

**Town of Burns
Special Meeting
May 24, 2022**

Persons Present: Supervisor Dianne Freiner, Councilman William Mammosser, Councilman Jeramie Hurlbut, Councilman Richard Butler, Attorney Dwight Kanyuck, Clerk Stephanie Miller, George Wampole, James Neary, Staci Derrenbacher, Colt Ellerstein, Jared Maker, Tom Hoffman

Absent: Councilman Daniel Duthoy

Call to Order: 7:08PM

Pledge to the Flag

Review SEQRA: Attorney Dwight Kanyuck explained the process to review SEQRA. The Town is lead agency for SEQRA, it acts like a planning board.

Resolution Issuing a Negative Declaration and Enacting Local Law 3, 2022 to Repeal & Replace the Local Law Providing For Solar Energy System Facility Regulations:

-PG 5: Include list of chemicals and frequency used for cleaning panels.

-PG 6: Panel height changed from 12ft to 15ft as panels are 15ft when at full tilt.

-PG 7: Changing the screening language, to provide appropriate level of year round screening. Changed wording from tall grass to trees and shrubs.

-PG 7: 75ft changed to OREZ regulation of 100ft from edge of right away-different on Rt 70 from other town roads.

-PG 8: Vehicular paths changed to comply with NYS Standards for Erosion and Sediment Control and the Solar Energy System Stormwater Pollution Prevention Plan, and the Fire Code.

-PG 9: Reference to impervious materials changed, shall be treated as hazardous materials.

-PG 9: Snow removal combined to one location.

-PG 14: If facility does not pull electric in a year it is considered abandoned. Town Board has the option to extend the decommission period from 150 days up to 6 months. Staci Derrenbacher asked how the town would know if there was no output at the facility. Board wants quarterly reports on facilities output so as to determine if it is ever abandoned. Reports will be submitted to the Town Clerk.

Revising the proposed law:

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

Aye: Councilman Hurlbut **Absent:** Councilman Duthoy

Carried

Motion made by Councilman Mammosser that pursuant to the state environmental quality review act, a negative declaration shall be made and dully filed and an environmental impact statement need not be prepared.

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

Aye: Councilman Butler **Absent:** Councilman Duthoy

Carried

Meeting date with Insurance set for June 1st at 7PM

Meeting date with Norbut Solar set for June 8th at 6PM

Monthly meeting date changed from the 2nd Thursday of the month to the 2nd Wednesday of the month

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

Aye: Councilman Butler **Absent:** Councilman Duthoy

Carried

Attorney Dwight Kanyuck wanted to make the board aware of a possible conflict of interest, as he has worked with Norbut Solar before. The board waived this conflict.

A Resolution to authorize the town to set up an Escrow agreement written by the town attorney for Norbut Solar

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

Aye: Councilman Hurlbut **Absent:** Councilman Duthoy

Carried

Public Comment:

DEC will come inspect waterways. James Neary is concerned about conversion ditches installed previously that drain onto his property on County Rte 13. Councilman Hurlbut suggested contacting Soil and Water. James also stated that he called the 800 number provided by Supervisor Freiner at the previous meeting and was told he could not hunt within 100ft of the solar panels. Dwight stated PG 5 of the law covers this instance. James thanked the board for taking the citizen's input.

Colt Ellerstein Wants to be involved, wants to know when all the meetings are.

Jared Maker stated he works for NYSEG and he is concerned about the lines having too much of a load from the solar power, as they are already over 100% capacity.

Adjournment: 9:30PM

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

Aye: Councilman Mammosser **Absent:** Councilman Duthoy

Carried