

October 15, 2018

A public hearing was held by the Town Board of the Town of Greenville on Monday, October 15, 2018 at 6:00 pm in Pioneer Town Hall, to consider recommendations made by the Solar Zoning Review Committee and to receive public comment on the same.

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

Recording Secretary: Clerk-Collector Jackie Park

Attorney: Tal Rappleyea

Department Heads: Maintenance and Water Superintendent P. Leroy Bear
Greenville Rescue Squad President Theodore Nugent, Jr.
Greenville Rescue Squad Vice President Cliff Powell III *arrived at 7:00 pm*
Zoning and Code Enforcement Officer Mark Overbaugh
Dog Control Officer Melissa Rosa *arrived at 6:30 pm*
Planning Board Chair and Historian Don Teator
Alternate Planning Board member William Bardel
Highway Superintendent Terry Williams *arrived at 7:00 pm*

Other: Solar Review Committee members, in addition to Councilman Bear and Davis, and Alternate Planning Board member William Bardel, include residents Mr. Philip Restaino and Ms. Barbara Valicenti, and Ms. Jill Falchi *arrived at 6:35 pm*
Travis Smigel (*arrived at 6:15 pm*) and Tucker Lewis (*arrived at 6:50 pm*) of Delaware Engineering and approximately 15 guests

Absent: Councilman John Bensen

Supervisor Macko opened the meeting with the Pledge of Allegiance. Appropriate notice of this hearing was published in an official newspaper, the Catskill Daily Mail, on Friday, October 5, 2018, and posted on the official signboard at Town Hall as required.

Mr. Bear moved, seconded by Mr. Richards, to open this public hearing at 6:00 pm. Carried 4 ayes

Supervisor Macko thanked the Solar Committee members for their review of our existing solar zoning law, and noted the time and diligence which was displayed in that process. The Committee's draft was presented to the Town Board at a meeting on October 1, 2018. Mr. Macko reviewed the proposed plan provided by the Committee, and the recommended changes the Town Board feels are necessary.

Ms. Barbara Valicenti stated she was concerned with changes that were made by the Town Board. **Councilman Davis** explained the process, as he said was made clear during the committee meetings, would be to take the Committee's proposed revisions to the Town Board,

and the Town Board would then take under consideration the recommendations made by the Committee and put forth a law for public hearing as they felt was in the best interests of the Town. Mr. Davis began to read the proposed changes. **Planning Board Chair Don Teator** asked, "Freehold is grandfathered in?" to which **Supervisor Macko** stated, "Yes". **Ms. Valicenti** noted she had just scanned the changes, and felt they are the issues which brought concerns to the forefront in the first place. Stated, "You've gone backwards" and that she feels "blindsided and ambushed" and is "not happy with this". **Supervisor Macko** explained it is the Town Board's responsibility to take Committee recommendations and review them and weigh them with the needs of the Town of Greenville. Stated that, "we allow clearcutting and logging, we allow developments, resorts, golf courses, everything else. We must be consistent with our laws." **Ms. Valicenti** was displeased and left the meeting.

Attorney Rappleyea informed the group that there are 3 basic changes now: grandfathering in the Freehold Solar project, increasing the clearcutting restriction from 30% to 50% allowance, and decreasing the setback restriction from neighboring residences from 500 feet to 300 feet. **Councilman Richards** noted that major changes took effect in the review sessions, which drastically affected the project which was already before the Board. Stated, "Cypress Creek is where the litigation liability lies, because of the amount of money they've invested. I agree with Paul, how do we tell people what to do with their own property? I personally don't want them here. But we can't turn back time. We are past the point of no return; I'm not willing to take the chance of litigation which is long and costly." **Ms. Christine Mickelsen** stated that Cypress Creek has pulled projects before, "I hoped that would be the case here."

It was determined that verbiage from sections C4A, D1D, and E14 would be incorporated into section A4.

Alternate Planning Board member and Solar Committee member William Bardel stated, "as a Planning Board member, I will say we've all worked incredibly hard and tried to find an approach fair and balanced to all parties involved. I hope those who aren't happy, realize there are bits and pieces which did not exist in the prior law. We've done the best we can in a fair and balanced approach."

Ms. Mickelsen asked if Freehold Solar was the only project with the go-ahead? To which **Supervisor Macko** stated, "Yes, the others will have to start over." **Councilman Davis** reminded all that the grid won't handle 4 projects. Greenville is looking at a maximum, unless a large upgrade was done, of 3 solar farms. **Ms. Mickelsen** asked if Cypress Creek can be made to comply with decommissioning? To which **Councilman Bear** stated, "Yes, absolutely." **Supervisor Macko** read section C2b and noted halogen-free cables may not be available; stated, "anything we can do to make it as safe as possible, for the community, we will do so." **Councilman Richards** read section C1b, and noted there was previous conversation to decrease the Town's total electric substation capacity to 50%, which would limit the number of projects down to 2 projects. **Councilman Davis** stated he was "OK with 3." **Attorney Rappleyea** added a point to consider related to the process. The Town is free to adopt the law after the Greene County Planning Board meets and reviews the document as was provided to them. If additional big changes are requested, we will need to hold an additional public hearing. **Councilmen Davis and Bear** stated they were "OK with how it is now (at 75%)." **Councilman Davis** noted NYSERDA recommends towns allow 75% of total electric substation capacity for this use.

Ms. Sheryl Baron asked why Freehold is being grandfathered in? **Councilman Richards** stated, "When it comes to litigation process and Freehold, Cypress Creek has been operating in town since 2015, doing every ounce they're required to do. It is my understanding that \$530,000 has been invested. I don't want solar in town, and feel like we're losing some aesthetic value of the town. But we are past the point of no return, they are already operating over 2 years; in light of that, we feel the possibility of litigation occurring with Cypress Creek. I am not willing to risk liability of going into civil litigation with them. In my opinion, that project, there is no going back." **Ms. Baron** asked, "Did it ever occur when it was first investigated that our existing laws were weak and should've been investigated?" **Councilman Richards** replied, "Issue with the area is one thing ~ making changes as required and then having the Board change their minds is another. You have to be fair. Country Estates ~ how many acres were cut there? 140? We should go down the road and tell them they can't cut 20 acres there? There is a loophole which says you can't clear-cut over 30% of the lot designated for solar, and can't build there for 3 years. What's to stop them from pulling the permit, clearcutting 30 acres, then coming back in 3 years to do commercial solar? The committee's proposed draft completely blocked out 3 projects." **Attorney Rappleyea** discussed "substantial right", which needs to be established to be legal. The Courts can say "they've gone far enough and it will be OK to continue" at this point. **Councilman Richards** also stated, "I can also think of many worse things than solar panels to have as neighbors," and, "I don't think it is smart to intentionally block them."

Councilman Davis had issue with the prior law being called "weak". He believes we are very pro-active. Stated Durham is just starting to work on solar. We have 3 farms, on under 60 acres. The Town of Coxsackie has 2,800 acres planned; one project alone has over 2,700 panels.

Ms. Mickelsen was concerned with the law being adhered to; wondered who had authority to give waivers within the law? **Attorney Rappleyea** stated the Planning Board makes decisions and they asked for greater direction. "I strongly doubt with the decommissioning verbiage that the Planning Board will waiver from the black and white as written in the law."

Supervisor Macko brought up C4a changes; **Mr. Teator** stated it sounded like it was now ok to clear-cut 20 acres? **Attorney Rappleyea** replied that it was not valued in acres. **Councilman Richards** reminded all that the law only applies to trees, not to brushy fields. **Attorney Rappleyea** noted even if it was planned on a 100 acre parcel, per C1a, the size cannot be larger than 25 acres.

Mrs. Janet Ricci asked if the builders were working late in the evening, to whom should she call? **Attorney Rappleyea** responded, "Code Enforcement". **Mr. Bardel** asked about section E1a6, pertaining to MSDS, and feels that C2b is related to that. **Attorney Rappleyea** can adapt the verbiage to include both. **Mr. John Reagan** provided a written response for consideration by the Board, and acknowledged the work done by the Town on this matter. He raised concerns about section D1a, and requested the Board consider making it consistent with NYS DEC guidelines of 100 foot setbacks from wetlands and 50 foot setbacks from streams. **Supervisor Macko** said it would be considered.

There being no other comments, Mr. Davis moved to close the public hearing at 6:57 pm, seconded by Mr. Bear. Carried 4 ayes

Supervisor Macko explained a decision will be rendered at the next meeting, to be held on Monday, October 22, 2018 at 7:00 pm.

A SECOND PUBLIC HEARING was held by the Town Board of the Town of Greenville at 7:00 pm in Pioneer Town Hall, to address the Freehold Volunteer Fire Company contract and to receive public comment on the same. Appropriate notice of this hearing was published in the Catskill Daily Mail on Saturday, October 6th and in the Greenville Pioneer on Friday October 12th, as well as on the official signboard at Town Hall as required.

Mr. Davis moved, seconded by Mr. Bear, to open this public hearing at 7:00 pm.

Carried 4 ayes

Supervisor Macko reviewed the proposed contract for years 2019 – 2022. It is the same contract that has been used since January 1966, and reflects a 2% increase each of the 4 years. Stated, “I think it’s fair. Freehold Volunteer Fire Company does an outstanding job, as does Greenville.” The amount to be raised by taxes in 2019 is \$108,974, in 2020: \$111,153, in 2021: 113,376, and in 2022: \$116,644. Mr. Macko explained that the NYS Comptroller’s Office has brought to our attention that the Town must pay the Worker’s Comp insurance directly. In the past, the fire company paid for this insurance from the money that we provided to them. The amount to be raised by taxes from those homes within the Freehold Fire District will be sent to the Fire Company in January, minus the amount required to pay for the insurance. A receipt will be included with the payment. **Fire Chief Wade Davis** stated he didn’t have a problem with this. **Supervisor Macko** confirmed that, this January, the Town will send \$108,974 minus the Perma insurance money owed. **Code Enforcement Officer and Medusa Volunteer Fire Company President Mark Overbaugh** confirmed this is the required process, and asked if that budget number reflected any increase to reflect the mandated insurance of \$200 per year for interior firefighter cancer coverage? **Chief Davis** replied no, and that there are 6 interior firefighters now, and he will follow up with Supervisor Macko on the number of past interior firefighters to account for. **Supervisor Macko** also requested a copy of their budget for our files, as was required by the Comptroller’s Office. **Ms. Anita Zibura** asked if this has anything to do with the 2% tax cap? **Supervisor Macko** replied it was strictly for people within the Freehold Fire Protection District.

There being no other comments,

Mr. Bear moved to close the public hearing at 7:10 pm, seconded by Mr. Davis.

Carried 4 ayes

Mr. Bear moved, seconded by Mr. Richards, to approve the Freehold Volunteer Fire Company contract for 2019-2022, with the stipulation that a copy of their budget is received.

Carried 4 ayes

Continuing on with the regular monthly meeting;

Mr. Bear moved to accept the Clerk’s minutes of September 17, 2018 and October 1, 2018, seconded by Mr. Richards. Carried 4 ayes

Oral and/or written reports were received from the Rescue Squad, Highway, Buildings and Grounds, Code, Assessing, Clerk/Tax, Dog Control, Sewer and Water departments, and Planning and Zoning Boards.

-Greenville Rescue Squad President Ted Nugent introduced the new GRS Chief, Matthew Marlow, who provided a written and oral report. He can be reached Monday through Friday from 8:00 – 2:00 at the ambulance building. A warm welcome was offered by Councilmen Bear and Davis. Conversation went on to include budget talk; GRS Vice President Cliff Powell will meet with Mr. Macko to address potential 1 year and 4 year budgets.

-Highway Superintendent Terry Williams stated paving and shoulder work was complete on Scutt and Highland Roads. The employees are prepping snowplows currently, and salt and sand are arriving for the winter.

-Building and Grounds Supervisor P. Leroy Bear reported on work done for pre and post clean-up on Greenville Day, leaf-vacuuming, and the new building which is going up at the sewer plant site.

-Code Enforcement Officer Mark Overbaugh provided a written and oral report. Tractor Supply is open, with a temporary Certificate of Occupancy, which is good for 30 day periods of time. Issues still exist with the NYSDOH, SWPPP permits, and related water issues. Supervisor Macko clarified that the problem is not on our end, it is with Bohler Engineering ~ to which Mr. Overbaugh agreed. Mr. Overbaugh noted that today he received 8 hours of education in Albany, which fulfilled his annual educational requirements.

-Supervisor Macko offered the sewer report. Stated the pump stations seem to be working as expected. The Hill Street station is now cleaned biannually, which prevents many problems. “The system is working well.”

-Water Superintendent P. Leroy Bear verbally offered the water report and provided the usual monthly documentation. All annual testing is complete. The department is almost done with flushing. There were small issues on Hill Street and in town, but otherwise all is ‘in line’. It was noted that the cost to do business with the water billing company will double in April 2019, but they will offer additional services. Mr. Bear feels they do a good job, and as there has not been an increase since we started with them in 2012, it is well worth the price. No further discussion occurred at this time.

-Councilman Bear offered the recycling report. He feels we must do something with the area of broken concrete, as previously discussed last month. Maintenance and Grounds Supervisor Leroy Bear replied ‘we’ don’t have the ability to do anything. He is looking into Spancrete. Supervisor Macko will check for contacts and follow up on this issue. Per-diem Operator Paul Augstein questioned if part of the problem there was the wall that the span was set upon. Discussion on proper repair followed.

-Supervisor Macko read a written Assessor’s report.

-Planning Board Chair Don Teator reported on activities for the Planning Board. They are working on a 2 lot subdivision with driveway issues, noted a redemption center may go in the former Siemag building in Norton Hill, and the Sewing Room may become a restaurant/brewery. Supervisor Macko noted that review still needs to occur on the subdivision law, as well as the road use law. After January 1st, meetings for the above will be scheduled.

-DCO Rosa reported on billing concerns with the Columbia Greene Humane Society as they relate to unredeemed but licensed dogs. Other Towns have made specific provisions in their laws so that legally licensed owners are held responsible for their animals, and perhaps it is time to revisit our Local Law. Supervisor Macko will review the law with Attorney Rappleyea and prepare to set up for a public hearing to address any changes.

-Supervisor Macko reported on a very successful Greenville Day, and thanked the Maintenance Department, Volunteers, and Concession vendors for contributing to this event.

New business discussed at 7:36 pm:

-A letter was received from the Greenville Girl Scouts Service Unit 115 leaders Janelle Bucci and Diane Therrien Smith. They are requesting permission to use a room upstairs in Town Hall for the purpose of a monthly adult leader meeting, where they can have a space dedicated just for their use where items can be both on display and securely stored. Supervisor Macko noted he first offered this space to the Greene County Sheriff Department for their investigators. Councilman Davis agrees that he doesn't think this space can be offered exclusively. Mr. Macko suggested using the North Barn. At this time, it was agreed that the space cannot be offered to the Girl Scout Troop.

-A thank you was received from Directors at the Greene County Council on the Arts for the Town of Greenville's 2018 contribution and support of the SPROUTS program.

-The Greenville Library Board of Trustees has requested Kathie Quackenbush and Margaret Finch each be reappointed to their positions on that Board.

Mr. Davis moved, seconded by Mr. Bear, to reappoint Kathie Quackenbush and Margaret Finch as Trustees on the Greenville Library Board for the term January 1, 2019 to December 31, 2023.

Carried 4 ayes

-Supervisor Macko discussed a project of the Cornell Cooperative Extension involving creating a natural resources inventory. A review session will be held on October 24th at 6:30 pm in Acra where the public is invited and encouraged to attend.

-Supervisor Macko noted that the Stevens Hill Farm on CR 26 is under review to be identified on the NYS Register of Historic Places.

-Supervisor Macko also extended an invitation to attend the annual Greene County Honor a Vet Memorial Ceremony, to be held on November 3, 2018 at 10:00 am at the Catskill Point Warehouse. This year, Seaman First Class Alfred Van Schaack, Jr. will be honored.

-Supervisor Macko discussed the NYS requirement that all public employers have a sexual harassment policy in effect. He found a 'boilerplate' NYS policy, 8 pages, and adapted it as pertinent. Clerk-Collector Park noted that the Town approved the draft employee manual in 2007, which includes a 1 1/2 page sexual harassment section, and would the Board like to consider that one as it may be more appropriate? Attorney Rappleyea noted NYS required this policy be in effect by October 7th, so it was very time sensitive. Councilman Davis stated he had reviewed the policy and felt it was acceptable;

Mr. Davis moved, seconded by Mr. Bear, to accept the New York State's Sexual Harassment Policy for All Employers in New York State as the Town of Greenville policy.

Carried 4 ayes

-The Budget Hearing needs to be scheduled;

Mr. Bear moved, seconded by Mr. Davis, to conduct the 2019 Budget Hearing on Wednesday, November 7, 2018 at 6:00 pm in Pioneer Town Hall.

Carried 4 ayes

-Supervisor Macko reported that the Old Timer's Christmas party has been scheduled for Sunday, December 2nd at 12 noon at the Greenville High School.

Supervisor Macko opened the meeting for public comments and questions at 7:46

pm: Attorney Rappleyea addressed the need for a SEQR long form in order to enact a Local Law amending Town Zoning Law as it relates to Commercial Solar Facilities. Part 2: Identification of Potential Project Impacts was read by Attorney Rappleyea in its entirety. As all responses were 'no', he recommends declaring this action to have a negative impact.

Councilman Davis moved, seconded by Councilman Bear, to declare that this impact should be considered a negative declaration.

Carried 4 ayes

Attorney Rappleyea noted that once comments are received back from the Greene County Planning Board, the Town will be free to take action on this matter as desired.

As there are no public comments, Mr. Davis moved to enter executive session at 7:54 pm, seconded by Mr. Richards, to discuss the proposed acquisition/sale/lease of real property when publicity might affect value. Mr. Travis Smigel and Mr. Leroy Bear were invited to participate.

Carried 4 ayes

Mr. Davis moved to return to regular session at 8:20 pm, seconded by Mr. Macko.

Carried 4 ayes

No motions were made in executive session.

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

Bills 351 – 385 on General abstract #10 for \$12,628.53
Bills 181 – 199 except #189 on Highway abstract #10 for \$242,915.03
Bills 116 – 122 on Sewer abstract #10 for \$8,351.99
Bills 102 – 106 on Water abstract #10 for \$2,583.50
Bill 1 on Sidewalk Project account abstract #1 for \$27,261.15

Carried 4 ayes

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

Carried 4 ayes

There being no further business, Mr. Macko moved to adjourn at 8:50 pm.

_____ SUPERVISOR MACKO

_____ MR. BEAR

_____ MR. DAVIS

_____ MR. RICHARDS

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