

TOWN OF LINCOLN
6886 Tuttle Road Canastota, NY 13032
Special Town Board Meeting

Wednesday, September 20, 2023

Call to Order: 7:02pm

Pledge of Allegiance

Attendance: Supervisor Melissa During, Deputy Supervisor Doug Holdridge, Jayne Black and Peggy LeClair.

Others in Attendance: Mat Spendley, Amanda Spendley, Johnathan Karp, Michael Bishoff, John Schoeck, Ed Mills, Beth Hogan, Mark Hogan, Tim Knowels, Bill Jarvis, Jenna Illinworth, Dan Degear, Linda Baker, Alex Brown, Paul Hogan, Rick Matthews, Meredith Moore, and Adam Rowels.

Melissa During announced that Mike Bishoff from GLAS was in attendance as well as Jenna Illingworth and Dan Dedear from Madison County and the Town Attorney if any of the board members had questions in regards to the GLAS Tax district. Peggy LeClair asked if the changes were made to the verbiage in the resolution that was requested. Johnathan Karp stated that he emailed the information regarding language of the 209c. Melissa During stated that they did add a whereas clause clarifying what the 209c is. Doug Holdridge asked for it to be clarified as a special improvement district vs ambulance district. Johnathan Karp stated that citing the statute 209c-a section 1 which defines that it is a special improvement district, from talking with the Town Supervisor should satisfy that. No more questions from the board regarding the GLAS Tax District. Doug Holdridge asked the attorney Johnathan Karp if the board so chooses to vote against could they still allocate the monies to GLAS vs create the Tax District and wait to see what is happening on a county level? Johnathan Karp stated that the board could disestablish this district with the same procedure as they are to establish the Tax District later if need be. If the county does have a tax district as well the town should have the option to opt out. Currently the state legislature does have the opt out language in it. Roll call was taken a resolution to form an ambulance district in the Town of Lincoln was approved.

Resolution 109-2023: Motion approved by roll call on the 20th day of September, 2023, and after a public hearing was held on the 12_ day of July, 2023 and adjourned on the 9th day of August 2023, the town board of the Town of Lincoln adopted a resolution to form an ambulance district in the Town of Lincoln.

A description of the ambulance district is as follows:

All of that portion of the Town of Lincoln, Madison County, New York.

The purpose of the ambulance district will be to permit the town to contract with and/or arrange for an ambulance service and provide emergency medical services to its residents through the ambulance service, and for such service to maintain sufficiently trained and skilled emergency medical technicians serving on its ambulances available to serve persons situated in the Town.

It is anticipated that there will be taxes raised from taxpayers in the ambulance district, being approximately \$17,885.34 which would impose a tax of \$17.72 for the owner of a property valued fully at \$100,000. This resolution was adopted subject to permissive referendum.

Motion carried to approve the formation of the GLAS Tax district with roll call.

Janye Black AYE

Peggy LeClair AYE

Doug Holdridge AYE

Melissa During AYE

Resolution 110-2023: Motion to Open Public Hearing for Local Law 3-2023 pertaining to Solar Ordinance made by Doug Holdridge, 2nd Jayne Black, carried unanimously.

Public Hearing Open at 7:11pm for the Solar Ordinance Local Law 3-2023. Melissa During referenced the Solar Ordinance that was adopted in 2021 and we have made changes and updates due to NYS not allowing the Town of Lincoln to prohibit solar panels. Attorney Johnathan Karp wrote this new draft to make the law clearer and a clearer process going forward. Melissa during asked if there was anyone at the meeting for or against the Solar Ordinance. Resident Elizabeth Hogan stated she has some questions. Melissa During stated that the board would accept comments and if the board so chooses to answer any questions they would.

Resident Elizabeth Hogan from Ray Rd had many questions that pertained to Teir 3 solar projects vs residential. Section 5A- Would like to know who is a qualified installer there is no definition. Section 8A-2 would like it to be published on RAVE and social media in addition to the normal procedure when it comes to tier 3 solar projects. Section 8H-1 intended usage and monitoring on an assumed monthly basis. Who is monitoring this for decommissioning? Section 10B mentions a 250-foot setback. How close would a solar panel be able to be placed to a resident's house? She feels is should be out at least 1mile according to her research she has done. Section 11I-1 there is a typo she feels is should say required vs whether. Section 11-3 she feels there should be wording in there stating good visibility for the access rd. Section 12 if the ownership of the solar company changes are we monitoring the companies for there qualifications is the town accounting enough monies if the solar company folds? Section 13

snow removal who is going to be required to remove the snow and who is monitoring that it gets done. Section 14C when it comes to decommissioning and utilizing the bond. She feels it should not be up to the towns discretion it should be a requirement that the town use the bond to decommission and restore the land to its prior state. Section 17 Waivers- Elizabeth Hogan feels that this should not be strictly left up to the board. It should go to a public hearing. Lastly, she has concerns on privacy issues. What cameras will be setup and who is monitoring them. Who is making sure that it is pointing only at their property vs others property. She is concerned about lighting and how it will affect her home. She feels that the board should consider people with disabilities when making their decisions regarding Solar.

Resident Ed Mills from Ray Rd expressed his concern on the Farm Protection Plan not being sighted in the Solar Ordinance. He feels it shows a commitment from the town in protecting farm land. Melissa During did state that it was taken into consideration when forming this new law. Ed Mills also stated that he pulled up the Village of Munnsville's Local Law A-2022 Section on a Solar Farm guideline. He feels that there should be guidelines listing out what types of land the town will allow solar farms on. Ed Mills also stated that the property can also never be restored to its original state as one would feel it could.

Resident Rick Matthews Ray Rd asked the board if the Town of Lincoln was going to turn into the Town of Lenox with all the solar farms. Melissa During stated that is not the boards intention when creating this solar ordinance.

Bonnie Matthews Ray Rd expressed her concern about the snow removal and the wind.

Adam Rowels commented that he feels this new law is reasonable. As it pertains to the Weisbrod Solar Project he feels they should be able to meet all the obligations. As far as the residents concerns to other solar farms coming into the Town of Lincoln it is going to be tough because of the 100 minimum acreage the Town is requiring for Teir 3 Solar projects.

Mark Hogan Ray Rd asked Adam Rowels if they were concerned with the fires that are happening with the Solar Storage facilities? Adam Rowels stated fires at energy storage facilities are almost always caused by thermal runaway. He stated that solar panels do not cause dense thermal runaways to occur. They are just panels in a field converting electrons into power. He also feels that 25% efficiency is not good business sense in his opinion.

Resident Bill Jarvis stated that Article 11 feels there needs to be verbiage for monitoring engineering firms and weekly inspections. Adam Rowels stated that the DEC monitors stormwaters.

Resident Mark Hogan also asked about the view shed being in the Solar Ordinance.

Jayne Black asked how this benefits the town to have solar fields. Adam Rowels stated it benefits the town in the form of a \$30,000 tax bill and a community host benefit agreement the town exclusively gets access to. Also, the land owner gets paid per acer.

Resident John Schoeck expressed that the Solar Law should state with the 100acre rule it be continuous 100 acres vs. divided into separate properties owned by the same owner. He feels the setback should be 500 feet or higher to protect the land owners around. Battery Storage facilities should be separate from the solar ordinance. He feels that prime farmland should not be used for solar farms they should be sited on brown fields old existing quarries etc. He also expressed his concern for citing the Farm Protection plan that the Town of Lincoln adopted in 2012.

Adam Rowels commented that if the town prioritizes setback and prime farm land there would be no solar farms some concessions need to be made.

Melissa During asked if there was anyone else that had any comments. Peggy LeClair would like to hold off on the vote for Local Law 3-2023 Solar Ordinance to consider the public comments. Public Hearing was to close at 7:46 but upon a need for more discussion of the board the public hearing will remain open until October 11,2023 at 7:15pm.

SEQR compliance that the proposed action of Local Law 3-2023 Solar Ordinance that it is an unlisted action and will have no negative impact on the environment requires no permitting authority outside the town and does not require the preparation of the draft of environmental impact statement.

Resolution 111-2023: Motion to accept SEQR for Local Law 3-2023 Solar Ordinance made by Doug Holdridge, 2nd by Peggy LeClair, carried unanimously.

Attorney Johnathan Karp stayed after the meeting to answer any addition questions that could be answered without further research. Resident Ed Mills asked if the residents would see results from the concerns discussed.

Johnathan Karp answered some of the questions on road visibility he stated that is a sight plan issue that would be sent to the Planning Board for decisions. As far as the issue with the placing of cameras you cannot monitor businesses on where they direct their cameras. In terms of qualified solar installers New York State does not have a specific permitting licensure for that. The Town Code enforcement officer would be the one to monitor the qualifications. As far as notifications for public notices the board put in what is required by state law, the town can certainly make changes to the additional notices. However, he would be hesitant to advise any town to publicize on social media because anytime social media changes it requires a public hearing. A lot of discretion was put in to this new law. Anything Teir 3 requires a Special Use Permit which in turn requires a public hearing so the public would be able to voice their opinions. As far as the snow removal it would be the same as any other business. In terms of disabilities or health impacts the board would be able to take them into consideration during the public hearings for the special use permits for tier 3 solar farms. Concerns of the setbacks he feels that this is a very restrictive law as it is and setting it to 500 feet would make it very difficult for the land to be utilized to its full potential for farmland. The board always have a large amount of discretion when it comes to this new local law. He used the NYSERTA law and

the Town of Lincoln's Farmland Protection Plan. Resident John Schoeck asked about Section 8 the over burden of solar farms and if it could be added to the Local Law to deter more solar farms from being within a 1-mile radius.

Resident Elizabeth Hogan asked if the board changes anything would we do another public hearing. The Town Board agreed to keep the Public Hearing open until next month's regular meeting.

Resident Ed Mills asked if the local law could contain a simple outline for the criteria for solar farms. Johnathan Karp replied if this is simplified it would take a lot out of the new local law and its requirements. The criteria listed out in the law. It is up to the board's discretion they could do a summary.

No decisions were made regarding the Solar Ordinance. The public hearing will stay open until October 11, 2023 at 7:15pm. Public notice will be put out for the adjournment.

Resolution 112-2023: Motion to adjourn the public hearing October 11, 2023 at 7:15 made by Peggy LeClair, 2nd by Jayne Black, carried unanimously.

Resolution 113-2023: Motion to adjourn at 8:11pm made by Doug Holdridge, 2nd by Peggy LeClair, carried unanimously.

