

The seventh regular meeting of the Andover Town Board for 2021 was held on July 13, 2021.

Present:

Gus Weber, Supervisor
Matthew Zengerle, Councilman
Heather Simon, Councilwoman
Tasha Rossrucker, Clerk
Chris Sespico, Solar Project
Ty Vasilli, Solar Project
Andrew, Solar Project

Absent:

Joe Kent, Councilman/Deputy Supervisor
Wayne Grant, Councilman
Jim Frungillo, Highway Superintendent

Call Meeting to Order: Meeting called to order by Supervisor Gus Weber at 6:04p.m.

Pledge of Allegiance: Led by Chris Sespico.

Regular Meeting Minutes: The regular meeting minutes from the June 2021 meeting were distributed and discussed by the board. Motion made by Matt Zengerle and seconded by Heather Simon to approve minutes. **3 Members approving, 0 Disapproving, 2 absent Carried**

Reports

Dog Control Officer: Dog control officer report was read aloud by Supervisor Gus Weber for April and May. A motion was made by Heather Simon and seconded by Matt Zengerle for May's report and a motion was made by Wayne Grant and seconded by Heather Simon for April's report. . **3 Members approving, 0 Disapproving, 2 absent Carried**

Highway Report: Highway Superintendent Jim Frungillo was absent so I, Tasha read the report. . The guys have been grading roads and mowing shoulders. They have finished patching holes and they have also ground Swain Hill Rd and part of Jones Rd and across the top of Pingrey Hill. The guys are waiting to oil and stone Swain Hill. They have a lot of prep work to do on Jones Road before it gets oil and stoned. The plan is to do Jones Road next year. They have been out fixing was out from the rain storm. Also, they have been replacing culvert pipes. Motion was made to accept Highway Superintendent report by Matt Zengerle and seconded by Heather Simon. **3 Members approving, 0 Disapproving, 2 absent Carried**

Town Clerk's Report: The June 2021 Clerk's report was read aloud. The town collected \$68.50 total. \$67.50 local shares and \$1.00 to Ag and Markets and \$0.00 to NYS Dept. of Health. Motion was made to accept Clerk's report by Heather Simon and seconded by Matt

Zengerle. **3 Members approving, 0 Disapproving, 2 absent Carried**

Code Enforcement Report: no report was submitted.

Town Justice Report: The Town Justice report was reviewed and read aloud by Supervisor Gus Weber. A motion was made to accept the Town Justice report by Heather Simon and seconded by Matt Zengerle. **3 Members approving, 0 Disapproving, 2 absent Carried**

Andover Police Department Report: Officer Rumfelt's report was read aloud by Supervisor Gus Weber for June. A motion was made by Matt Zengerle and Heather Simon for April and a motion was made by Wayne Grant and seconded by Heather Simon for May. **3 Members approving, 0 Disapproving, 2 absent Carried**

Financial Report: The monthly report was received from the Bookkeeper and reviewed by the Board members. A motion was made to accept the financial report by Heather Simon and seconded by Matt Zengerle. **3 Members approving, 0 Disapproving, 2 absent Carried**

Assessor's Report: no report was submitted.

Bills:

General A Vouchers	129-149	\$4,049.67
Highway DA Vouchers	66-71	\$30,117.98
Highway DB Vouchers	38-51	\$42,797.53

Motion made by Matt Zengerle and seconded by Heather Simon to pay the bills as submitted. **3 Members approving, 0 Disapproving, 2 absent Carried**

Unfinished Business:

AHAPC Grant: Supervisor Gus Weber passed around the monthly report for the grant. A motion was made to accept the monthly AHPC Grant #37HR368-19 by Heather Simon and seconded by Matt Zengerle. **3 Members approving, 0 Disapproving, 2 absent Carried**

New Business:

McCormick's Solar Project: A: SEQR Declaration B: NYSERDA Land Use Act
C: Decommissioning Agreement

A resolution was passed for the SEQR for the McCormick's Solar Project. A motion was made to accept the SEQR Resolution by Heather Simon and seconded by Matt Zengerle. **3 Members approving, 0 Disapproving, 2 absent Carried**

Town of Andover Town Board meeting minutes July 13, 2021
Resolution #2021-8

Heather Simon made the following motion that the proposed action described below will not have any significant adverse environmental impacts, that a negative Declaration of Environmental Significance be issued, and that a Draft Environmental Impact Statement need not be prepared, seconded by Matt Zengerle:

WHEREAS, Clean Choice Energy, LLC (the “Applicant”) has submitted a SEQR environmental assessment form and site plan for environmental review by the Town Board of the Town of Andover (“Town Board”) of a planned ground mounted photo-voltaic array (the “Project”) on approximately 23 acres of a larger approximately 143 acres of private agricultural land off of State Route 417 in the Town and Village of Andover. The Project will interconnect to an existing 34.5kv powerline and will be capable of delivering 5 MW of AC power into the electrical power grid. The Project is proposed at the property located at 1302 Chestnut Street, Tax Parcels #216.-1-47 and #216.18-1-1 (the “Premises”); and

WHEREAS, the Town and Village of Andover do not have any zoning regulations, solar regulations, or site plan regulations and thereby the only other permits or approvals required are a building permit and floodplain development permit; and

WHEREAS, having considered carefully all relevant documentary, testimonial and other evidence submitted, the Town Board makes the following findings:

1. Upon review of the application, the Town Board determined that the application is subject to the State Environmental Quality Review Act (New York State Environmental Conservation Law, Article 8) and its implementing regulations (6 NYCRR Part 617, the “SEQRA Regulations”) (collectively, “SEQRA”).
2. At a Town Board meeting on Tuesday May 11, 2021, the Town Board declared itself lead agency for purposes of SEQR and sent copies of that notice of intent to be lead agency to all involved agencies, including: the Village of Andover Village Board, NYSDOT, NYSDEC, NYS Office of Parks, Recreation and Historic Preservation.
3. The Town Board, acting as Lead Agency, found that the application constitutes an Type 1 action under SEQRA.
4. The Town Board has considered the Project at a public meeting (the “Meeting”) in the Andover Town Hall, 22 Greenwood Street, at which time all interested parties were afforded an opportunity to be heard.
5. Documentary, public comments, and other evidence were presented at the Meeting relative to the Project for the Town Board’s consideration.
6. During the course of the Project’s SEQRA review, the Town Board, Town staff, the public and the applicant’s representatives engaged in an active and comprehensive evaluation of the Applicant’s submissions. As stated by the NYSDEC SEQR Handbook, “the lead agency may make a request for any additional information reasonably necessary to make its determination.” Questions were asked, clarifications and revisions were requested, and responses were provided.

7. The Town Board has carefully considered an Environmental Assessment Form ("EAF") and supplementary information prepared by the Applicant and the Applicant's representatives, including but not limited to site plans, Visual Assessment Report, Critical Issues Analysis, On Site Assessment, SEQRA Assessment, Decommissioning Plan and Bond, supplemental maps, drawings, descriptions, analyses, reports, and reviews (collectively, the "Environmental Analysis").
8. The Environmental Analysis examined all the relevant issues associated with the Project.
9. The Town Board has completed Parts 2 and 3 of the EAF, and has carefully considered the information contained therein and in all the supporting documents.
10. The Town Board has met the procedural and substantive requirements of SEQRA.
11. The Town Board has carefully considered all information submitted, including comments and documentation from the Applicant and its representatives, nearby property owners, involved or interested agencies (including but not limited to Allegany County Department of Planning and Development, NYS Department of Environmental Conservation), and the Town's own staff and consultants, and has taken the required hard look at the Project and the relevant environmental impacts, facts, and conclusions disclosed in the Environmental Impact Assessment Form and in the relevant documents provided by the Applicant.
12. The Town Board, with input from the Town Code Enforcement Officer, has assessed each of the potential SEQRA-related impacts, identified its magnitude and determined the potential impacts importance.
13. The Town Board has made a careful, independent review of the Project with all interested agencies recommendations considered and the Town Board's determination is consistent with requirements for SEQRA and supported by substantial evidence, as set forth in the completed Part 2 of the EAF, which is incorporated by reference herein.
14. The Town Board has reviewed the criteria for determining significance contained in 6 NYCRR Part 617. This evaluation, which is based in the same information supporting its conclusions regarding Part 2 of the EAF, confirms that a Negative Declaration of Significance should be issued for the Project.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to SEQRA, based on the above-mentioned information, documentation, testimony, and findings, and after examining the relevant issues, the Town Board's own initial concerns, and all relevant issues raised and recommendations offered by involved and interested agencies and the Town's own staff, the Town Board, acting as Lead Agency determines that the Project will not have a significant adverse impact on the environment. As a result, a Negative Declaration will be filed and distributed pursuant to SEQRA regulations, and a Draft Environmental Impact Statement need not be prepared.

SEQRA DETERMINATION VOTE:

Board Member #1	<u>Heather Simon, aye</u>
Board Member #2	<u>Matt Zengerle, aye</u>
Board Member #3	<u>Gus Weber, aye</u>
Board Member #4	<u>Wayne Grant, absent</u>
Board Member #5	<u>Joe Kent, absent</u>

MOTION CARRIED

Animal Waste County Rte 30: Town of Andover wrote a letter to the county about concerns with animal waste on County Rte 30. See attachments.

Fishing Derby: 30th Annual Fishing Derby will be held Saturday, August 21, 2021 at the Andover Ponds. Fliers were put up in the Post Office, Community Bank, Steve's Gas N Grub and the board outside the Town's door and also on the Town's website.

Motion made by Heather Simon and seconded by Matt Zengerle to adjourn the meeting for the evening. Meeting adjourned at 7:10 p.m. **3 Members approving, 0 Disapproving, 2 absent Carried**

Respectfully submitted,

Tasha Rossrucker
Clerk