiver #2 Waiver of the requirement to maintain vegetation below 24 inches in height inside the solar field contained in Section 11(iii) Conditions to Approval of Town of Burns’ Local Law for Solar Energy System Facility Regulation (Local Law 3 of 2022)**

**Motion: Councilman Duthoy-Nay Second: Councilman Hurlbut-Nay**

**Aye: Councilman Butler Nay: Councilman Mammosser**

**Remediation: Find a solution to keep it under 24 inches in height.**

**Resolution to approve snow removal between Allegany County and Town of Burns**

**Motion: Councilman Mammosser Second: Councilman Duthoy**

**Aye: Councilman Butler Aye: Councilman Hurlbut Carried**

**Resolution to apply for JCAP Justice Grant, to be used for security cameras, furniture, parking signs, blacktop judges parking, and electric sign**

**Motion: Councilman Mammosser Second: Councilman Butler**

**Aye: Councilman Hurlbut Aye: Councilman Duthoy Carried**

**Adoption of minutes of September 14th Meeting**

**Motion: Councilman Hurlbut Second: Councilman Duthoy**

**Aye: Councilman Butler Aye: Councilman Mammosser Carried**

**Vote to approve purchase of a commercial Konica Minolta, Model C227 with maintenance agreement at the price of $2,300**

**Motion: Councilman Duthoy Second: Councilman Hurlbut**

**Aye: Councilman Mammosser Aye: Councilman Butler**

**Audit Bills:**

**Abstract Vouchers Amount**

|  |  |  |
| --- | --- | --- |
| **General Fund** | **117-130** | **$7,794.01** |
| **Highway Fund** | **117-126** | **$4,947.17** |
| **Intervenor Fund** | **2** | **$1,277.50** |
| **Norbut Escrow Fund** | **6** | **$4,825.65** |
| **Fire Fund** | **30** | **$2,300.00** |

**Motion: Councilman Butler Second: Councilman Hurlbut**

**Aye: Councilman Duthoy Aye: Councilman Mammosser Carried**

**Highway Report:** The snow plow contract with the Village has been finalized. Big Hollow is graded, and the fuel tanks got new locks, due to the old ones being forced open and fuel stolen. The Mack went to REL, $35,000 to fix it. Canadea is selling a truck for $40,000 he is going to look at. The Mack could be sold at Auction at a later date.

**Dog Control:** If the Village puts an ordinance in place and wants him to enforce it, they will have to pay him and additional salary. On North St Dobsons had 3 dogs threaten them. 3 witnesses on that street also reported someone walking their dog was attacked by 2 other dogs. None of these were captured, when he arrived the dogs were gone.

**Supervisor Report:** Still waiting on last payment from the Insurance company from the fire, if no contact this month the lawyer will become involved.

**Accounts Receipts Disbursements**

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| --- | --- | --- |
| **General Fund Townwide** | **$3,580.11** | **$18,710.82** |
| **General Fund Outside Village** | **$5,874.26** | **$1,412.18** |
| **Highway Fund Townwide** | **$20.67** | **$59,860.36** |
| **Highway Fund Outside Village** | **$10,508.40** | **$74,795.36** |
| **Norbut Escrow** |  | **$16,618.37** |

**Clerk Report:** 1 Building Permit, 11 Hunting Licenses, and 3 dog Licenses were issued. Total to Supervisor was $307.49.

**Communications:** Attorney, Fire Adjusters, Zoom Meeting for Main St Grant, NYS Association of Towns Zoom meeting.

**Old Business:** Canaseraga Cemetery Association Meeting-November 14th, 2022

**Executive Session Begins: 9:29pm**

**Executive Session Ends: 9:58pm**

**Adjournment:** **9:58pm**

**Motion: Councilman Duthoy Second: Councilman Mammosser**

**Aye: Councilman Butler Aye: Councilman Hurlbut**