

## Machias Town Board Meeting Minutes

### December 19, 2022

The meeting was called to order at 7pm. The pledge of allegiance was said by all in attendance. Attending were Supervisor Stephen Cornwall; Councilmen Robert Shenk, Frank Bork, Tom Reese, and Robert Green; Code Enforcement Officer Bernie Horschel; and Town Clerk Rebecca Grimmelt. Also in attendance were Town Attorney, Joel Kurtzhals; Youth Board members Karen Insley, Jenna Hehl, and Katie Cornwall; Derek Rule from MDA; Brenda Hanson; Peter Sorgi; Henry Zomerfeld; Josh and Jen Dusterhus; Jim Insley; Mark Foster; Nick Glasner; Dominic LeBel; and LuAnn and Rafael Tudela.

Frank Bork made a motion to accept the minutes of the December 5, 2022, meeting. Robert Shenk seconded. All were in favor and the motion carried.

Josh Dusterhus asked to address the Board. He asked that the Board give a positive declaration on the Environmental Assessment Form which would then require an Environmental Impact Study. He wanted to put a halt on all solar projects until the Town's Solar Law could be updated. His main areas of concern which had been addressed in a letter from his attorney to the Board were that the study on the aquifer was flawed because it was done during a period of drought; that the EAF says that there will be no development on slopes greater than 15%, but that the Cattaraugus County GIS map showed slopes between 26 and 41%; and the third reason was that the Town should require a relative sound study.

Derek Rule went over the Environmental Assessment Form Pt. 2 for the combined Felton Hill solar project line by line. For question 1-b, "construction on slopes of 15% or greater," Derek said that the Cattaraugus County GIS map is labeled incorrectly. It is a topographic map. There are no slopes greater than 15 % in the development area. Question 3-I "may affect water quality of any water bodies within or downstream of site," regarding the Sole Source Aquifer and possible contamination from toxic run-off, Derek said that after further research, he found EPA studies showing that the leachate from the solar panels does not reach toxic levels. The panels are installed using steel piles which create no significant problems. The US Department of Energy has installed a large solar farm on the same aquifer. Derek recommended changing 3-I to no or small impact. Bob Green asked about the Town being held liable in the future if the aquifer becomes contaminated from the solar farms. The Town Attorney, Joel Kurtzhals, said that it would be a very remote chance.

Derek continued with question 4-h “may result in toxic leachate into groundwater,” and said that after further investigation this answer should be changed and the overall impact should be changed to “No.” Question 8-a “may impact soil classified within soil group 1 through 4,” should be changed to “no” because those soil classes are not within the project area. Question 16-l “may result in the release of contaminated leachate,” should be changed to “no” because of the new research.

Steve Cornwall made a motion to issue a negative declaration on the SEQR Part 2. Tom Reese seconded the motion. Jen Dusterhus asked the Board to please consider the magnitude and significance of the issues that her attorney had discussed in his letter to the Board and asked that they please issue a positive declaration to require an Environmental Impact Study.

Brenda Hanson asked for confirmation that there would be no pesticide or herbicide used to manage vegetation on the project site. The developers have stated that there will be no use of chemicals. She also wanted to know about the removal of trees. Derek said that the only trees that will be removed are pine trees from the old tree farm; no forested land will be touched. She also asked about a home value guarantee for homes near the solar farms. The supervisor said he did not see how they could do that. Josh Dusterhus said that Olean offers a home value guarantee and to not issue any permits.

Mark Foster wanted to clarify that what the supervisor was reading in the EAF as “no” really is “no or small impact” may occur.

Resolution 55, “Resolution relating to the State Environmental Quality Review process” was read by the Supervisor. Steve Cornwall made a motion to approve the resolution; Tom Reese seconded. All were in favor and the resolution was approved.

Resolution 56, “Resolution for declaration of SEQR Part 2 Felton Hill” was read by the Supervisor. Tom Reese made a motion to approve the resolution for a negative declaration; Robert Shenk seconded. Cornwall, Shenk, Bork, and Reese were in favor; Robert Green was not in favor. The resolution was approved.

Resolution 57, “Resolution to authorize the purchase of a 2019 BOMAG Roller” was read by the Supervisor. Frank Bork made a motion to approve the resolution; Robert Shenk seconded. All were in favor and the resolution was approved.

Resolution 58, “Audit of Claims for December 2022” was read by the supervisor. Steve Cornwall made a motion to approve the resolution; Robert Shenk seconded. All were in favor and the resolution was approved.

Local Law 1-2023, “Six-Month Moratorium on approval of Solar Farms in the Town of Machias” was read by the supervisor. Robert Shenk made a motion to have a public

hearing on the proposed law on January 17, 2023, at 6:45 pm. Frank Bork seconded the motion. It passed unanimously.

Bernie Horschel, the Code Enforcement Officer, announced that he will have to resign due to health problems. The Board asked that the clerk run an advertisement for a new CEO. He will continue to act as CEO until a replacement can be found. Bernie also asked about serving a notice of non-compliance to a property owner that lives in Cuba, NY. Steve Cornwall said that the Town Constable, Tim Chase, would be able to do that. Bernie will prepare the notice.

The annual Reorganizational Meeting for the Town will be held at 7 pm on Monday, January 2, 2023.

Karen Insley presented her report for the Youth Commission. They made over \$6,000 at this year's Cash Raffle. They sold 419 of the 500 tickets available. She asked about a commitment for the new playground and the supervisor said we will make it happen. They are waiting to see what grants Helping Hands, Inc. may be able to apply for on behalf of the Town.

Tom Reese made a motion to adjourn the meeting. Frank Bork seconded, and all were in favor. The meeting was adjourned at 7:59 pm.

Respectfully submitted,

Rebecca Grimmelt, Town Clerk

### *December 2022 Vouchers*

GENERAL	\$ 43,670.46
YOUTH	\$ 577.43
HIGHWAY	\$ 136,894.26
STREET LIGHTING	\$ 1,596.91
WATER	\$ 19,292.21
LIME LAKE SEWER DISTRICT	\$ 3,662.07
LIME LAKE SEWER DISTRICT CAPITAL	\$ 0.00