

June 18, 2018

A public hearing was held by the Town Board of the Town of Greenville on Monday, June 18, 2018 at 6:30 pm in Pioneer Town Hall, to consider a Hardship Waiver application received regarding the Town of Greenville's Proposed Moratorium on "Solar Farms" on behalf of Freehold Solar, LLC and Catherine Lynch. The Applicants, above, have requested the Board grant a waiver of the Moratorium Law, including a determination that the Moratorium Law and any subsequent changes to the Solar Code will not be applicable to Freehold Solar.

Present: Supervisor Paul Macko
Councilman Richard Bear
Councilman John Bensen
Councilman Greg Davis
Councilman Travis Richards

Recording Secretary: Clerk-Collector Jackie Park

Attorney: Tal Rappleyea

Department Heads Present: Maintenance and Water Superintendent P. Leroy Bear
Zoning and Code Enforcement Officer Mark Overbaugh
Dog Control Officer Melissa Rosa
Planning Board Chair and Historian Don Teator
Alternate Planning Board and Beautification Committee member
William Bardel
Highway Superintendent Terry Williams
Grant Administrator Nicole Ambrosio

Other: Travis Smigel, of Delaware Engineering
and approximately 25 guests

Supervisor Macko opened the meeting with the Pledge of Allegiance. Appropriate notice of this hearing was published in both official newspapers, the Catskill Daily Mail, on Saturday, June 2, 2018, the Greenville Pioneer on June 8, 2018, and posted on the official signboard at Town Hall as required.

Mr. Davis moved, seconded by Mr. Bensen, to open this public hearing at 6:33 pm.

Carried 5 ayes

Mr. Macko reviewed the purpose of this hearing as well as the rules of order for tonight's public hearing. He explained that a Hardship Waiver application had been filed after the Town placed a moratorium on solar energy systems.

The following interested persons desired to be heard:

Mr. John Reagan, of Cypress Creek Renewables (CCR), spoke of the background of their particular solar project: stated it has undergone extensive review in 10 public meetings over 18 months. He feels it is consistent with existing land use regulations, and has undergone review by multiple state offices, as well as Greene County and the local fire departments. Revisions to the design were made in response to community feedback. He stated this was a plan for generating clean and renewable energy.

Mr. Doug Warden, Attorney for Freehold Solar, spoke of the hardship waiver application's applicability to their situation. Reported 2 1/2 years of work has gone into this project. A negative declaration was obtained, and \$520,000 has been invested in this project thus far. A PILOT had been developed with the Town and School District. Stated this was ready for approval when the Town requested a cumulative impact statement. That was completed but not reviewed due to extraordinary

circumstances. In April, the moratorium was enacted. Stated, "If this doesn't qualify as unnecessary hardship, nothing does."

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Mr. Philip Restaino urged the Board to deny this waiver. He feels that loss of a half-million dollar investment to a three billion dollar company is not a hardship, and that the hardship of a corporation should not be valued more than that of a community. He also feels that loss of revenue from the proposed PILOT will be a hardship for neither the school nor town, as it is a very small percentage of the budgets in each. Stated it is uncertain just how much would actually be saved monetarily for community members who subscribe to the solar. CCR's statement that up to 10% could be saved is not definitive; "up to 10% could be zero". Feels that Greenville can tap into Westerlo's production of energy without scarring our community, and that money made by CCR would be going to California, not staying here in Greenville, NY.

Ms. Christine Mickelsen states she must advocate the waiver not be granted. She thanked Mr. Reagan for his professionalism and hoped he would not take her words personally. She urged all present to recognize that proposed changes for the solar zoning should be based on recognized guidelines, and hoped to allow the process of revision to occur. Stated, "The benefits of a better law out way 6 months of credit on an elective bill. This could turn from a benefit to a burden for the town, without additional safeguards." She feels the town does not owe CCR a waiver for doing its business, and believes they can wait it out.

Mrs. Sherry Baron stated she has discussed the issue with neighbors on State Route 32. She wonders why money would be spent on development if it was uncertain where it would go? Attorney Rappleyea stated, "Today, we needed to focus on what is in the law." Mrs. Baron began to ask another question of CCR, to which a comment of "a hearing is not a Q & A" was made from the back of the room. Mrs. Baron then replied that as a concerned citizen, a waiver is just not acceptable, and that we needed more time to see what's going on around us. She relayed concern with the environmental impact, and was unsure if bald eagle sightings or their potential nesting sites have been addressed. Also that locals need to look at what the PILOT program actually does for the community.

Mr. Philippe Content stated he was "All for solar; I have 25 KW on my own property." He said he feels that rules which are set up, are for the benefit of the town, and urged all to examine the environment. If not, he feared, upon construction, "the top of the hill work will end up in the Basic Creek, at the bottom of the hill."

Ms. Barbara Valicenti stated she was not opposed to solar, but just wanted it done right, and feels that CCR brought the moratorium upon themselves with not one but four proposed farms. Feels it showed a disregard to the community and our quality of life. Stated the Freehold site was owned by an individual who resides in Queens, would require 20 acres of clearcutting, and was inconsistent with best practices. Stated that responsible commercial solar development should be focused on 'brown' sites, which she states CCR is not willing to do. She also feels that commercial solar development is not appropriate for a low density residential zoned area. Stated, "Only CCR and the out of town landowner will benefit. Their (CCR's) investment is the cost of doing business. The town and community boards are entirely focused on protecting the community."

Mrs. Janet Ricci agreed with Ms. Valicenti, and wondered why we had to rush into anything.

Mrs. Denise Mink is a local Realtor, and told the group that she's heard "The Hudson Valley is becoming the new Long Island." She fears her neighbors will succumb to development; her road was once a quiet road, but now deals with garbage, charter buses ~ stated the last thing she wants is a neighborhood turned into a housing project. "Solar makes a good neighbor". Noted the woman living on property behind her home has been trying to sell for years, and that she is cutting down trees to pay

her taxes. Stated some may not want solar ~ but CCR is working hard to keep it concealed. Feels there are a lot of 'not in my back yarders' but that we all must take responsibility for helping the environment.

Mr. Mike Mink spoke of life in Texas, where once there were cattle ranches, then turned to oil, then to windmills and solar panels. He noted the word 'scarring' was used, and respectfully feels that is too

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strong of a description to the effect which will be caused by commercial solar. Stated, "We can't close our eyes to progress."

Ms. Anita Zibura thanked everyone for their informative and well-rounded comments.

No other comments were received.

Mr. Bear moved to close the public hearing at 7:07 pm, seconded by Mr. Davis.
Carried 5 ayes

All information from this evening will be considered and a decision will be made at the next Town Board meeting on July 16, 2018.

Sealed bids were requested for replacement of a roof at the Barn at Town Park, as well as for the construction of a building at Town Park. Both requests were advertised in the Albany Times Union on June 2nd and in the Greenville Pioneer on June 8th.

The following sealed bids were received for the roof work at the North Barn:

S&L Roofing & Sheetmetal, Inc \$139,900.00

The following sealed bids were received for the new building at Vanderbilt Park:

R. S. Moreland Construction, Inc. \$52,401.00 without insulation
and \$64,501.00 with insulation

Code Officer Mark Overbaugh inquired if the bid prices included prevailing wage; Mr. Steve Moreland said, "yes". Attorney Rappleyea agreed it should be documented in writing on the bid.

Mr. Bensen moved, seconded by Mr. Davis, to table a decision on the above projects until the bids have been thoroughly reviewed; to be addressed at the next meeting on July 16th.

Carried 5 ayes

Mr. Davis moved to accept the Clerk's minutes of May 21 and May 30, 2018, seconded by Mr. Bear.

Carried 5 ayes

Oral and/or written reports were received from the Highway, Buildings and Grounds, Code, Clerk/Tax, Dog Control, Sewer and Water departments. Mr. Terry Williams stated the Highway personnel have been trimming and cleaning up. Supervisor Macko added that a letter from the Teamsters had been received stating their intent to start negotiations for the 1/1/2019 contract.

Mr. Bensen moved, seconded by Mr. Bear, to enlist the services of Attorney Elayne Gold of Roemer Wallens Gold and Mineaux to complete these contract negotiations.

Carried 5 ayes

Mr. Leroy Bear reported on maintenance and grounds activities. He offered thanks to the Highway Department for their help with removal of some large trees at Locust Cemetery. He noted a letter had been received thanking the department for taking such good care of the soccer fields.

A written and oral report was received from Code Enforcement Officer Mark Overbaugh. He noted the Stewarts job had been completed, and Tractor Supply was well underway.

Delaware Engineering's Travis Smigel reported on both the water and sewer extensions in progress. Discussion ensued regarding problems at the Bowden property from the last extension. Mr. Smigel said it has come to "financial decisions, who is paying for what." He said he has not directly contacted the contractors, American Evergreen. Feels the corrective measures at the property would cost \$50;

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clarifies that the homeowners are asking the Town to pay for the connection to the system. Supervisor Macko said the last project is essentially 100% complete, yet now other issues are coming up. He has received an estimate for corrective work at the Greenwood Apartments site for \$11,300, the Bowdens have attempted and paid for work 'how many times', the physical therapy site has complaints, the ambulance building has complaints... Stated, "Cob-jobs, I'll call it that". Frustration was expressed. Mr. Smigel stated that Delaware Engineering recommends the town proceed on with the next extensions. Code Officer Overbaugh reminded all in attendance that he has raised concerns meeting after meeting about the construction process and the Clerk of the Works. Noted that Delaware Engineering had an inspector here as well. Mr. Smigel stated they were not going to stick up for the contractor, and that we (Delaware) have been very responsive and have made corrective measures. It was on the Town Board to make decisions. Mrs. Nicole Ambrosio, referring to the problem at Greenwood Apartments, asked if the town could just add fill there when the sidewalks go in, to alleviate the problem? Supervisor Macko did not feel that the property owner would be willing to wait that long. Councilman Richards reviewed the history of the problems reported and attempts at correction. Mrs. Ambrosio noted the expectation was that it would work! Stated, if there is a solution, and the Contractor won't return, the responsible thing to do is to handle it. Mrs. Audrey Matott inquired if the Town was planning on using the services of American Evergreen for the next extension ~ Supervisor Macko stated he would not vote to use American Evergreen a second time. Resident Gene Bowden had presented the Board with two estimates obtained to complete his sewer connection properly. Mr. Richards noted that they already have had out of pocket expenses in attempting to connect to the system, but as our station was placed at the wrong elevation, they have been unable to proceed.

Mr. Bear moved, seconded by Mr. Bensen, to resolve this issue and authorize an expenditure of \$1,300.00 per the quote received from Mr. Bowden to complete the sewer connection.

Carried 5 ayes

Further discussion continued on the issue of prevailing wage. Specifically, the necessity of any other than an Owner-Operator doing business for a Municipality being required to show documentation that salary was paid in the correct amount per prevailing wage standards.

The water report was offered by Mr. Leroy Bear. All is working as expected. Councilman Bensen questioned past problems with controls at the sewer plant; General Control and Dell have the problems corrected. There is an alarm system with ongoing issues, but it is being worked on.

Supervisor Macko noted the annual Greene County Hazardous Material collection day has been scheduled for Saturday, June 30th.

DCO Melissa Rosa reported increased activity lately with dogs out running loose and also regarding ongoing problems with unlicensed dogs. Mr. Macko noted the annual Ag & Markets DCO inspection had been done and was satisfactory.

Supervisor Macko thanked Community Partners for donating the hanging baskets on the lampposts seen in town. He said they have been discussing the possibility of banners highlighting "Greenville: Past and Present" for the next year.

New business discussed at 7:54 pm:

Supervisor Macko noted contracts due for renewal for Christine Chale, Attorney with Rodenhausen Chale, LLP. These include contracts as Bond Counsel, and Special Local Counsel Services for the extension of Water District No. 1 as well as for the extension of Sewer District No. 1 -2018.

Mr. Bensen moved, seconded by Mr. Bear, to authorize Supervisor Macko to sign these contracts with Christine Chale; attached.

Carried 5 ayes

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Supervisor Macko discussed the need for an annual declaration of standard workday for elected and appointed officials, per the Office of the State Comptroller, as it relates to retirement reporting.

Mr. Bear moved to accept the Resolution Establishing Standard Workday, attached, seconded by Mr. Bensen. Carried 5 ayes

Supervisor Macko opened the meeting for public comments and questions at 7:56pm:

Grant administrator Nicole Ambrosio reported that the EV charging station grant has been submitted, and 4 of the 10 benchmarks have been completed.

Local youth resident Olivia M. clearly articulated a problem at the Town's New Ridge Road Park: one item on the playground is broken and missing a part which is integral to the use of this playground feature. Supervisor Macko thanked her for bringing it to the Board's attention and stated it will be evaluated promptly.

The audit of bills occurred; after audit, Mr. Bear moved, seconded by Mr. Bensen, to pay the following bills:

Bills 196 – 241 on General abstract #6 for \$88,497.40

Bills 120 – 135 on Highway abstract #6 for \$26,443.72

Bills 56 – 78 on Sewer abstract #6 for \$182,301.21

Bills 56 – 69 on Water abstract #6 for \$5,573.67

Bills 8 – 9 on Freehold Solar, LLC, escrow abstract #4 for \$1,280.00

Bills 5 – 6 on Amberjack Solar, LLC, escrow abstract #4 for \$935.00

Carried 5 ayes

After review, Mr. Davis made a motion to accept the Supervisor's report for May, seconded by Mr. Bear.

Carried 5 ayes

Supervisor Macko noted he did not want the town to wait another month to put blacktop out to bid;

Mr. Bensen moved, seconded by Mr. Bear, to put 2,750 tons of blacktop to bid, to be opened on July 16, 2018 at 7:00 pm.

Carried 5 ayes

There being no further business, Mr. Macko moved to adjourn at 8:35 pm.

Jackie Park, Town Clerk-Collector

SUPERVISOR MACKO

_____ MR. BEAR

_____ MR. BENSEN

_____ MR. DAVIS

_____ MR. RICHARDS

DRAFT