

Town of Tully
February 27, 2020

7:00PM

PUBLIC HEARING AND SPECIAL MEETING
OF THE TULLY TOWN BOARD
ON PROPOSED LOCAL LAW NO. 1 OF 2020,
A LOCAL LAW PROVIDING FOR A NY SOLAR ENERGY SYSTEM LAW

Members Present: Supervisor John Masters
Councilor John Snavlin
Councilor Christopher Chapman

Absent this evening were Councilors Speziale and Goodwin.

Others present: Financial Officer Thomas Chartrand, Town Attorney Robert S. DeMore, Thomas Fucillo, Chris Weiler, Caron Case, Dan Compitello

Notice of this Public Hearing was published in the Post Standard on February 16, 2020 with same being posted at the Town Hall and on the sign board at the Tully Post Office as well as being posted on the town's website.

Supervisor Masters called the public hearing to order and led in the pledge of allegiance. He then called for comments from the floor. There were no comments at this time. Town Attorney Robert DeMore advised that the law had been referred to County Planning, and they had taken no position on it.

RESOLUTION 23-2020

MOTION TO CLOSE THE PUBLIC HEARING AT 7:03PM ON LOCAL LAW NO. 1 OF 2020 was made by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 nays.

RESOLUTION 24-2020

MOTION TO ADOPT THE SOLAR LAW AS IT EXISTS TODAY. Motion by Councilor Chapman. Second by Councilor Snavlin. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 nays.

Terminate Moratorium on Solar

Next, Supervisor Masters announced that as a follow-up to the public hearing on Local Law No. 1 of 2020 and the adoption of same by the Town Board, the following resolution be made: as set out in Local Law No. 1 of 2019, a seven-month moratorium on all activities related to commercial solar energy systems within the Town of Tully was passed by the Town Board, and pursuant to Section 3B of said law, by the adoption of Local Law No. 1 of 2020, a solar energy system law, it is resolved that the Town Board is satisfied that the need for a moratorium no longer exists, and said moratorium is terminated upon the effective date of said Local Law No. 1 of 2020.

RESOLUTION 25-2020

MOTION TO ADOPT THE AFOREMENTIONED RESOLUTION was made by Supervisor Masters. Second by Councilor Snavlin. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 nays.

Continuation of the Renovus Special Permit Application

Mr. DeMore outlined the process which included a referral to County Planning. They took no position, but had a request to plant trees on the south side of the solar array. Brief discussion followed.

Bob then read four questions which he stated the board had to answer relative to the approval process:

- Is the application consistent with, and does not impede, a goal of the town comprehensive plan? The answer is no, it does not impede any goal of the town comprehensive plan.
- Is it consistent with and not impede the lawful use and development of contiguous and neighboring properties? The answer is yes, it is consistent with and does not impede the lawful use and development of neighboring properties.
- No unreasonable traffic concerns or excessive demand for public services? No.
- It's within the environmental constraints that are reasonable and predictable? Yes.

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RESOLUTION 26-2020

MOTION TO APPROVE THE AFOREMENTIONED QUESTIONS AND ANSWERS was made by Supervisor Masters. Second by Councilor Snavlin. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

Local Law No. 2 of 2020

Mr. DeMore then explained that several years ago, the town opted out of the tax exemption for solar system improvements under Local Law No. 1 of 2018. Under proposed local law no. 2 of 2020, the old law would be repealed. The purpose and intent of this new law is to allow the Town of Tully to enter into possible contracts for payment in lieu of taxes (PILOT) as allowed by the New York Real Property Tax Law, Section 487(9), and to reinstate any and all exemptions from taxation for certain energy systems as allowed by RPTL Section 487. Lengthy discussion followed.

RESOLUTION 27-2020

MOTION TO SCHEDULE A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 2 OF 2020 ON MARCH 11TH AT 7PM. Motion was made by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

RESOLUTION 28-2020

MOTION TO REFER THE TETRA TECH APPLICATION TO COUNTY PLANNING. Motion was made by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

RESOLUTION 29-2020

MOTION TO REFER THE (DRS) DELAWARE RIVER SOLAR APPLICATION TO COUNTY PLANNING. Motion was made by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

Supervisor Masters advised the board that we have the provision for appointing temporary planning board members. We have two planning board members that are actually involved in the solar applications, so we may want to consider doing that. Brief discussion followed.

Finally, Supervisor Masters mentioned the purchase of a security door for the justice court. Mr. Chartrand advised that we must have the funds in place before we can make the motion to purchase. The following is a transfer sheet from the February 12th meeting which explains those transfers and is included below:

TOWN OF TULLY

February 12, 2020

To: Town Board

From: Tom Chartrand

Re: Budget Transfers

GENERAL	Town wide		
From:			
A599	Surplus	DWI Reserve	\$580.00
A599	Surplus	JCAP Grant	6,250.00
A1110.4	Justices	Contractual	1,170.00
A1990.4	Contingent	Contractual	2,000.00
		Total	<u>\$10,000.00</u>
			=====

To:			
A1110.2	Justices	Equipment	\$8,000.00
A1440.4	Engineering	Contractual	2,000.00
		Total	<u>\$10,000.00</u>
			=====

GENERAL	Outside Village		
From:			
B599	Surplus	Close 2019	\$4,000.00
		Total	<u>\$4,000.00</u>
			=====

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To:			
B8010.4	Zoning	Contractual	\$2,000.00
B8020.4	Planning	Contractual	\$2,000.00
			Total \$4,000.00
			=====

RESOLUTION 30-2020

MOTION TO ADOPT THE BUDGET TRANSFERS AS OUTLINED was made by Supervisor Masters. Second by Councilor Snavlin. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

RESOLUTION 31-2020

MOTION TO APPROVE PAYING A TOTAL OF \$8,000 TO CLEAR SECURITY SYSTEMS TO INSTALL THE SECURITY DOOR AT THE JUSTICE COURT OFFICE AND AUTHORIZE THE SUPERVISOR TO SIGN THE CONTRACT. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

RESOLUTION 32-2020

MOTION TO PAY ANY VOUCHERS THIS EVENING. Motion by Councilor Snavlin. Second by Councilor Chapman. Motion carried 3 ayes (Masters, Snavlin, Chapman) 0 naves.

Presentation - Delaware River Solar

Dan Compitello addressed the town board regarding an issue with the 100-foot setback. Supervisor Masters responded that with the new solar law, in certain circumstances, they have discretionary latitude to consider waiving certain requirements. Lengthy discussion followed.

MOTION TO ADJOURN THIS MEETING AT 7:40PM. Motion by Councilor Chapman. Second by Councilor Snavlin. Motion carried 3 ayes (Masters, Chapman, Snavlin) 0 naves.

Respectfully submitted,

Susan Vaccaro, Town Clerk